GRAND COULEE MUNICIPAL CODE

A Codification of the General Ordinances
of the City of Grand Coulee, Washington

Codified 1974
Revised and Republished 1999

Updated since 2003 by
CODE PUBLISHING COMPANY
Seattle, Washington

Publisher's Note

Beginning with the supplement dated August 2003, the Grand Coulee Municipal Code, originally published by Book Publishing Company in 1974, is being maintained by Code Publishing Company.

Original codification: During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Phil Borst, city attorney.

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 Section 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 code, 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. 2221 § 1, 1995; Ord. 2024 § 2, 1991)" refers to section 1 of Ordinance No. 2221 and section 2 of Ordinance No. 2024. "Formerly" followed by a code citation preserves the record of original codification. A semicolon between ordinance citations indicates an amendment of the earlier section in part; a colon between ordinance citations indicates an amendment of the earlier section in its entirety. The notation "(part)" is used when the code section contains only part of the ordinance (or section of the ordinance) specified; this indicates that there are other areas of the code affected by the same ordinance (or section of the ordinance).

Codification tables: To convert an ordinance citation to its code number consult the codification tables.

Index: Grand Coulee Municipal Code 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.

Directions: The supplement "Directions" page, which should be retained in the front of the code, indicates the latest ordinance and resolution (and passage dates thereof) included with each supplement.

CODE PUBLISHING COMPANY
Seattle, Washington
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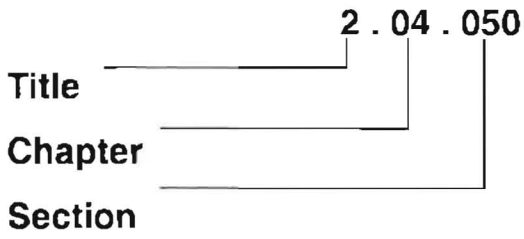


Typically, there are 9 vacant positions between sections; 4 positions between chapters, and several title numbers are "Reserved" to allow for codification of new material whose subject matter may be related to an existing title.

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 chapter (or title) 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. 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 section number (or chapter number if an entire chapter is being repealed). These section or chapter numbers will be removed from the code along with their title.

Codification Assistance

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

Title 1

GENERAL PROVISIONS

Chapters:

Chapter 1.01

CODE ADOPTION

Sections:

1.01.010 Adoption.

Pursuant to the provisions of Sections 35.21.500 through 35.21.570 of the RCW, there is adopted the "Grand Coulee Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 486 § 1, 1974)

1.01.020 Title—Citation—Reference.

This code shall be known as the "Grand Coulee Municipal Code" and it shall be sufficient to refer to said code as the "Grand Coulee 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 "Grand Coulee Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Grand Coulee Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 486 § 2, 1974)

1.01.030 Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Grand Coulee, Washington, codified pursuant to the provisions of Sections 35.21.500 through 35.21.570 of the Revised Code of Washington. (Ord. 486 § 3, 1974)

1.01.040 Ordinances passed prior to adoption of the code.

The last ordinance included in the initial code is Ordinance 485, passed in 1974. The following ordinances, passed subsequent to Ordinance 485, but prior to adoption of this code, are hereby adopted and made a part of this code: None.* (Ord. 486 § 4, 1974)

* Editor's Note: This section amended by authority of the city manager.

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the "Grand Coulee Municipal Code" or to any portion thereof, or to any ordinance of the city of Grand Coulee, Washington, the reference shall apply to all amendments, corrections and additions, heretofore, now or hereafter made. (Ord. 486 § 5, 1974)

1.01.060 Title, chapter and section headings.

Title, chapter and section headings contained herein 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. 486 § 6, 1974)

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. 486 § 7, 1974)

1.01.080 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the city 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. 486 § 8, 1974)

1.01.090 Effective date.

This code shall become effective on the date the ordinance adopting this code as the "Grand Coulee Municipal Code" becomes effective. (Ord. 486 § 9, 1974)

1.01.100 Property rights.

Property rights shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions. 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. It is the intent of the city to provide uniform, equitable and reasonable standards to govern the use of land and structures in the interest of health, safety and the general welfare. The purpose of this section is to protect the constitutional rights of the residents and landowners in the city and to implement the Grand Coulee comprehensive plan pursuant to Article XI, Section 11 of the Washington State Constitution, RCW 36.70A.370 and WAC 365-195-855. (Ord. 1076 § 1 (Exh. A), 2021; Ord. 486 § 10, 1974)

Chapter 1.04

GENERAL PROVISIONS

Sections:

1.04.010 Definitions.

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

A. "City" means the city of Grand Coulee, Washington, or the area within the territorial limits of the city of Grand Coulee, Washington, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision;

B. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;

C. "Council" means the city council of the city of Grand Coulee, Washington. "All of its members" or "all councilmen" means the total number of councilmen provided by the general laws of the state of Washington;

D. "County" means the county of Grant;

E. "Law" denotes applicable federal law, the Constitution and statutes of the state of Washington, the ordinances of the city of Grand Coulee, and when appropriate, any and all rules and regulations which may be promulgated thereunder;

F. "May" is permissive;

G. "Month" means a calendar month;

H. "Must" and "Shall." Each is mandatory;

I. "Oath" shall be construed to include 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";

J. "Or" may be read "and" and "and" may be read "or" if the sense requires it;

K. "Ordinance" means a law of the city; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution;

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

M. "Person" means 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;

N. "Personal property" includes money, goods, chattels, things in action and evidence of debt;

O. "Preceding" and "following" mean next before and next after, respectively;

P. "Property" includes real and personal property;

Q. "Real property" includes lands, tenements and hereditaments;

R. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;

S. "State" means the state of Washington;

T. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city 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;

U. "Tenant" and "occupant," applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others;

V. Title of Office. Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the city;

W. "Written" includes printed, typewritten, mimeographed or multigraphed;

X. "Year" means a calendar year;

Y. All words and phrases shall be construed and understood 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;

Z. 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 as to include all such acts performed by an authorized agent.

AA."Property rights" shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions. (Ord. 1076 § 1 (Exh. A), 2021; Ord. 482 § 1, 1974)

1.04.020 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city:

A. Gender. Any gender includes the other 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;

D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Ord. 482 § 2, 1974)

1.04.030 Prohibited acts include causing, permitting, etc.

Whenever in the ordinances of the city, any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 482 § 3, 1974)

1.04.040 Construction.

The provisions of the ordinances of the city of Grand Coulee, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 482 § 4, 1974)

1.04.050 Repeal shall not revive any ordinance.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Ord. 482 § 5, 1974)

Chapter 1.06

FORM OF GOVERNMENT

Sections:

1.06.010 Classification adopted.

There is adopted for the city of Grand Coulee, Washington, the classification of noncharter code city retaining the mayor-council plan of government under which the city is currently operating pursuant to RCW Title 35. (Ord. 727 § 1, 1990)

Chapter 1.08

RIGHT OF ENTRY FOR INSPECTION

Sections:

1.08.010 Designated.

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 483 § 1, 1974)

Chapter 1.12

GENERAL PENALTY

Sections:

1.12.010 Designated.

Unless specific penalties other than as set forth in this section are established by an ordinance of the city for a violation of that ordinance, a violation of a city ordinance is punishable by a fine of not more than five hundred dollars for each day that a violation occurs. In any court or administrative hearing to determine whether a violation has occurred the city shall have the burden of proving by a preponderance of the evidence that a violation occurred. This section does not preempt the specific penalties set forth in ordinances of the city setting forth other penalties for violations of those ordinances. (Ord. 885 § 1, 2001)

1.12.020 Municipal court costs.

Any person convicted in Grand Coulee Municipal Court of having violated any municipal ordinance shall pay court cost of four dollars for each count on which he or she is convicted. This charge shall be in addition to and independent of any fines and other penalties imposed by the court and shall not be suspended. (Ord. 596, 1981)

Chapter 1.16

OFFICIAL NEWSPAPER

Sections:

1.16.010 Designated.

The Grand Coulee Star, a newspaper published in Grand Coulee, Washington is designated as the official paper of the city. (Ord. 473 § 1, 1973: Ord. 2 § 1, 1936)

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

Chapter 2.04

CITY COUNCIL

Sections:

2.04.010 Meetings.

A. Regular meetings of the Grand Coulee city council shall be held on the third Tuesday of each month, beginning March 2016. The meeting place shall be in the council chambers at Grand Coulee City Hall, 306 Midway Avenue, Grand Coulee, Washington, and the meeting shall commence at six p.m.

B. When a regular meeting of the city council is scheduled to fall on a holiday or an election day, the regular meeting shall be automatically rescheduled for the following Wednesday evening in the council chambers at Grand Coulee City Hall, 306 Midway Avenue, Grand Coulee, Washington, commencing at six p.m. (Ord. 1033 § 1, 2016)

2.04.020 Membership.

A. That pursuant to RCW 35A.02.055, the membership in the city council of the city of Grand Coulee is decreased from seven to five members. This decrease in the number of councilmembers shall be determined in the following manner: the councilmembers shall determine by lot which two councilmanic positions shall be eliminated upon the expiration of their terms of office.

B. Upon the drawing of lots and the elimination of two of the council positions, the remaining positions shall be renumbered consecutively and treated as separate offices for all election purposes.

C. The renumbering of the remaining five council positions shall also be done by lot.

D. Beginning with the next general municipal election, candidates for all offices shall file, or be nominated for, and successful candidates shall be elected to specific council positions, and an initial term or office for those elected to positions 1 and 2 shall be only until the second Monday in January first following the next general municipal election two years hence. The duration of the initial term attaching to the remaining councilmanic positions shall be until the second Monday in January two years next thereafter so that staggered, regular four-year terms will ultimately result. (Ord. 810, 1995)

Chapter 2.08

CITY CLERK

Sections:

2.08.010 Appointment.

The city clerk shall be appointed by the mayor, subject to the consent and approval of the city council. (Ord. 397 § 1, 1966)

2.08.020 Duties.

The duties of the city clerk shall be those as prescribed by law, by ordinance of the city, and as prescribed by the city council. (Ord. 397 § 2, 1966)

2.08.030 Oath—Bond.

Before entering upon the duties of his office, the city clerk shall take an oath of office and file a bond acceptable to the council, duly executed by himself and by a company duly authorized to issue policies of liability insurance in the state for the sum of one thousand dollars conditioned upon the faithful performance of his duties. (Ord. 3 § 2, 1935)

2.08.040 Office hours.

The office of the city clerk shall remain open for the transaction of business from eight a.m. to four-thirty p.m., Monday through Friday of each week, national holidays excepted. (Ord. 1066 § 1, 2020; Ord. 442 § 1, 1970)

2.08.050 Mail—Opening—Routing.

All official mail to the city shall be opened by the city clerk and routed by the clerk to the proper officers of the city. (Ord. 170 § 1, 1947)

2.08.070 Mail—Return to clerk—Filing.

All official mail to the city shall be routed by the clerk and all mail shall be returned to the clerk and filed in the city hall excepting official mail pertaining to the operation of the utilities which mail shall be kept in the files of the various utilities who are responsible for executing the matter contained in the letter. (Ord. 790 § 3 (part), 1994; Ord. 170 § 3, 1947)

2.08.080 Combined office with treasurer.

Pursuant to RCW 35.24.142 et seq., the office of treasurer of the city shall be combined with that of clerk of the city, and shall become the office of clerk-treasurer; and the clerk shall exercise all powers vested in and perform all duties required to be performed by the treasurer, and in all cases where the law requires the treasurer to sign or execute any papers or documents, it shall not be necessary for the clerk to sign as treasurer, but shall be sufficient if he or she signs as clerk.

The combination of the offices of treasurer and clerk as herein provided for shall become effective December 31, 1981, and on and after said date one office of treasurer shall be abolished. (Ord. 601, 1981)

Chapter 2.12

CITY TREASURER

Sections:

2.12.010 Duties.

The city treasurer shall perform all duties which are now or may at any future time be required by the laws of the state or the ordinances of the city. (Ord. 5 § 1, 1935)

2.12.020 Oath—Bond.

Before entering upon the duties of his office, the city treasurer shall take an oath of office and file a bond, acceptable to the city council, duly executed by himself and by a company duly authorized to issue policies of liability in the state for the sum of three thousand dollars conditioned upon the faithful performance of his duties. (Ord. 5 § 2, 1935)

2.12.030 Deputy treasurer—Appointment.

The city treasurer is authorized to appoint a deputy treasurer, the appointment to be approved by the city council. (Ord. 79 § 2, 1940: Ord. 5 § 4, 1935)

2.12.040 Deputy treasurer—Position created—Duties.

There is created the position of deputy city treasurer who shall perform such duties as delegated by the city treasurer, and shall have such authority as delegated by the city treasurer, and as required by law. (Ord. 338 § 1, 1959: Ord. 79 (part), 1940: Ord. 5 § 5 (part), 1935)

2.12.050 Deputy treasurer—Bond.

The deputy treasurer shall provide such bond, as required by the city treasurer, but not less than ten thousand dollars. (Ord. 338 § 2, 1959: Ord. 79 (part), 1940: Ord. 5 § 5 (part), 1935)

Chapter 2.16

CITY ATTORNEY

Sections:

2.16.010 Appointment.

The city attorney shall be appointed by the mayor, subject to the consent and approval of the city council. (Ord. 349 § 1, 1961)

2.16.020 Duties.

The duties of the city attorney shall be those provided by law, by the ordinances of the city, and by direction of the city council. (Ord. 349 § 2, 1961)

2.16.030 Oath—Bond.

Before entering upon the duties of his office, the city attorney shall take an oath of office and file a bond acceptable to the council, duly executed by himself and by a company duly authorized to issue policies of liability insurance in the state, in the sum of five hundred dollars conditioned upon the faithful performance of his duties. (Ord. 4 § 2, 1935)

Chapter 2.20

MUNICIPAL COURT

Sections:

2.20.010 Established—Transfer of duties.

The Grand Coulee court is reorganized and reconstituted as the municipal court of Grand Coulee, pursuant to RCW Chapter 3.50 and as amended by the Court Improvement Act of 1984, Chapter 258, Laws of 1984. All of the functions and duties of the present Grand Coulee municipal court together with all cases pending thereunder, are transferred to the reconstituted municipal court of Grand Coulee. (Ord. 644 § 1 (part), 1984)

2.20.020 Jurisdiction—Powers and duties.

The municipal court shall possess such jurisdiction and shall exercise such powers and duties as are set forth in RCW Chapter 3.50, as now enacted and as may be thereafter amended. (Ord. 644 § 1 (part), 1984)

2.20.030 Appointment—Qualifications.

A municipal court judge or judges pro tem, if any, shall be appointed by the mayor pursuant to RCW Chapter 3.50. Such judge or judges shall possess such qualifications and shall exercise such jurisdiction as provided for in RCW Chapter 3.50, as now enacted and as may be thereafter amended. (Ord. 644 § 1 (part), 1984)

2.20.040 Compensation.

The municipal court judge or judges shall receive such compensation as shall be established in each annual budget. (Ord. 644 § 1 (part), 1984)

Chapter 2.24

CHIEF OF POLICE

Sections:

2.24.010 Chief of police—Duties.

The chief of police shall meet the minimum qualifications required by RCW 35.21.333, as existing or hereafter amended, and shall perform all duties that are now or may at any future time be required by the laws of the state, and/or the rules, regulations, ordinances, and agreements of the city. (Ord. 1023 § 1 (part), 2014: Ord. 6 § 1, 1935)

2.24.015 Chief of police—Appointment subject to confirmation.

The chief of police shall be appointed by the mayor from a list of qualified applicants provided by the civil service commission, which appointment shall be subject to confirmation by the city council. (Ord. 1024 § 1, 2014: Ord. 1023 § 1 (part), 2014)

2.24.020 Chief of police—Oath of office and bond.

Before entering upon the duties of his or her office, the chief of police shall take an oath of office and file a bond, in a form and amount acceptable to the city council, which bond shall be duly executed by the chief of police and by a company duly authorized to issue policies of liability insurance in the state. (Ord. 1023 § 1 (part), 2014: Ord. 6 § 2, 1935)

Chapter 2.28

CIVIL SERVICE COMMISSION

Sections:

2.28.010 Established.

A. Pursuant to the authority conferred by Chapter 41.12 RCW, there is hereby created a civil service commission to substantially accomplish the exercise of the powers and the performance of the duties established by Chapter 41.12 RCW relative to the selection, appointment, and employment of commissioned officers in the police department of the city of Grand Coulee, including the position of chief of police.

B. Such commission shall be composed of three members who shall be appointed by the mayor and who shall serve without compensation. Such commissioners shall have the qualifications prescribed by RCW 41.12.030.

C. Such commission, upon appointment, qualification, and organization, shall hold meetings, adopt rules and regulations, perform duties, and exercise powers in compliance with Chapter 41.12 RCW.

D. Any full-time permanent employee of the police department of the city of Grand Coulee who, upon the effective date of this chapter, shall have 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.

E. All provisions of Chapter 41.12 RCW applicable to the city of Grand Coulee are hereby adopted and ordained as if set forth fully herein. (Ord. 1024 § 3, 2014; Ord. 1023 § 3, 2014; Ord. 908 §§ 1—5, 2002)

Chapter 2.32

PLANNING AGENCY

Sections:

Prior legislation: Ords. 262, 574, 589 and 842.

2.32.010 Created.

There is created a city planning agency, hereinafter referred to as the planning agency, for the city, whose members are hereinafter referred to as members. (Ord. 961 § 2 (part), 2008)

2.32.020 Members—Number and appointment.

The agency shall consist of five members who shall be appointed by the mayor; provided, however, that the make-up of the planning agency shall include two city council members (generally, those on the council planning and zoning committee) and the remaining three members may be citizens of Grand Coulee or Grand Coulee business owners. Additionally, the mayor may designate, in writing, city department representatives, and contracted professional service providers, including, without limitation, engineers, planners, and attorneys, to serve on the agency in an ex officio, nonvoting capacity. (Ord. 1059 § 1, 2019; Ord. 961 § 2 (part), 2008)

2.32.030 Members—Tenure of office.

A. The terms of office of the members that are city council members shall correspond to their respective tenures in their public office of this city. The terms of office for the remaining positions shall be four years, with the first member serving an initial term of three years and the second and third members serving an initial term of four years.

B. Vacancies of positions occurring otherwise than through the expiration of terms shall be filled for the unexpired term. Members may be removed, after public hearing, by the mayor, with the approval of the city council, for inefficiency, neglect of duty or malfeasance in office. (Ord. 1059 § 1, 2019; Ord. 961 § 2 (part), 2008)

2.32.040 Meetings, rules and records.

The planning agency shall elect its own chair and create and fill such other offices as it may determine it requires. The planning agency shall establish a regular, monthly meeting date, and a majority of the planning agency shall constitute a quorum for the transaction of business. The planning agency shall adopt rules for the transaction of business and shall keep a written record of its proceedings which shall be a public record. (Ord. 961 § 2 (part), 2008)

2.32.050 Duties and powers.

The planning agency shall have all of the powers and perform the duties specified by Chapter 35A.63 RCW, together with any other duties or authority which may hereafter be conferred upon them by the city council, the performance of such duties and the exercise of such authority to be subject to each and all the limitations expressed in such legislation enactment or enactments. (Ord. 961 § 2 (part), 2008)

Chapter 2.36

VOLUNTEER FIRE DEPARTMENT

Sections:

2.36.010 Membership—Limitations.

The volunteer fire department of the city shall consist of a fire chief and one or more assistant fire chiefs, and the membership shall not exceed thirty firemen, shall not be limited to less than fifteen firemen and shall be between the ages of eighteen and forty-five. (Ord. 664 § 1, 1985)

2.36.020 Appointment.

The mayor shall appoint, with the approval of the city council, a fire chief, not over three firemen to be assistant fire chief who shall hold office at the pleasure of the mayor and not more than thirty volunteer firemen. (Ord. 664 § 2, 1985)

2.36.030 Removal—Filling of vacancies.

Any fireman may be removed by the mayor, with the written approval of the fire chief, for removal from the city, failure to properly perform duty, or such other reasons as may seem to him sufficient. Vacancies shall be filled by the mayor with the written approval of the fire chief. (Ord. 664 § 3, 1985)

2.36.040 Adoption of bylaws and rules.

The volunteer fire department is authorized to adopt bylaws and rules for the department, not in conflict with the laws of the state of Washington or the ordinances of the city. These bylaws shall be effective when approved by the city council and a copy filed with the city clerk. (Ord. 664 § 4, 1985)

2.36.050 Inspections.

The fire chief or such fireman as he shall designate, shall inspect at least every three months, all buildings or premises where combustible materials or other hazardous conditions exist and they shall order such changes as in their opinion are necessary for proper fire protection. For such inspection, the fire chief or any firemen are empowered to enter any building or premises at any reasonable hour.* (Ord. 664 § 5, 1985)

* For right of entry provisions, see Chapter 1.08.

2.36.060 Obstruction of firemen.

No person shall at any time obstruct any member of the volunteer fire department or any vehicle in use by the department while attending to their duties in connection with fire alarms. Any violation of any of the provisions of this section shall, on conviction thereof, be punished as provided in Chapter 1.12 of the Grand Coulee Municipal Code. (Ord. 664 § 6, 1985)

Chapter 2.40

CIVILIAN AUXILIARY POLICE FORCE

Sections:

2.40.010 Established.

There is created and established a civilian auxiliary police force of up to ten members. Each member shall be appointed by the chief of police of the city, with the approval of the mayor. The civilian auxiliary police force shall function as a unit of the city civil defense and under the supervision of the chief of police and the director of civil defense. (Ord. 347 § 1, 1961)

2.40.020 Duties.

The duties of the civilian auxiliary police force are to supplement the regular police force in the event of a major disaster affecting citizens of the city, to aid in the control of traffic and maintenance of order at parades, and general policing of large assemblies of people, and in case of a declared emergency to assist the regular police in the protection of life, property, and preservation of peace and order and to supplement and assist the regular police force in the performance of their normal duties as may be authorized by the chief of police. (Ord. 502, 1976: Ord. 347 § 2, 1961)

2.40.030 Membership—Qualifications—Badge—Revocation.

A. To be eligible for membership in the civilian auxiliary police force, each applicant must file application with the chief of police, indicate his willingness to serve an average minimum of sixteen hours per month in the public service, meet the qualifications and requirements prescribed for membership in the auxiliary police force, complete the training program, be appointed by the chief of police, take an oath of office and be sworn in.

B. Members of the civilian auxiliary police force shall:

1. Be citizens of the United States;
2. Be trustworthy and of good moral character;
3. Not have been convicted of a felony or any offense involving moral turpitude;
4. Be twenty-one years of age.

C. The chief of police is authorized to furnish each member of the auxiliary police force with a membership identification card and police badge. The membership identification card is to be carried by such member at all times, and the police badge is to be worn only when the auxiliary policeman is authorized to wear the prescribed uniform.

D. Membership of any person in the auxiliary police may be revoked at any time by the chief of police or the director of civil defense. Any member of the auxiliary police may resign upon notification of the director of civil defense or the chief of police. Upon separation from the organization, all equipment issued to him by the city must be turned in within five days. (Ord. 790 § 3, 1994; Ord. 519, 1977: Ord. 347 § 3, 1961)

2.40.040 Chief of police.

A. The chief of police is the commanding officer of the civilian auxiliary police force. He shall be responsible for establishing a training program, promulgating rules and regulations for their conduct, prescribing their uniform, and supervising their performance of duty. He selects and appoints to the civilian auxiliary police force and may appoint such subordinate officers as he deems suitable and necessary. However, the rules and regulations must be approved by the local director of civil defense.

B. No member of the civilian auxiliary police force shall be regarded as a city employee for any purpose, subject to civil service rules and regulations, nor entitled to the benefits of the Police Pension Fund Act (RCW 41.20). (Ord. 347 § 4, 1961)

2.40.050 Powers.

Members of the auxiliary police force shall have all those powers vested in them by the chief of police while in the performance of authorized duties, but under no circumstances shall the policeman exercise any power while not in the performances of duties ordered by the chief of police or by the regular police officer. (Ord. 347 § 5, 1961)

2.40.060 Compensation.

Members of the civilian auxiliary police force serve with compensation, set by resolution by the city council. The city council may, in its discretion, pay all or part of the cost of furnishing uniforms and equipment when the appropriation therefor has been indicated as an item in the city budget. (Ord. 795, 1994: Ord. 790 § 2 (part), 1994)

Chapter 2.42

JAIL FACILITIES

Sections:

2.42.010 Standards adopted by reference.

The city hereby adopts by reference as standards for the operation of its jail facility the current custodial care standards of the Correction Standards Board. (Ord. 699, 1987)

Chapter 2.48

PERSONNEL POLICY

Sections:

2.48.010 Personnel policy manual adopted.

The city adopts, by reference, as standards for personnel the current city personnel policy manual; provided, however, that in order for any changes to the policy manual to occur it shall be necessary for the city council to confirm by resolution such changes. (Ord. 790 § 1, 1994)

Chapter 2.50

HEARING EXAMINER

Sections:

2.50.010 Purpose.

The purpose of this chapter is to provide an administrative land use regulatory system which will separate the city's land use regulatory function from its land use planning function; ensure and expand the principles of fairness and due process in public hearings; and to provide an efficient and effective land use regulatory system which integrates the public hearing and decision-making processes for land use matters. (Ord. 962 § 2 (part), 2008)

2.50.020 Hearing examiner—Creation.

The office of the hearing examiner is created by the city council. The hearing examiner shall interpret, review and implement land use regulations, hear appeals from orders, recommendations, permits, decisions or determinations made by a city official as set forth in this chapter, and review and hear other matters as provided for in this code and other ordinances. The term "hearing examiner" shall likewise include the hearing examiner pro tem. (Ord. 962 § 2 (part), 2008)

2.50.030 Appointment of hearing examiner.

The hearing examiner shall be appointed by and serve at the pleasure of the mayor, with confirmation by the city council. This position will be a contracted position, reimbursement for which will be prescribed by the contract between the city and the hearing examiner. (Ord. 962 § 2 (part), 2008)

2.50.040 Hearing examiner—Qualifications.

The hearing examiner shall be appointed solely with regard to qualifications for the duties of such office and shall have such training or experience as will qualify the hearing examiner to conduct administrative or quasi-judicial hearings utilizing land use regulatory codes. The hearing examiner must have expertise and experience in planning, and should have knowledge or experience in at least one of the following areas: environmental sciences, law, architecture, economics, or engineering. (Ord. 962 § 2 (part), 2008)

2.50.050 Hearing examiner pro tem—Qualifications and duties.

The hearing examiner pro tem shall, in the event of the absence or the inability of the examiner to act, have all the duties and powers of the hearing examiner. The hearing examiner pro tem shall have such training or experience as to satisfy Section 2.50.040. (Ord. 962 § 2 (part), 2008)

2.50.060 Hearing examiner—Conflict of interest—Freedom from improper influence.

A. No examiner shall conduct or participate in any hearing, decision, or recommendation in which the examiner has a direct or indirect substantial financial or familial interest, or concerning which the

examiner has had substantial pre-hearing contacts with proponents or opponents. An examiner shall abide by the applicable provisions of state law, Grand Coulee Municipal Code and the appearance of fairness doctrine.

B. No person, including city officials, elective or appointive, shall attempt to influence an examiner in any matter pending before him/her, except at a public hearing duly called for such purposes, or to interfere with an examiner in the performance of his duties in any other way; provided, that this section shall not prohibit the city attorney from rendering legal services to the examiner upon request, or prohibit other persons or officials from responding in writing to requests for information from the examiner; and further provided, that a city official or employee may, in the performance of his/her own official duties, provide information for the hearing examiner or process a city case before the hearing examiner, when such actions take place or are disclosed in the hearing examiner's hearing or meeting. (Ord. 962 § 2 (part), 2008)

2.50.070 Hearing examiner—Authority and duties.

A. The hearing examiner shall receive and examine available relevant information, including environmental documents, conduct public hearings, cause preparation of a record thereof, prepare and enter findings and conclusions based on these facts for the following:

1. Preliminary subdivisions;
2. Planned developments;
3. Rezones which are not of general applicability;
4. Applications for variances and conditional use permits;
5. Amendments and/or alterations to plats;
6. Petitions for plat vacations;
7. Appeals alleging an error in a decision of a city official in the interpretation or the enforcement of the zoning code or any other development regulation;
8. Appeals alleging an error in a decision of a city official in taking an action on a short plat or binding site plan;
9. Any other matters as specifically assigned to the hearing examiner by the city council or as prescribed by the city code.

B. The decision of the hearing examiner on all matters is final and conclusive, unless appealed pursuant to Chapter 11.11.

C. The hearing examiner's decision shall be based upon the policies of the comprehensive planning documents of the city, the standards set forth in the various development regulations of the city or any other applicable program adopted by the city council. When acting upon any of the above applications or appeals, the hearing examiner may grant or deny the application, or may attach reasonable conditions, modifications and restrictions found necessary to make the project compatible with its location and to carry out the goals and policies of the applicable comprehensive plan, or other applicable plans or programs adopted by the city council.

D. The hearing examiner shall conduct public hearings pursuant to Titles 14, 15, 16 and 17, and conduct such other hearings or meetings as the city council may from time to time deem appropriate. (Ord. 962 § 2 (part), 2008)

2.50.080 Applications.

Applications for all matters to be heard by the hearing examiner shall be presented to the city staff, to be processed according to the applicable provisions of the Grand Coulee Municipal Code, including without limitation Title 11, Development Code Administration. The city staff shall be responsible for assigning a date for the public hearing for each application as required. The hearing examiner may consider two or more applications relating to a single project concurrently, and the findings of fact, conclusions, and decision on each application may be covered in one written decision. (Ord. 962 § 2 (part), 2008)

2.50.090 Report by city staff.

City staff shall coordinate and assemble the comments and recommendations of other applicable city officials and governmental agencies having an interest in the application, and shall prepare a report sum-

marizing the factors involved, including recommendations and suggested findings and conclusions. At least seven calendar days prior to the scheduled hearing, the report shall be filed with the hearing examiner, and copies thereof shall be mailed to the applicant and shall be made available to any interested party at the cost of reproduction. (Ord. 962 § 2 (part), 2008)

2.50.100 Public hearing.

A. Before rendering a decision on any application, the hearing examiner shall hold at least one public hearing thereon, as applicable. Notice of the time and place of the public hearing shall be given as provided in the applicable city code governing the application.

B. The hearing examiner shall have the authority to prescribe rules and regulations for the conduct of hearings before the hearing examiner, and also to administer oaths and to preserve order. (Ord. 962 § 2 (part), 2008)

2.50.110 Hearing examiner's decision and recommendation—Findings required.

A. When the hearing examiner renders a decision, he or she shall make and enter written findings from the record and conclusions thereof, which support such decision.

B. At the conclusion of oral testimony at a public hearing, the hearing examiner may establish the date and time at which the public record will close. The public record may be extended beyond the public hearing for the purpose of allowing written testimony to be submitted. The extension shall not exceed ten working days after the conclusion of oral testimony. All decisions of the hearing examiner shall be rendered within ten working days after the date the public record closes.

C. Upon issuance of the hearing examiner's decision, the staff shall transmit a copy of the decision by first class mail to the last address provided to the city by the applicant and send a notice of the decision by first class mail to other interested parties requesting the same. (Ord. 962 § 2 (part), 2008)

2.50.120 Reconsideration.

An applicant or party of record to a hearing examiner's public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the city clerk within ten days of the date of the final decision. The request shall comply with Section 11.11.030B. The hearing examiner shall consider the request at a scheduled public meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final, as of the date of the decision on the request for reconsideration. If the request is granted, the hearing examiner may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. 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. 962 § 2 (part), 2008)

2.50.130 Appeal of hearing examiner's decision.

The final decision by the hearing examiner on any matter within his/her jurisdiction may be appealed in accordance with Chapter 11.11. (Ord. 962 § 2 (part), 2008)

2.50.140 Hearing examiner's report.

A. The hearing examiner shall meet at least once per calendar year with the city council and the planning agency for the purpose of reviewing the policies contained in the comprehensive plans and the administration of these policies.

B. The hearing examiner shall briefly summarize the hearing examiner's decisions and recommendations for each calendar year. (Ord. 962 § 2 (part), 2008)

Chapter 2.52

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Sections:

2.52.010 Membership—Participation.

The city does authorize and approve the membership and participation of its eligible employees in the Washington Public Employees' Retirement System pursuant to RCW 41.40.062, and authorizes the expenditure of the necessary funds to cover its proportionate share for participation in the system. (Ord. 480 § 1, 1973)

2.52.020 Effective date.

Participation membership in the Washington Public Employees' Retirement System shall commence December 1, 1973. (Ord. 480 § 3, 1973)

Chapter 2.60

PUBLIC RECORDS—MAINTENANCE, INSPECTION AND COPYING

Sections:

2.60.010 Purpose.

A. The purpose of this chapter is to provide full public access to public records with limited exceptions, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the city.

B. The provisions of this chapter are construed in conjunction with Chapter 10.97 RCW (Washington State Criminal Records Privacy Act), Chapter 13.50 RCW (Keeping and Release of Records by Juvenile Justice or Care Agencies), Chapter 40.14 RCW (Preservation and Destruction of Public Records), Chapter 42.17 RCW (Public Records), and Chapter 46.52 RCW (Accidents—Reports—Abandoned Vehicles), as presently constituted or as may be subsequently amended.

C. Nothing in this chapter shall create a duty to compile or create a new public record based on citizen request. (Ord. 873 § 1, 2000)

2.60.020 Definitions.

A. The definitions set forth in RCW 10.97.030, 42.17.020, and 42.17.255, as presently constituted or as may be subsequently amended, are adopted by reference, together with all amendments and additions provided in this chapter.

B. Not less than one copy of each statute as codified is filed in the office of the city clerk and is available for use and inspection by the public.

C. As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

D. "City" includes city officers, employees, or agents.

E. "City clerk" includes designees of the city clerk/treasurer.

F. "Computer report" means the result of the writing of data by selected criteria from an electronic database.

G. "Department" means a major functional division of the city's government.

H. "Electronic database" means a collection of data on computer accessible media arranged for retrieval.

I. "Nonroutine computer report" means a computer report that a department is capable of producing but that is not regularly produced or indexed by the department.

J. "Nonpublic record" means any writing containing information not relating to the conduct of government, and not relating to the performance of any governmental or proprietary function, retained or in the possession of the city regardless of form or characteristics.

K. "Public record" means any writing containing information relating to the conduct of government, or the performance of any governmental or proprietary function, prepared, owned, used, or retained by the city regardless of form or characteristics.

L. "Routine computer report" means a computer report that is regularly made by a department in the ordinary course of business to satisfy federal, state, county, or local reporting requirements or for other administrative or legislative purposes.

M. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated. (Ord. 873 § 2, 2000)

2.60.030 Records as public property.

All public records are and shall remain property of the city. Outgoing officials and employees shall deliver such records to their successors. Public records are preserved, stored, transferred, destroyed, and otherwise managed only in accord with this chapter and applicable state law (Ord. 873 § 3, 2000)

2.60.040 Custody of records.

The original copy of all public records shall remain in the custody of the city clerk, provided the city clerk may designate custodians and repositories in the various departments of the city. Such records shall not be placed in the custody of any other person or agency, public or private, or released to individuals except for disposition or destruction as provided by law. (Ord. 873 § 4, 2000)

2.60.050 Indexes of public records.

The city council makes an affirmative finding that maintaining an index of public records as set forth in RCW 42.17.260(3) is unduly burdensome given the limited resources of the city. (Ord. 873 § 5, 2000)

2.60.060 Inspection and copying.

A. Public records possessed by the city shall be available for inspection and copying between the hours of eight a.m. and twelve noon and one p.m. and five p.m. daily except for Saturdays, Sundays and holidays.

B. The city council agenda sheet shall be available upon request and without charge. Agendas are mailed free of charge to Grand Coulee citizens. If there is a request for agendas from non-Grand Coulee citizens, either for one meeting or over a period of time, the staff shall respond to this request upon receipt of stamped, self-addressed envelopes.

C. All requests to inspect and copy public records shall be in writing, on forms prescribed by the city clerk and shall identify the public records sought for such inspection and copying.

D. All requests to inspect and copy public records, except as otherwise provided herein, shall be submitted to the city clerk.

E. No provision of this chapter shall be construed to require dissemination of any confidential communication from the city attorney or any department head which is not subject to the disclosure requirements of Chapter 42.17 RCW which constitutes communication which may lawfully be transmitted in an executive session pursuant to the State Open Public Meetings Act. (Ord. 873 § 6, 2000)

2.60.070 Response to requests for inspection and copying.

A. Response to requests for inspection and copying of public records shall be made promptly.

1. If the request is for public records maintained by the city clerk, such request shall be granted or

denied within five business days thereafter. If granted, the requesting party shall be provided with necessary assistance in performing the inspection, and copying equipment shall be made available. Such copying equipment shall include that which is possessed by the city to either copy such public records on the same format (i.e., printer or written to be photocopied; electronic tape to electronic tape, computer stored information to diskette) or converted to a readable format (i.e., computer stored information printed on paper), at the option of the requester.

2. If the written request includes a request for copies, a payment in accordance with the city's fee schedule shall be paid in advance of providing the copies.

3. All assistance necessary to help the requester shall be provided either by an employee of the city clerk's office or of the particular department. The giving of such assistance shall not unreasonably disrupt the operation of the city or the other duties of assisting employees.

4. If the request is for public records maintained by a department or office of the city other than that of the city clerk, the request shall be promptly forwarded to the department or office of the city possessing such public records. The requester will be advised that their request has been forwarded to the appropriate department. The appropriate department head or his designee shall grant or deny such request within four business days after receipt thereof by such department or office. If granted, the requesting party shall be provided with necessary assistance in performing the inspection, and copying equipment shall be made available. Such copying equipment shall include that which is possessed by the city to either copy such public records on the same format (i.e., printer or written to be photocopied; electronic tape to electronic tape, computer stored information to diskette) or converted to a readable format (i.e., computer stored information printed on paper), at the option of the requester.

5. If the city does not possess equipment to copy the requested public records in a manner or format sought by the requester, and if such equipment is available commercially, the person responding to such request shall determine the cost of such copying and notify the requester that the city does not possess the equipment to make the requested copies and the estimated cost of commercial copying.

B. Requests for inspection and copying may be made directly to the following departments or offices of the city, without first submitting such requests to the city clerk:

1. Fire department;
2. Planning and building;
3. Community development;
4. Police department.

C. Requests for inspection and copying of identifiable public records, received by mail, shall be honored if doing so does not require an excessive amount of research or retrieval time of city employees, does not excessively interfere with essential governmental functions, and if payment therefor is made in advance; otherwise they are returned to the requester.

D. The city clerk, the department head or other person receiving a request for inspection and copying shall respond within five business days of the date of receipt by the city of the written request for a record by:

1. Providing the requested public record;
2. Acknowledging that the request has been received and advising the requester of the estimated time necessary to provide the requested information; or
3. Denying the request.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public records request that is unclear, the requester may be asked to clarify what information is sought. If the requester fails to clarify the request, further response to the request shall not be made. A written statement of the specific reasons

must accompany denials of requests. (Ord. 873 § 7, 2000)

2.60.080 Procedure for review of decision denying inspection or copying.

A. Whenever a person has requested to inspect or copy a record and that request has been denied, such person may resubmit the request in writing and deliver such request to the office of the city clerk.

B. Upon receipt of such written request, the city clerk shall deliver the same to the city attorney who shall, as promptly as reasonably possible following receipt by the city of the written request, determine whether such request must be granted or is a request to inspect or copy an exempt record. In making this determination, the city attorney may consult with the affected department head or employee and shall personally inspect the requested record. If the city attorney determines that the document is not exempt, or is exempt but could be made available after deletion of exempt portions as otherwise provided herein, or deletion of portions that would violate personal privacy or vital governmental interests, the request shall be granted; provided, that such exempt portions are deleted. If the request has been for copies, the same are made and delivered to the requester upon payment of the appropriate fees.

C. Responses refusing, in whole or in part, inspection or copying of a public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record (or part) withheld.

D. The procedure for review of any decision denying inspection or copying of records by the city attorney shall constitute final action for the purposes of judicial review. (Ord. 873 § 8, 2000)

2.60.090 Research not to be performed—Public records not sufficiently identified.

Written requests for inspection and copying of public records shall not be honored if such requests require city employees to compile information, perform research, require reformatting of data, if the public records sought by the requestor are not sufficiently identified, or if the information requested to be inspected and copied consists of nonpublic records. (Ord 873 § 9, 2000)

2.60.100 Requests for commercial uses—Prohibition—Condition of access.

A. This chapter shall not be construed as giving authority to any department to give, sell, or provide access to lists of individuals requested for commercial purposes, and the city shall not do so unless specifically authorized or directed by law.

B. The city shall condition access to a public record containing a list of individuals on the requester's written promise that the record will not be used for a commercial purpose, but the city shall not require the requester to enter into a hold harmless agreement to that effect. (Ord. 873 § 10, 2000)

2.60.110 Certain public records exempt from inspection and copying—Deletion of exempt portions thereof.

A. The public disclosure provisions of this chapter shall not apply to information the disclosure of which would violate a state law that exempts or prohibits disclosure or copying of specific information or records. In addition, the following records are also exempt from public inspection and copying:

1. Personal information and any files maintained for medical records, welfare recipients, prisoners, probationers or parolees;

2. Personal information and any files maintained for city employees, volunteers, appointees or elected officials that are held by the city in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers, to extent the disclosure would violate their right to privacy. Residence address and telephone number of city employees or volunteers;

3. Information required of any taxpayer or city license holder in connection with the assessment or collection of any tax of license fee if the disclosure of the information to other persons would be prohibited

to such persons by RCW 82.32.330, as presently constituted or as may be subsequently amended, or would violate the taxpayer or licensee's right to privacy or would result in unfair competitive disadvantage to such taxpayer;

4. 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;

5. Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the Public Disclosure Commission, if disclosure would endanger any person's life, physical safety, or property; provided, that if at the time the complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern; Provided, further, that all complaints filed with the Public Disclosure Commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

6. Test questions, scoring keys and other examination data used to administer a license or employment examination, including civil service examinations;

7. Except as provided by Chapter 8.26 RCW, as presently constituted or as may be subsequently amended, the contents of any real estate appraisals made for or by any agency, including the city, relative to the acquisition or sale of property until the project or prospective sale is abandoned or until such time as all of the property has been acquired, or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the date of the appraisal;

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

9. 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;

10. Records which are relevant to a controversy to which the city 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;

11. Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user;

12. Lists of individuals requested for commercial purposes;

13. Any public record access that the Grant County Superior Court has found would damage any person or vital governmental function;

14. Residence address and telephone number of city utility customers;

15. All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

16. Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites;

17. Information that identifies a person who, while a city employee: (a) Seeks advice, under an informal process established by the city, in order to ascertain his or her rights in connection with a possible unfair practice under Chapter 49.60 RCW against the person, and (b) requests his or her identity or any identifying information not be disclosed;

18. Confidential income data and other financial information supplied to verify income levels during application for program services;

19. License applications for concealed weapons permits.

B. Public records described in RCW 42.17.310, 42.17.318, 42.17.319, and any other public record exempt from public inspection and copying by the

laws of the state of Washington, shall not be available for public inspection and copying; provided, however, when exempt portions of public records can be erased, excised or deleted, the remainder thereof shall be open to public inspection and copying.

C. No exemption shall be construed to permit nondisclosure of statistical information not descriptive of any readily identifiable person or persons. (Ord. 873 § 11, 2000)

2.60.120 Electronic communication initiated by city council members.

A. Electronic communications (e-mail) initiated by members of the city council and simultaneously directed to three or more other members of the city council are declared to be public records and subject to public inspection and copying. Such communications, prior to deletion from electronic storage, shall be printed on paper or transferred to a diskette or similar medium and retained in the office of the city clerk.

B. A printed transcript of or diskette containing such electronic communications shall be available for public inspection and copying. (Ord. 873 § 12, 2000)

2.60.130 Electronically stored data and information.

Public records in the form of information or data which is electronically stored (on the memory of a computer, a diskette, a magnetic tape, a compact disc, or in other similar ways) shall be subject to public inspection and copying in the following manner:

A. Information or data that is publicly available by computer access without submission of a request for inspection and copying may be inspected and copied by any person or persons having access to computer equipment capable of such inspection and copying. Subject to budget and financial constraints, the city may make public access computer equipment available without charge at public locations.

B. Information or data that is not publicly available by computer access without submission of a request for inspection and copying, but which constitutes public records and is stored, contained or available as data or information within the memory or storage facilities of computer or electronic equipment, is subject to inspection and copying only with the cooperative services of city employees familiar with the operation of equipment that permits such inspection and copying to occur. When the requester adequately identifies public records, a city employee designated by the city clerk or other appropriate department head shall examine the information to determine if it contains exempt or nonpublic records. If such examination reveals any data or information that is exempt from public inspection and copying, the requested public record shall be printed on paper or transferred to a diskette or similar medium with the exempt portions thereof deleted; if the examination reveals any data that is nonpublic record, inspection and copying thereof shall not be permitted. If the examination reveals no exempt information and no nonpublic records, the person requesting inspection and copying, at his or her option, may either view the information on a computer screen, have the information transferred to a diskette or other compatible storage medium, or ask that the information be printed on paper. Provided, however, that the viewing of such information on a computer screen shall not be permitted except where the computer is operated by a city employee and where diverting such city employee from his or her regular duties in order to operate such computer to permit such viewing would not cause excessive interference with essential functions of the city. (Ord. 873 § 13, 2000)

2.60.140 Costs and expenses for inspection and copying.

A. The city shall impose no charge for the services of city employees who assist in inspection and copying of public records; provided, however, that if a city employee performs research other than information and/or data retrieval, a charge equal to the hourly wage of such employee shall be paid by the person requesting the performance of such research.

B. Copies of printed material, if performed on city-possessed copying equipment, shall be charged at the rate established from time to time by resolution of the Grand Coulee city council or the actual cost

incidental to reproducing the same, whichever is greater. In determining the cost of reproduction, all costs incident to such reproduction shall be includable factors, including labor and mailing costs. Copying that must be performed by a commercial copy-maker, at the discretion of the city clerk or other department head, will be made at the expense of the requester. The city will arrange for such copies to be made; however, payment to the city by the requester shall be made in advance. If it is necessary to have copies made commercially due to size or configuration of the information sought to be copied, the requester shall pay the city in advance the cost thereof.

C. The cost of video tapes or reproductions, magnetic tapes, diskettes, photographs, pictures, and other communication media material necessary to make copies of public records shall be at the cost of the requester, payable in advance before copies are made.

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

E. 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 city clerk. If there is uncertainty as to the amount required, the amount tendered shall be based upon estimates established by the city clerk. If the amount of the cost of reproduction exceeds the amount tendered, the balance shall be paid prior to 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 delivery of the copy or copies. Except as specifically provided herein, there shall be no refunds.

F. Nonroutine computer reports are made available on citizen request provided the following shall apply:

1. Actual costs of labor and materials, including computer time, to produce such reports are borne by the requesting party;

2. Approximate costs related to such reports shall be tendered at the time such request is made;

3. Identifying information, which would be highly offensive to a reasonable person and not of legitimate concern to the public, shall be deleted from such report before release; and

4. Requests for such reports shall not violate any exemption to public inspection or copying found in federal, state, or other local legislation. (Ord. 873 § 14, 2000)

2.60.150 Protection of public records.

A. The city clerk shall adopt and enforce reasonable regulations, consistent with the intent of this chapter to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the city. Such regulations shall provide for the fullest assistance to inquirers, the most timely possible action on requests for information, and contain procedures for honoring requests received by mail or facsimile transmission for copies of identifiable public records.

B. If a public record request is made at a time when such record exists but is scheduled for destruction in the near future, the city shall retain possession of the record, and shall not destroy or erase the record until the request is resolved. (Ord. 873 § 15, 2000)

2.60.160 Destruction of information relating to employee misconduct.

Nothing in this chapter prevents the city from destroying information relating to employee misconduct or alleged misconduct, in accordance with RCW 41.06.450, as presently constituted or as may be subsequently amended, to extent necessary to ensure fairness to the employee. (Ord. 873 § 16, 2000)

2.60.170 Official city business.

A department head may provide copies of city records at no charge to individuals or government agencies doing business with the city if the department head determines such action to be in the best interest of the city. (Ord. 873 § 17, 2000)

2.60.180 Disclaimer of public liability.

The city is not liable, nor shall a cause of action exist, for any loss or damage based upon the release

of a public record if the city acted in good faith in attempting to comply with this chapter. (Ord. 873 § 18, 2000)

Chapter 2.72

LIBRARY ADVISORY BOARD

Sections:

2.72.010 Definitions.

For purposes of this chapter unless otherwise clearly required by the context, the following terms are defined as follows:

"Board" means the city advisory library board of trustees.

"Library" means the library located in the city.

"Library district" means the North Central Regional Library district (NCRL). (Ord. 836 § 1, 1997)

2.72.020 Eligibility.

Pursuant to RCW 27.12.190 and 35.24.020, there is hereby created an advisory library board consisting of a minimum of five members who shall be approved by the mayor, with the confirmation of the city council. Board members will reside in the NCRL Grand Coulee library district. Board members shall not receive any compensation for their services, but necessary expenses actually incurred shall be paid from city and/or NCRL funds, as applicable and with prior approval of the paying agency. (Ord. 1008 § 1, 2013: Ord. 836 § 2, 1997)

2.72.030 Term—Vacancy—Expulsion.

The terms of office shall begin after the first meeting in June. The initial board members shall be selected and hold terms as follows: The first appointments shall be for terms of one, two, three, four, and five years respectively, and thereafter a trustee shall be appointed annually to serve for five years. No member shall serve more than two full consecutive terms. If a vacancy occurs before a member's term is finished, new trustees shall be appointed with term lengths that allow for preservation of the overlap of terms. Vacancies shall be filled as soon as possible in the following manner: The board shall post a public notice of the vacancy, and recruit potential board members. Potential members shall appear before the board at the first quarterly meeting or at any quarterly meeting upon occurrence of a vacancy. A potential member recruit shall become a board member upon approval of the mayor and city council. A board member may be involuntarily removed only by the vote of city council. Reasons for expulsion include but are not limited to nonattendance of meetings or failure to abide by resolutions and bylaws. (Ord. 1008 § 2, 2013: Ord. 836 § 3, 1997)

2.72.040 Officers—Meetings—Quorum.

A. 1. At the first meeting following appointment of the initial board members and thereafter at the first meeting in October each year, the board members shall elect from the members of the board a president and secretary-treasurer. Additional officers including a vice-president, separate secretary and treasurer, publicity officer, and others will be elected as deemed necessary by the board.

2. It shall be the duty of the president to preside at all meetings of the board and the duty of the vice-president to do so in the absence of the president. The secretary shall keep minutes of all meetings of all proceedings of the board and provide copies of the same to the city within one week after each board meeting. The treasurer shall account for all funds expended pursuant to the powers and duties specified herein and shall provide an accounting of all funds and expenditures at the quarterly board meeting. This accounting will be recorded in the minutes.

B. A majority of the board shall constitute a quorum for the transaction of business and three affirmative votes shall be necessary to carry any proposition. The board shall hold a meeting at least once every quarter. The date, time and place of the meeting are

described in the bylaws. (Ord. 1008 § 3, 2013; Ord. 836 § 4, 1997)

2.72.050 Powers and duties.

The duties of the board are as follows:

A. To serve in a liaison capacity between the city, the Friends of the Library, the NCRL staff and NCRL board and to thereafter recommend to the city council and/or the NCRL all actions the board deems necessary and appropriate to carry out the terms, conditions and purposes of the library service agreements now in effect or as may hereinafter be entered or modified between the city and the library district;

B. To provide recommendations to the city council and/or the NCRL as to the advisability of services to the greatest number of people at the most reasonable cost to the city;

C. To solicit or receive gifts or bequests, and seek and write grants. The board may recommend to the Friends of the Library, the city council and/or NCRL, as applicable, how library funds including gifts and bequests are used;

D. To meet and work with the city, with the Friends of the Library and the regional library board, to enhance the efforts of all the groups and avoid duplication of efforts;

E. To have at least one board member attend all city council meetings, city council committee meetings and NCRL board meetings that involve Etheta Anderson Library business. The city shall notify the board in advance of any such meeting, as soon as such meeting is planned;

F. To attend to the property of the library, including the facilities, rooms or buildings, subject to the approval of the city council. The board may plan, promote, manage, develop and maintain the library, to the extent such powers are not preempted by the library district pursuant to Chapter 27.12 RCW as it now exists or may hereafter be amended. (Ord. 1008 §§ 4—6, 2013; Ord. 836 § 5, 1997)

2.72.060 Budget.

A. The city shall notify the board prior to creation of, and include at least one board member in the discussion of, any budget that includes library expenditures. The board shall make recommendations to the mayor and the city council for the development of the library programs and facilities. The board shall make budget requests prior to September 1st of each year.

B. The board shall make recommendations to the NCRL and the Friends of the Library each year, prior to the compilation of the preliminary budget for the development of the library programs and facilities, as it may deem advisable for the guidance of the regional board and Friends in preparing the budget for the ensuing year. (Ord. 836 § 6, 1997)

2.72.070 Rules and regulations.

The board shall promulgate bylaws, rules and regulations for its guidance and for the government and management of the library as it deems necessary, to the extent not pre-empted by RCW 27.12 as it now exists or may hereafter be amended. (Ord. 836 § 7, 1997)

Chapter 2.74

CITY COUNCIL ASSUMPTION OF TRANSPORTATION BENEFIT DISTRICT

Sections:

2.74.010 Formation of transportation benefit district.

The city, pursuant to RCW 35.21.225 and Chapter 36.73 RCW, established and created a transportation benefit district (TBD), which was designated as the Grand Coulee Transportation Benefit District No. 1 (GCTBD No. 1). (Ord. 1048 § 3, 2018; Ord. 1043 § 2 (part), 2017)

2.74.020 Geographic limits and general authority.

The GCTBD No. 1 was established with geographical boundaries comprised of the corporate limits of the city, as those boundaries may be adjusted in the future. GCTBD No. 1 was established as a quasi-municipal corporation and an independent taxing "authority" within the meaning of Article VII, Section 1 of the Washington State Constitution, and a "taxing district" within the meaning of Article VII, Section 2 of the Washington State Constitution. (Ord. 1048 § 3, 2018; Ord. 1043 § 2 (part), 2017)

2.74.025 Assumption of district by city.

Pursuant to Chapter 36.74 RCW, as existing or hereafter amended, the city council of the city of Grand Coulee adopted the ordinance codified in this chapter for the purpose of assuming the rights, powers, immunities, functions, and obligations of the GCTBD No. 1. In accordance with said authority, the city is hereby vested with every right, power, immunity, function, and obligation currently granted to or possessed by the GCTBD No. 1. Without limitation of the foregoing, the city council is hereby vested with all rights, powers, immunities, functions, and obligations otherwise vested by law in the governing board of the GCTBD No. 1 as provided in Sections 2.74.030 and 2.74.040. (Ord. 1048 § 3, 2018; Ord. 1043 § 2 (part), 2017. Formerly 2.74.070)

2.74.030 Powers and operations of city.

A. The Grand Coulee city council shall possess and exercise all the powers of a transportation benefit district authorized pursuant to Chapter 36.73 RCW, as existing or hereafter amended. This section shall be liberally construed.

B. The city's powers include, without limitation the power to: request voter approval of, and thereafter impose and collect, a sales and use tax in accordance with RCW 82.14.455, or a vehicle fee in excess of twenty dollars up to one hundred dollars as allowed by RCW 82.80.140; impose an ad valorem tax pursuant to RCW 36.73.060; issue general obligation and/or revenue bonds in the manner and subject to the restrictions set forth in RCW 36.73.070; form a local improvement district and impose assessments therefor; take those actions allowed, and subject to the limitations of RCW 36.73.810, contract for street and highway improvements, and operations; exercise the power of eminent domain and accept and use gifts and grants. (Ord. 1048 § 3, 2018; Ord. 1043 § 2 (part), 2017)

2.74.040 Governance.

A. The city council shall have the authority to exercise the statutory powers and authority set forth in Chapter 36.73 RCW and other applicable provisions of Washington State law.

B. As required by RCW 36.73.160(1), as the same may be amended from time to time, the city council shall develop a material change policy to address major plan changes that affect project delivery or the

ability to finance the plan for funding and implementing the city projects authorized by this chapter and Chapter 36.73 RCW, as existing or hereafter amended. (Ord. 1048 § 3, 2018; Ord. 1043 § 2 (part), 2017)

2.74.050 Transportation improvements funded.

The funds generated by the exercise of the powers granted in Section 2.74.030 and/or Chapter 36.73 RCW shall be used for the GCTBD Projects ("Projects") identified at the time of formation of the GCTBD, or as modified or amended using procedures set forth herein, and/or allowed by state law. The Projects may be amended in accordance with the material change policy described in Section 2.74.040B and in accordance with the notice, hearing and other procedures described in Chapter 36.73 RCW, including RCW 36.73.050(2)(b), as the same may be amended from time to time. (Ord. 1048 § 3, 2018; Ord. 1043 § 2 (part), 2017)

2.74.060 Annual report to the public.

As required by RCW 36.73.160(2), as the same may be amended from time to time, the city shall issue an annual report, indicating the status of transportation improvement costs, transportation improvements expenditures, revenues, and construction schedules, to the public and to newspapers of record in the city. (Ord. 1048 § 3, 2018; Ord. 1043 § 2 (part), 2017)

Title 3

REVENUE AND FINANCE

Chapters:

Chapter 3.05

REAL PROPERTY SALES TAX

Sections:

3.05.010 Imposed—Authority.

Pursuant to RCW 82.46.010 there is imposed an excise tax of one-quarter of one percent of the selling price on each sale of real property within the corporate limits of the city. The ordinance codified in this section shall take effect on the day following its publication. (Ord. 668, 1985)

Chapter 3.06

LEASEHOLD EXCISE TAX

Sections:

3.06.010 Imposed—Statutory authority.

There is hereby levied and shall be collected a leasehold excise tax on and after April 1, 1977, upon the act or privilege of occupying or using publicly owned real or personal property within the city through a "leasehold interest," as defined by Section 2, Chapter 61, Laws of 1975-76, Second Extraordinary Session (hereafter in this chapter termed "the state act"). The tax shall be paid, collected and remitted to the Department of Revenue of the state at the time and in the manner prescribed by Section 5 of the state act. (Ord. 521 § 1, 1977)

3.06.020 Rate—Credits allowed.

The rate of the tax imposed by Section 3.06.010 shall be four percent of the taxable rent (as defined by Section 2 of the state act); provided, that the following credits shall be allowed in determining the tax payable:

A. With respect to a leasehold interest arising out of any lease or agreement, the terms of which were binding on the lessee prior to July 1, 1970, where such lease or agreement has not been renegotiated (as defined by Section 2 of the state act) since that date, and excluding from such credit any lease or agreement including options to renew which extends beyond January 1, 1985, as follows:

1. With respect to taxes due in calendar year 1976, a credit equal to eighty percent of the tax produced by the above rate,

2. With respect to taxes due in calendar year 1977, a credit equal to sixty percent of the tax produced by the above rate,

3. With respect to taxes due in calendar year 1978, a credit equal to forty percent of the tax produced by the above rate,

4. With respect to taxes due in calendar year 1979, a credit equal to twenty percent of the tax produced by the above rate;

B. With respect to a product lease (as defined by Section 2 of the state act), a credit of thirty-three percent of the tax produced by the above rate. (Ord. 521 § 2, 1977)

3.06.030 Administration and collection—Accordance with state act.

The administration and collection of the tax imposed by the ordinance codified in this chapter shall be in accordance with the provisions of the state act. (Ord. 521 § 3, 1977)

3.06.040 Administration and collection—Contract with state.

The mayor is authorized to execute a contract with the Department of Revenue of the state for the administration and collection of the tax imposed by Section 3.06.010; provided, that the city attorney shall first approve the form and content of said contract. (Ord. 521 § 6, 1977)

3.06.050 Consent to inspection of records.

The city hereby consents to the inspection of such records as are necessary to qualify the city for inspection of records of the Department of Revenue pursuant to RCW 82.32.330. (Ord. 521 § 5, 1977)

3.06.060 Exemptions under state act.

Leasehold interests exempted by Section 13 of the state act as it now exists or may hereafter be amended shall be exempt from the tax imposed pursuant to Section 3.06.010. (Ord. 521 § 4, 1977)

Chapter 3.08

SALES AND USE TAX

Sections:

3.08.010 Imposition of tax and statutory authority.

There is imposed a sales or use tax, as the case may be, as authorized by RCW 82.14.030, upon every taxable event, as defined in RCW 82.14.020, occurring within the city. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to RCW Chapters 82.08 and 82.12. (Ord. 662 § 1, 1985: Ord. 441 § 1, 1970)

3.08.020 Rate of tax.

The rate of a tax imposed under Section 3.08.010 as authorized by RCW 82.14.030(1) 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 Grant County, the rate of tax imposed by this chapter shall be four hundred twenty-five one-thousandths of one percent. (Ord. 662 § 2, 1985: Ord. 441 § 2, 1970)

3.08.025 Rate of additional tax.

The rate of the additional tax imposed under Section 3.08.010 as authorized by RCW 82.14.030 (2) shall be five-tenths 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 Grant County under RCW 82.14.030(2) at a rate equal to or greater than the rate imposed by this section, the county of Grant shall receive fifteen percent of the tax imposed by this section; provided, further, that during such period as there is in effect a sales or use tax imposed by Grant County under RCW 82.14.030 (2) at a rate which is less than the rate imposed by this section, the county of Grant shall receive from the tax imposed by this section that amount of revenue equal to fifteen percent of the rate of the tax imposed by the county of Grant under RCW 82.14.030(2). (Ord. 662 § 3, 1985)

3.08.030 Collection—Administration.

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW 82.14.050. (Ord. 441 § 3, 1970)

3.08.035 Failure or refusal to collect deemed infraction—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 commission of an infraction and shall be assessed a monetary penalty. No penalty assessed for infractions under this chapter shall exceed two hundred fifty dollars for each separate infraction. (Ord. 662 § 4, 1985)

3.08.040 Inspection of records.

The city consents to the inspection of such records as are necessary to qualify the city for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330. (Ord. 441 § 4, 1970)

3.08.050 Contracts with state.

The city mayor and city clerk are authorized and directed to execute such contracts with the state of Washington, Department of Revenue, as may be necessary from time to time for the administration

of the tax imposed by this chapter. (Ord. 441 § 5, 1970)

3.08.060 Referendum approval or rejection.

The additional tax rate imposed under the provisions of Section 3.08.025 of the ordinance codified in this section and as authorized by RCW 82.14.030(2), shall be subject to approval or rejection by the voters of the city, provided that a referendum petition requesting that said additional tax rate authorized by this chapter be put to a vote of the citizens of this city is filed with the city clerk within seven days of passage of the ordinance codified in this section, and provided further, that the petitioner follows and fully satisfies all of the procedures set forth in RCW 82.14.036. (Ord. 662 § 5, 1985)

Chapter 3.10

SPECIAL EXCISE TAX—LODGING

Sections:

3.10.010 Imposed—Rate.

There is levied a special excise tax of four percent on the sale of or charge made for the furnishing of lodging that is subject to tax under Chapter 82.08 RCW. The tax imposed under Chapter 82.08 RCW applies to the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. It shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. (Ord. 874 § 1, 2000)

3.10.020 Definitions.

The definitions of "selling price," "seller," "buyer," "consumer," and all other definitions as are now contained in RCW 82.08.010, and subsequent amendments thereto, are adopted as the definitions for the tax levied in this chapter. (Ord. 874 § 2, 2000)

3.10.030 Additional fees or taxes.

The tax levied in this chapter shall be in addition to any license fee or any other tax imposed or levied under any law or any other ordinance of the city; provided, the first two percent of the tax shall be deducted from the amount of tax the seller would otherwise be required to collect and pay to the department of revenue under Chapter 82.08 RCW. (Ord. 874 § 3, 2000)

3.10.040 Special fund created.

There is created a special fund in the treasury of the city and all taxes collected under this chapter shall be placed in this special fund to be used solely for the purpose of paying all or any part of the cost of tourist promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities or to pay for any other uses as authorized in Chapter 67.28 RCW, as now or hereafter amended. (Ord. 874 § 4, 2000)

3.10.050 Collection.

For the purposes of the tax levied in this chapter:

A. The department of revenue is designated as the agent of the city for the purposes of collection and administration of the tax.

B. The administrative provisions contained in RCW 82.08.050 through 82.08.070 and in Chapter 82.32 RCW shall apply to administration and collection of the tax by the department of revenue.

C. All rules and regulations adopted by the department of revenue for the administration of Chapter 82.08 RCW are adopted by reference.

D. The department of revenue is authorized to prescribe and utilize such forms and reporting procedures as the department may deem necessary and appropriate. (Ord. 874 § 5, 2000)

3.10.060 Violation—Penalty.

It is unlawful for any person, firm, or corporation to violate or fail to comply with any of the provisions of this chapter. Every person convicted of a violation of any provision of this chapter shall be punished by a fine in a sum not to exceed five hundred dollars. Each day of violation shall be considered a separate offense. (Ord. 874 § 6, 2000)

Chapter 3.11

GAMBLING TAX

Sections:

3.11.010 Definitions.

For the purposes of this chapter, the words and terms used shall have the same meaning as each has under Chapter 218, Laws of 1973, 1st Ex. session and Chapter 9.46 RCW, each as amended, and under the rules of the Washington State Gambling Commission, Title 230 WAC, unless otherwise specifically provided or the context in which they are used in this chapter clearly indicates that they be given some other meaning. (Ord. 584 § 1, 1980)

3.11.020 Taxes imposed—Amounts.

There is hereby levied a tax upon all persons, associations, and organizations who conduct or operate gambling activities within the city of Grand Coulee and who have been duly licensed by the Washington State Gambling Commission to conduct or operate such gambling activities, which tax shall be paid on the following gambling activities in the following respective amounts:

A. Bingo and Raffle Games.

1. Taxation of bingo and raffles shall be computed at the rate of five percent of the gross receipts from a bingo game or raffle, less the amount awarded as cash or merchandise prizes.

2. No tax shall be imposed on bingo or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization as defined in Chapter 9.46 RCW, as presently worded or hereinafter amended, which organization has no paid operating or management personnel and has gross receipts from bingo or amusement games, or a combination thereof, not exceeding five thousand dollars per year, less the amount awarded as cash or merchandise prizes.

3. Activities carried out by public or private schools or by parent organizations and student body organizations shall be exempt from the provisions of this section when the proceeds of such activities are applied for the benefit of any such school or school-sponsored or school-related organizations; provided, however, that any deviation from the exemption requirements enumerated herein shall subject such organization to the requirements of this section as to tax imposed within ten days after written demand of the city clerk/treasurer of any taxes formerly granted exemption hereunder.

4. No tax shall be imposed on the first ten thousand dollars of gross receipts, less the amount awarded as cash or merchandise prizes, per year, from raffles conducted by any bona fide charitable or non-

profit organization as defined in Chapter 9.46 RCW, as presently worded or hereinafter amended.

B. Amusement Games.

1. Taxation of amusement games shall only be in an amount sufficient to pay the actual cost of enforcement of the provisions of this chapter by the city, and in no event shall the taxation exceed two percent of the gross receipts from the amusement games, less the amount awarded as prizes.

2. No tax shall be imposed on bingo or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization as defined in Chapter 9.46 RCW, as presently worded or hereinafter amended, which organization has no paid operating or management personnel and has gross receipts from bingo or amusement games, or a combination thereof, not exceeding five thousand dollars per year, less the amount awarded as cash or merchandise prizes.

3. Activities carried out by public or private schools or by parent organizations and student body organizations shall be exempt from the provisions of this section when the proceeds of such activities are applied for the benefit of any such school or school-sponsored or school-related organizations; provided, however, that any deviation from the exemption requirements enumerated herein shall subject such organization to the requirements of this section as to tax imposed within ten days after written demand of the city clerk/treasurer of any taxes formerly granted exemption hereunder.

C. Punch Boards or Pull-Tabs. Taxation of punch boards and pull-tabs shall be based on gross receipts from the operation of the games, less the amount awarded as cash or merchandise prizes, and shall be computed at a rate of six percent.

D. Card Games. Taxation of social card games shall be computed at a rate of twenty percent of the gross revenue from such games.

E. Fund-Raising Events. Fund-raising events, as defined in RCW 9.46.0233, as presently worded or hereinafter amended, shall be conducted in concordance with all applicable portions of Chapter 9.46 RCW, as presently worded or hereinafter amended. Provided such fund-raising events are so conducted, no taxation shall be charged thereupon. (Ord. 949 § 1, 2006; Ord. 943 § 1, 2006)

3.11.030 Computation—Payment—Exceptions.

Each of the various taxes imposed by this chapter shall be computed on the same reporting schedule as is required of gambling licensees by the Washington State Gambling Commission. Such taxes shall be due and payable, and the remittance, together with return forms, shall be made to the city of Grand Coulee, Washington, when reported to the Washington State Gambling Commission, subject to the following exceptions:

A. Whenever any person, association, or organization taxable hereunder, conducting or operating a taxable activity on a regular basis, discontinues operation for a period of more than four consecutive weeks, or quits business, sells out, or otherwise disposes of the business, or terminates the business, any tax due hereunder shall become payable, and such taxpayer shall make such payment within ten business days.

B. Whenever it appears to the city clerk/treasurer that the collection of taxes from any person, association, or organization may be in jeopardy, the city clerk/treasurer, after not less than fifteen days' notice to the taxpayer, may require the taxpayer to remit taxes and returns at whatever intervals the city clerk/treasurer shall deem appropriate under the circumstances.

C. Whenever reports required by the State Gambling Commission under the provisions of Chapter 9.46 RCW are required on a less frequent schedule, any person, association, or organization taxable hereunder shall report to the city on the same basis. (Ord. 943 § 2, 2006)

3.11.040 Administration—Collection.

Administration and collection of the various taxes imposed in this chapter shall be the responsibility of the city clerk of the city. Remittance of the amount due shall be accompanied by a completed return form

prescribed and provided by the city clerk. The taxpayer shall be required to swear and affirm that the information given in the return is true, accurate, and complete. The city clerk is authorized but not required to mail to taxpayers the necessary forms. Failure of the taxpayers to receive such forms shall not excuse them from making the return and timely paying all taxes due. The city clerk shall make forms available to the public in reasonable numbers in her office during regular business hours.

In addition to the return form, a copy of the taxpayers quarterly report to the Washington State Gambling Commission required by Chapter 230-08 WAC for the period in which the tax accrued shall accompany remittance of the tax. (Ord. 584 § 4, 1980)

3.11.050 Method of payment.

Taxes payable shall be remitted to the city clerk on or before the time required by bank draft, certified check, cashier's check, personal check, money order, or in cash. If payment is made by draft or check, the tax shall not be deemed paid until the draft or check is honored in the usual course of business, nor shall the acceptance of any sum by the city clerk be an acquittance or discharge of the tax unless the taxes due are paid in full. The return and a copy of the quarterly report to the Washington State Gambling Commission shall be filed in the office of the city clerk after notation by that office upon the return of the amount actually received from the taxpayer. (Ord. 584 § 5, 1980)

3.11.060 Delinquency—Penalty fee.

If full payment of any tax or fee due is not received by the city clerk on or before the date due, there shall be added to the amount due a penalty fee as follows:

A. One to ten days late: six percent of tax due;

B. Eleven to twenty days late: eight percent of tax due;

C. Twenty-one to thirty-one days late: ten percent of tax due;

D. Thirty-two to sixty days late: twelve percent of tax due;

but in no event shall the penalty amount be less than five dollars. In addition to this penalty the city clerk may charge the taxpayer interest of one percent of all taxes and fees due for each thirty-day period, or portion thereof, that said amounts are past due.

Failure to make payment in full of all tax amounts, and penalties, within sixty days following the day the tax amount initially became due shall be both a civil and criminal penalty of this section. (Ord. 584 § 6, 1980)

3.11.070 Declaration of intent notice.

In order that the city may identify those persons who are subject to taxation under this chapter, each person, association, or organization shall file with the city clerk a form, "Declaration of Intent," to conduct an activity taxable as herein provided. The declaration of intent shall be a form to be prescribed by the city clerk and shall be submitted with a copy of the license issued by the Washington State Gambling Commission. The filing shall be made not later than ten days prior to conducting or operating a taxable activity or twenty days after the effective date of the ordinance codified in this chapter if the activity is being conducted prior to its adoption. No fee shall be charged for such filing which is not for the purpose of regulation of this activity, except for fund-raising events under Section 3.11.020(E).

Failure to timely file shall not excuse any person, association, or organization from any tax liability. (Ord. 584 § 7, 1980)

3.11.080 Records required.

Each person, association, or organization engaging in an activity taxable under this chapter shall maintain records respecting that activity which truly, completely, and accurately disclose all information necessary to determine the tax liability during each base tax period. Such records shall be kept and maintained for a period of not less than three years. In addition, all information and items required by the Washington State Gambling Commission under Chapter 230-08 WAC, and the United States Internal Revenue Service

respecting taxation, shall be kept and maintained for the periods required by those agencies.

All books, records and other items required to be kept and maintained under this section shall be subject to and immediately available for inspection and audit at any reasonable time with reasonable notice. Inspection shall be made upon demand by the city clerk or her designee, at the place where such records are kept, for the purpose of enforcing these provisions.

Where the taxpayer does not keep all of the books, records, or items required in this jurisdiction, the taxpayer shall either:

A. Produce all of the required books, records, or items within the city for such inspection within seven days following a request of the city clerk; or

B. Bear the actual cost of the inspection by the city clerk or her designee, at the location at which such books, records, or items are located; provided that a taxpayer choosing to bear these costs shall pay in advance to the city clerk the estimated costs thereof, including but not limited to, round trip fare by the most rapid means, lodging, meals, and incidental expenses. The actual amount due, or to be refunded, for expenses shall be determined following said examination of the records. (Ord. 584 § 8, 1980)

3.11.090 Overpayment or underpayment.

If, upon application by a taxpayer for a refund or an audit of his records, or upon any examination of the returns or records by the city clerk, it is determined that within the immediate past three years:

A. A tax or other fee has been paid in excess of that properly due, the total excess paid over all amounts due to the city within such period shall be credited to the taxpayers account or shall be credited to the taxpayer at the taxpayer's option. No refund or credit shall be allowed with respect to any excess amounts paid more than three years before the date of such application or examination;

B. A tax or other fee has been paid which is less than properly due, or no tax or other fee has been paid, the city clerk shall mail a statement to the taxpayer showing the balance due, including the tax amount or penalty assessment and fees, and it shall be a separate, additional violation of the provisions of this section, both civil and criminal, if the taxpayer fails to make payment in full within ten calendar days of mailing. (Ord. 584 § 9, 1980)

3.11.100 Failure to make return.

If any taxpayer fails, neglects or refuses to make and file his return as and when required under this chapter, the city clerk is authorized to determine the amount of tax payable, together with any penalty and/or interest assessed. The taxpayer shall then be notified by mail of the amount which shall become immediately due and payable. (Ord. 584 § 10, 1980)

3.11.110 Tax additional to others.

The tax levied in this chapter shall be in addition to any license fee or tax imposed or levied under any law or any other ordinance of the city except as herein otherwise expressly provided. (Ord. 584 § 11, 1980)

3.11.120 Debt to city.

Any tax due and unpaid under this chapter and all penalties or fees shall constitute a debt to the city, a municipal corporation, and may be collected by court proceedings the same as any other debt in like amount, but shall be in addition to all other existing remedies. (Ord. 584 § 12, 1980)

3.11.130 Limitations on right to recovery.

The right of recovery by the city from the taxpayer for any tax provided in this chapter shall be outlawed after the expiration of three calendar years from the date that tax became due. The right of recovery against the city because of overpayment of tax by any taxpayer shall be outlawed after the expiration of three calendar years from the date such payment was made. (Ord. 584 § 13, 1980)

3.11.140 Revenue.

Any revenue collected from such tax shall be used primarily by the city for the purpose of the enforcement of the provisions of Chapter 9.46 RCW, the rules and regulations of the Washington State Gambling Commission, and this chapter. (Ord. 584 § 20, 1980)

3.11.150 Causing person to violate rule or regulation as violation—Penalty.

Any person who knowingly causes, aids, abets, or conspires with another to cause any person to violate any rule or regulation adopted pursuant to Chapter 9.46 RCW originally and as amended shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five thousand dollars, or both. (Ord. 584 § 15, 1980)

3.11.160 Violations relating to fraud or deceit—Penalty.

Any person or association or organization operating any gambling activity who or which, directly or indirectly, in the course of such operation:

A. Employs any device, scheme, or artifice to defraud;

B. Makes any untrue statement of a material fact, or omits to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made;

C. Engages in any act, practice or course of operation as would operate as a fraud or deceit upon any person,

shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five thousand dollars, or both. (Ord. 584 § 16, 1980)

3.11.170 Defrauding or cheating other participant or operator as violation—Causing another to do so as violation—Penalty.

No person participating in a gambling activity shall in the course of such participation, directly or indirectly:

A. Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator;

B. Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or operator;

C. Engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain any advantage in the game over the other participant or operator;

D. Cause, aid, abet, or conspire with another person to cause any other person to violate subsections (A) through (C) of this section.

Any person violating this section shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five thousand dollars, or both. (Ord. 584 § 17, 1980)

3.11.180 Working in gambling activity without license as violation—Penalty.

Any person who works as an employee or agent or in a similar capacity for another person in connection with the operation of an activity for which a license is required under Chapter 9.46 RCW originally and as amended or by rule of the Washington State Gambling Commission created in RCW 9.46 without having obtained the applicable license required by the Washington State Gambling Commission under RCW 9.46.070(17) shall be guilty of a gross misdemeanor and shall, upon conviction, be punished by not more than one year in the county jail or a fine of not more than five thousand dollars, or both. (Ord. 584 § 18, 1980)

3.11.190 Gambling information, transmitting or receiving as violation—Penalty.

Whoever knowingly transmits or receives gambling information by telephone, telegraph, radio, semaphore or similar means, or knowingly installs or maintains equipment for the transmission or receipt of gambling information shall be guilty of a gross misdemeanor; provided, however, that this section shall not apply to such information transmitted or received or equipment installed or maintained relating to activities as enumerated in RCW 9.46.0311—9.46.0361 or to any act or acts in furtherance thereof when conducted in compliance with the provisions of Chapter 9.46 RCW originally and as amended and in accordance with the rules and regulations adopted pursuant thereto. (Ord. 584 § 19, 1980)

3.11.200 Violation—Penalties.

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter is guilty of a misdemeanor. Any person convicted of a misdemeanor under

this chapter shall be punished by a fine not to exceed five hundred dollars, or by imprisonment not to exceed ninety days, or both such fine and imprisonment.

Each such taxpayer is guilty of a separate offense for each and every day during any portion of which any violation of these provisions is committed, continued, or permitted by any such taxpayer and he shall be punishable accordingly. (Ord. 584 § 14, 1980)

Chapter 3.12

CUMULATIVE RESERVE FUNDS

Sections:

3.12.010 Fire department equipment purchase fund—Created.

There is created a cumulative reserve fund for the fire department of the city for the purposes of the purchase of materials, supplies, equipment and other items for the operation of such fire department, and the repair, alteration, construction of any real and personal property, or for the maintenance and operation of such fire department. (Ord. 414 § 1, 1968)

3.12.020 Fire department equipment purchase fund—Use of moneys.

A. The amounts in such fund shall not lapse at the end of any fiscal year nor shall the same be surplus available, or which may be used for any other purpose or purposes than those specified.

B. Money may be placed in the fund from time and authority is granted to accept any contributions or donations to be placed in such fund and held for the purposes of the donations or contributions. (Ord. 414 § 2, 1968)

3.12.030 Light department fund—Created.

There is created a fund known as the cumulative reserve fund, into which shall be placed five hundred seventy thousand dollars from the principal and interest proceeds of the light department sale of July, 1969. (Ord. 455 § 1, 1971)

3.12.040 Light department fund—Use of moneys.

The cumulative reserve fund shall be used for the special purpose of conserving the principal of said light department sale and the fund may only be used to borrow money, at an interest rate of two percent per annum, by other city funds as deemed appropriate by the city council and that said interest shall be paid to the general fund. (Ord. 1050 § 1, 2018; Ord. 455 § 2, 1971)

Chapter 3.14

UTILITY TAX AND LICENSES

Sections:

3.14.010 Definitions.

In construing the provisions of this chapter, except when otherwise plainly declared or clearly apparent from the context, the following definitions shall be applied:

"Competitive telephone service" shall be defined as set forth in RCW 82.04.065(1) as now exists or as hereafter may be amended.

"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 reasons of the investment of capital in the business engaged in, including rentals, royalties, fees or other emoluments, however designated (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 reduction on account of the cost of the property sold, the cost of materials used, labor cost, interest, or discount paid, or any expenses whatsoever, and without deduction on account of losses.

"Network telephone service" shall be defined as set forth in RCW 82.04.065(2) as now exists or as hereafter may be amended.

"Person" or "persons" means individuals, firms, partnerships, corporations, public utility districts, municipal corporations or departments thereof, public or private utilities, water companies or districts, and other associations, whether acting by themselves or by servants, agents or employees.

"Tax year" or "taxable year" means the year commencing January 1st and ending on the last day of December of such year, or, in lieu thereof, the taxpayers fiscal year when permission is obtained from the city clerk to use the same as the tax period.

"Taxpayer" means any person liable for the license fee or tax imposed by this chapter.

"Telecommunications company" shall be defined as set forth in RCW 80.04.010 as now exists or as hereafter may be amended.

"Telephone business" shall be defined as set forth in RCW 82.04.065(4) as now exists or as hereafter may be amended and shall not include the provision of competitive telephone service.

"Telephone service" shall be defined as set forth in RCW 82.04.065(3) as now exists or as hereafter may be amended. (Ord. 806 § 1, 1994)

3.14.020 Business license—Required—Effect of noncompliance.

A. No person shall engage in or carry on any business, occupation, pursuit or privilege for which a license fee or tax is imposed by this chapter without having first obtained, and being the holder of, a valid and subsisting license to do so, to be known as a business license.

B. Each person shall apply to the city clerk for a business license upon the form the clerk shall prepare and provide, giving such information as the clerk shall deem reasonably necessary to enable him or her to administer and enforce this chapter. The taxpayer shall provide accurate information and sign the same in the form of an affidavit wherein the taxpayer shall swear or affirm the information therein given is true and correct and he or she knows the same to be so. Upon acceptance of such application by the clerk, he or she shall issue the license to the applicant.

C. A business license shall be personal and nontransferable.

D. Any person engaging in, or carrying on, more than one such business, occupation, pursuit or privilege shall pay the license fee or tax so imposed upon each of the same.

E. Any person who engages in or carries on, any business subject to a license fee or a tax under this chapter without having his business license to do so, shall be guilty of a violation of this chapter for each day during which 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 operating without having his license to do so. (Ord. 806 § 2, 1994)

3.14.030 Tax year designated—License expiration—Adjustments for bookkeeping convenience.

A. All business licenses shall be for the tax year for which issued and shall expire at the end of such tax year.

B. Such business license and the fee or tax imposed shall be for the year commencing January 1st and ending on the last day of December of such year; provided, however, that if the taxpayer in transacting his business keeps the books reflecting the same for a fiscal year not based on the calendar year, he may, with the assent of the city clerk, obtain his license for the period of his current fiscal year which shall be deemed his tax year, and pay the fee or tax computed upon his gross income made during his fiscal year covering his accounting period as shown by the method of keeping the books of the business. (Ord. 806 § 3, 1994)

3.14.040 Taxable occupations designated—Amounts.

There are levied upon, and shall be collected from, the persons on account of the business activities license fees or occupation taxes in the amounts to be determined by the application of the rates against gross income as follows:

A. Electric. Upon every person engaged in the business of selling or furnishing electric energy, a fee or tax equal to six percent of the total gross income from such business in the city during the period for which a license fee or tax is due;

B. Gas. Upon every person engaged in or carrying on the business of selling or furnishing natural or manufactured gas, a fee or tax equal to six percent of the total gross income from such business in the city during the period for which a license fee or tax is due;

C. Telephone.

1. Upon every person engaged in or carrying on a telephone business, a fee or tax equal to six percent of the total gross income from such business in the city during the period for which a license fee or tax is due.

2. In determining gross income from such telephone business, including intrastate toll telephone service, the taxpayer shall include one hundred percent of the gross income received from such business in the city. The tax established hereunder shall not apply to that portion of network telephone service which represents charges to another telecommunications company for connecting fees, switching charges or carrier access charges relating to intrastate toll telephone services, or for access to, or charges for, interstate services, or charges for network telephone service that is purchased for the purpose of resale;

D. Cable. Upon every person engaged in the business of constructing, operating and maintaining a coaxial cable subscriber system for television, radio and other audio-visual electrical signal distribution throughout the city, a fee or tax equal to six percent per year of the total gross income from such business in the city during the period for which a license fee or tax is due; provided, however, there shall not be included in the gross income on which computation is made, any sums received by such persons for any installations or connection work;

E. Water. Upon every person engaged in or carrying on the business of selling or supplying water for domestic, business or industrial consumption, a fee or tax equal to six percent of the total gross income from such business in the city during the period for which a license fee or tax is due;

F. Garbage/Sewer. Upon every person engaged in or carrying on the business or activity, in the city, of collecting and disposing of garbage and/or sewage or other wastes, including the sanitary service department and the sewer department of the city, all such departments to be construed as separate persons for taxable purposes, a tax equal to six percent of the total gross income from such business in the city during the period for which a license fee or tax is due. (Ord. 806 § 4, 1994)

3.14.050 Monthly tax installments.

A. 1. The tax or fee imposed by Section 3.04.040 of this chapter shall be due and payable in monthly installments, and remittance therefore shall be made on or before the tenth day of the month following the end of the monthly period in which the tax is accrued.

2. On or before such due date, the taxpayer shall file with the clerk a written return under oath or affirmation upon such form and setting forth such information regarding the business of the previous month as the clerk shall reasonably require, together with the payment of the amount.

B. Remittance shall be by bank draft, certified check, cashier's check or money order payable to the city treasurer, or in cash in the amount of the tax or fee or installment thereof. (Ord. 806 § 5, 1994)

3.14.060 Overpayment—Refunds.

Any money paid to the city through error or otherwise not in payment of the tax imposed by this chapter or in excess of such tax, shall, upon request of the taxpayer, be credited against any tax due or to become due from such taxpayer under this chapter, or, upon taxpayer's ceasing to do business in the city, be refunded to the taxpayer. (Ord. 806 § 8, 1994)

3.14.070 Penalty.

If any taxpayer fails to apply for a license, or make his return, or to pay the fee or tax therefor, or any part thereof within ten days after the same has become due there shall be added to such tax a penalty of twelve percent of the amount of such tax, and any tax due under this chapter which is unpaid and all penalties thereon shall constitute a debt to the city and may be collected by court proceedings, which remedy shall be in addition to all other remedies. (Ord. 806 § 9, 1994)

Chapter 3.16

CURRENT EXPENSE FUND

Sections:

3.16.010 Moneys paid into fund.

All moneys and proceeds accruing to the city, as a result of licenses or fees charged by the city under the ordinances thereof, shall be appropriated to the current expense fund and to the street fund in the discretion of the city council. (Ord. 108 § 1, 1941)

Chapter 3.18

CLAIMS CLEARING FUND

Sections:

3.18.010 Created.

There is created a fund, known and designated as the "claims 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. 590 § 1, 1980)

3.18.020 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 clearing fund sufficient moneys to pay the claims against the various departments of the city. (Ord. 590 § 2, 1980)

3.18.030 Purpose of expenditures.

The claims clearing fund shall be used and payments therefrom shall be made only for the purpose of paying any claims against the city. (Ord. 590 § 3, 1980)

3.18.040 Issuance of warrants.

The city clerk is authorized, empowered and directed to issue warrants on and against the claims clearing fund in payment of materials furnished, services rendered or expenses 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, the amount due or owing and the person, firm or corporation entitled thereto. All warrants issued on or against the fund shall solely and only for the purposes set forth in this chapter be payable only out of and from the fund. Each warrant issued under the provisions of this section shall have on its face, the words: "Claims Clearing Fund." (Ord. 590 § 4, 1980)

Chapter 3.20

FEDERAL SHARED REVENUE FUND

Sections:

3.20.010 Established.

There is established a special revenue fund, to be entitled the "federal shared revenue fund." (Ord. 472 § 1, 1973)

3.20.020 Placement of moneys.

All revenue received by the city under Title I of State and Local Fiscal Assistance Act of 1972 shall be placed in the federal shared revenue fund. (Ord. 472 § 2, 1973)

3.20.030 Expenditures.

All federal shared moneys received under the State and Local Fiscal Assistance Act of 1972 shall be expended on order of the city council after proper budgeting from this special revenue fund, either by warrants drawn against the fund or by transfers to salary and claims funds, where legally authorized. All expenditures from the fund shall be for purposes and projects specified by the Federal Act and a complete record of such projects and expenditures shall be kept by the city clerk. (Ord. 472 § 3, 1973)

Chapter 3.24

MISCELLANEOUS SPECIAL FUNDS

Sections:

3.24.010 Library fund.

There is created and established in the treasury of the city a special fund designated as "Grand Coulee library fund," which is created to receive all funds to be paid by the state, or any of its branches, to the city for library purposes and also any revenue derived from the operation of the public library by the city and all other moneys which may be appropriated by the city for library purposes. All warrants drawn for the purpose of maintaining, operating or used in any manner for the public library shall be drawn from the library fund. (Ord. 193 § 1, 1948)

3.24.020 P.F.H.A. project fund.

A fund is established for the purpose of financing and payment of construction of the city P.F.H.A. project fund, and all moneys appropriated for the project shall be deposited in the fund and all warrants issued for expenditures in the construction of the project shall be drawn exclusively against the fund. (Ord. 161 § 1, 1946)

3.24.030 City sewer project-state development board fund—Established.

A fund is established for the purpose of financing and payment of the construction of the city sewer project from funds or parts of funds furnished by the State Development Board of the state of Washington, to hereinafter be known as "city sewer project-state development board fund." (Ord. 159 § 1, 1946)

3.24.040 City sewer project-state development board fund—Withdrawal of moneys—Approval.

No moneys shall be withdrawn from the fund, or warrants cashed, without the same being in conformity with the regulations of the State Development Board for the disbursement of funds: All vouchers or claims for payment thereon shall be drawn in duplicate and approved by the State Development Board before the claims for payment are approved by the finance committee of the city or by the city council. (Ord. 159 § 2, 1946)

3.24.050 Accrued sick leave fund.

There is created an accrued sick leave fund for the purpose of accumulating funds for payment of sick leave benefits to certain city employees as authorized by Ordinance No. 561. (Ord. 579, 1980)

3.24.060 Stadium tax fund.

There is created a stadium tax fund for the purpose of accumulating revenues derived from the two percent tax levied upon transient lodgings as authorized by Chapter 3.10. (Ord. 583, 1980)

3.24.070 Payroll claim fund.

There is created a payroll claim fund for the purpose of disbursing city employees payroll expenditures. (Ord. 585, 1980)

3.24.080 Treasurer's cash suspense fund.

There is created a treasurer's cash suspense fund for the purpose of receiving, holding and disbursing funds that must be remitted to the state. (Ord. 607, 1981)

3.24.090 Equipment replacement fund.

There is created an equipment replacement fund for the purpose of accumulating funds for the replacement of city equipment. (Ord. 623, 1982)

3.24.100 Fire department equipment reserve fund.

There is created a fire department equipment reserve fund for the purpose of accumulating funds for future equipment capital outlay purchases. (Ord. 660 (part), 1985)

3.24.110 Police department equipment reserve fund.

There is created a police department equipment reserve fund for the purpose of accumulating funds for future equipment capital outlay purchases. (Ord. 660 (part), 1985)

3.24.120 Water construction fund.

There is created a water construction fund for the purpose of receipt and expenditure of funds for water system capital improvements. (Ord. 660 (part), 1985)

3.24.130 Wastewater treatment facility construction fund.

There is created a wastewater treatment facility construction fund for the purpose of receipting and expenditure of funds for construction of wastewater treatment facility. (Ord. 660 (part), 1985)

3.24.140 Police department petty cash fund.

There is created a police department petty cash account in the amount of thirty-five dollars for the purpose of minor disbursements. The fund shall be maintained under the following guidelines:

A. Custodian of the petty cash fund shall be the chief of police.

B. The custodian shall render a receipt for imprest amount to the clerk/treasurer who shall replenish imprest amount by warrant.

C. The amount in the police department petty cash fund will be periodically counted and reconciled by the audit committee.

D. The custodian shall keep the petty cash funds in a secure place.

E. The authorized amount of the petty cash fund shall be accounted for in city balance sheet.

F. The petty cash fund shall be replenished at least monthly by warrant payable to the custodian. All receipts shall show date, recipient, purpose and amount of each cash disbursement. Receipts must be signed by person receiving money. Receipts shall be perforated or canceled.

G. The custodian shall ensure that the balance remaining in petty cash, together with the amount of replenishment voucher, equals authorized imprest amount.

H. The petty cash fund may not be used for personal cash advances even if secured by check or other IOUs.

I. Whenever current individual's appointment as custodian is terminated, the fund must be replenished

and the imprest amount turned over to the clerk/treasurer. (Ord. 663, 1985)

3.24.145 Police department imprest fund.

A. There is created a police department imprest (petty cash) fund in the amount of two thousand five hundred dollars for the purpose of law enforcement confidential investigative expenses.

B. Custodian of the imprest fund shall be the chief of police. The chief is to remain independent of invoice processing, check signing, and general accounting and cash receipts functions of the city.

C. The mayor is hereby charged with the duty to assure that controls over disbursements are adequate to safeguard against misuse of such funds. Administrative responsibility of this chapter is delegated to the mayor and the chief of police. The mayor or his or her designee shall establish any policies and procedures which are consistent with this chapter and which he or she finds are necessary for good administration.

D. The custodian shall render a receipt for imprest amount to the clerk/treasurer who shall replenish imprest amount by warrant. The petty cash fund shall be replenished at least monthly by warrant payable to the custodian. All receipts shall show date, recipient, purpose and amount of each cash disbursement. Receipts must be signed by person receiving money. Receipts shall be perforated or canceled to prevent reuse. No other receipts may be deposited to the petty cash fund.

E. The amount in the police department petty cash fund will be periodically counted and reconciled by the mayor or his or her designee, independent of the custodian.

F. The custodian shall keep the petty cash funds in a secure place.

G. The authorized amount of the petty cash fund shall be accounted for in city balance sheet.

H. The custodian shall ensure that the balance remaining in petty cash, together with the amount of replenishment voucher, equals authorized imprest amount.

I. The petty cash fund may not be used for personal cash advances even if secured by check or other IOUs.

J. Petty cash shall be replenished at the end of the fiscal year so that expenditures will be reflected in the proper accounting period.

K. Whenever current individual's appointment as custodian is terminated, the fund must be replenished and the imprest amount turned over to the clerk/treasurer. (Ord. 929 §§ 1—12, 2005)

3.24.150 Municipal capital improvements fund.

There is created a municipal capital improvements fund for the receipt of all proceeds from the real estate excise tax, as required by RCW 82.46,030. (Ord. 676, 1986)

3.24.160 Water reserve fund—Sewer reserve fund.

There is created a water reserve fund and a sewer reserve fund for the purpose of accumulating funds for future improvement to the water and sewer systems, respectively. Two dollars per water customer, per month and two dollars per sewer customer, per month, shall be credited to these funds out of water and sewer revenues. Transfers of moneys to these funds may be made quarterly at the discretion of the clerk. (Ord. 641, 1983: Ord. 546, 1978)

3.24.170 Street reserve fund.

There is created a street reserve fund for the purpose of accumulating funds for future improvements to the streets of Grand Coulee. (Ord. 747, 1991)

3.24.180 Sewer plant reserve fund.

There is created a sewer plant reserve fund for the purpose of accumulating funds for future improvements and equipment to/for the sewer plant of Grand Coulee. (Ord. 750 (part), 1991)

3.24.190 Sewer equipment reserve fund.

There is created a sewer equipment reserve fund for the purpose of accumulating funds for future

equipment for the sewer department. (Ord. 750 (part), 1991)

3.24.200 Water equipment reserve fund.

There is created a water equipment reserve fund for the purpose of accumulating funds for future equipment for the water department. (Ord. 750 (part), 1991)

3.24.210 Street equipment reserve fund.

There is created a street equipment reserve fund for the purpose of accumulating funds for future equipment for the street fund. (Ord. 750 (part), 1991)

3.24.220 Solid waste disposal construction fund.

There is created the solid waste disposal construction fund for the purpose of receipting, accumulating, and expending funds for solid waste handling and disposal construction activities, including, but not limited to, construction of a transfer station, recycling facilities and/or landfill closure. (Ord. 970 § 1, 2008)

3.24.230 Public safety tax fund.

There is hereby created a public safety tax fund (No. 108) for the purpose of accumulating Grand Coulee's share of revenues derived from the three one-thousandths of one percent sales tax levied by Grant County. These funds may only be used for criminal justice and public safety purposes. (Ord. 1072 § 1, 2020)

Chapter 3.28

MISCELLANEOUS FISCAL PROVISIONS

Sections:

3.28.010 Check-handling charge.

A. There is established a check-handling charge for all checks or drafts payable to the city which are dishonored for payment by the bank or institution upon which such checks or drafts are drawn, which check-handling charge shall be the sum of twenty-five dollars.

B. The treasurer of the city is authorized and directed to assess such check-handling charge in addition to, and as a part of, the payment or obligation due or made to the city for which the dishonored check or draft was issued. In the case of such penalty, the sum paid shall be first applied to the penalty.

C. 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 and the payee can provide written proof from their bank of depository that they have not had a check returned for the period of one year. Payments will be accepted in the form of cash, certified check or money order until proof is received.

D. Payment of such returned check or draft shall be made in cash, certified check or money order. (Ord. 800 §§ 1—4, 1994)

Title 4

(RESERVED)

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

Chapter 5.04

BUSINESS LICENSES

Sections:

5.04.010 Definitions.

The following terms, when used in this chapter, shall have the meanings designated below:

"Business" means all activities, pursuits, professions, trades, occupations, shops and all and every kind of calling carried on for the purpose of gain, benefit or advantage, directly or indirectly, to any person or business.

"Business Licensing Service" or "BLS" means the office within the Washington State Department of Revenue providing business licensing services to the city.

Engaging in Business.

1. 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.

2. This definition 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 the definition. 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.

3. 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:

a. 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.

b. Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the city.

c. Soliciting sales.

d. Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

e. 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.

f. Installing, constructing, or supervising installation or construction of real or tangible personal property.

g. Soliciting, negotiating, or approving franchise, license, or other similar agreements.

h. Collecting current or delinquent accounts.

i. Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.

j. Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, sur-

veying, and real estate services including the listing of homes and managing real property.

k. 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, and veterinarians.

l. Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.

m. 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.

n. Investigating, resolving, or otherwise assisting in resolving customer complaints.

o. 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.

p. Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

4. 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:

a. Meeting with suppliers of goods and services as a customer.

b. Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.

c. 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.

d. Renting tangible or intangible property as a customer when the property is not used in the city.

e. 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.

f. Conducting advertising through the mail.

g. Soliciting sales by phone from a location outside the city.

5. 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 4 of this definition.

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.

"Itinerant merchants" means to conduct business out of a hotel/motel unit, vehicle, truck, trailer, other mobile unit or from a building, structure, or leasehold improvement which is not taxed as part of the real property on which the business is located. For additional specific requirements refer to Section 5.04.050B.

"Multiresidential" means three or more residential housing units whether connected or not.

"Reciprocal business" means any business permanently located by way of a store front, office space or approved home occupation, and reporting said sales tax within the corporate city/town limits of Grand Coulee, Coulee Dam, Electric City or Elmer City and serving some, one or all of the four communities as one. For additional specific requirements refer to Section 5.04.050C.

"Temporary bazaar or community affair master license" means when more than one business is licensed under one temporary business license and all businesses listed on the master license are located adjacent to one another for the purpose of a temporary

community function. For additional specific requirements refer to Section 5.04.050D.

"Temporary business" means to conduct business for a cumulative period of less than thirty days per calendar year. For additional specific requirements refer to Section 5.04.050A.

"Transportation passenger service" means and includes every motor vehicle used for the transportation of passengers and shall include motor vehicles of every type of operation, including, but not limited to, taxi, shuttle, limousine, cabulance, aeroporter, or any other type of operation. For additional specific requirements refer to Section 5.04.050E. (Ord. 1065 § 1, 2020; Ord. 1054 § 1, 2018; Ord. 1027 §§ 1, 2, 2015; Ord. 1003 §§ 1, 2, 2012; Ord. 821 § 1, 1996)

5.04.020 Purpose.

A. To provide revenue for municipal planning purposes and to provide revenue to pay for the necessary expense required to issue the license for and to regulate the businesses licensed.

B. The license fees levied by this chapter shall be independent and separate from any license or permit fees now or hereafter required of any person to engage in any business by any ordinance of the city, regulating any business herein required to be licensed, and all such businesses shall remain subject to the regulatory provisions of any such ordinances or ordinance now or hereafter in effect, and the persons engaged in all such businesses shall be liable for the payment of any license fees for which provision has been made herein.

C. The levy or collection of a license fee upon any business shall not be construed to be a license or permit of the city to the person engaged therein to engage therein, in the event such business shall be unlawful, illegal, or prohibited by ordinance of the city or the laws of the state or the United States.

D. All persons, firms and corporations who perform labor, services and construction within the city (as provided in Rule II, WAC 458-20-145) shall report the city "Location Code Number" in the city where the work is performed on their excise tax returns to the State of Washington Department of Revenue. On any violation hereof the amount of local sales and use taxes due the city shall be paid to the city by the violator, together with a penalty of one hundred percent in addition to all other penalties, fines and remedies in this chapter. (Ord. 1065 § 1, 2020; Ord. 1054 § 1, 2018; Ord. 1027 § 3, 2015; Ord. 821 § 2, 1996)

5.04.025 Exemptions.

To the extent set forth in this section, the following persons and businesses are exempt from the business license and business license fee requirements of this chapter:

A. Suppliers who do not have a place of business in the city and are engaged solely in wholesale selling to licensed retailers;

B. Subcontractor doing work for a licensed contractor who holds a valid city business license;

C. Any person transacting and carrying on any business which is exempt from a license fee by virtue of the Constitution of the United States, the Constitution of the state of Washington, or the laws of the United States or the state of Washington. Burden of providing proof of such a qualification is on the person;

D. Vendors in a temporary bazaar or community affair for which a master license has been given to the sponsor thereof;

E. Rental of real property excluding multi-residential housing units;

F. 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 shall be exempt from the general business license requirements in this chapter. The exemption does not apply to regulatory license requirements or activities that require a specialized permit;

G. Residential yard sales not to exceed three per year or extend over nine cumulative days per year;

H. Farmers or gardeners selling their own unprocessed farm produce grown exclusively upon lands owned or occupied by them;

I. Bona fide charitable, religious, educational, or fraternal organizations, but only when conducting their core charitable, religious, educational, or fraternal activities and services, and no other actual business activities. Any other business conducted by such organizations requires obtaining a business license as provided for in this chapter;

J. Other nonprofit organizations or corporations which have received tax-exempt status under 26 U.S.C. 501(c)(3) of the Federal Internal Revenue Service Code, as it currently exists or is hereafter amended. Any person claiming an exemption from the city business license requirement of this chapter under the provisions of this section must file with the city clerk-treasurer a copy of the tax exemption determination letter issued by the Internal Revenue Service. If no such proof is provided, the business must comply with all licensing requirements of this chapter. The clerk-treasurer will maintain a list of all such organizations which have claimed and been granted exemption from the license under this provision;

K. Nonprofit organizations, as defined in this section, sponsoring a temporary bazaar or community affair under a master license must complete in full an application for said master license as outlined in Section 5.04.050D prior to the event. (Ord. 1065 § 1, 2020; Ord. 1054 § 1, 2018)

5.04.030 License required—Fees.

A. No person may engage in business in the city without first having applied, paid and obtained the applicable license therefor, and, without having first complied with all applicable laws of the state of Washington, federal government and provisions of this chapter or other ordinances of the city.

B. Each person engaged in business in the city must pay a nonrefundable license application fee as set by the city council by resolution.

C. The license fee herein required is due with the submission of the application. If a person commences business in the city prior to having obtained a business license, the city may assess a delinquent application fee as prescribed by the city council.

D. If a licensee wishes to change the location of the licensed business within the city they must notify the Business Licensing Service sufficiently prior to the change to allow the city to review and approve the change. Such a change may require submitting a new application for the license as provided for in this chapter. The city may assess an administrative transfer fee as set by the city council by resolution. All other applicable ordinances must be complied with, before approval of the change.

E. If a person conducts business at multiple locations in the city, they must obtain a separate business license for each such location.

F. If a person conducts more than one business activity at the same location, the person will be required to obtain only one business license and be assessed only one license application fee. If multiple persons each operate a separate business at the same location each business owner must obtain a separate business license and each be assessed a separate license application fee.

G. All applicable business license fees and penalties due and payable to the city may be submitted to a collection agency acting on behalf of the city upon one hundred twenty days of delinquency.

H. If payment is made directly to the city by draft or check, the respective fee will not be deemed paid unless the check or draft is duly honored in the usual course of business, nor will acceptance of any such check or draft by the city be an acquittance or discharge of any fee unless and until the check or draft is honored. (Ord. 1065 § 1, 2020; Ord. 1054 § 1, 2018; Ord. 1027 § 4, 2015; Ord. 821 § 3, 1996)

5.04.040 Procedure for obtaining a license.

A. Application for a business license is made through the Business Licensing Service (BLS). BLS will provide the applicant's information to the city clerk-treasurer for review. If the city clerk-treasurer determines the license may be issued, the clerk-treasurer will approve issuance through BLS. If, in the opinion of the city clerk-treasurer, there exists any question regarding the approval of an application, such application will be submitted to the chief of

police and/or considered by the city council at its next regularly scheduled meeting.

B. The application for a business license must include all information required for each license requested, the total fee due for all licenses, and the application handling fee required by RCW 19.02.075.

C. The business license is not transferable. Only the person to whom the license is issued is eligible to operate under the authority of that license. If multiple persons are listed on an application each person may be investigated individually; and separate investigation fees may apply.

D. The license must be conspicuously displayed at the business location for which it is issued. If a person operates a mobile business without a fixed place of business in the city, an individual bearing the license on their person fulfills the requirement of this subsection.

E. No person will be issued a business license if the laws and regulations of the state of Washington or the United States government require such person to have a license or permit under state or federal law or regulation and such person does not possess such state or federal license or permit. (Ord. 1065 § 1, 2020; Ord. 1054 § 1, 2018; Ord. 1027 § 5, 2015; Ord. 821 § 4, 1996)

5.04.045 License renewal—Penalties.

The business license issued under this chapter expires on the date established by the Business Licensing Service, and must be renewed on or before that date to continue to conduct business in the city after that date.

A. Application for renewal is made though the Business Licensing Service and must include all information required to renew each license involved, the total fees due for all licenses, and the renewal application handling fee required by RCW 19.02.075.

B. The license term and respective license fee amount may be prorated as necessary to synchronize the license expiration date with that of the business license account maintained by the Business Licensing Service.

C. Failure to complete the renewal by the expiration date will incur the late renewal penalty fee required by RCW 19.02.085 in addition to all other fees due.

D. Failure to complete the renewal within one hundred twenty days after expiration will result in the cancellation of the license and will require submitting a new application for license in order to continue to engage in business in the city. (Ord. 1065 § 1, 2020)

5.04.050 Specific requirements.

A. Temporary Business.

1. No temporary business shall expose for sale, deliver or sell any goods or services or offer to take orders for sale or delivery without first procuring a business license under this chapter.

2. All temporary businesses shall comply with applicable requirements as an itinerant business.

B. Itinerant Business.

1. No itinerant merchant shall expose for sale, deliver or sell any goods or services or offer to take orders for sale or delivery without first procuring a business license under this chapter.

2. No itinerant merchant shall use any excessively noisy device to attract attention to his wares or shall shout or call his wares in a loud, boisterous manner.

3. All conveyances and receptacles used by itinerant merchants to carry foodstuffs or other edibles shall be kept in a clean and sanitary condition, and all foodstuffs and other edibles shall be protected from dirt, dust, insects and other contaminations. A receptacle of adequate size shall be provided on the premises for the deposit of waste and refuse.

4. All itinerant merchants shall provide written proof from the department of health that all health department requirements are met.

5. Itinerant merchant shall submit a drawing and/or detailed narrative describing any structure to be placed on property in connection with the business.

6. No itinerant merchant shall stand or allow his vehicle to stand upon any public way at any time, and any itinerant merchant must exhibit to the city written permission from the property owner on which the itin-

erant merchant will locate his booth, stand or vehicles, as a condition precedent to the issuance of a permit under this chapter.

7. Every itinerant merchant issued a permit under this chapter shall comply with all laws, rules and regulations, federal, state or local.

8. All itinerant employees shall be listed on the business license application and shall be subject to investigation.

9. The activities of the business shall not in any way impair or impede the flow of pedestrian and/or vehicle traffic in the area.

C. Reciprocal Business.

1. No reciprocal business shall conduct business without first procuring a business license under this chapter.

2. Business licenses shall be mutually and reciprocally honored in the city of Grand Coulee with respect to established businesses as defined in Section 5.04.010.

3. Business that do not comply with the definition of reciprocal business are required to secure a license to conduct business in each city/town separately.

4. A person seeking to conduct business as a reciprocal business shall present their approved business license to the city/town clerk of each community as stated above. The city/town clerk may contact the city/town sponsoring the business license to discuss the validity of such license. If the business license does qualify, the city/town clerk shall endorse the business license by signature as such.

5. If a business license does not qualify as a reciprocal business, the city/town clerk shall notify the same to the person or business and to the chief of police.

6. The city/town clerk shall maintain a record of each reciprocal business license for public inspection.

D. Temporary Bazaar or Community Affair Master License.

1. No temporary bazaar or community affair shall allow any business to be conducted without first applying for a business license under this chapter.

2. All temporary bazaar or community affair master license applicants shall complete a business application as prescribed by the city.

3. If applicable, all businesses to be covered under a temporary bazaar or community affair master license shall be listed on the business license application and shall report all sales tax to the city on their excise tax returns to the state of Washington, Department of Revenue. On any violation hereof the amount of local sales and use taxes due the city shall be paid to the city by the violator, together with a penalty of one hundred percent in addition to all other penalties, fines and remedies in this chapter.

E. Transportation Passenger Service. Before a person operates a transportation passenger service he or she shall provide proof of general liability insurance in the sum of one hundred thousand dollars for any recovery for death or personal injury by one person, and three hundred thousand dollars for all persons killed or receiving personal injury by reason of one act of negligence, and twenty-five thousand dollars for damage to property of any person other than the assured, and to pay all damages which may be sustained by any person injured by reason of any careless negligence or unlawful act on the part of the owner, his or her agents or employees in the conduct of said business or in the operation of any motor propelled vehicle used in transporting passengers for compensation on any public highway of this state. Each policy required herein shall be filed with the city clerk-treasurer annually and kept in full force and effect. (Ord. 1065 § 1, 2020; Ord. 1054 § 1, 2018; Ord. 1027 §§ 6, 7, 2015; Ord. 1003 § 3, 2012; Ord. 852, 1999; Ord. 821 § 5, 1996)

5.04.060 Investigation of businesses and/or persons.

A. City officials shall have the authority to investigate and examine all places of business or persons licensed or subject to license under this chapter at any reasonable business hour pursuant to the consent of the rightful occupant or pursuant to a warrant.

B. Prior to the issuance of a new business license, a submitted application shall be reviewed by, and a

proposed business location and building thereto inspected and approved by, the fire chief, building official, police chief and when applicable the county health department. The business license shall be issued only if the location and building are in compliance with building codes, fire codes and zoning regulations of the city as those codes and regulations relate to existing and/or new structures.

C. Within five business days after receipt of any new applications, the city police department shall investigate the statements contained therein and make a recommendation to the city clerk-treasurer to grant or deny the license, or to require further information from the applicant. All new itinerant business license applications shall be investigated. Applicable fees will be collected as prescribed by resolution of the city council. Any changes on a renewal application shall require investigation. (Ord. 1065 § 1, 2020; Ord. 1054 § 1, 2018; Ord. 1027 § 8, 2015; Ord. 821 § 6, 1996)

5.04.070 License denial.

A. Any person making false or misleading statements on an application, or convicted of a felony related to the area of licensure under Washington State law (RCW 9.96A.010) within the last ten years, shall be denied a business license by the city of Grand Coulee.

B. Denial shall be subject to appeal by the applicant to the city council as provided in this chapter. (Ord. 1065 § 1, 2020; Ord. 1054 § 1, 2018; Ord. 1027 § 9, 2015; Ord. 1003 § 4, 2012: Ord. 821 § 7, 1996)

5.04.080 Enforcement.

A. It shall be the duty of the chief of police, or a designee, of the city to require any person to produce a business license and to enforce the provisions of this chapter against any person found to be violating the same.

B. The chief of police, or a designee, shall report to the city clerk-treasurer all violations of this chapter and the city clerk-treasurer shall maintain a record of each license issued and record the reports of violations therein. (Ord. 1065 § 1, 2020; Ord. 1054 § 1, 2018; Ord. 821 § 8, 1996)

5.04.090 Grievance procedure.

If the city denies an application, the applicant or person shall have fifteen days after the date of the license denial to appeal, in writing, to the city council. Upon receiving a written notice from the applicant or person the city council shall conduct a public hearing at their next regularly scheduled meeting. The decision of the council shall be announced at the conclusion of the hearing and shall be final. The city clerk-treasurer shall notify the applicant or person in writing of the decision of the council. (Ord. 1065 § 1, 2020; Ord. 1054 § 1, 2018; Ord. 1003 § 5, 2012: Ord. 821 § 9, 1996)

5.04.100 Penalties.

A. It is unlawful for any person to willfully make any false or misleading statement to the city clerk-treasurer for the purpose of determining the amount of any license fee herein provided to be paid by such person, or to fail or refuse to comply with any of the provisions of this chapter or other applicable city ordinances.

B. Any person violating any of the provisions hereof shall be deemed to have committed a civil infraction and shall be subject to a penalty of two hundred fifty dollars. Each violation shall constitute a separate violation. Each day a violation exists constitutes a separate violation of this chapter. (Ord. 1065 § 1, 2020; Ord. 1054 § 1, 2018; Ord. 821 § 10, 1996)

5.04.110 Revocation.

A. The city council may, at any time, suspend or revoke any license issued under the provisions of this chapter whenever the business, manager, officer, director, agent or employee of the business has caused, permitted or knowingly done any of the following:

1. Fraud, misrepresentation or incorrect statements contained in the application for license;

2. Fraud, misrepresentation or incorrect statements made in the course of carrying on a license to do business;

3. Violation of any federal, state or city statute, law, regulation or ordinance upon the business premises, or in connection with the business operation, whether or not any party has been convicted in any court of competent jurisdiction of such violation;

4. Conviction of a felony related to the area of licensure under Washington State law (RCW 9.96A.010) within the last ten years;

5. Conducting business in an unlawful manner, or in such a manner as to constitute a breach of peace, or to constitute a menace to the health, safety or general welfare of the public;

6. Conducted, engaged in or operated the business on premises in the city which do not conform to the ordinances of the city;

7. Engaged in unfair or deceptive acts or practices in the conduct of the business, or operated the business in such a manner as to constitute a public nuisance.

B. Notice of the hearing for revocation of a business license shall be given by the city clerk-treasurer in writing to the licensee setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his or her address as presented on the business license application at least five days prior to the date set for hearing, or shall be personally delivered in the same manner as a summons at least three days prior to the date set for hearing. (Ord. 1065 § 1, 2020; Ord. 1054 § 1, 2018; Ord. 1027 § 10, 2015; Ord. 821 § 11, 1996)

Chapter 5.08

ADULT BUSINESSES

Sections:

5.08.010 Purpose.

It is the purpose of this chapter to regulate adult entertainment businesses and related activities to promote health, safety, morals, and general welfare of the citizens of the city of Grand Coulee, and to prevent adult entertainment businesses from having a harmful effect on the residents of the city. It is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the State or Federal Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. The license requirements in this chapter shall apply to all adult businesses permitted to operate in the city pursuant to a conditional use permit issued according to the provisions set forth in Section 17.64.170 as the same exists now or may hereafter be amended. The license requirements in this chapter are in lieu of the license requirements in Chapter 5.04. (Ord. 1004 § 1 (part), 2012)

5.08.020 Definitions.

Unless otherwise specifically set forth herein, the terms used in this chapter shall have the same meaning and definition as set forth in Section 17.64.170B as exists or may hereafter be amended. (Ord. 1004 § 1 (part), 2012)

5.08.030 License required.

A. It is unlawful for any person to conduct, manage, or operate an adult business unless such person is the holder of a valid license from the city to do so, obtained in the manner provided in this chapter.

B. It is unlawful for any entertainer, employee, or manager to knowingly work in or about, or to knowingly perform any service or entertainment directly related to the operation of, an unlicensed adult business.

C. It is unlawful for any entertainer to perform in an adult business unless such person is the holder of a valid and subsisting license from the city to do so.

D. It is unlawful for any manager to work in an adult business unless such person is the holder of a valid and subsisting license from the city to do so. (Ord. 1004 § 1 (part), 2012)

5.08.040 License prohibited to certain classes.

No license shall be issued to:

A. A natural person who has not attained the age of twenty-one years.

B. A person whose place of business is conducted by a manager or agent, unless such manager or agent has obtained a manager's license.

C. A partnership, unless all the partners thereof are qualified to obtain the license required in this chapter.

D. A limited liability company or corporation, unless all the members, officers, and directors thereof are qualified to obtain the license required in this chapter.

E. Any person convicted of:

1. Any crime related to prostitution, including solicitation; or

2. A felony involving assaultive or sexually oriented behavior, within fifteen years prior to the date of the license application. (Ord. 1004 § 1 (part), 2012)

5.08.050 Application.

A. Adult Business License.

1. All applications for an adult business license shall be submitted to the city in the name of the person or entity proposing to conduct such business on the business premises and shall be signed by such person and certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the city, which shall require the following information:

a. A valid city conditional use permit issued for the premises to be used for the adult business pursuant to Section 17.64.170 as the same exists now or may hereafter be amended.

b. The location and doing-business-as name of the proposed adult business, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property.

c. For the applicant and for each applicant control person, provide: names, any aliases or previous names, driver's license number, if any, social security number, if any, and business, mailing, and residential address, and business telephone number.

d. If a partnership, whether general or limited; and if a corporation, date and place of incorporation, evidence that it is in good standing under the laws of Washington, and name and address of any registered agent for service of process.

e. Whether the applicant or any partner, corporate officer, or director of the applicant holds any other licenses under this chapter or any license for similar adult entertainment or sexually oriented business, including adult motion picture theaters, adult drive-in theaters, or adult panoramas, from the city or another city, county or state, and if so, the names and addresses of each other licensed business.

f. A summary of the business history of the applicant and applicant control persons in owning or operating the adult businesses, providing names, addresses and dates of operation for such businesses, and whether any business license or adult business license has been revoked or suspended, and the reason(s) therefor.

g. For the applicant and all applicant control persons, any and all criminal convictions or forfeitures within five years immediately preceding the date of the application, other than parking offenses or minor traffic infractions including the dates of conviction, nature of the crime, name and location of court and disposition.

h. For the applicant and all applicant control persons, a description of business, occupation, or employment history for the three years immediately preceding the date of the application.

i. Authorization for the city, its agents, and employees to seek information to confirm any statements set forth in the application.

j. Two two-inch by two-inch color photographs of the applicant and applicant control persons, taken within six months of the date of application showing only the full face.

k. A complete set of fingerprints for the applicant and each applicant control person. Fingerprints must be obtained from the Grand Coulee police department employees.

l. A scale drawing or diagram showing the configuration of the premises for the proposed adult business, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms and service areas shall be clearly marked on the drawing. An application for a license hereunder shall include building plans which demonstrate conformance with the premises, lighting, and signage requirements of Section 17.64.170 as the same exists now or may hereafter be amended.

2. An application shall be deemed complete upon the applicant's provision of all information requested above, including identification of "none" where that is the correct response, and the applicant's verification that the application is complete. The city may request other information or clarification in addition

to that provided in a complete application where necessary to determine compliance with this chapter.

3. A nonrefundable application processing fee of two hundred fifty dollars must be paid at the time of filing an application in order to defray the costs of processing the application. This is in addition to any fees imposed for other services performed by city departments for other services such as fingerprinting and is in addition to the annual license fee required pursuant to Section 5.08.060 in the event the license is granted.

4. Each applicant shall verify, under penalty of perjury, that the information contained in the application is true.

5. If any person or entity acquires, subsequent to the issuance of a license hereunder, a significant interest based on responsibility for management or operation of the licensed premises or the licensed business, notice of such acquisition shall be provided in writing to the city, no later than twenty-one days following such acquisition. The notice required shall include the information required for the original adult cabaret or adult entertainment business license application.

6. The adult business license, if granted, shall state on its face the name of the person or persons to whom it is issued, the expiration date, the doing-business-as name and the address of the licensed business. The permit shall be posted in a conspicuous place at or near the entrance to the adult business so that it can be easily read at any time the business is open.

7. No person granted a license pursuant to this chapter shall operate said adult business under a name not specified on the license, nor shall any person operate an adult business under any designation or at any location not specified on the license.

8. The chief of police of the Grand Coulee police department, or his/her designee, shall run a current background investigation on all applicants.

9. An adult business license shall be issued by the city within thirty days of the date of filing a complete license application and fee, unless the city determines that the applicant has failed to meet any of the requirements of this chapter or provide any information required under this chapter or that the applicant has made a false, misleading or fraudulent statement of material fact on the application for a license. The city shall grant an extension of time in which to provide all information required for a complete license application upon the request of the applicant. If the city finds that the applicant has failed to meet any of the requirements for issuance of a license hereunder, the city shall deny the application in writing and shall cite the specific reasons therefor, including applicable law. If the city fails to issue or deny the license within thirty days of the date of filing of a complete application and fee, the applicant shall be permitted, subject to all other applicable law, to operate the business for which the license was sought. If the city determines that the license should have been denied, the city shall provide written notice of such decision to the applicant and shall schedule a hearing before the city hearing examiner, at the city's expense, for a review of the city's decision to deny the license. Such notice shall contain a written statement of the reasons why the license should be denied and shall cite the specific reasons therefor, including applicable laws. The hearing before the hearing examiner shall be governed by and processed under the procedures established in Chapters 2.50 and 11.11. The city hearing examiner shall set a date for hearing to take place within forty-five days of the date of receipt of the notice to deny the license. At such hearing the applicant and other interested persons may appear and be heard, subject to rules and regulations of the city hearing examiner. The city shall submit the evidence relied upon to determine the license should have been denied, including reports from the agencies and departments contacted by the city to review the application. If the hearing examiner determines the city has established on a more probable than not basis a reason to deny the license, the burden of going forward and establishing the evidence used by the city is not sufficient to meet that burden shall shift to the applicant. Pending such hearing, the applicant shall be permitted to continue to operate the business applied for as provided above. The applicant may seek reconsideration of the hearing examiner's decision with the hearing examiner within ten working days of the decision. In addition, the

applicant may appeal a final decision of the hearing examiner to the Grant County superior court within twenty-one days of filing the hearing examiner's decision.

B. Manager and Entertainer Licenses.

1. No person shall work as a manager, assistant manager, or entertainer at an adult business without an entertainer's or manager's license from the city. Each applicant for a manager's or entertainer's license shall complete an application on forms provided by the city containing the information identified below. A nonrefundable application fee of one hundred dollars shall accompany the application. This is in addition to any fees imposed for other services performed by city departments for other services such as fingerprinting and is in addition to the annual license fee required pursuant to Section 5.08.060 in the event the license is granted. A copy of the application shall be provided to the police department for its review, investigation, and recommendation. All applications for a manager's or entertainer's license shall be signed by the applicant and certified to be true under penalty of perjury. The manager's or entertainer's license application shall require the following information:

a. Evidence of a valid city conditional use permit issued for the premises to be used for the adult business pursuant to Section 17.64.170 as the same exists now or may hereafter be amended.

b. The location and doing-business-as name of the proposed adult business, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property.

c. The applicant's name, home address, home telephone number, date and place of birth, fingerprints taken by Grand Coulee police department employees, social security number, and any stage names or nicknames used in entertaining.

d. The name and address of each business at which the applicant intends to work.

e. Documentation that the applicant has attained the age of eighteen years. Any two of the following shall be accepted as documentation of age:

i. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;

ii. A state-issued identification card bearing the applicant's photograph and date of birth;

iii. An official passport issued by the United States of America;

iv. An immigration card issued by the United States of America; or

v. Any other identification that the city determines to be acceptable.

f. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other city, county, or state within five years immediately preceding the date of the application, except parking violations or minor traffic infractions.

g. A description of the applicant's principal activities or services to be rendered.

h. Two two-inch by two-inch color photographs of applicant, taken within six months of the date of application showing only the full face.

i. Authorization for the city, its agents, and employees to investigate and confirm any statements set forth in the application.

j. Every adult entertainer shall provide his or her license to the manager on duty on the premises prior to his or her performance. The manager shall retain the licenses of the adult entertainers readily available for inspection by the city at any time during business hours of the adult cabaret or adult entertainment business.

2. The city may request additional information or clarification when necessary to determine compliance with this chapter.

3. The chief of police of the Grand Coulee police department, or his/her designee, shall run a current background investigation on all applicants.

4. A manager's or an entertainer's license shall be issued by the city within fourteen days from the date the complete application and fee are received unless the city determines that the applicant has failed

to provide any information required to be supplied according to this chapter, has made any false, misleading or fraudulent statement of material fact in the application, or has failed to meet any of the requirements for issuance of a license under this chapter. If the city determines that the applicant has failed to qualify for the license applied for, the city shall deny the application in writing and shall cite the specific reasons therefor, including applicable laws. If the city has failed to approve or deny an application for a manager's license within fourteen days of filing of a complete application, the applicant may, subject to all other applicable laws, commence work as a manager in a duly licensed adult business. If the city determines that the license should have been denied, the city shall provide written notice of such decision to the applicant and shall schedule a hearing before the city hearing examiner, at the city's expense, for a review of the city's decision to deny the license. Such notice shall contain a written statement of the reasons why the license should be denied and shall cite the specific reasons therefor, including applicable laws. The hearing before the hearing examiner shall be governed by and processed under the procedures established in Chapters 2.50 and 11.11. The city hearing examiner shall set a date for hearing to take place within forty-five days of the date of receipt of the notice to deny the license. At such hearing the applicant and other interested persons may appear and be heard, subject to rules and regulations of the city hearing examiner. The city shall submit the evidence relied upon to determine the license should have been denied, including reports from the agencies and departments contacted by the city to review the application. If the hearing examiner determines the city has established on a more probable than not basis a reason to deny the license, the burden of going forward and establishing the evidence used by the city is not sufficient to meet that burden shall shift to the applicant. Pending such hearing, the applicant may continue to work as a manager in a duly licensed adult business as provided above. The applicant may seek reconsideration of the hearing examiner's decision with the hearing examiner within ten working days of the decision. In addition, the applicant may appeal a final decision of the hearing examiner to the Grant County superior court within twenty-one days of filing the hearing examiner's decision.

5. An applicant for an entertainer's license shall be issued a temporary license upon receipt of a complete license application and fee. Said temporary license will automatically expire on the fourteenth day following the filing of the complete application and fee, unless the city has failed to approve or deny the license application in which case the temporary license shall remain valid. If the city determines that the license should have been denied, the city shall provide written notice of such decision to the applicant and shall schedule a hearing before the city hearing examiner, at the city's expense, for a review of the city's decision to deny the license. Such notice shall contain a written statement of the reasons why the license should be denied and shall cite the specific reasons therefor, including applicable laws. The hearing before the hearing examiner shall be governed by and processed under the procedures established in Chapters 2.50 and 11.11. The city hearing examiner shall set a date for hearing to take place within forty-five days of the date of receipt of the notice to deny the license. At such hearing the applicant and other interested persons may appear and be heard, subject to rules and regulations of the city hearing examiner. The city shall submit the evidence relied upon to determine the license should have been denied, including reports from the agencies and departments contacted by the city to review the application. If the hearing examiner determines the city has established on a more probable than not basis a reason to deny the license, the burden of going forward and establishing the evidence used by the city is not sufficient to meet that burden shall shift to the applicant. Pending such hearing, the applicant may continue to work as a manager in a duly licensed adult business as provided above. The applicant may seek reconsideration of the hearing examiner's decision with the hearing examiner within ten working days of the decision. In addition, the applicant may appeal a final decision of the

hearing examiner to the Grant County superior court within twenty-one days of filing the hearing examiner's decision. (Ord. 1004 § 1 (part), 2012)

5.08.060 License fees.

A. Any person desiring to obtain an adult business license hereunder shall pay a license fee of five hundred dollars per year.

B. Any person desiring to obtain a manager's license hereunder shall pay a license fee of one hundred dollars per year.

C. Any person desiring to obtain an entertainer's license hereunder shall pay a license fee of one hundred dollars per year. (Ord. 1004 § 1 (part), 2012)

5.08.070 Appeal.

A. Denial of License. Any person aggrieved by the action of the city in refusing to issue or renew any license issued under this chapter shall have the right to appeal such action to the city hearing examiner by filing a notice of appeal with the city clerk within ten working days of notice of the refusal to issue or renew. The appeal shall be governed by and processed under the procedures established in Chapters 2.50 and 11.11. Each appellant shall be required to pay a hearing examiner and/or appeal fee, which fees are set forth by resolution from time to time. The city hearing examiner shall set a date for hearing such appeal, to take place within forty-five days of the date of receipt of the notice of appeal. At such hearing the appellant and other interested persons may appear and be heard, subject to rules and regulations of the city hearing examiner. The city hearing examiner shall render a decision on the appeal within fifteen days following the close of the appeal hearing.

B. Appeal to Superior Court. Any person aggrieved by the decision of the city hearing examiner or hearing body may appeal to the Grant County superior court within twenty-one days of the hearing examiner's decision for a writ of review, prohibition, or mandate. (Ord. 1004 § 1 (part), 2012)

5.08.080 License term—Assignment—Renewals.

A. There shall be no prorating of the license fees set out in Section 5.08.060 and such licenses shall expire on the thirty-first day of December of each year, except that in the event that the original application is made subsequent to June 30th, then one-half of the annual fee shall be accepted for the remainder of said year. Licenses issued under this chapter shall not be assignable.

B. Application for renewal of licenses issued hereunder shall be made to the city no later than thirty days prior to the expiration of the adult business licenses, and no later than fourteen days prior to the expiration of the adult business manager and entertainer licenses. The renewal license shall be issued in the same manner and on payment of the same fees as for an original application under this chapter. There shall be assessed and collected by the city an additional charge, computed as a percentage of the license fee, on applications not made on or before said date, as follows:

Days Past Due	Percent of License Fee
7—30	25%
31—60	50%
61 and over	75%

C. The city shall renew a license upon application unless the city is aware of facts that would disqualify the applicant from being issued the license for which the applicant seeks renewal; and further provided, that the application complies with all provisions of this chapter as now enacted or as the same may hereafter be amended. (Ord. 1004 § 1 (part), 2012)

5.08.090 License suspension and revocation—Hearing.

A. The city may, upon the recommendation of the chief of police or his designee and as provided in subsection B of this section, suspend or revoke any license issued under the provisions of this chapter at any time where the same was procured by fraud or false representation of fact; or for the violation of, or

failure to comply with, the provisions of this chapter, Section 17.64.170 as existing or hereafter amended, or any other similar local or state law by the licensee or by any of his servants, agents or employees when the licensee knew or should have known of the violations committed by his servants, agents or employees; or for the conviction of the licensee of any crime or offense: (1) involving prostitution, promoting prostitution, or (2) transactions involving controlled substances (as that term is defined in Chapter 69.50 RCW) committed on the premises; or for the conviction of any of the licensee's servants, agents or employees of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as that term is defined in Chapter 69.50 RCW) committed on the premises in which the licensee's business is conducted when the licensee knew or should have known of the violations committed by his servants, agents or employees.

B. A license procured by fraud or misrepresentation shall be revoked. Where other violations of this chapter, Section 17.64.170 as existing or hereafter amended, or other applicable ordinances, statutes or regulations are found, the license shall be suspended for a period of thirty days upon the first such violation, ninety days upon the second violation within a twenty-four-month period, and revoked for third and subsequent violations within a twenty-four-month period, not including periods of suspension.

C. The city shall provide at least ten days' prior written notice to the licensee of the decision to suspend or revoke the license. Such notice shall inform the licensee of the right to appeal the decision to the city hearing examiner at the licensee's expense and shall state the effective date of such revocation or suspension and the grounds for revocation or suspension. The city hearing examiner shall render a decision within fifteen days following the close of the appeal hearing. Any person aggrieved by the decision of the city hearing examiner shall have the right to appeal the decision to the Grant County superior court by writ of review or mandate within twenty-one days of the filing of the hearing examiner's written decision with the city. The decision of the hearing examiner shall be stayed during the pendency of any appeal except as provided in subsection D of this section.

D. Where the Grand Coulee building official or fire chief or their designees or the Grant County health district finds that any condition exists upon the premises of an adult cabaret or adult entertainment business which constitutes a threat of immediate serious injury or damage to persons or property, said official may immediately suspend any license issued under this chapter pending a hearing in accordance with subsection C of this section. The official shall issue notice setting forth the basis for the action and the facts that constitute a threat of immediate serious injury or damage to persons or property, and informing the licensee of the right to appeal the suspension to the city hearing examiner under the same appeal provisions set forth in subsection C of this section; provided, however, that a suspension based on threat of immediate serious injury or damage shall not be stayed during the pendency of the appeal. (Ord. 1004 § 1 (part), 2012)

5.08.100 Liquor regulations.

Any license issued pursuant to this chapter shall be subject to any rules or regulations of the Washington State Liquor and Cannabis Board relating to the sale of intoxicating liquor. In the event of a conflict between the provisions of this chapter and applicable rules and regulations of the Washington State Liquor and Cannabis Board, the rules and regulations of the Washington State Liquor and Cannabis Board shall control. (Ord. 1004 § 1 (part), 2012)

5.08.110 Violation an infraction.

Any person violating any of the provisions of this chapter is guilty of an infraction punishable by a civil penalty of two thousand dollars together with all applicable assessments and penalties attached to infractions to the fullest extent permitted by law. (Ord. 1004 § 1 (part), 2012)

5.08.120 Nuisance declared.

A. Public Nuisance. Any adult business operated, conducted, or maintained in violation of this chapter

or any law of the city of Grand Coulee or the state of Washington shall be, and the same is, declared to be unlawful and a public nuisance. The city attorney may, in addition to or in lieu of any other remedies set forth in this chapter, commence an action to enjoin, remove or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from operating, conducting or maintaining an adult cabaret or adult entertainment business contrary to the provisions of this chapter.

B. Moral Nuisance. Any adult business operated, conducted or maintained contrary to the provisions of Chapter 7.48A RCW, Moral Nuisance, shall be, and the same is declared to be, unlawful and a public and moral nuisance and the city attorney may, in addition to or in lieu of any other remedies set forth herein, commence an action or actions, to abate, remove and enjoin such public and moral nuisance, or impose a civil penalty, in the manner provided by Chapter 7.48A RCW. (Ord. 1004 § 1 (part), 2012)

5.08.130 Additional enforcement.

The remedies found in this chapter are not exclusive, and, the city may seek any other legal or equitable relief, including but not limited to enjoining any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted. (Ord. 1004 § 1 (part), 2012)

Title 6

(RESERVED)

Title 7

ANIMALS

Chapters:

Chapter 7.04

DOG CONTROL

Sections:

7.04.010 Definitions.

As used in this chapter:

"Animal control authority" means the city council of the city of Grand Coulee.

"Animal control officer" means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that relate to the seizure and impoundment of any animal.

"Dangerous dog" means any dog that according to the records of the appropriate authority:

1. Has inflicted severe injury on a human being without provocation on public or private property; or

2. Has killed a domestic animal without provocation while off the owner's property; or

3. Has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks or endangers the safety of humans or domestic animals.

"Dog" means any member of zoological family canidae, feral or domesticated.

"Domestic animal" means any living creature, except man, that has been tamed, including but not limited to pets or livestock.

"Leash" means a substantial chain or line, not responsiveness to voice command, and under physical restraint of a responsible person.

"Owner" means any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in or having control or custody of any dog.

"Pack of dogs" means five or more dogs running together at large.

"Potentially dangerous dog" means any dog that when unprovoked:

1. Inflicts bites on a human or a domestic animal either on public or private property; or

2. Chases or approaches a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack; or

3. Any dog with a known propensity, tendency or disposition to attack unprovoked, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

"Proper enclosure" means confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the dog from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide adequate exercise space and protection from the elements for the dog. Proper enclosure will include "Beware of Dog" signs and signs with a warning symbol that informs children of the presence of a potentially dangerous dog, attached to the pen or structure housing the dangerous dog that are readable from a minimum of fifty feet, or readable from any public access, street, road or alley. Proper enclosure shall be structured as to protect any child from injury and from releasing the dangerous dog.

"Quarantine" means the placing and restraining of the dog within a proper enclosure for a dangerous dog so that the dog can be observed for a specified period of time without any contact with animals or humans, other than the caretaker, animal control officer or state licensed veterinarian. For purposes of this chapter, the quarantine shall be a period of ten consecutive days.

"Running at large" refers to any dog which is found:

1. Upon any public street, highway or public place in the city of Grand Coulee; or

2. Upon any private property owned by a person, firm or corporation other than the owner or custodian of the dog; or

3. In an open vehicle, unless the dog is restrained by a chain or leash.

"Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

"Stray dog" means a dog that has no identifiable owner, after reasonable inquiry.

"Tampering with traps" means interfering with the operation of or releasing animals from such traps.

"Vaccination record" means information contained in the records of a licensed veterinarian that establishes the rabies vaccination record of the dog.

All other words and phrases used in this chapter will have their commonly accepted meanings. (Ord. 845 § 1, 1998)

7.04.020 Running at large—Prohibited.

Within the corporate limits of the city, it is unlawful for any person, firm or corporation, being the owner or custodian of any dog, to permit such dog to run at large upon any public street, highway or public place, including public park, or upon private property owned by a person or persons other than the owners or custodians of the dog. (Ord. 845 § 2, 1998)

7.04.030 Impoundment authority.

Any animal control officer is authorized to impound any dog found running at large as well as any dog which has bitten any person or which is unlicensed. (Ord. 845 § 3, 1998)

7.04.040 License—Applicability.

A. All dogs kept, harbored or maintained by the owners, custodians or their agents in the city shall be licensed and registered at such time as the dog becomes six months of age, or such time as the dog

possesses a set of permanent teeth, whichever shall occur first.

B. Any person, firm or corporation moving into or residing within the corporate limits of the city which or whom has ownership, control or custody of any dog of licensing age shall have ten days in which to obtain a license for such dog as ordained by the terms of this chapter, and the dog tag issued pursuant to this chapter shall be worn by the dog at all times. (Ord. 845 § 4, 1998)

7.04.050 License—Expiration.

The dog license shall be an annual license, which shall expire at midnight on December 31st of each year for which it is issued. (Ord. 845 § 5, 1998)

7.04.060 License—Tag.

The city clerk shall keep a record of all dog licenses showing the number of each license, the name and address of the applicant or owner, and the sex and general description of each dog so licensed. The city clerk shall issue a dog tag bearing the number of the license to the applicant or owner. Dog tags shall not be transferable from one dog to another. The city clerk shall not issue a dog tag or permit a dog to be licensed unless the owner or applicant provides the dog's vaccination record. (Ord. 845 § 6, 1998)

7.04.070 License—Fee.

A grace period through January 31st of each year shall be allowed without any penalty. Any licenses purchased thereafter for a dog that was in the applicant's possession on January 1st of that year shall be charged a state fee of an additional ten dollars. (Ord. 845 § 7, 1998)

7.04.080 License—Required.

It is unlawful for any person, firm or corporation to keep, harbor or maintain any dog within the corporate limits of the city regardless of whether in kennels or on a leash or chain unless first licensed in accordance with this chapter. (Ord. 845 § 8, 1998)

7.04.090 Nuisances.

It is unlawful for any person, firm or corporation to keep, harbor or maintain any dog which barks, whines or howls in such a manner as to disturb the peace and quiet of persons in the neighborhood. All dogs found, observed or determined to be in violation of this section may be deemed to be a nuisance and the owner of such dog may be issued a notice of infraction for allowing such condition to continue. Should the situation continue, upon conviction and at the direction of the municipal court, the dog's owner may be directed to dispose of such dog. Upon failure to comply with such instruction or direction of the court, the court may direct any animal control officer to impound and humanely destroy such dog at the expense of the owner. (Ord. 845 § 9, 1998)

7.04.100 Running at large—Impoundment.

Any animal control officer may impound any dog found running at large. Such dog shall be held for a period of two days exclusive of Saturdays, Sundays and holidays, and if not redeemed by the end of such time, may be humanely destroyed. The dog may also be disposed of at auction, or otherwise, at the discretion of the chief of police. If the owner is immediately available after the dog has been captured, the animal control officer may elect to directly issue a notice of infraction to the owner and allow the owner to take possession of the dog. (Ord. 845 § 10, 1998)

7.04.110 Impoundment—Redemption.

Immediately upon the impounding of any dog found to be in violation of this chapter, the owner of such dog shall be notified thereof, if such owner is known; if such owner be unknown or his present whereabouts or address be unascertainable, notice shall be posted in at least two public places in town for two days exclusive of Saturdays, Sundays and holidays, describing the impounded dog, the place from which the dog was taken, and the time the dog was taken. The owner of any dog so impounded may reclaim such dog if the only violation is that of running at large or being found without its dog tag,

upon licensing the dog or providing proof that the dog is licensed, and upon payment in advance of impound and boarding fees. The owner shall be civilly liable to the city for impound and boarding fees whether or not the dog is reclaimed. (Ord. 845 § 11, 1998)

7.04.120 Number limitation—Established.

Except as provided elsewhere in this chapter, it shall be unlawful for any person, firm or corporation to keep, harbor or maintain in excess of two dogs in any private home, residence or kennel within the corporate limits of the city. If a person assumes responsibility for more than two dogs in violation of this chapter, disposal of the excess dogs shall be the responsibility of the person and not the city. Newborn pups may be retained for two months after birth. (Ord. 845 § 12, 1998)

7.04.130 Number limitation—Exception.

Any person, finn or corporation desiring to keep, harbor or maintain in excess of two dogs within the corporate limits of Grand Coulee must first obtain permission from the animal control authority which shall cause an investigation to assure that keeping, harboring or maintaining such dogs will not be in violation of good health standards, will not be in violation of zoning codes, and that the dogs will be housed in quarters suitable to the keeping of the dogs. (Ord. 845 § 13, 1998)

7.04.140 Packs of dogs.

The city council finds that a pack of dogs constitutes a serious threat to human life, other animals and private property. The animal control officer or other police officer is authorized to immediately destroy any dog running in a pack. (Ord. 845 § 14, 1998)

7.04.150 Immediate danger.

If a dog is the direct cause in an incident presenting an immediate danger to humans or to the safety of other animals, the animal control officer or other police officer is authorized to immediately destroy such dog. (Ord. 845 § 15, 1998)

7.04.160 Tampering with traps.

It is unlawful to tamper with traps that are under the direction of the animal control authority to catch stray dogs. (Ord. 845 § 16, 1998)

7.04.170 Rabies control.

A. The animal control officer or other police officer will respond to all dog bites.

B. If the owner of any licensed dog inflicting bites can be located and such owner can show vaccination records, no impound or quarantine will be necessary.

C. If the owner cannot show vaccination records, the owner will be notified to quarantine the animal. The location of such quarantine shall be determined by the animal control officer and shall be at the expense of the owner.

D. No dog under quarantine shall be released until the animal control officer has approved such release in writing.

E. It is unlawful for the owner of any dog that has bitten any person to destroy such dog before the animal control officer can properly confine it.

F. The owner of any dog that has been reported as having inflicted a bite on any person shall, on demand of an animal control officer, produce such dog for examination and quarantine as prescribed in this section. If the owner, his agent, servant or competent member of his family, or any custodian of any such dog refuses to produce such dog, the owner, his agent, servant or competent member of his family, or any custodian shall be subject to immediate arrest if there shall be probable cause to believe that the dog has inflicted a bite upon a person and the owner, his agent, servant or competent member of his family, or any custodian is keeping or harboring the dog and willfully refuses to produce the dog upon such demand. Such persons shall be taken before a judge of the district court, who may order the immediate production of the dog. If the owner, his agent. servant or competent member of his family or any custodian of such dog shall willfully or knowingly secrete or refuse to produce the dog, each day of secretion or refusal to produce the dog

shall constitute a separate and individual violation of this section.

G. When a licensed veterinarian has diagnosed a dog under quarantine as being rabid, the veterinarian making such diagnosis shall immediately notify the county public health officer and advise him of any reports of human contact with such rabid dog. If any dog under quarantine dies while under observation, the animal control officer or his agents shall immediately take action to obtain a pathological and inoculation examination of the dog. As soon as a diagnosis is made available, the animal control officer shall notify the county public health officer of any reports of human contact with the dog. Any dog that has not been inoculated against rabies and known to have been bitten by a rabid dog shall be humanely destroyed immediately.

H. Every physician or other medical practitioner who treats a person or persons for bites inflicted by dogs shall report such treatment to the animal control officer, giving the names and addresses of such persons.

I. Any veterinarian who diagnoses rabies in any dog shall report such fact to the animal control officer. The veterinarian shall determine, before any rabies inoculation is given, whether the subject dog is under quarantine or has inflicted a bite on any person within the last ten days.

J. If a dog that has inflicted a bite is determined to be a "stray dog," the animal control officer, after making reasonable inquiry to locate its owner, will have the dog impounded and quarantined at a place provided by the animal control authority and processed pursuant to the conditions set forth in this chapter. The cost of such impoundment will be borne by the city. If the animal is not claimed, it shall be destroyed in an expeditious and humane manner. (Ord. 845 § 17, 1998)

7.04.180 Damage liability.

A. The owner of any dog that is determined to be potentially dangerous shall be liable for damages, including but not limited to, personal property, real property or physical injury, that may be suffered or incurred by a person bitten while the person is in or on a public place or lawfully in or on a private place, including property of the owner of such dog. This liability shall be regardless of the former viciousness of the dog, or the owner's knowledge of such viciousness.

B. Exemption: Proof of provocation of the attack by the victim shall be a complete defense to an action for damages. A person is lawfully upon the private property of such owner within the meaning of RCW 16.08.040 when such person is upon the property of the owner with the express or implied consent of the owner; provided, that such consent shall not be presumed when the property of the owner is fenced or reasonably posted. (Ord. 845 § 18, 1998)

7.04.190 Responsibilities of owner.

A. It shall be the responsibility of the owner or custodian of any dog within the corporate limits of the city to so control and care for their dog so as to prevent and keep that dog from being in violation of this chapter. In any proceeding to enforce the provisions of this chapter, it shall be conclusively presumed that the owner or custodian of any dog within the corporate limits of the city is aware of the dog's whereabouts, condition or method of being treated and maintained.

B. The owner or custodian of any dog within the corporate limits of the city shall be responsible for any cost, charge, fee or expense of any nature incurred by the city in capturing, controlling, caring for or destroying any dog in violation of this chapter. Without limitation but by way of illustration, the following are examples of costs, charges, fees, and expenses which the owner or custodian shall be responsible to pay to the city: board charges, tranquilizer costs, euthanasia costs, vaccination costs, veterinary expenses. (Ord. 845 § 19, 1998)

7.04.200 Potentially dangerous or dangerous dog—Requirements.

It is unlawful for any owner of a potentially dangerous dog or dangerous dog, who has been notified by the animal control authority that he or she is the owner of a potentially dangerous dog or

dangerous dog, to keep such a dog within the city unless such owner has procured a certificate of registration for the dog from the animal control authority and is in full compliance with all requirements for issuance of such certificate of registration. (Ord. 845 § 20, 1998)

7.04.210 Declaration of potentially dangerous or dangerous dog.

A. The animal control authority may find and declare a dog potentially dangerous or dangerous if it has probable cause to believe that the dog falls within the definition set forth in this chapter; provided, that a dog shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have tormented, abused or assaulted the dog or was committing or attempting to commit a crime. The finding must be based on:

1. The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definitions in this chapter; or

2. Dog bite reports filed with the animal control authority by an animal control officer; or

3. Actions of the dog witnessed by any animal control officer or law enforcement officer; or

4. Other substantial admissible evidence.

B. If, in the opinion of the animal control officer, the dog is potentially dangerous and impoundment cannot be made with safety for the animal control officer or other citizens, the dog may be destroyed without notice to the owner or custodian.

C. The animal control authority or designee will notify the owner as soon as practicable after a violation of subsection A of this section, to be followed up in writing and shall be served on the owner of the dog by one of the following methods:

1. Certified mail to the owner's last known address, if known; or

2. Personally; or

3. If the owner cannot be located by one of the first two methods, by one publication in a newspaper of general circulation.

D. The owner of any dog found to be a potentially dangerous dog or dangerous dog under this section shall be assessed all service costs expended under this subsection.

E. The declaration shall state at least:

1. A description of the dog;

2. The name and address of the owner of the dog, if known;

3. The whereabouts of the dog if it is not in the custody of the owner;

4. The facts upon which the declaration of potentially dangerous dog or dangerous dog is based;

5. The availability of a hearing in case the owner objects to the declaration, if a request is made within five days;

6. The restrictions placed on the dog as a result of the finding of potentially dangerous or dangerous dog;

7. The penalties for violation of this chapter, including the possibility of destruction of the dog and the imposition of civil and criminal penalties on the owner. (Ord. 845 § 21, 1998)

7.04.220 Objection to declaration of potentially dangerous or dangerous dog.

If the owner of the dog wishes to object to the declaration of potentially dangerous dog or dangerous dog, the owner may, within five days of service of the declaration, or within five days of the publication of the declaration pursuant to this chapter, request a hearing before the Grand Coulee municipal court by submitting a written request to the clerk of the court. (Ord. 845 § 22, 1998)

7.04.230 Hearing—Findings—Court costs.

A. The hearing provided in this chapter shall be held to the court without a jury.

B. If the court finds that there is insufficient evidence to support the declaration, the declaration shall be rescinded.

C. If the court finds sufficient evidence to support the declaration, it shall impose court costs on the appellant and may issue orders for the impoundment or destruction of the dog.

D. In the event the court finds that the animal is not a potentially dangerous dog or a dangerous dog, no court costs shall be assessed against the city or the animal control authority or officer. (Ord. 845 § 23, 1998)

7.04.240 Restrictions pending hearing or appeal.

Following service of a declaration of potentially dangerous dog or dangerous dog, and pending a hearing before the municipal court or an appeal to any other court with jurisdiction, the owner of the dog shall keep the dog indoors or in a proper enclosure or under the restraint required by Section 7.04.260. If the owner fails to keep the dog indoors or in a proper enclosure or under restraint, an animal control officer may impound the dog at the owner's expense until a court orders either its redemption or destruction. (Ord. 845 § 24, 1998)

7.04.250 Notification of location by owner or custodian.

The owner of any dog found to be a potentially dangerous dog or a dangerous dog under this chapter must keep the animal control authority notified of the location of the dog at all times. (Ord. 845 § 25, 1998)

7.04.260 Restraint of potentially dangerous or dangerous dog.

It is unlawful for an owner of a potentially dangerous or dangerous dog to permit the dog to be outdoors or outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal. (Ord. 845 § 26, 1998)

7.04.270 Registration of potentially dangerous or dangerous dog.

The animal control authority shall issue a certificate of registration to the owner of a dog found to be potentially dangerous or dangerous under this chapter upon payment of the fees set forth in Section 7.04.280 and if the owner presents to the animal control authority sufficient evidence of:

A. A proper enclosure to confine the dog and the posting of the premises with clearly visible warning signs that there is a potentially dangerous or dangerous dog on the property; and

B. A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least fifty thousand dollars, payable to any person injured by the dangerous dog; or

C. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least fifty thousand dollars, insuring the owner for any personal injuries inflicted by the potentially dangerous or dangerous dog. (Ord. 845 § 27, 1998)

7.04.280 Fees for certificate of registration and annual renewal.

In addition to regular dog licensing fees, the owner of a potentially dangerous dog or a dangerous dog shall be required to pay the fee for a certificate of registration in the amount set forth herein, or as hereafter amended. In addition, the owner of a potentially dangerous dog or a dangerous dog shall pay an annual renewal fee for each such dog licensed under this section in the amount set forth herein, or as hereafter amended, and shall submit proof of compliance with Section 7.04.200. Such fees may be set from time to time by resolution of the city council.

A. Fee for the certificate of registration, two hundred fifty dollars;

B. Annual renewal, two hundred dollars. (Ord. 845 § 28, 1998)

7.04.290 Impoundment of potentially dangerous or dangerous dog.

An animal control officer shall immediately impound any potentially dangerous or dangerous dog if the:

A. Dog is not validly registered under Sections 7.04.270 and 7.04.280;

B. Owner does not secure the surety bond or liability insurance coverage required in Section 7.04.270;

C. Dog is not maintained in the proper enclosure;

D. Dog is outside of the dwelling of the owner, or outside of the proper enclosure, and not muzzled and under the restraint required in Section 7.04.260. (Ord. 845 § 29, 1998)

7.04.300 Subsequent offenses.

If the potentially dangerous dog is involved in a second violation, the dog may also be considered a dangerous dog pursuant to RCW Chapter 16.08 in addition to the penalties contained in this chapter. (Ord. 845 § 30, 1998)

7.04.310 Chapter supplementary.

The provisions of this chapter shall be supplementary to the provisions of RCW Chapter 16.08 relating to dangerous dogs. (Ord. 845 § 31, 1998)

7.04.320 Violation—Penalty.

A. Any person who shall violate or fail to comply with any of the provisions of this chapter shall be issued a notice of infraction in the following amounts:

1. For the first offense, not otherwise listed in this section sixty-six dollars;

2. For the second offense, within a two-year period, not otherwise listed in this section one hundred two dollars;

3. For each offense subsequent to the second offense, within a two-year period, not otherwise listed in this section the penalty shall increase by an additional fifty dollars;

4. Failure to confine biting dog, first offense one hundred ninety dollars;

5. Failure to confine biting dog, each subsequent offense four hundred seventy-five dollars;

6. Refusal or failure to produce rabid dog nine hundred fifty dollars;

7. Potentially dangerous dog violation, first offense one hundred ninety dollars;

8. Potentially dangerous dog violation, each subsequent offense four hundred seventy-five dollars;

9. Obstructing animal control officer or police officer enforcing this chapter four hundred seventy-five dollars;

10. Failure to provide evidence of rabies vaccination twenty-eight dollars and fifty cents;

11. Failure to pay annual dangerous dog registration fee five hundred dollars;

12. Tampering with traps, two hundred fifty dollars, each offense.

B. In addition to the above penalties, the municipal court judge may add court costs.

C. Such fees may be established from time to time by resolution of the city council.

D. Any owner of a potentially dangerous dog or dangerous dog who fails to obtain a certificate of registration or renewal for such dog as described in Sections 7.04.270 and 7.04.280, is in violation of this chapter and shall be issued a notice of infraction in the amount specified in this section or as hereinafter amended or set by resolution; provided, however, that no such penalty shall be assessed until five days have elapsed from the date such owner is notified by the animal control authority that such a license or renewal for such potentially dangerous dog or dangerous dog is required, or until any appeal brought under this chapter has been completed, whichever is later.

E. Any owner of a potentially dangerous dog or dangerous dog who fails to keep such a dog under the restraint required by this chapter is in violation of this chapter and shall be issued a notice of infraction in the amount of five hundred dollars.

F. Any owner of a potentially dangerous dog or dangerous dog impounded under this chapter shall

be subject to the same per-day impoundment fees charged for a quarantined animal. Any potentially dangerous dog or dangerous dog impounded due to the failure of the owner of such dog to obtain the required certificate of registration (or renewal), and which remains impounded for a period of at least twenty days due to the failure of the owner to obtain such certificate of registration (or renewal), may be destroyed in an expeditious and humane manner by the animal control authority. Any potentially dangerous dog or dangerous dog impounded due to the failure of the owner of such dog to confine it or restrain in conformity with this chapter and which remains impounded for a period of at least ten days due to the failure of the owner to pay the civil penalty or seek a hearing to contest such civil penalty may be destroyed in an expeditious and humane manner by the animal control authority.

G. In addition to any other penalty set forth in this chapter, the owner may be charged with any criminal offense set forth in RCW 16.08.100. The owner of any dog impounded under this chapter may recover such dog from the animal control authority upon payment of the penalties and fees set forth in this section; provided, however, that the owner of any dog destroyed under this chapter shall be assessed an additional civil penalty in the amount of fifty dollars for the cost of destroying such dangerous dog.

H. If a potentially dangerous dog or a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the dog's owner may be charged with a Class C felony, punishable in accordance with RCW 9A.20.021. In addition, the potentially dangerous dog or dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. The owner of any dangerous dog confiscated and destroyed pursuant to this subsection shall be subject to the same per-day impoundment fees charged for any quarantined animal and fifty dollars for the cost of destroying such dangerous dog. (Ord. 845 § 32, 1998)

7.04.330 Enforcement.

A. Payment of all penalties and fees required to be paid by owners for violations of the provisions of this chapter shall be made to the city.

B. No potentially dangerous dog or dangerous dog impounded by the animal control authority shall be returned to any owner until such owner has paid all penalties and fees which have been assessed against such owner under this chapter.

C. The city shall have authority to place a lien upon the real property of any owner of a dangerous dog or potentially dangerous dog against whom a penalty and/or fee has been assessed under this chapter, and who has been given notice of such penalty and/or has failed to pay such civil penalty; provided, however, that no such lien shall be placed until thirty days have elapsed from the date of any final determination of the validity of such penalty.

D. An owner who fails to pay a penalty assessed under this chapter within thirty days after exhausting any appellate remedies shall be guilty of a misdemeanor and be prosecuted in Grant County district court, and, upon conviction thereof, shall be punished by fine not to exceed the sum of five hundred dollars. (Ord. 845 § 33, 1998)

7.04.340 Hearings.

A. Any owner against whom a penalty has been assessed under this chapter may contest such penalty by requesting a hearing in the Grand Coulee municipal court by requesting such hearing within five days of notification of such penalty by the animal control authority.

B. Where an owner has requested a hearing pursuant to subsection A of this section, no potentially dangerous dog or dangerous dog which is in the possession of the animal control authority shall be destroyed until the resolution of such hearing; provided, however, that an additional daily fee in the amount set by resolution for quarantined animals, shall be assessed against any owner whose dog remains in the custody of the animal control authority during any hearings requested under this section where resolution of such hearing is that all

or part of the penalty and/or fee against such owner is found to be properly assessed.

C. Following resolution of any contested hearing regarding a penalty as provided in this chapter, the owner of any dangerous dog or potentially dangerous dog in the possession of the animal control authority shall pay all penalties and/or fees which may have been assessed as authorized above within ten days of the final resolution of any hearing regarding such penalties.

D. Any dangerous dog or potentially dangerous dog which has not been reclaimed from the animal control authority by its owner within ten days of the final resolution of any hearing regarding any penalties and/or fees under this section shall be destroyed in an expeditious and humane manner; provided, however, that an additional fee in the amount of fifty dollars for the cost of destroying such dog shall be assessed against the owner, and may be collected as provided in this chapter.

E. No right to a jury exists in any hearing or actions brought under this chapter. (Ord. 845 § 34, 1998)

7.04.350 Miscellaneous provisions.

A. If a dog which has been determined to be a dangerous dog or potentially dangerous dog under this chapter is destroyed or dies other than pursuant to Section 7.04.170, 7.04.210 or 7.04.320, the owner must present sufficient evidence of that fact to the animal control authority. If an animal which has been determined to be a dangerous dog or potentially dangerous dog under this chapter is sold, given away or otherwise disposed of, the owner must present verification of the dog's new location to the animal control authority. Failure of the owner to provide such adequate proof will result in the continued imposition of all civil and criminal penalties under this chapter.

B. If any dog which has been declared dangerous or potentially dangerous in any other county, state or foreign country, or if any dog with a history of behavior which, had such behavior occurred in the city of Grand Coulee would lead to a determination of dangerous dog or potentially dangerous dog under this chapter, is brought to the city, such dog must be taken to the animal control authority and such history disclosed within ten days of the time the owner first arrives in the city so that the animal control authority in the city will enforce and give effect to determinations of other jurisdictions regarding dangerousness. (Ord. 845 § 35, 1998)

7.04.360 Fees and penalties—Establishment.

All fees and penalties deemed appropriate for enforcement of this chapter may be established from time to time by resolution of the city council. (Ord. 845 § 36, 1998)

7.04.370 Immunity.

The city, the animal control authority and any animal control officer shall be immune from any and all civil liability for any actions taken pursuant to this chapter, or for any failure to take action to enforce the provisions of this chapter. It is not the purpose or intent of this chapter to create on the part of the city or its agents any special duties or relationships with specific individuals. This chapter has been enacted for the welfare or the public as a whole. (Ord. 845 § 37, 1998)

Chapter 7.08

KEEPING OF ANIMALS

Sections:

7.08.010 Prohibited animals.

It is unlawful for any person, firm, corporation, officer or agent thereof to harbor or to keep livestock: Horses, cattle, swine, mules, goats or sheep within the city limits. (Ord. 176 § 1, 1947: Ord. 158 § 1, 1946)

7.08.020 Violation—Penalty.

Any person convicted for the violation of this chapter shall be punished as provided in Chapter 1.12. (Ord. 484 § 2 (part), 1974; Ord. 158 § 2, 1946)

Chapter 7.12

ANIMALS RUNNING AT LARGE

Sections:

7.12.040 Livestock running at large prohibited.

It is unlawful for any person, firm, corporation, agent or officer thereof, being the owner of dogs, cats, horses, cattle, sheep, swine, pigs, goats, chickens, rabbits or livestock of any manner whatsoever, to allow such animals or fowl to run at large within the city limits. (Ord. 504, 1976: Ord. 128 § 1, 1943)

7.12.045 Abandonment of animals unlawful.

It is declared unlawful to abandon any animal within the city limits. Whoever does so is guilty of a misdemeanor and such misdemeanor is punishable by a fine of not more than two hundred fifty dollars or a jail sentence of not more than ninety days, or both. (Ord. 505, 1976)

7.12.050 Violation—Penalty.

Any violation of Section 7.12.040 shall be punishable as provided in Chapter 1.12. (Ord. 484 § 2 (part), 1974; Ord. 128 § 3, 1943)

Chapter 7.16

HUNTING

Sections:

7.16.010 Definitions.

A. "To hunt" (and its derivatives) means an effort to kill, injure, capture or harass a wild animal or wild bird.

B. "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state, and the species Rana Catesbiana (bullfrog). The term "wild animal" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

C. "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state. (Ord. 693 § 2, 1987)

7.16.020 Hunting prohibited where.

No hunting will be allowed inside the city limits or upon any lands leased or controlled by the city. (Ord. 693 § 1, 1987)

7.16.030 Violation—Penalty.

It is declared unlawful to hunt inside the city limits or upon any lands leased or controlled by the city. Anyone convicted under this statute will be guilty of a misdemeanor and is subject to imprisonment of not more than ninety days, or a fine of not more than two hundred fifty dollars, or both. (Ord. 693 § 3, 1987)

Title 8

HEALTH AND WELFARE

Chapters:

Chapter 8.04

PUBLIC NUISANCES

Sections:

8.04.010 Definitions.

The words and phrases used in this chapter, unless the context otherwise indicated, shall have the following meanings:

"Abandoned" refers to any property, real or personal, which is unattended and either open or unsecured so that admittance may be gained without damaging any portion of the property, or which evidence indicates that no person is presently in possession, e.g., disconnected utilities, accumulated debris, disrepair and, in the case of chattels, location.

"Abate" means to repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this section by means and in such a manner and to such an extent as the city determines is necessary in the interest of the general health, safety and welfare of the community.

"Boarded-up building" means any building the exterior openings of which are closed by extrinsic devices or some other manner designed or calculated to be permanent, giving to the building the appearance of nonoccupancy or nonuse for an indefinite period of time.

"Building materials" means and includes lumber, plumbing materials, wallboard, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing materials, cans of paint and similar materials.

"Building official" means the mayor's designee.

"Code compliance officer" means and includes law enforcement and/or any other person designated by the mayor.

"Correct" means to abate, 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 compliance officer in his judgment determines is necessary, in the interest of the general health, safety and welfare of the community, to comply with this chapter.

"Drug-related activity" means any unlawful activity at a property which consists of the manufacture, delivery, sale, storage, possession, or giving of any controlled substances as defined in RCW 69.50.101, legend drug as defined in RCW 69.41.010, or imitation controlled substances as defined in RCW 69.52.020.

"Graffiti" means any defacing, damaging or destructive inscription, figure or design painted, drawn or the like, on the exterior of any building, fence, gate or other structures or on rocks bridges, trees or other real or personal property.

"Health officer" means the director of the Grant County health district or his designee.

"Membrane" means a tarpaulin, banner, fabric, or other sheeting, made of cloth, plastic, vinyl, paper or other similar material.

"Owner" means any person having any interest in the real estate in question as indicated in the records of the office of the Grant County auditor or who establishes, under this code, their ownership interest.

"Premises" means any building, lot, parcel, real estate or land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking lanes.

"Responsible person" means any agent, lessee or other person occupying or having charge or control of any premises. (Ord. 1058 § 1, 2019; Ord. 935 §§ 1, 2, 2005; Ord. 892 § 1, 2001)

8.04.020 Public nuisance defined.

Each of the following conditions, acts, failures to act or uses of property, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the code compliance officer (including law enforcement or other authorized designee) determines any of these conditions, acts, failures to act, or uses of property exist within the city, the code compliance officer may require or provide for the correction or abatement thereof pursuant to this chapter:

A. Anything which unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage a public park, street, sidewalk, alley highway or other public area.

B. The existence of any trash, filth or manure; the carcass of any animal; or an offensive accumulation of law or yard trimmings or waste vegetation.

C. Defective or overflowing septic or sewage systems; or the existence of any noxious foul, or putrid liquid or substance which poses a health hazard or creates an offensive odor.

D. Any human-caused pool of standing or stagnant water, except storm drainage systems, which serves as a breeding area for insects.

E. Placing, dumping, throwing, leaving or permitting to be placed, dumped, thrown or left, garbage, decaying vegetation, dead animals, trash, filth, paper, cans, glass, rubbish, trash, grass trimmings, shrubbery trimmings or shrubbery of any kind in or upon any street, alley, sidewalk, ditch or other public property or the private property of another, provided that such items may be placed in appropriate containers and appropriately placed to be picked upon the day solid waste is picked up by the city or any solid waste service with which the city contracts for solid waste disposal.

F. Any act, failure to act or use of property that is determined by the health officer to be a menace to the health of the public.

G. All limbs of trees which are less than seven feet above the surface of any public sidewalk or twelve feet above the surface of any street.

H. All buildings, other structures, or portions thereof which have been damaged by fire, decay, neglect, or which have otherwise deteriorated so as to endanger the safety of the public.

I. The storage or use of any explosive, flammable liquid or other dangerous substance in any manner which is in violation of the Uniform Fire Code or otherwise endangers the safety of the public.

J. The keeping or harboring of any animal which by the frequent or habitual making of noise unreasonably annoys one or more persons.

K. The erecting, maintaining, using, placing, depositing, leaving or permitting to be erected, maintained, used, placed, deposited or left, or permitting to remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following:

1. Any putrid, unhealthy or unwholesome bones, meat, hides or skins or the whole or any part of any dead animal, fish or fowl or waste parts of fish, vegetable or animal matter in any quantity; provided that nothing herein shall prevent the temporary retention of such items in approved covered receptacles.

2. Any privies, portable toilets, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous.

3. Any littered or trash-covered house yards, barnyards, stable yards, factory yards, vacant areas at the rear of stores or vacant lots.

4. Any animal manure in any quantity which is not securely protected from flies or weather conditions, or which is kept or handled in violation of any ordinance of the city.

5. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, broken crockery, broken glass, broken plaster, or other such trash or abandoned material, unless it is kept in approved covered bins or galvanized iron receptacles or inside of a secured building.

6. Any trash, litter, rags or accumulations of empty barrels, boxes, crates or packing cases, or mattresses, bedding, excelsior, packing hay, straw or other packing material or lumber not neatly piled, scrap iron, tin or other metal not neatly piled, pro-

vided that the same may be kept inside of a secured building so long as the same does not constitute a fire hazard.

7. The keeping or permitting to remain, in any location, of anything whatsoever in which flies or rats may breed or multiply or which may constitute a fire hazard.

L. The permitting to remain outside any dwelling, building or other structure, or within any unsecured, unoccupied or abandoned building, dwelling or other structure, in a place accessible to children, any abandoned, unattended or discarded ice chest, refrigerator or other airtight container, which does not have the door, lid or other locking device removed, or which is not locked or otherwise secured so as to prevent the door or lid from being opened.

M. Any pit, hole, basin or excavation which is unguarded or dangerous to life or which has been abandoned, or which is no longer used for the purpose constructed, or which is maintained contrary to statutes, ordinances or regulations.

N. Any well or storage tank permitted to remain on any public or private property without being securely closed or without barring any entrance or trap door thereto, or without filling or capping any well.

O. The repair or abandonment of any automobile, truck or other motor vehicle of any kind upon the public streets or alleys of the city, provided that routine, minor maintenance shall not constitute "repair."

P. The keeping of any bees or other insects, reptiles, rodents, fowl or any other animals, domestic or wild, in any manner contrary to law, or which affects the safety or health of the public.

Q. The existence of any fence or other structure on private or public property abutting or fronting upon any public street, sidewalk or other public place, which is sagging, leaning, fallen, decayed or is otherwise creating an unsafe condition.

R. The existence of any vine, shrub or other plant growing on, around or in front of any fire hydrant, utility pole, public or private utility box, or any other appliance or facility provided for fire protection in such a way as to obscure from view or impair access thereto.

S. Except for any designated public park land, natural areas, environmentally sensitive areas, or any undeveloped parcels of land which are not adjacent to developed areas or which are used for agricultural purposes, all grasses or weeds growing or which have grown and died which exceed twelve inches in height measured above the ground, provided that:

1. The above exception as to undeveloped parcels of land not adjacent to developed areas may be waived and additional maintenance required by the code compliance officer if he determines such action is necessary to protect the safety of persons or adjoining property.

2. All maintenance done in compliance with this subsection 8.04.020S shall be done in a manner which will minimize blowing dust.

T. The existence of any dead, infected or dying tree, shrub or other vegetation which poses a danger to persons or property.

U. The depositing or burning or causing to be deposited or burned in or on any street, alley, sidewalk, parkway or other public place of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material.

V. The storage or keeping on any premises, in public view, for more than ninety days of any used or unused building materials as defined in Section 8.04.010E of this chapter, the retail cost new of which would exceed five hundred dollars, without a special permit from the building official; provided, 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 issue and which is being prosecuted diligently to completion.

2. Prohibit such storage without a permit upon the premises of a bona fide lumber yard, dealer in building materials or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable laws.

3. Make lawful any such storage or keeping when other ordinances or laws prohibit it.

W. The existence in public view on any premises of any unused and abandoned trailer, house trailer, automobile, boat or other vehicle or major parts thereof, or old appliances or parts thereof.

X. The keeping, permitting or harboring of any fowl, hoofed animal, or cloven footed animal.

Y. Creating or permitting to remain any graffiti.

Z. For the purposes of advertising the sale of the same, the locating of automobiles, trucks, recreational vehicles, trailers, boats or any other vehicles, vessels or the like on real property located in any commercial or industrial zone not owned by the seller or without permission from the rightful owner of such real property.

AA. Accumulation of garbage, decaying vegetation, manure, dead animals, or other noxious things in a street or alley, or on public or private property, to an extent injurious to the public health as determined by the health officer.

BB. The frequent, repetitive, or continuous sound made by any secured, unsecured, or deteriorated membrane or sheet metal, being moved by the wind or other source, which unreasonably interferes with the peace, comfort and repose of adjacent property owners or possessors.

CC. The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property.

DD. The permitting of any condition or situation where the soil has been disrupted, disturbed, or destabilized so as to allow blowing dust to exist.

EE. The existence on any premises any unsecured, unused, or abandoned building or structures.

FF. For any building the existence of any broken glass in windows or doors for more than thirty days.

GG. Buildings or portions thereof that have faulty weather protection, such as openings in walls and roofs. Faulty weather protection shall include temporary weather barriers, such as tarps, plastic or similar material, left in place for more than thirty days.

HH. Any building which has a window, door, or other exterior opening closed by extrinsic devices or some other manner, with material that has not been painted to match or compliment the building's exterior or remains boarded up for more than sixty days.

II. Any boarded-up building that remains boarded up for more than ninety days.

JJ. Any chronic nuisance property. A chronic nuisance property is one on which three or more nuisance activities occur or exist during any sixty-day period as documented by law enforcement. Chronic nuisance properties present grave health, safety and welfare concerns, which the property owners or persons in charge of such properties have failed to correct or abate resulting in negative impacts on the surrounding neighborhood. Nuisance activities connected with chronic nuisance properties include:

1. Failure to disperse, RCW 9A.84.020.
2. Disorderly conduct, RCW 9A.84.040.
3. Prostitution, RCW 9A.88.030.
4. Patronizing, permitting or promoting prostitution, Chapter 9A.88 RCW.
5. Lewd conduct, RCW 7.48.050.
6. Any firearms violation listed in Chapter 9.96.
7. Unnecessary noise defined in Chapter 8.08.
8. Drug related activity, RCW 69.50.401.
9. Gang related activity, RCW 59.18.030.
10. Any attempt to commit and/or conspiracy to commit any of the above activities.
11. Any nuisance defined by state law or by this code around or near the property. (Ord. 1058 § 2, 2019; Ord. 935 § 3, 2005; Ord. 892 § 2, 2001)

8.04.030 Prohibited conduct.

A. It is unlawful for any responsible person or owner to maintain, suffer, carry on, do, allow, permit or permit to remain upon any premises owned or con-

trolled by the responsible person or owner any of the acts or things declared by this chapter to be a public nuisance.

B. It is unlawful for any person to create, maintain, carry on or do any other acts or things declared by this chapter to be a public nuisance. (Ord. 892 § 3, 2001)

8.04.040 Compliance—Form of notice.

A. The code compliance officer, having determined that a public nuisance exists, shall cause any owner, responsible person, or other person to be notified of the existence of a public nuisance (including chronic nuisance) on any premises and shall direct the owner, responsible person or other person to abate or correct the condition within ten days after issuance of the notice or as otherwise ordered.

1. If law enforcement receives documentation confirming the occurrence of three or more criminal, drug, or moral nuisance activities within a sixty-day period, it shall notify the compliance officer of the properties' chronic nuisance status eligibility.

2. The initial notice to abate or correct the public nuisance shall be on a form adopted by the city from time to time, and shall include the following information:

a. The name and address of the owner and/or person responsible for the nuisance; and

b. The street address or description sufficient for identification of the building, structure, premises or land upon or within which the nuisance is occurring; and

c. A description of the nuisance; and

d. The required corrective action and a date and time by which the correction must be completed after which the city may abate the nuisance in accordance with this code; and

e. Notification of civil monetary penalties that may be applied or accrue; and

f. A statement that the costs and expenses of abatement or correction incurred by the city pursuant to this section may be assessed against the person to whom the notice of civil violation is issued as specified and ordered by the municipal court; and

g. A statement that the court may order closure of any property found to constitute a chronic nuisance for a period of one year. (Ord. 1058 § 3, 2019; Ord. 892 § 4, 2001)

8.04.050 Voluntary correction.

A. Unless the code compliance officer determines the public nuisance to constitute an immediate danger to persons or property, the code compliance officer shall pursue a reasonable attempt to secure voluntary correction where possible by contacting the person responsible for the violation, explaining the violation and requesting correction.

B. A voluntary correction agreement may be entered into between the person responsible for the violations and the city, acting through the code compliance officer.

C. The voluntary correction agreement is a contract between the city and the person responsible for the violation under which such person agrees to correct the violation within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:

1. The name and address of the person responsible for the violation; and

2. 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; and

3. A description of the violation and a reference to the provision(s) of the city code or regulation which has been violated; and

4. The necessary corrective action to be taken, and a date or time by which correction must be completed; and

5. An agreement by the person responsible for the violation that the city may correct 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

6. An agreement that by entering into the voluntary correction agreement the person responsible for the violation waives the right to an appeal of the violation and/or the required corrective action.

D. By entering into a voluntary correction agreement, the person responsible for the violation shall be deemed to have waived the right to an appeal of the violation and the right to an appeal of the required corrective action.

E. A modification of the required corrective action or an extension of the time limit for correction may be granted by the code compliance officer if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation but unforeseen circumstances render correction under the original conditions unattainable.

F. If the terms of the voluntary correction agreement are not met, the city may correct the violation at the expense of the person responsible for the violation.

G. 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 every day thereafter, in addition to all costs and expenses of correction. (Ord. 892 § 5, 2001)

8.04.060 Correction by owner or other responsible person.

If and when an owner or other responsible person shall undertake action to correct any condition described in this chapter whether pursuant to the notice required by Section 8.04.040 of this Chapter, or pursuant to voluntary correction agreement under Section 8.04.050 of this Chapter, the code compliance officer may impose all legal conditions pertinent to the correction. 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 permits or approvals to do any work incidental to the correction. (Ord. 892 § 6, 2001)

8.04.070 Correction or abatement by the city.

A. In all cases where the code compliance officer has determined to proceed with correction or abatement (due to failure to comply with a voluntary correction agreement or notice of civil violation), then the city shall file an action for abatement in the municipal or superior court to acquire jurisdiction to correct or abate the condition at the owner's expense as provided herein.

B. Any civil debt, penalty and/or costs awarded to the city by the court may be filed with the city treasurer who shall cause the same to be filed as a lien on the property with the county treasurer.

C. If a property has been determined to be a chronic nuisance property for criminal drug-related activities, then the court may order the property closed and secured against all unauthorized access, use and occupancy for a period up to one year, and may impose a civil penalty and costs. (Ord. 1058 § 4, 2019; Ord. 892 § 7, 2001)

8.04.080 Immediate danger—Summary correction.

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 code compliance officer shall have the authority to summarily and without notice correct the same. The expense of such correction shall become a civil debt against the owner or other responsible party and be collectible in the same manner as any civil debt owing to the city and may be turned over to a collection agency for collection. (Ord. 892 § 8, 2001)

8.04.090 Penalty.

Every person who violates any of the provisions of this chapter shall be deemed to have committed a civil infraction and shall be subject to the penalty as provided in Chapter 1.12 of the Grand Coulee Municipal Code entitled "General Penalty." Each violation shall constitute a separate violation. Each day a violation exists constitutes a separate violation of this chapter. (Ord. 892 § 9, 2001)

Chapter 8.08

NOISE LEVEL

Sections:

8.08.010 Definitions.

All technical terminology used in this chapter not defined herein shall be interpreted in conformance with American National Standards Institute Specifications, Section 1.1 - 1960 and Section 1.4 - 1971 as now in force or hereinafter amended. For purposes of this chapter, the words and phrases used herein shall have the meaning indicated below:

"Emergency work" means work made necessary to restore property to a safe condition following a public calamity, work required to protect persons or property from imminent exposure to danger, or work by private or public utilities for providing or restoring immediately necessary utility service.

"Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel or not more than three wheels in contact with the ground, except farm tractors and such vehicles powered by engines of less than five horsepower.

"Motor vehicle" means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways and required to be licensed under RCW 46.16.010.

"New motor vehicle" means a motor vehicle manufactured after December 31, 1976, the equitable or legal title of which has never been transferred to a person who, in good faith, purchases the new motor vehicle for purposes other than resale.

"Noise" means the intensity and duration character of sounds from any and all sources.

"Off highway vehicle" means any self-propelled motor driven vehicle not used primarily for transporting persons or property upon public highways nor required to be licensed under RCW 46.16.010.

"Person" means any individual, firm, association, partnership, corporation or any other entity, public or private.

"Property boundary" means the survey line at ground surface that separates the real property owned, rented or leased by one or more other persons and its vertical extension.

"Public nuisance noise" means any sound that unreasonably annoys, injures, interferes with or endangers the comfort, repose, health or safety of three or more persons residing within separate residences in the same community or neighborhood, although the extent of the damage may be unequal. (Ord. 889 § 1, 2001)

8.08.020 Motor vehicle noise—Specific prohibitions.

A. It is unlawful for any person to operate a motor vehicle upon the public highways, which is not equipped with a muffler in good working order and in constant operation.

B. It is unlawful for any person to operate a motor vehicle in such manner as to cause or allow to be emitted squealing, screeching or other such sounds from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason provided that noise resulting from emergency braking to avoid imminent danger shall be exempt from this section.

C. It is unlawful for any person to change or modify any part of a motor vehicle or install any device thereon in any manner that permits sound to be emitted by the motor vehicle that violates this chapter. (Ord. 889 § 2, 2001)

8.08.030 Public nuisances and disturbance noises.

A. It is unlawful for any person to cause or allow to be emitted a noise which has been determined to be a public nuisance noise as defined herein.

B. It is unlawful for any person to cause or any person in possession of property to allow to originate from the property, sound that is a public disturbance. No sound source specifically exempted from this chapter shall be a public nuisance noise or public disturbance noise insofar as the particular source is exempted. The following source of sound shall be public disturbance noises:

1. Frequent, repetitive or continuous noise made by any animal which unreasonably disturbs or interferes with the peace, comfort and repose of property owners or possessors, except that such sounds made by animal shelters, or commercial kennels, veterinary hospitals, pet shops or pet kennels licensed under and in compliance with Grand Coulee Municipal Code (GCMC) shall be exempt from this subsection, provided, that notwithstanding any other provision of this chapter, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigating officer, or if the animal is a repeat violator of this subsection, the animal shall be impounded by the police department subject to redemption in the manner provided in GCMC 7.04.110;

2. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle except as a warning of danger or specifically permitted or required by law;

3. The creation of frequent, repetitive or continuous noise in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine in any residential zone so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

4. The use of a sound amplifier or other device capable of producing or reproducing amplified sounds upon public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure or property or the contents therein, except as permitted by law, and except that vendors whose sole method of selling is from a moving vehicle shall be exempt from this subsection;

5. The making of any loud or raucous noise which unreasonably interferes with the use of any school, church, hospital, sanitarium or nursing or convalescent facility;

6. The creation, by use of a musical instrument, whistle, sound amplifier, stereo, jukebox, radio, television or other device capable of reproducing sound, any loud or raucous noises which emanate frequently, repetitively or continuously from any building, structure or property, such as sounds originating from a band session, tavern operation or social gathering.

7. Any sound from a motor vehicle audio system such as tape players, radios and compact disc players, operated at volume and under conditions so as to be audible greater than seventy-five feet from the vehicle itself.

8. Any sound from portable audio equipment, such as a radio, tape player or compact disc player, which is operated at such a volume so as to be audible at a distance of seventy-five feet from the source of the sound. (Ord. 889 § 3, 2001)

8.08.040 Noises exempt—Completely or partially.

A. The following noises are exempt from the provisions of this chapter at all times, provided, that nothing in these exemptions is intended to preclude the possible reduction of noise consistent with economic feasibility:

1. Noise originating from aircraft in flight, and sounds which originate at airports and are directly related to flight operations;

2. Noise created by safety and protective devices, such as relief valves where noise suppression would defeat the safety relief intent of the device;

3. Noise created by fire alarms, or noise created by emergency equipment, including but not limited

to emergency standby or back-up equipment, and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community and including, but not limited to, any emergency work necessary to replace or repair essential utility services;

4. Noise created by auxiliary equipment on motor vehicles used for highway maintenance;

5. Noise originating from officially sanctioned parades, sporting events and other public events;

6. Noise created by warning devices not operated continuously for more than thirty minutes per incident;

7. Noise created by motor vehicles other than as prohibited by Section 8.08.020 of this chapter;

8. Noise created by natural phenomenon and unamplified human voices;

9. Noise created by motor vehicles, licensed or unlicensed when operated off public highways except when such sounds are audible in residential zones of the city;

10. Noise created by existing stationary equipment used in the conveyance of water by utilities and noise created by existing electrical substations;

11. Noise created by sources in industrial districts, which over the previous three years have consistently operated in excess of fifteen hours per day as a demonstrated routine or as a consequence of process necessity.

B. The following sources of noise are exempt or partially exempt from the provisions of this chapter:

1. Noise created by aircraft and float planes;

2. Noise emanating from the temporary constructions sites except between the hours of seven p.m. and seven a.m. except as approved by the city council. (Ord. 889 § 4, 2001)

8.08.050 Noise exempt—Daylight hours.

The following noises shall be exempt from the provisions of this chapter between the hours of seven a.m. and ten p.m. on weekdays and seven a.m. and ten p.m. on weekends:

A. Noise created by powered equipment used in temporary or periodic maintenance or repair of resident property including but not limited to grounds and appurtenances, such as but not limited to lawn mowers, powered hand tools and composters;

B. Noise created by the discharge of firearms on authorized shooting ranges;

C. Noise created by the installation and repair of essential utility services;

D. Noise created by blasting;

E. Noise created by bells, chimes or carillons not operated for more than five minutes in any one hour. (Ord. 889 § 5, 2001)

8.08.060 Enforcement—Complaints.

A. Only after a complaint has been received from an identified person who owns, rents or leases property that is affected by a noise source may the police department issue a civil infraction notice, provided, that the section of this chapter relating to motor vehicles shall be subject to enforcement proceedings regardless of whether a complaint has been received, provided, further that with the exception of motor vehicle noises, noise created by industrial areas are to be enforced by the state of Washington.

B. For enforcement purposes, each day defined as a twenty-four hour period beginning at twelve-o-one a.m. in which a violation of this chapter occurs shall constitute a separate violation. (Ord. 889 § 6, 2001)

8.08.070 Provisions not exclusive.

The provisions of this chapter shall be cumulative and not exclusive, and shall not affect any other claim, cause of action or remedy, nor, unless specifically provided, shall list chapter deemed to repeal, amend or modify any law, ordinance or regulation relating to noise, but shall be deemed additional to existing legislation and common law on noise. (Ord. 889 § 7, 2001)

8.08.080 Penalty.

Every person who violates any of the provisions of this chapter shall be deemed to have committed a civil infraction and shall be subject to a penalty as provided in Chapter 1.12 of the Grand Coulee

Municipal Code entitled "General Penalty." Each violation shall constitute a separate violation. Each day a violation exists constitutes a separate violation of this chapter. (Ord. 889 § 8, 2001)

8.08.090 Evidence in proceedings.

In any proceedings under this chapter, evidence of sound level through the use of sound level meter readings shall not be necessary to establish the commission of the violation. (Ord. 889 § 9, 2001)

Chapter 8.12

SOLID WASTE DISPOSAL

Sections:

8.12.010 Purpose.

The city finds that it is in the interest of the public health, safety and welfare to require and regulate the removal, collection and disposal of garbage, refuse, waste, rubbish, debris, discarded food, animal and vegetable matter, brush, grass, weeds, cans, glass, ashes, offal, swill and boxes and cuttings from trees, lawns and gardens. It is the intention hereof, to make the collection, removal and disposal of garbage, refuse and dead animals within the city compulsory and universal. (Ord. 912 § 1, 2004)

8.12.020 Application of chapter.

This chapter shall apply to all territory embraced within the corporate city limits except newly annexed areas subject to RCW 35.13.280. Such areas subject to RCW 35.13.280 will not be required to comply with the rates and billing provisions of this chapter until the city has acquired the right to be the provider of garbage collection and disposal services within such annexed area. (Ord. 912 § 2, 2004)

8.12.030 Definitions.

As used in this chapter, unless the context indicates otherwise:

"Ashes" means solid waste products of coal, wood, or other fuels used for heating and cooking, from all public and private establishments and from all residences.

"Can" means a watertight, galvanized, sheet metal or plastic receptacle of a tapered design not exceeding thirty-two gallons in capacity, four cubic feet or twelve pounds when empty and seventy-five pounds when full, fitted with two handles and a tight-fitting lid. A can shall be watertight, rodent and insect proof and shall be kept in a sanitary condition at all times. Alternate receptacles such as bags, boxes and bundles may be used in place of a can; provided, that a cus-

tomer's primary receptacle shall always be a can or cart.

"Cart" means a plastic receptacle on wheels with handles and a tight-fitting cover capable of being mechanically unloaded into collection vehicles operated by the contractor in accordance with the collector's contract. Cart weights shall not exceed a maximum of ninety-five pounds for a sixty-five gallon cart or a maximum of one hundred and thirty pounds for a ninety-five gallon cart.

"Combustible rubbish" or "burnable material" means, in general, the organic component of refuse, paper, rags, cartons, boxes, wood excelsior, furniture, bedding, rubber, plastics, leather, tree branches, lawn trimmings, and the like.

"Commercial refuse" means all solid wastes that originate in businesses, office buildings, stores, markets, theaters and other buildings, and shall include all service points not covered by the term "residence."

"Compost" means a mixture that consists largely of decayed organic matter and is used for fertilizing and conditioning land.

"Container" means a detachable container which is to be left at a customer's premises and to be emptied into the collector's truck and which is lifted by mechanical means. All such containers shall be metal or of another material found by the collector to be equally good for such purpose, easily cleanable and insect proof and approved by the city. If the containers are to be used for wet waste of any kind, they shall be watertight and have metal or plastic lids.

"Drop box" means a container, which is placed on a collector's truck by mechanical means, hauled to the disposal site, and returned to the customer's premises.

"Contractor" or "collector of refuse" means the individual, firm, association, co-partnership, corporation or any other entity whatsoever, including the city of Grand Coulee, which collects garbage, rubbish, refuse, solid waste, or other waste material in the city of Grand Coulee under any arrangement whatsoever.

"Garbage and refuse" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to animal and vegetable wastes. "Garbage and refuse" is a generic term used in this chapter to mean garbage, rubbish, ashes, swill, carcasses of dead animals, and all other putrescible and nonputrescible wastes. "Garbage" does not include hazardous wastes which are those waste products which the city collector is unable to collect, transport or dispose of because of potential danger to personnel, equipment or landfill site or which rules of the health department, the Washington State Department of Ecology, or the Environmental Protection Agency prohibit it from collecting, transporting or disposing of through the designated disposal system.

"Hazardous wastes" means dangerous wastes requiring special handling including, but is not limited to, explosives, pathological wastes, radioactive materials and chemicals.

"Health officer" means the county health officer as defined in RCW 70.05.010, or their authorized representatives.

"Occasional extra refuse" is disposable garbage in addition to the number of containers for which a customer has requested regular service.

"Open burning" means the burning of solid wastes in an open area or burning of solid wastes in a type of chamber or vessel that is not approved in regulations.

"Person" means any individual, firm, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

"Pollution" means the presence in the environment or portion of the environment of contaminating substances, materials, forms of animals or plant life in sufficient quantities and of such characteristics and duration as is or is likely to be injurious to humans, to other plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

"Premises" means any dwellings, flats, apartments, rooming houses, hotels, clubs, restaurants, hospitals, schools, boardinghouses, eating places, shops and places of business, or any other building or structure.

"Putrescible" means capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances from odors, gases, etc. Kitchen wastes, offal and dead animals are examples of putrescible components of solid waste.

"Receptacle" means a container, vessel or holder approved by the city for storing garbage until collected by the city's solid waste and disposal system and includes cans, carts, containers, drop boxes and/or compactors.

"Residence" means the place of dwelling of one head of a family and his or her dependents.

"Rubbish" means all discarded nonputrescible solid waste except ashes, including paper, cardboard, tin cans, wood, glass, bedding, yard clippings, etc., from all public and private establishments and residences.

"Scavenging" means the uncontrolled picking of materials.

"Special pickup" means collection of regular service, upon request of the customer, on a day or at a time other than the regularly scheduled day and time. Any amount collected upon such request that is in excess of the regularly scheduled service shall be charged for an additional charge listed in the schedule of charges.

"Swill" means and includes every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, which attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit, and vegetables.

"Unsanitary condition" means any situation which negatively affects the health and general welfare of humans or is of such a character to be likely to be injurious to humans, plant or animal life, or property, or which unreasonably interferes with the enjoyment of life or property.

"Vacant" means not lived in or occupied.

"Waste" means useless, unused, unwanted or discarded materials. Waste includes solids, liquids, and gases. The gases are principally industrial fumes and smoke; the liquids consist mainly of sewage and the fluid part of industrial wastes the solids are classed as refuse or solid wastes.

"Yard waste" means leaves, grass, pruning and clippings of woody as well as fleshy plants. Materials larger than four inches in diameter and three feet in length shall not be considered yard waste. "Yard waste" does not include dirt, rocks, and sod. Christmas trees will be considered yard waste if they have been cut and bundled to a maximum length of three feet.

Words herein used in the present tense include the future tense, and the singular include the plural and the plural include the singular, and the masculine include the feminine gender. (Ord. 912 § 3, 2004)

8.12.040 City authority, rules and regulations, and administrative responsibility.

The city is empowered to carry out all the terms and provisions of this chapter and to collect and dispose of refuse and garbage in the manner provided herein.

The city shall have the power, from time to time, by resolution or after council consideration by motion duly made and passed, to set forth and determine rules and regulations, 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. Rates shall be established by ordinance.

Administrative responsibility of this chapter is delegated to the garbage committee of the city council and the city clerk who shall have charge and control of the work of the collector of refuse. The city clerk or his or her designee may make inspections to enforce this chapter and may notify the property owner, customer, and solid waste collector that he or she is in violation of this chapter. The city clerk shall establish any policies and procedures which are consistent with this chapter and which he or she finds are necessary for good administration. The clerk shall also have charge of all collections and the enforcement of all charges for services rendered. (Ord. 912 § 4, 2004)

8.12.050 Property owner responsibilities.

It is the intent of the city that all utility deliveries, whether water, sewer, garbage or some combination thereof, shall be deliveries of services and/or utilities to the property served. All such delivery of utilities and/or services shall be a claim against the property and a claim against the owner of that property served or furnished utilities and/or services. It shall be the

responsibility of each property owner served by city utilities to determine the extent of utility services and deliveries being made and/or furnished to the owner's property. It shall be the responsibility of the property owner to pay all claims, charges, penalties and/or costs imposed by the city for the furnishing and/or delivery of utilities and/or services to the owner's property. The property owner's responsibility shall exist independently of any claim the city may have or make pursuant to any statute, rule or regulation. The fact the owner has directed or allowed the billings for utilities furnished and/or services delivered to the owner's property to be delivered to a tenant or other third person does not in any way reduce or extinguish the property owner's responsibility for water, sewer and/or garbage billings, charges, costs or penalties imposed by the city.

All applications for garbage service shall be made by the property owner or someone acting on behalf of the owner of the property to be provided garbage service, unless the service is initiated or changed by the city in order to protect the public health, welfare and safety, and responsibility for billing payment shall be borne by the property owner. All charges for garbage service will be sent directly to the property address unless the property owner directs otherwise, or in the event of a combined utility billing, the billing shall be sent to the address maintained by the city clerk/treasurer for such combined billing. (Ord. 912 § 5, 2004)

8.12.060 Garbage collection, hauling and disposal businesses prohibited.

It is unlawful for any person, firm or corporation, other than the city of Grand Coulee's authorized contractor, to engage in the business of collection, hauling or disposal of garbage refuse or waste, as defined in this chapter, within the city limits without having obtained a franchise for said business issued by the city council. (Ord. 912 § 6, 2004)

8.12.070 Prohibited use.

It is unlawful for any person, firm or corporation to use the city's garbage collection service for any hazardous material, waste, refuse or other material prohibited by this chapter. (Ord. 912 § 7, 2004)

8.12.080 Scavenging prohibited.

It is unlawful for any person, firm or corporation, other than the city, the city's garbage contractor, or a private disposal company franchised by the city, to scavenge, remove or collect any garbage or refuse after a customer for collection has set it out. (Ord. 912 § 8, 2004)

8.12.090 Mandatory collection—Receptacles required.

A. The city of Grand Coulee has a system of universal compulsory garbage/solid waste collection. Accordingly, every person in possession, charge or control of any house, dwelling, multi-unit residence, apartment house, trailer, court or any building shall be charged for solid waste collection service at the rates hereinafter specified, whether such person uses such service or not.

B. It shall be the duty of every person in possession, charge or control of any house or dwelling, or of any rooming house, multi-unit residence, apartment house or trailer court to keep or cause to be kept an individual garbage can or cart for each dwelling or unit therein; provided, in lieu of or in addition to garbage cans, apartment houses and trailer courts may use carts or containers, as hereinafter specified.

C. The person in control of such dwelling or rooming house, apartment house or trailer court shall deposit or cause to be deposited in the cans, containers, or carts all solid waste accumulated in or on the premises. When refuse is placed in any of the cans, containers, or carts, the lid shall be properly replaced. Each can, container, or cart shall be kept clean inside and out to reduce odors.

D. Receptacle lids shall not be removed except when necessary to place garbage and refuse in such receptacles or take the same from such receptacles. When garbage and refuse is placed therein or taken from, the person placing the same therein or taking from shall replace such lids.

E. Unless the resident has applied for carryout service, each can, container or cart shall be placed at the curb or edge of the public street abutting the property no later than seven a.m. on the day of collection. Cans and carts shall be placed in residential districts

not more than twelve hours before the scheduled pickup and shall be removed from street view after collection of garbage, no later than seven p.m. the evening following collection. Unless the resident has applied for carryout service and whenever alleys exist, receptacles shall be placed so that service can be from five feet of the edge of such alley. Those customers with alley collection may leave their containers abutting the alley unless the collector or city requests the customer to store the container elsewhere due to space constraints or health and safety concerns. When the customer has arranged to be on carryout service he or she on each collection day shall place the can or cart in a consistent and reasonably accessible place that is not inside any building or carport. In the event that any receptacle is inaccessible to the collector, the city shall refuse collection service. Such refusal shall not relieve the customer of the obligation to pay the regular service fee.

F. All garbage, before deposited in the can, cart or container as herein provided, shall be drained of free water and wrapped in paper or other material in such a manner as to prevent, as nearly as possible, moisture from such garbage coming in contact with the sides or bottom of the can, cart or container.

G. Replacement of carts shall be made on the following basis:

1. Replacement necessitated by damage or negligence or normal wear and tear due to the contractor shall be made at the contractor's expense.

2. Replacement necessitated by loss due to customer negligence and for all other reasons shall be at the customer's expense.

H. The city's contractor shall provide or make available and maintain all detachable containers and carts. Containers and carts furnished by the city's contractor shall display the contractor's name and phone number on the cart or container.

I. The contractor shall provide cleaned and sanitized carts or containers for all new accounts.

J. All cans and carts shall be kept in a sanitary condition with the outsides thereof clean and free from accumulated grease and decomposing material. Cleaning of carts shall be the responsibility of the customer. The owner or occupant of property shall keep the area around the garbage receptacles clean. The user of a container shall exercise reasonable care of the same. Repairs or cleaning which are necessitated because of neglect or abuse shall be charged to the user.

K. Any other use of the cart is prohibited and is a violation of this chapter.

L. Any attempt to exchange, swap or trade carts between customers is prohibited. The customer remains responsible for the cart assigned to that customer. Any person found attempting to trade, swap or exchange carts among customers, including themselves, shall be deemed to have committed a violation of this chapter.

M. The carts are the property of the contractor. The contractor shall keep on file a serialized list of numbers to the specific address for service. All carts must be returned to the contractor upon cart account termination. Any owner or occupant failing to return a cart will be charged replacement cost.

N. No garbage or refuse container shall contain earth, rocks, heavy refuse or hot ashes.

O. Every building that has residential garbage should display the house number and street address numbers on each residential garbage can or cart. Such numbers may be painted on or placed on the cans by the customer and may be painted on or placed on the carts by the contractor. The numbers and street addresses are to be not less than three inches high or less than one-half inch wide.

P. Customers must restrain dogs beyond the reach of the garbage receptacles and prevent any interference with collection and disposal.

Q. All garbage, wastepaper, boxes, rubbish or any debris shall be securely covered during hauling operations. This shall apply to the collector of refuse and any other persons who may be hauling such materials.

R. The garbage collector shall place tags describing any violations on garbage receptacles found to be in violation of this chapter, and notify the city. If the customer does not remedy the violation before the next scheduled pickup day, the contractor may suspend service until the violation is corrected. Such

refusal shall not relieve the customer of the obligation to pay the regular service fee and shall not relieve the property owner from the duty of complying with the provisions of this chapter.

S. Those receptacles found to be defective or illegal (defective bottoms, crushed so that lids will not fit, fifty-five gallon barrels, no handles, waste baskets, paper drums, etc.) or any other containers that are found to be in violation of this chapter shall be subject to impounding and disposal by the solid waste collector. Such impoundment shall not relieve the customer of the obligation to pay the regular service fee and shall not relieve the property owner from the duty of complying with the provisions of this chapter.

T. Refuse or garbage receptacles shall not be filled with dishwater, swill or other liquid or semi-liquid kitchen wastes. (Ord. 912 § 9, 2004)

8.12.100 Dead animal removal.

It shall be the duty of every person in possession, charge, or control of any dead animal or upon whose premises the same may be located, to dispose of the same or cause the same to be disposed of. (Ord. 912 § 10, 2004)

8.12.110 Curbside, carryout or special service.

A. "Curb service" entitles the customer to have receptacles picked up at the curb or street edge of his or her property, or within zero to five feet of an alley if one is available.

B. Any customer with curb service may leave at the curb, public street edge or alley extra boxes, bagged or bundled materials (in addition to his/her regular service). Such extra bags or bundled materials, not exceeding seventy-five pounds (in total weight of container and refuse) for each item, shall then be picked up along with their receptacles for an additional charge listed in the schedule of charges.

C. A residential customer who desires to have his or her solid waste carried out by the collector from a place on his or her property other than the curb or public street may arrange to have "carryout service." Any customer on carryout service may leave receptacles at any consistent and reasonable accessible place on his or her property, so long as it does not require the collector's employees to enter a building. Any customer on carryout service may contact the collector to have extra boxes, bagged or bundled materials not exceeding seventy-five pounds (in total weight of container and refuse) each, carried out along with the regular garbage service (in addition to his/her regular service) Such extra bags or bundled materials, not exceeding seventy-five pounds for each item, shall then be picked up along with the receptacles for an additional charge listed in the schedule of charges.

D. Any customer on any of the above types of service may call the city for a "special pickup," and the collector shall respond as soon as possible and, in any event, not to exceed forty-eight hours from the date the collector receives notice from the city of the request for special pickup at a fee as listed in the schedule of charges.

E. In case of any dispute as to where customers on curb service are to place such receptacles, the decision of the mayor after consultation with the collector and customer shall be final. (Ord. 912 § 11, 2004)

8.12.120 Commercial garbage service—Can or carts.

A. All uses shall be deemed commercial for purposes of this chapter if a business is operating on the premises.

B. If an approved home occupation is carried on in a residential zone as allowed by Chapter 17.94 of the Grand Coulee Municipal Code, the resident shall pay only for residential service unless an unsanitary condition develops and so long as there is never more than four garbage cans or the equivalent put out for collection. In the event a dispute arises over whether a home occupation should be required to pay residential or commercial rates, the garbage committee shall make the determination as to what service is being used or should be used and therefore what service is to be charged. The decision of the garbage committee shall be final.

C. "Carryout service" for commercial customers will entitle the customer to have receptacles picked up

and carried out by the collector one or more times each week. Any commercial customer on either carry-out service or curb service may place extra boxed, bagged or bundled garbage in addition to their regular service to be picked up for an additional charge listed on the schedule of charges.

D. Under "commercial container service," a customer can buy or lease a container that is compatible with the contractor's collection equipment, and meets the requirements of this chapter.

E Containers range in size from one cubic yard to twenty cubic yards in capacity.

F. All containers shall be placed in a location accessible to the collector on collection day.

G. Containers should not be overfilled. They shall not be loaded so heavily that the collector cannot easily move them. They shall be placed on hard and level surfaces. Lids should close properly when the container is full Should the customer overfill the container, there shall be an additional charge as set forth in the schedule of charges.

H. Any container customer may call for a special pickup and the collector shall respond as soon as possible and in any event not to exceed forty-eight hours, at a rate specified in the schedule of charges. (Ord. 912 § 12, 2004)

8.12.130 Drop box service.

A. Under "drop box service," a customer can buy or lease or use a drop box compatible with the contractor's equipment or which the collector supplies meeting the requirements of this chapter at a location on the customer's premises where it is easily and safely serviced. Drop boxes consist of sizes ranging from ten cubic yards to forty cubic yards and may or may not have lids and may or may not be of a compaction type. The customer has the option of scheduling regular service or arranging for service on a nonregular call-in basis. Charges for drop boxes are based upon cubic yardage and/or weight. There is a rental fee for those customers using a drop box supplied by the collector. A drop box supplied by the collector must be emptied a minimum of one time per month. Drop boxes must be loaded evenly.

B. Any customer that requests to use a drop box supplied by the collector shall be assessed a delivery fee, listed in the schedule of charges, to cover the contractor's costs in the initial drop box placement at the customer's premises. A delivery fee will be assessed those customers consistently using drop box service only if the drop box is removed and no replacement is left by the collector.

C. When a customer requests service on a drop box on his premises, the customer shall be responsible to guarantee access to that drop box by the collector. Should the collector arrive and access to the box be denied it for any reason, it will be the responsibility of the customer to obtain access for the collector. (Ord. 912 § 13, 2004)

8.12.140 Unlawful disposal.

A. It is unlawful to burn, deposit, throw, dump or place garbage, refuse or swill in any lane, alley, and street or on any public or private property regardless of ownership. It is unlawful for any person to collect, remove, or in any manner dispose of garbage, refuse or swill upon any street, alley, public or private property within the city otherwise than as herein provided.

B. Persons in any zone may burn brush, leaves, grass, untreated wood, limbs, weeds or other vegetable-type matter in the open so long as all other local, state and federal laws are observed.

C. No compost pile shall be kept or maintained unless appropriate measures are taken to prevent the presence of flies, insects, bugs, rodents or other pests or menace to public health and welfare.

D. It is unlawful for anyone other than the owner or renter of the garbage can, cart, container, drop box or compactor to deposit any solid waste or other material therein except with the permission of such owner or renter. (Ord. 912 § 14, 2004)

8.12.150 Swill.

Swill shall be enclosed in containers approved by the city and which shall be perfectly watertight and have tight-fitting covers. Covers shall not be removed except when absolutely necessary for the depositing and removal of swill. Such containers shall be kept in

the rear of the premises or other place authorized by the city, and shall not be kept upon the street, alley or sidewalk of a public place. It shall be the responsibility of each customer generating swill waste to arrange for proper disposal. Swill shall not be discarded in any receptacle in the city's garbage collection system. No person, except for the purpose of proper collection and disposal, shall in any manner interfere with the swill containers or with contents thereof. (Ord. 912 § 15, 2004)

8.12.160 Frequency of collection.

The city's contractor or franchise collector of garbage and refuse shall collect, remove and dispose of all garbage and refuse in the residential section of the city at least once each week and in the business and commercial zones of the city daily or as required, excluding Sundays and holidays. (Ord. 912 § 16, 2004)

8.12.170 Temporary discontinuance of collection service.

A customer may request voluntary discontinuance of garbage collection service during periods, for a minimum of one month, that the premises are vacant. A cart system rental or pickup and stop charge may apply. (Ord. 912 § 17, 2004)

8.12.180 Hazardous waste.

Hazardous waste shall not be the responsibility of the collector of garbage and refuse and shall be disposed of in accordance with all local, state, and federal law directly by the person producing such waste. Whether waste is considered hazardous waste is the decision of the mayor and this decision is final. (Ord. 912 § 18, 2004)

8.12.190 Collection and disposal charges.

Charges for refuse collection and disposal shall be universal and compulsory for every building in the city and shall be billed in conjunction and simultaneously with statements issued by the city for water and sewer services. The charges or accounts shall be paid at the City Hall on or before the tenth day of each month following date of billing, and if not paid shall become delinquent on the first day of the following month. Service may be suspended for nonpayment of such accounts. Suspension shall not relieve the person owing such account from the duty of complying with the provisions of this chapter. Such suspension shall render the premises where such service is suspended subject to condemnation for sanitary purposes. It shall be the responsibility of each person furnished garbage collection service to notify the utility department of any desired suspension of service during vacancy of the premises. Upon failure to pay the charges for garbage collection and disposal, the amount thereof shall become a lien against the real estate as provided in RCW 35.21.140. The owner of premises receiving benefit of garbage and refuse collection services shall be responsible for payment of all charges. (Ord. 912 § 19, 2004)

8.12.200 Extra garbage—Determination of volume.

The volume of extra garbage which is placed for collection not in a can, cart, container or drop box will be determined by the collector's driver on a per equivalent can basis if less than one cubic yard total or on a per cubic yard basis if one cubic yard or more. (Ord. 912 § 20, 2004)

8.12.210 Disposal charges—Applicable taxes included.

All charges in this chapter include taxes imposed on the collector by state law. (Ord. 912 § 21, 2004)

8.12.220 Billing for collection service delinquent bills—Liens.

Delinquent bills may be collected by the city by use of one or more of the following cumulative remedies:

A. All garbage and refuse service to the premises may be suspended. Such suspension shall not relieve the owner of the premises from paying the delinquent account or from accruing additional monthly charges during the period of suspension. Further, such suspension shall not relieve the owner of the premises from an obligation to comply with all provisions of this

chapter, and an accumulation of garbage or refuse on the premises may result in an action by the city for abatement of a health hazard.

B. A civil collection action may be instituted against the owner of the premises and/or the person or persons occupying the same during the period that the delinquent account arose. If the city obtains judgment against such parties, it shall also be entitled to judgment for court costs and reasonable attorney's fees expended in said litigation.

1. The amount of a delinquent account shall constitute a lien against the property for which the garbage collection service was rendered. In order to enforce said lien, the city must file a notice of the same with the Grant County auditor within ninety days from the date on which the services were performed. Such notice must comply with RCW 35.21.140. The city may file a judicial action to foreclose said lien within a period of eight calendar months after the lien was filed. If the city obtains judgment on said lien, it shall also be entitled to judgment for court costs and reasonable attorney's fees incurred in said litigation.

2. The amount of a delinquent account may be referred to a commercial collection agency for collection (in addition to all fees and charges that are charged by the collection agency). (Ord. 912 § 22, 2004)

8.12.230 Rate schedule—Notice of rate changes.

A. The solid waste collection and disposal rates applied throughout this chapter shall be as established from time to time in a resolution passed by the city council.

B. Notice of any rate change or increase shall be provided as required by RCW 35.21.157, as the same exists now or may hereafter be amended. (Ord. 977 § 1, 2008: Ord. 937 § 1, 2005: Ord. 923 § 1, 2004: Ord. 912 § 23, 2004)

8.12.240 Eligibility for low-income disabled and/or senior citizen rate.

A low-income disabled and/or senior citizen of a single-family dwelling unit in the city of Grand Coulee shall be eligible for the senior citizen garbage and refuse collection rate under the following conditions:

A. The rate reduction set out in this chapter shall be allowed only for residential garbage service. These garbage services shall serve a location utilized solely for residential purposes and shall not serve a location utilized for other purposes such as a home occupation, commercial or industrial establishment.

B. The person claiming eligibility must occupy the dwelling unit as his or her principal place of residence.

C. The person claiming the rate must be the head of the household for the dwelling unit served.

D. The garbage account must be in the name of the person claiming eligibility.

E. No person may claim disabled and/or senior citizen garbage and refuse collection rate for more than one dwelling unit during the same period.

F. The person claiming eligibility for the senior citizen rate must qualify as follows:

1. The applicant certifies under penalty of perjury that he or she is at least sixty-five years of age.

2. The applicant, for the previous calendar year, had a total income from all sources of less than the maximum allowed for very low income as determined by the Department of Community Trade and Economic Development.

G. The person claiming eligibility for the disabled citizen rate must qualify as follows:

1. The applicant certifies under penalty of perjury that he or she is totally and permanently disabled due to suffering from some condition permanently incapacitating the applicant from performing any work in any gainful occupation. Required documentation to establish eligibility under this section is a Social Security Administration determination letter.

2. The applicant, for the previous calendar year, had a total income from all sources of less than the maximum allowed for very low income as determined by the Department of Community Trade and Economic Development.

Claims for low-income disabled and/or senior citizen garbage and refuse collection rates shall be filed on forms prescribed and furnished by the city clerk. Said forms shall require the claimant to certify his or her eligibility under this chapter. The city clerk shall require documentation of eligibility.

A customer receiving reduced rates must verify to the city that they remain eligible every twelve months by filing a new application and shall notify the city within thirty days in the event of a change in any of the criteria as set forth above.

If false information is submitted to the city in connection with any application for a reduced utility rate, the customer will automatically become ineligible to receive any future discounts. Any discounts received as a result of providing false information shall be fully repaid to the city, together with a penalty in the amount of one hundred percent of the discount received. Collection of the repayment and penalty in this section shall be enforced in the same manner as any other debt owing to the city. This remedy shall be in addition to any other remedies the city may have for the giving of false information. (Ord. 912 § 24, 2004)

8.12.250 Waiver of garbage fees for new buildings under construction.

During construction of a new building, a contractor may request connection to city utilities. Unless requested, however, city garbage collection for said premises shall not commence, and garbage fees shall not be charged, until the date of first occupancy of the building. (Ord. 912 § 25, 2004)

8.12.260 Solid waste department and fund.

For the purpose of carrying into effect the provisions and aims of this chapter there is hereby established and created a department to be known as the city solid waste department. There is created and established a special fund to be known and designated as the city solid waste fund. All money received by the city for the collection and disposal of garbage and

refuse shall be placed in such fund and the expense of such garbage collection and disposal shall be paid therefrom. (Ord. 912 § 26. 2004)

8.12.270 Exceptions.

The policy of universal collection of refuse and garbage within the city by the city as set forth in the foregoing sections of this chapter shall not apply in the following situations:

A. The collection, transportation and disposal of medical, biomedical, biohazardous and/or infectious waste from generators within the city shall not be exclusive to the city-operated sanitation system. In addition to the city, any licensed hauler of such materials authorized to operate in the city may provide such services.

B. It shall be the responsibility of the generator of such wastes to arrange for their proper collection, transportation and disposal.

C. Any licensed hauler operating in the city for the purposes of collection, transportation and disposal of such wastes shall be subject to all license requirements of the city and shall be responsible to pay any utility tax imposed by the city on the occupation of garbage or solid waste collection.

D. For purposes of this section, "medical, biomedical, biohazardous and infectious waste" is considered to be any biologic material produced within a health care facility for which special precautions are taken within that facility to reduce potential exposure of the health care facility staff, to include but not limited to the untreated solid waste as defined by the Washington Utilities and Transportation Commission in WAC 480-70-050 as follows:

1. Animal waste;
2. Liquid human body fluids;
3. Cultures and stocks;
4. Biosafety level 4 disease waste;
5 Pathological waste; and
6. Sharps waste.

E. A "generator of medical, biomedical, biohazardous and infectious waste" is defined as any person, firm, partnership, corporation, public entity, joint venture or otherwise which produces any of the defined wastes. Nothing herein shall prevent an individual exempted from the definition of a generator from electing to employ a licensed hauler to collect, transport and dispose of that person's medical, biomedical, biohazardous and/or infectious waste.

F. A generator of waste as defined in this section that disposes of such waste by other than the city or an approved collector, transporter and disposer shall be deemed to have committed a civil infraction for each violation with a nondeferrable, nonsuspendable penalty for violation as provided herein. (Ord. 912 § 27, 2004)

8.12.280 Sharps waste disposal.

A. Chapter 165, Laws of 1994 provides that residential sharps waste shall not be placed into refuse, trash or solid waste collection containers if a residential sharps waste collection service is separately provided. The city does not elect to provide a sharps waste collection program within the city's solid waste utility.

B. All residential generators of sharps waste are prohibited from placing or causing or allowing the placing of such wastes into:

1. Recycling containers or collection boxes; or
2. Cans, carts, drop boxes, or other containers in which refuse, trash or solid waste is or has been placed for collection.

C. An approved collector as defined herein shall collect all residential sharps waste. (Ord. 912 § 28, 2004)

8.12.290 Penalty for violations.

Every person or corporation who violates any of the provisions of this chapter shall be deemed to have committed a civil infraction and shall be subject to a penalty as provided in Chapter 1.12 of the Grand Coulee Municipal Code entitled "General Penalty." Each violation shall constitute a separate violation. Each day a violation exists constitutes a separate violation of this chapter. (Ord. 912 § 29, 2004)

Chapter 8.24

FIREWORKS

Sections:

Prior legislation: Ords. 674-A, 757, 782 and 953.

8.24.010 Definitions.

Pursuant to RCW 35A.11.020 and 35A.12.140, the city hereby incorporates, by and through this reference, the definitions set forth in Chapter 70.77 RCW, State Fireworks Law, including RCW 70.77.120 through 70.77.241, as existing or hereafter amended. These definitions apply to the words and terms used in this chapter. (Ord. 1036 § 1 (part), 2017)

8.24.020 Prohibition on sale and use of fireworks.

Except as otherwise set forth in Section 8.24.030, it is unlawful for any person to sell, possess, use, transfer, discharge, ignite or explode any fireworks, including but not limited to consumer, display, or other special pyrotechnics or fireworks, within the city. (Ord. 1036 § 1 (part), 2017)

8.24.030 Display fireworks, special use, and consumer fireworks.

A. Public display fireworks may be authorized by permit issued by the city pursuant to RCW 70.77.260, as existing or hereafter amended, including standards, requirements, obligations, and duties set forth in Chapter 70.77 RCW, as existing or hereafter amended. In addition to a city permit, any person or entity proposing to conduct a public display of fireworks shall also be required to obtain a license from the state pursuant to RCW 70.77.305, as existing or hereafter amended.

B. Pursuant to RCW 70.77.311(2)(c) and (d), as existing or hereafter amended, the purchase and use of fireworks by religious organizations or other private parties for specific purposes may be permitted on an approved date and at an approved location pursuant to permit issued by the city.

C. Unless otherwise prohibited by the local fire official, the possession, use or discharge of consumer fireworks, as defined in RCW 70.77.136, as existing or hereafter amended, is authorized to occur without a permit at North Dam Park and other locations designated by the local fire official, on July 4th between the hours of nine a.m. and eleven fifty-nine p.m. The local fire official may restrict or prohibit possession, use, and/or discharge of consumer fireworks at North Darn Park or other designated locations at any time due to weather conditions, including extremely low humidity, wind, heat, lightning, or other dangerous fire conditions, as determined by the local fire official in his or her sole discretion. Any prohibition or restrictions issued by the local fire official shall be effective immediately.

D. Unless otherwise prohibited by the local fire official, the possession, use or discharge of consumer fireworks, as defined in RCW 70.77.136, as existing or hereafter amended, is authorized to occur within the city without a permit on December 31st from eight p.m. until twelve-thirty a.m. on January 1st. The local fire official may restrict or prohibit possession, use, and/or discharge of consumer fireworks within the city at any time due to weather conditions, including extremely low humidity, wind, heat, lightning, or other dangerous fire conditions, as determined by the local fire official in his or her sole discretion. Any prohibition or restrictions issued by the local fire official shall be effective immediately.

E. Use of trick and novelty devices as defined in WAC 212-17-030, as existing or hereafter amended, is authorized without obtaining a permit from the city. (Ord. 1036 § 1 (part), 2017)

8.24.040 Permit applications—Review by fire official—Fees—Validity.

A. Applications for a permit as required by Section 8.24.030 shall be made in writing to the city clerk, on forms provided by the city, at least forty-five days in advance of the scheduled event or activity. Unless exempted from the requirement to pay permit fees, as further set forth below, each application shall be accompanied by the applicable permit fee. The city clerk shall forward each permit application to the local fire official for review and decision.

B. All permit applications shall be reviewed and approved or denied by the local fire official. The local fire official shall make an investigation as to whether the character and location of the display, as proposed, may be hazardous or dangerous to any person or property, and shall, in the exercise of reasonable discretion, grant or deny the application, subject to such reasonable conditions, if any, as the fire official may prescribe. The local fire official may impose reasonable requirements on any permit consistent with Chapter 212-17 WAC (Rules of the Director of Fire Protection Relating to Fireworks). Applicants for public display permits pursuant to RCW 70.77.260 shall also meet all qualifications and requirements of state law regarding public display of fireworks (including but not limited to RCW 70.77.260 to 70.77.295, as existing or hereafter amended) and all fire and safety requirements as set forth in the standards for public display (including Chapter 212-17 WAC as existing or hereafter amended) and shall hold a pyrotechnic operator license issued by the state.

C. The local fire official may revoke any fireworks permit(s) for noncompliance or failure to correct a violation of any applicable rules, regulations, or conditions. The local fire official may revoke a permit at any time due to weather conditions, including extremely low humidity, wind, heat, lightning, or other dangerous fire conditions, as determined by the local fire official in his or her sole discretion.

D. Applications for permits pursuant to RCW 70.77.311(2)(c), for religious or specific purposes, shall not require payment of a permit fee. The city council shall establish permit fees for the public display of fireworks, as authorized by RCW 70.77.555, as existing or hereafter amended, from time to time by resolution.

E. Each permit issued pursuant to this chapter shall be valid for the specific authorized event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this chapter and shall void the permit granted. (Ord. 1036 § 1 (part), 2017)

8.24.050 Seizure of fireworks.

Any fireworks that are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this chapter or of Chapter 70.77 RCW shall be subject to seizure by any law enforcement officer, or by the city's fire official, or his or her authorized designee. (Ord. 1036 § 1 (part), 2017)

8.24.060 Violation—Civil penalty.

A. Any person violating any provision of this chapter shall be deemed to have committed a civil infraction and shall be punished by a fine in an amount not exceeding one thousand dollars. In the event a person is found in violation of this chapter, the local fire official may deny approval of a request by the person for a fireworks permit for the next or any subsequent year. The local fire official or his or her authorized designee has the power to issue citations and notices of violation.

B. A person is guilty of a separate offense for each separate and distinct violation of any provisions of this chapter, and a person is guilty of a separate offense for each day during which he/she commits or allows to continue any violation of the provisions of this chapter. (Ord. 1036 § 1 (part), 2017)

Chapter 8.28

ABANDONED VEHICLES

Sections:

8.28.010 Nuisance declared.

The storage or retention of an automobile hulk and/or abandoned vehicle on private property is declared to constitute a public nuisance subject to removal and impoundment. The police shall inspect and investigate complaints relative to automobile hulks and/or abandoned vehicles, or parts thereof, on private property. Upon discovery of such nuisance, the police department shall give notice in writing to the last registered owner of record of the automobile hulk and/or abandoned vehicle and also to the property owner of record that a public hearing may be requested before the city council and that if no hearing is requested within ten days, the automobile hulk and/or abandoned vehicle will be removed. Cost of removal may be assessed against the last registered owner of the abandoned hulk and/or abandoned vehicle if the identify of such owner can be determined, or the cost may be assessed against the owner of the property on which the automobile hulk and/or abandoned vehicle is stored. (Ord. 689 § 1, 1987)

8.28.020 Hearing—Notice.

If a request for a hearing is received, a notice giving the time, location and date of such hearing on the question of removal and impoundment of the automobile hulk and/or abandoned vehicle or part thereof as a public nuisance shall be mailed, by certified or registered mail a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll of the county assessor and to the last registered and legal owner of record of the automobile hulk and/or abandoned vehicle, unless the automobile hulk and/or abandoned vehicle is in such condition that identification numbers are not available to determine ownership. (Ord. 689 § 2, 1987)

8.28.030 Applicability.

This chapter shall not apply to:

A. An automobile hulk, or part thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the highway or other public or private property; or

B. An automobile hulk, or part thereof, which is stored or parked in a lawful manner on private property in connection with the business of licensed dismantler or licensed vehicle dealer fenced according to the provisions of RCW 46.80.130. (Ord. 689 § 3, 1987)

8.28.040 Owner denial of responsibility.

The owner of the land on which the automobile hulk and/or abandoned 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 automobile hulk and/or abandoned vehicle on the land, with his reasons for such denial. If it is determined at the hearing that the automobile hulk and/or abandoned vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the city council shall not assess costs of administration or removal of the automobile hulk and/or abandoned vehicle against the property upon which the hulk is located or otherwise collect such costs from the property owner. (Ord. 689 § 4, 1987)

8.28.050 Removal of vehicle.

After notice has been given of the intent of the city to dispose of the automobile hulk and/or abandoned vehicle and after a hearing, if requested, has been held, the automobile or part thereof shall be removed, at the request of a police officer, and disposed of to a licensed motor vehicle wrecker or hulk hauler located

within a ten-mile radius of Grand Coulee, with notice to the Washington State Patrol and the department that the vehicle has been wrecked. (Ord. 689 § 5, 1987)

8.28.060 Lien for cost of removal.

The city shall, within thirty days after removal of an automobile hulk and/or abandoned vehicle from private property, file or record with the county auditor to claim a lien for the cost of removal, which shall be in substance in accordance with the provisions covering mechanics' liens in RCW Chapter 60.04, and said lien shall be foreclosed in the same manner as such liens. (Ord. 689 § 6, 1987)

8.28.070 Violation—Penalty.

Any person guilty of maintaining a public nuisance as above described shall be guilty of an infraction and punished by a maximum penalty of two hundred fifty dollars. (Ord. 689 § 7, 1987)

Chapter 8.30

WEED AND VEGETATION CONTROL

Sections:

8.30.010 Purpose.

The purpose of this chapter is to enact by local general ordinance provisions authorized by RCW 35.21.310. (Ord. 1028 § 1 (part), 2015)

8.30.020 Vegetation removal.

The owner of any property in the city shall:

A. Remove or destroy all portions of trees, plants, shrubs, or vegetation, or parts thereof, which overhang any sidewalk or street or that are growing thereon in such a manner as to obstruct or impair the free and full use of the sidewalk or street by the public; and

B. Remove or destroy all grass, weeds, shrubs, bushes, trees, or vegetation growing or which has grown and died, and remove or destroy all debris, located on the owner's property and which is determined by the city to be a fire hazard or a menace to the public health, safety or welfare. (Ord. 1028 § 1 (part), 2015)

8.30.030 Enforcement procedure.

Enforcement of the provisions of this chapter shall be initiated by passage of a resolution of the city council adopted after not less than five days' notice to the property owner which shall describe the property involved and the hazardous condition, and require the owner to make such removal or destruction after the notice is given. (Ord. 1028 § 1 (part), 2015)

8.30.040 Abatement by city.

If removal or destruction of the grass, weeds, shrubs, bushes, trees, or other vegetation that is the subject of the notice identified in the resolution of the city council does not occur within ten days following the date the resolution is passed and provided to the property owner, the city may cause the removal or destruction thereof by use of city staff or through contracting with a third party and shall provide that the cost to the city for the expense of removal or destruction shall become a charge against the owner of the property and a lien against the property. Notice of the lien shall, as nearly as practicable, be in substantially the same form and filed with the same officer and within the same time and manner and enforced and foreclosed as is provided by law for liens for labor and materials. (Ord. 1028 § 1 (part), 2015)

8.30.050 Supplemental authority.

The provisions of this chapter are supplemental and additional to other powers granted or held by the city and concerning the same or similar subjects. (Ord. 1028 § 1 (part), 2015)

8.30.060 Civil infraction.

Any owner of property who fails to comply with the provisions of this chapter shall, in addition to the city abatement and lien provisions provided for in this chapter, be subject to issuance by the city of a civil infraction and subject to the monetary penalty provided in Section 1.12.010, as the same exists now or may hereafter be amended. (Ord. 1028 § 1 (part), 2015)

Title 9

PUBLIC PEACE, MORALS AND SAFETY

Chapters:

Chapter 9.01

ADOPTION OF STATE CRIMINAL STATUTES

Sections:

9.01.010 Criminal statutes adopted.

The criminal statutes and code of the state consisting of RCW Titles 9 and 10, insofar as the same may be applicable to cities of the third class, together with any amendments thereof or additions thereto are adopted by reference by the city, and the clerk shall keep three copies on file in the City Hall. (Ord. 452 § 1, 1971)

9.01.020 Conflicts.

In the event of conflict between RCW Titles 9 and 10, and any specific ordinances heretofore or hereafter duly passed by the city relating to any crime or criminal procedure, the specific ordinance shall control as to such conflict. (Ord. 452 § 2, 1971)

9.01.030 Amendments.

In the event of any amendments and additions to RCW Titles 9 and 10, the amendment and additions when printed and filed with the city clerk, shall be considered as amendments and additions to this chapter without the necessity of further action by the city council. (Ord. 452 § 3, 1971)

9.01.040 Penalty for violation.

Any person violating the provisions of this chapter is guilty of a misdemeanor. Any person convicted of a misdemeanor under this chapter shall be punished as provided in Chapter 1.12. (Ord. 452 § 4, 1971)

I. Offenses by or Against Public Officers and Government

(Reserved)

II. Offenses Against the Person

(Reserved)

III. Offenses Against Public Health and Safety

Chapter 9.24

OBSTRUCTING AISLES, EXITS, SIDEWALKS

Sections:

9.24.010 Patrons standing in aisles, lobby or foyer.

It is unlawful for the owners, managers or operators of any auditorium, theater or arena to permit the occupants or patrons thereof to stand in the aisles, lobby or foyer of the building or buildings, and that the lobby and aisles of the building or buildings shall be kept free and clear at all times for the purpose of ingress and egress of the patrons to and from the seats in the building or arena. (Ord. 66 § 1, 1938)

9.24.020 Blocking entrance.

It is unlawful for any person or persons to block the entrance or sidewalks approaching any auditorium, theater or arena; that any person or persons awaiting admission to the building or buildings shall stand in line in not more than two abreast, and further providing the line shall be formed down the middle of the sidewalk providing at all times a way of access on each side of the line formed; and the line shall be formed at least ten feet from each side of the entrance thereof. (Ord. 66 § 2, 1938)

9.24.030 Penalty for violation.

Any person, firm or corporation, or officer or manager of the firm or corporation, violating any of the provisions of this chapter, shall, upon conviction thereof, be punished as provided in Chapter 1.12. (Ord. 484 § 2 (part), 1974; Ord. 66 § 3, 1938)

IV. Offenses Against Public Decency

Chapter 9.52

MARIJUANA

Sections:

9.52.010 Possession unlawful.

It is a misdemeanor for any person to be in possession of forty grams or less of marijuana within the city. (Ord. 578, 1980)

V. Offenses Against Public Peace

Chapter 9.56

BREACH OF PEACE

Sections:

9.56.010 Designated.

A breach of the peace shall encompass all violations of the public peace or order, or decorum; the disturbance of the public tranquility by any act or conduct inciting to violence or tending to provoke or excite others to break the peace; wilfully disturbing the peace of any neighborhood, family or person by loud and unusual noises, loud and abusive or indecent conversation, or by threat, quarrels, loud music or fighting. (Ord. 507 (part), 1976)

9.56.020 Declared unlawful—Penalty.

It is declared unlawful to breach the peace of the city. Any person who violates any of the provisions of this chapter shall be deemed to have committed a civil infraction and shall be subject to the penalty as provided in Chapter 1.12 of the Grand Coulee Municipal Code entitled "General Penalty." Each violation shall constitute a separate violation. Each day a violation exists constitutes a separate violation of this chapter. (Ord. 945 § 1, 2006: Ord. 507 (part), 1976)

Chapter 9.60

PARENTAL RESPONSIBILITY FOR JUVENILE DEPENDENTS

Sections:

9.60.010 Purpose.

The city council of the city has determined that it is generally contrary to the well-being of minor children to be outside their residences in the late night and early morning hours unsupervised and with no specific purpose. (Ord. 794 § 1, 1994)

9.60.020 Definitions.

For purposes of this chapter, the following definitions shall apply:

"Child" means any unemancipated person, male or female, who is not married and is under the age of eighteen years.

"Parent" or "custodian" means the father, mother, guardian or person having the care, custody or control of a child.

"Returning home" means traveling, walking, biking or otherwise moving from the point of departure to a child's home or the residence of the person having the care, custody or control of such child for that evening. Such movement shall be directly from the point of departure to the destination to be accomplished within a reasonable period of time.

"School nights" means any night or early morning hours immediately preceding a regular school day as scheduled by the Grand Coulee Dam School District. (Ord. 794 § 2, 1994)

9.60.030 General prohibition.

No parent or custodian shall permit any child he or she is responsible for to remain in or upon the public streets, roadways, alleys, parks, playgrounds or cemeteries, or in or upon private property other than the child's usual place of residence which is unoccupied, vacant, abandoned or is not otherwise supervised by a responsible adult between the hours of ten p.m. to five a.m. on school nights, or between the hours of eleven p.m. Sunday through Thursday to five a.m. the following morning on non-school nights, and between the hours of midnight Friday and Saturday to the following five a.m. on non-school nights, except as otherwise permitted under the provisions of this chapter. (Ord. 794 § 3, 1994)

9.60.040 Exceptions to general prohibition.

The parent or custodian of a child or children shall not be in violation of this chapter or the general prohibition set forth in Section 9.60.030 when:

A. Child is engaged in or traveling to or from lawful employment;

B. Child is acting pursuant to directions and permission of his or her parent or custodian for a specific legitimate, lawful purpose;

C. Child is seeking emergency assistance; or

D. Child is returning home from activities supervised by a responsible adult. (Ord. 794 § 4, 1994)

9.60.050 Enforcement.

Law enforcement officers for the city shall have authority to momentarily detain and question a child where such law enforcement officer suspects violation of this chapter, and to determine whether a specific exception to the general prohibitions may apply. Should a law enforcement officer have probable cause to determine that a parent or custodian is in violation of this chapter, such law enforcement officer shall have the authority to direct, accompany or transport the child to his or her residence if reasonably possible or if the circumstances indicate to take custody and place the child in accordance with RCW 13.32A.050(2) and/or RCW 13.32A.060 for the safety and in the best interests of the child's well-being and welfare. (Ord. 794 § 5, 1994)

9.60.060 Violations—Penalties.

A. Should a law enforcement officer determine that a parent or custodian has violated the provisions of this chapter, a written notice/warning thereof shall be given to the parent or custodian if reasonably possible.

B. If the parent or custodian is unavailable, the officer shall mail, or cause to be mailed, the aforementioned notice to the parent or custodian. Such notice shall inform the parent or custodian of the following:

1. The location of where the child was found;

2. The date and time the child was found;

3. The location of the residence where the officer took the child for safety and to whom the child is released, or, in the case of placement of the child through Child Protective Services the telephone number of Child Protective Services;

4. A warning that the parent or custodian was in violation of this chapter, a copy of which shall be attached to such notice.

C. The law enforcement officer shall maintain a record of any such violation and the notices given as a result thereof.

D. In addition thereto the law enforcement officer may make a report of the incident to the Child Protective Services of the state of Washington. Such officer shall assist Child Protective Services with respect to any reasonable and lawful action with which Child Protective Services requests assistance.

E. Any person violating this chapter for a second time shall be deemed to have committed a civil infraction and any such person found to have committed such a civil infraction shall be assessed a monetary penalty, which penalty may not be less than fifty dollars nor exceed five hundred dollars for each offense. (Ord. 794 § 6, 1994)

Chapter 9.68

INTOXICATION AND INTOXICATING LIQUOR

Sections:

9.68.030 Minors.

A. Except in the case of intoxicating liquor given or permitted to be given to a person under the age of twenty-one years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, no person shall give, or otherwise supply intoxicating liquor to any person under the age of twenty-one years, or permit any person under that age to consume intoxicating liquor on his premises or on any premises under his control. It is unlawful for any person under the age of twenty-one years to acquire or have in his possession or consume any intoxicating liquor except as in this section provided.

B. Any person violating the provisions of this section shall be, upon conviction, fined the maximum of five hundred dollars and/or imprisonment for a maximum of thirty days. (Ord. 462 §§ 1, 2, 1972)

Chapter 9.74

FALSE ALARMS

Sections:

9.74.010 Purpose.

The purpose of this chapter is to reduce the number of false alarms occurring in the city and the resultant waste of city resources and potential damages to citizens and public safety officers by providing for corrective administrative action, including fees, potential disconnection and civil penalties for violation. (Ord. 833 § 1, 1997)

9.74.020 Definitions.

In this chapter, unless a different meaning plainly is required, the definitions contained in this section shall apply:

"Alarm system" means any mechanism, equipment or device which is designed to detect heat/smoke or unauthorized entry into any building or onto any property, or to direct attention to a robbery in progress, and to signal the above occurrences, either by a local or audible alarm or by a silent or remote alarm. Alarm systems shall not include alarms installed in motor vehicles which by their nature are mobile and are intended to prevent theft through the creation of a loud noise.

"Automatic dialing device" means a device which is interconnected and is programmed to select a predetermined telephone number and/or transmit by voice message or code signal an emergency message indicating a need for emergency response.

"Chief of police" includes his designee.

"False alarm" means the activation of a heat/smoke alarm, burglary and/or robbery alarm by other than an actual fire, forced entry, attempted forced entry, unlawful entry, robbery or attempted robbery on the premises and at a time when no robbery, burglary or other crime involving a foreseeable risk of grievous bodily harm is being committed or attempted on the premises.

"Owner" means the person having or maintaining a heat/smoke, burglary and/or robbery alarm on premises owned and/or occupied by him.

"Person" means any natural person, partnership, joint stock company, unincorporated association or society, or a corporation of any character whatsoever.

"Response" shall be deemed to have occurred when the police or fire department begins to proceed towards the premises as a result of the activation of the alarm. (Ord. 833 § 2, 1997)

9.74.030 Emergency response card.

It is unlawful to have or maintain on any premises an automatic dialing device unless there is on file with the Grand Coulee police department an emergency response card containing the name or names and current telephone number or numbers of person(s) authorized to enter such premises and turn off any such alarm at all hours of the day and night. (Ord. 833 § 3, 1997)

9.74.040 False alarms—Unlawful conduct.

A. It is unlawful for anyone to activate any heat/smoke, robbery and/or burglary alarm for the purpose of summoning police except in the event of an actual fire or attempted unlawful entry, burglary or robbery, or for anyone notifying the police of any activated alarm and having knowledge that such activation was apparently caused by an electrical or other malfunction of the alarm system to fail at the same time to notify the police of such apparent malfunction.

B. Fire.

1. Every person who knowingly causes or makes any false alarm of fire, or who in any manner tampers or interferes with any fire alarm or fire apparatus of any kind shall be guilty of an infraction.

2. This section shall not apply to the chief or other members of the fire department, or to other persons duly authorized to sound an alarm when such may be deemed proper.

C. Falsely Calling Police.

1. Every person who makes, or who causes to be made, any call for the police for false reasons, or who in any manner tampers or interferes with any police alarm, or telephone, or police alert apparatus of any kind shall be guilty of an infraction.

2. This section shall not be construed to apply to the chief or other members of the police department, or to other persons duly authorized to sound an alarm, or make a call, or sound an alert when such may be deemed proper. (Ord. 833 § 4, 1997)

9.74.050 Fees—Corrective action—Disconnection.

For police response to any false alarm, the city shall charge and collect from the person having or maintaining such heat/smoke, burglary and/or robbery alarm on premises owned or occupied by him, fees as follows:

A. For response to premises at which no other false alarm has occurred within the preceding six-month period, hereinafter referred to as a "first response," no fee shall be charged. Upon first response, notice of conditions and requirements of this chapter shall be given to the owner or occupant of the premises on which the false alarm occurred and upon which the heat/smoke, burglary and/or robbery alarm is located.

B. For a second response to premises within six months after the first response, a fee of fifty dollars shall be charged. The person having or maintaining such heat/smoke, burglary and/or robbery alarm shall, within five working days after notice to do so, make a written report to the chief of police on prescribed forms setting forth the cause of such false alarm, the corrective action taken, whether and when such alarm has been inspected by authorized service personnel and such other information as the chief of police may reasonably require to determine the cause of such false alarm, any mitigating circumstances and corrective action necessary. The chief of police may direct the person having or maintaining such heat/smoke, burglary and/or robbery alarm to have authorized service personnel inspect the alarm, and at such inspection and corrective action shall be borne by the individual having or maintaining the alarm on such premises.

C. For a third response to premises within six months after the first response, a fee of one hundred dollars shall be charged and necessary corrective action prescribed under subsection B of this section.

D. For a fourth response within six months after the first response, and all succeeding responses, a fee of one hundred fifty dollars shall be charged. The chief of police may order the persons having or maintaining the heat/smoke, burglary and/or robbery alarm to disconnect such alarm until the prescribed corrective action is provided to the police department, provided that no disconnection shall be ordered relative to any premises required by law to have an alarm system in operation. (Ord. 833 § 5, 1997)

9.74.060 Administrative decision—Notice.

A. Notice of imposition of any administrative sanction, including the imposition of a fee and/or order of disconnection under the provisions of this chapter shall be sent by mail or delivered personally to the owner; provided, that with respect to business premises, mailing or personal delivery to the manager or chief administrative agency regularly assigned or employed at the time of the occurrence of a false alarm shall be deemed to be mailing or personal delivery to the owner.

B. The notice shall specify the sanctions imposed and shall advise the owner that unless he requests a hearing with the city administration as set forth in Section 9.74.070B by filing written request with the police chief within fifteen days of the date of the notice, the sanctions will be imposed. (Ord. 833 § 6, 1997)

9.74.070 Hearing from administrative decision—Finality.

A. Any person subject to the imposition of a fee, order of disconnection or other administrative sanction under the terms of this chapter shall have a right to a hearing with the city upon filing a timely written request.

B. The request for a hearing must be made in writing and filed with the police chief within fifteen days of the date of the notice of administrative decision required under Section 9.74.060. Upon receipt of a timely written request, the police chief shall schedule a hearing date and inform the owner of the date, time and place of the hearing. The police chief shall consider the record of past false alarms, any corrective action taken and any inspection reports on the cause of the false alarm. If the police chief determines that the false alarms are not caused by the owner or his employees or agents, and that reasonable steps have been taken to correct the problem, the fee or other sanction may be suspended, in whole or in part. The police chief shall keep a written report of the hearing, including a statement or reasons for whatever action is taken. (Ord. 833 § 7, 1997)

9.74.080 Payments of fees required.

It is a civil infraction for any person to fail or refuse to pay any fees imposed under this chapter. Upon failure to pay these fees, the city may authorize the city attorney to collect fees by appropriate legal action. (Ord. 833 § 8, 1997)

VI. Offenses Against Property

Chapter 9.84

USE OF CITY PARKS

Sections:

9.84.010 Hours.

The city park shall be open for public use daily only between the hours of eight a.m. and nine p.m. from October through April and six a.m. to ten p.m. from May through September. (Ord. 478 § 1, 1973)

9.84.020 Violation of closing hours.

It is unlawful for any person or organization to use such parks or to be found therein either before eight a.m. or after nine p.m. from October through April or before six a.m. or after ten p.m. from May through September; provided, such person or organization may obtain permission from the chairman of the city council park department for a variance in hours based on community need. (Ord. 478 § 2, 1973)

9.84.030 Parent responsibility.

It shall be the duty of every parent or guardian of a minor child or ward to require his child or ward to keep out of the city park premises except during open hours thereof. No bicycles, motorcycles, or animals shall be allowed on the park grounds at any time. (Ord. 478 § 3, 1973)

9.84.040 Park damage—Responsibility.

Every person who willfully or mischievously damages or destroys any lawn, tree, flower, bush, vine, facility or equipment of any city park shall be responsible to the city for an amount equal to the cost of repair or replacement thereof in addition to any other penalty provided in this chapter or any other ordinance. (Ord. 478 § 4, 1973)

9.84.050 Destruction by child—Responsibility.

For the purpose of this chapter, any parent or guardian shall be liable and responsible for the presence in the park outside of hours or damage or destruction as aforesaid of or by his child or ward. (Ord. 478 § 5, 1973)

9.84.060 Nonliability of city.

Any person using any equipment or facility or using the park property shall do so at his or her own risk, and the city shall not be liable for any damage or claim for damage occasioned by such use. (Ord. 478 § 6, 1973)

9.84.070 Penalty for violations.

Any person violating any provision of this chapter shall be fined a sum not more than three hundred dollars and/or ninety days in jail in addition to paying any amount provided under Section 9.84.040. (Ord. 478 § 7, 1973)

VII. Consumer Protection

(Reserved)

VIII. Weapons

Chapter 9.96

POSSESSION AND USE OF WEAPONS

Sections:

9.96.010 Possession of prohibited weapons.

It is unlawful for any person, firm, and corporation to display, sell, give away, purchase or possess any dirk, dagger, stiletto, snap-blade knife, blackjack, sap or metal knuckles in the city; provided this section shall not apply to the possession of any such weapons by any police or military officer authorized by proper authority to carry the same in the course of his duties as such police or military officer. For the purpose of this section snap-blade means any knife having a blade which is or can be concealed in its handle and ejected therefrom, either manually or by a mechanical or spring device and shall not apply to fixed blade knives or knives having blades which pivot on and fold into their respective handles and can be opened only manually. (Ord. 431 § 1, 1969)

9.96.020 Confiscation of prohibited weapons.

Any weapons named in Section 9.96.010 found in the possession of any person convicted of violation of the provisions of this chapter shall be confiscated by the chief of police. (Ord. 431 § 2, 1969)

9.96.030 Discharging weapons prohibited—Exception.

It is unlawful for any person to fire or discharge any gun, pistol, revolver, BB gun, airgun or any firearm of any description in the city, except in the lawful defense of his person or property or in the performance of his duties as a police or military officer. (Ord. 431 § 3, 1969)

9.96.040 Possession by minor prohibited.

No minor under the age of sixteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind. (Ord. 431 § 4, 1969)

9.96.060 Penalty for violation.

Any person violating the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Chapter 1.12. (Ord. 484 § 2 (part), 1974; Ord. 431 § 6, 1969)

Title 10

VEHICLES AND TRAFFIC

Chapters:

Chapter 10.04

ADOPTION OF STATE MOTOR VEHICLE LAWS

Sections:

10.04.010 Remington's Revised Statutes, Sections 6312—6381 adopted.

A. The laws of the state regarding automobile and motor vehicles as contained in Sections 6312 through 6381, inclusive, of Remington's Revised Statutes of Washington and as amended and added to by the laws of 1939, 1941, 1943, 1945, 1947, 1949, and 1951 as set forth in "Motor Vehicle Laws of the State of Washington, 1953 Edition," three copies of which compilation were on file with the city clerk prior to the adoption thereof, is adopted by reference thereto, together with any amendments, additions or supplements which may hereafter be made thereto.

B. Any person, organization or corporation found guilty of violating any provisions of this section shall be punished as provided in Chapter 1.12. (Ord. 484 § 2 (part), 1974; Ord. 272 §§ 1, 2, 1954)

10.04.020 Washington Model Traffic Ordinance adopted.

The Washington Model Traffic Ordinance, Chapter 308-330 WAC, is adopted by reference as the traffic ordinance of the city as if set forth in full. (Ord. 789 § 1, 1994)

Chapter 10.08

PARKING

Sections:

10.08.010 Overnight in city parks—Prohibited.

Overnight parking or camping in city parks is prohibited. Violation of this section shall be a misdemeanor. (Ord. 582, 1980)

10.08.020 Restricted at certain times and places.

A. Parking shall henceforth be prohibited between the hours of four a.m. and six a.m. in the following locations:

1. Main Street from Midway to Federal Avenue;
2. Midway from Federal Avenue to the intersection of SR 174 and 155.

B. Parking shall be restricted to two hours maximum between the hours of eight a.m. and eight p.m. in the following locations:

1. Midway from Federal Avenue to the intersection of SR 174 and 155.

Vehicles parked in violation of this section shall be towed away at the direction of any law enforcement officer or the utility foreman at the owner's expense. (Ord. 742, 1991: Ord. 659, 1985)

10.08.030 Restricting parking in city alleyways.

A. For safety and accessibility purposes, parking shall be prohibited in all city alleys.

B. Vehicles in violation of this section shall be towed away at the direction of any law enforcement officer or the utility foreman at the owner's expense and risk. (Ord. 772, 1993)

10.08.040 Two-hour parking.

A. Parking is limited to no more than two hours at the following locations in the city:

1. On the East Side of Federal Avenue, between Spokane Way and Prins Place;
2. On both sides of Burdin Boulevard between 4th Street NE and SR 174; and
3. On 4th Street NE, between Burdin Boulevard and Fortuyn Road.

B. The Grand Coulee police department shall be responsible for enforcement of this section.

C. Violation of this section constitutes a civil infraction punishable by a fine of twenty-five dollars. (Ord. 999 § 1, 2011: Ord. 858, 1999)

Chapter 10.10

HIGHWAY ACCESS MANAGEMENT

Sections:

10.10.010 Purpose.

This chapter is adopted to implement Chapter 47.50 RCW for the regulation and control of vehicular access and connection points of ingress to, and egress from, the state highway system within incorporated areas of the city. This chapter describes the connection permit application process and procedures, including a preapplication conceptual review process, and requirements for closure of unpermitted and nonconforming connection to the state highway system in the city limits. This chapter shall provide authority to the city to install appropriate changes necessary to the city and agreed by the Washington State Department of Transportation (Ord. 769 (part), 1993)

10.10.020 Adoption by reference.

The "Highway Access Management" Chapter 47.50 RCW, and Chapters 468-51 and 468-52 WAC for references, is adopted by reference as and for the highway access management plan for the city as if set forth in full herein. (Ord 769 § 1. 1993)

10.10.030 Permit fee.

The permit fee shall be set by resolution of the city council. The fee shall be nonrefundable and shall be used only to offset the costs of administering the access review process and the costs associated with administering the provisions of Chapter 47 50 RCW. (Ord. 769 § 2, 1993)

10.10.040 Access permits.

A copy of the access permit form shall be available at the city clerk's office located at City Hall. (Ord. 769 § 3, 1993)

10.10.050 State highway classification.

All state highways within the city limits shall be considered Class 5 highway routes. (Ord. 769 § 4. 1993)

Chapter 10.12

VEHICLE IMPOUNDMENT

Sections:

10.12.010 Adoption of legislative findings.

The city adopts the legislative findings of Laws, 1998, Ch. 203, as set forth above. (Ord. 876 § 1, 2000)

10.12.020 Impoundment of vehicle where driver is arrested for a violation of RCW 46.20.005, 46.20.015, 46.20.342, 46.20.420, 46.61.502 or 46.61.504—Periods of impoundment.

A. Whenever the driver of a vehicle is arrested for a violation of RCW 46.20.005, 46.20.015, 46.20.342, 46.20.420, 46 61.502 or 46.61.504, the vehicle is subject to impound at the direction of the officer.

B. Whenever the driver of a vehicle is arrested or cited for a violation of RCW 46.20.005, 46.20.015, 46.20.342, 46.20.420, 46.61.502 or 46.61.504, then the vehicle may be released as soon as all the requirements of this chapter are satisfied.

C. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(c) (DWLS/DWLR Third Degree), and the Washington Department of Licensing's records show that the driver has been convicted one time of a violation of RCW 46.20.342 or similar local ordinance within the past five years, the vehicle shall be impounded for fifteen days.

D. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20 342(1)(c) (DWLS/DWLR Third Degree), and the Washington Department of Licensing's records show that the driver has been convicted two or more times for a violation of RCW 46.20 342 or similar local ordinance within the past five years, the vehicle shall be impounded for thirty days.

E. If the vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(a) or (b) (DWLS/DWLR First or Second Degree), and the Washington Department of Licensing's records show that the driver has not been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar ordinance within the past five years, the vehicle shall be impounded for thirty days.

F. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(a) or (b) (DWLS/DWLR First or Second Degree), and the Washington Department of Licensing's records show that the driver has been convicted one time of a violation of RCW 46.20.342(1)(a) or (b) (DWLS/DWLR First or Second Degree), or similar local ordinance once within the past five years, the vehicle shall be impounded for sixty days

G. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(a) or (b) (DWLS/DWLR First or Second Degree) and the Washington Department of Licensing's records show that the driver has been convicted of a violation of RCW 46.20.342(1)(a) or (b) (DWLS/DWLR First or Second Degree), or a similar local ordinance two or more times within the past five years, the vehicle shall be impounded for ninety days. (Ord. 876 § 2, 2000)

10.12.030 Redemption of impounded vehicles.

Vehicles impounded by the city shall be redeemed only under the following circumstances:

A. Only the registered owner, a person authorized by the register owner, or one who has purchased the vehicle from the registered owner, who produces proof of ownership or authorization and signs a re-

ceipt therefor, may redeem an impounded vehicle. A person redeeming a vehicle impounded pursuant to this chapter must prior to redemption establish that he or she has a valid driver's license and is in compliance with RCW 46.30.020 (liability insurance or other financial responsibility required). A vehicle impounded pursuant to this chapter can be released only pursuant to a written order from the police department or a court.

B. Any person so redeeming a vehicle impounded by the city shall pay the towing contractor for costs of impoundment, removal, towing and storage prior to redeeming such vehicle, except as provided for by subsection C of this section. Such towing contractor shall accept payment as provided in RCW 46.55.120(1)(b) as now or hereafter amended. If the vehicle was impounded pursuant to this chapter and was being operated by the registered owner when it was impounded, it may not be released to any person until all penalties, fines or forfeitures owed by the registered owner have been satisfied.

C. The chief of police is authorized to release a vehicle impounded pursuant to Grand Coulee Municipal Code (GCMC) prior to the expiration of any period of impoundment upon petition of the spouse of the driver based on economic or personal hardship to such spouse resulting from the unavailability of the vehicle and after consideration of the threat to public safety that may result from 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 still must satisfy the requirements stated in subsections A and B of this section.

D. Any person seeking to redeem a vehicle impounded as a result of a parking or traffic infraction has a right to a hearing before an administrative hearings officer to contest the validity of an impoundment or the amount of removal, towing, and storage charges if such request for hearing is in writing, in a form approved by the chief of police and signed by such person, and is received by the chief of police within ten days (including Saturdays, Sundays and holidays) of the date the notice was given to such person by the registered tow truck operator pursuant to RCW 46.55.120(2)(a). Such hearing shall be provided as follows:

1. 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 receipt of the written request for hearing.

2. 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 a hearing.

3. Any person seeking a hearing who has failed to request such hearing within the time specified herein may petition the chief of police for an extension of time to file a request for hearing. Such extension shall only be granted upon the demonstration of good cause as to the reason(s) the request for hearing was not timely filed. For the purposes 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.

4. If a persons 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, and the city shall not be liable for removal, towing, and storage charges arising from the impoundment.

5. In accordance with RCW 46.55.240(1)(d), a decision made by an administrative hearings officer may be appealed to 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 hearings officer's decision is final. (Ord. 876 § 3, 2000)

10.12.040 Post-impoundment hearing procedure.

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 removal, towing, administrative, and/or storage 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 impound 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, removal, towing, and storage have not been paid or any other applicable requirements of this chapter have not been satisfied or any period of impoundment under this chapter has not expired, the administrative hearings officer's order shall also provide that the impounded vehicle shall be released only after payment to the city of any fines imposed on any underlying traffic or parking infraction and satisfaction of any other applicable requirements of this chapter. In the event that the administrative hearings officer grants time payments, the city shall be responsible for paying the costs of impoundment to the towing company. The administrative hearings officer shall grant time payments only 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 judgement against the city 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 impound was proper, but that the removal, towing, administrative, 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 impoundment have been paid, the administrative hearings officer shall enter a judgement against the city and in favor of the person who has paid the costs of impoundment for the amount of the overpayment.

E. No determination of facts made at a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution and such determination shall not preclude litigation of those same facts in a subsequent criminal prosecution.

F. As to any impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.420, if it is determined to be improper, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license.

G. 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, storage or administrative fees are improper, any judgement entered against the city shall include the amount of the filing fee. (Ord. 876 § 4, 2000)

10.12.050 Administrative fee.

An administrative fee of eight dollars per impound day shall be levied upon each vehicle redeemed under this chapter. The fee shall be remitted to the Grand Coulee city clerk before the vehicle is released. The

fee shall be for the purpose of offsetting, to the extent practicable, the cost to the city for implementing, enforcing, and administering the provisions of this chapter and shall be deposited in an appropriate account. The administrative fee shall be hereinafter set by the city council by resolution as may be necessary. (Ord. 876 § 5, 2000)

10.12.060 Rules and regulations.

The city clerk and the chief of police are authorized and directed to promulgate rules and regulations consistent with this chapter, to provide for the fair and efficient administration of any vehicle impoundment, redemption, or release or an impoundment hearing under this chapter. (Ord. 876 § 6, 2000)

Chapter 10.30

WHEELED ALL-TERRAIN VEHICLES

Sections:

10.30.010 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 city defines the words and phrases listed below as follows:

A. "City" means the city of Grand Coulee, its elected officials, its employees, and its agents.

B. "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.

C. "Motorcycle helmet" has the same meaning as provided in RCW 46.37.530.

D. "Rules of the road" means all the rules that apply to vehicle or pedestrian traffic as set forth in state statute, rule or regulation.

E. "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.

F. "Wheeled all-terrain vehicles" or "WATV" means:

1. Any wheeled motorized all-terrain 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 at least 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:

a. Has a minimum width of fifty inches;

b. Has a minimum weight of at least nine hundred pounds; or

c. Has a wheelbase of over sixty-one inches. (Ord. 1040 § 1 (part), 2017)

10.30.020 Use of wheeled all-terrain vehicles on city streets.

Subject to the restrictions and requirements set forth in this chapter, a person who has attained the age of sixteen years, has proof of valid insurance, and who has a valid, nonintermediate 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. 1040 § 1 (part), 2017)

10.30.030 Restrictions on use of wheeled all-terrain vehicles on city streets.

A. Unless the vehicle has a windscreen and an enclosed overhead rollover structure, each person who operates or rides in a wheeled all-terrain vehicle must wear a securely fastened motorcycle helmet while the vehicle is in motion;

B. 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 at a controlled intersection

if the crossing begins and ends on a city street with the speed limit of thirty-five miles per hour or less and occurs at an intersection of approximately ninety degrees;

C. 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; and

D. Wheeled all-terrain vehicles are subject to Chapter 46.55 RCW. (Ord. 1040 § 1 (part), 2017)

10.30.040 Equipment requirements of a wheeled all-terrain vehicle.

A 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, 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 when 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;

L. Seatbelts meeting the requirements of RCW 46.37.510 for all utility type vehicles, defined under RCW 46.09.310(19);

M. Must have an individual seat designed to seat a person for each occupant. If equipped with seatbelts, the seatbelts must be worn at all times the vehicle is being operated. (Ord. 1040 § 1 (part), 2017)

10.30.050 Registration requirements of a wheeled all-terrain vehicle.

A wheeled all-terrain vehicle operated on a city street must comply with the registration requirements of Chapter 46.09 RCW. (Ord. 1040 § 1 (part), 2017)

10.30.060 Duty to obey traffic-control devices and rules of the road.

Unless a police 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 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. 1040 § 1 (part), 2017)

10.30.070 Prohibited uses.

A. No person may operate or ride a wheeled all-terrain vehicle in a negligent or unsafe manner, but

must operate it with reasonable regard for his or her own safety and for the safety of others.

B. No person may occupy a wheeled all-terrain vehicle unless that person is seated in a seat designed to carry a person. No person may tow any devices or persons behind a wheeled all-terrain vehicle.

C. No person may operate a wheeled all-terrain vehicle side-by-side in a single lane of traffic. (Ord. 1040 § 1 (part), 2017)

10.30.080 Prohibited areas.

A. It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk or other area where it is unlawful to operate a motor vehicle.

B. It is unlawful to operate a wheeled all-terrain vehicle in a park, except on a park drive or in a designated parking lot.

C. It is unlawful to operate a wheeled all-terrain vehicle on any bicycle trail, any walking path, or in any marked bicycle lane. (Ord. 1040 § 1 (part), 2017)

10.30.090 Violation—Penalty.

A person who violates a provision of this chapter is guilty of a traffic infraction and will be punished by the imposition of a penalty, exclusive of statutory assessments; provided, that conduct that constitutes a criminal offense may be charged as such and is subject to the maximum penalties allowed for such offenses. (Ord. 1040 § 1 (part), 2017)

10.30.100 Severability.

If any section, subsection, sentence, clause, paragraph, phrase, or word of this chapter should be found to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, paragraph, phrase or word of this chapter. (Ord. 1040 § 1 (part), 2017)

Title 11

DEVELOPMENT CODE ADMINISTRATION

Chapters:

Chapter 11.01

INTRODUCTION

Sections:

11.01.010 Purpose and applicability.

The purpose of this title is to prescribe the manner in which permits for development and construction are classified and processed, and the general procedures and practices for development permit administration.

The purpose of Chapters 11.01, 11.03, 11.05, 11.07 and 11.09 is to enact the processes and timelines for local land development permitting. The objectives of these chapters are to encourage the preparation of appropriate information early in the permitting process, to process permit applications in a timely manner, to provide the general public with an adequate opportunity for review and comment, to integrate environmental review with development project review, and to provide the development community with a standardized process and predictability.

This title shall apply to permit applications for land development under the following titles of the Grand Coulee Municipal Code:

A. Title 14, Buildings and Construction;

B. Title 16, Subdivisions;

C. Title 17, Zoning;

D. Title 18, Environment (Chapter 18.10, State Environmental Policy Act).

Certain chapters within this title may apply to other titles within the Grand Coulee Municipal Code, as indicated elsewhere in the Grand Coulee Municipal Code. Other laws, ordinances, regulations and plans have a direct impact on the development of land. These include, but are not limited to, the city of Grand Coulee comprehensive plan, the wastewater facilities plan, the comprehensive water system plan, the six-year transportation improvement program, the Grand Coulee Municipal Code, particularly Titles 12, 13, 14, 16, 17, and 18, the International Building Code, and the laws, ordinances, regulations and plans of federal, state and local agencies. (Ord. 963 § 1 (part), 2008)

11.01.020 Supersedes where conflict.

This title shall supersede other titles, chapters, and sections of the Grand Coulee Municipal Code where conflict exists. (Ord. 963 § 1 (part), 2008)

11.01.030 Rules of interpretation.

For the purposes of this title, all words used in the code shall have their normal and customary meaning, unless specifically defined otherwise in the code.

Words used in the present tense include the future.

The plural includes the singular and vice versa.

The words “will” and “shall” are mandatory.

The word “may” indicates that discretion is allowed.

The word “used” includes designed, intended, or arranged to be used.

The masculine gender includes the feminine and vice versa.

Distances shall be measured horizontally unless otherwise specified.

The word “building” includes a portion of a building or a portion of the lot on which it stands. (Ord. 963 § 1 (part), 2008)

Chapter 11.03

ADMINISTRATION

Sections:

11.03.010 Roles and responsibilities.

A. The regulation of land development is a cooperative activity including elected officials, the planning agency, the hearing examiner and city staff. The specific responsibilities of these bodies are set forth below.

B. A developer is expected to read and understand the city development code and be prepared to fulfill the obligations placed on the developer by the Grand Coulee Municipal Code, particularly Titles 12 through 18. (Ord. 963 § 1 (part), 2008)

11.03.020 Mayor.

The mayor or his/her designee shall review and act on the following:

A. Authority. The mayor is responsible for the administration of Titles 14, 15, 16, 17 and 18 and associated RCWs and WACs.

B. Administrative Interpretation. Upon request or as determined necessary, the mayor shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation within thirty days. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation.

C. Administrative Decisions. The mayor is responsible for issuing administrative decisions as set forth in Sections 11.09.030 and 11.09.040. (Ord. 963 § 1 (part), 2008)

11.03.030 City council.

The city council shall review and act on the following subjects:

A. Recommendations of the planning agency; and

B. Final plat approvals and appeals of rezones that are not of general applicability in accordance with the procedures for closed record decisions pursuant to this title. (Ord. 963 § 1 (part), 2008)

11.03.040 Planning agency.

The planning agency shall review and make recommendations on the following issues:

A. Amendments to the comprehensive plan;

B. Amendments to the subdivision code, Title 16;

C. Amendments to the zoning code, Title 17, including changes to the official zoning map which are of general applicability;

D. Amendments to the environment code, Title 18, except to Chapter 18.10, State Environmental Policy Act, after initial adoption; and

E. Other actions requested or remanded by the city council. (Ord. 963 § 1 (part), 2008)

11.03.050 Hearing examiner.

The hearing examiner shall review and make decisions on the following applications:

A. Preliminary subdivisions;

B. Planned developments;

C. Rezones which are not of general applicability;

D. Applications for variances and conditional use permits;

E. Amendments and/or alterations to plats;

F. Petitions for plat vacations;

G. Appeals alleging an error in a decision of a city official in the interpretation or the enforcement of the zoning code or any other part of the development code;

H. Appeals alleging an error in a decision of a city official in taking an action on a short subdivision or binding site plan; and

I. Any other matters as specifically assigned to the hearing examiner by the city council or as prescribed by the city code. (Ord. 963 § 1 (part), 2008)

Chapter 11.05

APPLICATION FORMS

Sections:

11.05.010 Application forms.

A. An application shall be made using the appropriate form provided by the city of Grand Coulee.

B. Each application form shall, at a minimum, include the following:

1. The application form shall be filled out legibly, in blue or black ink, either hand printed or typewritten.

2. The name, mailing address, and telephone number of each applicant.

3. The name, mailing address, and telephone number of the applicant's representative, if any.

4. The name, mailing address, and telephone number of each owner of the subject property, if different than the applicant(s).

5. The name, mailing address, telephone number, and contractor registration number of the applicant's prime contractor, if any.

6. The parcel number, legal description, and assessor's parcel map for each parcel which is the subject of the proposed development.

7. The signatures of each applicant or the applicant's representative, and each property owner if different than the applicant(s).

8. Any other information, documents, or materials, as determined by the city, which may be required in the body of the form or by an attachment to the form, e.g., a narrative description of the project.

C. Each application form shall require designation of a single person or entity to receive determinations and notices required under this code or by Chapter 36.70B RCW. Where a determination or notice to the applicant is required by this code or Chapter 36.70B RCW, "applicant" shall mean the person or entity so designated.

D. Each application shall contain the following statement:

> This application shall be subject to all additions to and changes in the laws, regulations, and ordinances applicable to the proposed development until a determination of completeness has been made pursuant to Chapter 11.07 GCMC.

(Ord. 963 § 1 (part), 2008)

Chapter 11.07

APPLICATION PROCESS

Sections:

11.07.010 Application process.

The application process shall consist of the following components:

A. Formal pre-application meeting.

B. Plan review.

C. Determination of completeness.

D. Notice of application.

E. Application review.

F. Notice of final decision. (Ord. 963 § 1 (part), 2008)

11.07.020 Formal pre-application meeting.

A. All prospective applicants shall participate in a formal pre-application meeting. The city may waive the requirement of a formal pre-application meeting where proposed development is subject to Type I administrative review.

B. The purpose of the formal pre-application meeting is to provide the applicant with the best available information regarding the development proposal and application processing requirements, and to assure the availability of complete and accurate development information necessary for review prior to the applicant's expenditure of application fees and the scheduling of the application review process.

C. The formal pre-application meeting provides an opportunity for the applicant, staff and other agencies to informally discuss and review the proposed development, the application and permit requirements, fees, the review process and schedule, and applicable development standards, plans, policies, and laws.

D. The formal pre-application meeting shall take place at the city's offices, unless another location is agreed upon by the city and the applicant. The length of the formal pre-application meeting shall be determined by the complexity of the development proposed by the applicant.

E. The city will prepare and maintain a written summary of the pre-application meeting, including a list of any specific documents, information, legal descriptions or other requirements that must be submitted in addition to the requirements of the application.

F. An applicant may request one or more additional formal pre-application meetings if the proposed development changes based on information received at the previous meeting. The additional meetings shall be subject to the same procedures as the initial formal pre-application meeting.

G. Application forms shall be made available to the applicant following a formal pre-application meeting.

H. Applicants for development may request an informal meeting prior to the formal pre-application meeting. The purpose of the meeting is to discuss, in general terms, the proposed development, city design standards, design alternatives and required permits and approval process(es).

I. It is impossible for the pre-application meeting to be an exhaustive review of all potential issues. The discussion at the meeting, the city's written summary, or the form sent to the applicant under subsection G of this section shall not bind or prohibit the city's future application or enforcement of the applicable law. (Ord. 963 § 1 (part), 2008)

11.07.030 Consolidated application process.

A. When more than one application for a proposed development is required, the applicant may elect to have all applications submitted for review at one time.

B. Applications for proposed development and planned actions subject to the provisions of the State

Environmental Policy Act (SEPA) shall be reviewed concurrently and in accordance with the state and local laws, regulations and ordinances.

C. When more than one application is submitted under a consolidated review and the applications are subject to different types of review procedures, all of the applications for the proposed development shall be subject to the highest level of review procedure which applies to any of the applications.

D. If an applicant elects a consolidated application process, the determination of completeness, the notice of application, and the notice of final decision must include all applications being reviewed. (Ord. 963 § 1 (part), 2008)

11.07.040 Plan review.

After application materials are submitted by a project proponent following the formal pre-application meeting, a plan review shall be conducted by the city to determine if the application is complete. The plan review shall determine if adequate information is provided in or with the application in order to begin processing the application, and that all required information and materials have been supplied in sufficient detail to begin the application review process. All information and materials required by the application form and from the formal pre-application meeting must be submitted. All studies supporting the application or addressing projected impacts of the proposed development must be submitted. (Ord. 963 § 1 (part), 2008)

11.07.050 Determination of completeness.

A. Within twenty-eight days after receiving an application, the city shall complete the plan review of the application and provide the applicant a written determination that the application is either complete or incomplete.

B. An application shall be determined complete only when it contains all of the following information and materials:

1. A fully completed and signed application.
2. Applicable review fees.
3. All information and materials required by the application form.
4. A fully completed and signed environmental checklist for projects subject to review under the State Environmental Policy Act.
5. The information specified for the desired project in the appropriate title of the Grand Coulee Municipal Code.
6. A plot plan disclosing all existing and proposed structures and features applicable to the desired development, for example, parking, landscaping, preliminary drainage plans with supporting calculations, signs, setbacks, etc.
7. Any additional information and materials identified at the formal pre-application meeting or required by applicable development standards, plans, policies, or any other federal, state or local laws.
8. Any supplemental information or special studies identified by the city.

C. For applications determined to be incomplete, the city shall identify, in writing, the specific requirements, information, or materials necessary to constitute a complete application. Within fourteen days after its receipt of the additional requirements, information, or materials, the city shall issue a determination of completeness or identify the additional requirements, information, or materials still necessary for completeness. Failure to submit the requested information within sixty days will result in a null and void application, with no refund of the filing fees.

D. A determination of completeness shall identify, to the extent known, other local, state, or federal agencies that may have jurisdiction over some aspect of the application.

E. A determination of completeness shall not preclude the city from requesting additional information or studies if new information is required or a change in the proposed development occurs.

F. Upon issuing a determination of completeness, the application materials, including the applicable SEPA review information, will be referred to appropriate agencies for review and comment. (Ord. 963 § 1 (part), 2008)

11.07.070 Application vesting.

An application shall become vested on the date a determination of completeness is made under this title. Thereafter the application shall be reviewed under the codes, regulations and other laws in effect on the date of vesting; provided, in the event an applicant substantially changes his/her proposed development after a determination of completeness, as determined by the city, the application shall not be considered vested until a new determination of completeness on the changes is made under this title. (Ord. 963 § 1 (part), 2008)

11.07.080 Notice of application.

A. Within fourteen days after issuing a determination of completeness, the city shall issue a notice of application. The notice shall include, but not be limited to, the following:

1. The date of application, the date of the determination of completeness, and the date of the notice of application.

2. A description of the proposed project action, a list of permits required for the application and, if applicable, a list of any studies requested.

3. The identification of other required permits not included in the application, to the extent known by the city.

4. The identification of existing environmental documents which evaluate the proposed development and the location where the application and any studies can be reviewed.

5. A statement of the public comment period, which shall be fourteen days following the date of the notice of application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any appeal rights.

6. The date, time, location, and type of hearing, if applicable, and scheduled at the date of the notice of application.

7. A statement of the preliminary determination, if one has been made at the time of notice of application, of those development regulations that will be used for project mitigation and of consistency with the type of land use of the proposed site, the density and intensity of proposed development, infrastructure necessary to serve the development, and the character of the development.

8. Any other information determined by the city to be appropriate.

B. Informing the Public. The notice of application shall be posted in the following manner:

1. It shall be posted on the subject property for the duration of the public comment period. The applicant shall be responsible for posting the property for site-specific proposals with notice boards provided by the city. Public notice shall be accomplished through the use of a four-by-four-foot plywood face generic notice board to be issued by the city as follows:

a. The applicant shall apply to the city for the issuance of a notice board, and shall pay to the city the amount of money on the fee schedule currently approved by the city council and available at City Hall.

b. Posting of the property for site-specific proposals shall consist of one or more notice boards as follows:

i. A single notice board shall be placed by the applicant in a conspicuous location on a street frontage bordering the subject property.

ii. Each notice board shall be visible and accessible for inspection by members of the public.

iii. Notice boards shall be maintained in good condition by the applicant during the notice period and must be in place at least fourteen calendar days prior to the end of any comment period.

iv. Notice boards must be removed by the applicant after the expiration of the applicable notice period.

c. An affidavit of posting shall be submitted to the city at least seven calendar days prior to the hearing. If the affidavits are not filed as required, any scheduled hearing or date by which the public may comment on the application may be postponed in order to allow compliance with the notice requirement.

2. The city shall post the notice of application at City Hall.

3. Where no other public notice, such as the required notice of a public hearing, is required, the notice of application shall be published once in the official newspaper for the city of Grand Coulee.

C. The notice of application is not a substitute for any required notice of a public hearing.

D. A notice of application is not required for the following actions, when they are categorically exempt from SEPA or environmental review has been completed:

1. An application for a single-family residence, accessory uses or other minor construction building permits;

2. Application for a lot line adjustment;

3. Any application for which Type I administrative review is determined applicable. (Ord. 963 § 1 (part), 2008)

11.07.090 Notice of public hearing.

When required, notice of a public meeting or hearing for all development applications and all open record appeals shall be given as follows:

A. Time of Notices. Except as otherwise required, public notification of meetings, hearings, and pending actions under Titles 14 through 18 shall be made by:

1. Publication in the official newspaper at least ten days before the date of a public meeting, hearing, or pending action; and

2. Mailing at least ten days before the date of a public meeting, hearing, or pending action to all property owners, as shown on the records of the county assessor, and all street addresses of properties within three hundred fifty feet, not including street rights-of-way, or the boundaries of the property which is the subject of the meeting or pending action; and

3. Posting at least ten days before the meeting, hearing, or pending action at City Hall.

B. Content of Notice. The public notice shall include a general description of the proposed project, action to be taken, a nonlegal description of the property or a vicinity map or sketch, the time, date and place of the public hearing and the place where further information may be obtained.

C. Continuations. If, for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date, time and place certain and no further notice under this section is required. (Ord. 963 § 1 (part), 2008)

Chapter 11.09

REVIEW AND APPROVAL PROCESS

Sections:

11.09.010 Application review criteria.

Review of an application and proposed development shall be governed by and be consistent with the fundamental land use planning policies and choices which have been made in the city's adopted comprehensive plans and development regulations. The review process shall consider the type of land use permitted at the proposed site, the density and intensity of the proposed development, the infrastructure available and needed to serve the development, the character of the development and its consistency with the comprehensive plan and development regulations. In the absence of applicable development regulations, the applicable development criteria in the comprehensive plan or sub-area plan adopted under Chapter 36.70A RCW shall be determinative. (Ord. 963 § 1 (part), 2008)

11.09.020 Application review classification.

A. Following the issuance of a determination of completeness and a notice of application, an application shall be reviewed at one of four levels:

1. Type I administrative review.
2. Type II administrative review.
3. Type III quasi-judicial review.
4. Legislative review.

B. If this title or the Grand Coulee Municipal Code provides that a proposed development is subject to a specific type of review, or a different review procedure is required by law, then the application for such development shall be processed and reviewed accordingly. If this title does not provide for a specific type of review, or if a different review procedure is not required by law, then the city shall determine the type of review to be used for the type and intensity of the proposed development.

C. Any public meeting or required open public hearing may be combined by the city with any public meeting or open record public hearing that may be held on the proposed development by another local, state, federal, or other agency. Hearings shall be combined if requested by the applicant. However, joint hearings must be held within the city and within the time limits of this title and Chapter 36.70B RCW. (Ord. 963 § 1 (part), 2008)

11.09.030 Type I administrative review of applications.

Type I administrative review shall be used when the proposed development is subject to clear, objective and nondiscretionary standards that require the exercise of professional judgment about technical issues and the proposed development is categorically exempt from the State Environmental Policy Act (SEPA). Permits reviewed through this process are not subject to the requirements of Chapter 11.07. The city may approve, approve with conditions, or deny the application. The decision of the city is final unless an administrative appeal process is provided for in this or any other title. This type of review includes, but is not limited to, the following:

A. Interpretation of codes and ordinances;

B. Single-family and other minor building permits not subject to environmental review;

C. Fence permits;

D. Boundary line adjustments;

E. Fill and grade permits;

F. Encroachment permits to work within a right-of-way;

G. Flood development permits; and

H. Minor amendments or modifications to approved developments or permits which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not affect the overall project character, increase the number of lots, dwelling units or density, or decrease the quality or amount of open space. (Ord. 963 § 1 (part), 2008)

11.09.040 Type II administrative review of applications.

A. Type II administrative review shall be used when the proposed development is subject to objective and subjective standards that require the exercise of limited discretion about nontechnical issues and about which there may be limited public interest. The proposed development may or may not be subject to SEPA review. This type of review includes, but is not limited to, the following:

1. Short subdivisions;
2. Binding site plans; and
3. Multi-family, commercial, industrial, and/or office building permits that are subject to environmental review pursuant to Title 18 and the State Environmental Policy Act (SEPA).

B. The review procedure under Type II administrative review includes the following:

1. If the proposed development is subject to the State Environmental Policy Act (SEPA), the threshold determination may be made concurrent with the public comment period required in the notice of application, pursuant to the provisions of WAC 197-11-355, Optional DNS Process, and Chapter 18.04 of this code.

2. The city may approve, approve with conditions, or deny the application after the date the application is accepted as complete, and upon completion of the public comment period and the comment period required by SEPA, if applicable. The decision of the city is final unless an administrative appeal process is provided for in this or any other title. The city shall mail the notice of decision to the applicant and all parties of record. The decision shall be issued pursuant to Section 11.09.090, Notice of final decision. (Ord. 963 § 1 (part), 2008)

11.09.050 Type III quasi-judicial review of applications.

A. Type III quasi-judicial review shall be used when the development or use proposed under the application requires a public hearing before a hearing body which will generally be the hearing examiner. This type of review includes, but is not limited to, the following:

1. Administrative appeals, including those relating to Chapter 43.21C RCW;
2. Preliminary subdivisions;
3. Plat alterations and/or vacations;
4. Conditional use permits;
5. Planned developments;
6. Variances;
7. Rezones which are not of general applicability; and
8. Other similar development permit applications.

B. The review procedure under Type III quasi-judicial review includes the following:

1. A Type III quasi-judicial review process requires an open record public hearing before the appropriate hearing body which is generally the hearing examiner.

2. The public hearing shall be held after the completion of the public comment period and the comment period required by SEPA, if applicable.

3. At least ten days before the date of a public hearing, the city shall issue public notice of the date, time, location, and purpose of the hearing, pursuant to Section 11.07.090.

4. At least seven days before the date of the public hearing, the city shall issue a written staff report, integrating the SEPA review and threshold determination and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall mail a copy of the staff report and recommendation to the applicant or the applicant's designated representative. The city shall make available a copy of the staff

report, subject to payment of a reasonable charge, to other parties who request it.

5. Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing body. Lacking any adopted hearing procedures, the provisions of Section 11.09.070 shall be used to conduct the public hearing. A public hearing shall be recorded on either audio or audio-visual tape.

6. Within ten working days after the date the public record closes, the hearing body shall issue a written decision regarding the application(s).

7. The hearing body may approve, approve with conditions, or deny the application and shall mail the notice of its decision to the city, applicant, the applicant's designated representative, the property owner(s), and any other parties of record. The decision shall be issued pursuant to Section 11.09.090, Notice of final decision. (Ord. 963 § 1 (part), 2008)

11.09.060 Legislative review of applications.

A. Legislative review is used when the proposed development involves the creation, implementation, or amendment of city policy or law. Projects reviewed through this process are not subject to the requirements of Chapter 11.07. This type of review includes, but is not limited to, comprehensive plan, sub-area plan, zoning, and/or development code reviews, amendments, and updates.

B. Legislative review may include any or all of the following as is appropriate under the circumstances:

1. Legislative review generally requires at least one public hearing before the planning agency, one public meeting before the city council and in most instances will involve at least one public hearing before the city council.

2. When an application by a private individual is part of the proposed legislative action, the application shall contain all information and material requirements, including the appropriate fee(s), required by the appropriate application form and any formal pre-application meeting.

3. At least ten days before the date of the first planning agency hearing, the city shall issue public notice of the date, time, location, and purpose of the hearing pursuant to Section 11.07.090. The notice shall include notice of the SEPA threshold determination issued by the city.

4. At least seven days prior to the hearing, the city shall issue a written staff report, integrating the SEPA review and threshold determination and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall mail a copy of the staff report and recommendation to the applicant or the applicant's designated representative, and planning agency members. The city shall make available a copy of the staff report, subject to a reasonable charge, to other persons who request it.

5. Following the public hearing of the planning agency, in accordance with Chapter 35A.63 RCW, a recommendation of the planning agency shall be forwarded to the city council at the next regularly scheduled meeting. Upon receiving the recommendation from the planning agency, the city council shall set a public meeting to consider the proposal, at which they may either accept or reject the recommendation.

6. The council must hold a public hearing to consider any changes to the recommendation of the planning agency. The council may approve, approve with conditions, deny, or remand the proposal back to the planning agency for further review after such public hearing.

7. In the event the city council determines that the public hearing record of the planning agency is insufficient or otherwise flawed, the council may remand the matter back to the planning agency to correct the deficiencies. The council shall specify the items or issues to be considered and the time frame for completing the additional work.

8. The final decision of the council shall be by ordinance, resolution, or motion, as appropriate. Where the final decision of the council is made by motion, it shall be in writing and shall include those items described in Section 11.09.090. (Ord. 963 § 1 (part), 2008)

11.09.070 Procedures for public hearings.

Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. The public hearing shall be declared open and, in general, the following sequence of events shall be observed:

A. Staff presentation, including submittal of any administrative reports. The hearing body may ask questions of the staff.

B. Applicant presentation, including submittal of any materials. The hearing body may ask questions of the applicant.

C. Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the hearing body at its discretion.

D. Rebuttal, response, or clarifying statements by the staff and the applicant.

E. The evidentiary portion of the public hearing shall be closed and, where applicable, the hearing body shall deliberate on the matter before it. (Ord. 963 § 1 (part), 2008)

11.09.080 Procedures for closed record decisions and appeals.

A. Closed record decisions and appeals shall be conducted in accordance with the hearing body's rules of procedure as provided for public hearings, and shall serve to provide argument and guidance for the body's decision.

B. Closed record decisions on requests for final plat approval of a preliminary subdivision shall include the following recommendations for approval or disapproval:

1. A recommendation from the city water and sewer department as to the adequacy of the proposed means of sewage disposal and water supply;

2. A recommendation from the city as to the compliance with all terms of the preliminary approval of the proposed subdivision; and

3. A recommendation of approval or disapproval from the city engineer.

C. Upon review of the request for final plat approval of a preliminary subdivision, the hearing body shall approve, disapprove, or remand the final plat to the applicant with specific instructions for compliance with the preliminary subdivision approval.

D. For closed record appeal hearings, no new evidence or testimony shall be given or received, except that the parties to an appeal may submit timely written statements or arguments. (Ord. 963 § 1 (part), 2008)

11.09.090 Notice of final decision.

A. The city will strive to issue a written notice of final decision on an application reviewed pursuant to either a Type II administrative or a Type III quasi-judicial review process within one hundred twenty days after the date of the determination of completeness. In determining the number of days that have elapsed, the following periods shall be excluded:

1. Any period during which the applicant has been requested by the city to correct plans, perform required studies, or provide additional information or materials. The period shall be calculated from the date the city issues the request to the applicant to, the earlier of, the date the city determines whether the additional information satisfies its request or fourteen days after the date the information has been received by the city.

2. If the city determines the information submitted by the applicant under subsection A1 of this section is insufficient, it shall again notify the applicant of deficiencies and the procedures under subsection A1 of this section shall apply to the request for information.

3. Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.

4. Any period for administrative appeals, which shall not exceed ninety days for open record appeals and sixty days for closed record appeals.

5. Any extension of time mutually agreed upon by the applicant and the city.

B. The time limit by which the city will strive to issue a written notice of final decision does not apply if an application:

1. Requires an amendment to a comprehensive plan or development regulation.

2. Requires the siting of an essential public facility, as provided in Chapter 36.70A RCW and as may be hereafter amended.

3. Is substantially revised by the applicant after a determination of completeness has been issued, in which case the time period shall start from the date on which the revised project application is determined to be complete.

C. If the city is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

D. In accordance with state law, the city is not liable for damages which may result from the failure to issue a timely notice of final decision.

E. The written notice of final decision for Type II administrative decisions, Type III quasi-judicial decisions and legislative actions made by motion of the city shall include the following information:

1. A statement of the findings of the review authority, stating the application's compliance or non-compliance with each applicable criterion, and assurance of compliance with applicable standards.

2. The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with all applicable laws.

3. A statement that the decision is final unless appealed as provided in Chapter 11.11, Appeals. The statement shall state the appeal closing date and describe how a party may appeal the decision, including applicable fees and the elements of a notice of appeal.

4. A written notice of decision rendered by the city council may be in the form of a signed ordinance or resolution.

F. Effective Date. The final decision of the council or hearing body shall be effective on the date stated in the notice of decision, resolution, or ordinance. (Ord. 963 § 1 (part), 2008)

Chapter 11.11

APPEALS

Sections:

11.11.010 Appeal of administrative interpretations and decisions.

Administrative interpretations and administrative decisions pursuant to Sections 11.09.030A and 11.09.040A and B, including appeals of administrative decisions or determinations made pursuant to Chapter 43.21C RCW, may be appealed, by applicants or parties of record, to the hearing examiner as provided for in Section 11.11.030. There are no appeals of administrative decisions issued pursuant to Section 11.09.030B through H. (Ord. 963 § 1 (part), 2008)

11.11.020 Appeal of hearing examiner decisions.

Appeal of a decision of the hearing examiner shall be timely filed as a judicial appeal in the Grant County superior court. (Ord. 963 § 1 (part), 2008)

11.11.030 Administrative appeals.

A. Filing. Every appeal to the hearing examiner shall be filed with the city within ten working days after the date of the decision of the matter being appealed. If the ten-day period ends on a weekend or on a holiday, the following working day shall be the tenth day.

B. Contents. The notice of appeal shall contain a concise statement identifying:

1. The decision being appealed;

2. The name and address of the appellant and his/her interest(s) in the matter;

3. The specific reasons why the appellant believes the decision to be wrong, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall bear the burden of proving the decision was wrong;

4. The specific desired outcome or changes to the decision;

5. The appeal fee.

C. Process. Upon receipt of a notice of appeal containing all information required in subsection B of this section, the city shall schedule with the applicable hearing body either an open record hearing or a closed record appeal hearing if an open record hearing has already been held on an application.

D. Closed record appeals shall be conducted in accordance with the hearing body's rules of procedure and shall serve to provide argument and guidance for the body's decision. Closed record appeals shall be conducted generally as provided for public hearings, except that no new evidence or testimony shall be given or received except as provided in subsection D3 of this section. Closed record appeal hearings may be continued as determined necessary by the hearing body. The parties to the appeal may submit timely written statements or arguments.

1. A decision following a closed record appeal hearing shall include one of the following actions:

a. Grant the appeal in whole or in part.

b. Deny the appeal in whole or in part.

c. Remand for further proceedings and/or evidentiary hearing.

2. In the event the hearing body determines that the public hearing record or record on appeal is insufficient or otherwise flawed, it may remand the matter back to the hearing body to correct the deficiencies. The items or issues to be considered and the time frame for completing the additional work shall be specified.

3. The hearing body may receive new evidence in addition to that contained in the record on appeal only if it relates to the validity of the underlying decision at

the time the decision was made and is needed to decide disputed issues regarding:

a. The proper constitution of or disqualification grounds pertaining to the decision maker.

b. The use of unlawful procedure.

E. The burden of proof in an administrative appeal is on the appellant.

F. SEPA Appeals. In addition to the items listed in this section, Chapter 18.10 shall be complied with when filing administrative appeals of SEPA decisions or determinations. (Ord. 963 § 1 (part), 2008)

11.11.040 Judicial appeals.

Appeals from the final decision of the city council or hearing examiner involving Titles 14, 15, 16, 17 and 18, and for which all other appeals specifically authorized have been timely exhausted, shall be made to Grant County superior court within twenty-one days of the date the decision or action became final. Such appeal shall be filed according to the procedural standards outlined in Chapter 36.70C RCW, Judicial Review of Land Use Decisions. (Ord. 963 § 1 (part), 2008)

11.11.050 Transcription costs and record preparation.

The cost of transcribing and preparing all records ordered certified by the court, required at the discretion of the hearing examiner or city council, or required at the discretion of the city attorney shall be borne by the appellant. The appellant shall post with the city clerk prior to the preparation of any records an advance fee deposit in the amount specified by the city clerk. The city clerk shall ascertain the approximate charge of the transcription. Any overage will be promptly returned to the appellant. Any undercharges shall be promptly paid by the appellant. (Ord. 963 § 1 (part), 2008)

Chapter 11.13

ENFORCEMENT AND PENALTIES

Sections:

11.13.010 Purpose.

The purpose of this chapter is to ensure compliance, abate noncompliance, and punish violations of applicable titles of the Grand Coulee Municipal Code, including without limitation Titles 14, 15, 16, 17 and 18. Where other titles establish specific violations and penalties, the provisions of this chapter shall be supplemental to said titles. Additionally, the provisions of this chapter may be used to supplement enforcement actions described within the Grand Coulee Municipal Code, and shall be applied and interpreted to accomplish this purpose. (Ord. 963 § 1 (part), 2008)

11.13.020 Compliance required.

A. No person, corporation, partnership, association or other legal entity shall fail or refuse to comply with, or interfere with or resist the enforcement of, the provisions of Titles 8 and 14 through 18 and/or any condition of approval imposed by the Grand Coulee city council, planning agency, hearing examiner or mayor, or a land use order, directive or decision of a city official. Any such act or failure to act shall constitute a violation under this chapter.

B. Actions under this chapter may be taken in any order deemed necessary or desirable by the city to achieve the purpose of this chapter and the development code.

C. 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. 963 § 1 (part), 2008)

11.13.030 Enforcing official.

The mayor shall be responsible for enforcing Titles 14, 15, 16, 17 and 18 and may adopt administrative rules to meet that responsibility. The mayor may delegate enforcement responsibility as appropriate. (Ord. 963 § 1 (part), 2008)

11.13.040 Responsibilities defined.

Owners remain liable for violations of duties imposed by the Grand Coulee Municipal Code, even though an obligation is also imposed on the occupants of the building and/or premises, and even though the owner has, by agreement, imposed on the occupant the duty of complying with all or portions of the Grand Coulee Municipal Code. (Ord. 963 § 1 (part), 2008)

11.13.050 Voluntary correction agreements.

A. The mayor, prior to filing any notice of violation and order, may enter into a voluntary correction agreement with a person responsible for correcting the condition, which may be the owner, agent or occupant.

B. Any such voluntary correction agreement shall be a contract between the city and the person responsible, and shall follow a form to be approved by the city attorney. It shall be entirely voluntary and no one shall be required to enter into such an agreement.

C. In such contract, the person responsible shall agree to the following:

1. Acknowledge a violation exists as shall be briefly there described;

2. Acknowledge it is his/her responsibility to abate the violation;

3. Agree to abate the violation by a certain date or within a specified time;

4. Agree that if he/she does not accomplish the terms of such agreement the city may proceed without further notice to enforce the applicable provisions of the Grand Coulee Municipal Code as described within this chapter, including entering the premises, rectifying the violation, and recovering the expenses and monetary penalties provided for herein.

D. The agreement shall provide that if the person does accomplish the terms of the agreement, as determined by the city, within the time frame specified therein, the city shall so acknowledge and then shall take no further actions about it or attempt to recover public costs already incurred.

E. The mayor may agree to extend the time limit for correction set forth in such agreement or may agree to modify the required corrective action. However, the mayor shall not agree to extend or modify the agreement unless the person responsible has shown due diligence and/or substantial progress in correcting the violation but has shown unforeseen circumstances which require such extension or modification. (Ord. 963 § 1 (part), 2008)

11.13.060 Notice of violation and order.

Upon the enforcing official's determination that one or more violations have been committed, the enforcing official shall issue a notice of violation and order.

A. The notice of violation and order shall, at a minimum, contain the following:

1. The name and address of each record owner, taxpayer and occupier of the property which is the subject of the violation(s) and, when applicable, the contractor(s);

2. The street address or a legal description sufficient for identification of the property;

3. The tax parcel number(s) of the property;

4. A description of each violation, including applicable sections of the Grand Coulee Municipal Code and/or conditions of approval;

5. An order that the use, acts or omissions which constitute violations(s) must cease;

6. A statement of the corrective action required for each violation, with a date by which such action must be completed;

7. A warning:

> The failure or refusal to complete corrective action by the date required may result in enforcement action, civil penalties and/or criminal penalties as provided in GCMC Chapter 11.13;

8. A statement of the right to appeal pursuant to Chapter 11.11.

B. The notice of violation and order shall be served upon each record owner, taxpayer and occupier and, when applicable, the contractor(s). Service of the notice of violation and order shall be by personal service or by both regular first class mail and certified mail, return receipt requested, addressed to each person's last known address. Service by mail shall be deemed completed three days after mailing.

C. The appeal of a notice of violation and order shall be filed with the hearing examiner within ten calendar days after service on the appellant. (Ord. 963 § 1 (part), 2008)

11.13.070 Violation—Civil enforcement and penalties.

The failure or refusal to complete corrective action by the date set forth in a notice of violation and order shall subject the person(s) to whom the notice of violation and order was directed to the following enforcement actions and penalties:

A. The enforcing official may revoke, modify, or suspend any permit, variance, subdivision or other land use approval issued for the subject property.

B. A civil penalty of five hundred dollars per day, or portion thereof, per violation until corrective action is completed. Each separate day, event, action, or occurrence shall constitute a separate violation.

C. The city, through its authorized agents, may initiate abatement or injunction proceedings or other appropriate action in the municipal court, or the courts of this state, to prevent, enjoin, abate, or terminate violations of this chapter. The city may obtain

temporary, preliminary, and permanent injunctive relief from the Grant County superior court.

D. The city may enter upon the subject property and complete all corrective action. The actual costs of labor, materials, and equipment, together with all direct and indirect administrative costs, incurred by the city to complete the corrective action shall be paid by record owner(s) and shall constitute a lien against the subject property until paid. A notice of claim of lien shall be recorded with the Grant County auditor. Interest shall accrue on the amount due at the rate of twelve percent per annum. In any action to foreclose the lien against the subject property, all filing fees, title search fees, service fees, other court costs and reasonable attorneys' fees incurred by the city shall be awarded as a judgment against the record owner(s) and shall be foreclosed upon the subject property together with the principal and accrued interest.

E. Subsections A through D of this section are cumulative remedies and the taking of action under one subsection does not constitute an election of remedies by the city.

F. In any action brought by the city to enforce this chapter or in any action brought by any other person in which the city is joined as a party challenging this chapter, in the event the city is a prevailing party, then the nonprevailing party challenging the provisions of this chapter or the party against whom this chapter is enforced in such action shall pay, in addition to the city's costs, a reasonable attorneys' fee at trial and in any appeal thereof. (Ord. 963 § 1 (part), 2008)

11.13.080 Approval revocation, suspension and modification.

A. A permit, variance, subdivision or other land use approval may be revoked, suspended or modified on one or more of the following grounds:

1. Failure to complete corrective action as required pursuant to a notice of violation and order.

2. The approval was obtained through fraud.

3. The approval was obtained through inadequate or inaccurate information.

4. The approval was issued contrary to law.

5. The approval was issued under a procedural error which prevented consideration of the interests of persons directly affected by the approval.

6. The approval is being exercised or implemented contrary to the terms or conditions of the approval or contrary to law.

7. The use for which the approval was issued is being exercised in a manner which is detrimental to public health, safety, or welfare.

8. Interference with the performance of federal, state, county, or city official duties.

B. Action to revoke, suspend or modify a permit, subdivision, or other land use approval shall be taken by the enforcing official through issuance of a notice of violation and order as described in Section 11.13.060.

C. 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. 963 § 1 (part), 2008)

Chapter 11.15

COMPREHENSIVE PLAN AMENDMENT PROCESS

Sections:

11.15.010 Effect.

The comprehensive plan shall serve as a basic source of reference for legislative, quasi-judicial and administrative action. The plan shall be consulted as a prerequisite to the establishment, improvement, abandonment, or vacation of public streets, parks, public buildings, zoning changes and other subjects that may from time to time arise that are addressed therein. The effects of such changes on the community shall be considered by the planning agency with reference to the comprehensive plan and a recommendation made to the city council. Where conflicts arise between the comprehensive plan and this title, the provisions of the comprehensive plan shall prevail. (Ord. 963 § 1 (part), 2008)

11.15.020 Procedures—Adoption and amendments.

The adoption, amendment, modification, or alteration of the comprehensive plan shall be as follows:

A. At least sixty days prior to the commencement of adoption proceedings, the Washington State Department of Community, Trade and Economic Development and other state agencies must be provided copies of the proposed changes, including the required environmental review documents prepared pursuant to SEPA, for their review and comment. The city shall act as lead agency pursuant to the State Environmental Policy Act and Chapter 18.10, State Environmental Policy Act.

B. After preparing the comprehensive plan or changes thereto, the planning agency shall hold at least one public hearing thereon. Notice of the time, place, and purpose of such public hearing shall be given by at least one publication in a newspaper of general circulation in the city of Grand Coulee at least ten days prior to the date of the hearing.

C. Upon completion of the hearing or hearings on the comprehensive plan or amendments thereto, the planning agency shall make such changes as it deems necessary or appropriate. It shall then transmit a copy of its recommendations for the comprehensive plan or amendments thereto to the city council.

D. Within sixty days from its receipt of the recommendation for the comprehensive plan as set forth in subsection C of this section, the city council shall consider the same at a public hearing. The city council shall take action to approve, disapprove, modify, or remand it back to the planning agency for further consideration. The city council shall specify the time within which the planning agency shall report back with its findings and recommendations on the matter referred to it. The final form and content of the comprehensive plan shall be determined by an ordinance of the city council. The comprehensive plan or its amendments as approved by the city council shall be filed with the city clerk and shall be available for public inspection.

E. The Grand Coulee comprehensive plan shall not be amended more than once in any calendar year except in cases of emergency, as established by Chapter 36.70A RCW.

F. The city will strive to coordinate amendments to the Grand Coulee comprehensive plan with Grant County for those areas located within the urban growth area but outside of the city limits. (Ord. 963 § 1 (part), 2008)

Chapter 11.17

DEFINITIONS

Sections:

11.17.010 Purpose and applicability.

The purpose of this chapter is to provide a primary source for the definition of terms used in city of Grand Coulee land use code (Titles 11, 16, 17, and 18). The definitions herein are applicable to those titles within the context of their use. These definitions do not supersede or replace the definitions of other terms found in the enumerated titles. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.012 Undefined words and phrases.

A. Except where specifically defined in this title, and any other ordinances, laws and/or regulations of the city, all words used in this title shall carry their customary meanings. The definition of any word or phrase not listed in the above sources that is in question when administering this title shall be defined from one of the following sources. Said sources shall be utilized by finding the desired definition from source number one, but if it is not available there, then source number two may be used and so on. The sources are as follows:

1. Any city of Grand Coulee resolution, ordinance, code, regulation or formally adopted comprehensive plan, or other formally adopted land use plan;
2. Any statute or regulation of the state of Washington;
3. Legal definitions from Washington common law or a law dictionary;
4. The common dictionary.

B. Words used in the present tense include the future, the plural includes the singular, the word "shall" is always mandatory, the word "may" denotes a use of discretion in making a decision, and the words "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied." (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.015 Accessory dwelling.

"Accessory dwelling" means a separate living unit (apartment) integrated within a single-family dwelling, or one located as a detached accessory dwelling located on the same lot as a single-family dwelling. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.018 Accessory use or building.

"Accessory use or building" means a use, structure, building or portion of a building customarily incidental and subordinate to the primary or principal use and occurring as a part of the same development or in the same building as the primary or principal use, and located on the same lot. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.021 Administrator or zoning administrator.

"Administrator" or "zoning administrator" means the mayor of the city of Grand Coulee or his/her designee. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.024 Adult family home.

"Adult family home" means a residential home in which a person or persons provide 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 person(s) providing the services as defined in RCW 70.128.010(1), as now exists or as may be hereafter amended. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.027 Agriculture.

"Agriculture" means the tilling of soil, raising of crops and horticulture, except that vegetable gardens

occupying less than five thousand square feet and up to ten fruit trees are exempt from this definition. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.030 Agricultural building, commercial.

"Agricultural building, commercial" means a structure supportive to the agricultural industry by providing refrigeration, packing and/or storage facilities, whether for private, cooperative or commercial use by agriculturists, including packing sheds, controlled atmosphere storage buildings, etc. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.032 Agricultural building, private.

"Agricultural building, private" means a structure accessory to an agricultural activity whose primary function is to directly support on-site agriculture. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.034 Agricultural lands.

"Agricultural lands" means lands that are not already characterized by urban growth and are of long-term significance for commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products, or of berries, grain, hay, straw, turf, seed, livestock, and Christmas trees not subject to excise tax. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.037 Alley.

"Alley" means a public way which affords secondary means of vehicular and pedestrian access to abutting property and right-of-way for utilities and is not intended for general traffic circulation. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.040 Alter or alterations.

"Alter" or "alterations" means any structural change, addition, or modification. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.043 Amendment.

"Amendment" means a change in the wording, context or substance of this chapter or a change in the zone boundaries upon the zoning maps adopted hereunder. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.047 Animal shelter.

"Animal shelter" means a building or structure (including outdoor fenced cages or yards) for the care of lost, abandoned, homeless or injured animals, whether domestic or wild. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.050 Applicant.

"Applicant" means any person, entity or government agency that applies for a development proposal, permit, or approval subject to review under the GCMC. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.053 Application.

"Application" means a request for any permit or approval required from the city for proposed development or action, including without limitation building permits, conditional uses, binding site plans, short subdivisions, major subdivisions, variances, etc. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.057 As-built drawings or plans.

"As-built drawings or plans" means revised construction plans in accordance with all approved field changes reflecting the improvements on the site as they actually exist. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.060 Assisted living facility.

"Assisted living facility" means a boarding home as defined in RCW 18.20.020 and licensed by the state where residents are housed in private apartment-like units and where assisted living services, including personal care and limited nursing services, are provided for residents by employees of the facility or on contract. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.063 Auto recycling facilities.

"Auto recycling facilities" means facilities lawfully permitted through federal, state and local regulations, which facility is for the breaking up, wrecking

and recycling of motor vehicles, equipment or scrap metal, including the handling, packing, bailing, sorting, storing, distributing, buying or selling of any scrap metal. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.066 Auto towing, secured.

"Auto towing, secured" means temporary storage area associated with a licensed towing company for impounded vehicles that complies with all applicable federal, state and local regulations. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.069 Automobile-oriented use.

"Automobile-oriented use" means any use of land which provides a service directly to a motor vehicle; or which provides goods or services to the occupants of a motor vehicle while seated therein; or which is a freestanding eating establishment characterized by over-the-counter service of pre-prepared or quickly prepared food which is ready to eat and packaged primarily for consumption in vehicles or off-premises. For the purpose of this chapter, automobile-oriented uses shall include, but not be limited to, such uses as service stations, car washes, drive-in banks, drive-in laundries or dry cleaners, and freestanding drive-in or carry-out eating establishments. Automobile-oriented uses shall not be interpreted to include vehicle sale, rental and service establishments. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.072 Automobile wrecking yard.

"Automobile wrecking yard" means an area in which is conducted the dismantling and/or wrecking of used motor vehicles, machinery or trailers, or the storage or sale of dismantled, obsolete or wrecked vehicles or parts, or the storage of motor vehicles unable to be moved under the power of the vehicle. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.076 Battery charging station.

"Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meets or exceeds any standards, codes, and regulations set forth. (Ord. 1076 § 1 (Exh. A), 2021)

11.17.077 Battery exchange station.

"Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth. (Ord. 1076 § 1 (Exh. A), 2021)

11.17.080 Bed and breakfast.

"Bed and breakfast" means an establishment providing both lodging and meals for not more than ten persons residing in the facility on a temporary basis. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.083 Binding site plan.

"Binding site plan" means a drawing to a scale specified by city ordinance which:

A. Identifies and shows the areas, locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by the zoning code;

B. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of land as are established by the city council; and

C. Contains provisions making any development be in conformity with the site plan. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.086 Block.

"Block" means a group of lots, tracts or parcels within well-defined and fixed boundaries. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.089 Boarding/lodging house.

"Boarding/lodging house" means an establishment providing both lodging and meals for persons residing in the facility on a permanent or semi-permanent basis. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.092 Bond.

"Bond" means any form of security acceptable to the city attorney and in an amount consistent with the provisions of these regulations. All bonds shall be approved by the city council wherever a bond is required by these regulations. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.095 Boundary line adjustment.

"Boundary line adjustment" means a division of land for the purpose of alteration by minor adjustment of boundary lines, between platted or unplatted lots or parcels or both, which does not create an additional lot, tract, parcel, building site, or division, nor creates any lot, tract, parcel, building site, or division which contains insufficient area or dimension to meet the minimum requirements for width or area for a building site. A lot consolidation is a type of boundary line adjustment. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.098 Buffer (transition) area.

"Buffer (transition) area" means an area of land or a structure that is used or created for the purpose of insulating or separating a structure or land use from other structures or uses in such a manner as to reduce or mitigate any adverse impacts of one on the other. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.101 Building.

"Building" means any structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or property. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.104 Building area, building site.

"Building area, building site" means the portion of a lot, within which a structure may be built, bounded by the setbacks, lot coverage standard and other applicable provisions of the GCMC. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.107 Building envelope.

"Building envelope" refers to the buildable area of a lot after applicable setbacks, easements and other restrictions on the lot are taken into account. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.110 Building height.

"Building height" means the height of a building as measured from the average, existing, natural grade at the building perimeter. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.113 Bus stop.

"Bus stop" means a facility where bus passengers are picked up and dropped off, including waiting areas, but not including service or storage facilities for buses. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.115 Business or commerce.

"Business or commerce" includes any occupation or employment of buying, selling, bartering or exchanging goods, wares, merchandise or other personal property or any interest therein, or rendering services, or the ownership or management of office buildings, offices, recreational or amusement enterprises for profit. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.120 Caretaker's residence.

"Caretaker's residence" means a residential dwelling unit accessory to an agricultural, commercial or industrial use for occupancy by the owner/caretaker. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.123 CC&Rs.

"CC&Rs" means covenants, conditions and restrictions by which the declarant or other party or parties executing the CC&Rs impose contractual obligations upon the present and future owners and assignees of real property. CC&Rs are connected with land or other real property, and run with the land, so that the grantee of such land is invested with and bound by the CC&Rs. CC&Rs include but are not limited to "declarations" for condominiums in accordance with Chapters 64.32 and 64.34 RCW. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.127 City.

"City" means the city of Grand Coulee, Washington. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.129 Charging levels.

"Charging levels" means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. Levels 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

1. Level 1 is considered slow charging.
2. Level 2 is considered medium charging.
3. Level 3 is considered fast, or rapid, charging.

(Ord. 1076 § 1 (Exh. A), 2021)

11.17.130 Clear view area.

"Clear view area" means a triangular area on the corner of all lots surrounding the intersection of two streets where for safety reasons, landscaping and structures must be designed and maintained to permit clear vision of approaching traffic. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.133 Closed record appeal.

"Closed record appeal" means an appeal on the record with no new evidence or information allowed to be submitted and only appeal argument allowed. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.136 Commercial.

"Commercial" means a business use or activity at a scale greater than home occupation involving retail or wholesale marketing of goods and services. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.139 Commercial-industrial land division.

"Commercial-industrial land division" means the division of land for the purpose of sale, lease, or transfer of ownership intended for the development of commercial and/or industrial uses. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.141 Commercial significance.

"Commercial significance, long-term" means the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense use of the land. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.144 Common open space.

"Common open space" means a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a subdivision and designed and intended for the use or enjoyment of the public. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the subdivision. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.147 Comprehensive plan.

"Comprehensive plan" means any map, plan, or policy statement pertaining to the development of land use, roads, or public utilities and facilities, for all or any portion of the city of Grand Coulee which has been hereafter amended. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.150 Concurrent or concurrency.

"Concurrent" or "concurrency" means that improvements are in place at the time of development, or that a financial commitment is in place to complete the improvements within six years. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.153 Conditional uses.

"Conditional uses" means uses which, because of special requirements, unusual character, size or shape, infrequent occurrence or possible detrimental effects on surrounding property, are not outright permitted. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.157 Condominium.

"Condominium" means real property, portions of which are designated for separate ownership and the

remainder of which is designated for common ownership solely by owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded in accordance with Chapter 64.32 or 64.34 RCW. Condominiums are not confined to residential units, such as apartments, but also include offices and other types of space in commercial buildings. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.160 Condominium, residential.

"Condominium, residential" means real property, buildings and land, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, pursuant to Chapters 64.32 and/or 64.34 RCW. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to Chapter 64.34 RCW. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.163 Condominium, time-share.

"Condominium, time-share" means condominiums, as defined herein, where more than one owner shares ownership of a single, separate unit within the development, generally encompassing certain blocks of time during a calendar year. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.166 Congregate care facility.

"Congregate care facility" means any home or other institution which is advertised, announced or maintained for the express or implied purpose of providing lodging, meal service or personal care for three or more elderly and/or people with functional disabilities, not related by blood or marriage to the operator, whether or not they receive public assistance. Such facilities shall be licensed by the state and shall include congregate care facilities that are facilities operated under contract with the state. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.169 Contiguous land.

"Contiguous land" means land adjoining and touching other land and having the same owner regardless of whether or not portions of the parcels have separate tax numbers or were purchased at different times, in different sections, are in different government lots or are separated from each other by private roads and/or easements. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.172 Contaminant.

"Contaminant" means any chemical, physical, biological, or radiological material that is not naturally occurring and is introduced into the environment by human action, accident, or negligence. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.175 Convalescent home.

"Convalescent home" means a residential facility, licensed by the state to provide special care and supervision to convalescents, invalids and/or aged persons. Special care in such a facility includes, but is not limited to, nursing, feeding, recreation, boarding and other personal services. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.178 Council.

"Council" means the Grand Coulee city council. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.181 County.

"County" means and refers to Grant County, Washington. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.184 Covenant.

"Covenant" means a clause in a contract; a promise; an agreement contained in a deed for the performance or nonperformance of certain acts or the use or nonuse of property. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.187 Coverage.

"Coverage" means the percentage of area of a lot which is occupied by a primary building or structure and its accessory buildings or structure, not including patios, driveways, open steps and buttresses, terraces, and ornamental features projecting from buildings or structures which are not otherwise supported by the ground. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.190 Critical aquifer recharge areas.

"Critical aquifer recharge areas" means areas which serve as critical groundwater recharge areas used for potable water and which are highly vulnerable to contamination from intensive land uses within these areas. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.193 Critical area(s).

"Critical area(s)" means an area or combination of areas which include wetlands, aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.196 Cul-de-sac.

"Cul-de-sac" means a local or residential street with only one outlet and having a turnaround for the safe and convenient reversal of direction. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.205 Dangerous waste.

"Dangerous wastes" means any discarded, useless, unwanted, or abandoned substances, including but not limited to certain pesticides, or any residues or con-

tainers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment (RCW 70.105.010). (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.208 Data maps.

"Data maps" means a series of maps that are maintained by the city of Grand Coulee for the purpose of graphically depicting likely boundaries of resource lands and critical areas. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.211 Day-care center.

"Day-care center" means a facility other than a home where a person or agency licensed by the state of Washington provides child care for thirteen or more children during part of the twenty-four-hour day. The term includes nurseries, nursery schools, privately conducted kindergartens and programs providing after-school care for children. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.214 Dedication.

"Dedication" means a deliberate appropriation of land by an owner for any general and public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.217 Density.

"Density" means the amount of land per dwelling unit, excluding the area for roads, parks, churches and schools, public/private capital facilities and dedicated public lands, and environmentally sensitive areas. Environmentally sensitive areas may be used in calculating densities provided they are maintained in their natural state. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.220 Dependent care housing.

"Dependent care housing" means single-family housing provided on a lot having an existing residence to assist in the care of individuals in need of special assistance by reason of advanced age, infirmity or disability. Dependent care housing is distinguished from adult family housing or group homes in that housing and care for individuals is without rent or charge from the persons providing the housing and care. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.223 Development or development permit.

"Development" or "development permit" means any permit or action regulations by the GCMC including but not limited to land division approvals, planned developments, rezones, conditional use permits, variances, building construction, street construction, utility construction or installation, grading, filling or excavation. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.226 District.

"District" means the specific zoning classification or designation of property adopted pursuant to Title 17. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.229 Drive-up food service.

"Drive-up food service" means an establishment which by design, physical facilities, service or packaging procedures encourages or permits customers to receive food service while remaining in a motorized vehicle. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.231 Dwelling, modular.

"Dwelling, modular" means a residential structure that is constructed in a factory, transported to the building site in modules and assembled on site on a permanent foundation. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.234 Dwelling, multifamily.

"Dwelling unit, multifamily" means a structure containing three or more attached dwelling units on one lot. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.237 Dwelling, single-family.

"Dwelling, single-family" means a detached building designed exclusively for occupancy by one family and containing one dwelling unit. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.240 Dwelling, two-family or duplex.

"Dwelling, two-family" or "duplex" means a single structure containing two dwelling units designed for occupancy by two families and connected by a common vertical wall or, in the case of a multistory building, by common ceiling and floor. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.243 Dwelling unit.

"Dwelling unit" means a building or portion thereof designed exclusively for residential purposes on a permanent basis; to be used, rented, leased, or hired out to be occupied for living purposes having independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation. No motor home, travel trailer, tent trailer or other recreational vehicle shall be considered a dwelling unit. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.250 Easement.

"Easement" means authorization by a property owner to specific persons or to the public to use the property or a portion of the property for a specific purpose or purposes. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.253 Educational services.

"Educational services" means public schools, and private schools offering curricula similar to public schools; excluding all studios for group instruction and business, trade and technical schools. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.255 Electric vehicle infrastructure.

"Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations. (Ord. 1076 § 1 (Exh. A), 2021)

11.17.256 Endangered species.

"Endangered species" means any wildlife species that is:

A. Native to the state of Washington and is seriously threatened with extinction throughout all or a significant portion of its range within the state; and

B. Listed in the Federal Register and/or state regulations. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.259 Engineer.

"Engineer," unless the context indicates otherwise, means an individual licensed as a civil engineer pursuant to Chapter 18.43 RCW as now exists or as may be hereafter amended. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.262 Engineer, city.

"Engineer, city" means the engineering firm selected by the city and appointed by the mayor and approved by the city council as the city's official engineer. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.265 Engineering design standards.

"Engineering design standards" is synonymous with "engineering standards" and means the city's engineering, design and construction standards and specifications governing the construction of public and private improvements serving developments, as determined by the city engineer and public works superintendent from time to time. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.266 Erosion hazard areas.

"Erosion hazard areas" means areas defined by the USDA Soil Conservation Service as having a "high" erosion hazard and a "rapid" surface runoff or areas defined by the USDA Soil Conservation Service as having a "severe" limitation due to slope for building site development. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.268 Essential public facilities.

"Essential public facilities" means those publicly and privately owned and/or operated facilities, structures, utilities and uses that are typically difficult to

site due to scale and operational characteristics that may pose potentially hazardous or inherently objectionable conditions if permitted to site without public review. Examples of essential public facilities include, but are not limited to, airports, state education facilities, state or regional transportation facilities, state and local correction facilities, solid waste handling facilities and in-patient facilities, including substance abuse facilities, mental health facilities and group homes. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.270 Family day-care provider home.

"Family day-care provider home" means a child day-care provider who holds a license issued by the state of Washington, Department of Social and Health Services, to regularly provide child day-care for not more than twelve children in the provider's home in the family living quarters, as defined in RCW 74.15.020 as now exists or as may be hereafter amended. These facilities constitute R-3 occupancies pursuant to the Washington State Uniform Building Code, as now enacted or as hereafter amended. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.273 Farmer's market.

"Farmer's market" means a site used for the retail sale of homemade fresh agricultural products, grown either on or off site, but may include as incidental and accessory to the principal use the sale of factory sealed or prepackaged food products, arts, crafts, plants, flowers and other nonfood items. This definition does not include the sale of animals. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.276 Fence.

"Fence" means a wall or barrier erected for the purposes of enclosing space, marking boundaries, serving as an obstruction, or separating parcels of land, and which restricts vision. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.279 Fill.

"Fill" means any sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.282 Final approval.

"Final approval" means the final official action taken by the responsible city official, board or hearing body on the final plan, subdivision, or dedication or portion thereof that has previously received preliminary approval. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.285 Final plat.

"Final plat" means the final drawing of the land division and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title, and all other applicable codes and ordinances, and Chapter 58.17 RCW. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.288 Fish and wildlife habitat conservation areas.

"Fish and wildlife habitat conservation areas" means land areas managed for the maintenance of species in a wild state in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.291 Floor area, gross floor area.

"Floor area, gross floor area" means the plan area of a building, exclusive of porches and exterior stairs, multiplied by the number of floors, exclusive of basement. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.300 Foster home.

"Foster home" means a home licensed and regulated by the state and classified by the state as a foster home. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.303 Frequently flooded areas.

"Frequently flooded areas" means areas that are subject to a one percent or greater chance of flooding in any given year as determined by the Federal Emer-

gency Management Administration. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.306 Frontage.

"Frontage" means that portion of a lot abutting on a public street and ordinarily regarded as the front of the lot and principal means of access to the property. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.315 Garage, parking or commercial.

"Parking or commercial garage" means a building used for storage, repair or servicing of motor vehicles as a commercial use. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.318 Garage, private.

"Private garage" means an accessory building or space within the principal building intended for use of storage of vehicles. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.321 Geologically hazardous areas.

"Geologically hazardous areas" means areas designated within the city of Grand Coulee which are not suited for siting commercial, residential, or industrial development because of their susceptibility to erosion, sliding, earthquake or other geological events. These areas shall include erosion hazard areas, landslide hazard areas and seismic hazard areas.

"GH1" means geological hazard class for areas where adequate information indicates that no significant geological hazard is present or where it is judged that there is little likelihood for its presence.

"GH2" means geological hazard class for areas where adequate information indicates that significant geological hazard is present or where it is judged that there is a high likelihood for its presence.

"GH3" means geological hazard class for areas containing a geological hazard the significance of which cannot be evaluated from available data.

"GH4" means geological hazard class for areas where available information to evaluate a geological hazard is inadequate. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.324 Governmental uses and structures.

"Governmental uses and structures" means buildings, structures and uses for municipal purposes including governmental office buildings; law enforcement and fire stations; courts of law; public libraries; public day-use parks and recreation facilities; public maintenance and storage facilities; and correction/detention facilities owned, operated and managed by public agencies. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.327 Grade.

"Grade" means the slope of a street specified in percentage terms. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.330 Group home.

"Group home" means a transitional group home which provides residentially oriented facilities for the rehabilitation or social adjustment of persons who need supervision or assistance in becoming socially reoriented, but who do not need institutional care. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.340 Halfway house.

"Halfway house" means a home for juvenile delinquents or adult offenders leaving correctional and/or mental institutions or rehabilitation centers for alcohol and/or drug users. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.343 Hazardous substance.

"Hazardous substance" means any material that exhibits any of the characteristics or criteria of hazardous material or waste, inclusive of waste oil and petroleum products, and which further meets the definitions of "hazardous waste" (Chapter 173-303 WAC or RCW 70.150.010). (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.347 Hazardous waste.

"Hazardous waste" means all dangerous and extremely hazardous waste as defined in RCW 70.105.010. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.350 Hazardous waste storage.

"Hazardous waste storage" means the holding of dangerous waste for a temporary period as regulated by State Dangerous Waste Regulations, Chapter 173-303 WAC. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.353 Hazardous waste treatment.

"Hazardous waste treatment" means the physical, chemical or biological processing of dangerous wastes to make them less dangerous, safer for transport, amenable for storage, or reduced in volume. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.356 Hazardous waste treatment/storage facility, off-site.

"Hazardous waste treatment/storage facility, off-site" means those treatment and storage facilities which treat and store waste from generators on properties other than those on which the off-site facilities are located. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105.210. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.359 Hazardous waste treatment/storage facility, on-site.

"Hazardous waste treatment/storage facility, on-site" means those treatment and storage facilities that treat and store wastes generated on the same geographically contiguous or bordering property. These facilities must comply with the state siting criteria adopted in accordance with RCW 20.105.210. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.362 Hearing examiner.

"Hearing examiner" means that person appointed by the Grand Coulee city council, in accordance with the Grand Coulee Municipal Code. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.365 Home fruit stand.

"Home fruit stand" means a building or structure used for the seasonal sale of fresh fruit or vegetables. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.368 Home occupation.

"Home occupation" means a lawful occupation carried on entirely within a residence as a clearly secondary use involving the occupant(s) and conducted in such a manner as to not manifest any outward appearance or characteristic of a business in the ordinary meaning of the term. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.371 Home occupation, type A.

"Home occupation, type A" means a home occupation, as defined here, that does not involve customers coming and going from the residence, and within which only family members are employed. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.374 Home occupation, type B.

"Home occupation, type B" means a home occupation, as defined here, that may involve customers coming and going from the residence, and within which one other person than family members may be employed. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.377 Homeowner's association.

"Homeowner's association" means an incorporated nonprofit organization operating under recorded land agreements, including but not limited to CC&Rs, through which:

A. Each lot owner is automatically a member;

B. Each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining commonly owned property; and

C. A charge, if unpaid, becomes a lien against the real property. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.380 Hotel.

"Hotel" means any building containing six or more guest rooms where lodging, with or without meals, is provided for compensation, where no provisions are made for cooking in any individual room or suite. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.388 Impervious surface.

"Impervious surface" means any material or structure that prevents the natural absorption of water into the earth. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.391 Improvements.

"Improvements" means the facilities and infrastructure of a land development, including but not limited to the streets, sidewalks, street lights, fire hydrants, stormwater facilities, sanitary sewer facilities, domestic water facilities, and other utilities and facilities required by this title to be constructed in conjunction with any particular land division, as approved by the necessary city departments. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.394 Industrial park.

"Industrial park" means land that has been planned, developed and operated as an integrated facility for a number of individual industrial users, with special attention given to transportation circulation, parking, utility needs, aesthetics and compatibility. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.397 Instructional child care/preschool.

"Instructional child care/preschool" means a place where prekindergarten children receive instruction that meets all state and local requirements to conduct such activity. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.405 Junk.

"Junk" means any storage or accumulation of inoperable motor vehicles or equipment, vehicle or equipment parts, used lumber and building materials, pipe, white goods, demolition waste, any used material, or any solid waste. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.408 Junkyard.

"Junkyard" means an area where any person is engaged in the breaking up, wrecking or dismantling of motor vehicles or equipment; handling, packing, bailing, sorting, storing, distributing, buying or selling of any scrap, waste material, or junk including but not limited to scrap, metal, bones, rags, used cloth, used rubber, used rope, used bottles, old or used machinery, used tools, used appliances, used fixtures, used lumber, used pipe or pipe fittings, used tires or other used manufactured goods. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.415 Kennel, commercial.

"Kennel, commercial" means a facility for the care, boarding and/or training in exchange for compensation, or for breeding for profit, of four or more dogs, cats or small animals, excluding livestock and poultry, not less than four months of age. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.418 Kennel, hobby.

"Kennel, hobby" means a noncommercial kennel at or adjoining a dwelling unit where four or more dogs, cats, or small animals, excluding livestock and poultry, over four months of age are kept by their owner for hunting, training, exhibition, field work, working and/or obedience trials, or for enjoyment of the species. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.425 Land division.

"Land division" means the creation of any lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, and is inclusive of all types of land divisions defined and described in the GCMC, including without limitation short subdivisions, subdivisions, binding site plans and plat alterations. Land division includes the redivision of previously divided land. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.428 Landslide hazard.

"Landslide hazard" means areas subject to severe risk of landslide based on a combination of geologic, topographic and hydrologic factors. Areas of landslide hazard include the following:

A. Areas characterized by:

1. Slopes greater than fifteen percent;

2. Impermeable soils (typically silt and clay) frequently interbedded with permeable granular soils, or impermeable soils overlain with permeable soils; and

3. Springs or groundwater seepage; or

B. Any area which has shown movement during the Holocene epoch (from ten thousand years ago to the present) or which is underlain by mass wastage debris of that epoch; or

C. Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action; or

D. Any area which shows evidence of, or is at risk from, snow avalanches; or

E. Any area located on an alluvial fan, presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments; or

F. Any area with a slope of forty percent or greater with a vertical relief of ten or more feet except areas composed of consolidated rock. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.431 Legally subdivided.

"Legally subdivided" means land subdivided in accordance with the Grand Coulee Municipal Code or any applicable laws or regulations in force at the time of subdividing. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.434 Livestock.

"Livestock" means animals kept for use, propagation, or sale. Dogs, fish, house cats, and house pets, other than those with cloven hooves, are not considered livestock for the purpose of this chapter. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.437 Lodge.

"Lodge" means the meeting place of a branch of certain fraternal organizations. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.441 Lot.

"Lot" means a fractional part of divided lands having fixed boundaries; having sufficient area and dimension to meet minimum zoning requirements for width and area; having frontage on a street and which is an integral part of the land division; and on which a principal use or building and its accessory buildings are placed or are to be placed, together with the required open spaces. The term shall include tracts and parcels. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.444 Lot area.

"Lot area" means the total land space or area contained within the boundary lines of any lot, tract or parcel of land, exclusive of public and private rights-of-way, and may be expressed in square feet or acres. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.447 Lot consolidation.

"Lot consolidation" means a type of boundary line adjustment used for the purpose of consolidating boundary lines between platted or unplatted lots or both, which does not create any additional lots, tracts, parcels, or sites, and combines them into one building site. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.450 Lot, corner.

"Lot, corner" means a lot situated at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot at an interior angle of less than one hundred thirty-five degrees. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.453 Lot depth.

"Lot depth," means the horizontal distance from the midpoint of the front property line to the midpoint of the rear property line. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.456 Lot, flag.

"Lot, flag" means lots or parcels not meeting minimum frontage requirements and where access to the public road is by a private easement or driveway. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.459 Lot frontage.

"Lot frontage" means the boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a private road, easement or access way. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.461 Lot improvement.

"Lot improvement" means a physical betterment of real property, or any part of such betterment, including any building, structure, or improvement of land. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.464 Lot line, front.

"Lot line, front" means any property line of a lot which abuts a public or private street or road, other than an alley is considered the "front lot line." Corner lots, or lots bounded by more than one public or private street, shall be considered to have two front lot lines. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.467 Lot line, rear.

"Lot line, rear" means the property line that is most opposite or most distant from the designated front lot line, and does not intersect any front lot line. Corner lots with two front yards must designate one rear lot line, maintaining the applicable rear yard setback set forth in this title. The remaining lot line will be the side lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.470 Lot line, side.

"Lot line, side" means any lot line that is not a front or rear lot line, or any lot line that intersects a front lot line. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.473 Lot of record.

"Lot of record" means a lot created by a recorded land division or a lot that is otherwise legally created. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.476 Lot width.

"Lot width" means the horizontal distance, measured at right angles, between the side lot lines, as measured at the front lot line, except where enumerated elsewhere in this title. Corner lots shall be measured at right angles from each front yard lot line to the opposing lot line. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.480 Manufactured home.

"Manufactured home" means a structure constructed after June 15, 1976, and in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing, bearing the appropriate insignia indicating such compliance, and designed primarily for residential occupancy by human beings. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.483 Manufactured home, designated.

"Designated manufactured home" means a manufactured home that meets the following:

A. Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;

B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal or similar roof of not less than three-to-twelve pitch; and

C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.486 Manufactured home park.

"Manufactured home park" means a lot, parcel or tract of land, improved or unimproved, occupied or designed to be occupied by three or more manufactured/mobile homes, used for permanent dwelling or sleeping purposes, on a rent or lease basis and operated as a single development. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.489 Meander line.

"Meander line" means a line along a body of water intended to be used solely as a reference for surveying. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.492 Medical, dental clinic.

"Medical, dental clinic" means an establishment for treatment of outpatients, and providing no overnight care for patients. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.495 Meeting hall.

"Meeting hall" means a building primarily designed or used for public assembly by various groups, service organizations, or clubs. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.498 Micro-brewery/winery/distillery.

"Micro-brewery/winery/distillery" means a commercial structure (or residential structure converted to commercial standards) where beer, wine or spirits are annually produced, tasted or sold within the definition and licensing requirements for breweries, wineries and distilleries of the Washington State Liquor and Cannabis Board. Such uses may also include food services, restaurants, and/or tasting rooms. (Ord. 1034 § 2, 2016: Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.502 Mineral extraction.

"Mineral extraction" means the removal of topsoil, gravel, rock, clay, sand or other earth material and including accessory activities such as washing, sorting, screening, crushing and stockpiling. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.505 Mineral lands.

"Mineral lands" means lands that are not already characterized by urban growth and are of long-term commercial significance for the extraction of aggregate and mineral resources including sand, gravel and valuable metallic substances. Other minerals may be classified as appropriate. Both known and potential deposits may be classified. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.508 Mini-storage.

"Mini-storage" means a building(s) or site used for temporary indoor or outdoor storage on a commercial basis (excluding the storage of hazardous materials and waste). (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.511 Mitigation.

"Mitigation" means a means of minimizing the effects of an action. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.514 Mobile home.

"Mobile home" means a structure, constructed before June 15, 1976, that is transportable in one or more sections that are eight feet or more in width and thirty-two feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and bearing the "Mobile Home" insignia of the Washington State Department of Labor and Industries, commonly referred to as a single wide. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.517 Model home.

"Model home" means a dwelling unit used initially for display purposes which typifies the type of units that will be constructed in a subdivision. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.520 Modular dwelling.

"Modular dwelling" means a residential structure that is constructed in a factory, transported to the building site in modules and assembled on site on a permanent foundation. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.523 Monument, permanent control.

"Monument, permanent control" means an object used to permanently mark a surveyed location. The size, shape and design of the monument are to be in accordance with standards specified in Chapter 58.09 RCW, the Survey Recording Act. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.526 Motel.

"Motel" means a building containing units which are used as individual sleeping units having their own private toilet facilities and sometimes their own kitchen facilities, designed primarily for the accommodation of transient automobile travelers. Accom-

modations for trailers are not included. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.529 Multifamily dwelling.

"Multifamily dwelling" means a structure containing three or more attached dwelling units on one lot. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.532 Multiple building complex.

"Multiple building complex" means a group of structures, or a single structure, with dividing walls and separate entrances for each business, housing at least two retail, wholesale or service businesses, and/or independent or separate parts of a business, which share the same lot, access and/or parking facilities. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.535 Municipal buildings.

"Municipal buildings" means structures used to house the general operations of a municipal government, including city halls, county courthouses, etc. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.538 Municipal shop/maintenance building.

"Municipal shop/maintenance building" means a structure used to house the public works/maintenance function of a municipal government, including storage, repair and maintenance of heavy equipment, vehicles, construction materials, etc. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.540 Nonconforming building or structure.

"Nonconforming buildings or structure" means a building, structure, or portion thereof that was legally in existence, either constructed or altered prior to the effective date of the ordinance codified in this code, which does not conform with the requirements of this code. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.542 Nonconforming lot.

"Nonconforming lot" means a parcel of land, in separate ownership, and of record prior to the effective date of the ordinance codified in this code, which does not conform with the dimensional or area requirements of this code. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.546 Nonconforming use.

"Nonconforming use" means a lot, use, building or structure which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.548 Nursing or convalescent home.

"Nursing or convalescent home" means an establishment licensed by the state of Washington which provides full time care for three or more chronically ill, aged or infirm persons. Such care shall not include surgical, obstetrical or acute illness services which are customarily provided in hospitals. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.550 Nursery, greenhouse.

"Nursery, greenhouse" means a facility, structure or use of land for the commercial production of bedding plants, street stock or associated horticultural products. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.552 Off-street parking space.

"Off-street parking space" means a space not less than nine feet in width by eighteen feet in length reserved for the parking of vehicles, together with an area provided for reasonable access to the space and adequate additional space for driving a vehicle into and out from each such space or stall. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.554 Open record hearing.

"Open record hearing" means a hearing that creates the record through testimony and submission of evidence and information. An open record hearing may be held on an appeal if no open record hearing has previously been held on the application. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.556 Open space.

"Open space" means that portion of a lot or parcel reserved in open land for conservation of natural features, provision of visual amenity and for recreational use. It is land which is retained in or restored to a condition where nature predominates, and is substantially free of structures, impervious surface, and other land altering activities of man's built environment; other than minimal appurtenances such as walkways and recreational facilities designed and intended to make such open space usable and accessible, and for the persons for whom the space is intended. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.558 Owner.

"Owner" means any person, group of persons, firm or firms, corporation or corporations, or any legal entity having legal title to or sufficient proprietary interest to the land proposed to be subdivided. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.560 Parent parcel.

"Parent parcel" means a lot (tract or parcel) which exists as of the date of adoption of this title, out of which a land division is proposed or occurs. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.562 Parking area.

"Parking area" means an open area, other than a street or alley, which contains one or more parking spaces and the aisles which provide access to such spaces. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.564 Parking, off-street.

"Parking, off-street" means an area devoted to the parking of vehicles and located within the boundaries of a lot. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.566 Parking space/stall.

"Parking space/stall" means an area set aside, permanently reserved and maintained for the parking of one motor vehicle outside of a public street right-of-way and outside of required front yard setbacks, unless otherwise provided for in this title. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.568 Person.

"Person" means any person, firm, business, corporation, partnership or other associations or organization, marital community, municipal corporation, or governmental agency. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.570 Person with functional disabilities.

"Person with functional disabilities" means:

A. A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:

1. Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living; or

2. Needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible; or

3. Having a physical or mental impairment which substantially limits one or more of such person's major life activities; or

4. Having a record of having such an impairment; and

B. A person being regarded as having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.572 PHS—Priority habitat and species.

"PHS" means priority fish and wildlife habitat, a seasonal range or habitat element of a priority fish or wildlife species, as identified by the Washington Department of Fish and Wildlife, which if altered may reduce the likelihood that the species will maintain and reproduce over the long term. This would include, but not be limited to, areas of high relative density or species richness, breeding habitat, winter range and movement/migration corridors; or habitats of limited availability or highly vulnerable to alterations, i.e., cliffs, talus, wetlands, riparian areas, etc. Priority species include state and federal listed endan-

gered, threatened, sensitive or candidate species determined to be in danger of failing, declining, or to be vulnerable due to factors such as limited numbers, disease, predation, exploitation or habitat loss or change. Also included are species for which maintenance of a stable population and surplus for recreation may be affected by habitat loss or change, and/or species uncommon in the state of Washington. These would include, but not be limited to, wolves, grizzly bear, mule deer, bighorn sheep, lynx, bald eagles, spotted owls, sharp-tailed grouse, blue grouse, anadromous and resident fish. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.574 Planning agency.

"Planning agency" means the city of Grand Coulee planning agency, or any subcommittee thereof, empowered to carry out the duties set forth in Chapter 36A.63 RCW, and/or any function the Grand Coulee city council has delegated to the planning agency. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.576 Plat.

"Plat" means a map or representation of a land division showing the general division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.577 Plat administrator or administrator.

"Plat administrator" or "administrator" means and refers to the mayor, his or her designee, or any other official appointed in writing by the mayor to be responsible for the administration and enforcement of this title. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.579 Plat, short.

"Plat, short" means a neat and accurate drawing of a short subdivision, prepared for filing for record with the county assessor, and containing all elements and requirements as set forth by this title. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.582 Poultry.

"Poultry" means chickens, ducks, geese, rabbits or other domesticated fowl. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.584 Preliminary approval.

"Preliminary approval" means the final action of the city granting approval to a land division, subject to applicable conditions which must be fully satisfied prior to final plat approval. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.585 Preliminary plat.

"Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, restrictive covenants and other elements of a subdivision consistent with the requirements of this title and Chapter 58.17 RCW as now exists or as may hereafter be amended, which shall furnish a basis for the approval or disapproval of the general layout of subdivision. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.586 Primary use.

"Primary use" means a specific and primary purpose for which land, a building or structure is, or may be, occupied, arranged, designed, intended or maintained. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.587 Prior division of land.

"Prior division of land" means any of the following:

A. A division initiated by sale, lease, transfer or option contract executed prior to the date of adoption of the ordinance codifying this title, which presently remains a binding and enforceable commitment as between the parties thereto, their successors, or assigns. If the applicable instrument does not specifically designate separated units of property but does describe separate and defined lots, tracts, parcels, sites or divisions of land which are contiguous, they shall constitute prior division of land, providing that any division executed prior to the effective date of the ordinance codified in this title was in full and com-

plete compliance with the then applicable subdivision ordinances and laws of the state of Washington;

B. A taxation parcel of any size which is surrounded by prior divisions of land as defined by subsection A of this section;

C. A taxation parcel of any size which was created prior to the date of adoption of the ordinance codified in this title for the purpose of creating divisions of land which were exempt from platting requirements. Taxation parcels which were administratively created by the assessor's office solely for tax purposes include senior citizen segregations administratively affected by one other than the landowner or agent, and segregations for tax exemption purposes. Such segregations for taxation purposes are not considered to be prior divisions of land for purposes of this title;

D. A taxation parcel created in the assessor's office for description purposes because of section lines if it conforms with zoning lot size and width requirements in effect at the time of application for exemption;

E. A division of land created by a public right-of-way traversing the land. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.589 Professional services.

"Professional services" means services that cater to both individuals and businesses, and provide professional advice and/or services, including, but not limited to, architects, designers, engineers, planners, lawyers, health care providers and other similar services. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.592 Prohibited use.

"Prohibited use" means a use not specifically enumerated as a permitted use, accessory use, conditional use or nonconforming use. Prohibited uses include, but are not limited to, the enumerated "prohibited uses" within the Grand Coulee Municipal Code. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.596 Proof of ownership.

"Proof of ownership" means a photocopy of a recorded deed to property and/or a current title insurance policy insuring the status of an applicant as the owner in fee title to real property. Where proof of ownership is required by this title, the director shall have the discretion to require a current title insurance policy. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.599 Property line.

"Property line" means a line bounding and indicating the ownership, or intended ownership, of a parcel of land. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.603 Public meeting.

"Public meeting" means an informal meeting, hearing, workshop, or other public gathering to obtain comments from the public or other agencies on an application. A public meeting does not constitute an open record hearing. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.604 Public transportation facilities.

Facilities include uses that support public/nonprofit transportation systems such as bus stop shelters, benches, bus turnouts, areas for passenger pick-up and drop-off, waiting areas, and vehicle holding. Passenger transportation facilities do not include service or maintenance facilities. (Ord. 1016 § 3, 2014)

11.17.605 Rapid charging station.

"Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth. (Ord. 1076 § 1 (Exh. A), 2021)

11.17.610 Record of survey.

"Record of survey" means the locating and monumenting in accordance with sound principles of land surveying by or under the supervision of a licensed land surveyor, of points or lines which define the exterior boundary or boundaries common to two or more ownerships or which reestablish or restore general land office corners recorded with the county in conformance with Chapter 58.09 RCW. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.613 Recreational facilities.

"Recreational facilities" means a structure or use designed to provide indoor or outdoor recreation opportunities for the public. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.616 Recreational vehicle.

"Recreational vehicle" means a vehicular type unit primarily designed as a temporary living quarters for recreational, camping or travel use with or without motor power, of such size and weight as not to require special highway movement permit and certified by the Washington Department of Labor and Industries as evidenced by the attachment of a "green" seal. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.619 Recreational vehicle or trailer parks.

"Recreational vehicle or trailer parks" means an area established for the overnight parking on a temporary basis of recreational vehicles. Any or all of the following amenities could be provided: electricity, water, and waste disposal connections, public restrooms and baths, snack bar, commercial facilities for convenience items, picnic area. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.620 Recycling center.

"Recycling center" means a facility where discarded recyclable products such as aluminum and tin cans, glass, paper, and other similar individual consumer products are deposited and stored for future reprocessing (excluding drop stations). (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.623 Required improvement.

"Required improvement" means and includes, but is not limited to, any drainage system, roadway, signs, sidewalk, parks, open space, community facilities, lot improvement, sewer or water system, fire protection, or other facility for which the city's responsibility is already established. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.626 Reserve easement.

"Reserve easement" means a strip of land between a land division boundary and a street within an approved land division, the control of which strip is deeded to the city. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.629 Retail trade or services.

"Retail trade or services" means those uses primarily engaged in the sale of goods or merchandise to the general public for personal, household, or business consumption, including but not limited to hardware, grocery, apparel, home improvement, food service, appliance, and electronics stores. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.632 Reverse frontage lots.

"Reverse frontage lots" means a lot which has two opposite sides abutting two parallel or approximately parallel streets. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.636 Rezone.

"Rezone" means a change in classification from one zoning district to another. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.639 Right-of-way.

"Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road or alley, utility line, water or sewer main, shade trees or other similar uses, whether improved or not improved. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.642 Roadway.

"Roadway" means that portion of an approved street intended for the accommodation of vehicular traffic generally between curb lines on an improved surface. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.650 Screen, screening.

"Screen, screening" means a continuous fence, hedge or combination of both which obscures vision through eighty percent or more of the screen area, not

including drives or walkways. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.653 Seismic hazard.

"Seismic hazard" means areas subject to severe risk of earthquake damage as a result of seismic-induced settlement or soil liquefaction. These conditions occur in areas underlain by cohesionless soils of low density usually in association with a shallow groundwater table. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.656 Service station.

"Service station" means a place used for the repair, servicing and/or supplying of gasoline and oil for motor vehicles. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.659 Setback.

"Setback" means the minimum distance required by this title for buildings to be set back from the street, side or rear lines, rights-of-way or access easements. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.662 Setback area.

"Setback area" means the lot area between the lot lines and the setback lines. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.665 Setback line.

"Setback line" means a line which is parallel to a lot line or access easement located at the distance required by the setback. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.668 Short-term rentals.

Residential units or portions of residential dwelling units that are rented out on a nightly basis for not more than thirty days to individual guests. They are commonly referred to as vacation rentals. They are a form of tourist or transient accommodations. Short-term rental units may be whole house rentals, apartments, condominiums, or individual rooms in homes. For the purpose of administration and enforcement of this title, the terms "overnight rental," "nightly rental," and "vacation rental" are interchangeable with "short-term rentals." (Ord. 1067 § 2, 2020)

11.17.671 Sign.

"Sign" means a structure or fixture using letters, symbols, trademarks, logos or written copy that is intended to aid the establishment, and/or promote the sale of products, goods, services, or events. The term "sign" includes, without limitation, the following types of signs:

A. "Abandoned sign" means any sign located on property that is vacant and unoccupied for a period of six months or more, or any sign which pertains to any occupant, business or event unrelated to the present occupant or use.

B. "Billboard" means an off-premises sign that is substantial in size and construction (larger than thirty-two square feet) and usually is owned by an outdoor advertising company, and contains advertising space that is for rent or lease.

C. "Changing message center sign" means an electronically controlled sign where different automatic changing messages are shown on the lamp bank. This definition includes time and temperature displays.

D. "City directory sign" means a sign that is specifically authorized by the city on city-owned property and/or right-of-way that displays, in a uniform manner and design, the names, addresses and/or phone numbers of businesses and/or public/semi-public uses located in nearby areas. City directory signs do not include any advertising of products or services, nor do they include any business logos.

E. "Construction sign" means any sign used to identify the architects, engineers, contractors, or other individuals or firms involved with the construction of a building; and to show the design of the building or the purpose for which the building is intended.

F. "Directional/incidental sign" means signs indicating entrances, exits, service areas, loading only, and parking areas; and which do not contain advertising or promotional information.

G. "Flashing or blinking sign" means an electric sign or a portion thereof (except changing message

centers) which changes light intensity in a sudden transitory burst, or which switches on and off in a constant pattern in which more than one-third of the light source is off at any one time.

H. "Freestanding sign" means any sign supported by one or more uprights, poles or braces in or upon the ground and that are independent from any building or other structure.

I. "Illuminated sign" means an electric sign or other sign employing the use of lighting sources for the purpose of decorating, outlining, accentuating or brightening the sign area.

J. "Nonconforming sign" means a sign which was legally installed under laws or ordinances in effect prior to the effective date of the ordinance codified in this chapter or subsequent revisions, but which is in conflict with the current provisions of this chapter.

K. "Portable sign" means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich board signs larger than

thirty-six inches by forty-two inches, balloons used as signs, and/or umbrellas used for advertising.

L. "Monument sign" means a ground-mounted sign with a message on a maximum of two sides and which is attached to the ground by means of a wide base of solid appearance.

M. "Multiple building complex" means a group of structures containing two or more retail, office, and/or commercial uses sharing the same lot, access and/or parking facilities, or a coordinated site plan. For purposes of this section, each multiple building complex shall be considered a single use.

N. "Multiple tenant building" means a single structure housing two or more retail, office, or commercial uses. For purposes of this section each multiple tenant building shall be considered a single use.

O. "Off-premises sign" means a sign which advertises or promotes merchandise, service, goods, or entertainment which are sold, produced, manufactured or furnished at a place other than on the property on which the sign is located.

P. "On-premises sign" means a sign incidental to a lawful use of the premises on which it is located, advertising the business transacted, services rendered, goods sold or products produced on the premises or the name of the business, person, firm, or corporation occupying the premises.

Q. "Residential sign" means any sign located in a residential district that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service location conforms with all requirements of this title.

R. "Sandwich board sign" means a portable A-frame, T-frame, menu boards or similarly designed signs a maximum of thirty-six inches wide by forty-two inches tall.

S. "Temporary sign" means any sign, banner, pennant, valance, or advertising display constructed of cloth, paper, canvas, cardboard, and/or other light, nondurable materials. Types of displays included in this category are signs for grand openings, special sales, special events, and garage sales, and menu and sandwich board signs smaller than thirty-six inches by forty-two inches.

T. "Wall sign" means any sign attached to or painted directly on the wall, or erected against and parallel to the wall of a building, not extending more than twelve inches from the wall. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.674 Slope.

"Slope" means an inclined ground surface the inclination of which is expressed as a ratio or percentage. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.677 Species of local importance.

"Species of local importance" means a species of animal which is of local concern due to its population status or its sensitivity to habitat manipulation. This term also includes game species. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.686 Storage.

"Storage" means the act or state of storing; especially, the safekeeping of goods in a depository. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.689 Storage facility.

"Storage facility" means either enclosed or outdoor areas designed for storage of either large quantities of materials or materials of large size. This includes personal storage as well as commercial storage facilities but excluding storage of hazardous materials and waste. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.692 Street.

"Street" means the dedicated right-of-way which provides a location for vehicular circulation and a means of access to abutting properties. A street may serve, but not be limited to, the location for public utilities, walkways, public open space and recreation area, cut and fill slopes, and drainage. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.695 Street, dead end.

"Street, dead end" means a street or portion thereof with only one vehicular traffic outlet. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.698 Street, developed.

"Street, developed" means a right-of-way developed to the minimum standards established by the city. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.701 Street frontage.

"Street frontage" means the length along a street upon which a structure, business, or lot is abutting or fronts. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.703 Street, private or private access street.

"Street, private" or "street, private access" means every way or place in private ownership that is not deeded to the city and which is used for travel of vehicles by the owner or those persons having express or implied permission by the owner, but not by other persons, providing primary access from a public right-of-way to a lot, parcel or tract of land. Such private streets are generally delineated and designated by a private easement, they are not maintained by the city or any other public agency (government unit), and they shall meet the applicable requirements of this title. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.706 Street, public.

"Street, public" means an approved street, whether improved or unimproved, held in public ownership or control and intended to be open as a matter of right to public access, including the roadway and all other improvements, inside the right-of-way vehicular travel. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.709 Street, undeveloped or substandard.

"Street, undeveloped" or "street, substandard" means a right-of-way not developed to the minimum standards established by the city. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.712 Structure.

"Structure" means a combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water, but shall not include residential fences, retaining walls less than three feet in height, and similar improvements of a minor character. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.715 Subdivider, platter or project proponent.

"Subdivider" means a person, firm, corporation, partnership or association which causes land to be divided or redivided into a land division as herein defined. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.718 Subdivision.

"Subdivision" means the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.721 Subdivision, phased.

"Subdivision, phased" means a subdivision which is developed in increments over a period of time, pursuant to RCW 58.17.110 and this title. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.724 Subdivision, short.

"Subdivision, short" means the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.730 Temporary building or structure.

"Temporary building or structure" means a building or structure not having or requiring permanent attachment to the ground or to other structures that have no required permanent attachment to the ground. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.733 Temporary use.

"Temporary use" means a use located on a lot, for a period not to exceed six months, with the intent to discontinue such use after the time period expires. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.736 Threatened.

"Threatened" means any wildlife species that is:

A. Native to the state of Washington and is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats; and

B. Listed in the Federal Register. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.739 Title certificate.

"Title certificate" means an instrument of ownership with sufficient supporting documentation to demonstrate an unencumbered fee simple interest in the land. A statutory warranty deed or some lesser instrument accompanied by a title insurance policy showing ownership is vested in the names of those appearing as grantors constitutes marketable title for the purposes of this chapter. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.741 Trade/vocational school.

"Trade/vocational school" means a school for educating, training or retraining persons in a trade, vocation or other technical field. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.743 Travel trailer.

"Travel trailer" means a portable structure built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, having a body width of eight feet or less or a body length of thirty-five feet or less. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.750 Urban growth area.

"Urban growth area" means an area which is characterized by urban-type growth, and is further delineated by the comprehensive plan and supporting maps adopted by Grant County. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.755 Use.

"Use" means the purpose which land or structures now serve or for which it is occupied, maintained, arranged, designed or intended. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.760 Variance.

"Variance" means a modification of the regulations because of the unusual nature, shape, exceptional topographic conditions, or extraordinary situation or conditions connected with a specific piece of property, where the literal enforcement of this code would pose undue hardship unnecessary in carrying out the spirit of this code. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.763 Vehicle.

"Vehicle" means any car, truck, boat, recreational vehicle or other means of transportation of people and goods. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.769 Warehouse.

"Warehouse" means a structure used for the storage of goods and materials. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.770 Water-dependent use.

"Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.772 Wrecking/junk yard.

"Wrecking/junk yard" means an area in which is conducted the dismantling and/or wrecking of used motor vehicles, machinery or trailers, or the storage or sale of dismantled, obsolete or wrecked vehicles or parts, or the storage of motor vehicles unable to be moved under the power of the vehicle. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.780 Yard.

"Yard" means an open space on a lot which is unobstructed from the ground upward, except as otherwise provided elsewhere in this title. The term "yard" is synonymous with setback. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.783 Yard, front.

"Yard, front" means a yard that extends across the full width of a lot lying between the front property line and the front building setback line measured horizontally and perpendicular from the front lot line. On through lots, a front yard shall be maintained on both street frontages. On corner lots, front yards shall be maintained on both street frontages for the lots' full width and depth. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.786 Yard, rear.

"Yard, rear" means a yard that extends across the full width of a lot lying between the rear property line and the rear building setback line measured horizontally and perpendicular from the rear lot line. Rear yards shall be at the opposite end of a lot from the front yard. On corner lots, only one rear yard is required and can be opposite either front yard. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.789 Yard, side.

"Yard, side" means a yard that extends from the front yard to the rear yard between the side lot line and the side building setback line measured horizontally and perpendicular from the side lot line. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.790 Yard sale.

"Yard sale" means an outdoor sale of used or unwanted personal or household items held on the seller's premises. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.800 Zoning or zoning code.

"Zoning" or "zoning code" refers to the city of Grand Coulee zoning code. With regard to zoning related matters such as lot size, etc., all regulations of this code must be consistent with the zoning code, as currently exists or hereafter may be amended. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.805 Zone or zoning district.

"Zone district" means a defined area of the town within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in this title. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.810 Zoning envelope.

"Zoning envelope" means the three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks and other bulk regulations. (Ord. 995 § 2 (Exh. A) (part), 2011)

11.17.815 Zoning map.

"Zoning map" means the map delineating the boundaries of districts that, along with the zoning text of this code, comprise the zoning ordinance of the city. (Ord. 995 § 2 (Exh. A) (part), 2011)

Title 12

STREETS AND SIDEWALKS

Chapters:

Chapter 12.04

MOVING BUILDINGS AND MACHINERY

Sections:

12.04.010 Permit required—Fees.

A. It is unlawful for any person, firm or corporation to convey, transport or move his building, heavy object or machinery, which exceeds in dimension eight feet in width and twelve feet in length over any of the streets or alleys of the city, without first having obtained a permit from the chief of police of the city. The chief of police shall collect from the applicant for such a permit the following sums for each permit so issued:

1. Application to move building with 250 or less sq. ft. of floor space $1.00.
2. Application to move building with 250 to 500 sq. ft. of floor space $1.50.
3. Application to move building with 500 to 750 sq. ft. of floor space $2.00.
4. Application to move building with 750 to 1,000 sq. ft. of floor space $5.00.
5. Application to move building with 1,000 to 2,000 sq. ft. of floor space $10.00.
6. Application to move building with 2,000 to 5,000 sq. ft. of floor space $15.00.

B. No permit shall be granted for the moving of more than one building, heavy object or piece of machinery. All funds so collected shall be paid by the chief of police to the city treasurer for the general use of the city. (Ord. 100 § 1, 1941: Ord. 21 § 1, 1936)

12.04.020 Conveyance requirements.

All such buildings, heavy objects or machinery moved over any of the improved streets or alleys of the city shall be loaded on a suitable conveyance, which shall be equipped with rubber tires. No buildings, heavy objects, or machinery shall at any time be dragged over any improved street or alley of the city on skids or timbers. (Ord. 21 § 2, 1936)

12.04.030 Red flags or lanterns—Traffic direction.

All objects moved, transported or conveyed, or left standing on any of the streets or alleys of the city, shall be equipped with suitable red flags by day and red lanterns by night placed on the left-hand side thereof, both front and rear, and it shall be the duty of the chief of police to enforce this chapter and direct the moving or handling of such objects, authorized by the permit, so as to cause the least delay or hindrance to traffic. (Ord. 21 § 3, 1936)

12.04.040 Interruption of electrical or telephone service.

The moving of any building which may require the interruption of electrical service or telephone service shall be at the discretion of the city light department. (Ord. 100 § 2, 1941: Ord. 21 § 3-A, 1936)

Chapter 12.08

SNOW AND OBSTRUCTIONS ON SIDEWALKS

Sections:

12.08.010 Duty of owner to remove ice and snow.

Any person, firm or corporation owning or occupying property in the city abutting on any street in the city, having an improved sidewalk immediately in front of or adjacent thereto, shall keep the sidewalk free and clear of ice and snow and other obstructive matter. (Ord. 37 § 1, 1936)

12.08.020 Failure of owner to remove—Assessment.

If any owner or occupant of property situated as stated in Section 12.08.010 fails, neglects and/or refuses to free and keep the sidewalk free and clear of ice and snow and other obstructive matter found accumulated on the sidewalk and make special assessment against the property for the expenses thus incurred to the city for such labor; and the assessment shall be placed upon the assessment rolls of the city and shall remain a lien against the property until paid (Ord. 37 § 2, 1936)

12.08.030 Vehicles prohibited on sidewalks.

It is unlawful for any person to use the sidewalks of this city upon which to skate with either ice or roller skates, to ride a sled or bicycle thereon or have any other mode of travel except walking and wheelchairs used by infirm or crippled persons. (Ord. 37 § 3, 1936)

12.08.040 Penalty for violation of Section 12.08.030.

Any person who violates any of the provisions of this chapter shall be subject to the penalty as provided in Chapter 1.12 of the Grand Coulee Municipal Code entitled "General Penalty." (Ord. 484 § 2 (part), 1974; Ord. 37 § 4, 1936)

Title 13

PUBLIC UTILITIES

Chapters:

Chapter 13.02

GENERAL PROVISIONS

Sections:

13.02.010 Delinquent accounts—Denial of service.

In the event that an individual, business or corporation has a delinquent balance due and owing to the city, such individual, business, corporation or other entity shall be denied service at a new or different location until the delinquent account, together with all applicable fees and penalties, are paid in full. (Ord. 801 § 1, 1994)

Chapter 13.04

WATER REGULATIONS

Sections:

Article I. Definitions

13.04.010 Definitions.

For the purpose of this chapter the following words or phrases have the meaning set forth herein, unless the context indicates otherwise:

A. "City" means the city of Grand Coulee.

B. "Commercial service" means a customer class of water service serving buildings, uses, and facilities including, but not limited to, multiple-family dwelling units (without separate meters for each unit), commercial retail, businesses engaged in the manufacture and/or sale of a commodity or commodities, or the rendering of a service, such as hotels, motels, schools, and hospitals.

C. "Council" means the city council of the city of Grand Coulee.

D. "Cross-connection" means any connection between any part of the water system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, wholesome, and potable for human consumption.

E. "Customer" means any person receiving water service from the water system of the city of Grand Coulee, and who is responsible for paying all rates, costs, fees, and charges for such service pursuant to one or more rate classifications, contracts, or schedules.

F. "Department" means the public works department of the city of Grand Coulee.

G. "Director" means the public works director of the city of Grand Coulee or authorized designee.

H. "Industrial services" means water service connections to a business enterprise engaged in the manufacture of products, materials, equipment, machinery and supplies on a substantial or major scale.

I. "Main" means a water line owned and operated by the city that is designed or used to serve more than one premises.

J. "Multiple-family dwelling units" means duplexes, apartment buildings, condominiums, mobile home parks, trailer courts, etc.

K. "Person" means any natural person, firm, association, society, partnership and/or corporation, whether acting by themselves or by a servant, agent or employee.

L. "Permanent main" means a main of PVC, cast iron, or other materials as approved by the director which are constructed to city standards and approved and accepted for use by the city.

M. "Premises" means a private dwelling or residence, building, lot, parcel, multiple-family dwelling unit, including individual units therein, condominium, trailer court, mobile home park, office, garage, shop, structure, a group of adjacent buildings, or other property utilized under one ownership and

under a single control with respect to use of water and responsibility for payment of water service.

N. "Residential service" means a customer class of water service to a single-family dwelling unit, including individually metered duplexes or multiple-family dwelling units.

O. "Service installation," "service connection," or "connection" means all pipings and fittings from the main to the property owner's side of the water meter assembly.

P. "System" or "water system" means all water source and supply facilities of the city including transmission pipelines, and storage facilities, pumping plants, distribution mains and appurtenances, vehicles, and materials storage facilities.

Q. "Temporary main" means mains which do not conform to city standards with respect to size, location, type of material and/or method of installation.

R. "Treasurer" means the city-clerk/treasurer of the city of Grand Coulee.

S. "Water service area" means that area consisting of the corporate limits of the city of Grand Coulee and those areas that have been or may be annexed to the city or otherwise designated for water service by the city council. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 1 §§ 1—20, 8 § 3 (part), 1987)

Article II. General Provisions

13.04.020 Purpose of provisions.

The purpose of this chapter is to establish fees for water service, and general rules and regulations for the receipt of water service and extension of service from the city water system, and to promote the public health, safety and general welfare of the users of the city water system, in accordance with standards established by the city, county, state and federal governments. The provisions of this chapter shall be liberally construed to accomplish this purpose. It is the specific intent of this code to place the obligation of compliance upon the water system customer and/or premises owner. Nothing contained in this code is intended to be or shall be construed to create or form the basis for liability on the part of the city of Grand Coulee, its water utility, officers, employees or agents for any injury or damage resulting from the failure of the owner or operator of any private system to comply with the provisions of this code, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this code by the city of Grand Coulee, its utility, officers, employees or agents. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 2 § 1, 8 § 3 (part), 1987)

13.04.030 Applicability—Sole source provider.

A. The provisions of this chapter shall apply to all water services provided by and to all work performed by the department. In addition, the provisions of this chapter apply to all customers and premises that receive water service from the city water system.

B. Except as provided in subsection C of this section, the city shall be the sole provider of domestic water service within the city and no private wells shall be used for the provision of domestic potable water service within the city.

C. Any property within the city that is not located within two hundred feet of a city water service line, or that is within two hundred feet of a city water service line, but because of topography or other accessibility issues approved in writing by the mayor may not be served by the city water system, may be served by a private well until the topography or other accessibility issues are determined by the mayor to be resolved. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 2 § 2, 8 § 3 (part), 1987)

13.04.040 Administration—Service policies.

A. The director and the city clerk may make such administrative determinations for the proper operation of this chapter as are not inconsistent with its provisions.

B. The director shall promulgate and enforce such customer service policies and related additional rules as may be deemed necessary from time to time to encourage and facilitate the use of water pursuant to this chapter. Such rules may be adopted by resolution

approved by the city council from time to time. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 2 § 10, 8 § 3 (part), 1987)

13.04.050 Inspection.

A. Authorized department personnel, including employees, agents and/or contractors, properly identified, shall have access, at reasonable hours of the day, to all parts of any premises or buildings to which water is supplied by the city, for the purpose of assuring conformity to these regulations.

B. Whenever the owner of any premises receiving water service from the city restrains or otherwise prevents authorized department personnel from making any reasonably necessary inspections, as determined by the director in the director's sole discretion, water service may be refused or discontinued to the premises by the city. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 2 § 3, 8 § 3 (part), 1987)

13.04.060 Emergency interruption of service.

A. In case of emergency, or whenever the public health, safety, or the equitable distribution of water so demands, the director may authorize the department to change, reduce or limit the time for or temporarily discontinue the use of water by customers. Water service may be temporarily interrupted for purposes of making repairs, extension, or doing other necessary work to the water system or components thereof.

B. Before changing, reducing, limiting or interrupting the use of water as authorized in subsection A of this section, the department shall notify, insofar as practicable, all water customers affected.

C. The city shall not be responsible for any damage resulting from interruption, change or failure of the city water system or the service to any customer or premises. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 2 § 6, 8 § 3 (part), 1987)

13.04.070 Discontinuance of service.

A. The city may discontinue service by reason of a failure to pay a bill for service or the failure to comply with the terms of this chapter, in accordance with the procedures established by state law, this chapter, and other city ordinances, rules, regulations, policies, and directives.

B. Service to any premises upon which a private water supply system is used or operated contrary to the provisions of this chapter may be discontinued or refused. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 2 § 9, 8 § 3 (part), 1987)

13.04.080 City not liable for damages.

The city shall not be liable for damages, nor will allowances be made for loss of production, sales or service, in case of water pressure variations, or in case the operation of the city's source of water supply or means of distribution fails or is curtailed, suspended, interrupted or interfered with, or for any cause reasonable beyond the city's control, as determined by the city. Such pressure variation, failure, curtailment, suspension, interruption or interference shall not be held to constitute a breach of contract on the part of the city, or in any way affect any liability for payment for water service made available or for money due on or before the date of such occurrence. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 2 § 8, 8 § 3 (part), 1987)

13.04.090 Cross-connections prohibited.

A. The installation or maintenance of a cross-connection is prohibited.

B. Any such cross-connection now existing or hereafter installed is hereby declared a nuisance and shall be abated immediately. The control or elimination of cross-connections shall be in accordance with the Washington Administrative Code (WAC 248-54-820) as now enacted or hereafter amended, together with any future manuals of standard practice pertaining to cross-connection control approved by the Director of the State Department of Social and Health Services.

C. Water service will be discontinued to any premises for failure to comply with the provisions of this section.

D. Furnishing of water service shall be contingent upon the customer providing cross-connection control approved by the appropriate health authority and

the director for protecting the city supply from backflow. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 2 § 7, 8 § 3 (part), 1987)

13.04.100 Hydrants—Authorized use.

It is unlawful for any person, other than authorized personnel, including employees, volunteers, contractors and agents, of the city, to operate fire hydrants and hose outlets, unless proper arrangements have been made for payment thereof and permission has been granted by the department. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 2 § 5, 8 § 3 (part), 1987)

13.04.110 Unlawful acts designated.

A. Any person causing damage to any property belonging to the city or department shall be liable to the city for any and all damages resulting either directly or indirectly therefrom.

B. It is unlawful for any person to willfully disturb, break, deface, damage or trespass upon any property belonging to or connected with the water system of the city, in any manner whatsoever.

C. It is unlawful for any person to store, maintain or keep any goods, merchandise, materials or rubbish within a distance of five feet of, or to interfere with the access to or operation of, any water meter, gate valve, fire hydrant, or other appurtenance in use on any water service connection, water main or fire protection service. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 2 § 4, 8 § 3 (part), 1987)

13.04.120 Violation—Penalty.

Unless otherwise specifically set forth in this chapter, any person who violates any of the provisions of this chapter shall be guilty of a civil infraction, and shall be subject to a monetary penalty of up to five hundred dollars. Each day of a continuing violation shall subject the person to a separate fine of up to five hundred dollars per day. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 2 § 11, 8 § 3 (part), 1987)

13.04.125 City council—Rules and regulations.

To provide for efficient administration, the city council may, from time to time, make or adopt such rules and regulations by ordinance or resolution as it deems necessary for the proper management of the department and operation of the utility. In addition to this chapter and existing ordinances and resolutions incorporated herein or related hereto, the city council may, from time to time, adopt additional ordinances and/or resolutions affecting this chapter or the services provided by the city or department hereunder, and which may provide for or include, but not be limited to, regulating water outside of the city, billing and collection, penalties for delinquencies, shutoffs for nonpayment of water charges, meter testing, charges for installation, maintenance or repair, and such other rules and regulations to promote compliance with and enforcement of this chapter, all of which shall be considered part of the owner's/operator's application, permit, contract or agreement with the city to receive water service from the city. (Ord. 1038 § 1 (part), 2017)

Article III. Service Connections and Charges

13.04.130 Application for service.

A. An application shall be made for all service connections (including adding to existing connections) for the use of fire hydrants, for purchases of water, and for work to be performed by the department. Such application shall be on forms provided by the department.

B. Applicants shall be responsible for payment of all fees incurred by the city to review and process applications, including consultant, engineers' and attorneys' fees. Application fees may be established by resolution of city council from time to time. Except connection charges, which must be paid in advance at the time of application, all application fees will be applied to the customer's account at the next regular billing cycle.

C. The application shall provide all information required by this chapter, as well as all other information deemed reasonably necessary by the director for consideration and action upon the application.

D. Each application approved by the director or authorized designee shall constitute an agreement

whereby the applicant agrees to conform to the provisions of this chapter, as well as any other applicable rules and regulations of the city with respect to water service, as now enacted or hereafter amended.

E. A change of use of the served premises will require that a new application for service be made. For further clarification see Section 13.04.140G.

F. The city shall have the right to charge and collect the charges, rates and fees for service provided for in this chapter, including any resolution incorporated by reference herein, and to change or modify said charges, rates and fees at any time by ordinance or resolution of the city council without notice.

G. All bills or invoices for water service shall be charged against the premises where supplied, or the owner/customer thereof, and the owner/customer of such premises shall be held liable for the payment of such water, together with such penalties as may accrue against the same by reason of any provisions of this chapter and service to such premises shall be refused until payment thereof is made. No change of ownership, business or occupancy shall effect the application of this subsection. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 3 § 1, 8 § 3 (part), 1987)

13.04.140 Conditions applicable to all water service connections.

A. All service connections to any premises shall be metered. To the extent possible, each unit of a multiple-family dwelling unit must be separately metered. Separately metered units will be treated as separate premises for purposes of this chapter.

B. Each served premises must have a separate connection to a main (through a service lateral), unless otherwise approved by the director, in the director's sole discretion.

C. Except as otherwise specifically provided in this chapter, water service will not be provided to more than one customer or premises through a single service connection, and separate service applications are required for each premises, including each dwelling unit in a multifamily dwelling unit (regardless as to whether each unit is separately metered). When two customers are being served by a single service connection on the effective date of this chapter, the director may require the installation of a new service, when reasonably necessary as determined by the director, for efficient operation of the system, at the cost of the customer.

D. When the premises for which service is sought does not abut a main with sufficient pressure and capacity to provide the required flow at the property line, the application for service shall be rejected.

E. No application for water service shall be accepted or approved for locations outside of the city water service area except by city council approval. Any owner requesting service outside the city limits shall be solely responsible for installation of any necessary waterlines and connections required to receive such service.

F. The furnishing of water by a customer to premises other than that serviced by the customer's service is prohibited, except as may be approved by the director, and except during emergencies; provided, that emergency service cannot continue for more than thirty days and an application for emergency service shall be made to the department within forty-eight hours of the onset of the emergency.

G. A request for a change in the size of service connection shall be treated as a request for a new service installation.

H. A change of use of the served premises will require a new service connection, unless the existing service is adequate for the changed use, as determined by the director. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 3 § 2, 8 § 3 (part), 1987)

13.04.150 Conditions applicable to all connections.

A. All water service connections shall be made by the department.

B. The cost of such connections shall be paid by the customer at the time of application. The costs or charges for each water service connection shall be established by resolution of the city council from time to time.

C. The fees established by this section are for the water service connection only. Where special condi-

tions exist, such as inability to bury service lines, the actual cost of installation shall be charged to the customer in addition to any administrative fees and water service connection fees.

D. In the event any building or premises is replaced by new buildings or premises, the existing water service connection shall not be used, if the director determines that such connection is not acceptable in the director's sole opinion and discretion. In such instance, the customer shall be required to install a new water service connection, in accordance with the terms of this chapter. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 3 § 3, 8 § 3 (part), 1987)

13.04.160 Fees—Residential service connections.

A. The fee for new residential water service connections, including the meter, shall be set by the city council by resolution from time to time.

B. Whenever residential water service connections are to be installed by the department at the same time a water main is being installed, and the trench is open, and/or when ten or more adjacent connections are installed simultaneously, the fee for new connections may be reduced ten percent for each such connection.

C. Each connection fee shall cover the cost of connecting or tapping the city's water main for the necessary size of service, installing any necessary piping or tubing to reach to within two feet of the property line (up to a maximum distance of sixty feet), and providing and installing a yoke, shutoff meter and meter box. For any additional extra length of service pipe beyond sixty feet, the customer shall be billed for the additional cost of the tubing, installation and administrative overhead. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 3 § 4, 8 § 3 (part), 1987)

13.04.170 Fees—Commercial or industrial service connections.

A. For all commercial and/or industrial services, and for all residential services larger than three-quarter-inch diameter, irrespective of meter size, the owner or applicant shall pay a deposit in an amount of the city estimate of cost for the construction work and the work shall be thereafter billed on the basis of actual cost of installation plus administrative overhead. The applicant shall be refunded any excess or billed any deficiency based upon the actual cost to complete the installation.

B. In no event shall the charge for commercial or industrial connections, unless connection is made to separately metered units of a multifamily dwelling unit, be less than the charge for a three-quarter-inch diameter residential service with a three-quarter-inch meter. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 3 § 5, 8 § 3 (part), 1987)

13.04.180 Ownership of permanent facilities.

A. The ownership of all water mains and service connections in public rights-of-way shall be solely vested in the city.

B. The ownership and responsibility for the maintenance of individual service pipe extensions from the meter to the premises served shall be that of the owner of the premises served and the city shall not be liable for any part thereof. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 3 § 6, 8 § 3 (part), 1987)

13.04.190 Owner's service piping specifications.

A. All water service piping extending from the water main to the meter and from the meter to the premises shall be laid not less than thirty inches below the surface of the ground.

B. Water service pipes or any underground water pipes shall not be laid in the same trench with sewer or drainage piping.

C. Unless otherwise approved by the director, in the director's sole discretion, water service pipes parallel to sewage or drainage piping shall be located above and separated by a distance of at least ten feet horizontally from the sewage and/or drainage piping.

D. Shutoff valves authorized or approved by the director shall be installed before any branch connections in the water service pipe leading from the city meter to the premises served in accordance with the applicable plumbing code. Shutoff valves, where bur-

ied, shall be properly enclosed in a minimum six-inch diameter pipe, or box, of concrete, plastic or iron, with an approved cover, protected from freezing and readily accessible to department personnel.

E. Valves or customer-owned equipment is not permitted to be installed within the city's meter box.

F. Service connections and extension pipes laid underground shall be sized in conformance with the applicable provisions of the Uniform Building Code as adopted by the city.

G. Service connection and extension pipes shall be constructed of standard weight galvanized iron or steel pipe, cast or ductile iron pipe, copper tubing, or nonmetallic material as approved by the director.

H. The department may require any customer to install a pressure-reducing valve, backflow preventative device, pressure relief valve or similar device at any location where the director determines a need to protect the department's facilities.

I. The customer shall provide and install copper tubing Type "K" or Schedule 80 PVC or P.C. or such other material as approved by the director as a service line from the meter to the structure to be served. Alternatively, the city may provide the required tubing or piping for the customer, and charge the customer for such costs. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 3 § 7, 8 § 3 (part), 1987)

13.04.200 Plumbing specifications.

A. All persons installing fixtures or appliances in any premises to be supplied with water from the city water system shall be subject to the requirements of the applicable plumbing code of the city and this chapter, as existing or hereafter amended. Persons installing plumbing in new buildings or premises shall leave the valve at the meter at the "off" position upon completion of their work.

B. Persons making additions or repairs to existing plumbing systems within any premises served by the city shall not operate the valve at the meter in any way.

C. The director shall have the right to refuse water service or discontinue water service to any customer or premises in any situation where it is discovered that applicable city standards and codes have not been complied with during the installation. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 3 § 8, 8 § 3 (part), 1987)

13.04.210 Lawn sprinkler specifications.

A. A lawn sprinkler system connected to a domestic or commercial connection shall be equipped with a vacuum breaker placed between the sprinkler stop and waste valve and the first sprinkler outlet. The approved vacuum breaker shall be placed at a height as provided in the applicable city plumbing code. The stop and waste valve and vacuum breaker shall be in the sprinkler line after it branches from the water service pipe or the building plumbing.

B. The stop and waste valve for a lawn sprinkler system shall be at the same depth as the water service pipe; however, the lawn sprinkler system piping may be laid to a lesser depth at the option of the owner.

C. Such additional stop and waste valves as are required to properly drain the sprinkler piping shall also be installed by the owner of the premises.

D. All sprinkler piping shall be inspected by an authorized department personnel prior to backfilling the trenches.

E. Water service may be refused on existing lawn sprinkler systems which are not equipped with a stop and waste valve and an approved vacuum system. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 3 § 9, 8 § 3 (part), 1987)

13.04.220 Fire protection service.

A. A water service connection to be used solely for fire protection purposes may be installed at authorized premises in the city, subject to the provisions of this section.

B. Fire protection systems shall be constructed and operated in accordance with National Fire Protection Association Guidelines, as existing or hereafter amended.

C. A plan of the proposed required fire protection system showing the general installation detail shall be required and shall be approved by the director and the fire chief, or authorized designees, prior to construction of the fire protection system on the premises.

D. Service to more than one premises by a fire service shall not be permitted.

E. Fire protection systems shall be installed and maintained by the owner/customer in a manner approved by the department. Each fire protection system shall contain an approved, tested backflow prevention device.

F. Fire protection systems shall be installed with a detection check meter of a size and type approved by the department. Indications of unauthorized use of water through a detector check meter more than once per calendar year shall be cause for installation of a fire line meter at the expense of the customer.

G. Delinquency in payment of expense for fire protection service or failure of the customer to make changes in meter installation as herein provided, after reasonable notice from the department, shall be sufficient cause for filing a lien on the property and/or discontinuance of the service as authorized by state law and this chapter. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 3 § 10, 8 § 3 (part), 1987)

Article IV. Turnons and Turnoffs

13.04.230 Turnon—New installation.

When new water service connections are installed by the department for any premises, the valve at the meter shall be turned to the "off" position and remain off until permission to "turn on" the valve has been applied for and obtained from the department. Upon written application by the owner of the premises, the department shall issue an order authorizing service to be turned on following inspection and approval by the department, and after the plumbing inspector has issued a certificate that all provisions of the applicable plumbing code have been complied with. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 4 § 1, 8 § 3 (part), 1987)

13.04.235 Turnon and/or transfer of account charge.

A turnon fee, established by resolution of the city council from time to time, will be assessed and collected during the first billing cycle for any authorized new water service connection or any transfer of one customer account to another customer's name. (Ord. 1038 § 1 (part), 2017: Ord. 735 § 1, 1990)

13.04.240 Turnoff—No charge.

Upon request of the customer to the premises served, any water service will be turned off without charge where such turnoff can be accomplished at a time convenient to the department. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 4 § 2, 8 § 3 (part), 1987)

13.04.250 Special or emergency turnon or turnoff fees.

Whenever a request is made of the department for an emergency turnoff, turnon, or temporary discontinuance of water service to any premises which necessitates immediate action, the department shall charge for such services as adopted and set forth in a resolution of the city council from time to time. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 4 § 3, 8 § 3 (part), 1987)

13.04.260 Fees—Payment requirements.

A. Emergency turnon charges shall not be prorated for services started during a billing period.

B. All unpaid water service charges and penalties against the premises shall be required to be paid at the time of application for turnon, or an arrangement for payment satisfactory to the city clerk and director shall be made before water is supplied to the premises. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 4 § 4, 8 § 3 (part), 1987)

13.04.270 Unauthorized turnon prohibited.

A. It is unlawful for any person, except duly authorized personnel of the city or department, to turn on the water supply to any premises after a turnoff is made at the meter by the city.

B. The water service to any premises turned on by an unauthorized person, after said water service or supply had been turned off by the department, may, upon discovery, be disconnected by the city from the water main in the street, and shall not be connected again until all fees due as a result of the disconnecting and reconnecting of such service are paid by the cus-

tomer or owner of the premises served. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 4 § 5, 8 § 3 (part), 1987)

13.04.280 Authorized turnon or turnoff—Liability disclaimer.

The city shall not be liable for any damage to persons or property resulting from a properly performed and authorized turnoff or turnon of the water service to any premises, including but not limited to situations where water service is left on between a change of customers occupying the premises, at the request of one of the customers, or the services disconnected for nonpayment or no contract. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 4 § 6, 8 § 3 (part), 1987)

13.04.290 Disconnection of service—Condemned buildings.

Whenever a premises supplied with water service has been determined by the proper authorities to be dangerous to human life and unfit for human habitation, and notice of such determination has been received by the department from said authorities, the director shall cause the water service to such premises to be turned off. Water service to such premises shall not be restored until the owner and/or customer has secured a release or clearance from the proper authorities confirming that the premises are no longer deemed dangerous to human life or unfit for human habitation. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 4 § 7, 8 § 3 (part), 1987)

Article V. Water Meters

13.04.300 Ownership and installation.

All meters installed on water service connections by the department shall be and remain the property of the city and shall be maintained, removed or repaired only by the department. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 5 § 1, 8 § 3 (part), 1987)

13.04.310 Exchange and reinstallation—Overload meters.

A. Whenever the owner of any premises desires to change the size of a meter serving the premises an application shall be made to the department, as provided for in Section 13.04.140G and, upon approval, the exchange will be made at the expense of the owner. In the event the relocation of a permanent main is necessitated by the department, any existing customer meters will be removed, reinstalled and connected to the new or relocated permanent main at no expense to the customer. Any expenses incurred to connect the premises to the newly installed meter shall be borne by the customer.

B. If water service demand to any premises periodically exceeds the rated capacity of a meter to the extent that the meter may be damaged (as determined by the director), the department shall notify the owner or customer of the capacity overload. After evaluating the customer's requirements for water service, the department shall advise the customer as to what size meter is necessary to provide proper service to the premises without causing damage to the meter. The estimate of cost covering such change shall be furnished by the department, upon request by the owner, without charge. If the owner does not make the required deposit for the installation of the larger meter within thirty days after the date of the notice, then the department shall install the proper size meter, charging the total cost to the owner, or the department may discontinue service. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 5 § 2, 8 § 3 (part), 1987)

13.04.320 Maintenance and repair.

A. The department shall maintain and repair all domestic, commercial and industrial service meters and shall replace meters periodically, when necessary, if rendered unserviceable by ordinary use.

B. When replacement or repairs to any meter are made necessary by the willful act, neglect or carelessness of the owner or customer of the premises served, all expenses of such replacement shall be borne by the owner or customer of the premises. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 5 § 3, 8 § 3 (part), 1987)

13.04.330 Tests of meters—Billing adjustments.

A. Any customer that believes a billing statement is excessive or in error may file a complaint with the department. Upon receipt of such complaint the department shall have the meter reread.

B. In the event the customer requests that the meter be tested for accuracy following a rereading, the customer shall make a deposit, as prescribed herein, with the city clerk to cover the costs of such test. The department shall conduct the test using authorized personnel and the customer shall have the opportunity to be present when such test is made. If the test identifies an error of more than three percent in favor of the city, the deposit shall be refunded to the customer, a correct registering meter shall be installed and the customer's account shall be credited with the excess consumption over the average consumption for the most recent reading, unless otherwise approved by the director. In the event the test confirms there is no error or an error of three percent or less, the amount deposited will be retained by the department to cover all or a portion of the costs of such test. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 5 § 4, 8 § 3 (part), 1987)

13.04.340 Tests of meters—Deposit required.

A. The amount of the water meter test deposit shall be established by resolution of the city council adopted from time to time.

B. Any customer requesting the test shall be billed the actual cost for the meter minus the deposit made. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 5 § 5, 8 § 3 (part), 1987)

Article VI. Water Rates

13.04.350 Monthly metered rates.

The water service rates and charges applied throughout this chapter shall be as established from time to time in a resolution passed by the city council. (Ord. 1038 § 1 (part), 2017: Ord. 978 § 1, 2008: Ord. 957 § 1, 2007: Ord. 938 § 1, 2005: Ord. 927 § 1, 2005: Ord. 922 § 1, 2004: Ord. 903 § 1, 2002)

13.04.360 Monthly metered rates—Outside city.

A. The minimum charge for water service outside the corporate limits of the city of Grand Coulee shall be one hundred percent more than the minimum charge within the corporate limits of the city of Grand Coulee.

B. The charge for water usage exceeding the usage covered by the minimum charge shall be one hundred percent more than the charge for the equivalent amount of water within the corporate limits of the city of Grand Coulee. (Ord. 1038 § 1 (part), 2017: Ord. 922 § 2, 2004: Ord. 903 § 2, 2002)

13.04.380 Monthly fire hydrant charge.

A monthly charge to the city for providing general public fire protection service through the use of the department's fire hydrants and other necessary facilities shall be charged to the fire department. This charge shall be established by resolution of the city council from time to time. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 6 § 5, 8 § 3 (part), 1987)

13.04.390 Temporary water use rates.

A. For billing purposes, where two or more premises are served on a temporary basis through a single meter, each shall be considered a separate premises.

B. The use of water for construction purposes shall be allowed, where available, to construct or reconstruct any building or structure or settle trenches or fills. Before commencing such usage, application therefor shall be made to the department along with payment of an application fee. The application fee shall be established by resolution of the city council from time to time. In addition, any water used shall be paid for at a rate described in Section 13.04.360. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 6 § 6, 8 § 3 (part), 1987)

13.04.400 Rates—Fire protection service.

A. The monthly rates and charges for water used for fire protection services shall be established by resolution of the city council from time to time.

B. The monthly charge shall be based upon the size of meter and not upon the size of the service line. (Ord. 1038 § 1 (part), 2017: Ord. 760 § D, 1992: Ord. 695 Chs. 6 § 7, 8 § 3 (part), 1987)

13.04.410 Charges for service outside regular hours.

Whenever the department responds to a request outside of regular working hours for assistance to investigate a deficiency in water service to any premises and it is determined that the deficiency is the result of improper operation or maintenance of the customer's plumbing, or other negligent or intentional actions of the customer, the customer shall be charged a response fee to defray the costs of responding to the request. The response fee shall be established by resolution of the city council from time to time. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 6 § 9, 8 § 3 (part), 1987)

13.04.420 Reading of water meters—Billing procedures.

Residential water meters will be read monthly. Water users will be billed or credited (in the case of advance payments) monthly based upon the reading for the month. If the customer is entitled to a credit, the credit will be made against subsequent monthly billings until exhausted. If the customer is indebted to the city, the total bill must be paid by the tenth day of the following month. The utilities department may also adjust records based upon call-ins where readings appear inaccurate. Customers may prepay any or all of their utility bills, and the balance shall be maintained as a credit balance on their total utility bill until exhausted. (Ord. 1038 § 1 (part), 2017: Ord. 1011 § 1, 2013: Ord. 695 Chs. 6 § 10, 8 § 3 (part), 1987)

13.04.430 Payment—Due date.

Water utility service shall be billed on a monthly basis. The payment of water utility service shall be the responsibility of the owner of the premises for which water utility service has been requested. The city may, upon written request, send a duplicate bill to the tenant of any leased premises receiving service on account of the property owner. In the event of an owner/customer's failure or refusal to pay for the utility services provided to the tenant's property, the tenant shall be entitled to open an account in the tenant's name or make payments on the owner's account for services provided to the premises occupied by the tenant in order to prevent termination of services as set forth in this chapter. Payment for city utilities shall be made within ten days following the date on which bills are mailed. It shall be the responsibility of the owner/customer to notify the city in writing of any address changes. (Ord. 1038 § 1 (part), 2017: Ord. 1010 § 1, 2013: Ord. 695 Chs. 6 § 11, 8 § 3 (part), 1987)

13.04.440 Payment—Delinquency and service termination conditions.

A. Any regular utility bill with an unpaid balance in excess of thirty days from the date of issuance shall be issued and receive a notice of delinquency and service termination. The notice shall be mailed or delivered to the customer, with a duplicate copy mailed or delivered to the owner or tenant of any leased premises, as applicable. The notice shall advise the customer that, if the account balance is not paid in full within ten days of the date of issuance of the notice, the water service to the property may be terminated.

B. The utilities department maintains a register of all delinquency notices where balances accrue twenty-five dollars or more.

C. Commercial service accounts are administered in the same manner as residential accounts, as set forth in this chapter, with modifications depending on the amount of the delinquency, the service involved, and the type of business.

D. Accounts with an unpaid balance in excess of thirty days shall be assessed a delinquency charge in the amount of twenty-five dollars. In the event of a bona fide hardship of the customer, as determined in the sole discretion of the mayor or authorized designee, assessment of the account delinquency charge may be waived. (Ord. 1038 § 1 (part), 2017: Ord. 1032 § 1, 2015; Ord. 1010 § 2, 2013: Ord. 733, 1990; Ord. 695 Chs. 6 § 12, 8 § 3 (part), 1987)

13.04.450 Termination notice—Form and service.

A. The city may terminate water services to premises for nonpayment or delinquent payment of utility account balances. Termination for account delinquencies shall be subject to the following procedures:

1. If no timely payment in full of utility charges is made as set forth in this chapter and the customer's account thus becomes delinquent, the city clerk or duly authorized representative shall mail, postage prepaid, to the owner and occupant/tenant of the premises, if different (hereinafter collectively the "customer"), a notice in writing, to the last known address of such customer stating that, if such delinquent utility charges are not paid within ten days of mailing or service of the notice, water service to the premises may be terminated in accordance with RCW 35.21.300, as presently enacted or hereafter amended, and the city shall have a lien against the premises in accordance with RCW 35.21.290, as presently enacted or hereafter amended, and such a lien shall be superior to all other liens or encumbrances except those for general taxes and special assessments. The notice of service termination shall advise the customer that, if the customer disputes the charges alleged to be owed and/or past due, the customer may appeal the charges prior to service termination by requesting an informal hearing before the mayor, or in the absence of the mayor, the mayor pro tempore. Any such informal appeal hearing request by a customer shall be in writing and provided by the customer to the city clerk's office prior to the scheduled date of water service termination. Any informal hearing on the appeal must be scheduled to occur within ten days of the date of receipt of the written appeal by the city clerk's office. The mayor's decision following the informal hearing shall be issued, in writing, no later than five days following the hearing. During the pendency of the appeal hearing proceedings, the customer shall continue to receive water and sewer service at the premises. Failure to appeal or request a hearing prior to service termination will result in the loss of any ability to appeal the charges, and any reconnection of service will require payment of all applicable charges as set forth by city resolution. Failure to appeal the mayor's decision following the hearing to the Grant County superior court within ten days of the date of issuance of the appeal hearing decision shall render the decision final and binding on the customer, and the city may terminate the water service without further notice to the customer unless the customer has made payment, in full, of the delinquent charges.

2. Owners of leased premises served by the utilities furnished by the city (including water service) are liable for payment of the cost of any utilities furnished by the city to such premises, whether such utility service is furnished upon the application and request of the owner or the tenant or other occupant of the premises. The owner of any leased premises, or the owner's agent if leasing through an agent, shall be notified of the delinquency of the tenant/occupant of the leased premises in the same manner as notice is provided to the tenant/occupant and at the same time of notice to the tenant/occupant.

3. The tenant or occupant of any leased premises shall be notified of an owner's delinquency, as set forth in this section, which may result in termination of service to the tenant's/occupant's premises. To prevent termination of service due to the owner's delinquency, the tenant or occupant shall be permitted to make payment on account of the owner for the current period service charges to prevent service termination. In the event the owner is in arrears in excess of the charges for the current service period, the tenant or occupant shall not be required to pay the full arrearage owed by the owner to prevent service termination, but shall only be required to pay for the current service period, and each subsequent period as services are consumed. The tenant or occupant may appeal any notice of the termination due to the owner's delinquency using the procedures set forth above in this section.

4. In lieu of any notice by mail required in this section, notice may be personally delivered to the customer. Failure to receive mail properly addressed to such owner or tenant/occupant shall not be a valid defense for failure to pay such delinquent charges.

Any change in ownership of property or change in mailing address must be properly filed in writing with the office of the city clerk within ten days after such change of status.

5. All partial payments shall be applied first to interest, penalties, and attorneys' fees, next to capital system charges, next to sewer fees and charges owing, and next to water fees and charges owing.

B. The city may also terminate service for violation of the provisions of this chapter that do not relate to a utility account delinquency by the customer. Termination of service for any such violation of this chapter shall not constitute an election of remedies by the city and the city may proceed to prosecute the owner or occupant for a civil infraction, in addition to such termination. Termination for a violation of this chapter shall be subject to the following procedures:

1. In the event the director determines that service must be immediately terminated to protect the public health or to prevent imminent damage to persons or property, no advance notice need be given to the customer or occupant of the property. The customer and/or occupant shall be provided with written notice of termination at the time of service termination, which notice shall be copied to the owner of the property (if different) by mail, and shall set forth the basis for the termination, the curative action necessary to restore utility services, and notice of an opportunity for a post-termination appeal hearing before the mayor, which appeal shall be governed by the procedures set forth in subsection A of this section;

2. In the event the owner or customer of any premises has committed a violation of this chapter, other than a utility account delinquency, that may result in termination of service to premises that the city has actual knowledge is occupied by a tenant or other occupant that is not an owner or customer of the premises, the tenant or occupant shall be given written notice no less than ten days before the date and time of termination, which notice shall be posted or affixed in a conspicuous place on the premises and mailed to the tenant or occupant, postage prepaid, to the tenant or occupant's last known address. A duplicate notice shall be mailed to the owner of the property, postage prepaid. The notice shall set forth the basis for the termination, the curative action necessary to restore utility services, and notice of an opportunity to appeal the termination prior to termination by filing an appeal with the city clerk for a hearing before the mayor or filing an action for an injunction in the Grant County superior court against the owner of the premises to prevent the termination. Any appeal hearing before the mayor shall be governed by the procedures set forth in subsection A of this section; and

3. In all other cases of proposed service termination not related to an account delinquency or otherwise set forth in subsections B1 and 2 of this section, the owner and/or tenant/occupant shall be given written notice no less than seventy-two hours before the date and time of termination, which notice shall be posted or affixed in a conspicuous place on the property. The notice shall set forth the basis for the termination, the curative action necessary to restore utility services, and notice of an opportunity to make a written appeal of the termination decision prior to termination, which appeal shall be governed by the procedures set forth in subsection A of this section.

C. Where the utilities department has reason to believe that a termination of utility service will affect more than one dwelling unit at a given service address, the department may provide copies of the notice of termination to each dwelling unit served by the water connection or otherwise affected by the service termination.

D. Nothing herein shall require such notice to be given in the case of consent, vacant premises, emergency, or as may be required for repairs at the direction of the director of the department. In the event an owner of premises consents to the termination of service to leased premises, the consent of any tenant or occupant of the leased property shall also be obtained prior to termination. (Ord. 1038 § 1 (part), 2017: Ord. 1010 § 3, 2013: Ord. 695 Chs. 6 § 13, 8 § 3 (part), 1987)

13.04.470 Delayed termination—Deferred payment agreement.

A. In case of account balances aged thirty days or less, a water utility customer may request to enter into a deferred payment agreement with the city to prevent termination of water service to the premises. The city clerk shall establish the terms of any such agreement, and shall be responsible for administering the agreement. If a deferred payment agreement is entered into by and between the customer and city, termination of water service shall be suspended or delayed so long as the customer remains in compliance with the terms of the payment agreement. Customers who have defaulted on a deferred payment agreement within the preceding twelve-month period will not be eligible to enter into a deferred payment agreement.

B. In establishing the terms of the deferred payment agreement, including but not limited to a determination as to the portion of the account balance required to be paid each billing period, the city clerk shall take into account is the type of service to the premises (i.e., residential or commercial), the size of the delinquency, the customer's ability to pay, the customer's payment history, the time the debt has been outstanding, the reasons for the customer's failure to pay (i.e., whether the customer has recently suffered a serious illness or disability or is then seriously ill), and any other relevant factors concerning the circumstances of the customer as determined by the city clerk. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 6 § 15, 8 § 3 (part), 1987)

13.04.480 Additional termination exemptions.

A. Exemptions to terminations may be granted where the utility billing supervisor determines the following circumstances exist:

1. During winter months when a danger of freezing and adverse weather conditions exist and the health and safety of the recipients may be jeopardized;

2. Serious health problem or contagious disease in the home.

B. Where a new owner (other than an occupant or tenant) of a premises has not received a copy of the most recent city utilities bill, pursuant to Section 13.04.490, the utilities department shall permit a temporary or indefinite continuation of the utility service to such property, where termination of service would occur because of delinquencies accrued by the previous owners or occupants, provided such new owners or occupants remain current in the payment for services received by them. In no case shall any new tenant or occupant of any leased property subject to a delinquency be responsible for payment of the owner or prior tenant's delinquency. (Ord. 1038 § 1 (part), 2017: Ord. 1010 § 5, 2013; Ord. 695 Chs. 6 § 16, 8 § 3 (part), 1987)

13.04.490 Accrued delinquent payments—Notice to new occupants.

A. In the event of any sale or transfer of premises served by the city, the prior owner or occupant shall remain solely responsible for any utility billings and delinquencies that accrued by the owner or the owner's occupant prior to the sale or transfer to a new owner. The city may pursue collection of any accrued and past due charges owed by the prior owner through filing an action in the superior or district court.

B. Whenever any owner or landlord shall sell or rent any premises subject to any delinquency for municipal utility services accrued by such owner or landlord or their lawful tenant, the owner or landlord shall provide the new purchaser or tenant, at the time of such sale or rental, with a copy of the most recent city utilities bill. Persons failing to make such disclosure shall be subject to a civil penalty of fifty dollars.

C. The payment of utility service shall be the responsibility of the owner of the property for which utility service has been requested. The city shall send a duplicate bill to the owner of a property for services requested by a tenant. In the event an owner refuses to allow a tenant to establish an account in the tenant's name, the tenant shall, upon the owner's failure or refusal to pay for the utility services provided to the tenant's property, be entitled to make payments on the owner's account for services provided to the property occupied by the tenant in order to prevent termination of services as set forth in this chapter. Failure by the

owner, or tenant on the owner's behalf, to pay the full amount billed within thirty days of billing shall result in a lien against the premises consistent with RCW 35.21.290 as presently enacted or hereafter amended, which lien shall be superior to all other liens or encumbrances except those for general taxes and special assessments, and may also result in termination of water service in accordance with RCW 35.21.300, as presently enacted or hereafter amended, using the procedures set forth in Section 13.04.450. (Ord. 1038 § 1 (part), 2017: Ord. 1010 § 6, 2013; Ord. 695 Chs. 6 § 17, 8 § 3 (part), 1987)

13.04.495 Vacant charge.

A. Properties for which the city records indicate there is a water and sewer service connection, but for which monthly water service charges are not paid or services have been turned off, shall be subject to a vacancy charge in the amount established by resolution from time to time. One-half of the established vacancy charge shall be paid into the water reserve fund, one-quarter shall be paid into the sewer reserve fund and one-quarter shall be paid into the wastewater reserve fund. If the property is only served by a water connection then the entire vacant charge shall be paid into the water reserve fund.

B. As an alternative to the payment of the monthly vacancy charge set forth in this section, the property owner may elect to surrender the connection to the city by executing a form provided by the city, and approved in writing by the city public works director, which form will document surrender of the water connection and meter associated therewith to the city. Failure to make payment of monthly vacancy charges authorized by this subsection for a period of three or more months shall result in disconnection and forfeiture of the water connection to the property served. Notice of the proposed disconnection shall be provided as set forth in Section 13.04.450. Upon expiration of the notice period and timelines set forth in Section 13.04.450, city staff shall be authorized to remove water meters and take any further action to disconnect water service to the property. Following disconnection or surrender of the water service connection and/or meter to the city pursuant to the procedure outlined in this subsection, the property may only be reconnected to the city water system upon application for a water service connection and payment of the full water service connection fee in effect at the time of connection. (Ord. 1053, 2018; Ord. 1038 § 1 (part), 2017: Ord. 736 §§ 1, 2, 1990)

Article VII. Main Extensions

13.04.500 When required.

A main extension shall be required whenever more than one dwelling or customer is provided service, and the premises to be served does not abut a water main, or the existing water main is not adequate to provide the necessary water pressure for low characteristics. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 7 § 1, 8 § 3 (part), 1987)

13.04.510 Application submittal and review.

A. The person desiring a main extension or other water system improvements shall apply to the director requesting permission to extend or otherwise improve the city's water system.

B. The director shall review the application, and if the requested extension or improvement is determined to be a proper extension of the water system, shall provide the petitioner with the design requirements for the extension.

C. If the requested main extension or improvement is determined to be an improper extension of the water system, the application shall be denied.

D. Any main or other improvements connected to the city water system must comply with the city's standards and specifications. The cost of installing or extending a water main or other water system improvements into new areas or within plats will be borne by the petitioner or developer requesting such installation or extension. This includes the cost of storage, fire protection, and pressure reduction or booster pumping if the elevation is such that the city's normal pumping head cannot furnish the required pressure. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 7 § 2, 8 § 3 (part), 1987)

13.04.520 Plans and specifications—Requirements.

Upon receipt of the design requirements from the department, the petitioner shall cause plans and specifications for the extension or improvement to be prepared. All design and construction plans and specifications shall be prepared in accordance with APWA standards adopted by the department at the time of application, and any other requirements specified by the department. The completed plans and specifications, having a valid professional engineer's seal and endorsement, shall be submitted to the department for review and approval. In addition, the plans must be submitted to the local or State Department of Health. The petitioner shall be responsible for payment or reimbursement of all of the city's costs associated with review and approval of the plans and specifications, including fees for consultants, engineers, and attorneys. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 7 § 3, 8 § 3 (part), 1987)

13.04.530 Inspection fee estimates—Deposits.

Following approval of the plans and specifications by the director, the department shall provide the petitioner with an estimate of the construction document review and inspection fees. A permit for construction will be issued after the construction document review and inspection fees, and estimated main connection charges, have been deposited with the city clerk. In the event the director determines the remaining deposited funds are not adequate to provide necessary review, inspection, and/or connections for project completion, the petitioner shall be notified of the anticipated deficiency and an estimate of the additional fees required to complete the necessary review, inspections, and connections. The additional fees shall be deposited with the city clerk prior to depletion of the funds on deposit. Any excess money remaining in the inspection deposit account upon completion of the project shall be returned to the petitioner. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 7 § 4, 8 § 3 (part), 1987)

13.04.540 Construction specifications.

A. Main extensions may be made by private contract, through local improvement district procedure, or by the department.

B. Any main extension done other than by the department shall be done by a licensed and bonded contractor of the state of Washington.

C. Any extension completed by the department shall be at the expense of the person requesting construction of the main.

D. All main extensions must be on the city's frontage of the applicant's property and other public rights-of-way.

E. The city shall have the authority to stop work on any installation, construction, or extension of any main or water system improvement if such installation, construction or extension is not being carried out in accordance with the plans and specifications approved by the city. The petitioner will be responsible for obtaining all easements, permits, approvals, and bonds required by agencies having jurisdiction over the installation, construction, or extension work. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 7 § 5, 8 § 3 (part), 1987)

13.04.550 Acceptance of installation—Connection conditions.

A. The city reserves the right to reject any main installation or system improvements not inspected and approved by the department.

B. Upon satisfactory completion of all required tests and acceptance of the main extension or other improvements, the department shall cause the extension or improvements to be connected to the city system. All costs incurred in making such connection(s), including overhead, administrative charges, and consultant, engineers, and attorneys' fees, if any, shall be the responsibility of the petitioner. An adjustment on the actual cost of installation because of variance between the estimate and the actual cost shall be adjusted by refund upon completion of the main extension by the petitioner, or by payment by the petitioner to the city of any additional expense above the estimate.

C. All water system (including main) construction, installations, improvements, or extensions shall be guaranteed for at least one year from the date of project completion. Said guarantee shall cover material and workmanship by the contractor, owner/petitioner, or developer. Upon completion of the work, the contractor, owner/petitioner, or developer shall furnish the city with a letter indicating that the water system improvements are paid for and that no liens or state industrial claims are outstanding before service will be made available. The department will then make a final inspection and notify the owner/petitioner, developer, or installing contractor that the water system improvements have been accepted or of any discrepancies existing that may preclude acceptance of the water system improvements. Upon formal acceptance of the water system improvements, in writing, the city will assume ownership and responsibility for maintenance of the water system, except those items covered by the above warranty. The city reserves the right to reject any water system construction, installation, improvement, or extension not inspected and/or approved by the department.

D. No main extension shall be charged other than for test purposes by duly authorized personnel until the main extension has been accepted by the city and all fees and charges have been paid. If charging a main is necessary to restore service to existing customers, fire hydrants will not be activated until acceptance of the main extension. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 7 § 6, 8 § 3 (part), 1987)

13.04.560 Construction drawings required.

A. Upon completion of a main extension, the petitioner shall provide the department with a reproducible mylar drawing that accurately indicates the main extension and appurtenances as actually built and installed.

B. No main extension will be accepted until satisfactory as-built drawings are provided. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 7 § 7, 8 § 3 (part), 1987)

13.04.570 Main extensions deeded to city.

A. The permit holder shall provide the city with a deed of conveyance for all main extensions as a condition of acceptance of the main extension by the city.

B. The transfer of any main to the city shall be on the condition that the owner, district, company, constructor or contributor shall transfer or provide for any necessary and proper franchise. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 7 § 8, 8 § 3 (part), 1987)

13.04.575 Utility reimbursement agreements.

A. Utility Reimbursement Agreement Application Eligibility.

1. Whenever a developer is required by Titles 13, 16, 17, and/or 18, or by other regulations, or an order of the director or city council, to construct utility improvements that benefit nonparticipating properties, the developer may apply for a utility reimbursement agreement to establish a reimbursement area that includes other properties benefiting from the improvements. Such application shall be filed with the director within sixty days of the date of completion and final acceptance of the utility improvements by the city.

2. In order to be eligible for a utility reimbursement agreement, the cost to construct the utility improvements must not be less than ten thousand dollars. The cost of the utility improvements shall be determined, based upon a review of the actual construction costs for the project, as certified by the developer's engineer.

B. Utility Reimbursement Agreement Application Contents.

1. Applications for establishment of a reimbursement area through a utility reimbursement agreement shall be accompanied by a nonrefundable application fee, in an amount set by resolution of the city council, to reimburse the city for expenses incurred by the city in processing the application.

2. An application shall be considered complete upon submission of the fee to the director along with a written application that includes all of the following items:

a. Legal description of the applicant's property.

b. Detailed “as-built” construction plans and drawings of the entire project prepared and stamped by a licensed civil engineer, which plans and drawings must be consistent with city ordinances, standards, and/or adopted design manuals (as identified by the applicable development review process).

c. Itemization of all costs of construction of the project. Such construction costs shall be signed and stamped by a licensed civil engineer.

d. Scaled and clearly reproducible vicinity drawings, stamped by a licensed civil engineer or licensed land surveyor depicting the improvements, their location, the proposed benefit area (reimbursement area) including dimensions and county assessor’s numbers for each tax parcel, size of parcels, and proposed method and evaluation for determining benefit.

e. A proposed assessment roll containing the county auditor’s tax lot numbers, a certified list of record owners, legal descriptions and proposed reimbursement assessment for each separate parcel within the proposed reimbursement area as determined as set forth in subsection C of this section.

f. Such other information as the director determines is necessary to properly review the application.

C. Determination of Reimbursement Area Boundaries and Assessments.

1. A reimbursement area shall be based upon a determination of which parcels did not contribute to the original cost of the utility improvements and who may subsequently tap into or use the same, including not only those who may connect directly thereto, but also those who may connect to laterals or branches connecting thereto.

2. The amount of the reimbursement assessment shall be established by the city using procedures to ensure that each property in the reimbursement area will be assessed an equitable share of the cost of the construction of the utility improvements. In determining the reimbursement assessment for utility improvements, the city may consider the total project cost of the utility improvements including all costs to design, engineer, construct, administrate, acquire additional easements or rights-of-way, and install the utility improvements within a specific geographic area to be served by the utility improvements, and any other equitable factors to be determined by the city at the time of application.

3. Following recording of the utility reimbursement agreement, reimbursement assessments shall apply to all connections made to the utility improvements for a period not to exceed twenty years after the date the city makes final acceptance of the utility improvements.

D. Duration of Reimbursement Agreement. No utility reimbursement agreement shall provide for reimbursement for a period longer than twenty years from the date of final acceptance of the utility improvements by the city.

E. Resolution of Preliminary Determination—Public Hearing.

1. The director shall examine applications submitted in accordance with this chapter and make recommendations to the city council at a public meeting. The public meeting before the city council shall be held within thirty days of receipt of the developer’s complete application by the director. The director shall provide ten days’ written notice to the developer of the date, time and place of the public meeting. The city council may accept, modify or deny the developer’s proposal. Any action to accept or modify the developer’s proposal shall require the adoption of a resolution of preliminary determination and shall be based upon a finding that the properties within the reimbursement areas are benefited from the utility improvements, and that the method of assessment equitably distributes the cost of installation between all benefited parties. The resolution of preliminary determination shall include the following:

a. A map showing the geographical boundaries of the reimbursement area.

b. The reimbursement assessments for the reimbursement area property.

c. Notification to property owners within the reimbursement area of a public hearing to be held to consider final adoption of the preliminary determination within forty days of the date of the passage of the preliminary determination resolution.

d. Notification to property owners within the reimbursement area that the city council at the public hearing may reduce the size of the reimbursement area, increase or decrease the final assessments to reimbursement area property owners, or otherwise modify the terms of the preliminary determination resolution without further notification to the reimbursement area property owners; provided, that any increase in the assessment to an individual reimbursement area parcel shall not modify the amount set forth in the resolution of preliminary determination by more than ten percent.

e. Notification that the city council's decision following the public hearing is determinative and final.

f. Notification that the city council may enter into a utility reimbursement agreement with the developer to carry out the preliminary determination resolution provisions or any modification thereof consistent with the terms of this chapter made at the public hearing on the preliminary determination resolution and such utility reimbursement agreement shall be binding on all reimbursement area property owners.

2. In reviewing the director's recommendations, the city council shall apply the criteria set forth in this chapter and Chapter 35.91 RCW as it now exists or as it may be hereafter amended. The city council may adopt, reject or modify the director's determination.

F. Notification to Reimbursement Area Property Owners. Within ten days of adoption of a resolution making a preliminary determination as provided in subsection E of this section, the director shall send, by certified mail, a copy of the resolution to all property owners of record within the reimbursement area.

G. Public Hearing. The city council's determination to approve a utility reimbursement agreement following the public hearing shall be based upon a finding that the properties within the reimbursement area are benefited from the utility improvements, and that the method of establishing the reimbursement assessment equitably distributes the costs of installation between all benefited properties. The city council may adopt, reject, or modify the preliminary determination resolution. The determination of the city council following any such hearing is final.

H. Final Determination Ordinance—Written Agreement. Following the final determination of the city council after the public hearing, a utility reimbursement agreement in a form prepared by the city attorney and signed by the developer shall be presented to the city council containing the final determination of the reimbursement assessments for the reimbursement area. The utility reimbursement agreement shall contain a provision that the city shall not be responsible for the costs of enforcement of the utility reimbursement agreement and shall not under any circumstances be liable to the developer or its successors for any of the costs of constructing the utility improvements that are the subject of the utility reimbursement agreement. Upon approval by the city council, the mayor shall sign on behalf of the city and the director shall record the utility reimbursement agreement with the Grant County auditor and provide a recorded conformed copy to the developer. The utility reimbursement agreement shall be enforceable following recording with the Grant County auditor.

I. Costs and Fees—Developer Responsibility.

1. Developers petitioning the city council to establish a reimbursement area shall pay all of the city's costs and fees for professional services incurred in establishing or attempting to establish a utility reimbursement agreement with the developer. The city's costs and fees for professional services shall include, but shall not be limited to, the costs for mailing notices, auditor's recording fees, fees for the city's professional engineering services or other consultant services, and reasonable attorney's fees incurred by the city.

2. In the event that costs incurred by the city as set forth in subsection I1 of this section exceed the amount of the application fee established pursuant to subsection B of this section, the director shall so advise the city council and the city council's approval of the utility reimbursement agreement shall be conditioned upon the prior receipt of payment by the developer of an amount sufficient to compensate the city for its costs in excess of the application fee.

J. Collection of Assessments.

1. Subsequent to the recording of a utility reimbursement agreement, the city shall not permit connection of a reimbursement area property to any utility improvements constructed pursuant to the utility reimbursement agreement, unless the reimbursement assessment applicable to the property is first paid to the developer.

2. Upon receipt of any reimbursement assessment, the city shall deduct a six percent administrative fee and remit the balance of the reimbursement assessment to the developer or its successor. In the event that, through error, the city fails to collect a required reimbursement assessment prior to approval of connection to a utility improvement, the city shall make diligent efforts to collect such assessment, but shall under no circumstances be obligated to make payment to the developer or its successor, or in any other way be liable to such party.

3. Throughout the term of the utility reimbursement agreement the developer shall notify the city, in writing, of any change of its name or address. Absent such notice, the city is not responsible for locating any developer or successor entitled to benefits under the utility reimbursement agreement. The developer may not assign any rights under the utility reimbursement agreement without written notification to the city. Absent such notification, any assignment of rights under the utility reimbursement agreement shall have no effect on the obligations of the city under the utility reimbursement agreement.

4. Notwithstanding any contrary provision above in this section, each utility reimbursement agreement approved by the city shall include a provision requiring that every two years from the date the agreement is executed a developer or its successor shall provide the city with information regarding the current name, address and telephone number of the developer or its successor. If the developer or its successor fails to comply with the notification requirements of this subsection within sixty days of the specified time, then the city may collect any reimbursement assessments owed to the developer or its successor under the utility reimbursement agreement. Such assessments shall be deposited by the city in the general fund of the city.

5. Any reimbursement assessments collected by the city and not claimed by the developer (or successor) within one hundred eighty days from the date collected shall become the property of the city. Before the expiration of the one hundred eighty days, the city shall send to the developer (or successor), by certified mail, return receipt requested, a final notice of the city's intent to deposit the reimbursement assessments in the general fund of the city. If the city does not receive a response in writing by the expiration of the one hundred eighty days, the city shall deposit the revenue to the city general fund.

6. In the event the city becomes a party to any litigation arising out of a city-attempted enforcement of a utility reimbursement agreement against a reimbursement area property owner, the city shall be entitled to recover from the developer or its successor its reasonable attorneys' fees and costs, which fees and costs shall constitute a lien upon all funds due the developer or its successor pursuant to the utility reimbursement agreement.

K. City—Not Liable. The city reserves the right to refuse to enter into any utility reimbursement agreement or to reject any application therefor. The city shall not be liable under a utility reimbursement agreement or otherwise to pay for any of the costs of the utility improvements constructed by a developer.

L. Release of Assessments. When the reimbursement assessment is received by the developer or its successor for a property subject to the utility reimbursement agreement, the developer or its successor shall record a certificate of payment and release of the reimbursement assessment as to the applicable property within sixty days of payment of the reimbursement assessment. (Ord. 1038 § 1 (part), 2017)

13.04.580 Temporary mains and main extensions.

A. No temporary main or other temporary improvements shall be permitted to be installed as a part of the city's water system.

B. Temporary mains and main extensions, however, may be acquired, maintained and operated by the department where provisions have been made by the owners of such mains or improvements to standardize such installations, in compliance with the standards for permanent mains and improvements, under terms of an agreement with the city following approval by the city council. The city council may refuse to approve any proposed agreement in its sole discretion. Such an agreement, if approved, may provide for a surcharge rate or charge to be levied by the city for a specified period of time to provide sufficient revenues to assure compliance with city standards. The director shall, before recommending the acceptance, delineate the temporary mains included in such installations, which are to be constructed or installed consistent with applicable city standards and requirements, on a map to be included as an exhibit under the aforementioned agreement. (Ord. 1038 § 1 (part), 2017: Ord. 695 Chs. 7 § 9, 8 § 3 (part), 1987)

Article VIII. Water Service Outside City Limits

13.04.590 Water outside city limits.

A. No water shall be sold or furnished to premises outside the city limits except by specific authorization of the city council, and only when such request is encompassed within or consistent with the city water service area and the city urban growth boundary. The owner of any premises located outside the city limits applying for water service from the city shall execute a water service agreement with the city, which agreement shall specify any terms, conditions, and requirements as the city council shall see fit to provide water service to the premises. The owner/customer shall execute the agreement prior to commencement of water service to the premises. Failure of an owner/customer to abide by such terms, conditions or requirements of the agreement may result in immediate termination of water service to the premises.

B. All base water service rates, fees, costs, and other charges for providing water service to premises outside the city limits shall be set forth in this chapter and in a resolution of the city council from time to time. As set forth in this chapter, the rates for service outside the city limits shall include or be subject to a one hundred percent increase over the rate for service within the city limits. All fees, costs, and charges for furnishing water outside the city shall be paid for in advance by the owner/customer and the city shall not be called upon to furnish any labor or material or any other cost of the connection to the water system.

C. All services outside the city limits shall be subject to the ordinances, resolutions, rules and regulations of the city, as existing or hereafter adopted or amended. (Ord. 1038 § 1 (part), 2017)

13.04.600 Private water system—Abandonment—Connection with city water system.

A. The owner of developable lands or premises located in the city who makes application for a short plat or preliminary plat that requires water availability from the city shall extend, at the owner's sole cost and expense, the water system to serve the proposed development and future developable lands, provided the city permits such extension.

B. The owner of lands or premises located within the city and within two hundred feet of a city water line, undertaking new residential or nonresidential construction, shall connect the newly constructed premises to the water system upon approval of the construction and connection by the city. The owner shall make payment of all fees, costs, and charges assessed by the city, as set forth by resolution of the city council from time to time, for any such connection prior to commencement of water service to the premises.

C. The owner of lands or premises located within the city limits upon which a private well or wells are located, and who applies or is required to connect to the city water system, shall work with the city to seek authorization from the Washington State Department of Ecology to transfer any water rights associated with the well or wells from the owner to the city. The owner of permitted water rights may seek compensation from the city, as transferee, under mutually agreed upon terms. Any such compensation paid by

the city shall be based upon the then-current value of the water, as determined by the city, made available to the city pursuant to such a transfer. Regardless as to whether the Department of Ecology authorizes a proposed transfer of water rights, the well or wells shall be decommissioned in accordance with Washington State Department of Ecology requirements prior to connection to the city water system.

D. The owner of lands or premises located within the city's water service area that apply to connect to the city water system shall sign a service agreement prohibiting the installation of an irrigation well or wells on their premises or land for which service is provided. (Ord. 1038 § 1 (part), 2017)

13.04.610 No protest agreement required—Future annexation.

In the event that an application is made for water service from a water main to serve a lot, parcel, or premises lying outside the city limits, and if that lot, parcel, or premises can be conveniently served by an existing water main, the owner of that lot, parcel, or premises shall be required to execute a "no protest" agreement with the city thereby authorizing or not interfering with any future annexation of the lot, parcel, or premises to the city before a water connection is authorized or made to serve the lot, parcel, or premises. (Ord. 1038 § 1 (part), 2017)

Chapter 13.40

REGULATION OF PUBLIC AND PRIVATE SEWERS

Sections:

Prior legislation: Ords. 207, 289, 497, 564, 619, 648, 671, 673, 713B, 721, 767, 778, 863, 867, 881, 902, 948, 956, 979 and 1010.

Article I. Definitions

13.40.010 Definitions generally.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter are as set out in this article.

A. Backflow Prevention Valve. "Backflow prevention valve" is a fixture installed into a sewer line, and sometimes into a drain line, to prevent sewer backflows. Sewage can go out but cannot come back in.

B. BOD. "BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty Centigrade, expressed in milligrams per liter.

C. Building Drain. "Building drain" means that part of the lowest horizontal piping of a drainage system, which receives the discharge from soil waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (one and one-half meters) outside the inner face of the building wall.

D. Building Sewer. "Building sewer" means the lateral extension from the building drain to the public sewer or other place of disposal. The term "building sewer" also means "lateral sewer" or "side sewer."

E. Collection System. "Collection system" means the system of public sewers operated by the city designed for the collection of sanitary sewage.

F. Combined Sewer. "Combined sewer" means a sewer receiving both surface runoff and sewage.

G. Commercial User. "Commercial user" means any building or premises used for commercial or business purposes but not an industry or domestic use as defined in this chapter.

H. Domestic Waste. "Domestic waste" means any wastewater or sewage emanating from residences and dwellings, or from domestic activities performed outside the residence in lieu of a domestic activity directly by or for private citizens (i.e., bathroom and shower facilities).

I. Equivalent Residential Unit or ERU. "Equivalent residential unit" or "ERU" means a unit of wastewater incurring the same costs for operation and maintenance as the average volume of domestic wastes discharged from a single-family residence in the public treatment works service area. In the city, one ERU shall be equivalent to three hundred fifty gallons per day of wastewater with domestic strength. Users with wastes which differ significantly in strength from the average domestic waste strength of two hundred fifty mg BOD 5/1 and two hundred fifty mg SS/1 shall be charged a special rate according to the rate schedule in Section 13.40.602.

J. Garbage. "Garbage" means the solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

K. Hearing Board—Defined. "Hearing board" means that board appointed according to the provisions of Section 13.40.200.

L. Industrial User. "Industrial user" means any nongovernmental user of the public treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

Division A—Agriculture, Forestry, and Fishing;

Division B—Mining;

Division D—Manufacturing;

Division E—Transportation, Communications, Electric, Gas, and Sanitary Services;

Division I—Services.

A user normally considered in these divisions may be excluded from the industrial category if it is determined that it will introduce primarily domestic wastes and wastes from sanitary conveniences.

M. Industrial Wastes. "Industrial wastes" means water or liquid-carried waste from any industry, manufacturing operation, trade, or business which includes any combination of process wastewater, cooling water, contaminated stormwater, contaminated leachates, or other waters such that the combined effluent differs in some way from purely domestic wastewater, or is subject to regulation under federal categorical pretreatment standards, the state waste discharge permit program, or this chapter.

N. Natural Outlet. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

O. Operation and Maintenance. "Operation and maintenance" means all activities, goods, and services which are necessary to maintain the proper capacity and performance of the treatment works for which said works are designed and constructed. The term "operation and maintenance" includes replacement as defined hereinafter.

P. Person. "Person" means any individual, firm, company, association, society, corporation or group.

Q. pH. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

R. 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.

S. Public Sewer. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

T. Public Treatment Works. "Public treatment works" means a treatment works owned and operated by a public authority.

U. Replacement. "Replacement" means acquisition and installation of equipment, accessories, or appurtenances required during the service life of the treatment works to maintain the capacity and performance for the treatment works.

V. Sanitary Sewer. "Sanitary sewer" means a sewer which carries sewage and to which stormwater, surface water, and groundwaters are not intentionally admitted.

W. Service Area. "Service area" means all the area served by the treatment works and for which there is one uniform user charge system.

X. Sewage. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with said groundwaters, surface waters, and stormwaters as may be present. The term "sewage" may also be referred to in this chapter as "wastewater."

Y. Sewage Treatment Plant. "Sewage treatment plant" means any building, facility or other arrangement of devices and structures used for treating sewage.

Z. Sewage Works. "Sewage works" means all facilities for collecting, pumping, treating, and disposing of sewage. "Sewerage system," "treatment system," "treatment works," and shall be equivalent terms for "sewage works."

AA. Sewer. "Sewer" means a pipe or conduit for carrying sewage.

BB. Shall. "Shall" and "will" are mandatory; "may" and "should" are permissive.

CC. Side Sewer. "Side sewer" means the extension from the building drain at the property or easement line to the public sewer or other place of disposal which is controlled and maintained by public authority. The term "side sewer" also means "lateral sewer" or "building sewer."

DD. Slug. "Slug" means any discharge of water, sewage, or industrial waste, which in concentration of any given constituent or in quantity of flow exceeds

for any period of duration longer than fifteen minutes more than five times the average twenty-four-hour concentration or flows during normal operation.

EE. Storm Drain. "Storm drain" (sometimes termed "storm sewer") means a sewer, which carries stormwaters and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

FF. Superintendent Public Works Director. `Superintendent" means the public works director or his or her authorized deputy, agent or representative.

GG. Suspended Solids. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquid, and which are removable by laboratory filtering.

HH. Treatment Works. "Treatment works" means all facilities for collecting, pumping, treating, and disposing of sewage. "Treatment system," "sewage works," and "sewerage system" shall be equivalent terms for "treatment works."

II. User. "User" means every person using any part of the public treatment works of the city.

JJ. User Charge. "User charge" means the periodic charges levied on all users of the public treatment works, to cover each user's proportionate share of the cost of operation and maintenance.

KK. Watercourse. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

LL. Wastewater. "Wastewater" shall have the same meaning as "sewage." (Ord. 1046 § 1 (part), 2017)

Article II. Hearing Board

13.40.200 Hearing board.

A hearing board comprised of two city council members appointed by the mayor and serving on the public works water/sewer departments committee shall be established and vested with authority to review certain grievances or complaints brought by property owners or applicants regarding the application or enforcement of this chapter as against the property owner or applicant. Individuals aggrieved by the application of this chapter, including an administrative decision of the city clerk, shall file a written grievance or complaint with the city clerk for review by the hearing body within fifteen days of knowledge of the event giving rise to the complaint. (Ord. 1046 § 1 (part), 2017)

Article III. Use of Public Sewers

13.40.300 Objectionable waste prohibited.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste. (Ord. 1046 § 1 (part), 2017)

13.40.302 Discharge without treatment prohibited.

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters. (Ord. 1046 § 1 (part), 2017)

13.40.304 Prohibited facilities.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage in the city. The type, capacities, location, and layout of a private sewage disposal system (including septic system), privy wells and vaults, when authorized, shall comply with all requirements and recommendations of the Department of Health of the State of Washington and local health department. No new permit shall be issued for any private sewage disposal or septic system in the city. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. 1046 § 1 (part), 2017)

13.40.306 Public sewer availability—Abandonment.

A direct connection shall be made to the public sewer in compliance with this chapter, at the time a

public sewer becomes available to a property served by a private sewage disposal system and connection is otherwise required by this chapter. Upon connection to the public sewer system, any septic tanks, cesspools, and similar private sewage disposal facilities shall be leaned of sludge, and abandoned or decommissioned by filled with suitable material. (Ord. 1046 § 1 (part), 2017)

Article IV. Backflow Prevention Device Required

13.40.400 Plan requirements.

A. Any building plan presented to the city building inspector for issuance of a building permit shall accurately state the depth of the city sewer main to which the building sewer line will hook up and the depth of the building sewer line at the point it leaves the building.

B. Backwater prevention valves are required in a building if the flood rim of the lowest fixture within a building is two feet or less above the rim of the next upstream manhole. (Ord. 1046 § 1 (part), 2017)

13.40.402 Remedy for preexisting building sewers.

The public works director or city building inspector shall notify the owner of a preexisting building sewer by certified mail that the building sewer within the property is identified as requiring a backflow prevention valve. After receiving the notice, the property owner is required to do one of the following:

A. The property owner may install in the building sewer line a backflow prevention valve of suitable construction and design, as determined by the public works director in his/her sole discretion, that will close in the event there is a backflow to the property from the municipal line preventing any sewage flowing toward the building from flooding, or damaging such property. The installation and expense shall be done at the sole cost of the property owner; or

B. In lieu of installing a backflow prevention valve, the property owner may execute and file with the city clerk a good and sufficient waiver of claim for any future damages resulting from a backflow of sewage in the building or on the property stemming from the clogging of the city sewer lines. The waiver shall release the city from any future and further damages or expense, and shall be in suitable form for recording and shall be recorded with the Grant County auditor's office and run with the land and be binding upon future owners of the land and the successors and assigns of such property owner. The property owner shall be responsible for the cost of said recording. (Ord. 1046 § 1 (part), 2017)

13.40.410 Backflow damage—Procedure for claims.

In the event that a property owner suffers or experiences backflow from a city sewer line, whether or not a claim for damages has been filed with the city of Grand Coulee, the property owner is required to promptly comply with the requirements and procedures set forth in Section 13.40.402 to prevent further or additional backflows or waive future damages to the property from a backflow event. (Ord. 1046 § 1 (part), 2017)

Article V. Building Sewers, Connections, Service Fees

13.40.500 Connection required.

A. The owner of each lot or parcel of real property within the city upon which lot or parcel there is situated any building or structure for human occupancy or use for any other purpose which necessitates sewage disposal, shall install suitable toilet facilities therein and shall connect such facilities, together with all other facilities therein the use of which results in the existence of sewage as defined herein, with the public sewer system at his/her own expense within ninety days after acceptance by the city of the public sewer line capable of serving such lot or parcel and after official written notice to the owner to do so.

B. Whenever a public sewer becomes available within two hundred feet of any part of the property upon which is located a private septic or sewer system and such lot or parcel is otherwise capable of being served by such public sewer, as determined by the

city, a direct connection shall be made to the public sewer within ninety days after the date of official written notice to the owner to do so. Installation shall be in compliance with this chapter. Septic tanks, cesspools, or similar private sewage disposal facilities shall be removed, or shall be abandoned and filled with suitable material in a manner approved by the public works director, and pursuant to Chapter 246-272A WAC, as now exists or as may hereafter be amended. (Ord. 1046 § 1 (part), 2017)

13.40.502 No work allowed without permit.

It shall be the duty of any city employee or representative to notify the city clerk's office in the event they find any person or contractor engaged in the work of breaking ground to make connections with the public sewer or lateral without a valid permit issued by the city. The public works director shall post an order to stop all work and direct the owner to apply for the appropriate permit. (Ord. 1046 § 1 (part), 2017)

13.40.504 Description of lateral sewers.

All lateral or side sewers shall be laid on a not less than two percent grade and shall not be less than four inches in diameter and shall be made of material which shall meet the specifications and standards as set forth by the ASTM or approved by the public works director. Not more than one building or residence shall be connected with the lateral sewer unless the connection is made inside the property line pursuant to a special permit or other authorization by the city. The public works director may issue a special permit for the installation of an interior lot sewer line requiring compliance with the above conditions as far as practicable. Said special permit shall be issued only upon the conditions the permittee will save the city harmless from any damages by reason of said installation. (Ord. 1046 § 1 (part), 2017)

13.40.506 Owner's responsibility for lateral sewer.

A. The property owner shall be responsible for maintaining a clear lateral sewer extending from the building or residence on the property to the public sewer.

B. Repair and/or replacement of all lateral sewers from the building or residence served to the sewer main connection or other public sewer line shall be done at the owner's expense in the event a lateral sewer becomes blocked or damaged by roots or solid waste.

C. Upon completion of any installation, repair, or replacement of a private lateral sewer, the property owner shall restore any portion of the street or alley, which has been excavated, dug up or otherwise disturbed for purposes of making such installation, repair or replacement, to its original condition as to backfill, sub-grade and surface to the satisfaction of the city.

D. In the event of a suspected clog in a lateral sewer, the property owner may request the city use its sewer camera to locate the position and determine the cause of the suspected clog. The property owner shall be responsible for the cost of operating the sewer camera. The fee to provide personnel and sewer camera established by resolution, which may be changed from time to time by the city council by resolution. (Ord. 1046 § 1 (part), 2017)

13.40.508 Call for inspection—Notice of defects.

Any person or contractor performing work under a permit issued pursuant to the provisions of this chapter shall notify the city clerk's office when the work is ready for inspection. If upon inspection it is determined the work or material used is not in accordance with the provisions of this chapter, the inspector shall notify the owner or contractor by posting a written notice upon the premises. In addition, the inspector shall notify the owner of the premises by certified mail sent to the address on the application. No trench or any connecting lateral or sewer shall be covered or filled until the work has been corrected, reinspected and approved by the public works director. There shall be an inspection fee established by resolution of the city council from time to time. (Ord. 1046 § 1 (part), 2017)

13.40.510 Additional requirements.

No statement contained in this chapter shall be construed to interfere or conflict with any additional requirements that may be imposed by the state of Washington. In the event of any conflict between the provisions or requirements in this chapter and the requirements of state law, the state law shall apply. (Ord. 1046 § 1 (part), 2017)

13.40.512 Opening public sewer—Permit required.

A. It is unlawful for any person to make an opening in any public sewer, or to connect any private lateral or private sewer to public sewer, or to lay, repair, alter or connect any private lateral or sewer in a public street, alley, or any other public place, unless said person has first obtained a permit to do so from the city. Any person desiring to secure a permit shall make application in writing to the city clerk, which shall be referred to the public works director for review and, if appropriate, approval. Said application shall state the legal description of premises proposed to be served by said sewer connections and the name and address of the owner of the premises and the purpose for which the building is used. Upon approval of the application, the city clerk shall issue a sewer permit showing the size and depth of the public sewer, the nearest opening in the same and the locations of the buildings to be connected and other information as may be requested. If there is no existing opening in the proper location a permit will be issued to insert the "Y" branch. Alternatively, if the main sewer is eight inches in diameter or larger, a permit will be issued to tap said main sewer by using the hub end of a six-inch pipe properly fitted and by building a concrete pedestal under the first joint of the pipe. Any such pedestal shall be twelve inches square and based on solid ground.

B. It is unlawful for any person to alter the plan or to do any work other or different than that provided for in the permit, or to repair, extend, remove or connect to any private sewer or lateral without first obtaining a permit from the city. There shall be a permit fee established by resolution of the city council from time to time.

C. The city clerk shall retain all maps and records provided by the owner or applicant of buildings connected to public sewers showing lot size, location of the building or buildings, and the whole course of the side sewer or lateral from the public sewer or other outlet to its connection with the buildings or building.

D. Except as otherwise provided herein, no permit issued by the city shall be valid for a longer period than specified in the permit. A permit may only be renewed or extended in the reasonable discretion of the public works director or other responsible city official if the request for renewal or extension is made prior to the expiration of the time originally limited in the permit. (Ord. 1046 § 1 (part), 2017)

13.40.514 Connection/permit fees.

A. The fee to make a connection with the sewer system shall be established from time to time by the city council by resolution. Said connection fee shall be paid in full at the time of the application for connection with the public sewer.

B. Upon payment of the connection fee in full, the city or its authorized contractor shall construct or install the portion of the sewer line extending from the sewer main line to the common boundary line of the property of the applicant and the property of the city. The property owner shall be responsible for construction or installation of the lateral or side sewer line extending from the property line to the point of connection with the building or residence proposed to be connected and served by the public sewer. (Ord. 1046 § 1 (part), 2017)

13.40.516 Permit classifications—Application—Fee.

There shall be two classes of building sewer permits: (A) for residential or domestic, and commercial service, and (B) for service to establishments producing industrial wastes. In either case, the owner or his/her agent shall make application on a specific form furnished by the city. Each permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the public works director. A permit and

inspection fees for a residential/domestic or commercial building sewer permit shall be paid, in full, to the city at the time the application is filed with the city clerk. (Ord. 1046 § 1 (part), 2017)

13.40.518 Inspection.

The applicant for the building sewer permit shall notify the public works director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the public works director or his/her representative. (Ord. 1046 § 1 (part), 2017)

13.40.520 City may connect and assess costs.

If a property owner fails, neglects or refuses to connect any lot or property, buildings, residence, or other premises generating sewage with the public sewer within the time specified in a notice provided by the city requiring connection to the same, the public works director may make or cause to make said connections. The cost of the connections shall be assessed against the property and the amount shall become a lien upon the premises. The city attorney is authorized and empowered and directed to collect the amount of said costs either by foreclosure of the lien or by a suit against the owner or occupant of the premises, which shall be maintained in the name of the city as plaintiff in any court of competent jurisdiction. (Ord. 1046 § 1 (part), 2017)

13.40.522 Costs—Indemnification.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner of the property. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 1046 § 1 (part), 2017)

13.40.524 Delayed work—City may restore work.

All work within the limits of any street or public place must be completed with due diligence. If any excavation is left open beyond a reasonable time, as determined by the public works director in his/her sole discretion, the public works director shall cause the same to be refilled and the street restored. Any cost incurred by the city in the performance of the restorative work shall be charged to the permit applicant, and shall be paid in full before any future permit is issued or work resumed. Unpaid charges shall become a lien upon the subject property. (Ord. 1046 § 1 (part), 2017)

13.40.526 Improper work—City may complete.

Failure or refusal to construct and complete a permitted sewer or connection in accordance with the provisions of this chapter shall cause a notice of noncompliance to be given to the owner/applicant of the subject property. The city shall cause required work to be completed connecting the sewer in the proper manner. The full cost of the required work and any necessary materials shall be collected in the manner provided in Section 13.40.520. (Ord. 1046 § 1 (part), 2017)

13.40.528 Old sewers—Examination.

Old building sewers may be used in connection with new buildings only when they are inspected and tested by the public works director and found to meet all requirements of this chapter. (Ord. 1046 § 1 (part), 2017)

13.40.530 Conformance with building codes—Construction and connection.

A. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, locating and installing pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions the materials and procedures set forth in the current or hereafter amended appropriate specifications of the ASTM, Uniform Plumbing Code, and WPCF Manual of Practice No. 9 shall apply.

B. All connections to the building sewer shall be made gastight and watertight. Any deviation from the

prescribed procedures and materials must be approved by the public works director before installation and inspected by the public works director following installation (but before being covered or concealed, if applicable). In the absence of code provisions the materials and procedures set forth in the current or hereafter amended appropriate specifications of the ASTM, Uniform Plumbing Code, and WPCF Manual of Practice No. 9 shall apply. (Ord. 1046 § 1 (part), 2017)

13.40.532 Elevation.

Whenever possible, the building sewer shall be brought and connected to the building at an elevation below the basement floor. In all buildings or residences in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by said building drain shall be lifted by an approved means and discharged to the building sewer line extending to the public sewer. (Ord. 1046 § 1 (part), 2017)

13.40.534 Prohibited connections.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected to a public sanitary sewer. (Ord. 1046 § 1 (part), 2017)

13.40.536 Excavation safety.

A. All excavations made by any person within the limits of any streets, alleys, or avenues, or other public places shall be protected and guarded by fencing or covering, by the display of proper signals, and by lighting during both day and night. The owner and/or applicant shall be liable for any damages to persons or property caused by negligence in this respect.

B. The owner or applicant, including the owner's/applicant's contractor, shall restore that portion of the street or alley, or public place which has been dug up or otherwise disturbed, to its original condition as to backfill, sub-grade and surface to the satisfaction of the city. Such restoration shall be performed at the owner's/applicant's sole cost and expense. (Ord. 1046 § 1 (part), 2017)

13.40.538 Prohibited discharges—Generally.

A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer.

B. In accordance with the FWPCA, 40 CFR 403.5(b) and WAC 173-216-060, as now exist or as may be hereafter amended, no wastewater shall be discharged into the public sewer or public treatment works facilities that contains pollutants which, by reason of their nature or quantity, are or may be sufficient either alone or by interaction to, or potentially to, create: (1) a fire or explosion; (2) a public nuisance; (3) a hazard to life; (4) a situation which prevents entry into the public sewer lines for maintenance or repair; or (5) a situation injurious in any way to the public treatment works or its personnel. (Ord. 1046 § 1 (part), 2017)

13.40.540 Discharge of unpolluted drainage.

Stormwater and all other unpolluted drainage shall be discharged to those sewers that are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the public works director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the public works director, to a storm sewer, combined sewer, or natural outlet. (Ord. 1046 § 1 (part), 2017)

13.40.542 Prohibited discharges—Described.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a

public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer;

C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

D. Solid or viscous substances in quantities of a size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. (Ord. 1046 § 1 (part), 2017)

13.40.544 Harmful substances—Described.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the public works director that said wastes can harm the public sewers, or the public treatment plant, works or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance.

In forming an opinion as to the acceptability of any wastes, the public works director will give consideration to factors such as quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited include, but are not limited to:

A. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (sixty-five degrees Centigrade);

B. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees Fahrenheit (zero and sixty-five degrees Centigrade);

C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the public works director;

D. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any said material received in the composite sewage at the sewage treatment works exceeds the limits established by the public works director for said materials;

F. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the public works director as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for said discharge to the receiving waters;

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the public works director in compliance with applicable state or federal regulations;

H. Any waters or wastes having a pH in excess of 9.5;

I. Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate),

2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions),

3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works,

4. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein;

J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 1046 § 1 (part), 2017)

13.40.546 Harmful substances—Public works director options.

A. If any wastes or waters are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 13.40.544, and which, in the judgment of the public works director, may have a deleterious effect upon the public treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the public works director may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this chapter.

B. If the public works director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the public works director, and subject to the requirements of all applicable codes, ordinances, and laws. Such pretreatment facilities shall be constructed, operated, and maintained at the owner's expense. The owner shall comply with the Department of Ecology and the Environmental Protection Agency pretreatment regulations and the State Waste Discharge Permit Program, as the same exist now or may hereafter be amended. (Ord. 1046 § 1 (part), 2017)

13.40.548 Interceptors.

Grease, oil, and sand interceptors shall be installed by the property owner and at the property owner's expense when, in the opinion of the public works director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. Interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the public works director, and shall be located as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be maintained at the expense of the owner and shall be in continuously efficient operation at all times. (Ord. 1046 § 1 (part), 2017)

13.40.550 Maintenance of preliminary treatment facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense. (Ord. 1046 § 1 (part), 2017)

13.40.552 Industrial waste.

A. When required by the public works director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Said manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the public works director. The manhole shall be installed by the owner at his expense, and shall be maintained by the owner so as to be safe and accessible at all times.

B. The owner of any facilities discharging industrial waste to the public sewer shall be solely responsible for compliance with all federal, state, and local requirements for such discharge. (Ord. 1046 § 1 (part), 2017)

13.40.554 Measurement and sampling.

A. All measurements, tests, and analyses of characteristics of waters and wastes as described in this chapter shall be taken at the control manhole and determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

B. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pHs are determined from periodic grab samples.) (Ord. 1046 § 1 (part), 2017)

13.40.556 Special agreements.

The public works director shall make recommendations to the city council in regard to entering into any agreement whereby any waste of unusual character may be accepted by the city for treatment before passage into the public sewer. The payment for such treatment shall be as established by the city council. Nothing herein requires the city council to enter into any such agreement. (Ord. 1046 § 1 (part), 2017)

Article VI. Rates—ERU

13.40.600 Sewer rates—Based on equivalent residential units.

A. Sewer rates shall be established by resolution and may be changed from time to time by city council by resolution.

B. All single-family residences shall be charged one ERU per month.

C. Multiple-family housing up to five units shall be charged one ERU per unit per month.

D. Multiple-family housing facilities with more than five units shall be charged 1.4 ERU for the first unit then nine-tenths ERU per each additional unit per month.

E. Commercial accounts using less than ten thousand three hundred gallons per month shall be billed 1.4 ERUs per month.

F. Commercial accounts using ten thousand three hundred gallons of water or more per month will be billed one ERU for every ten thousand three hundred gallons metered.

G. The city council may determine charges for industrial users or processing plants based upon both volume and chemical characteristics of the sewage generated by such user. The city council may require pretreatment of any material discharged into the sewerage system or to prohibit discharge into the system of industrial wastes that, because of either volume or concentration, will overload existing sewer facilities. (Ord. 1046 § 1 (part), 2017)

13.40.602 Charge determination.

A. All users contributing more than thirty-seven thousand five hundred gallons of wastewater per month and whose waste strength is greater than six hundred mg BOD 5/1 or six hundred mg SS/1 shall prepare and file with the city a report including data requested by the city detailing the wastewater characteristics, the methods of sampling and measurement to obtain this data. The data reported to the city shall be used to calculate the user charge for the individual user. The city will verify the submitted data. The city shall have the right to gain access to the waste stream for taking samples. The user shall provide the city with an adequate sampling access to the submitted data. In verifying the data, should the results be sufficiently different as determined by the city from the data submitted by the user, the user charge for that user shall be revised accordingly and shall be effective retroactively up to six months.

B. All users contributing less than thirty-seven thousand five hundred gallons of wastewater per month or less than six hundred mg BOD 5/1 and six hundred mg SS/1 shall be assigned average waste strengths by the city. Any user may challenge the assigned waste strengths by filing a grievance or appeal with the hearing body established by this chapter. (Ord. 1046 § 1 (part), 2017)

13.40.604 New users and vacancies.

The sewer user charge for all occupied property shall begin the day that connection is made to the public sewer. The sewer user charge for all unoccupied property shall begin within thirty days after the property is deemed ready for occupancy, as determined by the city, or on the first day of occupancy, whichever occurs first. All unoccupied property which is ready for occupancy at the time the sewer service becomes available shall be treated as occupied property. Once the sewer user charge has commenced, no credit shall be given for vacancy unless it can be demonstrated that water service to that property from any and all sources has been discontinued, at which time the user charge shall be discontinued. The regular user charge shall be reinstated as soon as water service to that property from any source has begun. If the dates upon which the user charge is commenced or altered do not fall on the first day of a billing period, the rates shall be appropriately prorated. (Ord. 1046 § 1 (part), 2017)

13.40.606 Special users.

A. If the strength of wastes from a commercial property is not significantly different from that of normal household or domestic wastes, said user shall be charged a minimum of 1.4 times the ERU established by resolution and as may be changed from time to time by resolution by city council. If the wastewater strength is significantly different from that of normal household or domestic waste, a special charge based on both volume and strength shall be assigned to that user by the city.

B. Each special user shall be evaluated separately based on the average flow, BOD 5, and suspended solids characteristics of their wastewater contribution. The flow, BOD 5, and suspended solids of the special user's wastewater shall be determined from estimates or measurements and tests conducted by the user as required by the city.

C. The city will verify the submitted data. The city shall have the right to gain access to the waste stream for taking samples, and the user shall ensure that the city is provided with an adequate sampling access to the waste stream. The user shall pay the city for all expenses incurred in sampling and otherwise verifying the data provided by the user.

D. The special user charge shall be based on a calculated ERU for flow, plus a surcharge for excessive strength, if any. The special user's monthly charge shall be computed by use of the following equation:

$$SUMC = \frac{f}{350}\left[\left(\frac{1+b-1}{B}\right) + \left(\frac{s}{S}-1\right)\right]C$$

where:

"SUMC" represents the special user's monthly charge;

"f" represents the special user's average flow in gallons;

"350" represents the average flow of one equivalent residential unit in gallons per day;

"C" represents the constant cost factor per ERU as specified in Section 13.40.612;

"b" represents the average five-day BOD of the user's wastewater, expressed in mg/l. "b" must be greater than two hundred fifty mg/l;

"B" represents the designated limit of five-day BOD of a user's wastewater above which the user shall be assessed a surcharge cost. The designated limit for five-day BOD shall be two hundred fifty mg/l;

"s" represents the average suspended solids of the user's wastewater, expressed in mg/l. "s" must be greater than two hundred fifty mg/l;

"S" represents the designated limit of suspended solids of a user's wastewater above which the user shall be assessed a surcharge cost. The designated limit for suspended solids shall be two hundred fifty mg/l. (Ord. 1046 § 1 (part), 2017)

13.40.608 ERU reassessment.

A. Should any user believe that the user has been incorrectly assigned a wastewater volume or strength, or incorrectly assigned a number of ERUs, that user may apply for review of the user charge as provided in Section 13.40.200.

B. In the event the hearing body determines that a user has been incorrectly assigned a wastewater volume or strength, or incorrectly assigned a number of ERUs, the hearing body shall reassign or cause to be reassigned a more accurate strength or number of ERUs to that user and shall notify that user of said reassignment. The reassignment may, but is not required to, be made retroactive. In the event the reassignment is made retroactive, such retroactivity shall be limited to a period of six months. (Ord. 1046 § 1 (part), 2017)

13.40.610 Recordkeeping.

Records of all assigned rates and any assigned wastewater volumes and strengths to users as well as the wastewater characteristics forming the basis of the ERU shall be kept on file at City Hall and shall be open for public inspection. (Ord. 1046 § 1 (part), 2017)

13.40.612 Rate revision.

The sewer user charges are established from time to time by resolution of the city council, and may be revised periodically to reflect actual costs of operation, maintenance, replacement, and financing of the treatment works. In addition, sewer use charge revisions will maintain the equitability of the user charges with respect to proportional distribution of the costs of operation and maintenance in proportion to each user's contribution to the total wastewater loading of the treatment works. (Ord. 1046 § 1 (part), 2017)

13.40.614 Billing—Procedure generally—Delinquency.

A. Any person who owns premises served by the public sewer system shall be responsible for payment of the sewer user charge for that property notwithstanding the fact that the property may be occupied by a tenant or other occupant who may be required by the owner to pay said charges.

B. The users of the public sewer system shall be billed on a monthly basis for services rendered in accordance with the rate calculations as set forth in Sections 13.40.600 through 13.40.608. Bills for sewer user charges shall be mailed to the address specified in the application for permit to make connection unless or until a different owner or user of the property is reported to the city.

C. The date of billing shall be the first day of the month for which the sewer user charge is calculated as provided in Sections 13.40.600 through 13.40.608.

D. Sewer user charges shall be due and payable to the city no later than ten days after the date of billing.

E. Any regular sewer utility account with an unpaid balance in excess of thirty days from the date of issuance of a bill or statement shall be issued and receive a notice of delinquency and service termination. The notice shall be mailed or delivered to the customer, with a duplicate copy mailed or delivered to the owner or tenant of any leased premises, as applicable. The notice shall advise the customer that, if the account balance is not paid in full within ten days of the date of issuance of the notice, the water service to the property may be terminated.

F. In the event of failure to pay sewer charges after they have become delinquent, the city shall have the right to turn off the water service and enter upon the property for accomplishing said purposes. Termination of water service for account delinquencies shall be made pursuant to the procedures and requirements set forth in Section 13.04.450, as existing or hereafter amended.

G. Water service shall not be restored until all charges, including the expense of removal, closing, and restoration shall have been paid.

H. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties. The prior owner will continue to remain responsible for delinquent charges. A prior owner's delinquency shall not prevent a new purchaser of property from establishing an account for service with the city. (Ord. 1046 § 1 (part), 2017)

13.40.618 Continuing service.

A. In instances where a user discontinues use of the public sewer system, and notifies the city of such discontinued use, during a billing cycle, other than for nonpayment of sewer service charges, the charge for service shall be apportioned upon a pro rata basis for the billing cycle.

B. When new users connect or establish accounts for sewer service, or previous users reestablish accounts during a billing cycle, the charge for the use of the sewer shall be apportioned upon a pro rata basis for the remainder of the billing cycle.

C. The date which shall be considered beginning use or ceasing use of the sewer system shall be the date upon which the user commenced to use water, or ceased using water delivered to the premises for which the sewer service charge is made. In the event there is no interruption in actual use of the services, the beginning and ending dates shall be based upon the dates notice is provided to the city of the change in user. (Ord. 1046 § 1 (part), 2017)

13.40.620 Turnoff of service for nonpayment—Lien right.

The city shall have the right to turn off all water service for nonpayment of the sewer charges for all users as set forth in this chapter. The fees and charges for sewer service to any premises shall ultimately be the responsibility and liability of the owner of the property served. The city shall be entitled to claim a lien on the property to enforce payment of service charges in compliance with state law. The city does not waive its right to pursue the owner of the property for payment by accepting payments from a tenant or other third party on the owner's behalf. (Ord. 1046 § 1 (part), 2017)

13.40.622 Reestablishing service connection.

Failure to pay delinquent charges and costs for sewer service for a period of more than four months shall result in disconnection and termination of sewer service to the premises. In order to reestablish service to the premises, the owner must submit a new application for sewer connection and pay the applicable connection fee. The fee to reconnect with the sewer system shall be set by resolution and may be changed from time to time by the city council by resolution. (Ord. 1046 § 1 (part), 2017)

13.40.624 Billing—Use of funds.

A. The city will deposit in the sewer fund all of the gross revenues received from charges, rates and penalties collected for the use of the public sewer system as herein provided. In addition, one dollar per user account per month shall be transferred from the sewer fund to the sewer reserve fund for sewer improvements.

B. The revenues deposited in the sewer fund shall be used exclusively for the operation, maintenance, and repair of the public treatment works; reasonable administration costs; expenses of collection of charges imposed by this chapter and connection fees; and payments of the principal and interest on any debts of the public treatment works serving the city. (Ord. 1046 § 1 (part), 2017)

13.40.626 Appeal procedure.

A. Any sewer user that believes the user's charge is unjust and inequitable may make written application to the hearing board requesting a review of the user's charge. Said written request shall show the actual or estimated average flow and/or strength of the user's wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

B. Review of the request shall be made by the city hearing body established in Section 13.40.200. The hearing board shall render a decision on the appeal, which may include direction to the city's engineer or other professional engineer to further study the matter and report back to the hearing body.

C. If the user's request is determined not to be substantiated, the user shall pay the city for all expenses incurred in making the appeal and investigating the request.

D. If the request is determined to be substantiated, the user charges for that user shall be recomputed based on the approved revised flow and/or strength

data, and the new charges thus recomputed shall be applicable retroactively up to six months, as applicable. (Ord. 1046 § 1 (part), 2017)

Article VII. Powers and Authority of Inspectors

13.40.700 Right of entry.

The public works director and other duly authorized employees or contractors of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with provisions of this chapter. The public works director or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities or waste treatment. (Ord. 1046 § 1 (part), 2017)

13.40.702 Observation of safety rules.

While performing the necessary work on private properties authorized by this chapter, the public works director shall observe all safety rules applicable to the premises established by the owner. (Ord. 1046 § 1 (part), 2017)

13.40.704 Easements.

The public works director and other duly authorized employees or contractors of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the public treatment works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 1046 § 1 (part), 2017)

Article VIII. Protection from Damage

13.40.800 Tampering with sewage works.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the treatment works. Any person violating this provision shall be subject to penalties as described in Section 13.40.804. (Ord. 1046 § 1 (part), 2017)

13.40.802 Notice—Cessation.

Any person found to be violating any provision of this chapter, except Article VI, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in said notice, permanently cease all violations. (Ord. 1046 § 1 (part), 2017)

13.40.804 Violation—Penalty.

Unless otherwise specifically set forth in this chapter, any person who violates any provision of this chapter shall be guilty of a civil infraction, and shall be subject to a monetary penalty of up to five hundred dollars. Each day of a continuing violation the person may be subjected to a separate fine of up to five hundred dollars per day. (Ord. 1046 § 1 (part), 2017)

13.40.806 Violation—Liability.

In addition to the penalties set forth in Section 13.40.804, any person who shall violate any provisions of this chapter shall be liable to the city for any expense, loss, damage, cost of inspection, cost of correction, cost of collection, including actual attorneys' fees and court costs incurred by the city by reason of such violation and/or to enforce the civil infraction legal proceeding associated with the infraction, and also including all interest and costs as set forth in resolutions of the city council adopted from time to time. (Ord. 1046 § 1 (part), 2017)

Chapter 13.44

WATER AND SEWER RATE REDUCTION FOR SENIOR OR DISABLED CITIZENS

Sections:

13.44.010 Eligibility—Application.

From and after the effective date of the ordinance codified in this chapter, an eligible head of household may apply for a senior citizen's or disabled citizen's rate exemption for water and sewer subject to the following terms and conditions:

A. That only one such exemption for each utility service is granted per dwelling unit.

B. That the applicant certifies under penalty of perjury on a form presented by the city clerk that the applicant is the head of the household receiving utility service, is sixty-five years of age, or is permanently and totally disabled by reason of suffering from some condition permanently incapacitating the applicant from performing any work at any gainful occupation and is the head of the household claiming the exemption, and the applicant for the current calendar year had a total income from all sources of less than the maximum allowed for very low income as allowed by the Department of Housing and Urban Development for the current year.

The exemptions set out in this section shall be allowed for residential water users and/or those whose dwellings are connected to the sanitary sewer. These utility services shall serve a location utilized solely for residential purposes and shall not serve a location utilized for other purposes such as a commercial or industrial establishment. (Ord. 1007 § 1, 2013; Ord. 723 § 1, 1990)

13.44.020 Discount rate—Water.

The monthly water discount for those qualified senior citizens or totally and permanently disabled citizens who apply for an exemption under the provisions of this chapter shall be thirty percent of the minimum monthly charge and shall not apply to amounts used in excess of the minimum. Any excess shall be charged as provided in the water rate ordinance. (Ord. 1061 § 1, 2019; Ord. 723 § 2, 1990)

13.44.030 Discount rate—Sewer.

The monthly sewer discount for those qualified senior citizens or totally disabled citizens who apply for an exemption under the provisions of this chapter shall be thirty percent of those specified in the sewer rate ordinance. (Ord. 1061 § 1, 2019; Ord. 723 § 3, 1990)

13.44.040 Verification required.

All exemptions or discounts from the minimum monthly charges for the specified utilities must provide verification annually when required by the city. (Ord. 723 § 4, 1990)

13.44.050 Authorization to implement administrative procedures.

The mayor is authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation. (Ord. 723 § 5, 1990)

Title 14

BUILDINGS AND CONSTRUCTION

Chapters:

Chapter 14.02

BUILDING CODES

Sections:

14.02.010 Purpose.

The purpose of this chapter is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the city of Grand Coulee and certain equipment specifically regulated herein.

The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter. (Ord. 932 § 1, 2005)

14.02.020 Authority to enforce.

RCW 19.27.050 directs that the State Building Code be enforced in all cities and counties. (Ord. 932 § 2, 2005)

14.02.030 Building official—Appointment, duties and authority.

A. The office of the building official is created and the executive official in charge shall be known as the building official. The building official is empowered to enforce all the provisions of this title.

B. The building official shall either be:

1. An appointed employee position of the city; or

2. The building official of another city or county having a building department where the city of Grand Coulee has entered an approved contract with said jurisdiction for the enforcement of this title within the city of Grand Coulee; or

3. The employee or agent of an inspection agency where the city of Grand Coulee has entered an approved contract with said inspection agency for the enforcement of this title within the city of Grand Coulee; or

4. In the absence of an agreement with a different jurisdiction or inspection agency, during the temporary absence or disability of the building official, the mayor shall designate an acting building official.

C. No person shall be appointed as building official unless he is in good health, physically capable of making the necessary examinations and inspections, is qualified to interpret the provisions of the international codes and to enforce their requirements, and shall have had experience in the building field as an architect, engineer, building inspector or contractor.

D. The building official shall devote such time to the duties of his office as is required to properly perform the same. The office of building official may be combined with, or held in addition to, any other appointed position in the city.

E. The building official shall receive applications required by this title, issue permits, and furnish the required certificates. He shall examine the premises for which permits have been issued and shall make necessary inspection to see that all provisions of law

are complied with and that construction is prosecuted safely.

F. The building official is directed to enforce all the provisions of this title and codes adopted by reference.

G. The building official shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the adopted codes, and render written reports on the same.

H. In order to enforce compliance with the law, to remove illegal or unsafe conditions, to secure necessary safeguards during construction, or to require adequate exit facilities in buildings or structures, the building official shall issue such notices and orders as may be necessary.

I. The building official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He shall retain on file copies of required plans and all documents relating to building work so long as any part of the building or structure to which they relate is in existence. Such records shall be open to public inspection for good and sufficient reasons during regular office hours, but shall not be removed from the office of the building official.

J. The building official shall make such reports to the mayor or city council as may from time to time be requested.

K. The building official shall make such reports to other county, state and federal agencies as may be required by law.

L. The building official, in the discharge of his official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

M. The building official shall issue no permit that is in conflict with other municipal code regulations.

N. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of the provisions of this title or any ordinance of the city. Permits appearing to give authority to violate or cancel the provisions of this title or other ordinances of the city shall not be valid. (Ord. 932 § 4, 2005)

14.02.040 Adoption of referenced codes.

A. The city of Grand Coulee hereby 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 the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties:

1. a. The 2003 International Building Code (IBC) published by the International Code Council, Inc. The following appendices are specifically adopted:

i. Appendix C, Group U – Agricultural Buildings.

ii. Appendix J, Grading.

b. The 2003 International Residential Code (IRC) published by the International Code Council, Inc. The following appendices are specifically adopted:

i. Appendix H, Patio Covers.

ii. Appendix J, Existing Buildings and Structures.

2. The 2003 International Mechanical Code (IMC) published by the International Code Council, Inc., except that the standards for liquefied petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

3. Except as provided in RCW 19.27.170, the 2003 Uniform Plumbing Code (UPC) and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials; provided, that any provisions of such code affecting sewers or fuel gas piping are not adopted.

4. The rules adopted by the Washington State Building Code Council establishing standards for making buildings and facilities accessible to and usable by the physically disabled or elderly persons as provided in RCW 70.92.100 through 70.92.160.

5. The 2003 International Fuel Gas Code (IFGC) as published by the International Code Council, Inc.

6. The 2001, Second Edition, Washington State Energy Code, Chapter 51-11 WAC.

7. The 2003 International Property Maintenance Code as published by the International Code Council, Inc.

B. In case of conflict among the codes enumerated in subsection A of this section, the first named code shall govern over those following.

C. All referenced codes are available for review at the city of Grand Coulee.

D. Whenever the international codes shall speak of jurisdiction or city or places where this code shall be effective, said jurisdiction shall be meant to be the city of Grand Coulee. (Ord. 932 § 5, 2005)

14.02.050 Amendments to the referenced codes.

A. 2003 International Building Code.

1. Section 105.2 of the International Building Code is hereby amended as follows:

Work Exempt from Permit. Exemptions from permit requirements of this title shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet.

b. Fences not over 6 feet high.

c. Oil derricks.

d. Retaining walls which are not over 4 feet in height measured from the lower grade to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

e. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and ratio of height to diameter or width does not exceed 2 to 1.

f. Sidewalks, platforms, decks and driveways not more than 30 inches above grade and not over any basement or story below.

g. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

h. Temporary motion picture, television and theater stage sets and scenery.

i. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2 of the International Building Code, which are installed entirely above ground.

j. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.

k. Swings and other playground equipment.

l. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2 of the International Building Code, and Group U occupancies.

m. Movable cases, counters and partitions not over 5 feet 9 inches in height.

n. Re-roofing in accordance with Section 1510 except where any portion of the roof sheathing is replaced.

B. 2003 International Residential Code.

1. 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.

2. 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.

3. 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.

4. Delete Part IV, Energy Conservation, in its entirety.

5. 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.

6. 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 Grand Coulee by the State of Washington Department of Labor and Industries.

C. 2003 International Mechanical Code—Reserved.

D. 2003 Uniform Plumbing Code—Reserved.

E. 2003 International Fuel Gas Code—Reserved.

F. 2001, Second Edition, Washington State Energy Code—Reserved.

G. The 2003 International Property Maintenance Code—Reserved. (Ord. 932 § 16, 2005)

14.02.060 Permit required.

A. Except as specified in Chapter 1 of the IBC, Chapter 1 of the UPC, or Chapter 1 of the IMC, no building or structure or plumbing or mechanical system thereof regulated by this title shall be erected, constructed, enlarged, altered, repaired, moved, converted, installed, replaced or demolished, without a separate permit for each building or structure having first been obtained from the building official.

B. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided by this title.

C. A permit shall be obtained from the fire marshal prior to engaging in the specified activities in Chapter 1 of the IFC.

D. The building official may require construction documents to be submitted. All submitted construction documents must be of sufficient detail to show the entire project with emphasis on the following:

1. Structural integrity.
2. Life safety.
3. Architectural barriers (ADA handicap compliance).
4. Compliance with all codes having jurisdiction.
5. Scope of work.
6. Special inspection requirements and protocols.

In general, the amount of detail will vary, depending on the nature and complexity of the project. (Ord. 932 § 6, 2005)

14.02.070 Ownership.

The ownership of a city of Grand Coulee permit defaults to the property owner. The permit applicant is, by definition, an agent of the property owner if not the property owner. (Ord. 932 § 7, 2005)

14.02.080 Expiration of permits.

All permits shall expire by limitation and be declared void if:

A. Work is not started within one hundred eighty days of obtaining a permit; or

B. Work is abandoned for one hundred eighty days or more after beginning work; or

C. 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-day period; or

D. After two years from the date of permit issuance, regardless of whether the work is finished.

E. If a permit is expired for time, a new permit may be obtained for one-half the original permit fee. (Ord. 932 § 8, 2005)

14.02.090 Fees.

Fees for applications, permits, inspections and other services authorized by this title shall be established from time to time by resolution of the city council. (Ord. 932 § 22, 2005)

14.02.100 Building permit and plan review fees.

Building permit and plan review fees shall be established from time to time by resolution of the city council. (Ord. 932 § 9, 2005)

14.02.110 Responsibility for payment of plan check fees.

The building official may require payment of plan check fees prior to review of plans. Regardless of the timing of payment of plan check fees, all plans reviewed by the city shall pay the full plan check fee, or an hourly fee, for all work completed by the city regardless of whether the applicant subsequently does not obtain a building permit. (Ord. 932 § 10, 2005)

14.02.120 Investigation fees.

A. Work without a Permit.

1. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

2. 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 the fee resolution approved by the city council. This fee is an additional, punitive fee and shall not apply to any 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 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.

3. 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. 932 § 11, 2005)

14.02.130 Fee refunds.

A. The building official may authorize the refunding of:

1. One hundred percent of any fee erroneously paid or collected.

2. Up to eighty percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

3. 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.

B. 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. 932 § 12, 2005)

14.02.140 Right to limit permits.

The building official may deny a building permit for a structure which is proposed for a location which will be exposed to danger or serious damage from external causes such as stormwater, rock or mud slides, etc., or itself susceptible to sliding. The issuance of a permit shall not express or imply that the building site is safe from dangers. (Ord. 932 § 13, 2005)

14.02.150 Dust control.

Adequate dust control shall be maintained on excavation, paving, demolishing of buildings, and all other work on public or private property so as not to be a nuisance or damage to adjacent or surrounding properties. Tracking of dirt, dust and debris onto public rights-of-way is prohibited. Adequate water supply shall be available to the site prior to the start of construction projects. (Ord. 932 § 14, 2005)

14.02.160 Design requirements.

Roof Snow Load	Wind Speed (Gust)	Seismic Design Category	Weathering	Frost Line Depth	Termites	Decay	Winter Design Temp	Ice Shield Underlay	Air Freeze Index	Mean Annual Temp
20	85	C	Severe	24"	Slight	None	11° F	Yes	808	50° F

(Ord. 932 § 15, 2005)

14.02.170 Violations.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or property or portion thereof or cause or permit the same to be done in violation of these adopted codes or of this title. (Ord. 932 § 17, 2005)

14.02.180 Penalty for violations.

A. Every person who violates any of the provisions of this chapter shall be deemed to have committed a civil infraction and shall be subject to the penalty as provided in Chapter 1.12, General Penalty. Each violation shall constitute a separate violation. Each day a violation exists constitutes a separate violation of this chapter.

B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

C. The instigation of infraction proceedings in accordance with this section shall not prevent the city from exercising all available civil remedies to force compliance with this chapter or removal of unsafe or prohibited conditions. (Ord. 932 § 23, 2005)

14.02.190 Violations declared a public nuisance.

All violations of this title are hereby declared a public nuisance and may be abated in a manner as prescribed by Chapter 8.04. (Ord. 932 § 24, 2005)

Chapter 14.04

FIRE CODE

Sections:

14.04.010 Adoption of referenced codes.

The 2003 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, is adopted; provided, that, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying handheld 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 Roads.

Appendix E, Hazard Categories.

Appendix F, Hazard Ranking.

Appendix G, Cryogenic Fluids—Weight and Volume Equivalents. (Ord. 932 § 20, 2005)

14.04.020 Definitions.

Wherever the word "jurisdiction" is used in the International Fire Code, it is the city of Grand Coulee. (Ord. 932 § 21, 2005)

14.04.030 Fire marshal—Appointment, duties and authority.

A. This section pertains to the fire safety issues normal to the application of the city's regulatory responsibility under this title and shall not be construed as limiting the city's policing authority to control and the investigation of emergency scenes.

B. In the office of the fire chief there is created a position for an official under direct charge of the fire chief, known for the purpose of this chapter as the fire marshal. The fire marshal is empowered to enforce all the provisions of this title.

C. The fire marshal shall either be:

1. An appointed employee position of the city; or

2. The fire marshal of another city, district or county having a fire department where the city of Grand Coulee has entered an approved contract with said jurisdiction for the enforcement of this title within the city of Grand Coulee; or

3. The employee or agent of an inspection agency where the city of Grand Coulee has entered an approved contract with said inspection agency for the enforcement of this title within the city of Grand Coulee; or

4. The building official of the city of Grand Coulee; or

5. In the absence of an agreement with a different jurisdiction or inspection agency, during the temporary absence or disability of the fire marshal, the mayor shall designate an acting fire marshal.

D. No person shall be appointed as fire marshal unless he is in good health and physical condition, capable of making the necessary examinations and inspections, and shall have had leadership experience and training in the fire service.

E. The fire marshal shall devote such time to the duties of his office as is required to properly perform the same. The office of the fire marshal may be combined with, or held in addition to, any other appointed position in the city.

F. The fire marshal shall receive applications required by this title, issue permits, and furnish the required certificates. He shall examine the premises for which permits have been issued and shall make

necessary inspection to see that the provisions of law are complied with and that construction is prosecuted safely.

G. The fire marshal is directed to enforce all the provisions of this title and codes adopted by reference relative to fire and life safety issues.

H. The fire marshal shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the adopted codes, and render written reports on the same.

I. To enforce compliance of the law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings or structures, the fire marshal shall issue such notices or orders as may be necessary.

J. The fire marshal shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices and orders issued. The fire marshal shall retain on file copies of required plans and all documents relating to building work so long as any part of the building or structure to which they relate is in existence. Such records shall be open to public inspection for good and sufficient reasons during regular office hours, but shall not be removed from the office of the fire marshal.

K. The fire marshal shall make such reports to the mayor or city council as may from time to time be requested.

L. The fire marshal shall make such reports to other county, state and federal agencies as required by law.

M. The fire marshal, in the discharge of his official duties and upon proper identification, shall have authority to enter any building, structure, or premises at any reasonable hour.

N. The fire marshal shall issue no permit that is in conflict with other municipal code regulations.

O. The issuance or granting of a permit or approval of plans, specifications, and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this title or any ordinance of the city. Permits presuming to give authority to violate or cancel the provisions of this title or other ordinances of the city shall not be valid. (Ord. 932 § 19, 2005)

14.04.040 Appeals.

Whenever the chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief to the city council within thirty days from the date of the decision appealed. (Ord. 705 § 7, 1988)

14.04.050 New materials, processes or occupancies which may require permits.

The mayor, the chief and the chairman of the fire committee shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code. The fire chief

shall post such list in a conspicuous place in the city clerk's office, and distribute copies thereof to interested persons. (Ord. 705 § 8, 1988)

14.04.060 Storage—Prohibited in certain districts.

A. Establishment of Limits of Districts in Which Storage of Flammable or Combustible Liquids in Outside Above Ground Tanks Is Prohibited. The limits referred to in Section 79.501 of the Uniform Fire Code in which the storage of flammable or combustible liquids is restricted are established as follows: All residential areas and community business district as denoted on the current city zoning map.

B. Establishment of Limits in Which Storage of Liquefied Petroleum Gases Is To Be Restricted. The limits referred to in Section 82.103(a) of the Uniform Fire Code, in which storage of liquefied petroleum gas is restricted, are established as follows: All residential areas and community business district as denoted on the current city zoning map.

C. Establishment of Limits of Districts in Which Storage of Explosives and Blasting Agents Is To Be Prohibited. The limits referred to in Section 77.106(b) of the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are established as follows: All residential areas and community business district as denoted on the current city zoning map. (Ord. 705 §§ 4—6, 1988)

14.04.070 Violation—Penalty.

A. Any person who shall violate any of the provisions of the Code or Standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the chief or by a court of competent jurisdiction, within the time fixed herein, shall be guilty of a misdemeanor, punishable by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment for not less than one day nor more than thirty days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, then each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 705 § 9, 1988)

Chapter 14.06

ABATEMENT OF DANGEROUS BUILDINGS

Sections:

14.06.010 Findings and purpose.

The city council finds that there exists in the city certain dwellings which are unfit for human habitation and buildings and structures which are unfit for other uses, due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accident, or other calamities, inadequate ventilation, uncleanliness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, or due to other conditions which are inimical to the health and welfare of city residents. It is necessary for the public health, safety and welfare to regulate, prevent and prohibit conditions which may constitute disorderly, disturbing, unsafe, unsanitary, fly-producing, rat-harboring and/or disease-causing places, conditions or objects. It is also necessary for the public, social and economic welfare to regulate, prevent and prohibit conditions which degrade the city's scenic attractiveness and livability and its economic development.

The purpose of this chapter is the abatement of such nuisances, to protect the public health, safety and welfare and promote the economic development of the city, in accordance with Chapter 35.80 RCW. It is also the purpose of this chapter to prevent and prohibit those conditions which reduce the value of private property, interfere with the enjoyment of public and private property, create and constitute fire and other safety and health hazards, and generally create a menace to the health and welfare of the public and contribute to the depreciation of the character of neighborhoods and depreciation of property values. (Ord. 933 § 1, 2005)

14.06.020 Definitions.

As used in this chapter:

A. "Abandoned" refers to any property, real or personal, which is unattended and either open or unsecured so that admittance may be gained without damaging any portion of the property, or which evidence indicates that no person is presently in possession, e.g., disconnected utilities, accumulated debris, disrepair and, in the case of chattels, location.

B. "Abatement" means, for the purpose of this chapter, the correction of conditions which render dwellings unfit for human habitation and which render buildings and structures and premises, or portions thereof, unfit for other use. Either by repairing, replacing, removing, destroying or otherwise remedying the condition in question by such means and in such manner and to such an extent as the building official, in his judgment, determines is necessary in the interest of the general health, safety and welfare of the community.

C. "Boarded-up building" means any building, the exterior openings of which are closed by extrinsic devices or some other manner designed or calculated to be permanent, giving to the building the appearance of nonoccupancy or nonuse for an indefinite period of time.

D. "Building" means any building, dwelling, structure, or mobile home, factory-built house, or part thereof, built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

E. "Building official" shall have the same meaning as codified in this title and shall include the building official and/or his authorized representative.

F. "Costs" means the city's actual expenses incurred to correct illegal conditions pursuant to the provisions of this chapter plus the administrative fee provided herein.

G. "Health officer" means the head of the Grant County health department, his/her authorized deputies or representatives.

H. "Interested person" means any person entitled to notice of a complaint issued by the building official.

I. "Nuisance" includes:

1. A nuisance defined by statute or ordinance;

2. A nuisance at common law, either public or private;

3. An attractive nuisance, whether in or on a building, a building premises or an unoccupied lot and whether realty, fixture or chattel, which might reasonably be expected to attract children of tender years and constitute a danger to them; including, but not limited to: abandoned wells, ice boxes or refrigerators with doors and latches, shafts, basements or other excavations, abandoned or inoperative vehicles or other equipment, structurally unsound fences or other fixtures, lumber, fencing, vegetation or other debris;

4. Uncleanness or whatever is dangerous to human life or detrimental to health;

5. Overcrowding; or

6. Abandonment or vacancy.

J. "Owner" means any person having any interest in the real estate in question as shown upon the records of the office or the Grant County auditor, or who establishes his/her interest before the building official or city council. For the purposes of giving notice, the term "owner" also includes any person in physical possession.

K. "Party of interest" means any person entitled to notice of a complaint issued by the building official under this chapter.

L. "Person" means 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.

M. "Premises" means any building, lot, parcel, real estate, land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips and all areas in or upon a street or alley right-of-way which abut land privately owned, or occupied by a property owner or occupier.

N. "Repeat violation" means a violation by the same person of the same regulation in any location for which voluntary compliance has been sought within two years, or a complaint or notice and order has been issued within two years.

O. "Responsible person" means any agent, lessee, owner or other person occupying or having charge or control of any premises including any street and alley right-of-way, which abuts said premises.

P. "City council" means the city council of the city of Grand Coulee, Grant County, Washington. (Ord. 933 § 2, 2005)

14.06.030 Dangerous buildings defined.

All buildings or structures which have any or all of the following defects are deemed "dangerous buildings":

A. Those whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.

B. Those which, exclusive of the foundation, show thirty-three percent, or more, of damage or deterioration of the supporting member or members, or fifty percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.

C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

D. Those which have become damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city.

E. Those which have become or are so dilapidated or decayed or unsafe or unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein.

F. Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of those living therein.

G. Those having inadequate facilities to egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

H. Those which have parts thereof which are so attached that they may fail and injure members of the public or property.

I. Those which because of their condition are unsafe or unsanitary, or dangerous to the health, morals, safety, or general welfare of the people of the city.

J. Other conditions which affect the fitness of the building or premises for human habitation or other purposes, or devalue the property or surrounding property. (Ord. 933 § 3, 2005)

14.06.040 Prohibited conduct.

It shall be unlawful for any responsible person(s) to create, permit, maintain, suffer, carry on or allow, upon their premises, any of the acts or things declared by this chapter to be a public nuisance. (Ord. 933 § 4, 2005)

14.06.050 Standards for repair, vacation, or demolition.

The following standards shall be followed in substance by the building official and board of appeals in ordering repair, vacation, or demolition of any building:

A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired by the building official or board of appeals.

B. If the dangerous building is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated by the building official or the board of appeals.

C. If the dangerous building is fifty percent damaged, decayed, or deteriorated in value, it shall be demolished. Value as used in this subsection shall be the valuation placed upon the building for purposes of general taxation.

D. If the building has been damaged by fire or other calamity, the cost of restoration exceeds thirty percent of the value of the building and it has remained vacant for six months or more, it shall be demolished. Value as used in this subsection shall be the valuation placed upon the building for purposes of general taxation.

E. If the dangerous building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished.

F. If the dangerous building is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance of the city or statute of the state, it shall be demolished, providing the fire hazard is not eliminated by the owner or other interested persons within a reasonable time.

G. A voluntary correction agreement or other undertaking entered into by a party in interest, at or prior to the hearing before the board, creates a presumption that the building or premises can be reasonably repaired. The failure to fulfill such a voluntary correction agreement or to accomplish such an undertaking may constitute grounds for the building official to order demolition. Such an order shall be subject to appeal according to the provisions of this chapter for appeal of decisions of the building official. (Ord. 933 § 5, 2005)

14.06.060 Dangerous buildings declared nuisance.

All dangerous buildings within the terms of Section 14.06.020 are declared to be public nuisances,

and shall be repaired, vacated, or demolished as provided in this chapter. (Ord. 933 § 6, 2005)

14.06.070 Duties of building official.

The building official and/or his authorized representative shall do the following:

A. Inspect or cause to be inspected all buildings including, but not necessarily limited to, schools, halls, churches, theaters, hotels, residential, commercial, manufacturing, or loft buildings which may be brought to his attention for the purpose of determining whether any conditions exist which render such places a dangerous building within the terms of Section 14.06.020.

B. Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall or structure is, or may be, existing in violation of this chapter.

C. The building official or board of appeals may recognize and give appropriate effect to special and extenuating circumstances which, in order to do substantial justice, warrant the exercise of discretion to adjust the time frames, standards and provisions of this chapter. Examples of circumstances which may warrant such exercise of discretion include, without limitation, medical illness or disability affecting a property owner's ability to respond to orders or appear at hearings and bona fide insurance coverage disputes which create a definite risk that enforcement of this chapter would unfairly result in a substantial economic loss to the property owner.

D. The building official and the board are authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter. These powers shall include the following in addition to others herein granted:

1. Determinations.

a. To determine which dwellings within the city are unfit for human habitation;

b. To determine which buildings, structures, or premises are unfit for other use or have on it nuisances as described in this code;

2. To administer oaths and affirmations, examine witnesses and receive evidence; and

3. To investigate the dwelling and other property conditions in the city and to enter upon premises for the purpose of making examinations when the board or building official has reasonable grounds for believing they are unfit for human habitation, or for other use; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted.

E. Post in a conspicuous place on such property a copy of the complaint setting forth the information required under Section 14.06.060.

F. Appear at all hearings conducted by the board of appeals and testify as to the condition of the dangerous buildings.

G. Hold a hearing at the time and place specified in the complaint, in which all parties in interest shall be given the right to file an answer to the complaint, to appear in person or otherwise, and to give testimony, and if after the hearing he shall determine that the structure is, in fact, a dangerous building, he shall reduce to writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner or party in interest, in the manner provided in this chapter for the serving of the complaint, an order which requires the owner to repair, alter, or improve such dwelling, building, or structure to render it fit for human habitation or other use, or to vacate and close the dwelling, building, or structure, if such course of action is deemed proper, or require the owner or party in interest within the time specified in the order to remove or demolish such dwelling, building, or structure, and if no appeal is filed in the manner provided in this chapter, he shall file a copy of such order with the Grant County auditor.

H. The building official and/or his authorized representative shall be empowered to enter any building for the purpose of making an inspection thereof, and

any person who in any manner whatsoever impedes or interferes with the building official and/or his authorized representative or refuses him admittance to any building is guilty of violating the terms and conditions of this chapter and shall be subject to the penalties provided in this code. (Ord. 933 § 7, 2005)

14.06.080 Complaint by building official.

The complaint issued by the building official must be in writing and shall be sent either by registered mail or served personally upon all persons having any interest in and to the property, as shown by the records of the Grant County assessor of any building or structure found by the building official to be a dangerous building within the standards set forth in Section 14.06.020; provided, that if the whereabouts of such persons are unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence and the building official makes an affidavit to that effect, then the complaint shall be served by publishing the same once each week for two consecutive weeks in a newspaper published in the city. The complaint may contain, among other things, the following information:

A. Name of owner or other persons interested, as provided in this section.

B. Street address and legal description of the property on which the building is located.

C. General description of type of building, wall, or structured deemed unsafe.

D. A complete, itemized statement or list of particulars which caused the building, wall, or structure to be a dangerous building as defined in Section 14.06.020.

E. Whether or not the building should be vacated by its occupants, and the date of such vacation.

F. Whether or not the statement of list of particulars, as provided for in subsection D of this section, can be removed or repaired.

G. Whether or not the building constitutes a fire menace.

H. Whether or not it is unreasonable to repair the building and whether or not the building should be demolished.

I. A notice that a hearing shall be held before the building official at the City Hall, Grand Coulee, Washington, not less than ten days nor more than thirty days after the serving of such complaint, or in the event of publication, not less than fifteen days nor more than thirty days from the date of first publication and that all parties in interest shall be given the right to file an answer to the complaint, to appear in person or otherwise, and to give testimony at the time and place fixed in the complaint.

J. Information to invite the owner's cooperation and inform the owner of the city's policy that first offenders may negotiate a voluntary correction agreement consistent with the provisions of this chapter in which, among other things, the owner:

1. Admits that the illegal condition(s) exist(s);

2. Promises to correct the illegal condition(s) by an agreed deadline no more than ninety days from the original deadline, for dwellings, buildings, structures and chattels;

3. Consents to entry on the subject property by the city to correct the illegal condition(s) in the event they are not corrected by the deadline;

4. Agrees that by entering into a voluntary correction agreement the person responsible for the violation shall be deemed to have waived the right to an appeal of the violation and the right to an appeal of the required corrective action;

5. Agrees to pay the city's costs to abate the illegal conditions if the owner fails to do so.

K. Advise the owner that if the illegal conditions are not corrected, the city may pursue the matter further by civil and/or criminal enforcement, in addition to further proceedings under this chapter.

L. Advise the owner of the city's policy that generally repeat violation(s) will be prosecuted.

M. A copy of such complaint shall also be filed with the Grant County auditor, which filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. 933 § 8, 2005)

14.06.090 Voluntary correction agreement.

A. The building official may execute a voluntary correction agreement with the owner of a dwelling,

building, structure, or premises the building official determines is unfit for human habitation, or is in such condition as to devalue the property or surrounding property as defined in this chapter. The voluntary correction agreement shall be available only under circumstances that do not constitute a repeat violation as defined in this chapter.

B. A voluntary correction agreement is a contract between the city and the owner in which such person agrees to abate the illegal conditions within a specified time and according to specified conditions. The voluntary correction agreement shall include:

1. The name and address of the owner and any other person bound under the contract;

2. The street address and a legal description sufficient to identify the premises;

3. A description of the conditions which render a dwelling, building, structure, or other premises unfit for human habitation or has a nuisance on it, as described in this chapter, and a reference to the provisions of this chapter or other regulation that has been violated;

4. The corrective action to be taken and a date and time by which the corrective action must be completed;

5. A stipulation by the owner that the illegal condition(s) identified in the complaint or notice and order do exist and that the corrections specified in the voluntary correction agreement are appropriate;

6. A stipulation by the owner that the city of Grand Coulee may abate the illegal condition(s) and recover costs and administrative fees as an assessment to the owner and a lien on the property pursuant to this chapter in the event of a material breach of the voluntary correction agreement;

7. The costs and administrative fees to be paid and by whom;

8. A stipulation by the owner that by entering into a voluntary correction agreement, the person responsible for the violation shall be deemed to have waived the right to an appeal of the violation and the right to an appeal of the required corrective action;

9. Permission by the owner for the city to enter upon the property at any reasonable time until the illegal condition(s) is abated; and

10. An acknowledgement.

C. The building official may, in his sole discretion, extend deadlines for correction if the owner has been diligent and made substantial progress but has been unavoidably delayed.

D. The building official may determine that a material breach of a voluntary correction agreement has occurred and may further determine what shall be done to abate the illegal conditions, which were the subject of the voluntary correction agreement. The building official shall provide notice of such determination in the same fashion as notice of decisions of the board and such determinations shall function as a decision of the board. A party to the voluntary correction agreement may appeal such a determination to the city council for review according to the procedures and standards applicable to appeals in this chapter. (Ord. 933 § 9, 2005)

14.06.100 Board of appeals.

The city council is designated as the board of appeals. The mayor shall act as chairman of the board of appeals. (Ord. 933 § 10, 2005)

14.06.110 Duties of the board of appeals.

A. The owner or any party in interest may, within thirty days from the date of service and posting of a decision and order issued by the building official under the provisions of this chapter for buildings, dwellings, structures and chattels, file an appeal.

B. An appeal must be filed by a written notice of appeal with the city clerk setting out the reasons why the determination or complaint of the building official is erroneous. An administrative appeal fee of one hundred dollars shall be paid at the time the notice of appeal is filed with the city clerk. The administrative appeal filing fee in this subsection shall be separate from, and in addition to, the administrative fees applied under Section 14.06.150 and/or the penalty fees under Section 14.06.190 and any and all permit fees and other applicable fees, including the costs

associated with the abatement, repair, alteration or improvement, or vacating and closing, or removal or demolition of the nuisance.

C. Upon the timely receipt of a notice of appeal from the decision and order of the building official filed by the owner or party in interest within thirty days from the date of the service of the decision or order, the board shall entertain such appeal, conduct a hearing thereon, as provided in this section, or upon receipt of a request in writing from the building official to review his decision, the board shall entertain such request and conduct a public hearing as provided in this section.

D. The board of appeals shall hear the appeal at the earliest possible time, but in no event less than ten days nor more than thirty days after the date the notice of appeal together with the administrative fee is filed with the city clerk. The public hearing for the appeal will be scheduled to permit a final decision thereon to be made within sixty days after the filing of the appeal. The board shall hold such hearing to hear such testimony as may be presented by any department of the city or the owner, occupant, mortgagee, lessee, or any other person having an interest in the building, as shown by the records of the Grant County assessor, with relation to the dangerous building.

E. The board of appeals shall review the proceedings and orders of the building official and determine whether to affirm, modify or vacate said orders.

F. The board's review is on the record, not de novo. In the absence of good cause, the board will not accept new evidence or evidence that has not been made available to the building official. The board shall consider the file of the proceedings before the building official and such other evidence as may be presented.

G. The board shall review the record and such supplemental evidence as is permitted under subsection F of this section. The board may grant relief only if the party seeking relief has carried the burden of establishing by a preponderance of the evidence that the standards set forth in subsections G1 through 6 of this subsection have not been met.

1. The building official engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

2. The building official's decision is an erroneous interpretation of the law;

3. The building official's decision is not supported by evidence that is substantial when viewed in light of the whole record before the board;

4. The building official's decision is a clearly erroneous application of the law to the facts;

5. The building official's decision is outside the authority or jurisdiction of the building official; or

6. The building official's decision violates the constitutional rights of the party seeking relief.

H. The board of appeals may recognize and give appropriate effect to special and extenuating circumstances which, in order to do substantial justice, warrant the exercise of discretion to adjust the time frames, standards and other provisions of this chapter.

I. The filing of the notice of appeal shall stay the order of the building official except so much thereof as requires temporary measures, such as securing of the building to minimize any emergent danger to the public health or safety.

J. After the public hearing, the board may affirm, modify or vacate the order of the building official, or may continue the matter to a date certain for further deliberation or presentation of additional evidence.

K. If after considering evidence and argument submitted by the building official, the owner and other interested parties, the board determines that the dwelling, building, structure, or premises is unfit for human habitation, it shall issue and cause to be served upon the owner and other persons entitled to notice of the building official's complaint and shall post in a conspicuous place on said property a written order which:

1. States its findings of fact and conclusions in support of such order; and

2. Requires the owner or party in interest, within the time specified in the order, to repair, alter, or improve such dwelling, building, structure, or premises to render it fit for human habitation; and

3. Requires the owner or party in interest, within the time specified in the order, to remove or demolish such dwelling, building, structure, if this course of action is deemed proper on the basis of said standards; and

4. States the city's costs and administrative fees which have been incurred as a consequence of the illegal conditions and that such costs and fees shall be charged to the owner and assessed against the real property if they are not paid timely; and

5. States that if the owner or party in interest, following exhaustion of his or her rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, structure or premises, the city may cause such dwelling, building, structure, or premises to be repaired, altered, improved, vacated, closed, removed or demolished and that the costs of such abatement by the city shall be charged to the owner and assessed against the real property where the abatement occurs;

6. The order shall state that the owner has the right to appeal to the superior court of Grant County within thirty days and unless he/she does appeal or comply with the order, the city shall have the power, without further notice or proceedings, to vacate, secure the building or premises, abate the nuisance and do any act required of the owner in order of the board, and to charge any expenses incurred thereby to the owner and assess them against the property.

7. The order shall state that the owner has the right to petition the superior court of Grant County for appropriate relief within thirty days after the order becomes final;

8. The building official shall serve the owner and other parties entitled to be served with the building official's complaint a copy of the board's decision by certified mail, return receipt requested, within five business days following the hearing.

L. Any action taken by the board of appeals shall be final sixty days after the filing of a notice of appeal unless continued with consent of the owner or occupant.

M. In the event that the board of appeals fails to reach a decision or continues the hearing beyond sixty days after the filing of an appeal, the building official's findings and order shall be that of the board of appeals and shall be final and subject to petition to the Grant County superior court; provided, that any continuance at the request or with the consent of any owner or occupant shall suspend, for the length of the continuance, the running of the sixty days allowed for final decision.

N. If the owner or party in interest fails to comply with the order issued by either the board of appeals, or in the event no appeal is filed, from the order of the building official, then and in that event, either the board or building official, as the case may be, may direct or cause such dwelling, building, or structure to be repaired, altered, improved, vacated, closed, removed, or demolished as the facts may warrant under the standards provided for in Section 14.06.030, and the cost of such repair, vacation, or demolition shall be assessed against the real property upon which such costs were incurred, unless such amount is previously paid. The city treasurer shall determine the amount of the assessment due and owing, and shall certify the same to the county treasurer, who shall enter the amount of such assessment upon the tax rolls against the property, all in the manner provided by law and particularly Chapter 82 of the Laws of 1959.

O. If the owner or interested party fails to appear at the scheduled hearing, the board may enter an order under this section, noting the default.

P. The decision of the board of appeals shall be final and shall only be appealed to the Grant County superior court. (Ord. 933 § 11, 2005)

14.06.120 Appeal to superior court.

Any interested person affected by an order issued by the board of appeals pursuant to this chapter may, within thirty days after the posting and service of the order, petition to the superior court for an injunction restraining the city from carrying out the provisions of the order. Such trial shall be heard de novo. In all such proceedings the court is authorized to affirm, reverse,

or modify the order of the board of appeals. (Ord. 933 § 12, 2005)

14.06.130 Enforcement.

A. The order of the board may prescribe times within which demolition shall be commenced or completed. If the action is not commenced or completed within the prescribed time, or if no time is prescribed with the time for appeal, the building official may, after the period for appeal has expired, cause the building to be demolished and the premises to be suitably filled and cleared as provided by the chapter. If satisfactory progress has been made and sufficient evidence is presented that the work will be completed within a reasonable time, the building official or the board may extend the time for completion of the work. If satisfactory or substantial progress has not been made, the building official may cause the building to be demolished and the premises suitably filled and cleared. The building official shall let bids for any demolition in accordance with this chapter.

B. If corrective action, other than demolition, ordered by the board is not taken within the time prescribed, or if no time is specified within the time for appeal, the building official may, after the period for appeal has expired, cause the action to be taken by the city or private contractor.

C. If the building official deems it necessary to have the building secured as an interim measure for the protection of the public health and welfare while pending action, he/she may so order. If the owner is unable or unwilling to secure the building within forty-eight hours, the building official may order the building secured by the city.

D. If the owner is unable to comply with the board's order within the time required and the time for appeal or petition to the court has passed, he/she may, for good and sufficient cause beyond his/her control, request in writing an extension of time. The board may grant a reasonable extension of time after a finding that the delay was beyond the control of the owners. There shall be no appeal or petition from the board's ruling on an extension of time. (Ord. 933 § 13, 2005)

14.06.140 Assessment and lien on the real property.

A. The amount of the cost of any repairs, alterations or improvements, or vacating and closing, or removal or demolition or the abatement of any nuisance by the city, including administrative fees, shall be assessed against the owner and shall be a lien against the real property upon which such costs and fees were incurred unless such amount is previously paid.

B. The city treasurer or his/her designee shall certify any such assessment amount due and owing to the Grant County treasurer, who, pursuant to RCW 35.80.030, shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes and when collected to be deposited to the credit of the general fund of the city. If the dwelling, building, structure, premises, or nuisance is removed or demolished by the city, the city shall, if possible, sell the materials of such dwelling, building, structure, premises, or nuisance and shall credit the proceeds of such sale against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the board, after deducting the city's costs and administrative fees incident thereto. (Ord. 933 § 14, 2005)

14.06.150 Cost of abatement and administrative fees.

A. The costs of abatement, repair, alteration or improvement, or vacating and closing, or removal or demolition, when such actions are performed at the city's cost, shall be assessed against the real property upon which such costs were incurred unless paid. The building official shall forward a report of such unpaid costs to the city's treasurer, who shall certify them to the Grant County treasurer for assessment on the tax rolls, as provided by RCW 35.80.030(h).

B. Bids for demolition or repair shall be let only to a licensed contractor. The contract documents shall provide the value of the materials and other salvage of the property shall be credited against the costs of the demolition. The contract documents may require bidders to estimate the salvage value of the property and by claiming the salvage, reduce the amount of his/her bid accordingly. The contract price fixed by acceptance of such a bid shall not be adjusted to reflect the actual salvage value. Such bids may be let prior to the time for compliance or appeal, but shall not be binding or accepted until the order for demolition is final. The building official shall have the authority to sign the contact on behalf of the city.

C. Actual costs and expenses will be assessed in accord with the provisions of this section.

D. In addition to actual abatement costs, the following administrative fee shall be assessed and collected in the same manner for such dwellings, buildings, structures or premises that are determined to be unfit for human habitation or has on it a nuisance as described in Chapter 8.04:

1. Where abatement is accomplished and approved by the building official prior to a board hearing, the administrative fee shall be two hundred dollars, except that these fees shall be waived for a first offense if abatement is accomplished and approved forty-eight hours prior to a board hearing or within the terms of a voluntary correction agreement.

2. Where abatement is accomplished and approved by the building official less than forty-eight hours prior to a board hearing, the administrative fee shall be three hundred dollars.

3. Where abatement is accomplished and approved by the building official following breach of an agreement or understanding between the property owner(s) and the building official or board of appeals, the administrative fee shall be six hundred dollars.

4. Where the abatement is accomplished by the city following hearing or default of the property owner(s), the administrative fee shall be one thousand dollars.

5. The administrative fee in this subsection shall be separate from, and in addition to, the administrative appeal fee applied under Section 14.06.110 and/or the penalty fees under Section 14.06.190 and any and all permit fees and other applicable fees, including the costs associated with the abatement, repair, alteration or improvement, or vacating and closing, or removal or demolition of the nuisance.

E. The board may, upon recommendation from the building official, modify the amount, methods, or time of payment of such fees as the condition of the property and the circumstances of the owner may warrant. In determining such adjustments, the board may reduce the costs to an owner who has acted in good faith and would suffer extreme financial hardship. The board may, upon recommendation from the building official, increase the administrative fees if it appears that the scheduled fees are inadequate to make the city whole with respect to a particular unfit dwelling, building, structure, premises or nuisance. (Ord. 933 § 15, 2005)

14.06.160 Permit required.

Any work, including construction, repairs or alterations, under this chapter to rehabilitate any building or structure may require a permit in accord with the provisions of the Grand Coulee Municipal Code (GCMC). (Ord. 933 § 16, 2005)

14.06.170 Emergency cases.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building as defined in Section 14.06.020 is immediately repaired, vacated, or demolished, the building official shall cause the immediate repair, vacation, or demolition of such dangerous building. The costs of such emergency repair, vacation, or demolition of such dangerous building shall be collected in the same manner as provided in this chapter. (Ord. 933 § 17, 2005)

14.06.180 Provisions of chapter cumulative.

Nothing in this chapter shall be construed to abrogate or impair the power of the city or any department thereof to enforce any provision of its ordinances or regulations, nor to prevent or punish violations

thereof, and any powers conferred by this chapter shall be in addition to and supplemental to powers conferred by other laws, nor shall this chapter be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or in any other manner provided by law. (Ord. 933 § 18, 2005)

14.06.190 Penalty for violations.

A. Every person who violates any of the provisions of this chapter shall be deemed to have committed a civil infraction and shall be subject to the penalty as provided in Chapter 1.12 of the Grand Coulee Municipal Code, General Penalty. Each violation shall constitute a separate violation. Each day a violation exists constitutes a separate violation of this chapter.

B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

C. The instigation of infraction proceedings in accordance with this section shall not prevent the city from exercising all available civil remedies to force compliance with this chapter or removal of unsafe or prohibited conditions.

D. The civil infraction fine in this subsection shall be separate from, and in addition to, the administrative appeal fee applied under Section 14.06.110 and/or the administrative fees under Section 14.06.150 and any and all permit fees and other applicable fees, including the costs associated with the abatement, repair, alteration or improvement, or vacating and closing, or removal or demolition of the nuisance. (Ord. 933 § 19, 2005)

Chapter 14.20

MOBILE HOMES

Sections:

14.20.010 Definitions.

A. "Camp trailer" means a trailer designed to be used for temporary living quarters usually containing only sleeping and cooking facilities, usually not more than twenty-five feet long.

B. "House trailer" means a readily movable structure which may be used for living purposes, but does not have all necessary facilities to be completely independent of any other structure.

C. "Mobile home" means a readily movable structure designed to be placed on a foundation other than wheels, jacks, or other temporary substitutes, the structure to have all necessary facilities so as to be completely independent of any other structure for living purposes.

D. "Mobile home court" means any facility set up and conducted to accommodate the parking and servicing of three or more mobile homes, house trailers, camp trailers or pickup campers.

E. "Pickup camper" means a device designed to be carried on a pickup truck and usually containing only sleeping and cooking facilities. This definition will also include all-in-one units that are permanently mounted on a pickup or truck chassis. These units are designed for temporary living quarters.

F. "Principal street" means that street that is perpendicular or nearly so to the long axis of any lot.

G. "Side lot line" means either of two boundaries of a lot that are parallel or nearly so to the long axis of the lot. (Ord. 399 Art. 1, 1967)

14.20.020 Fee and permits.

A. The manufactured home placement fee shall be set by the city council by resolution as may be necessary. Such fee shall be paid in cash at the time of the application and prior to actual placement of the manufactured home. When a manufactured home for which a permit is required has been set up prior to the obtaining of a permit, the fee shall be doubled, and the manufactured home may or may not be subject to relocation.

B. Every manufactured home placement permit shall expire by limitation and become null and void if the manufactured home is not located on such lot or lots within one hundred eighty days from date of such permit. A new permit will be required if, at the end of one hundred eighty days after issuance of the original permit, the manufactured home is not located on such lot or lots. The fee for such permit will be one half the amount required for the original permit. (Ord. 868 § 1, 1999)

14.20.030 Location.

A mobile home as defined may be located on any residential or dual purpose lot so long as there is but one such house to each lot and so long as such location meets the requirements in Sections 14.20.040 through 14.20.120 and the requirements of other laws and ordinances. (Ord. 399 Art. 3 (part), 1967)

14.20.040 Setback.

The setback shall be at least twenty feet from principal street and at least five feet from all other boundaries. This section shall in no way prohibit the application of conformity ordinances. (Ord. 399 Art. 3 § A, 1967)

14.20.050 Sanitation and water hookups.

Sanitation and water hookups shall be of a fixed nature so as to provide a gas and leak-proof connection, such hookup to be flexible enough to retard breakage due to slight movement of the mobile home. Only one such home shall be allowed to each hookup. (Ord. 399 Art. 3 § B, 1967)

14.20.060 Electrical hookup.

The electrical hookup shall be such to meet all city, county, and state requirements. Only one such home shall be allowed to each hookup. (Ord. 399 Art. 3 § C, 1967)

14.20.070 Foundations.

Such homes must be placed on foundations which may be of continuous concrete or of concrete block piers or of other material of equal strength and rigidity. If such piers are used, there must be not more than eight feet of span between piers. It will be required that such foundations be placed on solid soil, or other suitable footing. It will also be permissible to use not more than five inches of wooden blocking on top of the piers for tightening and leveling purposes. (Ord. 399 Art. 3 § D, 1967)

14.20.080 Skirting.

Such mobile homes shall be skirted (having some material of a rigid nature, not canvas, plastic etc., covering wheels, framing, etc.) extending from the bottom of the structure to the ground for the entire perimeter of the mobile home. In fire zone number two such skirting shall be of metal or some equally fire resistant material. A time limit of ninety days after the mobile home is put on the lot is imposed regarding this regulation. (Ord. 399 Art. 3 § E, 1967)

14.20.090 Storage space.

Any and all storage space used in conjunction with, but outside the living portion of, a mobile home shall be designed and used so as not to be a natural habitat for rodents, reptiles, etc. In addition any such building or shed constructed separately on the premises must abide by the building code of the city and a building permit must be obtained before starting construction. (Ord. 399 Art. 3 § F, 1967)

14.20.100 Fire resistant outside material.

Any mobile home having a metal or equivalent fire resistant outside material may be located in any fire zone except zone number 1. (See Section 14.20.080 regarding skirting material.) Any mobile home not constructed of such material must be located in a higher numbered fire zone. (Ord. 399 Art. 3 § G, 1967)

14.20.120 Location to be in compliance with zoning regulations.

Trailers, mobile homes and vehicles with living, sleeping and cooking accommodations shall not be located on residential properties where the same is prohibited by Title 17, Zoning. The trailers, mobile homes and other vehicles with living, sleeping and cooking facilities may be located on any other residential or dual purpose lot so long as there is but one such house to each lot, and so long as such location meets the following requirements and the requirements of other laws and ordinances. (Ord. 403 Art. 1, 1967: Ord. 399 Art. 3 § I, 1967)

14.20.130 House trailers, camp trailers, and pickup campers—Location.

All such vehicles as defined shall be located in a mobile home court except as provided in Sections 14.20.140 through 14.20.160. (Ord. 399 Art. 4, 1967)

14.20.140 Visiting vehicles—Generally.

Any resident may allow friends or relatives visiting them to park one such vehicle for a period of not more than sixty days. It may be used for sleeping purposes only, must be on the home premises of said resident

and off the streets and alleys. (Ord. 921 § 1, 2004: Ord. 399 Art. 5 § A, 1967)

14.20.150 Visiting vehicles—Parking in approved mobile home court.

Occupants of such vehicles who are gainfully employed and not on vacation or have a visitor status shall park in an approved mobile home court. (Ord. 399 Art. 5 § B, 1967)

14.20.160 Vehicles belonging to residents—Parking permitted.

Any resident may park his own vehicle on his premises. Wheels shall not be removed from trailers and all such campers shall be parked in such a way as to be readily removed at any time. (Ord. 399 Art. 5 § C, 1967)

14.20.180 Penalty for violation.

A. Any person who violates any of the provisions of this chapter shall be deemed to have committed a civil infraction and shall be subject to the penalty as provided in Chapter 1.12 of the Grand Coulee Municipal Code entitled "General Penalty." Each violation shall constitute a separate violation. Each day a violation exists constitutes a separate violation of this chapter.

B. The instigation of infraction proceedings in accordance with this section shall not prevent the city from exercising all available civil remedies to force compliance with this chapter or removal of prohibited conditions. (Ord. 921 § 2, 2004: Ord. 399 Art. 7, 1967)

Chapter 14.28

SIGNS

Sections:

14.28.010 General standards.

A. This chapter shall only apply to all new signs and the structural alteration of existing signs.

B. No commercial signs shall be constructed or installed on city right-of-way, except such as are specifically approved by the city council in advance.

C. No commercial signs shall interfere with traffic controls.

D. All signs shall meet construction standards of the Uniform Building Code. (Ord. 678, 1986; Ord. 599 § 1, 1981)

14.28.020 Specific standards.

A. All signs shall be of single-stick construction. No additional bracing is permitted.

B. Billboards shall be double-face type except when erected within five feet of a building.

C. No billboard shall exceed a height greater than eighteen feet above ground, or two-thirds its horizontal length, whichever is the greater. No billboard shall be less than five feet nor more than eight feet from the ground.

D. No more than one billboard structure is permitted at any one location.

E. Any sign which becomes dilapidated or otherwise unsafe, displays advertising which is more than one year out of date, or is not being properly maintained as prescribed in the sign code, or obstructs a driver's view at any intersection so as to be deemed unsafe, may be ordered corrected or removed by the building inspector.

F. All signs must be painted and repaired and grounds cleaned and maintained yearly.

G. Billboards must conform to Chapter 47.42 RCW.

H. All signs pertaining to a business must be removed within ninety days after the closure of such business. If any property owner fails to remove the sign, the city may remove the sign and render a bill covering the cost to the city of such removal. If the property owner fails or refuses to pay the bill immediately, the city may file a lien therefor against such property.

I. All signs pertaining to a presently closed business must be removed within ninety days from passage date of this chapter revision. Property owners shall be noticed by certified mail that they are not in compliance with this chapter. (Ord. 812 (part), 1995; Ord. 599 § 2 (part), 1981)

14.28.030 Commercial and industrial zones—Distance between off-premises signs.

All off-premises signs shall meet the following standards for distance between signs:

Size of Sign Face	Distance Between Signs
Under 25 square feet	50 feet from another off-premises sign or developed property
20 to 50 square feet	100 feet from another off-premises sign or developed property
51 to 199 square feet	500 feet from any other commercial sign or billboard
200 to 400 square feet	1,000 feet from another sign of equal area or 500 feet from any other commercial sign
Over 400 square feet	Not permitted

(Ord. 812 (part), 1995; Ord. 599 § 2 (part), 1981)

14.28.040 Inspection fee.

A yearly inspection fee of five dollars will be charged and shall be due not later than May 31st of each year, effective May, 1981. The owner of each sign will provide to the city the legal description of the property on which the sign is located. (Ord. 599 § 2 (part), 1981)

14.28.050 Time limitations.

For a period of not more than one year from passage nonconforming signs may be structurally altered or moved to a new location. The planning commission may grant special permit for one year extension. (Ord. 599 § 2 (part), 1981)

14.28.060 Violation—Penalty.

Violation of this chapter shall be a misdemeanor. (Ord. 599 § 2 (part), 1981)

Chapter 14.32

BUILDING NUMBERING AND STREET NAMES

Sections:

14.32.010 Street names and house numbers—Utility department responsibility.

The city utility department shall be responsible for the development and maintenance of maps indicating street names and house numbers. This agency shall maintain a file of existing street names and a catalog of potential street names that do not duplicate existing street names. (Ord. 700 § 1(a), 1988)

14.32.020 Assignment of numbers.

The building department of the city shall, on all building permits for new residences, buildings, structures or places of business, excepting sheds and accessory buildings, assign an address number consistent with this chapter. On building permits other than new construction, the building department shall insure that the address listed thereon is consistent with this chapter. (Ord. 700 § 1(b), 1988)

14.32.030 Installation and visibility of numbers.

The owner or lessee of any residence, building, structure or place of business, excepting sheds and accessory buildings, opening upon or having access to a street within the city, shall place and maintain the proper and clearly visible address numbers in a conspicuous location upon the main entrance or at the principal place of ingress to such residence, building, structure or place of business. The numbers used shall not be less than three inches in height and shall be of durable and clearly visible material. (Ord. 700 § 2, 1988)

14.32.040 Failure to install numbers—Notice—Compliance deadline.

If the owner or lessee of any building shall fail, refuse or neglect to place the number, or replace it when necessary, the city may cause a notice to be personally served on such owner or lessee or mailed by registered mail to his last known address, ordering him to place or replace the number. Such owner or lessee shall comply with such notice within ten days from the date of service. (Ord. 700 § 3, 1988)

14.32.050 Violation—Penalty.

Anyone violating any of the provisions of this chapter shall upon conviction be subject to a fine of not less than twenty-five dollars or more than one hundred dollars. (Ord. 700 § 4, 1988)

Title 15

(RESERVED)

Title 16

LAND DIVISIONS

Chapters:

Chapter 16.02

GENERAL PROVISIONS

Sections:

16.02.010 Purpose.

The purpose of this chapter is to regulate the division of land and to promote the public health, safety and general welfare in accordance with standards established by the state, and to implement the city's comprehensive plan. It is further the purpose of this code to achieve the following:

A. Prevent the overcrowding of land;

B. Promote effective use of land;

C. Lessen congestion on the streets and highways;

D. Promote safe and convenient travel by the public on trails, bikeways, streets and highways;

E. Provide for proper ingress and egress;

F. Provide for adequate light and air;

G. Provide for potable and irrigation water, wastewater, power and telecommunications utilities and stormwater drainage;

H. Facilitate adequate provision of parks and recreation areas and sites for schools and school grounds;

I. Provide for the expeditious review and approval of proposed land divisions that conform to zoning standards and local plans;

J. Establish minimum development standards and policies;

K. Protect environmentally sensitive areas;

L. Adequately provide for a variety of land use needs for the citizens of the community; and

M. Require uniform monumenting of land divisions and conveyance by accurate legal description. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.02.020 Applicability.

Every division of land into two or more lots, parcels, tracts, boundary line adjustments, alterations or plat vacations within the corporate limits of the city shall proceed in compliance with this code. Other laws, ordinances, regulations and plans have a direct impact on the division of land. These include, but are not limited to, the city of Grand Coulee comprehensive plan, the wastewater facilities plan, the comprehensive water system plan, the six-year transportation improvement program, the Grand Coulee Municipal Code (GCMC), particularly Titles 12, 13, 14, 16, 17, and 18, the Uniform Building Code, the International Building and Fire Codes, and the laws, ordinances, regulations and plans of federal, state and local agencies. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.02.030 Administration and enforcement.

The mayor, or his/her designee, hereafter referred to as the administrator, is vested with the duty of administering this title within the city. All procedures, enforcement, and appeals shall be pursuant to Title 11, Development Code Administration. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.02.040 Types of land divisions.

The following types of land divisions are governed by this code:

A. Subdivisions are the division of land into five or more lots;

B. Short subdivisions are the division of land into four or fewer lots;

C. Binding site plans are the division of land for commercial and industrial purposes, and for the development of mobile home or travel trailer parks, and condominiums (Chapter 64.32 or 64.34 RCW, the Horizontal Property Regimes Act) as defined and authorized by the GCMC;

D. Plat alterations are the alteration or modification of any land division, except as provided for final

subdivision and short subdivision corrections and boundary line adjustments;

E. Plat vacations are the vacation of any land division or portion thereof, or any area designated or dedicated for public use; and

F. Boundary line adjustments and lot consolidations are property line modifications made for the purpose of adjusting boundary lines which does not create any additional lots, tracts, parcels, sites, or divisions, nor creates any lot, tract, parcel, site, or division which contains insufficient area and dimensions to meet minimum requirement for width and area for building within that zoning designation. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.02.050 Definitions.

Whenever the following words and phrases appear in this code, they shall be given the meaning attributed to them by this section. All other definitions found in the Grand Coulee Municipal Code shall be applicable to this title, including without limitation: Title 10, Vehicles and Traffic; Title 11, Development Code Administration; Title 12, Streets and Sidewalks; Title 13, Public Utilities; Title 14, Buildings and Construction; Title 17, Zoning; and Title 18, Environment. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural singular, the word "shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.02.060 Comprehensive plan.

The city's comprehensive plan shall guide the use of all land within the city. The type and intensity of land use as shown on the comprehensive plan shall be used as a guide to determine the character of land division, including, but not limited to, lot size and arrangement and the type and extent of streets and roads, highways, dedications, improvements, services, and other utilities and public facilities. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.02.070 Suitability for land division.

A. Each proposed land division shall be reviewed to ensure that:

1. The proposal conforms to the goals, policies, criteria and plans set forth in the city of Grand Coulee comprehensive plan;

2. The proposal conforms to the development standards set forth in Title 13, Public Utilities, Title 17, Zoning, and other applicable titles;

3. The proposed street system conforms to the city of Grand Coulee public infrastructure construction standards and specifications, neighborhood street plans, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic;

4. The proposed land division will be adequately served with city approved water and sewer, and other utilities appropriate to the nature of the land division;

5. The layout of lots, and their size and dimensions, take into account topography and other constraints on the site in order that buildings may be reasonably sited;

6. Identified hazards and limitations to development have been considered in the design of streets and lot layouts to assure streets and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected;

7. Safe walk to school procedures, as established by the city, have been met.

B. Lack of compliance with the criteria set forth in subsection A of this section shall be grounds for denial of a proposed land division, or for the issuance of conditions necessary to more fully satisfy the criteria.

C. No final land division shall be approved unless:

1. The final land division is in substantial conformance with the provisions for the preliminary approval, including any conditions imposed as part of the approval.

2. The final land division contains a dedication to the public of all common improvements, including but not limited to streets, roads, sewage disposal and water supply systems which were a condition of approval.

3. All common improvements required as conditions of approval of the proposed land division have been referenced on the final plat of the land division.

4. City approved water and sewer facilities will be available to each lot created by the division of land.

5. The final land division is in compliance with the provisions of applicable titles.

6. The applicant provides evidence of an adequate water supply for the intended use.

D. When the appropriate review authority finds that the final land division is in substantial conformity to the preliminary approval, he or she shall endorse his or her approval on the final land division and shall implement the final approval and recording procedures set forth within this title. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.02.080 Concurrency of public infrastructure.

Those public facilities and utilities required to be provided as a condition of approval shall be fully operational concurrently with the use and occupancy of the development, unless otherwise authorized herein through bonding or other methods acceptable to the city. Development is prohibited if the level of service for transportation facilities cannot be met. (Ord. 1076 § 1 (Exh. A), 2021; Ord. 996 § 2 (Exh. A) (part), 2011)

Chapter 16.04

APPLICATION REQUIREMENTS

Sections:

16.04.010 Preliminary submittal—All applications.

Every preliminary application for a land division, except a boundary line adjustment, shall consist of the appropriate application form, applicable fees and the following maps and exhibits:

A. Ten copies of the preliminary plat which shall be a legibly drawn map, eighteen by twenty-four inches in size for short subdivisions, subdivisions, and binding site plans at a scale of one inch equals fifty feet or one inch equals one hundred feet. If approved by the department, an alternative appropriate scale may be used;

B. One reduced (eight and one-half inches by eleven inches or eleven inches by seventeen inches) copy of the preliminary plat;

C. One copy of the county assessor's map clearly indicating the subject property. Additionally, all adjacent properties with parcel numbers must be indicated on the map. Assessor's maps for preliminary subdivisions shall indicate the parcel numbers of all properties within four hundred feet of the subject property, unless the applicant owns adjacent property, in which case the map shall show the location and parcel number of all properties within four hundred feet of the applicant's ownership;

D. Street layout map with center lines of adjacent streets;

E. An accurate and complete legal description of the subject property with the source of the legal description clearly indicated with area in acres together with a plat certificate or subdivision guarantee dated within forty-five days of the submittal. Copies of all deeds and easements referred to in the plat certificate shall be furnished with the submittal;

F. SEPA environmental checklist for preliminary subdivisions, previously divided short plats, and binding site plans; and

G. Materials required within Title 11. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.04.020 Preliminary plat content—All.

Every preliminary plat shall contain the following information:

A. Name, address and telephone number of the owner of the subject property and the person with whom official contact should be made regarding the short subdivision, subdivision, or binding site plan;

B. Title of the proposal;

C. Location of subject property by section, township and range;

D. A written narrative describing the proposal including, but not limited to, the number of proposed lots, nature of surrounding properties, proposed access and timing of phasing of the development. The narrative shall also address compliance with applicable sections of the development code and other applicable regulations;

E. Vicinity map that clearly indicates the subject property;

F. North arrow, scale and boundary of the proposed short plat, plat, or binding site plan;

G. Boundaries of all blocks, the designation of lots, lot lines and dimensions;

H. Location of existing utilities;

I. Location, names and widths of all existing and proposed streets, roads and access easements within the proposed short subdivision, subdivision, or binding site plan and within one hundred feet thereof, or the nearest city street if there is no city street within one hundred feet of the subject property;

J. All existing or proposed easements or tracts proposed to be dedicated for any public purpose or for the common use of the property owners of the land division with description of the purpose of the common area;

K. Location of any natural features such as streams, drainage ways, or critical areas as defined in Title 17;

L. Location of existing buildings, septic tanks, drainfields, wells or other improvements, indicating if they will remain or be removed;

M. A statement as to whether any adjacent property is platted or unplatted. If platted, give the name of the land division. If the proposed land division includes the division of a portion of an existing plat, the approximate lines of the existing plat are to be shown and a copy of the existing plat, along with any and all recorded covenants and easements;

N. Topographic information at two-foot intervals, identification of the existing drainage pattern and any creeks or other drainage facilities. Topographic information required by this section must be collected by or under the direction of a professional land surveyor licensed by the state of Washington;

O. "Site data table" showing number of proposed lots, frontage for each lot, lot area for each lot, existing zoning, water supplier, method of wastewater disposal, and additional information as required by the city. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.04.030 Phasing.

Any subdivision may be developed in phases or increments. Phasing of short subdivisions or binding site plans is not permitted. A master phasing plan shall be submitted with the preliminary subdivision, which may be approved, provided:

A. The phasing plan includes all land identified within the legal notice;

B. The sequence of phased development is identified by a map not to exceed the five-year approval period between preliminary and final approval;

C. Each phase has reasonable public or private infrastructure to support the number of dwelling units contained in that phase;

D. Each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire subdivision; and provided, that any portion not finalized meets the minimum lot size of the underlying zone for the proposed use; and

E. The city engineer approves the necessary documents so that all public improvement requirements are assured for that phase.

A phasing plan may be amended following preliminary approval. Said plan may be approved administratively provided the above criteria are met. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.04.040 Plat alterations and plat vacations.

In addition to the provisions of Section 16.04.020, the following items shall be submitted for proposed plat alterations and plat vacations:

A. Written Materials.

1. The reasons for the proposed alteration or vacation;

2. For plat alterations only: signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered;

3. For plat vacations only: signatures of all parties having an ownership interest in that portion of the subdivision to be vacated;

4. Where the proposed alteration or vacation would result in the violation of a restrictive covenant(s) filed at the time of approval of the subdivision, an agreement signed by all parties subject to the covenants agreeing to the termination or alteration of the relevant covenant to accomplish the purpose of the alteration or vacation;

B. Map(s). The boundaries of the proposed alteration or vacation. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.04.050 Boundary line adjustments and lot consolidations (application and drawing requirements).

The following items shall be submitted for proposed boundary line adjustments or lot consolidations:

A. Existing Conditions Site Plan. A scaled site plan on an eight-and-one-half-inch by eleven-inch sheet with one-inch margins on all sides showing the following information:

1. The existing dimensions and square footage of the existing property(ies) involved;

2. The location and setbacks of any and all improvements (i.e., structures, utilities, etc.) from all property lines;

3. The location and dimension of all access and utility easements;

4. The location, dimensions and names of public and/or private streets abutting the property(ies); and

5. Show existing access driveway.

B. Proposed Adjustment/Line Elimination Site Plan. A scaled plan on an eight-and-one-half-inch by eleven-inch sheet with one-inch margins on all sides showing the following information:

1. The location and setbacks of any improvements (i.e., structures, utilities, etc.) from the new property lines, after the proposed boundary line adjustment or elimination;

2. The location and dimension of any access or utility easements after the proposed boundary line adjustment or line elimination;

3. The location, dimensions and names of public and/or private streets abutting the property(ies) after the proposed boundary line adjustment or elimination;

4. Indicate old property lines with a dashed line and the new property lines with a solid line; and

5. Show proposed access driveway, if applicable.

C. On a separate sheet of paper (eight and one-half inches by eleven inches) written legal descriptions for the existing parcel(s) and the proposed adjusted or eliminated parcel(s) with one-inch margins on all sides.

D. One copy each of all involved property owners' recorded deeds, verifying current ownership of the subject property(ies).

E. If available, a copy of an original plat for the subject property.

F. A record of survey of the property shall be completed verifying that a nonconforming and/or illegal building setback will not be created as a result of the boundary line adjustment. The survey must be completed by a surveyor licensed in the state of Washington. (Ord. 996 § 2 (Exh. A) (part), 2011)

Chapter 16.06

PRELIMINARY PROCESS

Sections:

16.06.010 All preliminary land divisions.

The following shall apply to all preliminary land divisions, including plat alterations, plat vacations and binding site plans:

A. An applicant shall file with the administrator an appropriate preliminary application packet in conformance with this and other development titles.

B. As a basis for approval, approval with conditions or disapproval of a preliminary land division, the appropriate review authority shall determine if appropriate provisions have been made for, but not limited to, the purpose and criteria set forth in this title.

C. The review authority shall make written findings consistent with the provisions of RCW 58.17.110, as it exists now or as it may be amended, including, without limitation, that appropriate provisions have been made for the public health, safety, and general welfare, including open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools, and school grounds; and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and whether the public interest will be served by the subdivision and dedication.

D. Approval of the preliminary land division shall constitute authorization for the applicant to develop the subdivision facilities and improvements in strict accordance with the plans and city's construction standards and specifications as approved by the city, subject to any conditions imposed by the review authority. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.06.020 Preliminary subdivision.

A. Every division of land into five or more lots, plots, sites, parcels, or tracts within the city shall proceed according to the provisions of this title related to subdivisions.

B. Subdivisions shall be reviewed and approved pursuant to the requirements and timelines for a "Type III quasi-judicial review" as prescribed in Title 11, Development Code Administration. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.06.030 Preliminary short subdivision.

A. Every division of land into four or fewer lots, plots, sites, parcels, or tracts within the city shall proceed according to the provisions of this title related to short subdivisions.

B. Short subdivisions shall be reviewed and approved pursuant to the requirements and timelines for a "Type II administrative review" as prescribed in Title 11, Development Code Administration. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.06.040 Preliminary binding site plan.

A. The provisions of this title related to binding site plans shall apply to the following:

1. Divisions for sale or lease of commercially or industrially zoned property;

2. Divisions for the purpose of lease when no residential structures other than mobile homes are permitted to be placed;

3. Divisions for the purpose of subjecting a portion of a parcel or tract of land to Chapter 64.32 RCW, Horizontal Property Regimes Act (Condominiums), or Chapter 64.34 RCW, Condominium Act.

B. Binding site plans shall be reviewed and approved pursuant to the requirements and timelines for a "Type II administration review" as prescribed in Title 11, Development Code Administration, except

that binding site plans for a planned development shall be reviewed and approved pursuant to the requirements and timelines for a "Type III quasi-judicial review" as prescribed in Title 11, Development Code Administration.

C. Approved binding site plans may contain any easements, restrictions, covenants, or conditions as would a land division approved by the city.

D. Divisions of land into lots or tracts as the result of subjecting a portion of a parcel or tract of land to either Chapter 64.32 or 64.34 RCW shall contain thereon the following statement:

> All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein.

(Ord. 996 § 2 (Exh. A) (part), 2011)

16.06.050 Preliminary plat alteration.

A. Except as provided herein for boundary line adjustments, the alteration of any subdivision or portion thereof shall proceed according to the provisions of this title for plat alterations.

B. Plat alterations shall be reviewed and approved pursuant to the requirements and timelines for a "Type III quasi-judicial review" as prescribed in Title 11, Development Code Administration.

C. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered.

D. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant(s), the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenant(s) to accomplish the purpose of the alteration of the subdivision or portion thereof. The alteration of a subdivision is subject to RCW 64.04.175 (easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement).

E. The hearing body shall conduct a public hearing on the application for alteration, subject to the provisions of Title 11, Development Code Administration, and may approve, conditionally approve, or deny the application for alteration of the subdivision after determining the public use and interest to be served.

F. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

G. After approval of the alteration, the applicant shall submit to the city a revised drawing of the approved alteration of the subdivision, which after signature of the approving authority shall be filed with the county auditor to become the lawful plat of the property.

H. The revised drawing shall be surveyed and prepared by a Washington State licensed land surveyor. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.06.060 Preliminary plat vacation.

A. The vacation of any land division or portion thereof, or any area designated or dedicated for public use, shall proceed according to the provisions of this title for plat vacations.

B. Plat vacations shall be reviewed and approved pursuant to the requirements and timelines for a "Type III quasi-judicial review" as prescribed in Title 11, Development Code Administration.

C. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion to be vacated.

D. If the land division is subject to restrictive covenants which are filed at the time of approval of the subdivision, and the vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.06.070 Preliminary boundary line adjustment.

A. Where the purpose is alteration by adjusting boundary lines between platted or unplatted lots or both that does not create any additional lot, tract, parcel, site or division, nor that creates any lot, tract, parcel, site or division that contains insufficient area and dimension to meet minimum requirements for width and area for a building site, an application shall proceed according to the provisions of this title for boundary line adjustments.

B. Boundary line adjustments shall be reviewed and approved pursuant to the requirements and timelines for a "Type I administrative review" as prescribed in Title 11, Development Code Administration.

C. This method may be used to correct or adjust short subdivisions, final subdivisions or boundary lines between two adjoining parcels, provided the proposed changes are minor and do not create new lots. This method may be used to consolidate two or more existing lots. A record of survey shall be submitted to the administrator for approval along with the normal and required signature attachments and a cross-reference to the original final or short subdivision and fees only for technical review pursuant to Section 16.04.050. Normal and required signatures shall mean only the signatures of owners of lots affected by a minor modification or boundary line adjustment. (Ord. 996 § 2 (Exh. A) (part), 2011)

Chapter 16.08

CONSTRUCTION/IMPROVEMENTS

Sections:

16.08.010 Purpose.

The purpose of this chapter is to set forth the criteria, standards and requirements for the review and approval of construction improvements, subsequent to preliminary approval of a land division. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.08.020 Improvements—Construction.

After preliminary approval has been granted, construction of improvements prior or subsequent to final approval as a condition to meeting financial requirements shall proceed as follows:

A. Complete construction drawings, specifications and related materials shall be submitted to the administrator and/or city engineer for approval prior to the commencement of construction. The submitted drawings and specifications shall be designed and certified by a registered civil engineer. Construction drawings shall be in conformance with the conditions, if any, of preliminary approval and applicable city standards.

B. Construction of improvements shall not be initiated without authorization by the city. The city shall authorize the developer to proceed with construction after approval of the construction drawings and specifications by the appropriate city departments, including the city engineer. The city may grant approval on the condition that additions or changes are made in the drawings or specifications, or on the inclusion or implementation of mitigating measures necessary to minimize the impacts of the construction on the environment. Conditions required to minimize environmental impacts shall conform with the requirements of the GCMC.

C. Any changes to the construction drawings or specifications involving design of the improvements shall first be reviewed and approved by the city engineer and the appropriate city department.

D. Construction of the improvements shall proceed as shown in the construction drawings and specifications. Construction inspection shall proceed under the supervision of a registered civil engineer. The city engineer or his designee shall inspect construction progress on a regular basis to review compliance with construction plans and required standard. The developer is responsible for all inspection costs.

E. Construction of the improvements shall limit the amount of fugitive dust from becoming airborne by creating a site-specific fugitive dust control plan (FDCP) before starting any new improvement construction. The FDCP should include, but is not limited to, the following components:

1. Identify all potential fugitive dust emission points.
2. Assign dust control methods.
3. Determine the frequency of application.
4. Record all dust control activities.
5. Shut down during windy conditions.
6. Follow the FDCP and monitor dust control efforts.

WAC 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the site. Also, dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts, or damaging property or business.

F. After the completion of construction in accordance with the approved plans and specifications, as-built drawings showing the improvements as constructed shall be certified as true and complete by a registered civil engineer. The certified as-built drawings on reproducible Mylar shall be submitted to the administrator and/or city engineer. When a final plat is involved, the certified as-built drawings are

required to be submitted prior to the acceptance of the subdivision improvements. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.08.030 Bond in lieu of construction limitations.

In lieu of the completion of the actual construction of any required improvement prior to the approval of the final land division, the city may accept a bond in an amount and with surety and conditions satisfactory to the city engineer, attorney and administrator, and consistent with the provision of RCW 58.17.130, only if all of the following conditions are met:

A. The amount of the bond is equal to one hundred fifty percent of the cost to construct the required improvements, as reviewed and approved by the city engineer;

B. The improvements will be completed within two years of the date of final approval;

C. The failure to complete the improvements does not impair the function or operation of the transportation, sewer, water, stormwater and/or other systems; and

D. The applicant for the bond does not have any outstanding improvements that have not been timely completed within other land divisions within the city.

E. The council may grant one extension of the subdivision bond or security for a period not to exceed two years; provided, that the request for an extension is filed with the administrator at least sixty days prior to the expiration date of the bond or security. In the event that time extension is granted, a new subdivision bond or other approved security shall be submitted in an amount sufficient to cover one hundred fifty percent of the cost of completing utility extensions and street improvements. The bond will be updated with new estimates of cost on all uncompleted improvements and all increased cost estimates shall be passed onto the bond. If these increased costs are not accepted by the surety, then the city shall foreclose on the bond and the plat will be held in abeyance. Departments issuing recommendations for new subdivision bonds or other approved security shall not modify the terms and requirements of the bond or security other than to pass on all increased cost estimates as determined by the city engineer to the bond or other security to cover the cost of completing utility extensions and street improvements without the written consent of the applicant. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.08.040 Improvements—Completion and guarantee.

The applicant shall complete the required improvements consistent with the final approval and the approved construction drawings, and shall financially guarantee installation thereof as set forth below in Section 16.08.050, Improvements—Actual construction security for maintenance bond and warranty, and meeting the limitations within Section 16.08.030. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.08.050 Improvements—Actual construction security for maintenance bond and warranty.

A. Prior to actual construction of required improvements and prior to approval of a final land division, the developer shall provide a maintenance bond, cash deposit or an assignment of funds in a form approved by the city attorney and in an amount to be determined by the city engineer sufficient to guarantee actual construction and installation of such improvements within two years of final approval. The assignment of funds shall be held in a separate account by the applicant's financial institution and shall only be released to the applicant upon written approval by the administrator. A schedule for the release of funds shall be approved by the administrator prior to authorization to proceed with construction. In such case where the applicant fails to complete the infrastructure work by the deadline provided herein, the administrator shall have the option of attaching the assignment of funds to ameliorate any outstanding environmental concerns at the project site and/or to complete the project. The amount of the security for completion shall not be less than one hundred fifty percent of the city engineer's estimate of the cost of such improvements, but the city engineer may

set a higher percentage based upon the complexity of the project. In addition, before acceptance by the city of the improvements, the developer shall file a maintenance bond or other suitable security in a form approved by the city attorney and in an amount to be determined by the city engineer guaranteeing the repair or replacement of any improvement or any landscaping which proves defective or fails to survive within a minimum two-year time period after final acceptance of the improvements or landscaping by the city. The maintenance bond shall be one hundred percent of the actual construction costs of the improvements/landscaping. The city shall withhold acceptance of the improvements until any required security for completion and the required security for maintenance are filed.

B. The administrator may enforce the assignment of funds or other security required by this section according to their terms, pursuant to any and all legal and equitable remedies. In addition, any assignment of funds or other security filed pursuant to this section shall be subject to enforcement in the following manner:

1. In the event the improvements are not completed as required, or maintenance bond is not performed satisfactorily, the administrator shall notify the property owner and the guarantor in writing, which shall set forth the specific defects which must be remedied or repaired and shall state a specific time by which such shall be completed.

2. In the event repairs or warranty are not completed as specified in the notice referred to in subsection B1 of this section by the specified time, the administrator may proceed to repair the defect or perform the warranty by either force account, using city forces, or by private contractor. Upon completion of the repairs or maintenance, the cost thereof, plus interest at twelve percent per annum, shall be due and owing to the city from the owner and guarantor as a joint and several obligation. In the event the city is required to bring suit to enforce maintenance, the developer and guarantor shall be responsible for any costs and attorneys' fees incurred by the city as a result of the action.

3. In the event that the security is in the form of an assignment of funds or cash deposit with the administrator, the administrator may deduct all costs set forth in this section from the assignment of funds or cash on deposit and the developer shall be required to replenish the same for the duration of the guaranty period. (Ord. 996 § 2 (Exh. A) (part), 2011)

Chapter 16.10

STANDARDS

Sections:

16.10.010 Land division names.

No land division shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the county, except for the words "town," "city," "place," "court," "addition," "acres," "heights," "villa," or similar words, unless the land so divided is contiguous to the land division bearing the same name. All land divisions must continue the block numbers of the land division of the same name last filed. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.10.020 Lot standards.

A. Suitability for Intended Use. All lots shall be suitable for the general purpose for which they are intended to be used. No lot shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision or such lot.

B. No lot shall be established which is in violation of any provisions of the Grand Coulee Municipal Code.

C. Lot shapes shall be designed to avoid awkward configuration or appendages.

D. Each lot shall have sufficient width, area and frontage to comply with the minimum site requirements as set forth in Title 17, Zoning.

E. As much as possible, where topography and natural features permit, side lot lines should run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.

F. Where watercourses, topography, geology and soils, vegetation, utilities, lot configuration, or other unique circumstances dictate a different building envelope than that set by Title 17, Zoning, building setback lines may be required to be shown on the final plat and observed in the development of the lot.

G. Where the land division will result in a lot one-half acre or larger in size which is likely to be further divided in the future, it may be required that the location of lot lines and other details of layout be such that future division may readily be made without violating the requirements of this section and without interfering with orderly extension and connection of adjacent streets. It is intended that the lot lines and other details of future land divisions be advisory only, and shall not be final or binding on the applicant unless further application is made; however, any restriction of buildings within future street locations may be imposed and may require such restrictions to be set forth on the final plat. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.10.030 Exceptions to lot standards.

A lot of record created prior to the effective date of the Grand Coulee Municipal Code that does not meet the minimum area or dimensional requirements of the land use district in which it is located shall be considered a conforming lot of record if no adjoining lots of record with continuous boundary(ies) in the same ownership to which the substandard lot can be merged in title, or with which the lot lines can be adjusted to

create lots of record which would comply with the GCMC. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.10.040 Easements.

Wherever feasible, all city-owned and non-city-owned utilities and capital facilities shall be located within the established rights-of-way. As determined by the city, where locations within the public rights-of-way are not feasible or practical, the following provisions shall be adhered to. Public easements for the construction and maintenance of utilities and public facilities shall be granted, as determined by the city, to provide and maintain adequate utility service to each lot and adjacent lands.

A. The widths of the public easements shall be the minimum necessary as determined by the utility, unless the administrator determines a smaller or larger width is appropriate based on site conditions. Whenever possible, public easements shall be combined with driveways, pedestrian access ways and other utility easements.

B. Where authorized by the city, private easements for the construction and maintenance of utilities within the land division shall be granted so that individual lots gain access to public facilities. The widths of the private easements shall be the minimum necessary as determined by the utility, unless the administrator determines a larger width is appropriate based on the site conditions.

C. Where authorized by the city, easements for utility mains or lines shall be held to prohibit the placement of any building on or over the easement, but shall not preclude landscaping of an appropriate variety as determined by the city. Restoration shall be required of the site following any excavation or other disturbance permitted by the easement.

D. Easements required by this section shall be granted by the terms and conditions of such easements being shown on the final plat or short subdivision or by separate instrument. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.10.050 Water supply.

All lots shall be served by the city's water system. Water distribution systems shall be designed and constructed according to all applicable provisions of the Grand Coulee Municipal Code, city's construction standards and specifications, and the applicable rules and regulations of the state. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.10.060 Sewage disposal.

A. All lots shall be served by the sanitary sewer system as approved by the city of Grand Coulee. Except for private side sewers, any common sanitary sewer system serving more than one lot shall be provided by the applicant and dedicated to city. Such sewer systems shall be designed and constructed according to all applicable provisions of the Grand Coulee Municipal Code and the city's construction standards and specifications.

B. Developments within the city's urban growth area shall hook up to the municipal sewer system as provided by the GCMC. No new on-site septic systems will be allowed within the city limits of the city of Grand Coulee except where a temporary exception is granted by the city, upon the recommendation of the city engineer per Title 13. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.10.070 Storm drainage.

A. All lots shall be provided with adequate storm water facilities approved by the city.

B. Where a public street is to be dedicated or improved by the applicant as a condition of preliminary approval, the applicant shall provide and dedicate any required storm drainage system in the street.

C. When appropriate, storm drainage facilities shall include suitable on-site detention and/or retention facilities.

D. Storm drainage shall be provided in accordance with city's construction standards and specifications and approved by the city engineer.

E. Easements shall be dedicated as provided within this title. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.10.090 Underground utilities.

All permanent utility service to lots shall be provided from underground facilities as set forth in the Grand Coulee Municipal Code regulating underground wiring. The applicant shall be responsible for complying with the requirements of this section, and shall make all necessary arrangements with the utility companies and other persons or corporations affected by installation of such underground facilities in accordance with the rules and regulations of the Public Utility Commissioner of the state of Washington. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.10.100 Water and sewer standards.

All city water and sewer facilities shall be designed and constructed in compliance with Title 13, the city's construction standards and specifications, and all applicable local, state and federal regulations. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.10.110 Street standards.

A. All street improvements, grades, and designs shall be designed and constructed in compliance with the city's construction standards and specifications, and all applicable local, state and federal regulations.

B. When required by the city to mitigate anticipated impacts of a new land division, the developer shall incorporate features into the layout of the street circulation system to minimize cut-through traffic of the proposed development and/or surrounding neighborhoods.

C. Proposed single-access subdivision streets ending in cul-de-sacs, hammerheads or loop roads shall not exceed two hundred fifty lineal feet in length.

D. Design and construction shall adhere to the International Fire Code, as applicable.

E. Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way widths or slope easements may be required. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.10.120 Boundary street right-of-way and improvement standards.

A. The street right-of-way along the boundary of a land division shall conform to the city's street construction standards and specifications. If an existing right-of-way abutting the subject property, on the outside boundary of a proposed land division, does not conform to the required width, based on the street classification as identified in the comprehensive plan, the applicant shall dedicate right-of-way to one-half of the needed total width.

B. Boundary streets shall at the minimum provide curb, gutter and sidewalks according to the city's adopted construction standards and specifications, which shall be installed according to the city's determination as to overall benefit for both vehicle and pedestrian circulation.

C. Blocks shall not cause land-locked property along the boundaries of the proposed plat. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.10.130 Street lights.

All subdivisions shall include underground electric service, light standards, wiring and lamps for street lights according to city and appropriate utility purveyor requirements. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.10.140 Monuments.

Permanent survey control monuments shall be provided for all final land divisions as follows:

A. All controlling corners on the boundaries of the land divisions;

B. The intersection of centerlines of roads within the land divisions; and

C. The beginning and ends of curves on centerlines or points of intersections on tangents.

D. Permanent survey control monuments shall be the standard concrete monuments as required by Grant County or city-approved equivalent. Permanent survey control monuments within a street shall be marked by a two-inch diameter by twenty-four-inch-long galvanized iron pipe with a cap identifying the surveyor or survey company that placed the monu-

ment and shall be set after the street is paved. Every lot corner shall be marked by rebar at least one-half-inch diameter by twenty-four inches long with a cap identifying the surveyor or survey company that placed the monument. Said pipe or city-approved equivalent shall be driven into the ground. If any land in a land division is contiguous to a meandered body of water, the meander line shall be reestablished by survey and shown on the final plat. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.10.150 On-site pedestrian, recreation and trail corridors.

All subdivisions shall ensure provisions are made for safe and convenient pedestrian and/or bicycle access circulations systems by providing on-site sidewalks, recreation, and trail corridors. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.10.160 Public access ways.

A. When necessary for public convenience or safety, the developer shall improve and dedicate to the public access ways to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to schools, parks, shopping centers, transit stops, trails, or other community services.

B. The access way shall be of such design, width and location as reasonably may be required to facilitate public use and shall comply with the city's adopted construction standards and specifications, particularly those regulating walkways, sidewalks, and trails. Where possible, said dedications may also accommodate utility easements and facilities. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.10.170 Clearing and grading.

All clearing and grading shall be conducted in compliance with the provisions set forth in the GCMC applicable to clearing and grading. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.10.180 Survey required.

The survey of every proposed land division shall be made by or under the supervision of a land surveyor registered in Washington State. All surveys shall conform to standard practices and principles for land surveying as set forth in the laws of the state of Washington and the submittal requirements of the GCMC. Land division control and staking traverses shall close within an error of one foot in five thousand feet for residential and subdivision lots, and one foot in ten thousand feet for commercial and industrial development. Primary survey control points shall be referenced to section corners and monuments. (Ord. 996 § 2 (Exh. A) (part), 2011)

Chapter 16.12

FINAL PROCESS

Sections:

16.12.010 Final submittal and contents.

A. The final land division shall incorporate all conditions of the preliminary approval, including those imposed by the hearing examiner.

B. All final land division submittals shall include the following:

1. A minimum of ten copies of the proposed final short plat, plat or binding site plan;

2. Appropriate fees;

3. Three copies of a plat certificate issued within sixty days of submittal; and

4. Maps and exhibits shall also be submitted in one of the following electronic file formats:

a. AutoCAD .dwg (National CAD Standard);

b. ESRI .shp (fully thematically classified layers);

c. Microstation .dgn (National CAD Standard); or

d. Other format approved by the administrator.

C. The final plat shall show:

1. A description of the boundaries of the land being divided, including the objects that fix the corners, the length and direction of the lines, and the land area;

2. A description of the lots, tracts, or parcels together with the legal description of the private roads and easement therein, all prepared by or under the direction of a registered land surveyor;

3. The location of permanent features outside the land to be divided which will have an impact upon the land division, such as all adjacent existing or platted streets and roads, watercourse, railroad rights-of-way, all utility rights-of-way, township lines and section lines;

4. The location of existing houses and outbuildings, with notation as to type of structure, sufficiently accurate to ensure compliance with setback requirements;

5. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto;

6. Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, the date, scale of map, and north arrow;

7. Any other data necessary for the interpretation of the various items and locations of the points, lines and areas shown;

8. The boundary lines to scale of the land to be divided and each lot contained therein;

9. Ties to adjoining surveys of record;

10. When elevations are needed, permanent bench mark(s) shall be shown on the final plat in a location and on a datum plane approved by the city;

11. The final plat shall indicate the actual net area for each platted lot exclusive of the right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet;

12. The final land division shall show or be accompanied by a map showing the control system through which the coordinates were determined from points of known coordinates in conformance with RCW 58.09.070;

13. Layout and names of adjoining land divisions shall be shown within and adjacent to the land division boundary;

14. The layout, lot and block numbers, and dimensions of all lots shall be shown;

15. Street names shall be shown;

16. Street addresses for each lot shall be shown;

17. Plat restrictions required as conditions of preliminary approval shall be shown;

18. Appropriate utility easements shall be shown;

19. A notarized certification by the owner(s) as shown on a current plat certificate shall be provided dedicating streets, areas intended for other public use, and granting of easements for slope and utilities;

20. The location and widths of any easements and rights-of-way for public services or utilities within the area contained within the division;

21. The boundaries of all lands reserved in the deeds for the common use of the property owners of the division;

22. Any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas, and connections to adjacent state highways shall be shown; and

23. Plat maps shall show the location of environmentally sensitive areas, including, but not limited to, wetlands, shorelines, and streams. All pertinent information shall be shown on the preliminary and final plat maps.

D. All surveys shall comply with the Survey Recording Act (Chapter 58.09 RCW), survey and land descriptions (Chapter 332-130 WAC), and city standards for road construction. The contents of a final land division shall include the following:

1. The final plat shall be a legibly drawn, printed, or reproduced permanent map. Final plats shall measure eighteen by twenty-four inches. A two-inch margin shall be provided on the left edge, a three-quarter-inch on the top margin and one-half-inch margins shall be provided on the right and bottom edges. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.

2. The file number of the land division, location by section, township, and range shall be shown.

3. The final plat scale shall be one inch equals fifty feet or one inch equals one hundred feet. If approved by the administrator, an alternate scale may be used which does not exceed one inch equals two hundred feet, provided a copy at a reduced scale of one inch equals four hundred feet is also submitted.

4. A distinct wide boundary line shall delineate the boundary of the land division.

5. The allowable error of mathematical closure for the final plat map shall not exceed one foot in eighty thousand feet or 0.04 foot, whichever is greater.

6. Bearings and lengths are to be shown for all lines; no ditto marks are to be used.

7. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist.

8. Plat boundary and street monument lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a nontangent line. Spiral curves shall show chord bearing and length.

9. Lots along curves shall show arc length along curve and radial bearings at lot corners. If a curve table is provided, it shall show angle for each segment of the curve along each lot, arc length, tangent length, and radius. Radial bearings along lot lines will not be required.

10. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds.

11. The location and widths of existing and proposed streets, alleys, rights-of-way, easements, parks and open spaces within the land division, including those existing immediately adjacent to the land division, shall be shown. Areas to be dedicated to the public must be labeled.

12. A certification signed by a professional land surveyor registered in the state of Washington stating that the final land division and final plat was surveyed and prepared by them, or under their supervision; that the plat is a true and correct representation of the subject land; and that monumentation has been established as required by city standards.

E. The final plat shall make provisions for the following signatures:

1. City engineer;
2. Administrator;
3. Utilities director, as necessary;
4. County treasurer;

5. County assessor;
6. County auditor (recording number);
7. Fire department representative; and
8. Signatures of all person/entities identified on the plat certificate as having a fiduciary, fee or ownership interest in the property, which includes beneficiaries of financial interest, judgments and liens. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.12.020 All final land division review and approval requirements.

A. All requests for final approval of a preliminarily approved land division must be acquired within five years of said, preliminary approval, after which time the preliminary approval is void. A one-time request for a one-year extension may be granted by the applicable review authority, which shall be the same review authority responsible for the preliminary approval, if the applicant has attempted in good faith to submit the final land division within the five-year time period; provided, however, the applicant must file a written request with the city requesting the extension at least thirty days before expiration of the five-year period.

B. The final land division request packet shall include the application, documents, certification, survey data and improvements security or construction requirements as set forth in the submittal requirements and any checklists as may be developed by the administrator.

C. The final approval application materials shall be distributed to the departments that reviewed the preliminary application.

D. The final land division shall be approved, disapproved, or returned to the applicant for modification or correction within thirty days from the date of filing unless the applicant consents to an extension of such time period.

E. The city shall ensure that the administrator and the city engineer, or a licensed professional engineer acting on behalf of the city, review the survey data, layout of lot lines, streets, alleys and other rights-of-way, design of bridges, and utility systems improvements including storm drainage, water and sanitary sewer. The administrator shall assure, in writing, that the following items have been completed:

1. The proposed final land division meets all standards established by state law, the GCMC and all required preliminary conditions of approval, including conformance with the final drawings and land division improvements;

2. The proposed final plat bears the certificates and statements of approval required by the GCMC;

3. A current title insurance report furnished by the developer confirms the title of the land in the proposed final land division is vested in the name of the owners whose signatures appear on the final plat;

4. The legal description of the plat boundary on the current title insurance report agrees with the legal description on the final plat;

5. The facilities and improvements required to be provided by the developer have been completed or, alternatively, that the developer has provided a security in an amount and with securities commensurate with improvements remaining to be completed, securing to the city the construction and installation of the improvements, as provided for in this title; and

6. The surveyor has certified that all survey monument lot corners are in place and visible.

F. The appropriate review authority shall review final land divisions based on the following:

1. A determination whether the proposed final land division conforms to all terms of preliminary approval, and whether the land division meets the requirements of this title, applicable state laws and all other local ordinances adopted by the city which were in effect at the time of preliminary approval. Said determination shall be based upon the written recommendation of the city engineer, administrator and any other applicable review authority.

2. If the conditions have been met, the appropriate review authority shall inscribe and execute the written approval on the face of the final plat. If the review authority disapproves the proposed final land division, it will be returned to the applicant with written reasons for denial and requirements for gaining compliance.

3. The city shall make written findings that appropriate provisions have been made for the public health, safety, and general welfare, including open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools, and school grounds.

G. No final land division shall be recorded unless approved by the city according to the provisions herein. The original of an approved final land division shall be filed for record with the county auditor.

H. Prior to recording, the applicant shall submit the original final plat drawings on Mylar to the city together with the final land division review fees and performance bond(s). After approval of the final plat drawings, the city shall be the final signature affixed on the face of the final plat, and shall submit the city-approved original final plat drawings to the county auditor together with the recording fees which shall be paid for by the applicant. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.12.030 Final subdivision.

Final subdivisions shall be reviewed and approved pursuant to the provisions of Section 11.09.080, Procedures for closed record decisions and appeals, by the city council. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.12.040 Final short subdivision.

A. Final short subdivisions shall be reviewed and approved pursuant to the provisions of Section 11.09.040, Type II administrative review of applications.

B. Land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final subdivision, except that when the short subdivision contains fewer than four parcels, nothing in this title shall prevent the filing of an alteration within the five-year period to create up to a total of four lots within the original short subdivision boundaries. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.12.050 Final binding site plan.

A. Final binding site plans shall be reviewed and approved pursuant to the provisions of Section 11.09.040, Type II administrative review of applications.

B. Binding site plans shall be drawn as provided for in this title, and shall include the design of any lots or building envelopes and the areas designated for landscaping and vehicle use.

C. Approved binding site plans shall be binding and all provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any person acquiring a lease or other ownership interest of any lot, parcel or tract created pursuant to the binding site plan. A sale, transfer, or lease of any lot, tract or parcel created pursuant to the binding site plan that does not conform to the requirements of the binding site plan approval shall be considered a violation of this title, and shall be restrained by injunctive action and shall be illegal as provided in Chapter 58.17 RCW, Plats—Subdivisions—Dedications.

D. All subsequent development shall be in conformity with the approved binding site plan. Each binding site plan document shall reference the requirement for compliance with the binding site plan approval.

E. Amendments to or vacations of an approved binding site plan shall be made through the process of this title. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.12.060 Final plat alteration.

Final plat alterations that have previously been reviewed and approved pursuant to Chapter 16.08 shall be reviewed and approved pursuant to the provisions of Section 11.09.050, Type III quasi-judicial review of applications. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.12.070 Final plat vacation.

Final plat vacations that have previously been reviewed and approved pursuant to Chapter 16.08 shall be reviewed and approved pursuant to the provisions of Section 11.09.050, Type III quasi-judicial

review of applications. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.12.080 Final boundary line adjustment.

Final boundary line adjustments that have previously been reviewed and approved pursuant to Chapter 16.08 shall be reviewed and approved pursuant to the provisions of Section 11.09.030, Type I administrative review of applications. (Ord. 996 § 2 (Exh. A) (part), 2011)

16.12.090 Filing final land division approval request—Summary process.

The request for final land division, including all required drawings and application materials, shall be submitted to the city for review. The request shall be routed to appropriate city departments and other agencies in order to review for compliance with the conditions of approval and applicable regulations and/or purveyor requirements. Once all reviewing entities are satisfied that all conditions have been met, or appropriate bonding and surety obtained, the final plat Mylar shall be submitted to the city by the applicant, after all but the city signatures have been obtained. Once all required city signatures are obtained, the administrator shall take the final Mylar plat to the appropriate Grant County departments for the required signatures, and then shall record the completed final plat with the county auditor. All fees required to record the final land division shall be paid by the applicant. (Ord. 996 § 2 (Exh. A) (part), 2011)

Title 17

ZONING

Chapters:

Chapter 17.04

GENERAL PROVISIONS

Sections:

17.04.010 Authority.

This title is adopted pursuant to Chapters 35A.63 and 36.70A RCW which empower a city to enact a zoning ordinance and provide for its administration, enforcement, and amendment. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.04.020 Purpose.

The purpose of this title is to further the goals and policies of the comprehensive plan for the physical development of the city. The objectives of this title are to protect the public health, safety and welfare; encourage the orderly growth of the city; promote compatible uses of land; provide desired levels of population density and intensity of land use; facilitate adequate levels of community services and utilities; and to provide workable relationships between land uses, the transportation system, and the environment. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.04.030 Applicability.

The provisions of this title shall apply to all lands, buildings, structures and uses classified under this title. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.04.040 Interpretation—Conflicting provisions.

A. The provisions of this title shall be held to constitute the minimum requirements for the protection of the public health, safety and welfare of the citizens of the city. It is not the intent of this title to interfere with, abrogate or annul any private easement, covenant or other agreement between parties; provided, that where this title or other applicable codes or ordinances impose greater restriction upon the use of land or buildings, or require a larger space than is imposed or required by said private codes, the provisions of this code shall control.

B. Except for Title 11, Development Code Administration, other GCMC chapter and section headings, captions, illustrations and references to other sections or titles are for reference or explanation only and shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section. In case of any ambiguity, difference of meaning or implication between the text and any heading, caption or illustration, the text shall control. All applicable requirements shall govern a use whether or not they are cross-referenced in text section or land use table.

C. In the event a particular use is not referenced in a text section or land use table, the mayor or his/her designee shall, after considering all relevant factors of the use, determine which use it is most like and classify it accordingly. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.04.050 Relationship to other regulations.

Other applicable federal, state, or local statutes, regulations, ordinances, and plans have a direct impact on the development of land in the city. The number and type may vary from time to time. Where provisions of other applicable federal, state or local statutes, regulations, ordinances and/or plans overlap or conflict with provisions of this title, the more restrictive provisions shall govern. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.04.060 Compliance.

A. No building, structure, or land use activity shall be established, enlarged, constructed, altered, moved, or otherwise changed except in conformance with this title.

B. Creation of or changes to lot lines shall conform with the use provisions, dimensional and other standards, and procedures of this title and Chapter 58.17 RCW as now exist or as may be hereafter amended.

C. All land uses and development authorized by this title shall comply with all other regulations and/or requirements of this title as well as any other applicable local, state, or federal law.

D. Where more than one part of this title applies to the same aspect of a proposed use or development, the more restrictive requirement shall apply. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.04.070 Severability.

Should any chapter, section, subsection, paragraph, sentence, clause, or phrase of this title be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this title. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.04.080 Definitions.

Words, terms and phrases used in this title are defined in Chapter 11.17, Definitions, as now exists or as may be hereafter amended, and as supplemented herein. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.08

USE DISTRICTS DESIGNATED

Sections:

17.08.010 Zoning districts and map designations.

In order to accomplish the purposes of the city of Grand Coulee comprehensive land use plan, this title and Chapters 35A.63 and 36.70A RCW, the following zoning district designations and zoning map symbols are established:

Abbreviation/Map Symbol	Zoning Designation
R-1	Residential, Low Density
R-2	Residential, Medium Density
R-3	Residential, High Density
C-B	Central Business District
C-H	Highway Commercial District
I-G	General Industrial

(Ord. 997 § 2 (Exh. A) (part), 2011)

17.08.020 Zoning district and map designation purpose.

The purpose statements for each zoning district and map designation set forth in the respective chapters shall be used to guide the application of the districts and designations to all lands within the city of Grand Coulee. The purpose statements shall also guide interpretation and application of development regulations within the districts and designations, and any changes to the range of permitted uses within each district through amendments to this title. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.12

USE DISTRICTS MAPS AND BOUNDARIES

Sections:

17.12.010 Districts established—Dating of map—Copy on file.

The location and boundaries of the districts designated in Chapter 17.08 are established as shown on the map entitled "Official Zoning Map of the city of Grand Coulee." The official zoning map shall be dated with the effective date of the ordinance adopting this title, and signed by the mayor of the city of Grand Coulee and the city clerk. The signed copy of the zoning map shall be maintained on file with the clerk of the city of Grand Coulee and is made a part of this title. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.12.020 Interpretation of zoning maps.

Where uncertainties exist as to the location of any district boundaries, the following rules of interpretation shall apply:

A. Where boundaries are indicated as paralleling the approximate centerline of the road right-of-way, the zone shall extend to each adjacent boundary of the right-of-way centerline.

B. Where boundaries are indicated as approximately following lot lines, the actual lot lines shall be considered the boundaries.

C. Where boundaries or portions thereof are indicated as following municipal corporation lines, topography or natural boundary lines, lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change, the district boundaries shall change correspondingly.

D. When a zoning district line purposely divides a land parcel, such parcel shall be subject to the procedures and requirements of the respective districts as applied.

E. If none of the rules of interpretation described in subsections A through D of this section apply, then the zoning boundary shall be determined by map scaling. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.12.030 District boundaries—Adjustment.

Where a district boundary divides a parcel of land under single ownership into two or more districts, the entire parcel shall be classified for the less restrictive use by the administrative adjustment of the boundaries by the mayor or his/her designee; provided, that the administrative adjustment is a distance of less than twenty feet. If the adjustment involves a distance greater than twenty feet, the procedures for a district reclassification shall be followed. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.12.040 Areas not specifically shown.

All areas not specifically shown on a zoning map as part of a zoning district shall be deemed to be classified in the district most appropriate to the land use designation of the comprehensive plan. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.12.050 Zoning of land upon annexation.

At the time of initiating any proposed annexation of property to the city, the city council shall stipulate precisely the zoning classification or classifications of the area to be annexed. The zoning classification or classifications applied to the newly annexed area or areas shall be consistent with and as shown on the land use designations map in the Grand Coulee comprehensive plan. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.16

GENERAL REGULATIONS AND STANDARDS

Sections:

17.16.010 Purpose and intent.

The purpose of the general use district regulations and standards is to provide a concise reference for bulk, density and setback regulations, as well as general requirements that are common to many different zoning districts. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.16.020 Access.

A. No building shall be erected or moved onto any lot, tract or parcel of land unless the lot, tract or parcel of land has reasonably efficient access for emergency vehicles. Standards of development for access shall be as required by the city's development standards.

B. Lots created adjacent to public streets designated as arterials by the adopted comprehensive plan shall either be provided access from another adjoining public street (not designated an arterial) or by a joint access established through a private easement; provided, that the easement will be utilized by two or more properties and is not located within one hundred fifty feet of another joint access easement or public street or road intersection. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.16.030 Setbacks and dimension requirements.

Building setbacks and lot dimensional requirements shall be as provided in Table 17.16.030.

Table 17.16.030
Setbacks and Lot Dimensional Requirements

Zone	Minimum Square Feet	Minimum Width	Setbacks		
			Front	Rear	Side
R-1	7,500	75 feet	20 feet	15 feet	5 feet
R-2	6,000	60 feet	20 feet	15 feet	5 feet
R-3	5,000	50 feet	15 feet	10 feet	5 feet
C-B	B	B	0 feet	0 feet	0 feet
C-H	B	B	0 feet	0 feet	0 feet
I-G	B	B	0 feet	0 feet	0 feet

A. Residential Yard Requirements.

1. Irregular shaped lots or lots located on a cul-de-sac shall maintain a front yard setback of twenty feet from the front property line or at the point the subject lot measures sixty feet in width, whichever is greater.

2. Corner lots shall maintain one rear yard.

3. Corner lots shall be viewed as having two required front yards.

4. R-1 setbacks apply to residential uses in non-residential districts.

5. Structures accessory (i.e., carports, garage, etc.) to any residence may be erected within five feet of any rear property line if said structure is a distance of ten feet from any residential building and not more than fifty percent of the required rear yard is covered with structures.

B. Commercial and Industrial Yard Requirements.

1. Minimum lot size: sufficient size to accommodate the use(s) and minimum provisions in this title for such requirements relating to access, off-street parking, landscaping, storm drainage, minimum yards, etc.

2. Minimum lot width: sufficient size to accommodate the use(s) and minimum provisions in this title for such requirements relating to access, off-street parking, landscaping, storm drainage, minimum yards, etc. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.16.040 Permitted intrusions into required yards.

A. Cornices, eaves and other similar architectural features may project from the foundation wall into any minimum yard setback requirement a maximum distance of two and one-half feet.

B. Chimneys are considered a part of the structure of the building and are not permitted to project into a required yard.

C. Open, unwalled and uncovered steps, ramps, not more than four feet in height may extend into the required front or rear yard setback requirement not more than five feet.

D. Decks and patio covers may be permitted to encroach into all residential district rear yard setbacks, provided a minimum setback of five feet is retained, and provided such deck be not more than sixteen inches above existing natural grade measured at deck floor from the highest point, and provided that such patio cover is not enclosed in any manner. A building permit is required.

E. Awnings and marquees may be allowed within required front yards and over sidewalks or public rights-of-way in commercial and industrial zones if all the following requirements are satisfied:

1. The zoning administrator (or designee) determines that placement of the awning or marquee within the setback areas or over the public sidewalk does not impede vehicular or pedestrian traffic flow or create any other type of hazard to the public.

2. The awning or marquee is specifically designed to benefit pedestrians by the providing of shelter and creating a friendlier pedestrian environment.

3. That development of an awning or marquee within the setback area or over public sidewalk is consistent with goals of the comprehensive development plan, the standards of the specific zone in which it is proposed to be located and consistent with the character of the surrounding neighborhood.

4. The city's building codes and fire codes are satisfied for the structure and location. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.16.050 Height, bulk and density requirements.

Height, bulk and density requirements shall be those provided in Table 17.16.050.

Table 17.16.050
Height, Bulk and Density Requirements

Zone	Maximum Height	Maximum Lot Coverage	Maximum Density
R-1	30	None	4 DUA
R-2	30	None	10 DUA
R-3	30	None	20 DUA

Table 17.16.050
Height, Bulk and Density Requirements (Continued)

Zone	Maximum Height	Maximum Lot Coverage	Maximum Density
C-B	35	None	None
C-H	35	75%	None
I	35	None	None

DUA = Dwelling Units per Acre

A. Building Height Exceptions. The following types of structures or structural parts are not subject to the building height limitations of this title: aerials, belfries, chimneys, church spires, cupolas, domes, fire and hose towers, flagpoles, monuments, radio or television antennas, water towers, windmills and other similar projections. (Ord. 1021 § 2, 2014: Ord. 997 § 2 (Exh. A) (part), 2011)

17.16.060 Development standards.

A. Swimming Pools. Swimming pools shall be enclosed by a solid or woven wire fence at least forty-two inches high, with a locking entry gate, and must meet the minimum yard requirements of the applicable district. Swimming pools shall not be placed in the front yard setback.

B. Fences. In any use district, no fence shall exceed the following in height:

1. Front yard and side street yard: forty-two inches maximum height as measured from the finished grade of the lot within ten feet of the front lot line; however, fences that do not impede visibility, such as chain link fences without slats, may be up to forty-eight inches within ten feet of the front lot line. On corner lots and when located within a vision clearance area at intersections as defined in subsection C of this section, no fence or other physical obstruction shall be higher than forty-two inches as measured from the established road grade, except that a chain link fence without slats may be up to forty-eight inches within the clear view triangle.

2. Side yard: a maximum of forty-two inches in height as measured from the finished grade of the lot within ten feet of the front lot line to the back point of the front yard setback, at which point it may be a maximum of eight feet in height as measured from the finished grade of the lot. However, chain link fences without slats may be up to forty-eight inches within ten feet of the front lot line.

3. Rear yard: eight feet maximum height from the finished grade of the lot in residential and commercial zones and eight feet maximum height in industrial zones.

4. Barbed wire and concertina wire fences or part of fencing shall not be allowed within the residential zoning districts or commercial zoning districts. Where allowed in the general industrial zoning district the barbed wire and/or razor ribbon (security wire) may only be used on the portion of a fence that is more than six feet high, and shall not exceed the allowable eight feet in height maximum.

5. Fences located within the general industrial district shall not exceed a height of eight feet, unless otherwise provided by federal, state law or this code, and may be located on the front property line pursuant to subsection C of this section, Clear View Triangle.

6. Electric fences shall not be allowed within any zoning district in the city.

7. Double frontage lots within residential districts: double frontage lots within a residential district and located on a collector or arterial road may construct a fence six feet in height on the front lot line adjacent to the arterial or collector. The fence height shall be measured from the established road grade. The following criteria shall be met:

a. Vehicular access is prohibited from the arterial or collector roadway for the affected lot;

b. If a gate is located for each affected lot, that it be designed for pedestrian access only;

c. The fence complies with the minimum standards set forth for clear view triangles; and

d. The fence shall be maintained and kept in good repair.

8. Fences enclosing special public or private buildings: a fence enclosing public or private school grounds, playfields, municipal buildings, cemeteries, or utilities may be a maximum height of eight feet as measured from the established road grade provided the requirements of clear view triangles are observed.

9. Fence posts and decorative features: fence posts and decorative features may exceed the maximum fence height by no more than eighteen inches provided the features are spaced at least six feet apart.

C. Clear View Triangle. In any use district, a clear view triangle shall be maintained at all intersecting public and/or private streets and alleys to maintain unobstructed sight corridors for transportation safety.

1. This area can be determined as follows:

a. At street intersections it shall be determined by measuring twenty-five feet from the point of intersection of the two property lines, along the property lines adjacent to each street. The third side of the triangle shall be a line connecting the end points of the first two sides of the triangle.

b. At a driveway intersection with a street right-of-way it shall be determined by measuring fifteen feet along the road right-of-way and fifteen feet along the edges of the driveway, beginning at the respective points of the intersection. The third side of the triangle shall be a line connecting the end points of the first two sides of the triangle.

2. No sign, structure, fencing, associated landscaping or any other sight obstruction shall be placed within this triangle which exceeds the height of forty-two inches from the street grade.

3. Trees within the clear view triangle shall have their branches removed at the trunk from ground level to a minimum height of eight feet above the ground. In cases in which the clear view triangle will not provide adequate sight distance, the city engineer shall determine the required area needed to reduce hazards to the traveling public.

D. Clearing and Grading. Site preparation for development shall be topographically suited to such use without major earth movement that may result in unsafe or unsightly cut or fill slopes.

E. Utilities. All utilities shall be extended/provided to the subject property pursuant to the current design standards adopted by the city. Adequate provisions shall be made for sanitary sewer, domestic water for public use, irrigation water for landscape maintenance, and/or other health and safety related concerns as deemed necessary.

F. Fire Suppression. All development activity shall meet the minimum provisions for fire suppression pursuant to applicable fire codes.

G. Improvements. New residential land divisions and all nonresidential development shall meet the following minimum standards:

1. Sidewalks. Perimeter curbs, gutters and sidewalks shall be installed along all public streets in conformance with the current design standards adopted by the city.

2. Lighting. Parking lot lights, security lights, or any exterior lighting shall be directed towards the site and/or shall be shielded to keep light from directly projecting over property lines.

3. Development shall not disseminate dust, smoke, fumes, or obnoxious odors nor degrade air quality standards in accordance with state regulations.

H. Residential Performance Standards. All residential dwellings permitted in the city of Grand Coulee shall meet the following provisions. Manufactured home placement within manufactured home parks in existence prior to adoption of the ordinance codified in this chapter, are excluded from these provisions:

1. Minimum ground floor area: five hundred square feet;

2. Foundation. A manufactured home shall have a foundation or skirting that is similar in appearance to foundations of housing built on site;

3. Floor Level. The first finished floor level of a single story residence shall be fifteen inches or less above the exterior grade of the lot. Manufactured homes shall be recessed (pit set) to achieve this;

4. Siding materials shall be wood, masonite, masonry, stucco, vinyl, metal, or other comparable materials. Residential structures shall be completely enclosed between the bottom of the exterior walls and adjacent ground level; and

5. As allowed in Section 17.48.020, District use chart, a designated manufactured home or a manufactured home located on an individual lot, parcel or tract of land shall be no more than ten years past the date of manufacture at the time a permit is requested to place the home on said lot, parcel or tract of land.

I. Multifamily Development Standards. Multifamily development shall meet the following standards:

1. Visual screening of trash areas and other service areas of the development shall be provided through landscape plantings, fencing, or other methods which provide for visual screening and which prevent blowing of trash;

2. Parking areas and buildings shall be provided with landscaping which breaks up the visual impact of the development from adjacent properties, and which prevents the occurrence of noxious weeds. If parking is to be located in the front yard area of the lot, then landscaped buffers must be included between the street and such parking areas;

3. All landscaping must commence immediately upon completion of construction. Landscaping must be maintained to assure long-term viability of plantings; underground or timed water systems may be required for water conservation;

4. Landscape plans shall be submitted as part of the development application process;

5. Stormwater shall be channeled and disposed of on site by dispersal through a grassy area of sufficient size for the anticipated amount of runoff, or by release into a properly designed dump area with appropriate filtration devices, or through other methods to assure no degradation of water sources or increased levels of runoff onto adjoining property.

J. The mayor (or designee) shall review the measures proposed to meet the above standards and shall approve or conditionally approve a building permit application to assure compliance with these standards. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.16.070 Storage standards.

A. General. All storage (including storage of recyclable materials) within all zoning districts shall be wholly within a building or shall be screened from view of the surrounding properties and shall be accessory to the permitted use on the site. There shall be no storage in any front yard.

1. Storage of scrap lumber, metals, glass and other material sold or offered for sale is prohibited unless authorized elsewhere in this title.

2. Storage of all raw materials, machinery, and equipment located in the I-G general industrial district shall be screened on all sides from public view by landscaping and sight-obscuring fencing. Material enclosed within a sight-obscuring fence shall not be placed, stacked or located so as to be visible above the fence.

3. No more than a total of five cars, trucks, boats and recreational vehicles, or a combination thereof, per dwelling may be located outside of an enclosed building on any lot in the R-1 residential district.

4. The storage of inoperable and/or not currently licensed vehicles must be within a six-foot, sight-obscuring fence, hedge, shrubs or maintained landscaped berm along side and rear property lines, or within a completely enclosed building with doors. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.16.080 Public transit.

Property owners and/or developers of proposed residential subdivisions, developments or other types of land uses which generate more than five hundred average weekday vehicle trips as determined by the city's engineer shall negotiate with the public transit authority for provision of facilities that would enhance the area for public transit. Improvements may include bus shelters, pull outs, transit stops, and/or other necessary facilities to offset impacts to the transportation system. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.16.090 Stormwater drainage.

All development within the city shall make provisions for stormwater runoff to be retained and disposed of on site, or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall be designed by a professional engineer, licensed in the state of Washington, using the Stormwater Management Manual published by the Washington State Department of Ecology, as now exists or as may be hereafter amended, for a storm event equal to or exceeding two inches of rainfall in a ninety-minute time period. Stormwater retention, collection and disposal systems shall be reviewed and approved by the city's engineer. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.16.100 Accessory uses and/or buildings and structures.

Accessory uses and/or buildings shall be permitted in conjunction with any principal use or building; provided, that the following criteria are met:

A. The accessory use or building must meet the definitions provided in Section 11.17.018;

B. An accessory building must have been originally and specifically constructed for use as a permanent accessory building unless it is to be located in the industrial district. Cargo containers, truck vans, converted mobile homes and similar prefabricated containers and structures originally built for alternative purposes do not meet this criteria and are prohibited for use as accessory buildings;

C. The use or structure must not be expressly forbidden by this title;

D. Accessory structures shall not be used as a place of human habitation;

E. An accessory building shall be located in a side or rear yard and conform with setback regulations. An accessory structure shall not occupy any part of a required front yard area. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.16.110 Accessory dwelling units.

An accessory dwelling unit, as defined in Section 11.17.015, shall meet the following minimum requirements:

A. Only one accessory dwelling unit shall be allowed per building lot or home site in conjunction with a single-family structure, even if such structure is built on more than one platted lot;

B. An accessory dwelling unit may be attached to, created within, or detached from a new or existing primary single-family dwelling unit;

C. The property owner (which shall include title holders and contract purchasers) shall occupy either the primary unit or the accessory unit as their permanent residence;

D. The accessory dwelling unit will require one parking space, which is in addition to any off-street spaces required for the primary single-family dwelling unit;

E. The floor area for the accessory dwelling unit shall in no case exceed nine hundred square feet, nor be less than three hundred square feet, and the accessory dwelling unit shall contain no more than two bedrooms. Additionally, the square footage of the accessory dwelling unit shall be no more than fifty percent of the area of the primary single-family dwelling;

F. An accessory dwelling unit, together with the primary single-family dwelling unit and other accessory buildings or structures with which it is associated, shall conform to all other provisions of this code, and no variance of yard setback or building lot coverage requirements will be granted;

G. The accessory dwelling unit shall meet the minimum requirements of the Uniform Building Code, Uniform Fire Code, health district and all other local, state and federal agencies;

H. The accessory dwelling unit must be connected to the water and sewer utilities of the dwelling unit and may not have separate services;

I. Future subdivision would require compliance with all applicable parts of the city of Grand Coulee's land division requirements including, without limitation, water and sewer hook-up; and

J. Conversions of accessory storage structures, including without limitation garages and carports, to accessory dwelling units shall only occur when that existing structure meets the required yard setbacks for a residence, including without limitation the rear and side yard requirements. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.16.120 Building codes.

In accordance with the standards and definitions contained in this title, all structures built subsequent to the effective date of the ordinance codified in this title must meet the requirements described and adopted in Title 14 as the same exists now or may be hereafter amended, except that structures that are not built on site shall comply with the provisions of this title and applicable state laws. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.16.130 Relocated structures.

Buildings and structures that were legally constructed on a lot and being moved to a new site shall comply with all applicable codes contained in Title 14 pertaining to any new construction required to place the structure including but not limited to foundation, plumbing and electrical construction. All relocated buildings, structures, including mobile homes and manufactured homes, must meet the minimum design standards for the particular district to which they are to be relocated. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.16.140 Recreational vehicles/recreational vehicle park.

A. No recreational vehicle, travel trailer, or similar vehicle, whether licensed or unlicensed, shall be parked on a public street, alley, or right-of-way for a period of more than sixty hours.

B. Within the residential zoning districts, the temporary occupancy of not more than two recreational vehicles per residence is permitted for a time period not exceeding fourteen days in any three-month period, provided the following minimum standards are met:

1. The unit shall be parked off of the public right-of-way and not within the first ten feet of the front yard area;

2. No rental or lease fees shall be charged for temporary use;

3. The occupants staying in the recreational vehicle shall be the owners or relatives/friends of the owners of the vehicle; and

4. The recreational vehicle shall not be hooked to city water or sewer service, and shall not be skirted in any way.

C. Recreational vehicles shall be located in recreational vehicle parks which shall be for the use of self-contained recreational vehicles only, which may be either motorized or towed. Recreational vehicle parks shall be located according to Chapter 17.48, District Use Chart, and developed in compliance with the following standards:

1. The minimum site size for a recreational vehicle park or campground shall be five contiguous, non-submerged acres.

2. Maximum units per acre shall be twenty, and each recreational vehicle stall shall have no side measuring less than twenty feet.

3. For recreational vehicle parks, the standards governing the length of stay allowed for a recreational vehicle shall be as described below; provided, that each site is clearly designated as to the allowable length of stay on the city approved site plan for the recreational vehicle park. The provisions governing the length of stay for the short-term and temporary sites described below may not be circumvented by rotating a particular recreational vehicle to different sites throughout the park. The recreational vehicle shall be removed from the park, for a period of at least thirty days, prior to being relocated in the park.

a. Short-Term Sites. A minimum of thirty percent of the permitted recreational vehicle stalls shall be limited to stays no longer than twenty-one days. These stays may not be renewed and a particular recreational vehicle shall not be allowed to return to these designated sites for a period of at least thirty days.

b. Temporary Sites. No greater than thirty percent of the permitted recreational vehicle stalls shall be limited to stays no longer than twenty-one days, with renewals of the spaces rented permitted up to a maximum of six months. After renewals every twenty-one days that total six months, any recreational vehicle that must leave the park shall not be allowed to return to any short-term or temporary site within the park for a period of at least thirty days.

c. Extended Stay Sites. No greater than forty percent of the permitted recreational vehicle stalls may be used for extended, unlimited stays provided the following minimum standards are met for the designated extended stay sites:

i. Alterations to the recreational vehicle that would make the unit less mobile are prohibited including but not limited to removing the wheels, removing the towing apparatus, etc.;

ii. Recreational vehicle parks containing "extended stay sites" shall install an approved domestic water and sewage disposal system according to the applicable federal, state and/or local regulations; and

iii. Each extended stay site shall be required to have full hook-ups to utilities, including without limitation power, water and sewer, and each recreational vehicle parked in an extended stay site shall be connected to those utilities at all times.

D. The minimum frontage on a public road or street shall be one hundred twenty-five feet.

E. Traveled roadways on site shall be a paved surface; minimum width shall be:

1. No on-street parking:

a. One-way traffic, twelve feet.

b. Two-way traffic, twenty-two feet.

2. One side on-street parking:

a. One-way traffic, twenty feet six inches.

b. Two-way traffic, thirty feet six inches.

F. Parking lanes where provided shall be eight and one-half feet wide.

G. The recreational vehicle park or campground shall have access from a public road or street. Ingress and egress points shall be located so as not to divert traffic onto residential streets classified as local access by the adopted comprehensive plan.

H. Entrances and exits to the recreational vehicle park shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits.

I. Accessory uses including management headquarters, recreational facilities, restrooms, dumping stations, showers, laundry facilities and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted, provided all applicable health and safety regulations are met, including without limitation regulations governing potable water, sewage disposal and fire safety. One caretaker's residence will be allowed for each recreational vehicle park and/or campground.

J. A minimum of twenty percent of the gross site area for the recreational vehicle park or campground shall be set aside and developed as common use areas for open space. Up to eight percent may be used for enclosed recreation facilities. Recreational vehicle stalls, private roadway, storage area, or utility sites shall not be used for meeting this requirement.

K. Every application for the construction, operation, maintenance, and occupancy for a recreational vehicle park shall be accompanied with plans, specifications, and dimensions, fully setting out the vehicle stalls (spaces), motor vehicle parking spaces, the interior road circulation and design, open space and enclosed spaces for recreational opportunities, landscaping plans and utility infrastructure.

L. Sight-obscuring landscaping, berm or any combination thereof meeting the standards set forth in Chapter 17.56 for conditional uses, as the same exists now or may hereafter be adopted or amended, shall be required to assure compatibility with adjacent uses. All landscaping, recreational, and open space areas shall be maintained free of weeds and trash, and any diseased, damaged, unhealthy, or dead plants shall be replaced in accordance with the approved landscape plan.

M. Recreational vehicle parks and campgrounds shall be kept in a neat, orderly fashion, and shall be subject to all other provisions of the GCMC, includ-

ing without limitation public nuisance, storage, and abandoned vehicle regulations. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.16.150 Utilities.

No building permit shall be issued for any development proposal on any lot that does not have adequate city water, city sewer, and electricity available on site as specified by the city public works superintendent unless the nature of such development does not require these utilities. Additionally, no building permit shall be approved without the certification of the city fire chief indicating that fire control measures (i.e., fire hydrants, sprinkler system, access) are adequate as required by city and state fire code regulations. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.16.160 Vehicle repair, supply and service shops.

Vehicle repair, supply and service shops shall comply with the following standards:

A. All repair of vehicles shall occur inside an enclosed building.

B. All vehicles and parts shall be stored within a sight-obscuring fence (placed within the required landscaping) a minimum of six feet in height.

C. All storage is prohibited within any yard setback. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.18

RESOURCE LANDS AND CRITICAL AREAS DEVELOPMENT

Sections:

17.18.010 Statutory authorization.

The Washington State Legislature has adopted Engrossed Substitute House Bill 2929, further amended by RSHB 1025, the Growth Management Act, which requires certain counties and cities to classify and designate critical areas and resource lands of long-term commercial significance. Local governments required to plan under RCW 36.70A.040 must further adopt regulations to ensure the conservation of agricultural, forest and mineral resource lands and development regulations precluding land uses or development that is incompatible with critical areas designated under RCW 36.70A.170. More recent amendments to the Growth Management Act require Grand Coulee to consider the best available science when classifying, designating and protecting critical areas and resource lands. (Ord. 1077 § 1 (Exh. A), 2021; Ord. 997 § 2 (Exh. A) (part), 2011)

17.18.020 Findings.

A. Growth management, resource land conservation, and critical areas protection share problems related to governmental costs and efficiency.

B. Urban sprawl and the unwise development of resource lands or critical areas susceptible to natural hazards may lead to inefficient use of limited public resources, jeopardize environmental resource functions and values, subject persons and property to unsafe conditions, and affect the perceived quality of life.

C. The cost to remedy the loss of resource lands or critical areas is greater than conserving and protecting them from loss or degradation.

D. The inherent economic, social, and cultural values of resource lands and critical areas should be considered in the development of strategies designed to conserve and protect such lands.

E. This chapter implements the goals and policies of the resource lands and critical areas element of the comprehensive plan. (Ord. 1077 § 1 (Exh. A), 2021; Ord. 997 § 2 (Exh. A) (part), 2011)

17.18.030 Purpose.

A. The purpose of this chapter is to designate ecologically sensitive and hazardous areas and to protect these areas and their functions and values in a manner

that also allows reasonable use of private property. This chapter is intended to:

1. Implement the city of Grand Coulee comprehensive plan (as amended) and the requirements of the Growth Management Act;

2. Protect critical areas, in accordance with the Growth Management Act and through the application of 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;

3. Protect the general public, resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, or steep slopes failure;

4. Protect unique, fragile and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats;

5. Prevent cumulative adverse environmental impacts to water quality and availability, wetlands, and fish and wildlife habitat; and

6. Provide flexibility and attention to site-specific characteristics, so as to ensure reasonable use of property. (Ord. 1077 § 1 (Exh. A), 2021; Ord. 997 § 2 (Exh. A) (part), 2011)

17.18.040 Applicability.

A. Applicability. These critical area regulations shall apply as an overlay to zoning and other land use regulations established by this code (as amended).

1. All land uses and/or development permit applications on all lots or parcels within the city that lie within critical areas as defined herein shall comply with the provisions of this chapter. No action shall be taken by any person that results in any alteration of any critical area except as consistent with the purposes, objectives and intent of this chapter.

2. Where two or more types of critical areas overlap, requirements for development shall be consistent with the standards for each critical area. Where it is determined that a designated critical area is located within the shoreline jurisdiction, the provisions of the shoreline master program will be used to provide protection to that particular critical area(s). If multiple protections (from CAO, other regulations, deed restrictions, covenants, etc.) apply, the most restrictive standards shall be applied.

3. Additionally, any standards found in this chapter may also be applied to a proposal as optional and/or supplemental items to the provisions of the shoreline master program. For designated critical areas outside of the shoreline jurisdiction the provisions of this chapter shall apply.

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. It is not the intent of this chapter to deny a reasonable use of private property, but to assure that development on or near resource lands or critical areas is accomplished in a manner that is sensitive to the environment and resources of the community. (Ord. 1077 § 1 (Exh. A), 2021; Ord. 997 § 2 (Exh. A) (part), 2011. Formerly 17.18.060)

17.18.050 Public agency and utility exception.

A. If 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. To qualify for an exception the agency or utility must demonstrate the following:

1. That there is no other practical alternative to the proposed development which has less impact on critical areas;

2. The application of this chapter would unreasonably restrict the ability to provide utility services to the public;

3. That the proposed use does not pose a threat to the public health, safety or welfare;

4. That the proposal protects critical areas functions and values to the extent feasible and provides for mitigation in accord with the provisions of this chapter; and

5. The proposal is consistent with other applicable regulations and standards.

B. A request for exception shall be submitted to the city with the application materials for the particular development proposal. The application shall be supplemented with an explanation as to how the public agency and utility exception criteria are satisfied. The administrator may require additional information or studies to supplement the exception request.

C. A public agency and utility exception shall be processed by the administrator. (Ord. 1077 § 1 (Exh. A), 2021)

17.18.060 Reasonable use exception.

A. If the application of this chapter would deny all reasonable use of the subject property, the property owner may apply for an exception pursuant to this section. To qualify for an exception the applicant must demonstrate all of the following:

1. That no other reasonable use can be made of the property that will have a lesser adverse impact on the critical area and adjoining and neighboring lands;

2. That the proposed use does not pose a threat to the public health, safety or welfare;

3. Any alteration is the minimum necessary to allow reasonable use of the property; and

4. The inability of the proponent to derive reasonable use of the property is not the result of actions by the applicant after the effective date of this chapter.

B. A request for a reasonable use exception shall be submitted to the city with the application materials for the particular development proposal. The application shall be supplemented with an explanation as to how the reasonable use exception criteria are satisfied. The city may require additional information or studies to supplement the reasonable use exception request.

C. Where a request for a reasonable use exception is granted, impacts to critical areas and buffers shall be mitigated consistent with the purpose and standards of this chapter to the greatest extent feasible.

D. A reasonable use exception shall be processed by the administrator. (Ord. 1077 § 1 (Exh. A), 2021)

17.18.070 Definitions.

Words, terms and phrases used in this chapter are defined in Section 17.82.760, Definitions, as now exists or as may be hereafter amended, and as supplemented herein. (Ord. 1077 § 1 (Exh. A), 2021)

17.18.080 Exemptions.

The activities listed below are exempt from the provisions of this chapter. Exempt activities shall be conducted using all reasonable methods to avoid impacts to critical areas. The decision to declare an activity exempt shall be an administrative decision, subject to Section 17.18.140. Exemption from this chapter shall not be considered permission to degrade a critical area or ignore risks from natural hazards. Incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored or rehabilitated at the responsible party's expense.

A. Emergency construction necessary to protect life or property from immediate damage by the elements. An emergency is an unanticipated event or occurrence which poses an imminent threat to public health, safety, or the environment, and which requires immediate action within a time too short to allow full compliance. Once the threat to the public health, safety, or the environment has dissipated, the construction undertaken as a result of the previous emergency shall then be subject to and brought into full compliance with this title;

B. Normal maintenance or repair of existing buildings, structures, roads, utilities, levees, or drainage systems, provided the activity does not further alter, encroach upon, or increase impacts to critical areas or associated buffers;

C. Existing agricultural activities normal or necessary to general farming conducted according to industry-recognized best management practices, including the raising of crops or the grazing of livestock;

D. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. In every

case, critical area impacts shall be minimized and disturbed areas shall be immediately restored; and

E. Passive recreational activities, including, but not limited to: fishing, bird watching, hiking, hunting, boating, horseback riding, skiing, swimming, canoeing, and bicycling provided the activity does not alter the critical area or its buffer by changing existing topography, water conditions or water sources. (Ord. 1077 § 1 (Exh. A), 2021)

17.18.090 Reference maps and materials.

The city shall maintain reference maps and materials that provide information on the general locations of critical areas. Since boundaries are generalized, the application of this chapter and the actual type, extent and boundaries of critical areas shall be determined and governed by the classification section established for each critical area. In the event of any conflict between the critical area location or designation shown on the city's maps and the criteria and standards established in this chapter, or the site-specific conditions, the criteria, standards and/or site-specific conditions shall prevail. Reference maps and inventories shall include, but are not limited to the following (or, where applicable, any subsequent or amended version):

A. Wetlands map, based upon U.S. Fish and Wildlife Service National Wetlands Inventory;

B. Fish and wildlife habitat area maps, based upon Washington Department of Fish and Wildlife priority habitats and species data;

C. Soils maps, based upon Grant County Soils Survey;

D. Steep slopes map;

E. Flood insurance rate map, Community 530124B, Panel No. H&I-01, 1977;

F. City of Grand Coulee comprehensive plan;

G. City of Grand Coulee shoreline master program;

H. Washington State Wetlands Identification and Delineation Manual (Washington Department of Ecology Publication No. 96-94), as revised;

I. Washington State Wetlands Rating System for Eastern Washington (Department of Ecology Publication No. 4-06-15), as revised;

J. Wetlands in Washington State, Volumes 1 and 2: Managing and Protecting Wetlands (Department of Ecology Publications No. 05-06-006 and No. 05-06-008);

K. Approved critical areas reports, special studies, geotechnical analyses, and other special reports previously completed for a subject property; and

L. Monitoring data. (Ord. 1077 § 1 (Exh. A), 2021)

17.18.100 Designation of critical areas.

A. The city of Grand Coulee 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. (Ord. 1077 § 1 (Exh. A), 2021; Ord. 997 § 2 (Exh. A) (part), 2011. Formerly 17.18.070A)

17.18.110 Critical areas review process.

All land use and building permits shall require that applicants disclose activities within one hundred feet of a known or suspected critical area. The provisions of this chapter shall be applied to any such proposals with the following exception: Where the known or suspected critical area is a fish and wildlife habitat conservation area and a plan or agreement for the habitat or species in question has been prepared and approved by the Washington Department of Fish and Wildlife and the city of Grand Coulee, the provisions of said plan or agreement shall take precedence over the provisions of this critical areas review process. If, based on the provisions of such a plan or agreement, the requirements of any part of the critical areas review process have been waived, all relevant land use/development applications and, where applicable, a SEPA checklist, shall be required. The review process shall proceed as follows:

A. Pre-Application Meeting/Site Visit. Upon receiving a land use or development proposal, the administrator shall schedule a pre-application meeting and/or site visit with the proponent for purposes of

a preliminary determination whether the proposal is likely to result in impacts to the functions and values of critical areas or pose health and safety hazards. At this meeting, the administrator shall discuss the requirements of this chapter and other applicable local regulations; provide critical areas maps and other available reference materials; outline the review and permitting processes; and work with the proponent to identify any potential concerns with regards to critical areas.

B. Agency Consultation. Because species populations and habitat systems are dynamic, agency consultation shall be required where activities are proposed within one hundred feet of a designated fish and wildlife habitat conservation area. The administrator shall consult with Washington State Department of Fish and Wildlife and the U.S. Fish and Wildlife Service to determine the value of the site to federal or state identified endangered, threatened, sensitive, or candidate species; animal aggregations considered vulnerable by the Washington State Department of Fish and Wildlife; and those species of recreational, commercial, or tribal importance that are considered vulnerable by the Washington State Department of Fish and Wildlife. The administrator shall also consult with the Washington State Department of Fish and Wildlife to determine whether the proposed action may affect priority habitat.

C. Application and SEPA Checklist. For all non-exempt proposals, the proponent shall submit all relevant land use/development applications, together with a SEPA checklist.

D. Determination of Need for Critical Areas Report. Based upon the pre-application meeting, application materials, SEPA checklist, and, in the case of fish and wildlife habitat conservation areas, the outcome of the agency consultation, the administrator shall determine if there is cause to require a critical areas report. In addition, the administrator may use critical areas maps and reference materials, information and scientific opinions from appropriate agencies, or any reasonable evidence regarding the existence of critical area(s) on or adjacent to the site of the proposed activity. The determination of need for a critical areas report shall be an administrative decision, subject to Section 17.18.130.

E. Documentation and Notification. The administrator shall document the pre-application meeting and/or site visit, application and SEPA threshold determination, and any other steps or findings (including, in the case of fish and wildlife habitat conservation areas, the agency consultation) that inform the determination whether a critical areas report shall be required. The applicant shall receive notice of the determination and any findings which support it. (Ord. 1077 § 1 (Exh. A), 2021)

17.18.120 Critical areas report.

If the administrator determines that the site of a proposed development potentially includes, or is adjacent to, critical area(s), a critical areas report may be required. When required, the expense of preparing the critical areas report shall be borne by the applicant. The content, format and extent of the critical areas report shall be approved by the administrator.

A. The requirement for critical areas reports may be waived by the administrator if there is substantial evidence that:

1. There will be no alteration of the critical area(s) and/or the required buffer(s);

2. The proposal will not impact the critical area(s) in a manner contrary to the purpose, intent and requirements of this section and the comprehensive plan; and

3. The minimum standards of this chapter will be met.

B. No critical areas report is required for proposals that are exempt from the provisions of this chapter as set forth under Section 17.18.080, Exemptions.

C. Critical areas reports shall be completed by a qualified professional who is knowledgeable about the specific critical area(s) in question, and approved by the administrator.

D. At a minimum, a required critical areas report shall contain the following information and be consistent with best available science:

1. Applicant’s name and contact information, permits being sought, and description of the proposal;

2. A copy of the site plan for the development proposal, drawn to scale and showing:

a. Identified critical areas, buffers, and the development proposal with dimensions;

b. Limits of any areas to be cleared; and

c. A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;

3. The 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, wetlands, water bodies, and buffers adjacent to the proposed project area;

5. An assessment of the probable cumulative impacts to critical areas resulting from the proposed development of the site and noxious weed management;

6. An analysis of site development alternatives;

7. A description of reasonable efforts made to apply mitigation sequencing to avoid, minimize, and mitigate impacts to critical areas;

8. A mitigation plan, as needed, in accordance with the mitigation requirements of this chapter, 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;

9. A discussion of the performance standards applicable to the critical area and proposed activity;

10. Financial guarantees to ensure compliance; and

11. Any additional information required for specific critical areas as listed in subsequent sections of this chapter.

E. The administrator may request any other information reasonably deemed necessary to understand impacts to critical areas. (Ord. 1077 § 1 (Exh. A), 2021)

17.18.130 Administrative review.

A. Administrative Decisions. Where these regulations call for an administrative decision, the administrator shall submit his or her findings and preliminary decision to the city planning department and relevant state and federal agencies, for review at least fifteen days prior to making a final decision, and shall consider timely comments in making a final decision.

B. Agency Review. In any case in which the administrator does not have adequate knowledge or training to determine the sufficiency and accuracy of information contained within a critical areas report or mitigation plan (whether or not an administrative decision is involved), said reports or plans shall be submitted to qualified agencies for review and recommendations prior to acceptance by the city. (Ord. 1077 § 1 (Exh. A), 2021)

17.18.140 Surety/bonding.

If a development proposal is subject to mitigation, maintenance or monitoring plans, the city of Grand Coulee, in a form acceptable to the city attorney may require an assurance device or surety. (Ord. 1077 § 1 (Exh. A), 2021)

17.18.145 Permitting.

All applications for permits to conduct activities located on or near a project site may require a critical areas report per Section 17.18.120. In granting or denying a permit, best available science shall be utilized per criteria set out in WAC 365-195-900 through 365-195-925 and to develop approved mitigation measures. (Ord. 1077 § 1 (Exh. A), 2021; Ord. 997 § 2 (Exh. A) (part), 2011. Formerly 17.18.080)

17.18.150 Permit conditions.

Through the review process, the city of Grand Coulee shall have the authority to attach such conditions to the granting of any approval under this chapter as deemed necessary to alleviate adverse impacts to critical area(s) and to carry out the provisions of this chapter. Such conditions of approval may include, but are not limited to, the following:

A. Specification of allowable lot sizes;

B. Provisions for additional buffers relative to the intensity of a use or activity (e.g., native growth protection areas);

C. Requirements and/or restrictions on the construction, size, location, bulk and/or height, etc., of structure(s);

D. Dedication of necessary easements for utilities, conservation, open space, etc.;

E. Imposition of easement agreements, sureties, deed restrictions, covenants, etc., on the future use and/or division of land;

F. Limitations on the removal of existing vegetation;

G. Limitations on impervious lot coverage;

H. Additional measures to address issues such as erosion control, stormwater management, filling, grading, etc.;

I. Development of a mitigation plan to create, enhance, or restore damaged or degraded critical area(s) on and/or off site; and

J. Any monitoring and/or maintenance plans necessary to implement the provisions of this chapter. (Ord. 1077 § 1 (Exh. A), 2021)

17.18.160 Enforcement.

Violation of the provisions of this chapter, or failure to comply with any of its requirements, shall be subject to enforcement actions by the city administrator that are authorized in the zoning ordinance, subdivision ordinance, shoreline master program or any other land use regulation of the city of Grand Coulee. The city attorney, when authorized by the mayor and council, shall seek additional penalties, remedies, injunctions and other legal sanctions necessary for the enforcement of this chapter and require immediate remedial actions (e.g., restoration plans), proposed and implemented by a qualified professional, to the critical area(s) impacted by said violation. In addition to costs allowed by these regulations, the prevailing party in an enforcement action may, at the court's discretion, be allowed interest and reasonable attorney's fees. The city attorney shall seek such costs, interest, and the reasonable attorney's fees on behalf of the city of Grand Coulee when the city is the party. (Ord. 1077 § 1 (Exh. A), 2021)

17.18.161 Criminal penalties.

As an alternative to any other judicial or administrative remedy provided in this chapter or by law or other ordinance, any person who willfully or knowingly violates any provision of this chapter, or any order issued pursuant to this chapter, or by each act of commission or omission procedures aids or abets such violation is guilty of a misdemeanor, with a minimum fine of one thousand dollars and, upon conviction thereof, shall be punished as determined by the court. (Ord. 1077 § 1 (Exh. A), 2021)

17.18.170 Performance standards.

The applicant shall avoid all impacts that degrade the functions and values of critical areas. If alteration is unavoidable, all adverse impacts to critical areas and buffers resulting from the proposal shall be mitigated in accordance with an approved critical areas report and SEPA documents. Mitigation shall be 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.

A. Mitigation Sequencing. Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for 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, such as project redesign, relocation, or timing, to avoid or reduce impacts;

3. Rectifying the impact to wetlands, critical aquifer recharge areas, flood hazard areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the historical

conditions or the conditions existing at the time of the initiation of the project;

4. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;

5. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;

6. Compensating for the impact to wetlands, critical aquifer recharge areas, flood hazard areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and

7. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

B. Development Standards. In addition to the development standards specific to each type of critical area, all development shall be subject to the following standards:

1. Impervious lot coverage shall be minimized, to the extent consistent with the objectives of the development proposal; and

2. The applicant shall provide for adequate stormwater drainage, based on the findings of the critical areas report and the anticipated impacts of the proposed use.

C. Mitigation Plan. When mitigation is required, the applicant shall submit for approval a mitigation plan as part of the critical areas report. Approval of a mitigation plan shall be an administrative decision, subject to Section 17.18.130.

D. The mitigation plan shall include:

1. A written report identifying mitigation objectives, including:

a. 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 objectives; identification of critical area functions and values; and dates for beginning and completion of site compensation construction activities;

b. A review of the best available science supporting the proposed mitigation and a description of the report author's experience to date in critical areas mitigation; and

c. An analysis of the likelihood of success of the compensation project.

2. Measurable criteria for evaluating whether or not the objectives of the mitigation plan have been successfully attained and whether or not the requirements of this chapter have been met.

3. Written specifications and descriptions of the mitigation proposed, including, but not limited to:

a. The proposed construction sequence, timing, and duration;

b. Grading and excavation details;

c. Erosion and sediment control features;

d. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and

e. Measures to protect and maintain plants until established.

4. A program for monitoring construction of the compensation project, and for assessing the completed project and its effectiveness over time. The program shall include a schedule for site monitoring and methods to be used in evaluating whether 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 from the date of planting, or ten years where establishment of woody vegetation is the intended result. Where a ten-year monitoring program is required, data collection and reporting need not be completed every year. A monitoring schedule based on the findings of the critical areas report and adequate to effectively monitor canopy development shall be established in the mitigation plan.

Identify potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met. (Ord. 1077 § 1 (Exh. A), 2021)

17.18.180 Wetland and riparian areas.

A. Designation. Wetlands in the city shall be designated according to the definition of wetlands in RCW 36.7A.030(21). Wetlands meeting the criteria of that definition shall be subject to these critical areas regulations.

B. Identification, Rating, and Mapping. To date there has been no wetlands mapping done specifically for the city of Grand Coulee area.

1. The city shall pursue accurate identification and rating of all wetlands in its planning area based on the Washington State Wetlands Identification and Delineation Manual (Washington Department of Ecology Publication No. 96-94, or as amended) and the Washington State Wetlands Rating System for Eastern Washington (or as amended).

2. Until funding is obtained to conduct a comprehensive inventory of wetlands, the National Wetlands Inventory (NWI) maps shall be used as a base designation. The NWI maps, along with other supportive documentation, shall be used to review development proposals, but because the National Wetlands Inventory was done at such a broad scale, local verification according to the criteria in this section shall be part of the standard process for identifying and designating wetlands.

3. If the administrator determines that the site of a proposed development potentially includes, or is adjacent to, a wetland, and a critical areas report is required, wetland identification and, where applicable, rating shall be undertaken using the Washington State Wetlands Identification and Delineation Manual. Identification of wetlands and delineation of their boundaries pursuant to this chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplement. 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. Wetland delineations are valid for five years; after such date the city shall determine whether a revision or additional assessment is necessary.

C. Rating. Wetlands shall be rated according to the Washington Department of Ecology wetland rating system, as set forth in the Washington State Wetland Rating System for Eastern Washington: 2014 Update (Ecology Publication No. 14-06-030, or as revised and approved by Ecology). Where federal regulations require use of the U.S. Army Corps of Engineers Arid West Interim Regional Supplement (or as amended) to the 1987 Wetland Delineation Manual, delineation using the Washington State Wetlands Identification and Delineation Manual (Washington Department of Ecology Publication No. 96-94, or as amended) shall also be required.

D. Classification. Wetlands shall be classified as follows:

1. Category I. Category I wetlands are those that:

a. Represent a unique or rare wetland type;

b. Are sensitive to disturbance;

c. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or

d. Provide a very high level of functions.

Generally, these wetlands are not common and make up a small percentage of the wetlands in Eastern Washington. Category I wetlands include alkali wetlands, bogs, natural heritage wetlands, mature and old-growth forested wetlands with slow-growing trees, forested wetlands with stands of aspen, and wetlands that perform many functions well, as measured by the rating system.

2. Category II. Category II wetlands are:

a. Forested wetlands in the channel migration zone of rivers;

b. Mature forested wetlands containing fast-growing trees;

c. Vernal pools present within a mosaic of other wetlands; or

d. Those wetlands with a moderately high level of functions.

These wetlands are difficult, though not impossible, to replace. They provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a high level of protection.

3. Category III. Category III wetlands are:

a. Vernal pools that are isolated; or

b. Wetlands with a moderate level of functions, as measured by the rating system.

These wetlands have generally been disturbed in some manner, and are often smaller, less diverse and/or more isolated in the landscape than Category II wetlands. They may not require as much protection as Category I and II wetlands.

4. Category IV. Category IV wetlands have the lowest levels of functions, as measured by the rating system, and are often heavily disturbed. These are wetlands that we should be able to replace, and in some cases improve. These wetlands do provide some important functions, and should be afforded some degree of protection.

E. Standards. In addition to the general provisions of this chapter and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to wetland areas. Any decision regarding changes in buffer width, plant community rehabilitation, buffer width averaging, buffer configuration, activities allowed in buffers, signage, fencing, wetland alteration, off-site mitigation, mitigation ratios, density increases, or any other substantive decision related to the minimum standards shall be an administrative decision, subject to Section 17.18.130.

1. New or changed activities and uses shall be prohibited from wetlands or wetland buffers unless the applicant can show that the proposed activity will not degrade the functions and values of the wetland or other critical areas, or as otherwise provided in this title.

2. Buffer Widths. The following standard buffer widths have been established in accord with best available science to provide predictability in the regulation of wetlands:

Category of Wetland	Width of Buffers
I	250 ft
II	200 ft
III	150 ft
IV	50 ft

The standard buffer widths shall be applied unless a critical areas report establishes, based on intensity of impacts, wetlands functions, or special characteristics as described in Appendix 8-D of Wetlands in Washington State, Volume 2: Managing and Protecting Wetlands (Department of Ecology Publication No. 05-06-008, or as amended), that a greater or lesser buffer width would serve to protect the functions and values of a particular wetland. The standard buffer widths may be reduced by up to, but not more than, twenty-five percent for low intensity uses such as open space recreation, unpaved trails, or utility corridors that do not require roads or vegetation management. Greater buffer widths or rehabilitation of an inadequate plant community may be required where necessary to ensure development does not result in adverse impacts to wetlands.

3. 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 same buffer widths and measurement criteria shall apply to any wetland created, restored, or enhanced as compensation for approved wetland alterations. Buffers shall be clearly marked on the ground.

4. Wetland Buffer Width Averaging. The administrator may allow averaging of wetland buffer widths in accordance with an approved critical areas report, provided the following conditions are met:

a. There will be no reduction in wetland functions and values;

b. The wetland contains variations in sensitivity due to physical characteristics or the character of the buffer varies in slope, soils, or vegetation such that the wetland would benefit from a wider buffer in some areas and would not be harmed by a narrower buffer in other places;

c. The buffer at its narrowest point is never less than three-quarters of the required width;

d. The total area contained in the buffer is no less than would otherwise have been applied under a constant buffer width; and

e. Wetland buffer width averaging shall not be combined with any other option for reducing buffer widths.

5. Where other critical areas coincide with wetlands, buffers shall be configured so as to protect aggregate functions and values. Particular consideration shall be given to habitat connectivity.

6. Wetland buffer zones shall be retained in their natural condition. Where buffer disturbances are unavoidable during adjacent construction, a detailed mitigation plan consistent with the standards under Section 17.18.170, Performance standards, shall be required to ensure successful revegetation with native plant materials.

7. The following activities shall be allowed within wetland buffers:

a. Conservation or restoration activities aimed at protecting soil, water, vegetation or wildlife;

b. Passive recreation, including walkways or trails located in the outer twenty-five percent of the buffer area, wildlife viewing structures, and fishing access areas, provided these are designed and approved as part of an overall site development plan;

c. Educational and scientific research activities; and

d. Normal and routine maintenance and repair of any existing public or private facilities provided appropriate measures are undertaken to minimize impacts to the wetland and its buffer and that disturbed areas are restored to a natural condition.

8. Stormwater management facilities shall be allowed within the outer twenty-five percent of a wetland buffer around Category III or IV wetlands; provided, that no other location is feasible and that the location of such facilities will not degrade the functions of the wetland or its buffer.

9. As a condition of any permit or authorization pursuant to this chapter, the administrator may require temporary or permanent signs and/or fencing along the perimeter of a wetland or buffer in order to protect the functions and values of the wetland, or to minimize future impacts or encroachment upon the wetland or buffer.

10. Wetland alteration proposals shall be approved only if no alternative is available. If alteration is unavoidable, all adverse impacts shall be mitigated as set forth in an approved critical areas report and mitigation plan.

11. Mitigation shall achieve biological functions equivalent to or greater than existed in the wetland prior to mitigation.

12. When possible, mitigation shall be on site and sufficient to maintain the functions and values of the wetland and buffer areas. If on-site mitigation is not feasible, then the applicant shall demonstrate that the site is the nearest that can reasonably achieve the goals of mitigation with a high likelihood of success.

13. Mitigation actions that require compensation by replacing, enhancing or substitution shall occur in the following order of preference:

a. Restoring, replacing or enhancing the wetland on the site of the project;

b. Restoring, replacing or enhancing degraded wetlands in the same sub-basin;

c. Creating wetlands on upland sites that were former wetlands or that are disturbed upland sites;

d. Preserving high quality wetlands that are under imminent threat.

14. The following ratios apply to the creation, restoration or preservation of wetlands that is in-kind, on site, the same category, timed prior to or concurrent with alteration, and has a high probability of success:

Category of Wetland	Ratio
I	6-to-1
II	3-to-1
III	2-to-1
IV	1.5-to-1

These ratios do not do not apply to remedial actions resulting from unauthorized alterations.

15. The mitigation ratio may be increased if the administrator identifies that:

a. Uncertainty exists as to the probable success of the proposed restoration or creation;

b. A significant time period will elapse between impact and replication of wetland functions;

c. Proposed mitigation will result in a lower category of wetland or reduced functions relative to the wetland being impacted; or

d. The impact was due to an unauthorized action.

16. The administrator may decrease the mitigation ratio where:

a. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions have a very high likelihood of success;

b. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions will provide functions and values greater than the wetland being impacted; or

c. The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.

17. The long or short subdivision of lands that include wetlands is subject to the following:

a. Land that is located wholly within a wetland or its buffer may not be subdivided;

b. Land that is located partially within a wetland or its buffer may be subdivided; provided, that an accessible and contiguous portion of each new lot is located outside of the wetland and its buffer and meets minimum lot size requirements;

c. Access roads and utilities serving the proposed subdivision may be permitted within the wetland and associated buffers only if the city determines that no other feasible alternative exists.

18. The administrator may allow greater density of development outside of wetland areas and associated buffers as an incentive, provided the ability to ensure a high level of protection for on-site resources is demonstrated in an approved critical areas report and mitigation plan.

F. Riparian Buffers. The area adjacent to the shoreline is the riparian buffer. The intent of the riparian buffer is to maintain riparian habitat functions, structure and value. The point of measurement for the riparian buffer begins at the ordinary high water mark on each bank and is measured horizontally from this point or from the top of the bank where the ordinary high water mark cannot be identified. No development, except as outlined in the provisions of this section, is allowed in this area. Riparian buffers apply to the following areas: (1) areas adjacent to Type S, F, Np and Ns waters per criteria as set forth in WAC 222-16-031, Interim water typing system, as amended; and (2) areas adjacent to shorelines of the state as defined in Chapter 90.58 RCW, the Shoreline Management Act (SMA), and the shoreline master program use regulations of the city.

1. Vegetation within the riparian buffer shall be maintained as riparian habitat. Noxious weeds in the riparian buffer should be controlled according to best management practices. The Grant County noxious weed control board should be consulted for recommendations. Where riparian buffer vegetation disturbances have occurred, only revegetation with locally prescribed native vegetation is permitted.

2. All riparian buffers shall be temporarily fenced between the construction activity and the riparian buffer with a highly visible and durable protective barrier, such as filter fencing and straw bales, during construction to prevent access and protect the riparian buffer. The administrator may waive this requirement if an alternative to fencing which achieves the same objective is proposed and approved.

3. Riparian Buffer Widths. Water bodies designated by the shoreline master program use regulations of the city's environment classifications and water bodies meeting the definition of "shorelines of the state" per Chapter 90.58 RCW (the Shoreline Management Act), shall have the following required buffer widths:

Shoreline, Rivers, Streams, Lakes, and Ponds		Nonshoreline Rivers, Streams, Lakes and Ponds	
Environment Classification	**Buffer Width**	**Stream Type**	**Buffer Width**
Natural	200	Type S	200
Conservancy	200	Type F	150

Shoreline, Rivers, Streams, Lakes, and Ponds		Nonshoreline Rivers, Streams, Lakes and Ponds	
Environment Classification	**Buffer Width**	**Stream Type**	**Buffer Width**
Rural	175	Type NP	100
Urban	100	Type NS	100

(Ord. 1077 § 1 (Exh. A), 2021)

17.18.190 Critical aquifer recharge areas (CARAs).

The city classifies the following as CARAs susceptible to degradation or depletion:

A. Those areas with a hydrologic soil group rating of "A" according to the most recent NRCS soil survey for the area, as designated and mapped in the web soil survey and as may be periodically amended by NRCS.

B. Ten-year-time-of-travel wellhead protection areas associated with wells used for potable water and any other areas designated for wellhead protection pursuant to the Federal Safe Drinking Water Act.

C. Any sole-source aquifers that may be designated by the U.S. Environmental Protection Agency pursuant to the Federal Safe Drinking Water Act.

D. Areas designated for special protection as part of a groundwater management program per Chapter 90.44, 90.48 or 90.58 RCW or Chapter 173-100 or 173-200 WAC.

1. Designation. The following areas are designated as aquifer recharge areas:

a. Critical Potential. Wellhead protection areas, rivers, creeks, wetlands, lakes, ponds and lands that have been specifically identified as critical recharge areas based on reliable scientific data.

b. High Potential. Lands adjacent to rivers, creeks, wetlands, lakes and ponds that include soils that show permeability ratings in the county soil survey of more than twenty inches per hour within sixty inches of the soil surface.

2. Mapping. The city will need to develop maps which indicate wellhead protection areas, the shoreline areas of Banks Lake, and soils with permeability ratings that indicate potential for aquifer recharge. These maps will not be the result of scientific study and are for reference purposes only.

3. Aquifer Recharge Area Detailed Study Requirements.

a. In determining whether hydrogeologic evaluation will be required, the administrator shall consider both the susceptibility of the site and the potential for the proposed alteration to contribute to degradation or depletion of groundwater.

b. A level one hydrogeologic evaluation meeting the criteria of subsection D3d of this section shall be required for aquifer recharge areas or areas of concern, as determined by the administrator.

c. A level two hydrogeologic evaluation meeting the criteria of subsection D3e of this section shall be required for any of the following proposed activities:

i. Activities that result in five percent or more impervious site area.

ii. Activities that divert, alter, or reduce the flow of surface or groundwaters, or otherwise reduce the recharging of the aquifer (significant reduction in recharge to aquifers currently or potentially used as a potable water source and to aquifers that are a source of significant baseflow to regulated streams is prohibited).

iii. The use, processing, handling, storage, treatment, or disposal of hazardous substances other than household chemicals used according to the directions specified on the packaging for domestic applications.

iv. The use of injection wells, including on-site septic systems, except those domestic septic systems that release less than 14,500 gallons of effluent per day and that are limited to a maximum density of one system per acre.

v. Aboveground application of sewage or sludge.

vi. New agricultural activities.

vii. Commercial and industrial uses.

viii. Land division, including subdivisions, short subdivisions, planned developments, binding site plans and related developments.

ix. Storage tanks.

x. Any other activity that the administrator determines is likely to have an adverse impact on groundwater quality or quantity, the recharge of the aquifer, or anadromous fish species.

xi. When recommended by a level one evaluation; or when aquifer susceptibility rating from a level one evaluation is medium to high, or if a level one evaluation is indeterminate.

d. A level one hydrogeologic evaluation shall include the following site- and proposal-related information at a minimum:

i. Available information regarding geologic and hydrogeologic characteristics of the site including the surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, and permeability of the unsaturated zone.

ii. Groundwater depth, flow direction, and gradient based on available information.

iii. Currently available data on wells and springs within one thousand three hundred feet of the project area.

iv. Location of other critical areas, including surface waters, within one thousand three hundred feet of the project area.

v. Available historic water quality data for the area to be affected by the proposed activity.

vi. Proposed Best Management Practices. The Stormwater Management Manual for Eastern Washington shall be the preferred guidance for BMPs.

e. A level two hydrogeologic evaluation shall include the following site- and proposal-related information at a minimum, in addition to the requirements for a level one hydrogeologic evaluation:

i. Historic water quality data for the area to be affected by the proposed activity compiled for at least the previous five-year period, or available data if data for the previous five-year period are not available.

ii. Groundwater monitoring plan provisions.

iii. Discussion of the effects of the proposed project on the groundwater quality and quantity, including:

(A) Predictive evaluation of groundwater withdrawal effects on nearby wells and surface water features; and

(B) Predictive evaluation of contaminant transport based on potential releases to groundwater.

iv. Discussion of the effects of the proposed project on anadromous fish species, including where groundwater affects streams and other surface water habitats, and what the effects are.

v. A spill plan that identifies equipment and/or structures that could fail, resulting in an impact. Spill plans shall include provisions for regular inspection, repair, and replacement of structures and equipment that could fail.

f. Existing and ongoing agricultural activities in or within two hundred feet of a CARA susceptible to degradation or depletion shall be encouraged to incorporate best management practices and seek technical assistance from the Grant County Conservation District, WSU Cooperative Extension Agent, and local NRCS field agents.

4. Standards. In addition to the general provisions of this chapter and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to aquifer recharge areas:

a. Any operation/use may be required to adopt any or all of the following best management practices to ensure their operations minimize potential risks to water resources.

i. Hazardous materials shall be separated and prevented from entering stormwater drainage systems, septic systems, and drywells.

ii. Hazardous materials shall be managed so that they do not threaten human health or the environment or enter CARAs.

iii. Hazardous materials that have been released shall be contained and abated immediately, and the hazardous materials recycled or disposed of properly. The city shall be notified of any release of hazardous materials that clearly impact water resources as soon

as possible but no later than twenty-four hours after the release. The Stormwater Management Manual for Eastern Washington shall be the preferred guidance for operational BMPs for spills of oils and hazardous substances.

iv. Oil/water separators shall be inspected, cleaned and maintained as stipulated in the Stormwater Management Manual for Eastern Washington. The city may allow an operation to modify the regularity of cleanouts if the operation can demonstrate to the city's satisfaction that the separator operates effectively at less frequent cleaning intervals.

v. Pesticides and fertilizers shall be applied and managed according to the applicable BMPs for landscaping and lawn/vegetation management in the Stormwater Management Manual for Eastern Washington.

vi. Stormwater drainage systems and treatment facilities, including, but not limited to, catch basins, wetponds and vaults, biofilters, settling basins, and infiltration systems, shall be cleaned and maintained according to the applicable operational BMPs for the maintenance of stormwater, drainage and treatment systems in the Stormwater Management Manual for Eastern Washington.

vii. Wells that are unusable, abandoned, or whose use has been permanently discontinued, or that is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard, shall be decommissioned according to the provisions of WAC 173-160-381.

viii. Hazardous materials shall be removed from the closing portion of the operation and disposed of in accordance with local, state and federal laws.

5. Prohibited Uses in CARAs. The following activities and uses are prohibited in CARAs:

a. Disposal of hazardous or dangerous waste or special waste.

b. Metals and hard rock mining.

c. Storage, processing, or disposal of radioactive substances, except for medical equipment or materials that are used within a medical facility, and medical waste as defined in RCW 70.99.020 that is generated within a medical facility and held for proper disposal.

d. 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 baseflow to a regulated stream (including shorelines of the state);

iii. Activities that are not connected to an available sanitary sewer system are prohibited from critical aquifer recharge areas associated with sole-source aquifers;

iv. Chemical manufacturing and reprocessing;

v. Creosote/asphalt manufacturing or treatment;

vi. Electroplating and metal coating activities;

vii. Petroleum product refinement and reprocessing;

viii. Storage tanks for petroleum products or other hazardous substances;

ix. Recycling facilities;

x. Solid waste landfills;

xi. Waste piles as defined in Chapter 173-304 WAC;

xii. Wood and wood products preserving; and

xiii. Storage and primary electrical battery processing and reprocessing. (Ord. 1077 § 1 (Exh. A), 2021)

17.18.200 Fish and wildlife habitat conservation areas.

A. Designation. The city of Grand Coulee designates fish and wildlife habitat conservation areas within the city and its urban growth area in accord with the Washington Department of Fish and Wildlife Priority Habitat and Species Program, as amended.

B. Classification. The city shall use the general classification of fish and wildlife habitat conservation areas. This classification is to recognize that habitat areas may have differing functions and values within the urban environment. In reviewing development proposals, the city shall consider the fish and wildlife habitat conservation areas classification in establishing buffer widths, mitigation requirements, and permit conditions. Any decision regarding establishment of buffers, buffer widths, access restrictions, vegeta-

tion conservation and restoration requirements, mitigation requirements, or permit conditions shall be an administrative decision, subject to Section 17.18.130.

C. Mapping. Priority habitat and species maps used by the Washington State Department of Fish and Wildlife depict general locations of fish and wildlife habitat conservation areas. However, because species populations and habitat systems are dynamic, agency consultation shall be required to verify designation as a habitat conservation area, except in cases in which a plan or agreement for the habitat or species in question has been prepared and approved by the Washington State Department of Fish and Wildlife and the city of Grand Coulee.

D. Standards. In addition to the general provisions of this chapter and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to fish and wildlife habitat conservation areas:

1. Habitat Assessment. Critical areas reports for fish and wildlife habitat conservation areas shall include a habitat assessment to evaluate the presence or absence of a priority species or habitat.

2. All projects shall comply with the applicable federal, state and local regulations regarding the species and habitats identified upon a site.

3. The Washington State Department of Fish and Wildlife priority habitat and species management recommendations shall be consulted in developing specific measures to protect a specific project site.

4. When needed to protect the functions and values of fish and wildlife habitat conservation areas, the administrator shall require the establishment of buffer areas for activities in or adjacent to such areas. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration. Buffer widths shall reflect the classification and sensitivity of the habitat and the intensity of activity proposed, and shall be consistent with the management recommendations issued by the State Department of Fish and Wildlife or other best available science.

5. Any approved alteration or development shall be required to minimize impacts to native vegetation. Where disturbance is unavoidable, the applicant shall restore the area to the extent possible using native plants appropriate to the site. New plantings shall be monitored and maintained in good growing condition and kept free of invasive weeds until well established upon the site.

6. Within riparian habitat conservation areas, vegetation shall not be removed unless no other alternative exists. In such cases clearing shall be limited to those areas necessary and disturbed areas shall be replanted with site-appropriate native riparian vegetation.

7. Access to fish and wildlife habitat conservation areas or buffers may be restricted in accord with the findings of a critical areas report, mitigation report, PHS management recommendations or other best available science. Access restrictions may include fencing and signs, as needed to ensure protection of habitat functions and values. Restrictions may be seasonal in nature.

8. Subdivision of lands within habitat conservation areas shall be subject to the following:

a. All division of land shall be accomplished by planned development when a threatened or endangered species is verified to be present;

b. All division of land shall be accomplished by planned development when twenty-five percent or more of the site falls within one or more designated fish and wildlife conservation areas.

9. All activities, uses and alterations proposed to be located in or adjacent to water bodies used by anadromous fish shall give special consideration to the preservation and enhancement of associated habitats.

10. Any activity that does not follow the general provisions of this chapter shall be issued a stop work order until all requirements have been met. If the applicant does not comply with the stop work order, a critical areas violation shall be issued. (Ord. 1077 § 1 (Exh. A), 2021)

17.18.210 Fish and wildlife habitat management and mitigation plan.

A. A fish/wildlife habitat management and mitigation plan shall be prepared by a qualified profes-

sional who is knowledgeable of fish and wildlife habitat within North Central Washington.

B. The fish/wildlife habitat management and mitigation plan shall demonstrate no net loss of ecological functions of the habitat conservation area and buffer.

C. The fish/wildlife habitat management and mitigation plan shall identify how impacts from the proposed project shall be mitigated, as well as the necessary monitoring and contingency actions for the continued maintenance of the habitat conservation area and any associated buffer.

D. Mitigation Sequence. When an alteration or impact to a critical area is proposed, the professional shall demonstrate that all reasonable efforts have been taken to mitigate impacts in the following prioritized order:

1. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action.

2. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts.

3. Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment.

4. Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of the action.

5. Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments and monitoring the adverse impact and the mitigation project and taking appropriate corrective measures.

E. Mitigation for development may include a sequenced combination of the above measures as needed to achieve the most effective protection or compensatory mitigation for critical area functions.

F. Mitigation Ratios. Mitigation ratios shall be used when impacts to riparian areas, aquatic habitat, riparian buffers, and uplands are unavoidable. Compensatory mitigation shall restore, create, rehabilitate or enhance equivalent or greater ecological functions. Mitigation shall be located on site unless the professional can demonstrate, and the county approves, that on-site mitigation will result in a net loss of ecological functions. If off-site mitigation measures are determined to be appropriate, off-site mitigation shall be located in the same watershed and/or uplands as the development within Grant County.

The on-site mitigation ratio shall be at a minimum area replacement ratio of one to one for development within aquatic habitat, riparian areas, riparian buffers and uplands, and potentially a replacement ratio of two to one for high quality habitat; off-site mitigation may require a higher level of mitigation per the Washington State Department of Fish and Wildlife if presented with documented best available science. Mitigation and management plans shall evaluate if a higher mitigation ratio on a site-by-site basis is necessary and is dependent upon the ecological functions and values provided by the habitat. Recommendations by resource agencies in evaluating appropriate mitigation shall be encouraged but are not mandatory. (Ord. 1077 § 1 (Exh. A), 2021; Ord. 997 § 2 (Exh. A) (part), 2011. Formerly 17.18.100E)

17.18.220 Flood hazard areas.

A. Designation.

1. Frequently Flooded Areas.

a. The city of Grand Coulee designates those areas of special flood hazard indicated in the flood hazard boundary map/flood insurance rate map (or as amended) and flood boundary/floodway map (or as amended) as frequently flooded areas.

b. Since the above-referenced maps and flood insurance study are nearly thirty years old, the city shall pursue remapping by FEMA to ensure accuracy of the floodway and floodplain boundaries when funding is available.

c. Flood hazards are not necessarily constrained to those areas detailed in the flood insurance study and maps; therefore, mapping for the areas of local concern shall be undertaken as information becomes available, subject to availability of funds.

B. Mapping. The flood hazard boundary map/flood insurance rate map and flood bound-

ary/floodway map referred to above (or subsequent revisions to those maps) shall serve as the official maps of frequently flooded areas. Official maps, along with supporting documentation, shall be used to review development proposals.

C. Standards. In addition to the general provisions of this chapter and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to flood hazard areas:

1. All development within flood hazard areas shall be reviewed by the city administrator, the administrator will complete a review of the FEMA flood hazard maps, and other source documents, for any development to determine whether the proposed project area for a regulated activity falls within a potential flood hazard area. Prior to city approval of any proposed flood hazard area development, any necessary permits from those governmental agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, must be provided to the city by the applicant.

2. Where flood hazard areas coincide with other designated critical areas, critical areas reports and mitigation plans shall address any combined functions and values.

3. Structures shall be located outside of flood hazard areas except where no alternative location exists.

4. Following construction of a structure within the floodplain where base flood elevation is provided, the applicant shall obtain an elevation certificate that records the elevation of the lowest floor. The elevation certificate shall be completed by a surveyor licensed in the state of Washington and shall be submitted to the city for recording.

5. Fill and grading in flood hazard areas shall occur only upon a determination by a qualified professional that the fill or grading will not block side channels, inhibit channel migration, increase flood hazards to others, or be placed within a defined channel migration zone.

6. Subdivision in flood hazard areas is subject to the following:

a. All lots created shall have adequate building space outside flood hazard areas, including the floodway, one-hundred-year floodplain, and channel migration zones;

b. Plat maps shall indicate the floodway, one-hundred-year floodplain and channel migration zone;

c. Subdivisions shall be designed to minimize or eliminate the potential for flood damage; and

d. Subdivisions shall provide for stormwater drainage, in accordance with city standards, so as to reduce exposure to flood hazards.

7. Development within the severe hazard channel migration zone shall be allowed only upon a determination by a qualified professional that the development will not limit channel migration or avulsion; require current or future bank stabilization; affect upstream or downstream properties; or result in a net loss of ecological functions associated with rivers and streams.

8. Upon development of properties within channel migration zones under this chapter, a notice shall be placed on the title of the property and recorded by the Grant County auditor. The notice shall serve to notify future owners of the property that the property and any structures on the property are subject to potential risks related to channel migration.

9. Bank Stabilization Projects. Bank stabilization (and other actions to prevent bank erosion and/or scour) within channel migration zones shall be subject to the following standards:

a. Protection of structures, public roadways or sole access routes in existence before the effective date of the ordinance codified in this chapter shall be allowed;

b. Within the severe channel migration hazard zone, no new bank stabilization structures or maintenance of existing bank stabilization structures will be allowed after the effective date of the ordinance codified in this chapter unless the planning and design of the proposed bank stabilization project incorporates an engineering assessment that includes evaluation of potential impacts at a river-reach scale (i.e., evaluates

impacts that may occur as a result of the proposed project in up- and downstream reaches from the project site). Means and methods for stabilizing eroding stream banks shall look at erosion and/or scour issues at the river-reach scale rather than relative to individual property boundaries. Bank stabilization projects shall use soft approaches that assure no net loss of ecological functions unless it can be demonstrated that a different technique is needed because a structure is in imminent danger. Proof of imminent danger must be demonstrated by a qualified professional's report showing that damage to the structure can be expected within three years as a result of erosion.

c. Bank stabilization projects shall be allowed in the moderate channel migration hazard zone where such activity will not result in interference with the process of channel migration that may cause significant adverse impacts to property or public improvement and/or result in a net loss of ecological functions associated with rivers and streams, and subject to all other applicable regulations.

D. Requests for Reassessment of Channel Migration Zone Boundaries. A landowner or other project proponent may request reassessment of channel migration zone boundaries for review and consideration.

1. A site-specific special study of a channel migration hazard shall be prepared by a qualified and licensed engineer, geologist, engineering geologist, or hydrogeologist who is experienced in the fields of fluvial geomorphology and river dynamics.

2. A special study of a channel migration hazard shall use be consistent with A Framework for Delineating Channel Migration Zones (Washington Department of Ecology Publication No. 03-06-027, or as revised), including using terminology and methods consistent with the guidance in that publication.

3. A special study must include the following:

a. Vicinity map and site map with scale, north arrow, and parcel number(s) of the specific site being studied;

b. A clear statement of the requested revision or exception to the provision(s) of the channel migration hazard maps in the Comprehensive Flood Hazard Management Plan, Appendix I;

c. A clear presentation of all required study steps (as outlined above);

d. A clearly stated conclusion of the special study results that supports the requested revision. The conclusion must document the basis for the revision, show how the data presented refute the data used in the Comprehensive Flood Hazard Management Plan, Appendix I, and calculate the new results using the new information; and

e. A clearly marked map showing the requested revision to the maps in the Comprehensive Flood Hazard Management Plan, Appendix I.

4. On receipt of a special study, the city will review the study for completeness and request any additional materials, data, or information needed to support the review. The review will include a site visit by a representative of the city. Prior to the decision on a permit, staff will inform the applicant of the decision on the boundary reassessment. If the premise of the special study is accepted, the city will provide the applicant with a revised map of the channel migration zone boundary.

E. The administrator's decision on a reassessment request and corresponding special study may be appealed to city council.

1. All structures and other improvements shall be located on the buildable portion of the site out of the area of flood hazard. Where necessary, residential buildings may be elevated.

2. Utilities shall be located above the base flood elevation (BFE), preferably three or more feet.

3. All new construction and substantial improvements shall be constructed using flood resistant materials and using methods and practices that minimize flood damage.

4. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

5. No rise in the BFE shall be allowed. Post and piling techniques are preferred and are presumed to produce no increase in the BFE.

6. Modification of stream channels shall be avoided. (Ord. 1077 § 1 (Exh. A), 2021)

17.18.230 Designations.

Geologically hazardous areas are designated as follows:

A. Erosion Hazard Areas. Erosion hazard areas are those areas that contain all three of the following characteristics:

1. A slope of thirty percent or greater,

2. Areas identified by the Natural Resource Conservation Service (NRCS) as having a "moderate to severe," "severe," or "very severe" rill and inter-rill erosion hazard, and

3. Areas that are exposed to the erosion effects of wind or water.

B. Landslide Hazard Areas. Landslide hazard areas include areas potentially subject to landslides based on a combination of geologic, topographic and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope, aspect, structure, or hydrology. Examples include, but are not limited to:

1. Areas that have historically been prone to land sliding.

2. Areas containing soil types identified by the Natural Resource Conservation Service (NRCS) as unstable and prone to landslide hazard.

3. Areas with slopes greater than fifteen percent, hillsides with intersecting geologic contacts with relatively permeable sediment overlying a relatively impermeable sediment or bedrock, and springs or groundwater seepage.

4. Areas that are potentially unstable as a result of rapid stream incision or stream bank erosion.

5. Areas with slopes of forty percent or steeper and with a vertical relief of ten or more feet except areas composed of consolidated rock.

C. Mine Hazard Areas. Mine hazard areas include areas that are directly underlain by, adjacent to, or affected by mine workings such as adits, tunnels, drifts, or air shafts with the potential for creating large underground voids susceptible to collapse, tailings piles, and waste rock. In addition, steep and unstable slopes created by open mines, tailings and waste rock piles have the potential for being mine hazard areas. Mine hazard areas are based upon the identification of active or historic mining activity and site-specific information regarding topography and geology. There are no known mine sites in Grand Coulee.

D. Seismic Hazard Areas. Seismic hazard areas are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement or soil liquefaction. There are no known active faults in Grand Coulee. The majority of the city is located within Seismic Zone 2B in accordance with the Uniform Building Code (1991 Edition, as amended). Susceptibility of land within the city to liquefaction is "none" in portions of the city and "low to moderate" in other areas, according to the Washington Department of Natural Resources (DNR) liquefaction susceptibility map for Grant County.

E. Volcanic Hazard Areas. Volcanic hazard areas are subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from volcanic activity. There are no such areas in the city of Grand Coulee.

F. Mapping. NRCS maps shall be used to identify areas of erosion potential. Soils information should be combined with site-specific information (rills, inter-rills, and wind erosion) to determine if erosion hazard is present on the site.

G. Standards. In addition to the general provisions of this chapter and the requirements of the underlying zone, the following minimum standards shall apply to development activities within and adjacent to geologic hazard areas:

1. Any critical areas report for a geologically hazardous area shall include a geotechnical analysis completed by a qualified professional with expertise in the particular hazard(s) present in a given critical area.

2. Alterations of geologically hazardous areas or associated buffers may only occur for activities that:

a. Will not increase the threat of the geological hazard to adjacent properties beyond pre-development conditions;

b. Will not adversely impact other critical areas;

c. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions; and

d. Are certified as safe as designed and under anticipated conditions by a qualified engineer or geologist, licensed in the state of Washington.

3. Mitigation plans for geologically hazardous areas shall establish setbacks and buffer widths as needed to eliminate or minimize risks of property damage, death, or injury resulting from development of the hazard area. Where established, buffers shall be maintained between all permitted uses and activities and the designated geologically hazardous area(s).

4. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited. Where removal of vegetation is unavoidable, reseeding and replanting with native vegetation shall be required, to assist in stabilization of the areas and to discourage establishment of invasive plants.

5. Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas.

6. Every erosion hazard area mitigation plan shall include a runoff management plan or an erosion control plan to reduce sedimentation problems.

7. Development and activities located within landslide or erosion hazard areas shall provide for long-term slope stability, and design shall incorporate the following standards:

a. Structures and improvements shall minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;

b. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;

c. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;

d. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes; and

e. Development shall be designed to minimize impervious lot coverage.

8. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available.

9. Subdivision of lands in erosion, landslide, and mine hazard areas is subject to the following:

a. Land that is located wholly within an erosion, landslide or mine hazard area or its buffer may not be subdivided. Land that is located partially within an erosion, landslide or mine hazard area or its buffer may be divided; provided, that each resulting lot has sufficient buildable area outside of, and will not affect, the geologic hazard area.

b. Access roads and utilities may be permitted within the erosion, landslide or mine hazard area and associated buffers only if no other feasible alternative exists.

10. Should a mine hazard area be identified in Grand Coulee, the site shall be noted on site plans for any development activity, and a geotechnical analysis shall be required to determine safety distances.

11. Prior to development of a site that is contaminated from previous mining activities, and where a significant hazard to health or the environment may be identified, the landowner or other project proponent shall be required to prepare and implement a reclamation plan.

All development activities in seismic hazard areas shall be required to conform to the applicable provisions of the Uniform Building Code that contain structural safeguards to reduce the risks from seismic activity. (Ord. 1077 § 1 (Exh. A), 2021)

17.18.240 Additional considerations.

A. Site-specific considerations may warrant additional performance standards, to be determined during the permit process, by the administrator to ensure the protection of critical areas.

B. Development-specific considerations may warrant additional performance standards based on level of impact to critical areas. (Ord. 1077 § 1 (Exh.

A), 2021; Ord. 997 § 2 (Exh. A) (part), 2011. Formerly 17.18.100I)

17.18.250 Existing structures and development.

Lawfully existing structures and previously approved developments prior to the adoption of the ordinance codified in this chapter shall be allowed to continue as exemptions from this chapter. It is the intention of this chapter to allow these nonconforming uses to continue and to allow previously approved developments to commence without any additional review procedures. (Ord. 1077 § 1 (Exh. A), 2021; Ord. 997 § 2 (Exh. A) (part), 2011. Formerly 17.18.140)

17.18.260 Warning and disclaimer of liability.

This chapter does not imply that land outside resource lands and critical areas activities that are permitted within such areas will be free from exposure or damage resulting from catastrophic natural disasters which can, and will, occur on rare occasions. This chapter shall not impose or create any liability on the part of the city, elected or appointed officials, and/or employees thereof, for any damages that result from reliance on this chapter or any administration decision lawfully made hereunder. (Ord. 1077 § 1 (Exh. A), 2021; Ord. 997 § 2 (Exh. A) (part), 2011 Formerly 17.18.150)

Chapter 17.20

R-1 LOW DENSITY RESIDENTIAL DISTRICT

Sections:

17.20.010 Purpose.

The R-1 district is intended to preserve residential neighborhoods, promote efficient use of land within such neighborhoods, protect the community water system, and to encourage development of land areas in accordance with the comprehensive plan and any subsequent sub-area plans. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.20.020 Permitted, accessory, conditional and prohibited uses.

Permitted, accessory, conditional, and prohibited uses in this district shall be as identified in Chapter 17.48, District Use Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable city of Grand Coulee rules and regulations are met. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.20.030 Standards.

All development in this zone shall meet all of the applicable provisions and requirements of this title, Chapter 17.16, General Regulations and Standards, in addition to the following:

A. Poultry. The keeping of poultry is subject to the following provisions:

1. A maximum of six hens per property ownership. Roosters are not permitted;

2. The property shall be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust and general nuisances, and to be in compliance with the Grant County health district regulations;

3. Adequate measures shall be taken for proper and regular disposal of animal wastes; and

4. The coop/housing must be located at least ten feet from the property line.

B. Accessory Buildings and Structures.

1. Attached garages shall accommodate no more than four vehicles;

2. Detached accessory structures shall not exceed a cumulative total of two thousand square feet of gross floor area.

C. Adult family homes shall provide proof of current Washington State adult family home license and shall obtain an annual city of Grand Coulee business license.

D. Family home day care providers shall provide proof of current Washington State license and shall obtain an annual city of Grand Coulee business license. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.24

R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

Sections:

17.24.010 Purpose.

The purpose of the medium density residential district is to provide for the development of a mixture of housing needs that have low to medium levels of density. This district allows both single-family residences and multifamily dwellings; however, multifamily dwellings are required to have larger minimum lot sizes to preserve an overall density between that of the single-family residential district and the multifamily residential district. In no case shall overall density exceed ten dwelling units per acre. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.24.020 Permitted, accessory, conditional and prohibited uses.

Uses allowed in this district shall be as shown in Chapter 17.48, District Use Chart. In general, allowed uses shall include single-family residences, duplexes, triplexes, family day care and parks. Multifamily dwellings shall be allowed in a planned residential development or by conditional use permit. All commercial and industrial uses shall be prohibited except those allowed by home occupation permit. In the event of a conflict between this section and the use chart, Chapter 17.48 shall apply. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.24.030 Standards.

All development in this zone shall meet all of the applicable provisions and requirements of this title, Chapter 17.16, General Regulations and Standards. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.28

R-3 HIGH DENSITY RESIDENTIAL DISTRICT

Sections:

17.28.010 Purpose.

The purpose of the R-3 high density residential district is to enhance the residential quality of the city by providing a high standard of development for residential areas of high density. High density residential developments offer another housing option to local residents and are often preferred for their affordability and other personal circumstances; however, density shall not exceed twenty dwelling units per acre. Compatible commercial uses can be integrated with residential development subject to adequate public review. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.28.020 Allowed uses.

Uses allowed in this district shall be as shown in Chapter 17.48, District Use Chart. In general, allowed uses shall include single-family dwellings, duplexes, triplexes, multifamily uses by conditional use permit, family day care, and parks. A limited number of commercial and industrial uses are permitted. In the event of a conflict between this section and the use chart, Chapter 17.48 shall apply. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.28.030 Individual lots required.

Every detached single-family dwelling, with the exception of an accessory dwelling, and every duplex, triplex or other residential building shall be located on its own lot. Exception: townhouses developed through a condominium ordinance and apartment buildings designed as a single development may be located on one lot. Creation of a lot or lots shall meet all requirements of Title 16, Subdivisions. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.28.040 Landscaping.

Landscaping is required for the purpose of minimizing surface water runoff and diversion, preventing soil erosion, and promoting the aesthetic character of the community.

Natural vegetation, ground cover, trees or shrubs existing prior to development of the site may be acceptable to meet the landscaping requirement. Areas which have been cleared of vegetation or ground cover prior to or during construction, and which are not otherwise developed, shall be landscaped with trees, shrubs and suitable ground cover. Suitable materials for ground cover are those which permit rain water infiltration of the soil and may include sod, shrubs, trees, and/or other natural planting materials. Bark may be used as a mulch for natural planting materials, but not in place of natural planting materials. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.28.050 Multifamily development—Contact person.

A contact person shall be identified who can be contacted and respond within a maximum of thirty minutes at any time of day regarding emergencies or other problems that may occur within a multifamily complex. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.28.060 Standards.

All development in this zone shall meet all of the applicable provisions and requirements of this title, Chapter 17.16, General Regulations and Standards. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.32

CENTRAL BUSINESS DISTRICT (C-B)

Sections:

17.32.010 Purpose.

The purpose of the business commercial district is to encourage the development of commercial facilities in a well-defined and integrated center, suitable to pedestrian shopping and access. This district is designed to implement the general commercial element of the comprehensive plan. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.32.020 Permitted, accessory, conditional and prohibited uses.

Permitted, accessory, conditional, and prohibited uses in this district shall be as identified in Chapter 17.48, District Use Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable city of Grand Coulee rules and regulations are met. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.32.030 Standards.

All development in this zone shall meet all of the applicable provisions and requirements of Chapter 17.16, General Regulations and Standards, and the following:

A. Parking and Loading Standards. All parking and loading areas shall meet the requirements set forth in Chapter 17.52.

B. Signage Standards. All signage shall meet the requirements set forth in Chapter 17.60.

C. Landscaping Standards. Landscaping shall meet the requirements set forth in Chapter 17.56.

D. Display/Exhibits. The display of products or outdoor exhibits for public view or show is permitted; provided, that products for sale or rent may be stored or displayed outdoors only during business hours and that such products are not located within any right-of-way, pedestrian walkway or parking areas.

E. Lighting. Parking lot lights, security lights, or any exterior lighting shall be directed towards the site and/or shall be shielded to keep light from directly projecting over property lines.

F. Where a particular development site is located adjacent to a residential district, buffering shall be required in a form adequate to provide site screening, noise attenuation, safety separation and reduction of light and glare. Acceptable methods of buffering include undulated berms, plantings, sight-obscuring fencing, security fencing or any combination thereof. At least two buffering methods shall be used to offset impacts to surrounding properties.

G. Provisions shall be made to limit access to the site to a maximum of two points, unless additional access points are deemed necessary in order to protect the public health, safety and welfare.

H. Refuse Storage. All outdoor trash, garbage and refuse storage areas shall be screened on all sides from public view and, at a minimum, be enclosed on three sides with a five-and-one-half-foot-high concrete block or masonry wall, or sight-obscuring fence with a sight-obscuring gate for access. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.36

C-H HIGHWAY COMMERCIAL DISTRICT

Sections:

17.36.010 Purpose.

The purpose of this designation is to supply sufficient areas arranged in a concentrated form that allow land use activities that serve the traveling public and surrounding community. The district shall be located near major transportation corridors in such a fashion as to provide safe and convenient access without promoting strip development. This district is intended to serve commercial businesses not compatible with the pedestrian-oriented downtown business core. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.36.020 Allowed uses.

Uses allowed in this district shall be as shown in Chapter 17.48, District Use Chart. In general such uses include restaurants, professional offices, auto repair and service, most retail and service commercial uses while a few manufacturing uses are allowed by conditional use permit. In the event of a conflict between this section and the use chart, Chapter 17.48 shall apply. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.36.030 Development standards.

All development in this zone shall meet all of the applicable provisions and requirements of Chapter 17.16, General Regulations and Standards, and the following:

A. Parking and Loading Standards. All parking and loading areas shall meet the requirements set forth in Chapter 17.52.

B. Signage Standards. All signage shall meet the requirements set forth in Chapter 17.60.

C. Landscaping Standards. Landscaping shall meet the requirements set forth in Chapter 17.56.

D. All commercial uses in this district shall meet the following standards:

1. Visual screening of trash areas and other service areas of the development shall be provided through landscape plantings, fencing, or other methods which provide for visual screening and which prevent blowing of trash.

2. Parking areas and buildings shall be provided with landscaping which breaks up the visual impact of the development from adjacent properties, and which prevents the occurrence of noxious weeds. If parking is to be located in the front yard area of the lot, then landscaped buffers must be included between the street and such parking areas.

3. All landscaping must commence immediately upon completion of construction. Landscaping must be maintained to assure long-term viability of plantings; underground or timed water systems may be required for water conservation.

4. Landscape plans shall be submitted as part of the development application process.

5. Stormwater shall be channeled and disposed of on site by dispersal through a grassy area of sufficient size for the anticipated amount of runoff, or by release into a properly designed dump area with appropriate filtration devices, or through other methods to assure no degradation of water sources or increased levels of runoff onto adjoining property.

E. Display/Exhibits. The display of products or outdoor exhibits for public view or show is permitted; provided, that products displayed for sale or rent may be stored or displayed outdoors only during business hours and that such product is not located within any right-of-way, pedestrian walkway or parking areas.

F. Lighting. Parking lot lights, security lights, or any exterior lighting shall be directed towards the site and/or shall be shielded to keep light from directly projecting over property lines.

G. Where a particular development site is located adjacent to a residential district, buffering shall be required in a form adequate to provide site screening, noise attenuation, safety separation, and reduction of light and glare. Acceptable methods of buffering include undulated berms, plantings, sight-obscuring

fencing, security fencing, or any combination thereof. At least two buffering methods shall be used to offset impacts to surrounding properties.

H. Provisions shall be made to limit access to the site to a maximum of two points, unless additional access points are deemed necessary in order to protect the public health, safety, and welfare.

I. The administrator shall review the measures proposed to meet the above standards and shall approve or conditionally approve a building permit application to assure compliance with these standards. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.40

GENERAL INDUSTRIAL DISTRICT (I-G)

Sections:

17.40.010 Purpose.

The purpose of the general industrial district is to supply sufficient area organized in a concentrated form for activities which promote a broad range of industrial uses, and certain commercial uses. The district shall be located and implemented consistent with the goals, policies, and criteria of the comprehensive plan. Development and operation standards are intended to provide compatibility with and protection to surrounding properties by minimizing traffic congestion, noise, glare, vibration, odors, airborne particulate, and toxic substances. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.40.020 Permitted, accessory, conditional and prohibited uses.

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 17.48, District Use Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable city of Grand Coulee rules and regulations are met. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.40.030 Standards.

All development in this zone shall meet the provisions and requirements of this title and the GCMC, including the following:

A. Parking and Loading Standards. All parking and loading areas shall meet the requirements set forth in Chapter 17.52.

B. Signage Standards. All signage shall meet the requirements set forth in Chapter 17.60.

C. Landscaping Standards. Landscaping shall meet the requirements set forth in Chapter 17.56.

D. Lighting. Parking lot lights, security lights, or any exterior lighting shall be designed to project toward the property or shall be shielded to keep light from directly projecting over property lines.

E. Refuse Storage. All outdoor trash, garbage, and refuse storage areas shall be screened on all sides from public view.

F. Where a particular development site is located adjacent to a residential district, buffering shall be required in a form adequate to provide site screening, noise attenuation, safety separation, and reduction of light and glare. Acceptable methods of buffering include undulated berms, plantings, sight-obscuring fencing, security fencing, or any combination thereof. At least two buffering methods shall be used to offset impacts to surrounding properties.

G. All industrial development shall have access to a public road with right-of-way no less than sixty feet in width. Ingress and egress to lots, parcels or tracts shall be located a minimum of one hundred fifty feet from the centerline of all public road intersections. A maximum of two ingress-egress points may be permitted for each industrial parcel.

H. The traffic generated by the proposed building, land use or occupancy permit will be mitigated so as not to unduly burden the traffic circulation system in the vicinity. A traffic analysis may be required for all proposed development, as determined by an engineer (city engineer) designated by the mayor.

I. The traffic analysis should include, but is not limited to, traffic generated by the proposal, turning movements, distribution patterns, and mitigation measures, as required by the city engineer.

J. The traffic analysis shall be conducted by a licensed transportation engineer approved by the city of Grand Coulee; and submitted in a form and approved by the city engineer.

K. All improvements and mitigation measures required shall be completed to the city engineer's specifications prior to final approval of the proposed development; or financial assurance in an amount and

form acceptable to the city engineer and city attorney and subject to the requirements of Title 11 shall be posted. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.42

OPEN SPACE DISTRICT (O-S)

Sections:

17.42.010 Purpose.

The purpose of the open space district is to supply sufficient area to retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities. The city recognizes that a large amount of its land is under federal jurisdiction and these lands are currently used for open space and recreation as well as support facilities for federal programs. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.42.020 Permitted, accessory, conditional and prohibited uses.

Permitted uses in this district include open space, recreation, agriculture, and other activities approved by the authorizing jurisdiction. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.44

PLANNED DEVELOPMENT

Sections:

17.44.010 Intent.

It is the intent of this chapter to:

A. Encourage imaginative design and the creation of permanent open space by permitting greater flexibility in zoning requirements than is generally permitted by other chapters of this title;

B. Preserve or create environmental amenities superior to those generally found in conventional developments;

C. Create or preserve usable open space for the enjoyment of the occupants;

D. Preserve to the greatest possible extent the natural characteristics of the land, including topography, natural vegetation, waterways, views, etc.;

E. Encourage development of a variety of housing types;

F. Provide for maximum efficiency in the layout of streets, utility networks, and other public improvements;

G. Provide a guide for developers and city officials in meeting the purpose and provisions of this chapter. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.020 Definitions.

Certain words and phrases as defined in this section shall govern the interpretation of this chapter.

A. "Common open space" means a parcel or parcels of land, or a combination of land and water, within the site designed and intended for the use or enjoyment of residents of a planned residential development. Common open space does not include land occupied by buildings, roads, driveways, required parking areas, or the required yards for buildings or structures.

B. "Homeowners' association" means an incorporated, nonprofit organization operating under recorded land agreements through which (1) each lot owner is automatically a member; (2) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining common property; and (3) a charge, if unpaid, becomes a lien against the property.

C. "Residential planned development (RPD)" is a planned development (PD) devoted solely to full-time residential uses approved and developed in accordance with the terms of this title, including a plat or subdivision of such land. It is intended to promote more economical and efficient use of the land, while providing a harmonious variety of housing choices within a single residential project.

D. "Mixed use planned development (MUPD)" is a PD that is intended to provide for a variety of different residential, recreational and tourist/resort-related land uses within a single development area. It is intended to promote the mix of these uses in an integrated, coordinated and comprehensively designed development project that offers a high level of urban amenities and preserves the natural and scenic qualities of open spaces and critical areas.

E. "Residential development" means any development designed and intended for residential use regardless of the type of building in which such residence is located, i.e., conventional single-family dwellings, townhouses, duplexes, fourplexes, or apartment houses. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.030 Where permitted.

Planned development may be permitted in the following land use districts consistent with the development standards in Sections 17.44.060 through 17.44.140:

A. Residential Planned Development.

1. R-1—Low density residential district;
2. R-2—Moderate density residential district;
3. R-3—High density residential district;

B. Mixed Use Planned Development.

1. R-3—High density residential district;
2. C-H—Highway commercial district. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.040 Types of uses permitted.

A. Specific Types Permitted. In a planned residential development, the following uses are permitted; provided, that they meet the standards and criteria established in this title:

1. Those uses permitted as a matter of right in the underlying zone;

2. Residential developments of all types as defined in this chapter;

3. As a secondary use, the following neighborhood commercial uses may be permitted in an RPD subject to the limitations set forth in Section 17.44.130 and shall be located within the interior of the development:

a. Grocery store.

b. Drug store.

c. Barber/beauty shop.

d. Laundromat.

e. Other, unlisted, similar or related uses, provided the enforcing officer and/or the site plan review committee makes the determination that:

i. The particular unlisted use does not conflict with the intent of this chapter or the policies of the comprehensive land use plan;

ii. The use is appropriate in the development; and

iii. The development is served by the proposed use.

4. Other or Related Uses Permitted. Other or related uses permitted include:

a. Accessory uses specifically geared to the needs of the residents of the RPD such as motor vehicle or boat storage structures, or structures related to open space use, subject to the building and development coverage limitations of the underlying zone;

b. Conditional uses as provided in Chapter 17.64;

c. Home occupations as provided in Chapter 17.64;

d. Developed recreational facilities for the residents of the RPD, such as clubhouses, tennis or racquetball courts, ball fields, trails, sports fields, spa facilities, horse arenas and riding academies, parks, undeveloped recreational areas, open space areas and other similar type uses; and

e. Shared boat docks, launch facilities, and marinas for the residents of the RPD compatible with the purposes of this chapter.

B. An MUPD may only be permitted provided it is consistent with the comprehensive plan and provided the following minimum project size is met:

1. An MUPD that includes a mix of full-time residential units shall be at least two acres in size;

2. An MUPD that incorporates only recreational, resort-related facilities and/or commercial uses (no full-time residential uses) shall be at least one acre. The specific uses proposed for an MUPD shall be spe-

cifically identified and approved in the development permit application review and approval process.

C. An MUPD may include the following uses, which uses shall be specifically identified and approved in the development permit application review and approval process:

1. A combination of residential dwellings such as single-family attached, single-family detached, modular homes, duplexes, townhouses, full-time and time-share condominiums and other similar dwellings in accordance with this chapter and this title;

2. Accessory uses specifically designed to meet the needs of the residents of the MUPD such as garages, carports, personal and recreational vehicle storage, and other similar noncommercial uses;

3. Developed recreational facilities, such as clubhouses, tennis or racquetball courts, ball fields, trails, sports fields, spa facilities, horse arenas and riding academies, parks, undeveloped recreational areas, open space areas and other similar type uses;

4. Shared boat docks, launch facilities, and marinas compatible with the purposes of this chapter;

5. Hotels, motels, guest ranches, and other similar resort facilities with a primary focus on visitor accommodations and recreational opportunities that capitalize on the area's natural environment and amenities; and

6. Accessory uses specifically designed to meet the needs of the users of the MUPD such as resort-related retail sales, micro-breweries, wineries, restaurants and drinking establishments within multi-use buildings, personal services, game, card and arcade rooms, exercise facilities, etc. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.050 Relationship to other ordinance provisions.

A. Zoning Requirements. The provisions of the zoning ordinance pertaining to land use of the underlying zoning district shall govern the use of land in a planned development.

The specific setback, lot size, height limits, and other dimensional requirements are waived; and provided, the city may waive other normal design standards if it finds a proposed design provides a better approach to achieving quality and functional neighborhoods as promoted in Grand Coulee's comprehensive land use plan. Regulations for PDs shall be those indicated in Section 17.44.140.

B. Platting Requirements. A PD shall be exempt from the specific design requirements of the subdivision ordinance, except that when any parcel of land in a PD is intended for individual ownership, sale, or public dedication, the platting and procedural requirements for subdivisions and applicable state laws pertaining to the subdivision and conveying of land and the preparation of maps shall be followed.

C. Review Process. Applications for PDs shall be reviewed as a Type III quasi-judicial application pursuant to Section 11.09.050. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.060 Development standards—Generally.

The standards in Sections 17.44.070 through 17.44.140 shall govern the interpretation and administration of this chapter. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.070 Relationship of PD site to adjacent areas.

The design of a planned residential development shall take into account the relationship of the site to the surrounding areas. The perimeter of the PD shall be so designed as to minimize undesirable impact of the PD on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PD. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.080 Site acreage.

The minimum site for a planned residential development shall be a full block or a portion of a block if it was a numbered block in the original plat of the city, or a numbered block of a subdivision recorded prior to the adoption of the ordinance codified in this title. For all previously unplatted areas, the minimum site shall be one acre for an RPD and two acres for an MUPD. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.090 Access to public right-of-way.

The major internal street serving the PD shall be connected to at least one major arterial, secondary arterial or collector street. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.100 Lot size.

The minimum lot size provisions of other chapters of the zoning title are waived in a planned development. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.110 Setback and side yard requirements.

A. Setbacks from the exterior boundary line of the PD area shall be comparable to or compatible with those of the existing development of adjacent properties or, if adjacent properties are undeveloped, the type of development which may reasonably be expected on such properties given the existing zoning of such properties or the projections of the comprehensive plan. In no event shall such setback be less than twenty feet.

B. Setbacks or Side Yards Between Buildings. The standard setbacks and yard requirements between buildings may be waived in a PD. Buildings may have common walls and, therefore, be built to the property line as in townhouse construction.

Wherever buildings are separated, a minimum distance of ten feet shall be maintained between such buildings. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.120 Off-street parking.

Off-street parking shall be provided in a PD in the same ratios for types of buildings and uses as required for the underlying zoning district, and as described in Chapter 17.52. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.130 Secondary use limitations.

A. Commercial uses are subject to full administrative review procedures contained in Title 11, Development Code Administration, and shall be provided for in the original, finally approved version of the PD application for the development within which the commercial use is to be integrated. "Original," as is used in this subsection, refers to the PD application as it existed at the time of its final approval by the city council.

B. The gross floor area of the commercial use shall not exceed the product of thirty square feet multiplied by the number of dwelling units within the development.

The purpose of restricting commercial development is to prevent the PD process from being used as a vehicle for rezoning to commercial use which may not be at all related to the commercial needs of the area. Once a relatively large number of dwelling units have been completed or occupied, the need for such commercial development may be justified. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.140 Design standards.

A. Open space requirements shall be as follows:

1. Common Open Space. Each planned development shall provide not less than thirty percent of the gross land area for common open space which shall be either:

a. Held in single ownership where such ownership assumes full responsibility for maintenance and operation; or

b. Held in common ownership by all of the owners in the development area; or

c. Dedicated for public use, if acceptable to the city.

2. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the PD; provided, that the building coverage of such building or structure combined with the building coverage of the residential structures shall not exceed the maximum permitted by the underlying zone.

3. Up to fifty percent of the common open space requirement may be satisfied by the preservation of trees and/or wetland and/or critical area habitat and required critical area buffers in consideration of the significant passive recreation opportunities provided by said lands. Development shall be configured to take advantage of these areas as a significant site amenity. These areas should be visually accessible to the

public rather than walled off from view. To the extent possible, trail networks should be integrated with these areas. For example, a trail along the wetland buffer is a desirable option. The remaining fifty percent of the common open space area must meet the criteria in subsection A4 of this section.

4. Common open space must meet the following design criteria:

a. Must be usable and accessible. All common open spaces intended for public use shall be physically and visually accessible from the adjacent street or major internal pedestrian route. Open spaces shall be in locations accessible to intended users—rather than simply left-over or undevelopable space in locations where very little pedestrian traffic is anticipated. Locations integrated with transit stops, for instance, would be encouraged, as there is likely to be pedestrian traffic in the area.

b. Must be inviting. Inviting open spaces feature amenities and activities that encourage pedestrians to use and explore the space. On a large scale, it could be a combination of active and passive recreational uses. It could include a fountain, sculpture, children's play area, special landscaping element, or even a comfortable place to sit and watch the world go by. In order for people to linger in an open space, it must be comfortable. For instance, a plaza space should receive ample sunlight, particularly at noon, and have design elements that lend the space a "human scale," including landscaping elements, benches and other seating areas, and pedestrian-scaled lighting. No use shall be allowed within the open space that adversely affects the aesthetic appeal or usability of the open space.

c. Must be safe. Safe open spaces incorporate Crime Prevention through Environmental Design (CPTED) principles:

i. Natural surveillance—which occurs when parks or plazas are open to view by the public and neighbors. For example, a plaza that features residential units with windows looking down on space means that the space has good "eyes" on the park or plaza.

ii. Lighting that reflects the intended hours of operation.

iii. Landscaping and fencing. Avoid configurations that create dangerous hiding spaces and minimize views.

iv. Entrances should be prominent, well lit, and highly visible from inside and outside of the space.

v. Maintenance. Open spaces shall utilize commercial grade materials that will last and require minimal maintenance costs. Walls, where necessary, shall be designed and treated to deter graffiti. Use and maintain landscape materials that reduce maintenance cost and maintain visibility, where desired.

d. Provides for uses/activities that appropriately serve the anticipated residents and users of the development. For example, common open space that serves a variety of functions will attract greater usage. When designing open spaces, project applicants should consider a broad range of age groups, from small children, to teens, parents, and seniors.

e. Must be designed and placed in consideration of existing and potential open space on adjacent parcels to provide consolidation or opportunities for future consolidation of neighborhood open space areas.

f. Additional Criteria.

i. Consolidation of open space is encouraged to provide maximum access, visibility, usability, minimization of impacts to residential uses, and ease of maintenance.

ii. Existing trees and significant vegetation shall be maintained in open space unless an alternative park/landscaping plan consistent with the criteria herein is approved by the site plan review committee.

5. Cash or like value of land area and improvements may be donated to the city for open space purposes to fulfill up to fifty percent of open space requirements within that specific parks planning area. Acceptance will be at the discretion of the city.

6. Private Open Space. Developments are encouraged to conform to usable open space provisions of the applicable zone. However, at a minimum, three hundred square feet of private, usable open space having a minimum of fifteen feet in depth and width shall be provided for each ground level dwelling unit RPD. Such private open space should be vis-

ible and accessible from the dwelling unit. When adjacent to common open space, such private open space is to serve as a buffer between dwelling units and common open space.

B. Land Area and Dwelling Unit Computations. Open space, street area, etc., are computed as follows:

1. Street Right-of-Way. Streets in a PD shall be computed at twenty percent of the gross land area, regardless of the amount of land actually used for streets in the final design.

2. Density. The density of the underlying zone governs unless a density increase is granted as provided in this chapter.

3. Density Increase. The city may approve an increase in the dwelling unit density up to:

a. In the low density district, fifteen percent.

b. In the moderate density district, twenty percent.

c. In the high density district, twenty-five percent; rounded to the nearest whole number, provided that the environmental and recreational amenities sought by this title are met.

4. Development Formula. The computation of the number of dwelling units permitted is based on a 1.2 incentive factor, and other space requirements shall be as follows:

DU = (N/M)1.2

DU	Is number of dwelling units.
G	Is gross land area in square feet.
S	Is street area (i.e., twenty percent of G) in square feet.
N	Is net buildable site (G - S) in square feet.
M	Is minimum land area per dwelling unit permitted in zoning district.

Example: In a hypothetical five-acre site in the medium density residential district, twenty-nine dwelling units are permitted under conventional development procedures, assuming a minimum lot area of six thousand square feet, no dedication for other public use, and twenty percent of the land area dedicated for public right-of-way. The calculations are as follows:

G = 5 acres = 217,800 sq. ft., gross land area.

S = 20% of G = 43,560 sq. ft. of public R.O.W.

G - S = 174,240 sq. ft.

DU = 174,240/6,000 = 29.04 = 29 dwelling units.

On the same five-acre site, under PD procedure, thirty-five dwellings are permitted using the formula shown below:

DU = (N/M)1.2

N = G - S = 217,800 - 43,560 = 174,240 sq. ft.

M = 6,000 sq. ft. minimum lot area.

DU = 174,240/6,000 x 1.2 = 34.8 = 35 dwelling units.

C. Landscaping Required. All common open space shall be landscaped in accordance with the landscaping plan submitted by the applicant and approved by the hearing examiner. Such common open space landscaping plans shall be prepared by a landscape architect or certified nursery person. Natural landscape features which are to be preserved, such as existing trees, drainage ways, rock outcroppings, etc., may be accepted as part of the landscaping plan when, in the judgment of the hearing examiner, such natural features contribute to the attractiveness of the proposed development. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.145 Environmental and recreational amenities.

Four of the following five amenities must be provided as part of the PD in order to receive the density bonus as provided in Section 17.44.140:

A. Develop and equip significant recreational areas within the common open space with such features as, but not limited to, swimming pools, tennis courts, bike or pedestrian path systems, children's play areas;

B. Substantial retention of natural ground cover, brushes and trees;

C. Landscape the on-site drainage retention facility to make it look more like a naturally occurring feature and serve as a visual amenity;

D. Provide significant access to a lake, river, stream or other natural water body;

E. Provide substantial and exceptional landscaping treatment either as an adjunct to or in lieu of natural landscaping beyond the minimum required. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.150 Eligibility and procedure.

A. Who May Apply. Any owner or group of owners of property acting jointly, or a developer authorized to act as agent for an owner or group of owners, may submit an application for a PD.

B. Review Procedure. All PD applications shall be reviewed and approved or disapproved pursuant to the quasi-judicial procedures contained in Title 11. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.160 Required documentation.

An application for PD development shall include the following:

A. Vicinity sketch showing the location of the site and its relationship to surrounding areas, including existing streets, driveways, major physiographic features such as railroads, lakes, streams, shorelines, schools, parks, and other prominent features;

B. A map or maps of the site at a scale not smaller than one hundred feet to the inch, showing all the information required for a preliminary plat plus the following:

1. Site boundaries,
2. Streets bounding or abutting the site,
3. Proposed building including dimensions, setbacks, identification of types and the number of dwelling units in each residential type,
4. Location and dimensions of open spaces,
5. Existing and proposed contours including natural features,
6. Parking facilities, their design, size and capacity,
7. Circulation plan (vehicular and pedestrian), and points of ingress and egress from the site, and their relationship to ingress and egress of neighborhood properties,
8. Existing buildings and indication of future use or disposition,
9. Landscaping plan,
10. Typical front and side elevations and exterior architectural treatments of the proposed units, and
11. Conceptual utility plan, including water, sewer, storm drainage and lighting;

C. In addition to the graphic materials, the developer shall submit a written statement providing the following information:

1. Program for development including estimated staging or timing of development, including build-out data to be submitted to the city and to the school district for each year during the construction period,
2. Proposed ownership pattern upon completion of development,
3. Basic content of restrictive covenants,
4. Provisions to assure permanence and maintenance of common open space through homeowners' association formation, condominium development or other means acceptable to the city,
5. Statement or tabulation of dwelling unit densities proposed, and
6. Statement describing the relationship of the proposed PD to the Grand Coulee development plan. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.170 Filing time limitation for applications not involving plats.

An application for final review and approval shall be filed by the applicant within eighteen months of the date on which preliminary approval was given by the review authority. If an application includes a plat, the timing requirements of Title 16 shall apply. An extension not exceeding six months may be granted by the review authority. If application for final approval is not made within eighteen months or within the time for which an extension has been granted, the plan shall be considered abandoned, and the development of the property shall be subject to the normal requirements and limitations of the underlying zone. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.180 Partial PD area.

An application for final review and approval may be filed for part of a PD area for which preliminary approval has been granted by the review authority. A

final plan for a part of a PD shall provide the same proportion of open space and the same overall dwelling unit density as the overall preliminary plan.

If that portion of the PD for which final approval is requested does not provide such open space, the developer shall file in escrow a quit-claim deed in favor of the city for such additional land area adjacent and accessible to the site, and of sufficient size to provide the open space required to meet the standards of this title. In the event that the developer abandons the remaining portions of the PD, the escrow agent shall deliver the quit-claim deed to the city or to such other public or private entity as the city may direct.

Note: Final approval of a PD development plan shall not be construed to be final plat approval. Plat approval is a separate action and shall be in compliance with state and local subdivision and platting regulations. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.190 Required documentation.

The applicant shall submit at least seven copies of the final development plan of the proposed development to the city for its review. The final development plan shall comply with the conditions imposed on the preliminary development plan. In addition, if the development is being subdivided, the data required of regular plats as required by the subdivision ordinance must be submitted. The plan shall include the following:

A. Final elevation and perspective drawings of project structures;

B. Final landscaping plan;

C. Final plans of and including profiles of the drainage, water, sewer, lighting, streets, and sidewalks or pathways; and

D. Such other documentation, information and data not lending itself to graphic presentation such as restrictive covenants, incorporation papers and bylaws of homeowners' associations, dedications of easements, rights-of-way and other conditions specifically required by the hearing examiner for the particular PD.

No final development plan shall be deemed acceptable for filing unless all of the above information is submitted in accurate and complete form sufficient for the purposes of city review. After receiving the final development plan, the mayor (or designee) shall route the same to all appropriate city departments, and each department shall again submit to the mayor comments and recommendations. If the mayor determines that the final map conforms fully with all applicable regulations and standards, the final map shall be presented to the city council for final approval. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.200 Permit issuance.

Building permits and other permits required for the construction or development of property under the provisions of this chapter shall be issued only when in the opinion of the enforcing official, the work to be performed meets the requirements of the final plan and program elements of the PD. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.210 Adjustments.

A. Minor adjustments may be made and approved by the enforcing official when a building permit is issued. Minor adjustments are those which may affect the precise dimensions or siting of buildings, but which do not affect the basic character or arrangement of buildings approved in the final plan, nor the density of the development or the open space requirements. Such dimensional adjustments shall not vary more than ten percent from the original.

B. Major adjustments are those which, in the opinion of the enforcing officer, substantially change the basic design, density, open space or other requirements of the planned residential development. When, in the opinion of the enforcing officer, a change constitutes a major adjustment, no building or other permit shall be issued without prior review and approval by the hearing examiner of such adjustment. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.220 Duration of control.

The regulations and controls of the planned residential development ordinance in effect at the time of authorization of a PD project shall remain in full force

and effect for the life of the project. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.230 Parties bound.

Once the preliminary development plan is approved, all persons and parties, their successors, heirs, or assigns, who own, have, or will have by virtue of purchase, inheritance or assignment, any interest in the real property within the proposed PD, shall be bound by the conditions attending the approval of the development and the provisions of this title. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.44.240 Commencement of construction.

Construction of the PD project not involving a plat shall begin within one year from the date of the final approval of the plan.

An extension of time for beginning construction may be requested in writing by the applicant, and such extension not exceeding six months may be granted by the council. If construction is not begun within one year or within the time for which an extension has been granted, the plan shall be considered abandoned, and the development of the property shall be subject to the normal requirements and limitations of the underlying zone.

If the final approval was a plat, no timing requirements for construction shall apply. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.48

DISTRICT USE CHART

Sections:

17.48.010 Purpose.

A district use chart is established and contained herein as a tool for the purpose of determining the specific uses allowed in each use district. No use shall be allowed in a use district that is not listed in the use chart as a permitted, accessory, or conditional use, unless otherwise provided for within this title. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.48.020 District use chart.

The district use chart located on the following pages is made a part of this section. The abbreviations contained in the district use chart shall mean the following:

PRM = Permitted use
ACC = Accessory use
CUP = Conditional use
HOP = Home occupation permit
PD = Planned development

	R-1	R-2	R-3	C-B	C-H	I-G	OS
RESIDENTIAL USES							
Accessory Dwelling	PRM	PRM	PRM	PRM			
Single-Family Dwelling	PRM	PRM	PRM				
Duplex Dwelling	PRM	PRM	PRM				
Multifamily Dwelling	PD	PRM	PRM	CUP			
Manufactured Home	PRM	PRM	PRM				
Manufactured Home, Designated[2]	PRM[2]	PRM[2]	PRM[2]				
Mobile Home[1]							
Modular Dwelling	PRM	PRM	PRM				
Detached Accessory Structure less than 2,001 sf./ Attached Garage with No More Than 4 Vehicles	ACC	ACC	ACC				
Adult Family Home/Group Home	PRM	PRM	PRM				
Family Day Care Provider Home	ACC	ACC	ACC				
Bed and Breakfast		ACC	PRM	PRM	PRM		
Boarding/Lodging House	CUP	ACC	PRM				
Caretaker’s Residence			ACC	ACC	ACC	ACC	
Congregate Care/Assisted Living Facility	CUP	CUP	PRM				
Convalescent Home	CUP	PRM	PRM				
Day Care Center	CUP	PRM	PRM	PRM	PRM		
Home Occupation, Type A	ACC	ACC	ACC				
Home Occupation, Type B	CUP	CUP	CUP				
Manufactured/Mobile Home Park		CUP	CUP				
Condominiums—Residential	PD	PD	PRM				
Residential Planned Developments	PRM	PRM	PRM				
Mixed Use Planned Developments			PRM				

	R-1	R-2	R-3	C-B	C-H	I-G	OS
Short-Term Rentals	PRM	PRM	PRM				
Electric Vehicle Charging Station—Level 1	PRM	PRM	PRM	PRM	PRM	PRM	PRM
Electric Vehicle Charging Station—Level 2	PRM	PRM	PRM	PRM	PRM	PRM	PRM

	R-1	R-2	R-3	C-B	C-H	I-G	OS
PUBLIC/SEMI PUBLIC USES							
Cemeteries, Mausoleums						CUP	
Crematorium						PRM	
Churches (Parsonages)	CUP	CUP	CUP				
Community Club, Grange, Lodge		CUP	PRM	PRM	CUP	CUP	
Convention, Information and/or Community Centers		CUP	PRM	PRM	PRM	CUP	
Courts of Law				PRM	PRM	PRM	
Educational Services	CUP	CUP	CUP	CUP	CUP	CUP	PRM
Fire/Police Station	CUP	CUP	CUP	PRM	PRM	PRM	PRM
Government Uses and Structures	CUP	CUP	CUP		CUP	PRM	PRM
Hospital		CUP	CUP		CUP	CUP	
Instructional Child Care (Preschool)	CUP	ACC	PRM	PRM			
Libraries, Public	CUP	CUP	CUP	PRM	PRM	PRM	
Municipal Buildings	CUP	CUP	CUP	CUP	CUP	PRM	
Municipal Shop/Maintenance Buildings	CUP	CUP	CUP		PRM	PRM	
Personal Wireless Service Facilities					PRM	PRM	
Recycling Center					PRM	PRM	
Water Well Fields, Facilities	PRM	PRM	PRM	PRM	PRM	PRM	PRM
Utility Uses and Structures (Telephone Exchange)	CUP	CUP	CUP		CUP	CUP	PRM
Wastewater Treatment Facilities					CUP	PRM	PRM
Clinic, Medical, Dental, Etc.		CUP	CUP	PRM	PRM	PRM	
Detention Facility/Jail					CUP	CUP	
Animal Shelter					CUP	PRM	PRM
Trade/Vocational School			CUP		PRM	PRM	
Public Passenger Transportation Facilities			PRM	PRM	PRM	PRM	
AGRICULTURAL USES							
Agriculture Building, Commercial						PRM	
Ag-Related Industry						PRM	
Ag Market, Ag-Tourism Facility			CUP	PRM	PRM	PRM	
Feed Store			CUP		PRM	PRM	
Kennels, Commercial					CUP	PRM	
Poultry for Personal Use Only	ACC	ACC					
Agricultural Building, Private							
Animal Clinic, Hospital					PRM	PRM	
Commercial Composting						CUP	
Farm Equipment Sales/Service					PRM	PRM	
Feed Lot							
Home Fruit Stand	ACC	ACC			ACC		

	R-1	R-2	R-3	C-B	C-H	I-G	OS
Horse Boarding/Training, Riding Stable							
Kennels, Hobby	ACC						
Livestock, Commercial							
Nursery, Commercial/Retail, Minimum 1 Acre in Size					PRM	PRM	PRM
Nursery, Wholesale, Minimum 1 Acre in Size					PRM	PRM	PRM
Poultry, Commercial							
Slaughterhouse							
Tree Fruit Production, Minimum 1 Acre in Size					PRM	PRM	PRM
Vineyard, Minimum 1 Acre in Size					PRM	PRM	
COMMERCIAL USES							
Accessory Buildings, Structures			ACC	ACC	ACC	ACC	
Arts and Crafts, Antique Sales			PRM	PRM	PRM	PRM	
Convenience Store, Excluding Fuel Sales			PRM	PRM	PRM	PRM	
Convenience Store, Including Fuel Sales					PRM	PRM	
Cultural and/or Historical Facilities			PRM	PRM	PRM	PRM	
Dry Cleaners, Laundromats			PRM	PRM	PRM	PRM	
Farmer’s Market			PRM	PRM	PRM	PRM	
Financial/Lending Institution (Bank, Etc.)				PRM	PRM		
Lodging Facilities			CUP	PRM	PRM		
Hardware/Garden Store—Lumber Yard			CUP		PRM	PRM	
Hotels/Motels				PRM	PRM	PRM	
Manufactured Home, Sales					PRM	PRM	
Merchandise, Furniture, Home Furnishings, Department Retail Sales and Service			CUP	PRM	PRM		
Museums, Art Galleries			PRM	PRM	PRM	PRM	
Parcel Delivery				CUP	CUP	PRM	
Parking Lots—Commercial or Public				CUP	CUP	CUP	
Pharmacies			PRM	PRM	PRM		
Pet Services	HOP		PRM	PRM	PRM	PRM	
Personal Services (Barber, Salon, Etc.)	HOP		PRM	PRM	PRM		
Professional Services (Lawyer, Psychiatrist, Etc.)	HOP		PRM	PRM	PRM		
Repair Services, Electronics/Small Appliances	HOP		PRM	PRM	PRM	PRM	
Restaurant, Food/Beverage Service			PRM	PRM	PRM	PRM	
Retail Stores (Grocery, Food, Etc.)			CUP	PRM	PRM	PRM	
Retail—Textiles, Sporting Goods			PRM	PRM	PRM	PRM	
Signs, Off-Premises					CUP	PRM	
Taverns, Bars, Cocktail Lounges				PRM	PRM		
Variety Stores, Secondhand Shops			CUP	PRM	PRM		

	R-1	R-2	R-3	C-B	C-H	I-G	OS
Vehicle, Sales, Repair and Service Shops			CUP	CUP	PRM	PRM	
RV Tractor, Trailer, Sales and Service				CUP	PRM	PRM	
Auto Towing—Secured					CUP	PRM	
Bakery, Retail			PRM	PRM	PRM		
Car Rental					PRM	PRM	
Car Wash				CUP	PRM	PRM	
Commercial Copiers/Printers			PRM	PRM	PRM	PRM	
Condominiums—Time-Share and Similar Resort Ops		PD	PD	PD	CUP		
Espresso Stand			PRM	PRM	PRM	PRM	
Funeral Home			PRM		PRM		
Fuel/Service Station					PRM	PRM	
Heating and Plumbing Sales and Services			PRM	PRM	PRM	PRM	
Micro-Brewery/Winery/Distillery			PRM	PRM	PRM	PRM	
Mini-Storage					PRM	PRM	
Newspaper Publishing				PRM	PRM	PRM	
Truck Stops					PRM	CUP	
Electric Vehicle Charging Station—Level 3				CUP	PRM	PRM	PRM
Electric Vehicle—Battery Exchange Station				CUP	CUP	CUP	CUP
INDUSTRIAL USES							
Storage of Critical Material						CUP	
Accessory Buildings, Structures					ACC	ACC	
Asphalt Paving Plant						CUP	
Apparel Manufacture					PRM	CUP	
Bakery, Wholesale					PRM	PRM	
Bulk Fuel Distributor						CUP	
Chemical, Pharmaceuticals, Cosmetics Manufacture/Processing/Packaging					CUP	CUP	
Communications, TV/Radio Stations			CUP	PRM	PRM	PRM	
Construction Contractor’s Yards					PRM	PRM	
Electronic Product Manufacture/Assembly					PRM	PRM	
Excavation/Mining for Development Site Preparation Only					CUP	CUP	
Fabricated Metal Products, Sheet Metal, Welding					PRM	PRM	
Furniture Products Manufacture/Assembly					PRM	PRM	
Glass Products Manufacture/Assembly					PRM	PRM	
Mineral Extraction, Crushing, Screening, Etc.						PRM	
Hardware Product Manufacture/Assembly					PRM	PRM	
Hazardous Waste Storage, On-Site					ACC	CUP	

	R-1	R-2	R-3	C-B	C-H	I-G	OS
Hazardous Waste Treatment, On-Site					ACC	CUP	
Leather Products Manufacture/Assembly						CUP	
Machinery/Heavy Equipment Manufacture/Assembly						PRM	
Manufactured Homes, Travel Trailers, Campers, Manufacture/Assembly/Fabrication						PRM	
Medical/Scientific Research, Product Manufacture/Assembly					CUP	PRM	
Paper Products Manufacture/Assembly						PRM	
Paperboard Containers Manufacture					CUP	PRM	
Plastic Products Manufacture/Assembly					CUP	PRM	
Prefabricated Wood Products					CUP	PRM	
Printing, Publishing, Binding			CUP	PRM	PRM	CUP	
Storage, Sales, Distribution of Hazardous Materials						CUP	
Storage, Outdoor					ACC	CUP	
Temporary Buildings for Construction Purposes	ACC	ACC	ACC	ACC	ACC	ACC	
Truck, Freight Terminals						CUP	
Vehicle, Boat Building and Repair					CUP	PRM	
Warehousing, Storage					PRM	PRM	
Wholesale Trade/Storage of Durable and Nondurable Goods (Auto Parts, Tires, Furniture, Lumber)					PRM	PRM	
Building/Construction Materials, Manufacture/Assembly/Fabrication, Lumber Yard					PRM	PRM	
Heliports					PRM	PRM	
Beverage Industry					CUP	PRM	
Canning/Packing Foods					CUP	PRM	
Cement/Concrete Plant					CUP	CUP	
Food Processing					CUP	PRM	
Rendering Plants							
Rubber Products						PRM	
Wrecking Yard/Vehicle Recycling					CUP	PRM	
RECREATIONAL USES							
Arboretums and Gardens	CUP	PRM	PRM	PRM	PRM	PRM	
Bowling Alleys			PRM	PRM	PRM		
Adult Entertainment						CUP	
Drive-In Theater					PRM	PRM	
Sportsmen's Club				CUP	PRM	PRM	
Exercise Facility			PRM	PRM	PRM	PRM	
Golf Course, Driving Range—Private	PD	PD		CUP	PRM	CUP	PRM

	R-1	R-2	R-3	C-B	C-H	I-G	OS
Playfields	PRM	PRM	PRM	PRM	PRM	PRM	PRM
Parks and Outdoor Recreation Facilities	PRM	PRM	PRM	PRM	PRM	PRM	PRM
Recreational Vehicle Park or Tent Campground					CUP	CUP	
Theaters			PRM	PRM	PRM		
Trail Systems	PRM	PRM	PRM	PRM	PRM	PRM	PRM
Video Rental			PRM	PRM	PRM		
Game, Card				CUP	PRM		
Mini-Casinos				CUP	PRM	PRM	
Miniature Golf			PRM	PRM	PRM	PRM	
Racetrack/Speedway (Horse, Mini-Sprint, Etc.)					CUP	CUP	
Roller-Skating Rink				CUP	PRM		

[1]Mobile homes are permitted in mobile home parks in existence as of the date of the ordinance codified in this title.

[2]At the time of placement the manufactured home shall be less than ten years old, meet Housing and Urban Development standards and be placed on a foundation meeting all of the city of Grand Coulee standards.

(Ord. 1076 § 1 (Exh. A), 2021; Ord. 1067 § 1, 2020; Ord. 1034 § 3, 2016; Ord. 1016 §§ 1, 2, 2014; Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.52

OFF-STREET PARKING AND LOADING

Sections:

17.52.010 Purpose.

It is the purpose of this chapter to provide adequate numbers of off-street parking spaces, vehicular ingress, egress and loading facilities in order to reduce on-street parking, increase traffic safety, maintain smooth traffic flow and reduce the visual impact of parking lots. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.52.020 Applicability.

A. Off-street parking and loading facilities shall be available prior to occupancy of a site, commencement of commercial/industrial activities, changes in use or major alteration/enlargement of the site, use or structure. All required parking spaces shall be permanently available and maintained for parking purposes only.

B. For the purposes of these requirements, "major alteration or enlargement" shall mean a change of use or an addition that would increase the number of parking spaces or loading berths required by this chapter by more than ten percent of the total number required prior to the alteration or enlargement.

C. Exception. Existing buildings located on that portion of Main Street between Federal Avenue and Midway Avenue (SR 155) shall be exempt from the requirements of this chapter. Existing buildings are defined as those in existence as of the date of passage of the ordinance adopting this code. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.52.030 Required off-street parking.

A. The total number of off-street parking spaces required shall be calculated based on the total floor area of the proposed use (unless otherwise specified). The total floor area is defined as the gross floor area minus the following spaces:

1. Elevator shafts and stairways;
2. Public restrooms;
3. Public lobbies, common mall areas, atriums and courtyards provided solely for pedestrian access to the building from the exterior, and/or for aesthetic enhancement or natural lighting purposes;
4. Permanently designated corridors.

B. The following categories shall be used in defining various types of land uses and activities:

1. Residential: single-family and multifamily dwelling units.
2. Community services: churches, funeral homes, convalescent/nursing homes, clubs, lodges, grange halls, museums, art museums, municipal buildings, etc.
3. General retail: grocery store, pharmacies, hardware, liquor, furniture, department, clothing stores, etc.
4. General service: mini-marts, gas/service stations, beauty salons, espresso stands, eating and drinking establishments, etc.
5. Transient services: hotels, motels, bed and breakfasts, boarding houses, etc.
6. Professional office: law, doctor, real estate, accounting, insurance offices, financial institutions, etc.
7. Industrial facilities: wholesale trade, warehousing, processing and manufacturing plants, auto recycling and heavy equipment repair shops, etc.

C. The required number of parking spaces for each land use/activity category shall be as follows:

Residential	2 spaces/dwelling unit
Community services	1 space/200 square feet
General retail	1 space/300 square feet

General service	1 space/100 square feet
Transient services	1 space/room
Professional office	1 space/200 square feet
Industrial facilities	1 space/500 square feet of retail area and 2 spaces/1,000 square feet of gross floor area

1. Off-street parking requirements for uses not specifically defined above shall be determined by the city based upon the requirement for similar uses.

2. In calculating the required number of parking spaces for facilities containing more than one use, the ratio for each use shall be applied to the total square footage for each use and then added together for the required number of parking spaces. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.52.040 Off-street loading.

Off-street loading shall be provided for all commercial/industrial establishments which are engaged in retailing or wholesaling of merchandise requiring frequent loading or unloading from trucks or other large vehicles.

A. Loading Space Size. The required space shall be of adequate size to accommodate the maximum size of vehicles loading or unloading at the site.

B. Loading Space Location. The required loading and related maneuvering space shall be located on the property served and in no case shall be allowed on public right-of-way. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.52.050 Off-site parking facilities.

If the required off-street parking is proposed off-site, the applicant shall provide a written contract with affected landowners stating that required off-street parking will be provided in a manner consistent with the provisions of this chapter. All contracts shall be approved by the city and then recorded with the Grant County auditor as a deed restriction encumbering the title(s) of all properties involved. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.52.060 Performance standards.

Parking areas associated with single-family dwellings shall be exempt from the provisions of this chapter, except as provided in Section 17.52.030.

A. Lighting. Lighting shall illuminate any off-street parking or loading spaces used at night. When provided, lighting shall be directed toward the property only.

B. Barrier Free Parking. Accessible parking shall be provided, in accordance with the Washington State Barrier Free Code.

C. Maintenance. The owner of a required parking area shall maintain the paved surface and required landscaping, irrigation and drainage facilities in a manner complying with this chapter and the approved site plan. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.52.070 Development standards.

All off-street parking areas shall be constructed in the following manner:

A. Surfacing. Off-street parking areas shall be surfaced with asphalt, concrete, or similar pavement.

B. Parking space dimension: nine feet in width by eighteen feet in length. The minimum area requirement for each parking space, together with access and maneuvering areas, shall not be less than four hundred square feet per parking space or stall.

C. Stormwater Drainage. All stormwater shall be accommodated pursuant to Section 17.16.090.

D. Border/Barricades. Each parking space adjacent to buildings, walls, landscaped areas, street rights-of-way and/or sidewalks shall be provided with a concrete curb or bumper at least six inches in height at or within two feet of the front of such space.

E. All parking spaces shall be marked by durable painted lines at least four inches wide and extending the length of the stall or by curbs or other means approved by the reviewing official to indicate individual parking stalls. Directional arrows shall be clearly drawn on paved surfaces in order to provide a safe pattern of traffic movement.

F. Entrances and Exits.

1. All points of ingress and egress to parking area shall have a minimum separation of one hundred feet

and are subject to approval by the mayor or his/her designee.

2. In all commercial, industrial, and multifamily developments, parking areas shall be arranged to avoid any vehicles from backing onto any street or public right-of-way. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.52.080 Reduction of off-street parking requirements.

Any development which dedicates additional right-of-way for transit facilities, or provides transit facilities on site, may reduce the off-street parking requirements by fifteen percent. Local transit improvements may include, but are not limited to, shelters, benches, bus turnouts and similar improvements which directly benefit the users of the development. All improvements, including any dedication of right-of-way, shall be approved by the local transit authority prior to receiving a reduction in parking requirements. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.52.090 Nonconforming parking.

Any use which, on the effective date of the ordinance codified in this title, is nonconforming in terms of the off-street parking spaces or facilities required may continue in the same manner as if it were conforming. However, the number of existing off-street parking spaces shall not be reduced.

A. When an existing structure with nonconforming parking is expanded, or a nonconforming use is changed to another use, and additional parking is required, the additional parking spaces shall be provided in accordance with the provisions of this chapter. For building enlargements not involving a change of use, the number of additional spaces shall be computed only to the extent of the enlargement, regardless of whether or not the number of previously existing spaces satisfies the requirements of this chapter.

B. When the use of an existing lot or structure with nonconforming parking is changed to another use listed in Sections 17.52.030 and 17.52.040, the nonconformity shall cease and the new use shall provide all the required off-street parking in accordance with the provisions of this chapter. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.56

LANDSCAPING STANDARDS

Sections:

17.56.010 Purpose.

The purpose of the landscaping and screening requirements of this chapter includes the following:

A. Maintain and protect property values;

B. Enhance the city's appearance;

C. Protect the health and safety of the public;

D. Provide a visual separation and physical buffer between varying intensities of abutting land uses;

E. Soften the visual impact of paved areas;

F. Reduce the impact of erosion and stormwater runoff. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.56.020 Applicability.

This chapter shall apply to all permitted, accessory, and conditional uses, as identified elsewhere in this title, and except as described below. Landscape plans shall be submitted with a development permit application prior to the issuance of any building permit or other land use action.

A. This chapter does not apply to:

1. Single-family residential dwellings, duplexes and their accessory uses when not developed as part of an overall development, i.e., subdivisions or planned developments, and while used for those purposes;

2. Subdivision(s) and short subdivision(s), except subdivision entrance signs, or landscape design standards required elsewhere in the city regulations;

3. Remodels representing less than fifty percent of the valuation of the structure as determined by using the most recent International Conference of Building Officials (ICBO) construction tables, or remodels adding less than twenty percent of gross floor area, whichever is greater;

4. Changes or expansions in use(s) requiring less than five parking stalls or less than ten percent of the required parking stalls; and

5. Farms and accessory uses associated with farming.

B. The city shall review and may approve, approve with modifications or disapprove the landscape plans for all developments in accordance with the provisions of this chapter. The city may permit alternative landscaping, as set forth in Section 17.56.060, when the overall site development plan, as proposed by the applicant, provides equal or better results than required by this chapter. The city may adopt a tree standards manual that describes appropriate species, planting and maintenance techniques applicable to the Grand Coulee area.

C. "Landscaping" shall mean an area devoted to or developed and maintained with plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative outdoor landscape elements, garden ponds or pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements.

D. All required landscaping shall be maintained by the landowner or, in the case of streetscape landscaping, by the adjacent landowner, unless it is part of a city maintenance program. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.56.030 Landscape plan.

All landscape plans shall be a scaled drawing submitted to and approved by the city and shall be consistent with the provisions of this chapter. At a minimum, the landscape plan shall contain the following:

A. A plant list indicating the type, size and quantity of proposed plant materials;

B. The landscape design shall include the location and size of all existing and proposed planting areas on the site. An irrigation system plan shall also be submitted. Where utilized, the following items shall also be shown:

1. Indication of screening and buffer plantings required by ordinance;

2. Impervious surfaces;

3. Natural or manmade features and water bodies;

4. Existing or proposed structures, fences, and retaining walls including heights and materials;

5. Location and spacing of each plant to be planted, shown to scale;

6. Designated recreational open space areas, pedestrian plazas, or green areas; and

7. The location of all proposed lighting shall be included.

C. The landscape plan shall be submitted with the development application and approved prior to the issuance of a building permit or in conjunction with the development permit. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.56.040 Landscape standards.

A. General Landscape Standards. The following minimum standards shall apply to all landscaped areas required by this title:

1. All landscaping shall be maintained for the life of the completed development.

2. A permanently installed irrigation system shall be provided with adequate water pressure and coverage to serve all landscaped areas, except for areas with existing native species that are incorporated into the approved design or that utilize xeriscape design requiring no supplemental irrigation. Applicants are encouraged to maximize the use of native or xeriscape (low water) plants.

3. The property owner shall keep the landscaped areas free of weeds and trash, and shall replace any diseased, damaged, unhealthy, or dead plants in conformance with the approved landscape plan. All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition. If the city determines the maintenance required under this subsection has not been performed, the city shall take enforcement action pursuant to the provisions of Chapter 11.13.

4. Planting areas shall be clearly separated from parking spaces and driveways by a raised curb, earthen berm or other suitable formal separation permanently affixed to the ground. Planting areas shall not have artificial impervious material underlying the top soil.

5. Trees.

a. Where required, trees shall be at least six feet in height at the time of planting.

b. Street trees shall be planted adjacent to the right-of-way, but not closer than three feet to a public sidewalk or curb. In no case shall sight-obscuring landscaping be located within the clear view triangle area as set forth in this title.

c. Trees shall be of a variety approved by the city so as not to cause damage to sidewalks or streets as a result of root growth.

d. The city shall have the right to prune and maintain trees and shrubs within the lines of the right-of-way, clear view triangle and other public areas as may be necessary to ensure public safety.

6. Shrubs. Where required, shrubs shall be at least one and one-half feet in height at the time of planting.

7. Ground Cover. Where required, ground cover shall consist of grass, shrubs, vines, or other similar living ground cover; provided, that where only a portion of the landscaped area is to be covered with living ground cover, the remaining area may be covered with bark, rock or other similar material.

8. All landscaped areas shall be designed, consistent with the requirements of this title, and implemented so that the area will be covered within five years.

9. All landscaping shall be installed prior to issuance of the certificate of occupancy unless financial surety is posted in a form in an amount acceptable to the city of Grand Coulee as set forth in Section 17.56.070.

B. District Landscaping Designations and Minimum Width. Landscaping shall be provided in all

development subject to this chapter and as set forth below, except as otherwise enumerated within the regulations of the city. The following standards listed below indicate the type and width of landscaping required for various proposed uses, depending on the zoning district, type of use and zoning of adjacent parcels, or as enumerated elsewhere in this title. Landscape types are discussed in Section 17.56.050.

District Landscaping Designations and Minimum Width

	Yard	Area Landscape Width	Landscape Type
Central Business and General Industrial I-G Districts	Front yard	6 feet	Type II
	Side and rear yards	Only where adjacent to any residential and/or recreation district: 10 feet	Type I
Highway Commercial C-H, Public Facilities (in any district), and Planned Developments	Front, rear and side yards	6 feet	Type II
	All yards adjacent to a residential and/or recreation district	10 feet	Type I
Conditional Uses/Nonresidential Uses in Residential Districts	Front yard	6 feet	Type II
	Rear and side yards	6 feet	Type I

1. The minimum landscaping width along the rear and side yards may be reduced to an amount approved by the city, but in no case shall it be less than five feet, if an ornamental wall or fence is constructed in conjunction with the landscaping required.

2. The city may increase the minimum width of a landscaped area and type of planting if the use is located adjacent to a lower intensity use.

3. Where side and rear yards are not required to have landscaping, the provision of landscaping shall be at the owner's discretion. If provided, all landscaped areas shall be properly maintained in a weed-free, healthy growing condition.

4. If existing, well-established trees that have a trunk diameter of six inches or greater, as measured four feet above ground level, and/or vegetation (excluding noxious weeds and grasses) can realistically be utilized, they should be preserved and incorporated into the overall landscape program.

C. Landscape Standards for Parking Areas. All required off-street parking facilities in the central business, highway commercial C-H, as well as those off-street parking facilities required in association with public facilities, planned developments, and conditional uses shall provide landscaping consistent with the Type III parking area landscaping requirements established herein.

D. Landscape Standards Adjacent to State Highway. Development adjacent to a state highway shall provide a landscaped strip along the entire state right-of-way frontage. The strip shall measure a minimum of ten feet in width and be landscaped with trees, shrubs and ground cover. The landscape plan shall be reviewed and revised, as required by the city, to ensure safe sight distance for the traveling public is not impaired as a result of the required landscaping.

E. Landscaping Adjacent to Residential Districts. Where a particular development site is located in a commercial or industrial district and adjacent to a residential district, buffering shall be required in a form adequate to provide site screening, noise attenuation, safety separation, and reduction of light and glare. Acceptable methods of buffering include undulated berms, plantings, sight-obscuring fencing, security fencing, or any combination thereof. At least two buffering methods shall be used to offset impacts to surrounding properties.

F. Landscaping/Buffering Manufactured Home Parks. A planting strip, not less than twenty feet in width, shall be located along all lot lines of a residential park not bordering a public street, except that distance may be reduced to ten feet if a solid wall or fence is provided. Plantings shall provide a complete screen within five years. The setback areas of a residential park adjoining a public street shall be planted in grass or shrubbery. All such required landscaping shall be maintained in a healthy living condition for the life of the residential park. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.56.050 Landscape types.

A. Type I—Screen. Type I landscaping is intended to provide a very dense sight barrier to significantly separate incompatible uses and/or zoning districts. Existing natural buffers are encouraged but may need additional width or to be augmented with additional landscaping features to provide the required sight barrier. Type I landscaping shall contain the following minimum elements:

1. All plant materials and living ground cover must be selected and maintained so that the entire landscaped area will be covered a minimum of seventy-five percent within five years, with maximum coverage in eight years.

2. Any combination of trees (deciduous or evergreen), shrubs, earthen berms and related plant materials or design are allowed; provided, that the resultant effect is sight obscuring from adjoining properties.

B. Type II—Perimeter Landscaping. Type II landscaping is intended to provide landscaping on the perimeter boundary of a site and to provide a visual separation of uses from adjacent uses and parking areas. Type II landscaping shall contain the following minimum elements:

1. A combination of deciduous and/or evergreen trees, shrubs, and ground cover shall be provided;

2. No more than sixty percent of the trees shall be deciduous;

3. Trees shall be planted at intervals no greater than thirty feet on center, unless plantings are clustered into groups, then the planting intervals shall be planted at intervals no greater than ninety feet;

4. Plant materials shall be planted so that the ground will be covered a minimum of seventy-five percent within five years;

5. Of the ground cover provided, at least fifty percent shall be living ground cover.

C. Type III—Parking Area Landscaping. Type III landscaping is intended to provide visual relief and shade in parking areas. Up to one hundred percent of the required trees proposed for the parking area may be deciduous. Type III landscaping shall contain the following minimum elements:

1. Required Amount.

a. Parking areas with fewer than twenty parking stalls are exempt from these provisions.

b. A parking area with more than twenty but less than one hundred parking spaces: at least seventeen and one-half square feet of landscape area must be provided as described in this section for each parking stall proposed.

c. If the parking area contains more than one hundred parking spaces, at least thirty-five square feet of landscaping must be provided as described in this section for each parking stall proposed.

2. Each area of landscaping must contain at least one hundred square feet of area and dimension and shall not be less than six feet in any direction. The area must contain at least one tree six feet in height at the time of planting. The remaining ground area must be landscaped with plant materials.

3. A landscaped area must be placed at the interior end of each parking row in a multiple lane parking area. Each area must be at least four feet wide and must extend the length of the adjacent parking stall(s).

4. One shade tree shall be planted within the interior of the off-street parking area for every ten parking stalls. The first priority in meeting this provision is to preserve existing, well-established trees that do not interfere with the safety, operation and functioning of the parking lot. The trees shall be capable of providing shade to an area equal to thirty percent of the parking facility within fifteen years of planting.

5. All landscaped islands shall be planted with a combination of shade trees, shrubs or living ground cover. This area may contain ornamental trees and shrubs if appropriate. All planting must be in the central portion of the island.

6. Screen planting of a dense evergreen material not less than five feet in height at the time of maturity shall be provided in any location where lights from vehicles within the off-street parking area and/or where overhead illumination may shine directly into windows of adjacent residential buildings. In lieu of screen planting, up to fifty percent of the required landscaping may be subtracted when a solid rock, masonry, or wood fence is constructed, provided the fence is at least forty-two inches high, but does not exceed five feet in height.

7. Provisions shall be made to ensure that adequate pedestrian paths connecting the parking lot with the public right-of-way are provided throughout the landscaped areas.

8. All areas in a parking facility not used for driveways, maneuvering areas, parking spaces, or walks shall be permanently landscaped with suitable materials and shall be permanently maintained, pursuant to a maintenance program submitted by the applicant and approved by the city.

9. Except within fifteen feet of a driveway, landscaped areas may include berms, ornamental block walls, and similar techniques that provide variations and/or modulations in elevation, texture, and similar characteristics.

10. To increase the parking lot landscaped area, a maximum of two feet of the parking stall depth may be landscaped in lieu of asphalt while maintaining the required parking dimensions.

11. All parking facilities shall be permanently maintained in such a way that dust is not emitted from the parking lot, and shall be free of weeds, litter, debris, and graffiti. Parking lots shall be striped biannually.

12. Where lighting is provided, it shall be of low intensity and the lighting shall be shielded in such a way that light and glare is directed only onto the subject property. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.56.060 Adjustment of landscape requirements.

A. An alternative landscaping plan for an overall site may be submitted and approved by the city when the landscaping plan as proposed meets the minimum standards and general intent of this chapter. The landscaping plan shall be processed simultaneously with the overall site development plan.

B. The city may authorize reduced or expanded widths of plantings or may waive or require supplementation of some of the landscaping requirements in the following instances:

1. When the inclusion of significant existing vegetation located on the site would result in as good as or better satisfaction of the purposes of this section;

2. When the landscaping would interfere with the adequate flow of stormwater runoff, as determined by the city engineer along drainage easements and/or when the landscaping would interfere with the adequate treatment of stormwater in grassed percolation areas;

3. Requests for modifications to landscape plans under this subsection are classified in accordance with “limited administrative reviews” as set forth in Title 11. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.56.070 Performance assurance.

A. The required landscaping shall be installed prior to occupancy or the issuance of an occupancy permit, whichever occurs first, unless the director determines that a performance assurance device will adequately protect the interest of the city. In no case may the property owner/developer delay performance for more than one year, unless a time schedule is developed to phase in the landscaping and is approved by the mayor.

B. The city may require performance assurance as a warranty of plant survival. Such an assurance shall, if required, be in effect through one complete growing season following planting.

C. If a performance assurance device is required it shall be in a form acceptable to the city attorney, and in an amount that is one hundred fifty percent of the estimated cost of installation. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.60

SIGNS

Sections:

17.60.010 Purpose.

The purpose of this chapter is to accommodate and promote sign placement consistent with the character and intent of individual zoning districts by providing minimum standards to safeguard life, health, and visual quality of the public. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.60.020 Permit requirements.

A. No sign shall be erected, structurally altered, or relocated by any person, firm, or corporation without a permit from the city of Grand Coulee.

B. No building permit shall be required for repainting, cleaning, or other normal maintenance and repair of a sign, or for sign face and copy changes that do not alter the size or structure of the sign.

C. A sign permit shall be processed as a Type I administrative review as set forth in Title 11. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.60.030 Exemptions.

The following signs are considered exempt:

A. Official flags, emblems, or insignia of the United States, or other governmental unit, and flags of internationally and nationally recognized organizations.

B. Official and legal notices by any court, public body, persons, or officer in performance of a public duty, or in giving any legal notice.

C. Directional, warning, regulatory, or information signs or structures required or authorized by law, or by federal, state, county, or city authority.

D. Political signs which, during a campaign, advertise a candidate for public elective office, a political party, or promote a position of a public issue, provided such signs are removed within fifteen days following the election.

E. Construction and real estate signs not exceeding thirty-two square feet in area, provided such signs are removed within fifteen days following completion of the construction project or closing of sale or lease of the real estate.

F. All temporary signs, provided such signs shall not be displayed for more than sixty days, and provided they do not exceed thirty-two square feet in area, except portable signs.

G. Structures intended for a separate use such as phone booths, Goodwill containers, or other similar structures.

H. Painting, repainting of an advertising structure or the changing of the advertising copy or message thereon shall not be considered erecting or altering which requires a sign permit, unless structural change is made.

I. Signs less than four square feet in area provided there is only one sign which meets Section 17.60.050, Standards.

J. Product identification signs, provided they do not exceed ten square feet in area.

K. Grand openings and special event signs which would include banners, streamers and temporary signs (except portable signs), provided they do not exceed a period of more than thirty-five days, and provided it does not obstruct pedestrian or vehicular travel.

L. City directory signs that are placed at the city's discretion on city-owned property and/or right-of-way displaying the names, phone numbers, and/or addresses of businesses and/or public/semi-public uses in nearby areas.

M. Coulee Corridor Scenic Byway logo signs consistent with the adopted corridor management plan. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.60.040 Signs prohibited.

The following signs are prohibited within any zoning district:

A. Signs which purport to be, are an imitation of, or resemble an official traffic sign or signal, or which obstruct the visibility of any such signal; or which could cause confusion with any official sign or signal.

B. Signs attached to utility poles, street lights, and traffic control standard poles.

C. Swinging, projecting signs.

D. Signs in a dilapidated or hazardous condition.

E. Flashing signs.

F. Portable signs.

G. Beacons.

H. Off-premises signs in residential districts.

I. Billboards. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.60.050 Standards.

The following standards are applicable to all signs in all districts as established under this title:

A. Single- or multiple-occupancy buildings which have street frontage on two streets with customer entrances on each street are permitted one freestanding sign per street frontage; provided, that each freestanding sign is located on different street frontages and are separated by more than one hundred feet. No signs shall be permitted on streets abutting residential districts.

B. Signs attached to a building shall not exceed three feet above the roof line of any building or structure to which it is attached.

C. A clear view triangle, as established by this title, shall be maintained at all intersecting public or private streets, driveways, and/or curb cuts for vision safety purposes.

D. All freestanding signs shall include, as part of their design, landscaped areas at least four feet in diameter to improve the overall appearance of the installation, and shall have other approved devices around their base so as to prevent vehicles from hitting the sign.

E. Projecting and awning signs shall maintain a minimum clearance of eight feet above the finished grade.

F. Off-premises signs allowed by this chapter are strictly limited to the following standards:

1. Shall be no higher than ten feet;

2. Shall contain no more than a total of thirty-two square feet of sign face/area;

3. Shall be set back at least ten feet from the right-of-way line; and

4. Shall be constructed as a monument sign and shall include as part of their design landscaped areas with a radius around the perimeter of the sign base of at least three feet.

G. Setback. Freestanding signs may be permitted anywhere on the premises, except in a required side yard, or within ten feet of a street right-of-way.

H. Illumination. All lighted signs shall be internally lit or provided with direct illumination so as not to project light across property lines.

I. Computations. The following principles shall control the computation of sign area and sign height:

1. Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed; but not including any supporting framework, bracing, or decorative fence or wall that is clearly incidental to the display itself.

2. Area of Multifaced Signs. The sign area shall be computed by adding together the area of all sign faces. When two identical sign faces are placed back to back, the sign area shall be computed by the measurement of one of the faces. No greater than two faces are permitted per freestanding sign.

3. Height. The height of a sign shall be computed as the distance from the base of the sign at the existing, natural grade to the top of the highest attached

component of the sign. In cases in which the normal grade cannot reasonably be determined, or the property is improved with curbs and gutters, sign height shall be computed on the assumption that the elevation of the normal grade at the sign is equal to the elevation of the sidewalk. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.60.060 District regulations.

This section shall apply to all districts and conditional uses designated in the zoning ordinance.

A. Residential Districts.

1. Nonconforming Uses and Those Permitted by Conditional Use Permit.

a. Each use is permitted one freestanding or monument sign having a maximum sign area of thirty-two square feet. The sign structure together with the sign shall not exceed a height of five feet. One additional freestanding or monument sign is permitted if there is more than one front property line.

b. One flush-mounted wall sign having a maximum sign area of twelve square feet. In lieu of a freestanding or monument sign the attached sign may be increased in area to the total square footage of the freestanding or monument sign plus the square footage of the attached sign for a total of forty-four square feet.

2. Home Occupations. Signs relating to home occupations as defined in Section 11.17.368 shall be an unlighted, flush-mounted wall sign and shall not exceed four square feet in area.

3. Residential Subdivisions, Residential Multifamily, and Planned Residential Developments. Decorative subdivision or area name signs of a permanent character at the street entrance or entrances to the housing development which identify said development only shall be permitted, subject to the following conditions:

a. One monument sign may be permitted per entrance from an access street to the property, provided said sign does not exceed thirty-two square feet and is six feet or less in height, or as approved by the reviewing authority at the time of preliminary subdivision approval.

b. The sign shall consist of decorative masonry walls or wood with name plates or letters, and shall be located in a maintained landscaped area.

B. C-B Business Commercial, C-H Highway Commercial and I-G General Industrial.

1. Single-Occupancy Buildings.

a. One freestanding or monument sign not exceeding a maximum area of seventy square feet nor a height of twenty feet.

b. One attached sign, unlighted or with low intensity lighting, placed flat against the wall of the main building, having a surface area not greater than thirty-two square feet, is permitted.

c. In lieu of a freestanding or monument sign, the attached sign may be increased in area to the total square footage of the freestanding or monument sign plus the square footage of the attached sign for a total of one hundred square feet.

2. Multiple (Two or More) Offices or Businesses within a Structure of a Planned Commercial/Industrial Park.

a. One freestanding sign not exceeding one hundred twenty square feet, nor exceeding a height of twenty feet.

b. Identification signs may list the names of the occupants of the multiple structure/park. (Individual occupancy or buildings are not allowed a separate freestanding sign.)

c. One additional freestanding sign is permitted per center if the premises extend through a block to face on two or more arterial streets.

d. One wall identification sign shall be permitted for each principal building or occupancy which does not exceed an area of thirty-two square feet. Identification signs shall be attached flat against the building and shall not project above the eaves of the roof or the top of the parapet or beyond the eave lines or beyond the outer limits of the wall.

e. Individual occupancy signs within a multiple-occupancy or building complex shall be consistent with the building architecture and similar in color, design, size, and graphics.

3. Community Bulletin Board Signs. One community bulletin board sign is permitted when associ-

ated with a public school, park, recreation facility, grange, fire station, church or other similar type uses provided they meet the following:

a. Only one sign is permitted and shall not exceed fifty square feet in area. Freestanding signs shall not exceed a height of fifteen feet and shall meet the minimum setback set forth in subsection A of this section.

4. Sandwich Board Signs (A- or T-Frame or Similarly Designed). Sandwich board signs shall meet the following requirement:

a. Not more than two sandwich board signs may be used by a single business.

b. Signs shall be placed on the business premises only and only during business hours.

c. The signs shall not be placed in the public right-of-way.

d. A sandwich shall not be positioned as to impede access to the building. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.60.070 Nonconforming signs.

Any sign lawfully existing under all codes and regulations prior to the adoption of the ordinance codified in this title may be continued and maintained as a legal nonconforming sign, provided:

A. No sign shall be changed in any manner that increases its noncompliance with the provisions of this chapter.

B. If the sign is structurally altered or moved, its legal nonconforming status shall be void and the sign will be required to conform to the provisions of this chapter.

C. The sign is not hazardous or abandoned.

D. The burden of establishing the legal nonconformity of a sign under this section is the responsibility of the person or persons, firm, or corporation claiming legal status of a sign. The approval of an asserted nonconformity is a limited administrative function of the mayor.

E. The provisions of Chapter 17.72 may govern certain nonconforming signs.

F. When the reconstruction costs of a nonconforming off-premises sign exceeds fifty percent of its value determined by using the most recent ICBO construction tables, the nonconforming off-premises sign shall not be allowed to continue. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.60.080 Termination of signs.

By destruction, damage, obsolescence, or danger, the right to maintain any sign shall terminate and shall cease to exist whenever the sign is:

A. Damaged or destroyed beyond fifty percent of the cost of replacement, as determined by the mayor as a limited administrative review responsibility; and/or

B. Structurally substandard to the extent that the sign becomes a hazard or a danger to the public health, safety, and welfare as determined by the mayor as a limited administrative review responsibility. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.64

CONDITIONAL USES

Sections:

17.64.010 Purpose.

Conditional uses are those uses and activities that may be appropriate, desirable, convenient or necessary in the district within which they are allowed, however, due to inherent characteristics of the use, may be injurious to the public health, safety, welfare or interest unless appropriate conditions are established. This chapter describes the criteria for review, authority for action on and minimum conditions applied to certain uses. The requirements of this chapter and the authorization to conduct a conditional use do not supersede, and rely upon, other requirements and standards of this title and other provisions of the GCMC. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.64.020 Authorization.

A. The hearing examiner is authorized to approve, approve with conditions, or deny permits for conditional uses as specified in this chapter. Uses designated in this title as conditional shall be permitted, enlarged, or altered only upon approval of the hearing examiner in accordance with the standards and procedures specified in this title and other applicable provisions of the GCMC.

B. The city shall not accept an application for a conditional use permit which was the subject of a previous application, which was denied during the previous twelve months, unless there has been substantial modification or reduction in the intensity of the proposal, as determined by the administrator.

C. An application for a conditional use permit shall be reviewed as a Type III action subject to quasi-judicial review as set forth in Title 11. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.64.030 Evaluation criteria.

A. The proposed use will be harmonious and in accordance with the general and specific objectives of the comprehensive plan.

B. The proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity of the area.

C. The traffic generated by the proposed use shall be mitigated so as not to unduly burden the traffic circulation system in the vicinity.

D. The proposed use will be serviced adequately by essential public facilities such as highways, streets, law enforcement, fire protection, drainage, refuse disposal, water and sewer, and schools; or that persons or agencies responsible for the establishment of the proposed use shall provide adequate services.

E. The proposed use will not create excessive additional requirements at public cost for public facilities and services.

F. The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons,

property, or general welfare by reasons of excessive production of traffic, noise, smoke, fumes, vibration, glare, or odors.

G. The proposed use will have vehicular approaches to the property that shall be so designed to meet the standards adopted by the city.

H. Adequate buffering devices such as fencing, landscaping, or topographic characteristics shall be in place in order to mitigate and protect adjacent properties from adverse affects of the proposed use, including adverse visual or auditory effects.

I. Conditional use permits shall comply with this title and all local, state, or federal regulations pertinent to the activity pursued. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.64.040 Governing standards.

A. A conditional use shall ordinarily comply with the standards of the district within which the use is located and with the other applicable provisions of the GCMC, except as modified by the approval of the conditional use permit and the standards of this chapter or as otherwise specified in this code.

B. The hearing examiner, in addition to the standards and regulations specified in the GCMC, may establish other conditions found necessary to protect the health, welfare, safety and interest of surrounding property, the neighborhood and the city as a whole. These conditions may address the following:

1. Increasing the required lot size or yard dimensions;

2. Limiting the coverage or height of buildings because of reduction of light and air to adjacent property or obstruction of views;

3. Mitigating traffic impacts through on-site and off-site improvements;

4. Increasing the number of off-street parking and loading requirements;

5. Limiting the number, location, design, and size of signs and illumination devices;

6. Increasing required landscaping, components to reduce noise and visual impacts including glare;

7. Specifying time limits for construction and operation;

8. Requiring performance surety;

9. Specifying time frames for compliance review;

10. Other conditions deemed appropriate to address the requirements and intent of this chapter, the GCMC and the comprehensive plan. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.64.050 Minimum landscaping standards.

All conditional uses shall at a minimum meet the landscaping standards of Chapter 17.56. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.64.060 Alterations to existing uses.

A change in use, expansion, or contraction of site area or alteration of structures or uses which are classified as conditional and existed prior to the effective date of this title shall conform to the provisions of this chapter. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.64.070 Revisions to permits.

A. Minor revisions to a conditional use approved by the hearing examiner may be approved by the mayor when the revisions may affect the precise placement or dimensions of buildings but do not change approved uses, affect the basic building character or arrangement, increase the site area, increase the total floor area or required off-street parking spaces by more than five percent, increase the density or intensity of residential or recreational uses or alter specific conditions of approval.

B. Requests for revisions determined by the city not to be minor in nature shall be reviewed by the hearing examiner as a new request for a conditional use permit. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.64.080 Compliance.

The property owner/operator of any conditional use shall comply with the standards of this title and of the conditional use permit at all times. Violations of the terms of the permit and/or requirements of the zoning district not expressly modified by the permit shall be processed as a violation of this title subject to enforcement and penalties as set forth in Title 11, as

now exists or as may be hereafter amended. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.64.090 Home occupation, Type B.

A home occupation, Type B shall comply with the following standards:

A. The use of the property for a home occupation shall be clearly incidental and subordinate to its use for residential purposes.

B. Home occupations shall occupy not more than twenty-five percent of the total floor area of all buildings/structure improvements.

C. At least one member of the family residing on the premises shall be engaged in the home occupation.

D. Not more than one full-time or two part-time employees not residents of the dwelling shall be employed by the home occupation.

E. Any occupation which may produce waste products of a quality or quantity not normally associated with residential use shall not qualify as a home occupation.

D. No exterior structural alterations are made to the building which changes its character from a residential dwelling or other structures normally associated within the zoning district.

E. No merchandise, stock, equipment, or materials shall be sold, displayed, stored, altered, or repaired in any exterior portion of the premises which is associated with the home occupation and/or building.

F. The home occupation shall not generate greater traffic volumes than would normally be expected in the residential neighborhood.

G. The home occupation shall be conducted in a manner that will not alter the normal residential character of the premises by the use of color, materials, and lighting; or the emission of noise, vibration, dust, glare, heat, smoke, or odors.

H. A minimum of two off-street parking spaces shall be provided for the occupation in addition to the required spaces for the existing use. Additional parking space may be required depending on the type of business.

I. The sign indicating such proposed use shall not be more than four square feet in area with only one sign permitted.

J. Activities of the home occupation must not infringe upon the right of the neighboring residents to enjoy a peaceful occupancy of their homes for which purpose the residential zone was created and primarily intended.

K. There shall be no retail sales of merchandise in connection with the home occupation. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.64.100 Day care center.

A day care center shall comply with the following standards:

A. Landscaping, screen planting or fencing in required yard areas of types, quantities, and locations as prescribed by the hearing examiner. Said screen shall be sufficient to provide visual separation from adjacent residences and to ensure child safety.

B. The gross floor area of the room(s) used shall provide at least thirty-five square feet per child.

C. Any likely inconvenience or nuisance generated by the facility such as noise, dust, and lighting shall be considered and adequate measures taken to protect nearby uses.

D. Any outside play area must be completely enclosed with a minimum four-foot fence and shall comply with the minimum provisions set forth in Section 17.16.060.

E. An appropriate off-street loading area shall be designated and located on the same lot as the facility for the purposes of providing a safe loading and unloading zone for children using the facility.

1. Loading areas shall be designed and located so vehicles using these spaces do not project into any public right-of-way.

2. Loading areas shall be easily accessible.

F. Current Washington State day care license.

G. Current city of Grand Coulee business license.

H. The day care facility shall not be located within a family residence. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.64.110 Churches, schools, clinics, hospitals.

Churches, schools, clinics, hospitals and municipal buildings shall comply with the following standards:

A. The minimum lot size shall be twenty thousand square feet.

B. The facility shall be located within one block of a designated collector or arterial street.

C. The number and location of ingress and egress points to the facility shall be subject to the approval of the city.

D. Minimum lot frontage shall be one hundred feet.

E. Signage as set forth in Chapter 17.60.

F. Off-street parking as set forth in Chapter 17.52. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.64.120 Utilities, communication and transmission facilities.

Utilities, communication and transmission facilities shall comply with the following standards:

A. If possible, shall be completely enclosed within buildings which conform to and harmonize with surrounding buildings as to type of architecture and landscaping and that complies with the setback requirements of the district. No outside storage shall be permitted;

B. If the use is of an outdoor nature, such as a neighborhood electric substation, it shall be screened and landscaped with a combination of fencing, trees, shrubs, and ground cover. Landscaping standards set forth in Section 17.56.050 shall be required;

C. The site shall be maintained in a clean and orderly manner free of weeds; and

D. The minimum lot size of the district may be waived by the hearing examiner on finding that the waiver will not result in adverse impact from noise, light, glare, drainage or other detrimental effects to adjacent property. The minimum lot size may be reduced to that necessary to accommodate the use and compliance with applicable provisions of the GCMC including, without limitation, minimum required yards/setbacks and area required for landscaping, parking, drainage control, street improvements, etc. The waiver shall not be construed as an exemption from the requirements of Title 16 and Chapter 58.17 RCW. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.64.130 Recreational vehicle park or campgrounds.

Approval of recreational vehicle park or campgrounds shall comply with the requirements of this chapter and Section 17.16.140. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.64.140 Essential public facilities.

Essential public facilities (EPFs) shall comply with the following review criteria and requirements:

A. Conformance with the comprehensive plan:

1. Facility siting and design shall be based on supporting the needs of the twenty-year projected population;

2. Facility siting and design shall be in accord with state and federal siting standards;

3. A fiscal analysis of the long-term and short-term public costs shall be submitted by an EPF applicant and shall include a strategy to mitigate identified disproportionate financial burdens on the city of Grand Coulee that may result from facility siting;

4. Compatibility of the facility with surrounding land use, existing zoning classification, and the present and projected population density of surrounding areas;

5. An analysis of the likelihood of associated development being induced or precluded by the siting of an essential public facility shall be submitted by an EPF applicant and shall include an analysis of the urban nature of the facility, the existing urban growth near the facility site, the compatibility of the facility to continued urban growth and the location of the facility in relation to any nearby urban growth areas;

6. Essential public facilities shall not be located on designated resource lands or critical areas, open spaces and historic, archaeological and/or cultural sites unless it can be demonstrated that facility design and operation will not be incompatible to these designated areas;

7. Facility, design and operation for specific facilities shall include mitigation measures necessary to alleviate identified adverse environmental impacts;

8. EPF shall not adversely impact existing public facilities and services;

9. EPF that are appropriate for location outside of urban growth areas due to exceptional bulk or potentially dangerous or objectionable characteristics shall be self contained or served by governmental services in a manner that will not promote sprawl through further service extension or connection;

10. Public hearings for permits required by the county, federal or state laws shall be combined with any public hearings required by the city whenever feasible; and

11. Effective and timely notice and an opportunity to comment on a proposed EPF shall be provided to citizens in accord with notice requirements of this title, to affected agencies and to municipalities when an EPF is proposed to locate within five miles of the urban growth boundary within which the municipality is located. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.64.150 Mineral extraction.

Mineral extraction shall comply with the following standards:

A. The applicant shall submit documentation prepared by a licensed engineer and/or geologist as deemed appropriate by the hearing examiner, that the operation(s) will not create hazardous conditions, adversely impact lands and transportation systems in the vicinity, impair the slope stability or cause lateral movements such as slump, creep or landslide, or cause soil erosion or sedimentation;

B. A water supply and management plan shall be submitted for approval in conjunction with the application that discloses the source and volume of water necessary and available for dust control and associated mineral extraction, and how waste water from operations and stormwater retention will be accomplished. The plans shall be implemented through all phases of the operation(s);

C. A dust abatement plan shall be submitted for approval that specifies dust control measures to be employed throughout the life of the operation to assure that fugitive dust from all sources does not escape on-site containment. The dust abatement plan shall identify the names and telephone numbers of persons responsible for dust control on a twenty-four-hour basis;

D. Adequate buffering measures shall be taken to screen the project from public view. Such devices may include landscaping or topographic characteristics or a combination thereof as approved by the hearing examiner;

E. Site illumination shall be designed and located so that lighting sources are not directly visible from residential uses or public roads. Lighting shall not cast glare on adjacent properties;

F. Hours of operation and duration of the project shall be established by the hearing examiner;

G. Drainage and stormwater runoff control shall be designed and implemented in accordance with Section 17.16.090 as approved by an engineer selected by the mayor;

H. Haul route agreements for internal access and external ingress and egress to, and travel on, public roads shall be required between the operator and the city prior to commencing any operations. The city shall consult with other affected agencies such as the state of Washington and Grant County as may be appropriate for the intended haul route(s);

I. The hearing examiner may establish minimum setbacks and other requirements for the excavation area, structures, buildings or nonmobile machinery associated with extraction, washing, sorting or crushing that will be adequate to minimize potential adverse impacts to adjoining properties or public road rights-of-way;

J. The maximum height of stock piles shall be determined by the hearing examiner and at no time shall exceed a height of thirty feet. Appropriate measures identified in the dust abatement and water management plans shall be implemented;

K. All top soil shall be retained on site for the reclamation of the mineral extraction operation and shall not be sold or otherwise disposed of unless it can be demonstrated that there is sufficient top soil to cover

the area disturbed by the mineral operation to a minimum depth of three feet and as approved by the hearing examiner at the time of application review;

L. A reclamation plan shall be submitted that provides for:

1. Top soil retained and set aside from the operation for subsequent use during reclamation. The stock piles shall be revegetated during the time period it is reserved to prevent erosion;

2. Reclamation in two-acre to ten-acre increments, as appropriately responsive to the size and intensity of the particular excavation activities. Revegetation of the reclaimed areas excavated shall be accomplished annually by September 30th;

3. Reclaimed side slopes that at no time shall be greater than one and one-half feet horizontal to one-foot vertical; and

4. The final topography of the site to be consistent with the surrounding area and graded to a maximum of a four-foot horizontal to one-foot vertical slope.

M. The hearing examiner may require financial assurance in accordance with Title 11 to guarantee/warranty compliance with permit conditions, completion of the reclamation, protection of public facilities and conformance with other applicable requirements of the GCMC. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.64.160 Public/municipal facilities/emergency services/government.

All permitted by conditional use public and municipal facilities shall meet all of the applicable provisions and requirements of the GCMC, including the following:

A. Minimum lot size: sufficient size to accommodate the use(s) and minimum provisions in this title for such requirements relating to access, off-street parking, landscaping, storm drainage, minimum yards, etc.

B. Minimum lot width: sixty feet. Corner lots shall be a minimum of one hundred fifty feet of contiguous frontage, with no less than seventy feet of frontage on any one right-of-way.

C. Maximum building coverage: sixty percent.

D. Maximum building height: forty feet.

E. Yard Requirements.

1. Front yard: fifty-five feet from the centerline of any public street right-of-way or twenty-five feet from the property line, whichever is greater.

2. Side and rear yard: no building or structure shall be erected closer than ten feet from any rear property line, nor five feet from any side property line, except when the property abuts another zoning district; then the rear and/or side yard setback shall be increased to thirty feet.

3. Setback from state highway: no building or structure shall be erected closer than fifty feet from the state highway right-of-way. This may be reduced to twenty-five feet provided the minimum landscaping required is increased by fifty percent.

4. No off-street parking spaces shall be located closer than five feet to any property line.

F. Parking and Loading Standards. All parking and loading areas shall meet the requirements set forth in Chapter 17.52.

G. Sign Standards. All signs shall meet the requirements set forth in Chapter 17.60.

H. Landscaping Standards. Landscaping shall meet the requirements set forth in Chapter 17.56.

I. Refuse Storage. All outdoor trash, garbage, and refuse storage areas shall be screened on all sides from public view and, at a minimum, be enclosed on three sides with a five-and-one-half-foot-high concrete block or masonry wall, or sight-obscuring fence with a sight-obscuring gate for access.

J. Where a particular development site is located adjacent to a residential district, buffering shall be required in a form adequate to provide site screening, noise attenuation, safety separation, and reduction of light and glare. Acceptable methods of buffering include undulated berms, plantings, sight-obscuring fencing, security fencing or any combination thereof. At least two buffering methods shall be used to offset impacts to surrounding properties. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.64.170 Adult entertainment business.

A. General. All adult entertainment businesses allowed by conditional use shall meet all of the applicable provisions and requirements of the GCMC, including the licensing provisions set forth in Chapter 5.08, as exists or may be hereafter amended. This section sets forth the minimum conditions, including locations requirements that all adult businesses must meet in order to obtain a conditional use permit. In addition, this section provides additional provisions related to the lawful operation of an adult business in the city.

B. Definitions. For the purpose of this section and unless the context plainly requires otherwise, the following definitions are adopted:

1. "Adult business," as used herein, shall mean one or more of the following: adult cabaret, adult drive in theater, adult entertainment business, adult motion picture theater or adult panorama.

2. "Adult cabaret" means a commercial establishment which presents go-go dancers, strippers, male strippers, male or female impersonators, or similar entertainers and in which patrons are exposed to "specified sexual activities" or "specified anatomical areas."

3. "Adult drive-in theater" means a drive-in theater used for presenting motion picture films, recorded video, cable television, or any other such visual media, distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."

4. "Adult entertainment" or "adult entertainment businesses" or "sexually oriented business" are establishments that cater to adults only and are not suitable for children and shall mean and/or include the following:

a. Adult bookstore, adult novelty store, or adult video store: A commercial establishment which has as a significant or substantial portion of its stock in trade or a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:

i. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, recorded video, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

ii. An establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting or describing "specified sexual activities" or "specified anatomical areas," and still be categorized as an adult bookstore, adult novelty store; or

iii. Adult video store, so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified anatomical areas" or "specified sexual activities"; or

iv. Video stores that sell and/or rent only video tapes or other photographic or computer generated reproductions, and associated equipment shall come within this definition if twenty percent or more of its stock-in-trade or revenues comes from the rental or sale of video tapes or other photographic reproductions or associated equipment which are characterized by the depiction of "specified sexual activities" or "specified anatomical areas."

5. "Adult motion picture theater" means an enclosed building used for presenting for commercial purposes motion picture films, video cassettes, cable television or any other such visual media, distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

6. "Adult panorama" means a business in a building or a portion of a building which contains device(s) which for payment of a fee, membership fee, or other charge, is used to exhibit or display a picture, view, or other graphic display distinguished or characterized by emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

7. "Applicant" means the individual or entity seeking an adult business license in the city of Grand Coulee.

8. "Applicant control persons" means all partners, corporate officers and directors and any other individuals in the applicant's business organization who hold a significant interest in the adult business, based on responsibility for management of the adult business.

9. "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 an adult business.

10. "Entertainer" means any person who provides live adult entertainment within an adult business as defined in this section whether or not a fee is charged or accepted for entertainment.

11. "Entertainment" means any exhibition or dance of any type, pantomime, modeling, or any other performance.

12. "Liquor" means all beverages defined in RCW 66.04.200.

13. "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 adult business, and includes assistant managers working with or under the direction of a manager to carry out such purposes.

14. "Operator" means any person applying for or operating, conducting, or maintaining any adult business.

15. "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.

16. "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 business.

17. "RCW" means Revised Code of Washington and references thereto shall mean and include references to the RCW as the same exists now or may hereafter be amended.

18. "Sexual conduct" means any act of:

a. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight;

b. Any penetration of the vagina or anus, however slight, by an object;

c. Any contact between persons, involving the sex organs of one person, whether clothed or unclothed, and the mouth or anus of another, whether clothed or unclothed;

d. Masturbation, manual or instrumental, of oneself or of one person by another; or

e. Touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another.

19. "Specified anatomical areas" shall include:

a. Less than completely and/or opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola; or

b. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

20. "Specified sexual activities" means:

a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts; or

b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or

c. Masturbation, actual or simulated; or

d. Human genitals in a state of sexual stimulation, arousal or tumescence; or

e. Excretory functions as part of or in connection with any of the activities set forth in this definition section.

C. License Required. The requirement to obtain the licenses identified in this subsection shall be included as a minimum condition on any adult business conditional use permit.

1. It is unlawful for any person to conduct, manage, or operate an adult business unless such person is the holder of a valid license from the city to do so,

obtained in the manner provided in Chapter 5.08, as exists or may be hereafter amended.

2. It is unlawful for any entertainer, employee, or manager to knowingly work in or about, or to knowingly perform any service or entertainment directly related to the operation of an unlicensed adult business.

D. Standards of Conduct and Operation—Adult Business.

1. The following standards of conduct set forth the minimum conditions to be included in any adult business conditional use permit. These standards must be adhered to by employees of any adult business while in any area in which members of the public are allowed to be present:

a. No employee or entertainer shall be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, except upon a stage at least eighteen inches above the immediate floor level and removed at least eight feet from the nearest member of the public.

b. No employee or entertainer mingling with members of the public shall be unclothed or in less than opaque and complete attire, costume or clothing as described in subsection D1a of this section, nor shall any male employee or entertainer at any time appear with his genitals in a discernibly turgid state, even if completely and opaquely covered, or wear or use any device or covering which simulates the same.

c. No employee or entertainer mingling with members of the public shall wear or use any device or covering exposed to view which simulates the breast below the top of the areola, vulva, genitals, anus, any portion of the pubic region, or buttocks.

d. No employee or entertainer shall caress, fondle, or erotically touch any member of the public. No employee or entertainer shall encourage or permit any member of the public to caress, fondle, or erotically touch any employee or entertainer.

e. No employee or entertainer shall perform actual or simulated acts of sexual conduct as defined in this chapter, or any act which constitutes a violation of Chapter 7.48A RCW, the Washington Moral Nuisances Statute, or any other provisions regulating offenses against public morals.

f. No employee or entertainer mingling with members of the public shall conduct any dance, performance, or exhibition in or about the nonstage area of the adult cabaret or adult business unless that dance, performance or exhibition is performed at a distance of no less than four feet from any member of the public.

g. No tip or gratuity offered to or accepted by an entertainer may be offered or accepted prior to any performance, dance, or exhibition provided by the entertainer. No entertainer performing upon any stage area shall be permitted to accept any form of gratuity offered directly to the entertainer by any member of the public. Any gratuity offered to any entertainer performing upon any stage area must be placed into a receptacle provided for receipt of gratuities by the adult cabaret or adult business or provided through a manager on duty on the premises. Any gratuity or tip offered to any adult entertainer conducting any performance, dance or exhibition in or about the nonstage area of the adult business shall be placed into the hand of the entertainer or into a receptacle provided by the entertainer, and not upon the person or into the clothing of the entertainer.

2. At any adult business, the following are required:

a. City employees in the performance of their duties shall be permitted into all areas of the business during business hours and upon reasonable notice to the operator thereof for purposes of making inspections to confirm the business is in compliance with this section and all city laws including the building codes enforced by the city and all health and safety codes.

b. Admission must be restricted to persons of the age of eighteen years or more. It is unlawful for any owner, operator, manager or other person in charge of an adult business to knowingly permit or allow any person under the minimum age specified to be in or upon such premises.

c. Neither the performance nor any photograph, drawing, sketch or other pictorial or graphic representation thereof displaying any portion of the breasts below the top of the areola or any portion of the pubic hair, buttocks, genitals, and/or anus may be visible outside of the adult cabaret, adult entertainment business, adult motion picture theater, adult drive-in theater, or adult panorama business.

d. No member of the public shall be permitted at any time to enter into any of the nonpublic portions of the adult business, which shall include but are not limited to: the dressing rooms of the entertainers or other rooms, including separate restrooms, provided for the benefit of entertainers and/or employees, and the kitchen and storage areas; except that persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the premises or equipment on the premises may be permitted into nonpublic areas to the extent required to perform their job duties.

e. Members of the public shall only be allowed to enter and/or exit an adult business during business hours through the main entrance of the facility. No member of the public shall be permitted at any time during business hours to enter or exit an adult business from a side or rear door except in the event of an emergency, or at times other than regular business hours.

f. All adult businesses shall have separate restrooms for members of the public and employees/entertainers/managers. Members of the public shall not be permitted to use the separate restrooms for employees, entertainers, and managers.

3. The responsibilities of the manager of an adult business shall include, but are not limited to:

a. A licensed manager shall be on duty at the business at all times entertainment is being provided or members of the public are present on the premises. The name and license of the manager shall be prominently posted during business hours. The manager shall be responsible for verifying that any person who provides entertainment within the premises possesses a current and valid entertainer's license.

b. The licensed manager on duty shall not be an entertainer.

c. The manager licensed under this section shall maintain visual observation of each member of the public at all times any entertainer is present or video or movie is showing in the public or performance areas of the business. Where there is more than one performance area, or the performance area is of such size or configuration that one manager or assistant manager is unable to visually observe, at all times, each entertainer, each employee, and each member of the public, a manager or assistant manager licensed under this chapter shall be provided for each public or performance area or portion of a public or performance area visually separated from other portions of the adult business.

d. The manager shall be responsible for and shall assure that the actions of members of the public, the entertainers, and all other employees shall comply with all requirements of this section.

4. Premises—Specifications.

a. Performance Area. The performance area for any entertainer in an adult business shall be a stage or platform at least eighteen inches in elevation above the level of the patron seating areas, and shall be separated by a distance of at least eight feet from all areas of the premises to which members of the public have access. A continuous railing at least three feet in height and located at least eight feet from all points of the performance area shall separate the performance area and the patron seating areas. The stage and the entire interior portion of cubicles, rooms, or stalls wherein adult cabaret or adult entertainment is provided must be visible from the common areas of the premises and at least one manager's station. Visibility shall not be blocked or obstructed by doors, curtains, drapes or any other obstruction whatsoever.

b. Lighting. 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. A minimum lighting level of thirty lux horizontal, measured at thirty inches from the floor and on ten-foot centers is hereby established for all areas of the adult cabaret, adult entertainment, adult motion

picture theater, adult drive-in theater, or adult panorama business where members of the public are admitted.

c. Signs. A sign at least two feet by two feet, with letters at least one inch high shall be conspicuously displayed in the public area(s) of the premises stating the following:

THIS ADULT BUSINESS IS REGULATED BY THE CITY OF GRAND COULEE. ENTERTAINERS ARE:

1. NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT

2. NOT PERMITTED TO APPEAR SEMI-NUDE OR NUDE, EXCEPT ON STAGE

3. NOT PERMITTED TO ACCEPT TIPS OR GRATUITIES IN ADVANCE OF THEIR PERFORMANCE

4. NOT PERMITTED TO ACCEPT TIPS DIRECTLY FROM PATRONS WHILE PERFORMING UPON ANY STAGE AREA

d. Record Keeping Requirements.

i. All papers, records, and things required to be kept pursuant to this section shall be open to inspection by the city during the hours when the licensed premises are open for business, upon two days' written notice. The purpose of such inspections shall be to determine whether the papers, records, and things meet the requirements of this section.

ii. Each adult business shall maintain and retain for a period of two years the name, address, and age of each person employed or otherwise retained or allowed to perform on the premises as an entertainer, including independent contractors and their employees. This information shall be open to inspection by the city during hours of operation of the business upon twenty-four hours' notice to the licensee.

e. Inspections. In order to ensure compliance with this section all areas of a business required to be licensed hereunder which are open to members of the public shall be open to inspection by city agents and employees during the hours when the premises are open for business. The purpose of such inspections shall be to determine if the licensed premises are operated in accordance with the requirements of this section. It is hereby expressly declared that unannounced inspections are necessary to ensure compliance with this section.

f. No person shall operate or maintain a warning device or system for the purpose of warning or aiding and abetting the warning of an entertainer, employee, customer, or other person that the police, health, fire or building inspector, or other public official is approaching or entered the premises.

5. It is unlawful for any adult cabaret, adult entertainment business, adult motion picture theater, adult drive-in theater, or adult panorama business to be operated or otherwise open to the public between the hours of two a.m. and ten a.m.

6. This section shall not be construed to prohibit:

a. Plays, operas, musicals, or other dramatic works that are not obscene;

b. Classes, seminars and lectures which are held for serious scientific or educational purposes and which are not obscene; or

c. Exhibitions, performances, expressions or dances that are not obscene.

These exemptions shall not apply to the sexual conduct defined in subsection B18 of this section, or the sexual conduct described in RCW 7.48A.010(2)(b)(ii) and (iii).

7. Whether or not activity is obscene shall be judged by consideration of the following factors:

a. Whether the average person, applying contemporary community standards, would find that the activity taken as a whole appeals to a prurient interest in sex; and

b. Whether the activity depicts or describes in a patently offensive way, as measured against community standards, sexual conduct as described in RCW 7.48A.010(2)(b); and

c. Whether the activity taken as a whole lacks serious literary, artistic, political, or scientific value.

8. Location. An adult business is allowed only in the general industrial (I-G) district provided such business is properly permitted and licensed as provided herein, and provided it meets all of the general requirements of the zoning district, and the specific requirements of this section. Adult businesses are prohibited in all other zones.

a. Buffers from Incompatible Zones and Uses. No adult business shall be located within fifteen hundred feet of another adult business. In addition, no adult business shall be located within one hundred fifty feet of the following uses:

i. Any residential zone;

ii. Any public or private school or preschool, or any trade or vocational school that on a regular basis has at least one student under the age of eighteen years;

iii. Any church or other religious facility or institution;

iv. Any park or any public facility used daily by the public for transacting business or recreation;

v. Any property used for organizations, associations, facilities, and businesses which provide, as a substantial portion of their activities, function, or business, the provision of services to children and/or youth, so that the premises of the organization, facility or business would have children and youth in attendance or at the location during a predominant portion of the operational hours of an adult entertainment facility;

vi. Any state-licensed day care facility.

b. Distance. The distance provided herein shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed adult business is or is to be located, to the nearest point of the parcel or property from which the proposed adult business is to be separated.

E. Adult Motion Picture Theaters. Every adult motion picture theater must meet the following standards:

1. Seats must be equipped with immovable armrests between the seats. No bench seats allowing for more than one person in a seat are permitted.

2. A manager or other employee must walk through the theater portion of the building at ten-minute intervals when a film is showing and the lights are down. This employee and the manager or owner must ensure that no sexual conduct occurs in the theater, either by patrons or employees.

3. Full house lights must come on for at least ten minutes at the end of each feature.

F. Adult Panorama. Every adult panorama must meet the following standards:

1. Every adult panorama must have a manager's station located in the common area of the premises. All adult panorama stations or booths must open to the public room so that the area and occupant inside the booth are fully and completely visible by direct line of sight to the manager located at the manager's station which shall be located at the main entrance way to the public room containing the panorama stations or booths. No curtain, door, wall, merchandise, display rack, or other nontransparent enclosure, material, or application may obscure in any way the manager's view of any portion of the activity or occupant of the adult business.

2. The interior of the premises of an adult panorama must be configured so there is an unobstructed view from the manager's station of every area of the premises to which any patron is permitted access except restrooms. Restrooms may not contain video reproduction equipment.

3. If the premises has two or more manager's stations, then the interior of the premises shall be configured so there is an unobstructed view of every area of the premises to which any patron is permitted access from at least one of the manager's stations. The view required in this subsection must be by direct line-of-sight from the manager's station.

4. The owners, manager, and any employees present in the premises must ensure that the view area specified in subsections F2 and F3 of this section remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times, and that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

5. No viewing room may be occupied by more than one person at any time.

G. Violation an Infraction. Any person violating any of the provisions of this section is guilty of an infraction punishable by a civil penalty of two thousand dollars together with all applicable assessments and penalties attached to infractions to the fullest extent permitted by law.

H. Nuisance Declared.

1. Public Nuisance. Any adult business operated, conducted, or maintained in violation of this section or any law of the city of Grand Coulee or the state of Washington shall be, and the same is, declared to be unlawful and a public nuisance. The city attorney may, in addition to or in lieu of any other remedies set forth in this section, commence an action to enjoin, remove or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from operating, conducting or maintaining an adult business contrary to the provisions of this section.

2. Moral Nuisance. Any adult business operated, conducted or maintained contrary to the provisions of Chapter 7.48A RCW, Moral Nuisance, shall be, and the same is declared to be, unlawful and a public and moral nuisance and the city attorney may, in addition to or in lieu of any other remedies set forth herein, commence an action or actions to abate, remove and enjoin such public and moral nuisance, or impose a civil penalty, in the manner provided by Chapter 7.48A RCW.

I. Additional Enforcement. The remedies found in this section are not exclusive, and the city may seek any other legal or equitable relief, including but not limited to enjoining any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.64.180 Mobile/manufactured home parks.

All new, expanded or remodeled manufactured home developments shall comply with all the site development standards listed in this section or found within the code. All manufactured home developments shall meet the following minimum standards:

A. Site development: shall be at least two acres.

B. Area per dwelling site: a minimum of two thousand square feet of land per dwelling.

C. Housing density: a maximum of twenty dwellings per acre.

D. Service Road Width. All roads within the manufactured home park shall have paved travel lanes that meet the following standards:

1. Two-way traffic roads shall be a minimum of thirty-four feet and shall include: travel lanes eleven feet wide; a parking lane eight feet wide; and a pedestrian path four feet wide.

2. One-way traffic roads shall be a minimum of twenty-four feet total and shall include: a travel lane twelve feet wide; a parking strip eight feet wide; and a pedestrian path four feet wide.

3. All roads shall be clearly marked and signed for traffic direction and safety.

E. Parking spaces: shall meet the standards of Chapter 17.52.

F. Setbacks. All manufactured homes shall be set back at least:

1. Front Yard. All dwellings and accessory structures shall be a minimum of fifty feet from the centerline of all adjacent public streets, or twenty feet from the right-of-way line, whichever is a greater distance.

2. Rear and Side Yards. All dwellings and accessory structures shall be a minimum of twenty feet from any property line adjacent to residential zoned districts, or at least ten feet from nonresidential zoned properties.

3. From Interior Service Roads. All manufactured homes and accessory structures shall be spaced so that the closed edge is at least twenty-four feet from the centerline of any adjacent service road.

4. From other manufactured homes: ten feet minimum spacing between dwelling units.

G. Walkways. Walkways of not less than two feet in width shall be provided from each manufactured home site to any service building, recreation area, and parking area.

H. Site Numbering. Each dwelling site shall have a site number (address) prominently displayed to enable emergency response personnel to find the correct unit.

I. Storage. For each dwelling site there shall be a storage shed. Such storage shall be less than one hundred twenty square feet in floor area and less than ten feet in height.

J. Common open space: at least two thousand five hundred square feet plus one hundred square feet for each dwelling site. Common space area is in addition to any landscaping or buffer area.

K. Utilities. All utilities shall be placed underground, and shall remain the property of the manufactured home development owner.

L. Water. Every dwelling unit shall be connected to the city water system. The development shall provide the minimum required fire flow.

M. Wastewater. Every dwelling unit shall be connected to the city wastewater system.

N. Solid waste disposal and recycling facilities shall be provided adequate to serve all dwellings within the development.

O. Stormwater runoff shall be designed and installed in accordance with specifications of city design standards.

P. Landscaping. All areas within the boundaries of the development shall be landscaped in accordance with Section 17.56.040F.

Q. All natural and artificial barriers, driveways, lawns, trees, buildings, occupied and unoccupied dwelling spaces, recreational and open space areas shall be maintained.

R. The perimeter of the manufactured home park shall be enclosed with a fence that is no higher than six feet tall. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.66

PERSONAL WIRELESS SERVICE FACILITIES

Sections:

17.66.010 Policies, purpose and goals.

A. Provision of Opportunities for Wireless Providers. This chapter is designed to provide opportunities for personal wireless service facilities consistent with the statutory rights of wireless communication service providers while providing for orderly development of the city and protecting the health, safety, and general welfare of the city's residents and property owners.

B. Preservation of Character of City. A primary objective of this chapter is to preserve the existing visual and aesthetic character of the city and its neighborhoods, as well as minimizing the noise impacts generated by personal wireless service facilities. Preserving the visual and aesthetic character of the city includes the protection of views within the city which create a special character for the community, high property values, and a tax base sufficient to support the city's operations, and limiting the intrusion of noise, visual, and aesthetic impacts associated with commercial and other uses into residential neighborhoods.

C. The goals of this chapter include:

1. Establishing development regulations consistent with the city's comprehensive land use plan;

2. Providing sites for locating personal wireless service facilities;

3. Providing personal wireless service facilities and infrastructure to serve city residents and visitors;

4. Encouraging the use of appropriate technology that has minimal adverse environmental, noise, and visual impacts on the city and the prompt removal of abandoned facilities;

5. Encouraging the location of facilities upon existing nonresidential structures in commercial and industrial zoning districts, in such a manner that the facility is integrated, or appears to be integrated, into the structure;

6. Establishing standards for personal wireless service facilities to mitigate the visual and noise impacts associated with those facilities;

7. Facilitating the use of existing Grant public utility district's high voltage transmission towers in private rights-of-way in nonresidential zones for personal wireless service facilities to reduce the impacts of facilities upon residential and other properties; and

8. Encouraging the development of personal wireless service facilities on a competitively neutral basis. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.66.020 Definitions.

A. "Antenna" means a specific device which is used to transmit and/or receive radio frequency signals, microwave signals, or other signals transmitted to or from other antennas for commercial purposes.

B. "Antenna array" means two or more devices used for the transmission or reception of radio fre-

quency signals, microwave or other signals for commercial communications purposes.

C. "Applicant" means any person, firm or entity seeking to place a personal wireless service facility within the boundaries of the city.

D. "Camouflaged" means the use of shape, color and texture to cause an object to appear to become a part of something else, usually a structure, such as a building, wall or roof. Camouflaged does not mean "invisible," but rather "appearing as part of or exactly like the structure used as a mount."

E. "Co-location" means the placement and arrangement of more than one provider's antennas and equipment on a single support structure.

F. "Concealment" means fully hidden from view. For example, a personal wireless service facility is concealed when it is completely hidden or contained within a structure, such as a building, wall or roof.

G. "Developed street" means any public right-of-way classified as an alley, access street, collector street, minor arterial, or principal arterial, which is partially or fully developed and devoted to transportation use by the public at large.

H. "Director" means the mayor or his or her designee.

I. "Disguised" means that a personal wireless service facility is changed to appear to be something other than what it really is. For example, personal wireless service facilities are sometimes disguised to appear as trees or flagpoles.

J. "EIA" means the Electronic Industries Association.

K. "Equipment enclosure" means a structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communication signals and data, including any provisions for mechanical cooling equipment, air conditioning, ventilation, or auxiliary electric generators.

L. "FAA" means the Federal Aviation Administration.

M. "Facility" means a personal wireless service facility.

N. "FCC" means the Federal Communications Commission.

O. "Guyed tower" means a vertical support structure which consists of metal crossed strips or bars, and is steadied by wire guys in a radial pattern around the tower.

P. "Height" means the vertical distance measured from preexisting ground level to the highest point on the personal wireless service facility, including but not limited to the antenna or antenna array.

Q. "Lattice tower" means a wireless communication support structure that consists of metal crossed strips, bars, or braces, forming a tower which may have three, four, or more sides.

R. "Licensed carrier" means any person, firm or entity licensed by the FCC to provide personal wireless services and which is in the business of providing the same.

S. "Monopole tower" or "monopole" means a vertical support structure, consisting of a single vertical metal, concrete or wooden pole, typically round or square, and driven into the ground or attached to a foundation.

T. "Mount" means any mounting device or bracket which is used to attach an antenna or antenna array to a street pole, building, structure, monopole, or tower.

U. "Panel antenna" means a directional antenna designed to transmit and/or receive signals in a directional pattern which is less than three hundred sixty degrees, typically an arc of approximately one hundred twenty degrees.

V. "Personal wireless services" means any of the technologies as defined by Section 704(a)(7)(c)(i) of the Federal Telecommunications Act of 1996, including cellular, personal communications services (PCS), enhanced specialized mobile radio (ESMR), specialized mobile radio (SMR), and paging.

W. "Personal wireless service facilities" means any unstaffed facility for the transmission and/or reception of personal wireless services.

X. "Street pole" means a telephone, electric, or cable television pole located in a developed street.

Y. "Whip antenna(s)" means an omni-directional antenna(s) designed to transmit and/or receive signals in a three-hundred-sixty-degree pattern. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.66.030 General provisions.

A. The placement or modification of any personal wireless service facility at any location within the city is subject to the provisions of this chapter, except for temporary facilities providing emergency communication services during natural disasters or other emergencies which may threaten the public health, safety, or welfare.

B. Personal wireless service facilities shall not be permitted on any building or structure within an area of the city zoned residential, or on any building or structure that contains a residence or school.

C. Facilities located within a designated critical area, as defined by Chapter 17.18, shall comply with the requirements of the appropriate chapter.

D. Lattice and guyed towers shall not be permitted in any zoning district. Monopoles shall be permitted only as specified in Section 17.66.040, Personal wireless service facilities—Permitted locations.

E. No variances or deviations from the provisions of Sections 17.66.040 and 17.66.070 shall be permitted, except as specifically allowed in those sections.

F. All applicable standards and requirements of the International Building Code, FCC, FAA, EIA, and any other agency with the authority to regulate antennas and support structures must be met. If such standards and regulations are changed, then the owners of the support structures and antennas shall bring such structures and antennas into compliance with the revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling agency. Failure to bring structures and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the support structure or antenna at the owner's expense.

G. Building Codes and Safety Standards. To ensure the structural integrity of antenna support structures, the owner of the structure shall ensure that it is maintained in compliance with standards contained in applicable building codes and the applicable standards that are published by the EIA, as amended from time to time. If upon inspection, the building official concludes that a structure fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the support structure, the owner shall have thirty days to bring such structure into compliance. If the owner fails to bring the structure into compliance within thirty days, the city may remove the structure at the owner's expense.

H. A personal wireless services facility permit shall be required prior to the construction or installation of each facility. A notice of application posted upon the subject property shall be the only form of public notice required for a personal wireless services facility permit.

I. A building permit is required for all facilities. A conditional use permit is also required for new towers.

J. Interference. No antenna shall be permitted to be placed in a location where it will interfere with existing transmittal or reception of radio, television, audio, video, electronic, microwave, or other signals.

K. Personal wireless service facilities are not considered essential public facilities and shall not be regulated or permitted as essential public facilities.

L. Lot Size. For purposes of determining whether a facility complies with development standards such as setbacks, the dimensions of the entire lot shall control, even though a facility is located on a leased parcel within that lot.

M. Lighting. Facilities shall not be lighted unless required by the FAA or other applicable authority.

N. Applications for necessary permits will only be processed when the applicant demonstrates either that it is an FCC-licensed telecommunications provider or that it has agreements with an FCC-licensed telecommunications provider for use or lease of the support structure. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.66.040 Personal wireless service facilities—Permitted locations.

Personal wireless service facilities shall be permitted as identified in Chapter 17.48, District Use Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable city of Grand Coulee rules and regulations are met.

The following siting standards shall apply to all new facilities:

Permitted Uses	Visual, Dimensional and Equipment Enclosure Standards	Noise Standards
Facilities within developed streets are permitted	As per Section 17.66.070A	As per this code and WAC 173-60-040
Facilities attached to existing structures that do not contain a residence or a school are permitted	As per Section 17.66.070B	
Monopoles are permitted	As per Section 17.66.070C	
Facilities attached to existing Grant PUD high voltage transmission towers are permitted	As per Section 17.66.070D	
Facilities attached to existing monopole and lattice towers are permitted	As per Section 17.66.070E	

(Ord. 997 § 2 (Exh. A) (part), 2011)

17.66.050 Preapplication requirement.

Applications for personal wireless service facility permits shall not be accepted by the director unless the applicant has requested and attended a preapplication conference. The purposes of the preapplication conference are to acquaint the applicant with the requirements of the Grand Coulee Municipal Code and project review procedures and for city staff to be acquainted with the proposed application for purposes of determining appropriate review procedures and facilitating the application and project review process. In order to ensure that the preapplication conference is meaningful, the applicant must provide all information requested by the community development director. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.66.060 Contents of complete application.

An application for a personal wireless services facility permit is complete for the purposes of this section when it has been determined by the city to contain the information described below. The permit fee shall be established by resolution of the city council. A complete application is sufficient for continued processing even though additional information may be required or modifications may subsequently be made. The city's determination of completeness shall not preclude the city from requesting additional information or studies, either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the application occur. Applications found to contain material errors shall not be deemed complete until such errors are corrected. The director may waive the specific submittal requirements set forth in subsection E3 through E5 of this section when determined to be unnecessary for review of the application. A complete application shall contain:

A. A complete application form, permit fee, and attachments signed and dated by the owner or authorized representative. The application shall be on a standardized form approved by the director and provided to the applicant by the community development department. For freestanding towers, a complete conditional use permit form is also required.

B. The name, address, phone number and signature of the applicant or authorized representative.

C. A complete legal description of the subject property.

D. Location maps, including:

1. A city-wide map showing the location and service area of the proposed facility and the location and service area of any existing and known or planned future facilities of the licensed carrier within the city.

2. A map depicting the area immediately around the proposed site, showing the zoning designation of the subject property and of all adjacent properties.

E. Site plans and drawings, drawn to scale, depicting the proposed and existing improvements on the property. The drawings shall include a plan view and elevations, and contain the following information:

1. Dimensions and shape of the lot, and street names.

2. Location and dimensions of existing and proposed buildings and structures, including setbacks.

3. Circulation. Adjacent street improvements, curb cut locations for ingress and egress, and parking layout in accordance with city standards.

4. Existing and proposed landscaping, in accordance with this chapter, including the location of significant trees as defined in the Grand Coulee Municipal Code.

5. Existing watercourses, critical areas, utility lines, easements, deed restrictions, and other built or natural features restricting use of the subject property.

6. Preliminary grading plan depicting proposed and existing grades at five-foot contours if grading is proposed in conjunction with the proposed facility.

7. Storm drainage, sidewalks, and exterior lighting.

8. Sight lines for the proposed facility. Said sight lines shall graphically depict the level of visibility of the facility as viewed from adjacent public rights-of-way. At least one sight line shall be provided depicting the site from the north, south, east and west, or as determined by the director.

9. Elevation drawings for all proposed improvements on the site.

F. Color photographs of the existing site, and computer-generated color photographs depicting the proposed facility incorporated into the site (photo simulations). At least one color photograph and one color photo simulation shall be provided depicting the site from the north, south, east and west, or as determined by the director.

G. Three copies of all plans and photographs. One paper reduction of each oversized plan to eleven by seventeen inches shall also be provided.

H. A description of the support structure or building upon which the facility is proposed to be located, and the technical reasons for the design and configuration of the facility.

I. A signed statement that:

1. The applicant and landowner agree they will diligently negotiate in good faith to facilitate co-location of additional facilities by other providers on the applicant's structure;

2. The applicant and/or landowner agree to remove the facility within ninety days of abandonment;

3. The applicant certifies that the facility will comply with all FAA and FCC regulations and EIA standards and all other applicable federal, state, and local laws and regulations; and

4. The antenna will not interfere with other transmission or reception facilities.

J. Design information, including equipment brochures, color and material boards, and dimensional information.

K. Information necessary to demonstrate the applicant's compliance with FCC and FAA rules, regulations and requirements. This includes documentation of FAA approval and documentation that the applicant is licensed by the FCC, that the FCC has approved the proposed antenna and/or support structure, and that the proposed antenna complies with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.

L. Necessary information for review of environmental impacts, in accordance with Washington State Environmental Policy Act and GCMC environmental regulations.

M. Fees.

N. A completed right-of-way placement permit application if the facility is to be located within a public right-of-way.

O. For monopoles, written justification for why co-location on existing sites is not feasible. Justification shall address the following points, at a minimum. Technological and engineering opinions shall be certified by an independent electronic/communications engineer.

1. There are no other towers or structures located within the geographic area required that meet the applicant's engineering requirements.

2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

6. Other limiting factors render existing towers and structures unsuitable. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.66.070 Visibility and dimensional standards.

All personal wireless service facilities locating within the city shall comply with the following standards:

A. Street-Pole-Mounted Facilities.

1. Antennas.

a. Antennas or antenna arrays shall be no greater in size than six feet measured vertically, including the mount, and sixteen inches in diameter measured horizontally. Antennas shall be mounted on street poles. Only one facility shall be permitted on any street pole. Antennas shall be either fully concealed within the street pole or camouflaged to appear to be an integrated part of the street pole. Antennas not flush mounted on the side of the street pole shall be centered on the top of the street pole to which they are mounted and camouflaged or disguised.

b. In the event that a utility located upon the street pole requires vertical separation between its utility facilities and the antennas so mounted, the antenna may be raised by a mount to accommodate the separation requirement to an elevation not exceeding an additional fifteen feet or the required separation, whichever is less. Any such mount shall not be greater in diameter than the existing street pole and shall be designed to blend into the colors and textures of the existing street pole.

c. Existing street poles may be replaced with a new street pole of the same height, dimensions and appearance as the existing street pole. In the event that a utility located upon the street pole requires vertical separation between its utility facilities and the antennas so mounted, the antenna may be raised by a mount to accommodate the separation requirement to an elevation not exceeding an additional fifteen feet or the required separation, whichever is less. Antenna(s) located upon the new street pole shall meet the standards for mounting an antenna to an existing street pole, as set forth above.

2. Equipment Enclosures Placed in Developed Streets. Equipment meeting the standards set forth below may be located in developed streets.

a. Dimensions.

i. Above ground equipment enclosures shall not be greater than six cubic feet in volume. No single dimension shall exceed three feet.

ii. Below ground equipment enclosures shall not be greater than six cubic feet in volume.

iii. An underground equipment enclosure may be connected to an above ground equipment enclosure with a combined total volume of no greater than twelve cubic feet.

b. Appearance. The equipment enclosure shall be constructed so as to minimize its visual impact. Ever-

green landscape plantings shall be installed and maintained which completely obscure visibility of the equipment enclosure from the developed street and adjacent properties.

3. Horizontal Separation. For facilities located within developed streets, there shall be a minimum horizontal separation of three hundred feet between the facilities of a single licensed carrier and a minimum horizontal separation of one hundred feet between the facilities of any other licensed carrier.

4. Above Ground Equipment Not Located within Public Rights-of-Way.

a. Appearance. See subsection F of this section.

b. Screening and Noise Standards. See subsection G of this section.

c. Landscaping. See subsection G of this section.

d. Setbacks. See subsection H of this section.

B. Attached Facilities.

1. Antennas. Antennas and support structures attached to an existing building or structure shall not exceed twenty feet above the highest portion of the building or structure.

a. The following are not required to be concealed or camouflaged:

i. An antenna attached to an existing monopole or tower, in compliance with subsection E of this section.

ii. An antenna attached to a city of Grand Coulee water reservoir.

iii. A whip antenna two inches or less in diameter.

iv. A dish antenna twenty-four inches or less in diameter.

v. Any antenna which is not visible from a public right-of-way.

b. All other antennas must comply with the following standards:

i. Roof-mounted antennas shall be placed to the center of the roof where possible, and shall either be completely concealed or be fully camouflaged into the building design. This may include the construction of false equipment penthouses on the roofs of buildings or some other concealment type structure, the design of which is approved by the director. When a roof-mount installation is performed, the antennas, mounting brackets and any concealment structures shall be exempt from the height limit of the underlying zone to the extent that the total height of such facilities does not increase the overall building height by more than twenty feet.

ii. Wall-mounted antennas shall be mounted flush on the exterior walls of the building, not extend above the building parapet or other roof-mounted structure, and shall either be completely concealed or fully camouflaged into the building design. Whip antennas shall be painted a neutral color, or be fully concealed, at the discretion of the director. In determining whether to require concealment of whip antennas, the director shall consider whether the site line diagrams, site plans, and photo simulations submitted by the applicant demonstrate that the whip antennas will not be visible from the public rights-of-way adjacent to the subject property.

2. Equipment Enclosures. Equipment enclosures shall be fully concealed within the interior of the building itself or designed in accordance with the following standards:

a. Rooftops. Equipment enclosures located on the roof of a building shall be placed to the center of the roof where possible and shall either be completely concealed or fully camouflaged into the building with architecturally compatible design.

b. Ground-Mounted.

i. Appearance. See subsection F of this section.

ii. Screening and Noise Standards. See subsection G of this section.

iii. Landscaping. See subsection G of this section.

iv. Setbacks. See subsection H of this section.

C. New Monopole Towers.

1. Antennas. Antennas shall be no greater in height than six feet. The antenna array and mount, if any, shall extend no further from the center line of the pole than fifteen feet measured horizontally. Antennas shall be painted a natural, nonreflective color matching the monopole that blends into the natural and built surroundings where it is located.

2. Support Structure. Monopoles shall be located in such a manner that a portion of the tower is screened by existing buildings or trees. Also, the pole

shall be painted a natural nonreflective color to blend into the surroundings. The height of the monopole shall be no greater than one hundred ten feet.

3. Equipment Enclosures.

a. Appearance. See subsection F of this section.

b. Screening and Noise Standards. See subsection G of this section.

c. Landscaping. See subsection G of this section.

d. Setbacks. Monopole support structures and equipment enclosures shall be constructed with a setback of at least one hundred feet from any residential structure or school, two hundred feet from any residentially zoned property, and five hundred feet from the ordinary high water mark of any shoreline of statewide significance. Monopole support structures shall have a setback from property line of at least one hundred fifteen percent of the height of the structure.

D. Grant County Public Utility District Electric Transmission Towers Outside Developed Streets.

1. Antennas. Antennas shall be no greater in height than six feet. The antenna array and mount, if any, shall extend no further from the center line of the tower than fifteen feet measured horizontally. Antennas shall be painted a color matching the tower so as to blend into the existing tower.

2. Equipment Enclosures.

a. Appearance. See subsection F of this section.

b. Screening and Noise Standards. See subsection G of this section.

c. Landscaping. See subsection G of this section.

d. Setbacks. See subsection H of this section.

E. Co-Location on Existing Monopoles and Towers.

1. Antennas. Antennas shall be no greater in height than six feet. On monopole towers, the antenna array and mount, if any, shall extend no further from the center line of an existing monopole more than fifteen feet measured horizontally. On lattice towers, the antennas shall extend no further than ten feet, measured horizontally, from the portion of the lattice tower to which the antennas are mounted. Existing monopole and lattice towers, and any additional equipment co-located thereon, shall be painted a natural, nonreflective color that blends into the natural and built surroundings where it is located.

2. Equipment Enclosures.

a. Appearance. See subsection F of this section.

b. Screening and Noise Standards. See subsection G of this section.

c. Landscaping. See subsection G of this section.

d. Setbacks. New equipment enclosures associated with new facilities co-located upon existing monopoles or lattice towers shall be placed no closer to existing residential uses than any existing equipment enclosure on the subject property.

F. Appearance. Ground-mounted equipment enclosures shall be of the smallest size necessary and painted a natural, nonreflective color so as to blend in with the surroundings. Any new building or structure constructed for housing equipment, other than self-contained equipment cabinets, shall be designed and constructed to be architecturally compatible with buildings in the immediate vicinity and to blend into the surroundings. The exterior of all such buildings or structures shall be finished with masonry or siding and shall have a peaked roof. Buildings or structures with nonmasonry exterior finishing shall be painted a natural, nonreflective color. Prefabricated concrete and metal structures shall not be permitted unless treated with a facade meeting the requirements of this subsection.

G. Landscaping, Screening and Noise Standards.

1. Facilities That Produce Noise. Unless the applicant demonstrates that the proposed facility will generate no increased sound levels, as measured at the property line of the subject property at any time of day or night, ground-mounted equipment cabinets and equipment enclosures shall be surrounded with a solid masonry or concrete wall on all four sides, comprised of at least four inches of solid masonry or concrete components. Said wall shall be located within five feet of any noise source associated with the equipment enclosure and shall have a height that is at least three feet above the highest point of the noise source. Gates or doors providing access to areas within said wall shall be constructed of a solid material and shall not be located on the wall immediately adjacent to the

noise source. Any such noise source shall be oriented to minimize impacts on neighboring residential properties. The equipment enclosures shall be surrounded by a landscape buffer ten feet wide, located in front of the masonry or concrete wall of such structure, as specified by the community development director.

2. Facilities That Do Not Produce Noise. Ground-mounted equipment enclosures which are not required to be surrounded by a masonry or concrete wall shall be surrounded with a sight-obscuring fence six feet tall and a landscape buffer five feet wide as specified by the mayor.

3. Alterations. The landscaping requirements of this subsection may be varied by the city council on a case-by-case basis when the city council determines that landscaping is not necessary, that the equipment enclosure is not visible to the public, that landscaping is not practical, or that an alternative landscaping or concealment plan would result in a greater degree of concealment of an equipment enclosure.

H. Setbacks. All portions of a personal wireless services facility, including equipment enclosures, shall be constructed with a setback of at least one hundred feet from any residential structure or school and two hundred feet from any residentially zoned property. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.66.080 Co-location—Covenant of good faith.

A. All new monopole towers, and any pre-existing monopole or lattice towers, owned by a licensed carrier shall be made available for use by the owner or initial user thereof, together with as many other licensed carriers as can be technically co-located thereon. However, nothing in this chapter shall prevent such licensed carrier from charging a reasonable fee for the co-location of additional facilities upon said tower which does not exceed the fair market value for the space occupied.

B. All licensed carriers shall cooperate with each other in co-locating additional facilities upon such towers. All licensed carriers shall exercise good faith in co-locating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of co-location. In the event that a dispute arises as to whether a licensed carrier has exercised good faith in allowing other licensed carriers to co-locate upon its tower, the city may require a third party technical study to evaluate the feasibility of co-location at the expense of either or both licensed carriers. This covenant of good faith and fair dealing shall be a condition of any permit issued pursuant to this chapter for a new monopole tower.

C. Any licensed carrier which allows co-location upon a tower permitted pursuant to this chapter may condition said co-location to assure that the co-located facility does not cause electronic or radio frequency interference with its existing facility. In the event that the co-located licensed carrier is unable to remedy the interference, the owner of the tower shall be relieved of its obligation to allow co-location of the interfering facility upon its structure. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.66.090 Recovery of city costs.

A. Each permit granted pursuant to this chapter shall contain a condition which requires the permittee to reimburse the city for all direct and indirect expenses reasonably incurred in connection with the issuance, modification, amendment, or transfer of the permit.

B. Each permittee shall be required to reimburse the city for all direct and indirect expenses not otherwise covered by permit application fees reasonably incurred while reviewing, inspecting, and supervising the construction, installation, and/or maintenance of a facility authorized by a permit granted pursuant to this chapter.

C. Costs incurred by the city in response to any emergency at the facility shall be included within the reimbursable expenses set forth in this section. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.66.100 Maintenance of facilities.

Each permittee shall maintain its facility in a good and safe condition and preserve its original appearance and concealment, disguise, or camouflage ele-

ments incorporated into the design at the time of approval and in a manner which complies with all applicable federal, state, and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment, and maintenance of landscaping. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.66.110 Modification.

Any proposed change or addition to any facility shall require the issuance of a new personal wireless services facility permit, pursuant to the requirements of this chapter. This provision shall not apply to routine maintenance of a facility, nor to the replacement of any portion of the facility with identical equipment. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.66.120 Testing of personal wireless service facilities required—Radio frequency radiation.

A. All licensed carriers shall conduct tests necessary to demonstrate compliance with all applicable FCC regulations regarding the radio frequency emissions of the facility. All such tests shall be performed by or under the supervision of a radio frequency engineer competent to perform such tests and interpret the data gathered.

B. All licensed carriers shall submit a report, certified by a radio frequency engineer, setting forth the following:

1. Measurement of existing or ambient radio frequency radiation (RFR);

2. Existing RFR plus proposed facility: maximum estimate of RFR from the proposed facility plus existing ambient RFR;

3. Existing RFR plus proposed facility plus cumulative: maximum estimate of RFR from the proposed facility plus the maximum estimate of RFR from the total addition of co-located facilities, if any, plus the existing ambient RFR;

4. Certification, signed by a radio frequency engineer, stating that the RFR measurements are accurate and meet FCC guidelines.

C. Initial field measurements shall be performed prior to placing the facility into service and the initial compliance report shall be submitted within fourteen days of the facility becoming fully operational.

D. Compliance reports shall be required on an annual basis thereafter. Annual compliance reports shall be submitted by January 1st of each calendar year; provided, however, that a facility installed and initially tested within nine months prior to the first day of January shall not be required to submit an annual compliance report until the following first day of January.

E. The city may retain a technical expert in the field of radio frequency engineering to verify the RFR measurements and certification. The cost of such a technical expert shall be borne by the licensed carrier or applicant.

F. If at any time the radio frequency emission tests show that the facility exceeds any of the standards established by the FCC, the licensed carrier shall immediately discontinue use of the facility and notify the city. Use of the facility may not resume until the licensed carrier demonstrates that corrections have been completed which reduce the radio frequency emissions to levels permitted by the FCC. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.66.130 Testing of personal wireless service facilities required—Noise emissions.

A. Each licensed carrier shall conduct tests necessary to demonstrate compliance with all applicable local regulations regarding the noise emissions of the facility. All such tests shall be performed by or under the supervision of a qualified acoustical consultant competent to perform such tests and interpret the data gathered.

B. All licensed carriers shall submit a report, certified by a qualified acoustical consultant, setting forth the observed noise levels at the property line of the property upon which the facility is located. The report shall account for background noise and other noise sources and demonstrate the noise levels emitted by the facility, including any air conditioning or ventilation equipment contained therein.

C. Compliance reports shall be required on an annual basis and shall be submitted by January 1st of each calendar year; provided, however, that a facility installed and initially tested within nine months prior to January 1st shall not be required to submit an annual compliance report until the following January 1st.

D. The city may retain a technical expert in environmental noise measurement to verify the noise measurements and certification. The cost of such a technical expert shall be borne by the licensed carrier.

E. This section shall not apply to any facility that does not contain air conditioning equipment. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.66.140 Security.

All facilities shall be enclosed by a fence not less than six feet in height with a locking gate; however, no barbed wire or razor wire shall be permitted. All support structures shall be equipped with anti-climbing devices and shall have their means of access located a minimum of eight feet above the ground. The community development director may approve alternate means of protection from unauthorized access on a case-by-case basis consistent with the purpose of protecting the public health, safety, and welfare. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.66.150 Abandonment of facilities.

A. The owner or operator of all facilities shall, on an annual basis, submit a written report to the city, signed under penalty of perjury, which demonstrates whether or not there has been a cessation in use of the personal wireless services facility for a period of three months during the prior year. Annual compliance reports shall be submitted by January 1st of each calendar year. Failure to submit a report shall be considered evidence of abandonment; provided, however, that a facility permitted and installed within nine months prior to January 1st shall not be required to submit an annual compliance report until the following January 1st.

B. Any personal wireless services facility that has had no antenna mounted upon it for a period of six months, or if the antenna mounted thereon are not operated for a period of three months, shall be considered abandoned, and the owner thereof shall remove the facility within ninety days after receipt of a notice from the city to do so.

C. In the event that more than one wireless communication service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure as provided in this section.

D. If the facility and associated equipment are not removed within ninety days after receipt of a notice from the city requiring said removal, the city may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which such facility is situated in an amount equal to the cost of removal. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.66.160 Signs.

No advertising or display shall be located on any antenna array; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site. Nothing in this section shall be construed to prohibit the placement of safety or warning signs upon any portion of the facility which are required by law or which are designed to apprise emergency response personnel and the employees and agents of personal wireless services providers of particular hazards associated with equipment located upon the facility. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.66.170 Violations.

A. Upon occurrence of a violation of the provisions of this chapter, the building official shall notify the responsible person representing the use in violation that a violation of this chapter exists. Such notice shall be in writing, identify the violation, and specify the time within which the prescribed action to correct the violation must be taken. The person in violation shall have not less than seven days from the issuance of the notice to correct the violation, unless, in the

opinion of the building official, there is imminent peril to property and/or to the public health, safety, or general welfare; in which case the violation shall be corrected immediately.

B. Upon the failure, neglect, or refusal of any person so notified to correct a violation of this chapter, the building official shall issue a civil infraction notice.

C. Any violation of the provisions of this chapter shall be punishable as a general penalty as defined in Chapter 1.12. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.67

ELECTRIC VEHICLE CHARGING STATIONS

Sections:

17.67.010 Purpose.

The purpose of this chapter is to ensure the effective installation of electric vehicle charging stations. (Ord. 1076 § 1 (Exh. A), 2021)

17.67.020 Designation of electric vehicle charging stations.

An electric vehicle charging station is a public or private parking space that is served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle and is classified based on the following levels:

A. Level 1 is considered slow charging.

B. Level 2 is considered medium charging.

C. Level 3 is considered fast charging. Level 3 stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

D. A battery exchange station is considered a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process. (Ord. 1076 § 1 (Exh. A), 2021)

17.67.030 Standards for electric vehicle charging stations.

Electric vehicle charging stations utilizing parking stalls located in a parking lot or parking garage or in on-street parking spaces shall comply with the following standards. Due to the fact the technology associated with electric vehicles, batteries and electric vehicle charging stations is relatively new and is anticipated to change, and that there is a lack of municipal experience on consumer and community preferences and attitudes with regard to electric vehicles, the planning commission may authorize variations from these standards, so long as the intent and goal of the standards and this chapter are addressed.

A. Except when located in conjunction with single-family residences, electric vehicle charging stations shall be reserved for parking and charging of electric vehicles only.

B. Signage. Each electric vehicle charging station shall be posted with signage indicating the space is only for electric vehicle charging purposes. Wayfinding signs conveniently located to guide motorists to the charging stations are permitted with approval of the planning commission.

C. Accessibility. The design and location of the electric vehicle charging stations shall comply with the following barrier-free accessibility requirements:

1. Accessible charging stations shall be located in proximity to the buildings or facility entrances and shall be connected to a barrier-free accessible route of travel.

2. Accessible charging stations shall comply with the requirements of WAC 51-50-005. (Ord. 1076 § 1 (Exh. A), 2021)

Chapter 17.68

VARIANCES

Sections:

17.68.010 Authorization.

A. The hearing examiner is authorized to grant variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to specific property, the literal interpretation or specific application of this title would cause undue or unnecessary hardship.

B. No variance shall be granted to allow the use of property for purposes not authorized in the district in which the proposed use would be located or create lots with less than the minimum size required by the district.

C. An application for a variance shall be considered as an action subject to quasi-judicial review as set forth in Title 11. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.68.020 Evaluation criteria.

Variances may be granted if it can be demonstrated that all of the following criteria are met:

A. The strict application of the bulk, dimensional or performance standards set forth in the applicable district or in this title precludes a reasonable permitted use of the property;

B. The hardship asserted by the applicant is specifically related to the property and is the result of unique conditions such as irregular lot shape or size, topography or natural features over which the applicant has no control;

C. The hardship asserted by the applicant results from the application of this title to the property and not the result of deed restrictions or the actions of the applicant or owner;

D. The requested variance will not constitute a grant of special privilege not enjoyed by other properties in the same neighborhood or district, and is the minimum relief necessary for the preservation of a property right substantially the same as possessed by owners of property in the same neighborhood or district; and

E. The granting of the variance will not be detrimental to the purposes of this title, be injurious to property in the same neighborhood or district in which the property is located, cause substantial adverse effect on the public interest, or be otherwise detrimental to the objectives of the comprehensive plan. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.68.030 Action on variances.

The hearing examiner may approve, conditionally approve or deny a request for a variance. The hearing examiner may, in granting a variance, establish conditions determined necessary to:

A. Protect the interests of surrounding properties and the general public health, safety, welfare and interest;

B. Accomplish the objectives and intent of this title, other applicable regulations and the comprehensive plan;

C. Mitigate potential adverse impacts of the proposal. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.72

NONCONFORMING USES

Sections:

17.72.010 Purpose.

The purpose of this chapter is to address the legal status of nonconforming uses, buildings/structures or lots by creating provisions through which a nonconformance may be maintained, altered, reconstructed, expanded or terminated. Ultimately it is the intent of this chapter to encourage the discontinuance or termination of nonconformity and the changing of a nonconformity to a conforming or more conforming use, building, or lot. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.72.020 Establishment.

The burden of establishing that any nonconformity is a legal nonconformity as defined herein shall, in all cases, be upon the owner of such alleged nonconformity and not upon the city. Determination of the nonconforming status of a lot, use, building, or structure is an administrative function of the mayor or his/her designee. Property owners asserting nonconforming status shall submit such information as the director deems necessary to substantiate or document the claim to the nonconformance. Documentation submitted by the property owner must ascertain the date the nonconformity was established and that it conformed to the applicable development regulations in effect at that time. Documentation may consist of such historical items as utility statements, property tax bills, real estate contracts, leases, building permits, dated photographs, newspaper clippings and other relevant documentation, when applicable. Unsubstantiated anecdotal evidence cannot be accepted for the determination of nonconforming status. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.72.030 Nonconforming applicability.

A. Provisions contained within this chapter do not supersede or relieve a property owner from compliance with:

1. The requirements of the uniform codes adopted pursuant to Title 14; and

2. The provisions of the development regulations that are beyond the specific nonconformance addressed by this chapter.

B. Single residential dwellings lawfully permitted and established within a commercial district prior to adoption of this chapter may be maintained, repaired, or reconstructed in accordance with the provisions of this chapter, provided the nonconformity is not increased.

C. The sale or transfer of a nonconforming use or building/structure does not alone affect the right to continue the nonconforming use or use of a nonconforming building/structure.

D. Buildings/structures, lots, required improvements, uses and/or developments which were not legally established or existing as of the effective date of the ordinance adopting this title retain their illegal status and must be abated or fully conform and comply with the procedural and substantive provisions of the GCMC.

E. The term “nonconforming use” refers only to a single existing use and does not include all uses to which the property could have been used for under a prior zoning ordinance or zoning classification. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.72.040 Nonconforming lot.

In any district, any permitted use or building/structure may be erected on a nonconforming lot of record, existing on the effective date of the ordinance codified in this title, if the use is permitted in that district and the lot was created in conformance with the development regulations existing at the time of creation. This provision shall apply, even though such lot fails to meet the requirements for lot area or width, or both, that are generally applicable in the district. The building/structure shall conform to all other current regulations of the zoning district in which such lot is located, including without limitation, required yards/setbacks, lot coverage, density, parking, storm drainage, landscaping, access and road improvement. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.72.050 Nonconforming use.

A. Generally. A nonconforming use lawfully established under the GCMC and which became or becomes nonconforming by amendment to this title may continue as long as it remains otherwise lawful. Any change or expansion of the nonconforming use shall be made in accordance with the provisions of Sections 17.72.020 and 17.72.080.

B. Continuation When Damaged or Destroyed. The following provisions shall apply when a nonconforming use is damaged, demolished or destroyed by any means:

1. When a nonconforming use and associated building/structure are damaged by any means, and reconstruction costs do not exceed seventy-five percent of the value of the building/structure determined by using the most recent ICBO construction tables, the nonconforming use may be replaced as it was prior to the damage. If the building/structure was also nonconforming, the building/structure may be rebuilt as it was immediately prior to the damage or in a manner that is more conforming in accordance with Section 17.72.060C.

2. When the reconstruction costs of a nonconforming use and associated building/structure exceed seventy-five percent of the value of the building/structure determined by using the most recent ICBO construction tables, the hearing examiner shall determine whether or not the nonconforming use shall be allowed to continue in accordance with the provisions of Section 17.72.080. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.72.060 Nonconforming buildings/structures.

A. Generally. Any legal nonconforming building/structure may continue so long as it remains otherwise lawful. A nonconforming building/structure other than a required site improvement may be included in and/or changed as a part of any development, or modification to development, subject to review and approval under the procedures and provisions of this title; provided, that nothing in this section shall authorize the expansion or change of a nonconforming structure except as otherwise provided for in this chapter. Required site improvements, including parking and signs, are subject to the more specific policies on nonconforming parking and signs in Chapters 17.52 and 17.60, respectively, which shall govern and control.

B. Maintenance of a Nonconforming Building/Structure. Nothing in this chapter shall be construed to restrict normal structural repair and maintenance of a nonconforming building/structure, including the replacement of walls, fixtures and plumbing; provided, that the value of work and materials in any twelve-month period does not exceed twenty-five percent of the value of the building/structure prior to such work determined by using the most recent ICBO construction tables. This chapter is not intended to apply to the rehabilitation of dwelling units when such rehabilitation does not expand the number of dwelling units or physically expand the building/structure.

C. Reconstruction of a Nonconforming Building/Structure When Damage Does Not Exceed Seventy-Five Percent of Its Value. When a nonconforming building/structure is damaged, demolished or destroyed by any means and reconstruction costs do not exceed seventy-five percent of the value of the building/structure determined by

using the most recent ICBO tables, the department may issue a development permit(s) allowing the building/structure to be rebuilt as it was immediately prior to the damage or in a manner that is more conforming; provided, no reconstruction of a nonconforming building/structure shall be performed without issuance of a development permit(s) as appropriate. The property owner shall provide the information necessary to reasonably assure the review authority that the reconstruction complies with this section. The review authority may approve reconstruction in conformance with the submitted and verifiable plans or in a manner that is more conforming to the applicable provisions of the GCMC and the district in which the building/structure is located. If the review authority determines that the proposed reconstruction amounts to an expansion of the nonconforming building/structure, the owner must file an application for review by the hearing examiner under the provisions of Section 17.72.080.

D. Reconstruction of a Nonconforming Building/Structure When Damage Exceeds Seventy-Five Percent of Its Value. The following provisions shall apply when the reconstruction costs for a damaged, removed, demolished or destroyed nonconforming building/structure exceeds seventy-five percent of its value determined by using the most recent ICBO construction tables:

1. When a damaged, removed, demolished, or destroyed nonconforming building/structure was used for an approved or existing use, any reconstruction of the building/structure shall occur in accordance with the provisions of this title and other applicable development regulations of the GCMC.

2. When a damaged, removed, demolished, or destroyed nonconforming building/structure was used for a nonconforming use it may be replaced as it was before or in a manner that is more conforming upon approval by the hearing examiner in accordance with Section 17.72.080.

E. Expansions to structures that are nonconforming with respect to a required yard may not encroach any further into the required yard, and are limited to extensions adding no more than twenty-five percent of the length of the existing wall, subject to other applicable requirements of the GCMC. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.72.070 Nonconforming mineral extraction.

A. Nonconforming mineral extraction and/or mining may continue operations, provided the following provisions have been submitted for review by the mayor or his/her designee:

1. Documentation verifying the nonconformity asserted;

2. Site, grading and operation plans disclosing the boundaries of the mineral extraction operation, phasing plan, and restoration plan.

B. The expansion of mineral extraction areas including the enlargement of the perimeter boundary, change in access or addition of processing shall be permitted only upon the review and approval of the hearing examiner in accordance with this chapter. Requests for expansion are classified as Type III applications pursuant to Section 11.09.050 and subject to the standards of Section 17.64.170. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.72.080 Procedures for reconstruction—Change of use—Expansion.

The following procedures shall be followed to change a nonconforming use to a different nonconforming use, expand a nonconforming use throughout a building/structure, expand a nonconforming structure or use throughout a lot or onto an adjoining lot, or replace a nonconforming use and/or building/structure damaged by any means beyond seventy-five percent of its predamaged value as determined by using the most recent ICBO construction tables:

A. Applications submitted under this section are classified as Type III applications for quasi-judicial review described in Section 11.09.050.

B. The hearing examiner may grant the relief requested if he/she finds all of the following:

1. That the expansion, change, reconstruction, or replacement requested would not be contrary to the public health, safety, or welfare;

2. That the proposed expansion, change, reconstruction or replacement is compatible with the character of the neighborhood; and, in the case of an expansion or change, does not significantly jeopardize future development of the area in compliance with the provisions and the intent of the zoning district;

3. That the significance of the hardship asserted by the applicant is more compelling than, and reasonably overbalances, the public interest resulting from the denial of the relief requested;

4. That the use or building/structure was lawful at the time of its inception;

5. That the nearby properties will not be significantly adversely impacted by approving the requested expansion, change, reconstruction or replacement.

C. The hearing examiner shall deny the proposed expansion, change, reconstruction, or replacement if he/she finds that one or more of the provisions in subsection B of this section are not met.

D. When approving a change in, or the expansion, reconstruction or replacement of a nonconforming use or building/structure, the hearing examiner may attach conditions to the proposed change, expansion, reconstruction or replacement or any other portion of the development in order to assure that the development is improved, arranged, designed and operated to be compatible with the objectives of the comprehensive plan, applicable development regulations and neighboring land uses and transportation systems. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.72.090 Discontinuance.

A. A nonconforming use or building/structure shall be discontinued when it is:

1. Succeeded by another use or building/structure that is more conforming;

2. Discontinued and not reestablished within six months;

3. Damaged and a complete application for reconstruction or replacement is not made within six months of such damage;

4. Damaged, demolished, removed, or destroyed, by any means, to the extent that reconstruction or replacement costs exceed seventy-five percent of its value determined by using the most recent ICBO construction tables and the reconstruction or replacement of the nonconforming use and/or building/structure is denied by the hearing examiner in accordance with the provisions in Section 17.72.080.

B. When a nonconforming use becomes discontinued, it shall be deemed that such use has ceased to exist and thus loses its status as a legal nonconforming use. Any subsequent use shall conform to the provisions of the district in which it is located. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.72.100 Completion of a building/structure/activity.

Nothing contained in this chapter shall require any change in plans, construction, alterations, or designated uses of a building/structure specified in a complete application for a development permit submitted prior to the effective date of the ordinance codified in this title. Improvements and uses authorized by a signed document of the city council, or any permit issued by the city prior to the effective date of this title, may be developed as set forth in the permit. If the permit becomes invalid prior to development of improvements or uses, the provisions of this chapter shall then be in full force and effect on the subject property. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.72.110 Nonconforming manufactured home park.

The city recognizes there are existing nonconforming manufactured home parks on the effective date of the ordinance codified in this title, which for the purposes of this chapter are defined as containing three or more manufactured homes on a rent or lease basis and operated as a single development. In the event manufactured home(s) within these nonconforming manufactured home parks are removed, damaged or destroyed, the owner of the manufactured home park may replace or repair the manufactured home(s); provided, that the total number of manufactured homes does not increase. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.76

AMENDMENTS

Sections:

17.76.010 Applicability.

The regulations, restrictions, and boundaries set forth in this title may from time to time be amended, supplemented, modified, or repealed in accordance with the following procedures; provided, that no change shall be approved that is inconsistent with the Grand Coulee comprehensive plan. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.76.020 Procedures.

A. Amendments, supplementations, modifications, or repeals of or to this title may be initiated by the following:

1. The Grand Coulee city council.
2. Property owners by:

a. Filing with the city clerk a petition signed by one or more property owners within the city setting forth the proposed change and the reasons therefor; and

b. Payment of the fee to help defray the cost of processing the petition;

c. The petition must be filed at least thirty days prior to the date of the public hearing where the petition will be considered.

B. Proposed amendments, supplementations, modifications, or repeals of or to this title shall be heard at a public hearing by the city council within ninety days of the time that the petition was filed. No request for a zone boundary or zone classification amendment to this title shall be reconsidered within the twelve-month period immediately following a previous denial of such request, except where, in the opinion of the city council, such a hearing is warranted by new evidence or a substantial change of circumstances.

C. Proposed amendments to this title shall be as provided for and applicable to "legislative review," pursuant to Title 11, Development Code Administration. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.76.030 Review of decision.

Any decision approving or disapproving any amendment, modification to or repeal of this title shall be reviewed in the superior court of Grant County on the basis of unlawful, arbitrary, or capricious action or nonaction by writ of review or mandamus; provided, that the application for such writ shall be made to the court within twenty-one days from the date of the decision sought to be reviewed. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.80

ADMINISTRATION AND ENFORCEMENT

Sections:

17.80.010 Administration.

The mayor of the city of Grand Coulee or his/her designee (hereinafter "administrator") shall have the authority and duty to administer the provisions of this title. The administrator may adopt, and revise as required, such forms as are necessary to carry out the provisions of this title. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.80.020 Permits and conformance authorizations.

No representative of the city shall issue a use and occupancy permit or give other authorization, including a special exemption, for any use or occupancy that would not be in full compliance with this title. This includes, without limitation, the following:

A. No license or other permit shall be issued until the plans, specifications, occupancy and use of the structure conforms to the requirements of this title.

B. No building permit or other permit shall be issued until the conditions of approval, plans, specifications, occupancy, and use of the structure conform to the requirements of this title.

C. No license, permit, or approval shall be granted until all fees and expenses required and incurred under this title have been paid. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.80.030 Enforcement.

A. The mayor, or his/her designee, shall be responsible for the enforcement of this title. In addition to the provisions for enforcement that may be identified in this title, Title 11 provisions for enforcement shall also apply.

B. The enforcing official or his/her designee may enter, at reasonable times, with the permission of the owner, any building, structure or premises in the town to perform any duty imposed by this title.

C. The enforcing official of this title shall investigate any charge of violation of this title within ten days of being brought to his or her attention. Upon verifying the appearance of a violation of this title, the enforcing official shall serve notice to the property owner and occupant, if applicable, to comply with the ordinance within thirty days or such lesser period as he/she shall deem reasonable or appropriate. The administrator shall reinspect the premises at the termination of the compliance period and, if the apparent violation is still in evidence, shall institute appropriate enforcement and penal proceedings against the violation. (Ord. 997 § 2 (Exh. A) (part), 2011)

17.80.040 Violations and penalties.

Any person, partnership, association, firm or corporation who violates or fails to comply with this title is guilty of a civil infraction and is subject to the civil penalties and remedies and corrective actions as set forth in the applicable provisions of Title 11, Development Code Administration, which remedies are cumulative, not alternative remedies, and are in addition to any other remedy to which the city may be entitled by law. Any violation of this title is declared to be a public nuisance, subject to abatement or injunctive relief in accordance with the laws of the state of Washington. (Ord. 997 § 2 (Exh. A) (part), 2011)

Chapter 17.82

SHORELINE REGULATIONS

Sections:

Article I. Authority and Purpose

17.82.010 Authority.

A. The Shoreline Management Act (SMA) of 1971, Chapter 90.58 RCW, is the authority for the enactment and administration of this shoreline master program (SMP). (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.020 Applicability.

A. This program shall apply to all of the shorelands and waters within the city of Grand Coulee as described in the city's SMP Section I, Profile of the Shoreline Jurisdiction within the City of Grand Coulee.

B. All proposed uses, activities, or development occurring within shoreline jurisdiction must conform to the intent and requirements of Chapter 90.58 RCW, the SMA, and this SMP whether or not a permit or other form of authorization is required, except when specifically exempted by statute. See the city's SMP Section I for the shoreline jurisdiction description and Section 17.82.760 for the definitions of uses, activities, and development.

C. The SMP applies to shoreline jurisdiction within the city limits.

D. Pursuant to WAC 173-27-060, federal agency activities may be required by other federal laws to meet the permitting requirements of Chapter 90.58 RCW. This program shall apply to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.

E. As recognized by RCW 90.58.350, the provisions of this SMP shall not affect treaty rights of Indian nations or tribes.

F. Maps indicating the extent of shoreline jurisdiction and shoreline designations are guidance only. They are to be used in conjunction with best available science, field investigations and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. All areas meeting the definition of a shoreline of the state or a shoreline of statewide significance, whether mapped or not, are subject to the provisions of this program. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.030 Purpose.

A. The purposes of this SMP are:

1. To promote the public health, safety, and general welfare of the city by providing comprehensive policies and effective, reasonable regulations for development, use and protection of jurisdictional shorelines; and

2. To further assume and carry out the local government responsibilities established by the SMA in RCW 90.58.050 including planning and administering the regulatory program consistent with the policy and provisions of the SMA in RCW 90.58.020; and

3. To provide a high quality shoreline environment where:

a. Recreational opportunities are abundant;

b. The public enjoys access to and views of shoreline areas;

c. Natural systems are preserved, restored or enhanced;

d. Ecological functions of the shoreline are maintained and improved over time; and

e. Water-oriented uses are promoted consistent with the shoreline character and environmental functions; and

4. To apply special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline; and

5. To ensure no net loss of ecological functions associated with the shoreline. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.040 Relationship to other codes, ordinances and plans.

A. All applicable federal, state, and local laws shall apply to properties in the shoreline jurisdiction. Where this program makes reference to any RCW, WAC, or other state or federal law or regulation the most recent amendment or current edition shall apply.

B. In the event provisions of this SMP conflict with provisions of federal, state or city regulations, the provision that is most protective of shoreline resources shall prevail. It is understood that the provisions of this chapter may not allow development to occur at what otherwise might be the property's full zoning potential.

C. The policies in the SMP, contained in the shoreline master program elements, state the underlying objectives the regulations are intended to accomplish. The policies guide the interpretation and enforcement of the SMP regulations contained in this chapter. The policies are not regulations in themselves and, therefore, do not impose requirements beyond those set forth in the regulations.

D. This shoreline master program contains critical area regulations in Article V of this chapter, applicable only in shoreline jurisdiction that provide a level of protection to critical areas assuring no net loss of shoreline ecological functions necessary to sustain shoreline natural resources. (RCW 36.70A.480).

E. Projects in the shoreline jurisdiction that have either been deemed technically complete through the application process or have been approved through local and state reviews prior to the adoption of this program are considered accepted. Major changes or new phases of projects that were not included in the originally approved plan will be subject to the policies and regulations of this program. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.050 Liberal construction.

A. As provided for in RCW 90.58.900, the SMA is exempted from the rule of strict construction. The city shall therefore interpret the SMP not only on the basis of actual words and phrases used in it, but by also taking purposes, goals, and policies into account. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.060 Severability.

A. Should any section or provision of this SMP be declared invalid, such decision shall not affect the validity of this SMP as a whole. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.070 Effective date.

A. The SMP is hereby adopted on the sixteenth day of September, 2014. This SMP and all amendments thereto shall become effective fourteen days after final approval and adoption by Ecology. (Ord. 1019 § 2 (Exh. E) (part), 2014)

Article II. Environment Designations

17.82.100 Environment designations.

A. The city has designated shorelines pursuant to Chapter 90.58 RCW by defining them, providing criteria for their identification and establishing the shoreline ecological functions to be protected. Project proponents are responsible for determining whether a shoreline exists and is regulated pursuant to this program. The SMP classifies the city of Grand Coulee's shoreline into four shoreline environment designations consistent with the purpose and designation criteria as follows:

1. Aquatic;
2. Urban conservancy;
3. High intensity—public facility;
4. Shoreline residential. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.110 Official shoreline maps.

A. Shoreline area designations are delineated on a map, hereby incorporated as a part of this program (Section 17.82.770), that shall be known as the official shoreline map. The purpose of the official shoreline map is to identify shoreline area designations. Maps indicating the extent of shoreline jurisdiction and shoreline designations are guidance only. They

are to be used in conjunction with best available science, field investigations and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.120 Unmapped or undesignated shorelines.

A. All areas meeting the definition of a shoreline of the state or a shoreline of statewide significance, whether mapped or not, are subject to the provisions of this program. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.130 Interpretation of environment designation boundaries.

A. Whenever existing physical features are inconsistent with boundaries on the official shoreline map, the shoreline administrator shall interpret the boundaries. Appeals of such interpretations may be filed pursuant to Section 17.82.710, Appeals.

B. All shoreline areas waterward of the OHWM shall be designated aquatic.

C. Only one shoreline area designation shall apply to a given shoreland area.

D. All areas within shorelines that are not mapped and/or designated are automatically assigned urban conservancy designation. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.140 Aquatic.

A. Purpose.

1. The purpose of the “aquatic” shoreline designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark (OHWM).

B. Designation Criteria.

1. An aquatic shoreline designation is assigned to lands and waters waterward of the ordinary high water mark.

C. Management Policies.

1. In addition to the other applicable policies and regulations of this program, the following management policies shall apply:

a. New over-water structures should be allowed only for water-dependent uses, public access, recreation, or ecological restoration.

b. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and natural hydrographic conditions.

c. In-water uses should be allowed where impacts can be mitigated to ensure no net loss of shoreline ecological functions. Permitted in-water uses must be managed to avoid impacts to shoreline ecological functions. Unavoidable impacts must be minimized and mitigated.

d. On navigable waters or their beds, all uses and developments should be located and designed to:

i. Minimize interference with surface navigation;

ii. Consider impacts to public views; and

iii. Allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.

e. Multiple or shared use of over-water and water access facilities should be encouraged to reduce the impacts of shoreline development and increase effective use of water resources.

f. Structures and activities permitted should be related in size, form, design, and intensity of use to those permitted in the immediately adjacent upland area. The size of new over-water structures should be limited to the minimum necessary to support the structure’s intended use.

g. Natural light should be allowed to penetrate to the extent necessary to discourage salmonid predation and to support nearshore habitat unless other illumination is required by state or federal agencies.

h. Aquaculture practices should be encouraged in those waters and beds most suitable for such use. Aquaculture should be discouraged where it would adversely affect the strength or viability of native stocks or unreasonably interfere with navigation.

i. Shoreline uses, development, activities, and modifications in the aquatic shoreline designation requiring use of adjacent landside property should be in a shoreline designation that allows that use, development, activity or modification. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.150 Urban conservancy.

A. Purpose.

1. The purpose of the "urban conservancy" environment is to protect and restore ecological functions of open space, public land, and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

B. Designation Criteria.

1. The following criteria are used to consider an urban conservancy shoreline designation:

a. The shoreline is located within the urban growth area boundary or within an unimproved area within the city limits;

b. The shoreline is a mix of areas with low to high ecological functions and opportunity for protection and restoration;

c. The shoreline has potential for public, water-oriented recreation where ecological functions can be maintained or restored; or

d. The shoreline has high scientific or educational value or unique historic or cultural resources value.

C. Management Policies.

1. In addition to the other applicable policies and regulations of this program the following management policies shall apply:

a. Allowed uses should be those that preserve the natural character of the area and/or promote preservation and restoration within critical areas and public open spaces either directly or over the long term.

b. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.

c. Development, when feasible, should be designed to ensure that any necessary shoreline stabilization, native vegetation removal, or other shoreline modifications do not result in a net loss of shoreline ecological function or further degrade other shoreline values.

d. Public access and recreational facilities should be promoted.

e. Water-oriented uses should be given priority over non-water-oriented uses. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.160 High intensity—Public facility.

A. Purpose.

1. The purpose of the "high intensity—public facility" environment is to provide for higher intensity public facility infrastructure that needs shoreline location for operation and that are associated with high intensity water-oriented power generation, irrigation water supply conveyance, transportation or navigation uses. This environment may also provide for some recreational uses while protecting public safety, existing ecological functions, conserving existing natural resources and restoring ecological functions in areas that have been previously degraded.

B. Designation Criteria.

1. The following criteria are used to consider a high intensity—public facility shoreline designation:

a. The shoreline has low to moderate ecological function with low to moderate opportunity for preservation and low to moderate opportunity for restoration;

b. The shoreline is highly developed and most development is public-utility- or infrastructure-related with potential for additional related development or facility rehabilitation or upgrade modifications; or are suitable and planned for more intensive public facility uses;

c. Shoreline areas that are managed by public agencies to provide public services, that operation of such services depend on proximity to water and that includes high intensity uses related to power generation, irrigation water supply conveyance, transportation, or navigation uses; or

d. The shoreline has limited scientific or educational value or unique historic or cultural resource values.

C. Management Policies.

1. In addition to the other applicable policies and regulations of this program the following management policies shall apply:

a. In regulating uses in the "high intensity—public facility" environment, first priority should be given to water-dependent public facility uses. Second priority should be given to water-related and water-enjoyment uses that are not in conflict with the public facility uses. Non-water-oriented uses should not be allowed except as part of public facility operational needs.

b. Reasonable long-range projections of regional economic and growth needs should guide the amount of shoreline designated "high intensity—public facility."

c. Policies and regulations shall ensure no net loss of shoreline ecological functions as a result of redevelopment, facility upgrades and new development. Where applicable, development shall include environmental cleanup and restoration of the shoreline to comply in accordance with any relevant state and federal law.

d. Where feasible, visual and physical public access should be required as provided for in WAC 173-26-221(4)(d).

2. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.170 Shoreline residential.

A. Purpose.

1. The purpose of the "shoreline residential" designation is to accommodate primarily residential development and appurtenant structures, but to also allow other types of development that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

B. Designation Criteria.

1. Assign a "shoreline residential" environment designation to shoreline areas that have:

a. Low to moderate ecological function with low to moderate opportunity for restoration;

b. Mostly residential development at urban densities and does not contain resource industries (agriculture, forestry, mining);

c. Planned or platted for residential uses in the comprehensive plan; or

d. Low to moderate potential for low impact, passive or active water-oriented recreation where ecological functions can be restored.

C. Management Policies.

1. In addition to the other applicable policies and regulations of this program the following management policies shall apply:

a. Encourage regulations that ensure no net loss of shoreline ecological functions as a result of new development such as limiting lot coverage, providing adequate setbacks from the shoreline, promoting vegetation conservation, reducing the need for shoreline stabilization and maintaining or improving water quality to ensure no net loss of ecological functions.

b. The scale and density of new uses and development should be compatible with sustaining shoreline ecological functions and processes, and the existing residential character of the area.

c. Access, utilities, and public services to serve proposed development within shorelines should be constructed outside shorelines to the extent feasible, and be the minimum necessary to adequately serve existing needs and planned future development. (Ord. 1019 § 2 (Exh. E) (part), 2014)

Article III. General Regulations

17.82.200 Shoreline use and modifications.

A. Table 17.82.200(K) indicates which shoreline activities, uses, developments and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment designation.

Activities, uses, developments, and modifications are classified as follows:

1. "Permitted uses" require a shoreline substantial development permit or a shoreline exemption.

2. "Conditional uses" require a shoreline conditional use permit per Section 17.82.650.

3. "Prohibited" activities, uses, developments, and modifications are not allowed and cannot be permitted through a variance or shoreline conditional use permit.

4. General regulations per Article III of this chapter and shoreline modifications and uses regulations per Article IV of this chapter shall be considered for additional limitations.

B. Accessory uses shall be subject to the same shoreline permitting process as their primary use.

C. Where there is a conflict between the chart and the written provisions in this SMP, the written provisions shall control.

D. Authorized uses and modifications shall be allowed only in shoreline jurisdiction where the underlying zoning allows for it and are subject to the policies and regulations of this SMP.

E. A use is considered unclassified when it is not listed in Table 17.82.200(K), Shoreline Use and Modification Matrix, or in shoreline modifications and uses regulations, per Article IV of this chapter. Any proposed unclassified use may be authorized as a conditional use; provided, that the applicant can demonstrate consistency with the requirements of this master program and the requirements for conditional uses.

F. Exemptions shall be narrowly construed. Only those developments that meet the precise terms of one or more of the listed exemptions in Section 17.82.670 may be granted exemption from the substantial development permit process.

G. If any part of a proposed activity, use, modification or development is not eligible for exemption per this Section 17.82.670, Exemptions from shoreline substantial development permits, then a shoreline substantial development permit or shoreline conditional use permit shall be required for the entire proposed development project.

H. When a specific use or modification extends into the aquatic environment and an abutting upland environment without clear separation (e.g., shoreline stabilization), the most restrictive permit process shall apply to that use or modification.

I. Shoreline and critical areas buffers found in Article V of this chapter apply to all uses and modifications unless stated otherwise in the regulations.

J. Administrative interpretation of these regulations shall be done according to Section 17.82.610, Interpretation.

K. Shoreline Use and Modification Matrix.

Table 17.82.200(K): Shoreline Use and Modification Matrix

Abbreviations **PRM = Permitted Use with Substantial Development Permit;** **CUP = Conditional Use Permit;** **X = Prohibited;** **N/A = Not Applicable** **Use/ Modification**	**Aquatic**	**Urban Conservancy**	**High Intensity—Public Facility**	**Shoreline Residential**
Boating Facilities				
Boat Launch (motorized boats)	PRM	PRM	PRM	X
Boat Launch (nonmotorized boat—canoe/kayak)	PRM	PRM	PRM	X
Marina	PRM	CUP[1]	X	X
Docks and Piers	PRM	CUP	X	X

Table 17.82.200(K): Shoreline Use and Modification Matrix (Continued)

Abbreviations **PRM = Permitted Use with Substantial Development Permit;** **CUP = Conditional Use Permit;** **X = Prohibited;** **N/A = Not Applicable** **Use/ Modification**	**Aquatic**	**Urban Conservancy**	**High Intensity—Public Facility**	**Shoreline Residential**
Dredging Activities				
Dredging	CUP	N/A	N/A	N/A
Dredge Material Disposal	CUP	X	CUP	CUP
Dredging and Disposal as Part of Ecological Restoration/ Enhancement	PRM	PRM	PRM	PRM
Fill and Excavation				
Waterward of OHWM	CUP[2]	N/A	N/A	N/A
Other Upland Fill	N/A	PRM	PRM	PRM
In-Water Modifications				
Breakwater	CUP	X	X	X
Groins and Weirs	CUP	CUP	CUP	N/A
Recreational Development				
Water-Dependent	PRM	PRM	PRM	PRM
Water-Related/Enjoyment (trails, accessory buildings)	CUP	PRM	PRM	PRM
Non-Water-Oriented	X	CUP	CUP	PRM
Residential Development	X	X	X	PRM
Shoreline Habitat and Natural Systems Enhancement Projects	PRM	PRM	PRM	PRM
Shoreline Stabilization				
New				
Hard	CUP	CUP	CUP	CUP
Soft	PRM	PRM	PRM	PRM
Replacement[2]	PRM	PRM	PRM	PRM
Transportation				
Highways, Arterials, Railroads (parallel to OHWM)	CUP	PRM	PRM	PRM
Secondary/Public Access Roads (parallel to OHWM)	X	PRM	PRM	PRM
Roads perpendicular to the OHWM	X	PRM	PRM	PRM
Bridges (perpendicular to shoreline)	CUP	CUP	PRM	CUP
Existing Bridges, Trails, Roads, and Parking Facilities: Improvement or Expansion	PRM	PRM	PRM	PRM

Table 17.82.200(K): Shoreline Use and Modification Matrix (Continued)

Abbreviations **PRM = Permitted Use with Substantial Development Permit;** **CUP = Conditional Use Permit;** **X = Prohibited;** **N/A = Not Applicable** **Use/ Modification**	**Aquatic**	**Urban Conservancy**	**High Intensity—Public Facility**	**Shoreline Residential**
New Parking, Accessory	Permitted under the primary use permit process			
New Parking, Primary[4]	X	C	X	X
Utility				
Above and Under-Ground Utilities (parallel or cross shoreline)	CUP	PRM	PRM	PRM

1. On Lake Roosevelt only; not allowed on Crescent Bay.
2. Habitat restoration and enhancement purposes only.
3. Not allowed within fifty feet of edge of riparian vegetation corridor.
4. Low intensity only.

(Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.210 Development standards.

A. To preserve the existing and planned character of the shoreline consistent with the purposes of the shoreline environment designations, development standards are provided in Table 17.82.210(A). These standards apply to all uses and modifications unless indicated otherwise. In addition, shoreline developments shall comply with all other dimensional requirements of the city of Grand Coulee Municipal Code.

Table 17.82.210(A): Development Standards

	Aquatic	**Urban Conservancy**	**High Intensity—Public Facility**	**Shoreline Residential**
Building Height: Maximum in Feet (according to Section 17.82.210C)	15	35		
Impervious Surface Cover (%)	NA	10	NA	30
Riparian Buffer Width in Feet[1, 2]	NA	75	25	Not applicable; functionally disconnected by Hwy 155
Trail Width in Feet	NA	Trails on private properties and not open for public use shall be up to 5 feet wide or as required by Americans with Disabilities Act (ADA) regulations		

1. Measured from the OHWM or top of bank, as applicable.
2. Accompanied by stormwater management measures, as applicable.

B. When a development or use is proposed that does not comply with the dimensional performance standards of this SMP not otherwise allowed by administrative reduction or administrative modification, such development or use can only be authorized by approval of a shoreline variance.

C. No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of substantial number of residences on areas adjoining such shorelines, except for high intensity—public facility environment designation areas, or where the SMP does not prohibit the same and then only when overriding considerations of the public interest will be served. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.220 Archaeological and historic resources.

A. In all developments, whenever an archaeological area or historic site is discovered by a development in the shoreline area, the developer shall immediately stop the work and notify the city of Grand Coulee, and the Department of Archaeology and Historic Preservation.

B. Upon receipt of application for a shoreline permit or request for a statement of exemption for development on properties within five hundred feet of a site known to contain an historic, cultural or archaeological resource, or upon findings as described in subsection A of this section, the city shall require a cultural resource site assessment; provided, that the provisions of this section may be waived if the administrator determines that the proposed development activities do not include any ground disturbing activities and will not impact a known historic, cultural or archaeological site. The site assessment shall be conducted by a professional archaeologist or historic preservation professional, as applicable, to determine the presence of significant historic or archaeological resources. The fee for the services of the professional archaeologist or historic preservation professional shall be paid by the landowner or responsible party. The applicant shall submit a minimum of five copies of the site assessment to the shoreline administrator for distribution to the applicable parties for review.

C. If the cultural resource site assessment identifies the presence of significant historic or archaeological resources, a cultural resource management plan (CRMP) shall be prepared by a professional archaeologist or historic preservation professional, as applicable. The fee for the services of the professional archaeologist or historic preservation professional shall be paid by the landowner or responsible party. In the preparation of such plans, the professional archaeologist or historic preservation professional shall solicit comments from the Washington State Department of Archaeology and Historic Preservation, and the local tribes (Colville). (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.230 Environmental protection.

A. All project proposals, including those for which a shoreline substantial development permit is not required, shall comply with Chapter 43.21C RCW, the Washington State Environmental Policy Act.

B. Applicants shall apply the following sequence of steps in order of priority to avoid or minimize significant adverse effects and significant ecological impacts, with subsection B1 of this section being top priority:

1. Avoiding the adverse impact altogether by not taking a certain action or parts of an action;

2. Minimizing adverse 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 adverse impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;

4. Reducing or eliminating the adverse impact over time by preservation and maintenance operations;

5. Compensating for the adverse impact by replacing, enhancing, or providing substitute resources or environments; and

6. Monitoring the adverse impact and the compensation projects and taking appropriate corrective measures.

C. Projects that cause significant adverse environmental impacts, as defined in WAC 197-11-794 and the definitions in Section 17.82.760, are not allowed unless mitigated according to subsection B of this section to avoid reduction or damage to ecosystem-wide processes and ecological functions. As part of this analysis, the applicant shall evaluate whether the project may adversely affect existing hydrologic connections between streams and wetlands, and either modify the project or mitigate any impacts as needed.

D. When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the adversely impacted functions directly and in the immediate vicinity of the adverse impact. However, alternative compensatory mitigation may be authorized within the affected drainage area or watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans, including the shoreline restoration plan, applicable to the area of adverse impact. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.240 Shoreline vegetation conservation.

A. Vegetation conservation standards shall not apply retroactively to existing uses and developments. Vegetation associated with existing structures, uses and developments may be maintained within shoreline jurisdiction as stipulated in the approval documents for the development.

B. Regulations specifying establishment and management of shoreline buffers are located in Article V, Critical Areas, of this chapter. Vegetation within shoreline buffers, and wetlands and wetland buffers shall be managed consistent with Article V of this chapter.

C. Vegetation outside of shoreline buffers, and wetlands and wetland buffers and within shoreline jurisdiction shall be managed according to Section 17.82.230, Environmental protection, and any other regulations specific to vegetation management contained in other sections of this SMP.

D. Vegetation clearing outside of wetlands and wetland and riparian buffers shall be limited to the minimum necessary to accommodate approved shoreline development that is consistent with all other provisions of this SMP. Mitigation sequencing shall be applied so that the design and location of the structure or development minimizes native vegetation removal. Selective pruning of trees for safety and view protection is allowed. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.250 Water quality, stormwater, and nonpoint pollution.

A. The location, design, construction, and management of all shoreline uses and activities shall protect the quality and quantity of surface and groundwater adjacent to the site.

B. When applicable, all shoreline development should comply with the requirements of the latest version of the Washington State Department of Ecology's (Ecology) Stormwater Management Manual for Eastern Washington.

C. Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all shoreline development.

D. Potentially harmful materials, including but not limited to oil, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland, or to be discharged onto the land. Potentially harmful materials shall be maintained in safe and leak-proof containers.

E. Within twenty-five feet of a water body, herbicides, fungicides, fertilizers, and pesticides shall only be applied in strict conformance to the manufacturer's recommendations and in accordance with relevant state and federal laws.

F. New development shall provide stormwater management facilities designed, constructed, and maintained in accordance with the latest version of

the Washington State Department of Ecology's (Ecology) Stormwater Management Manual for Eastern Washington, including the use of BMPs. Additionally, new development shall implement low impact development techniques where feasible and necessary to fully implement the core elements of the Surface Water Design Manual.

G. For development activities with the potential for adverse impacts on water quality or quantity in a fish and wildlife habitat conservation area, a critical area report as prescribed in Article V, Critical Areas, of this chapter shall be prepared. Such reports should discuss the project's potential to exacerbate water quality parameters which are impaired and for which total maximum daily loads (TMDLs) for that pollutant have been established, and prescribe any necessary mitigation and monitoring.

H. All materials that may come in contact with water shall be constructed of materials, such as untreated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper, chromium, arsenic, or pentachlorophenol is prohibited in shoreline water bodies. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.260 Public access.

A. Applicants required to provide shoreline public access shall provide physical or visual access, consistent with the city's and other agencies' management plans when applicable, unless specifically exempted in this section. Examples of physical and visual access are listed below.

1. Visual Access. Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters.

2. Physical Access. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a walkway, trail, bikeway, park, view platform, or other area serving as a means of physical approach to public waters.

B. Existing shoreline public accesses shall be maintained. Except as provided in subsection C of this section, new uses shall provide for safe and convenient public access to and along the shoreline where any of the following conditions are present:

1. New development is proposed by a public entity or on public lands;

2. The nature of the proposed use, activity, or development will likely result in an increased demand for public access to the shoreline;

3. The proposed use, activity, or development is not a water-oriented or other preferred shoreline use, activity or development under the Act, such as a non-water-oriented commercial or recreational use;

4. The proposed use, activity, or development may block or discourage the use of customary and established public access paths, walkways, trails, or corridors;

5. The proposed use, activity, or development will interfere with the public use, activity and enjoyment of shoreline areas or water bodies subject to the public trust doctrine; or

6. The proposed activity is a publicly financed shoreline erosion control measure (when feasible).

C. New public access shall not be required where one or more of the following conditions apply, provided such exceptions shall not be used to prevent implementing the access and trail provisions mentioned in the city's and other agencies' management plans. In determining the infeasibility, undesirability, or incompatibility of public access in a given situation, the city shall consider alternative methods of providing public access, such as off-site improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access:

1. The nature of the proposed use, activity, or development or the characteristics of the site make public access requirements inappropriate due to health, safety, or environmental hazards; the proponent shall carry the burden of demonstrating by substantial evidence the existence of unavoidable or

unmitigable threats or hazards to public health, safety, or the environment that would be created or exacerbated by public access upon the site;

2. An existing, new or expanded road or utility crossing through shoreline jurisdiction shall not create the need for public access if the development being accessed or served by the road or utility is located outside of shoreline jurisdiction;

3. The proposed use, activity, or development has security requirements that are not feasible to address through the application of alternative design features for public access such as off-site improvements, viewing platforms, and separation of uses through site planning and design;

4. The economic cost of providing for public access upon the site is unreasonably disproportionate to the total long-term economic value of the proposed use, activity, or development;

5. Safe and convenient public access already exists in the general vicinity of the site, and/or the city's and agencies' plans show adequate public access at the property; or

6. Public access has reasonable potential to threaten or harm the natural functions and native characteristics of the shoreline and/or is deemed detrimental to threatened or endangered species under the Endangered Species Act.

D. General Performance Standards.

1. Uses, activities and developments shall not interfere with the regular and established public use.

2. Shoreline substantial development or conditional uses shall minimize the impact on views of shoreline water bodies from public land or substantial numbers of residences.

3. Proponents shall include within their shoreline applications an evaluation of a proposed use's, activity's, or development's likely adverse impact on current public access and future demands for access to the site. Such evaluation shall consider potential alternatives and mitigation measures to further the policies of this SMP and the provisions of this section.

4. Public access easements, trails, walkways, corridors, and other facilities may encroach upon any buffers or setbacks required in Article V, Critical Areas, or under other provisions of this SMP; provided, that such encroachment does not conflict with other policies and regulations of this SMP, and that no net loss of ecological function can be achieved. Any encroachment into a buffer or setback must be as close to the landward edge of the buffer as possible.

5. Public access facilities shall accommodate persons with disabilities unless determined infeasible by the shoreline administrator.

E. Trails.

1. Existing trails shall be maintained and enhanced.

2. Where public access is to be provided by dedication of public access easements along the OHWM, the minimum width of such easements shall be ten feet. Total width of trail including shoulders shall be ten feet maximum, or as required by Americans with Disabilities Act (ADA) regulations.

3. Pervious pavings are encouraged for all trails, and are required for trail shoulders.

4. Trails shall be located, constructed, and maintained so as to avoid, to the maximum extent possible, removal and other impacts to perennial native vegetation consistent with the habitat management plan.

F. Signage.

1. Signage to be approved by the shoreline administrator shall be conspicuously installed along public access easements, trails, walkways, corridors, and other facilities to indicate the public's right of use and the hours of operation. The proponent shall bear the responsibility for establishing and maintaining such signs.

2. The shoreline administrator may require the proponent to post signage restricting or controlling the public's access to specific shoreline areas. The proponent shall bear the responsibility for establishing and maintaining such signage. (Ord. 1019 § 2 (Exh. E) (part), 2014)

Article IV. Shoreline Modifications and Uses

17.82.300 Boating facilities.

A. General Requirements.

1. Boating and moorage facilities shall be allowed only in Lake Roosevelt and Crescent Bay shoreline areas.

2. All boating uses, development, and facilities shall protect the rights of navigation.

3. Boating and moorage facilities shall be sited and designed to ensure no net loss of shoreline ecological functions, and shall meet federal, state and local requirements, as applicable.

4. Boating and moorage facilities shall locate on stable shorelines in areas where:

a. Water depths are adequate to minimize spoil disposal, filling, beach enhancement, and other channel maintenance activities; and

b. Water depths are adequate to prevent the structure from grounding out at the lowest low water or else stoppers are installed to prevent grounding out.

5. Boating and moorage facilities shall not be located:

a. Where new or maintenance dredging will be required; or

b. Where wave action caused by boating use would increase bank erosion rates, unless "no wake" zones are implemented at the facility.

6. Boating uses and facilities shall be located far enough from public swimming beaches to alleviate any aesthetic or adverse impacts, safety concerns and potential use conflicts.

7. In-water work shall be scheduled to protect biological productivity.

8. Accessory use facilities shall be:

a. Limited to water-oriented uses, including uses that provide physical or visual shoreline access for substantial numbers of the general public; and

b. Located as far landward as possible while still serving their intended purposes.

9. Parking and storage areas shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas.

10. Boating and moorage facilities shall locate where access roads are adequate to handle the traffic generated by the facility and shall be designed so that lawfully existing or planned public shoreline access is not unnecessarily blocked, obstructed nor made dangerous.

11. All marinas and public launch facilities shall provide at least portable restroom facilities for boaters' use that are clean, well-lighted, safe and convenient for public use.

12. Installation of boat waste disposal facilities such as pump-outs and portable dump stations are encouraged at all marinas and public boat launches, where possible. The locations of such facilities shall be considered on an individual basis in consultation with United States Bureau of Reclamation, the Washington Departments of Health, Ecology, Natural Resources, Parks, and WDFW, as necessary.

13. All utilities shall be placed at or below dock levels, or below ground, as appropriate.

14. When appropriate, marinas and boat launch facilities shall install public safety signs, to include the locations of fueling facilities, pump-out facilities, and locations for proper waste disposal.

15. Boating and moorage facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions, decking and other components that may come in contact with water shall be approved by applicable state agencies for use in water to avoid discharge of pollutants from wave splash, rain or runoff. Wood treated with creosote, copper, chromium, arsenic, pentachlorophenol or other similarly toxic materials is prohibited for use in moorage facilities.

16. Boating and moorage facilities in waters providing a public drinking water supply shall be constructed of untreated materials, such as untreated wood, approved plastic composites, concrete, or steel. (See Section 17.82.250, Water quality, stormwater, and nonpoint pollution.)

17. Vessels shall be restricted from extended mooring.

B. Boat Launch Facilities.

1. Boat launch and haul-out facilities, such as ramps, marine travel lifts and marine railways, and minor accessory buildings shall be designed and constructed in a manner that minimizes adverse impacts on biological functions, aquatic and riparian habitats, water quality, navigation and neighboring uses.

2. Boat launch facilities shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available.

C. Marinas.

1. Marinas shall be designed to:

a. Provide flushing of all enclosed water areas;

b. Allow the free movement of aquatic life in shallow water areas; and

c. Avoid and minimize any interference with geohydraulic processes and disruption of existing shore forms.

2. Open pile or floating breakwater designs shall be used unless it can be demonstrated that riprap or other solid construction would not result in any greater net impacts to shoreline ecological functions, processes, fish passage, or shore features.

3. Wet-moorage marinas shall locate a safe distance from domestic sewage or industrial waste outfalls.

4. To the maximum extent possible, marinas and accessory uses shall share parking facilities.

5. If a marina is to include gas and oil handling facilities, such facilities shall be separate from main centers of activity in order to minimize the fire and water pollution hazard, and to facilitate fire and pollution control. Marinas shall have adequate facilities and procedures for fuel handling and storage, and the containment, recovery, and mitigation of spilled petroleum, sewage, and other potentially harmful or hazardous materials, and toxic products.

6. The marina operator shall be responsible for the collection and dumping of sewage, solid waste, and petroleum waste. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.310 Docks and piers.

A. Location Standards. Docks, swim floats, buoys, shall be located according to the following criteria:

1. They are only allowed on Crescent Bay and Lake Roosevelt shoreline and allowed only for water-dependent uses or public access.

2. Docks, swim floats, buoys, shall be sited to avoid adversely impacting shoreline ecological functions or processes.

3. Docks, swim floats, buoys, watercraft lifts, and moorage piles shall be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming and pleasure boating.

4. Covered docks or other covered structures are not permitted waterward of the OHWM.

B. General Design Standards. Docks, swim floats, buoys, shall be designed according to the following criteria:

1. The following conditions apply for community docks:

a. All over- and in-water structures shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures or materials, including treated wood, pilings, derelict structures, vessels, buoys, and equipment, shall be repaired promptly by the owner or removed after obtaining any necessary permits.

b. Lighting is discouraged unless required by a federal or state agency for navigation or safety and security purposes associated with over-water structures shall be beamed, hooded or directed to avoid causing glare on adjacent properties or water bodies. In instances where lighting is required for these purposes, illumination levels shall be the minimum necessary for safety.

c. Temporary moorages shall be allowed for vessels used in the construction of shoreline facilities. The design and construction of temporary moorages shall be such that, upon termination of the project, the aquatic habitat in the affected area can be returned to

its original (pre-construction) condition within one year at no cost to the environment or the public.

d. No skirting is allowed on any structure.

e. If a dock is provided with a safety railing, such railing shall meet International Building Code requirements and shall be an open framework, following appropriate safety standards, that does not unreasonably interfere with shoreline views of adjoining properties.

f. Moorage facilities shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. Exterior finish of all structures shall be generally nonreflective.

2. Docks dimensional, material and other standards shall be according to the state and federal requirements. The length of piers and docks shall be limited in constricted water bodies to ensure navigability and public use. The city may require reconfiguration of piers and docks proposals where necessary to protect navigation, public use, or ecological functions. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.320 Dredging and dredge material disposal.

A. Dredging.

1. New dredging shall be permitted only where it is demonstrated that the proposed water-dependent or water-related uses will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines, unless one or more of these impacts cannot be avoided. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of shoreline ecological functions.

2. Dredging and dredge disposal shall be prohibited on or in archaeological sites that are listed on the National Register of Historic Places and the Washington Heritage Register until such time that they have been reviewed and approved by the appropriate agency.

3. Dredging techniques that cause minimum dispersal and broadcast of bottom material shall be used, and only the amount of dredging necessary shall be permitted.

4. Dredging shall be permitted only:

a. For navigation or navigational access;

b. In conjunction with a water-dependent use of water bodies or adjacent shorelands;

c. As part of an approved habitat improvement project;

d. To improve water flow or water quality; provided, that all dredged material shall be contained and managed so as to prevent it from reentering the water; or

e. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist.

5. Dredging for fill is prohibited except where the material is necessary for restoration and enhancement of shoreline ecological functions.

B. Dredge Material Disposal.

1. Upland dredge material disposal within shoreline jurisdiction is discouraged. In the limited circumstances when it is allowed, it will be permitted under the following conditions:

a. Shoreline ecological functions and processes will be preserved, restored or enhanced, including protection of surface and groundwater; and

b. Erosion, sedimentation, or runoff will not increase adverse impacts on shoreline ecological functions and processes or property; and

c. The site will ultimately be suitable for a use allowed by this SMP.

2. Dredge material disposal shall not occur in wetlands, except as authorized by conditional use permit as part of a shoreline restoration and enhancement project.

3. Dredge material disposal within areas assigned an aquatic environment designation may be approved only when authorized by applicable agencies, which may include the U.S. Army Corps of Engineers pursuant to Section 404 (Clean Water Act) permits, Washington State Department of Fish and Wildlife

Hydraulic Project Approval (HPA), and/or the Dredged Material Management Program of the Washington Department of Natural Resources; and when one of the following conditions applies:

a. Land disposal is infeasible, less consistent with this SMP, or prohibited by law; or

b. Disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible.

4. Dredge materials approved for disposal within areas assigned an aquatic environment designation shall comply with the following conditions:

a. Aquatic habitat will be protected, restored, or enhanced;

b. Adverse effects on water quality or biologic resources from contaminated materials will be mitigated;

c. Shifting and dispersal of dredge material will be minimal; and

d. Water quality will not be adversely affected.

5. When required by the city's shoreline administrator, revegetation of land disposal sites shall occur as soon as feasible in order to retard wind and water erosion and to restore the wildlife habitat value of the site. Native species shall be used in the revegetation.

6. Dredge material disposal operating periods and hours shall be limited to those stipulated by the Washington Department of Fish and Wildlife and hours to seven a.m. to five p.m. Monday through Friday, except in time of emergency as authorized by the shoreline administrator. Provisions for buffers at land disposal or transfer sites in order to protect public safety and other lawful interests and to avoid adverse impacts shall be required.

C. Submittal Requirements. The following information shall be required for all dredging applications:

1. A description of the purpose of the proposed dredging and analysis of compliance with the policies and regulations of this SMP.

2. A detailed description of the existing physical character, shoreline geomorphology, and biological resources provided by the area proposed to be dredged, including:

a. A site plan map outlining the perimeter of the proposed dredge area. The map must also include the existing bathymetry (water depths that indicate the topography of areas below the OHWM) and have data points at a minimum of two-foot depth increments.

i. A critical areas report.

ii. A mitigation plan if necessary to address any identified adverse impacts on ecological functions or processes.

iii. Information on stability of areas adjacent to proposed dredging and spoils disposal areas.

b. A detailed description of the physical, chemical and biological characteristics of the dredge materials to be removed, including:

i. Physical analysis of material to be dredged (material composition and amount, grain size, organic materials present, source of material, etc.).

ii. Chemical analysis of material to be dredged (volatile solids, chemical oxygen demand (COD), grease and oil content, mercury, lead and zinc content, etc.).

iii. Biological analysis of material to be dredged.

c. A description of the method of materials removal, including facilities for settlement and movement.

d. Dredging procedure, including the length of time it will take to complete dredging, method of dredging, and amount of materials removed.

e. Frequency and quantity of project maintenance dredging.

f. Detailed plans for dredge spoil disposal, including specific land disposal sites and relevant information on the disposal site, including, but not limited to:

i. Dredge material disposal area;

ii. Physical characteristics including location, topography, existing drainage patterns, surface and groundwater;

iii. Size and capacity of disposal site;

iv. Means of transportation to the disposal site;

v. Proposed dewatering and stabilization of dredged material;

vi. Methods of controlling erosion and sedimentation;

vii. Future use of the site and conformance with land use policies and regulations;

viii. Total estimated initial dredge volume;

ix. Plan for disposal of maintenance spoils for at least a twenty-year period, if applicable; and

x. Hydraulic modeling studies sufficient to identify existing geohydraulic patterns and probable effects of dredging. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.330 Fill and excavation.

A. Fill waterward of the OHWM, except fill to support ecological restoration and enhancement, requires a conditional use permit and may be permitted only when:

1. In conjunction with water-dependent or public access uses allowed by this SMP;

2. In conjunction with a bridge or transportation facility of statewide significance for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist;

3. In conjunction with implementation of an interagency environmental clean-up plan to clean up and dispose of contaminated sediments;

4. Disposal of dredged material considered suitable under, and conducted in accordance with, the Dredged Material Management Program of the Washington Department of Natural Resources; or

5. In conjunction with any other environmental restoration or enhancement project.

B. Waterward of the OHWM, pile or pier supports shall be utilized whenever feasible in preference to fills. Fills for approved road development in wetlands shall be permitted only if pile or pier supports are proven not feasible.

C. Fill upland and waterward of the OHWM, including in nonwatered side channels, shall be permitted only where it is demonstrated that the proposed action will not:

1. Result in significant ecological damage to water quality, fish, and/or wildlife habitat;

2. Significantly reduce public access to the shoreline or significantly interfere with shoreline recreational uses.

D. Fill shall be of the minimum amount and extent necessary to accomplish the purpose of the fill.

E. Excavation waterward of the OHWM or within wetlands shall be considered dredging for purposes of this program.

F. Fills or excavation shall not be located where shore stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be immediately stabilized and revegetated, as applicable.

G. Fills, beach nourishment and excavation shall be designed to blend physically and visually with existing topography whenever possible, so as not to interfere with long-term appropriate use including lawful access and enjoyment of scenery. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.340 Groins and weirs.

A. Breakwaters shall be prohibited.

B. New, expanded or replacement groins and weirs shall only be permitted if the applicant demonstrates that the proposed groin or weir will not result in a net loss of shoreline ecological functions, and the structure is necessary for water-dependent uses, public access, shoreline stabilization, or other specific public purposes.

C. Groins and weirs shall require a conditional use permit, except when such structures are installed to protect or restore ecological functions, such as installation of groins that may eliminate or minimize the need for hard shoreline stabilization.

D. Groins and weirs shall be located, designed, constructed and operated consistent with mitigation sequencing principles, including avoiding critical areas, as provided in Section 17.82.510. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.350 Recreational development.

A. General Preferences.

1. Recreational uses and facilities shall include features that relate to access, enjoyment, and use of the city of Grand Coulee's shorelines.

2. Both passive and active shoreline recreation uses are allowed consistent with the city's comprehensive plan.

3. Water-oriented recreational uses and activities are preferred in shoreline jurisdiction. Water-dependent recreational uses shall be preferred as a first priority and water-related and water-enjoyment recreational uses as a second priority.

4. Existing passive recreational opportunities, including nature appreciation, nonmotorized trails, environmental interpretation and native habitat protection, shall be maintained.

5. Preference shall be given to the development and enhancement of public access to the shoreline to increase fishing, kayaking and other water-related recreational opportunities.

B. General Performance Standards.

1. The potential adverse impacts of all recreational uses shall be mitigated and adequate provisions for shoreline rehabilitation shall be made part of any proposed recreational use or development to ensure no net loss of shoreline ecological function.

2. Sites with fragile and unique shoreline conditions, such as high-quality wetlands and wildlife habitats, shall be used only for nonintensive recreation activities, such as trails, viewpoints, interpretive signage, and similar passive and low impact facilities that result in no net loss of shoreline ecological function, and do not require the construction and placement of permanent structures.

3. For proposed recreational developments that require the use of fertilizers, pesticides, or other toxic chemicals, the proponent shall specify the BMPs to be used to prevent these applications and resultant leachate from entering adjacent waters.

4. Recreational developments shall be located and designed to preserve, enhance or create scenic views and vistas.

5. In approving shoreline recreational developments, the city shall ensure that the development will maintain, enhance, or restore desirable shoreline features including unique and fragile areas, scenic views, and aesthetic values. The city may, therefore, adjust or prescribe project dimensions, on-site location of project components, intensity of use, screening, lighting, parking, and setback requirements.

C. Signs indicating the public's right to access shoreline areas shall be installed and maintained in conspicuous locations at all points of access.

D. Recreational developments shall provide facilities for nonmotorized access to the shoreline such as pedestrian and bicycle paths, and equestrian, as applicable. New motorized vehicle access shall be located and managed to protect riparian, wetlands and shrub steppe habitat functions and value.

E. Proposals for recreational developments shall include a landscape plan indicating how native, self-sustaining vegetation is incorporated into the proposal to maintain ecological functions. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of permitted structures or facilities, and shall be consistent with provisions of Section 17.82.240, Shoreline vegetation conservation, and Article V, Critical Areas.

F. Accessory uses and support facilities such as maintenance facilities, utilities, and other non-water-oriented uses shall be consolidated and located in upland areas outside shoreline, wetland, and riparian buffers unless such facilities, utilities, and uses are allowed in shoreline buffers based on the regulations of this SMP.

G. Recreational facilities shall make adequate provisions, such as screening, landscaping buffer strips, fences and signs, to prevent trespass upon adjacent properties and to protect the value and enjoyment of adjacent or nearby private properties and natural areas, as applicable.

H. No recreational buildings or structures shall be built over any natural body of water.

I. Recreational developments shall make adequate provisions for:

1. Both on-site and off-site access; and

2. Appropriate water supply and waste disposal methods; and

3. Security and fire protection.

J. Structures associated with recreational development shall not exceed thirty-five feet in height, except for as noted in Section 17.82.210, Develop-

ment standards, when such structures document that the height beyond thirty-five feet will not obstruct the view of a substantial number of adjoining residences.

K. Recreational development shall minimize effective impervious surfaces in shoreline jurisdiction and incorporate low impact development techniques. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.360 Residential development.

A. Single-family residential development is a preferred use when it is developed in a manner consistent with pollution control and preventing damage to the natural environment.

B. Residential development shall be located and constructed to result in no net loss of shoreline ecological function. No net loss of shoreline ecological functions shall be ensured through the implementation of buffers specified in Article V, Critical Areas, and other provisions of this SMP related to shoreline stabilization, vegetation management, and on-site sewage disposal.

C. Lots for residential use shall have a maximum density consistent with the city of Grand Coulee comprehensive plan.

D. All residential development shall be located or designed in such a manner as to prevent measurable degradation of water quality from stormwater runoff. Adequate mitigation measures shall be required and implemented where there is the reasonable potential for such adverse effect on water quality.

E. New residential development shall connect with sewer systems, when available.

F. All new residential development shall be required to meet the vegetation management provisions contained in Section 17.82.240, Shoreline vegetation conservation, and Section 17.82.540, Fish and wildlife habitat conservation areas. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.370 Shoreline habitat and natural systems enhancement projects.

A. Shoreline restoration and enhancement activities designed to restore or enhance shoreline ecological functions and processes and/or shoreline features should be targeted toward meeting the needs of sensitive and/or regionally important plant, fish, and wildlife species, and shall be given priority.

B. Shoreline restoration, enhancement, and mitigation activities designed to create dynamic and sustainable ecosystems to assist the city in achieving no net loss of shoreline ecological functions are preferred.

C. Restoration and enhancement activities shall be carried out in accordance with an approved shoreline restoration plan, and in accordance with the provisions of this SMP.

D. To the extent possible, restoration, enhancement, and mitigation activities shall be integrated and coordinated with other parallel natural resource management efforts, such as those identified in the shoreline restoration plan.

E. Habitat and expansion, restoration, and enhancement projects may be permitted subject to required state or federal permits when the applicant has demonstrated that:

1. The project will not adversely impact spawning, nesting, or breeding fish and wildlife habitat conservation areas;

2. Upstream or downstream properties or fish and wildlife habitat conservation areas will not be adversely affected;

3. Water quality will not be degraded; and

4. Impacts to critical areas and buffers will be avoided and where unavoidable, minimized and mitigated.

F. The city shall review the projects for consistency with this SMP in an expeditious manner upon receiving all materials necessary to review the request for exemption from the applicant (see exemptions from shoreline substantial development permits, Section 17.82.670). (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.380 Shoreline stabilization.

A. Shoreline restoration and enhancement activities designed to restore shoreline ecological functions and processes and/or shoreline features should be targeted toward meeting the needs of sensitive and/or

regionally important plant, fish, and wildlife species, and shall be given priority.

B. New shoreline stabilization for new development is prohibited unless it can be demonstrated that the proposed use cannot be developed without shore protection or is necessary to restore ecological functions or hazardous substance remediation.

C. Proposed designs for new or expanded shoreline stabilization shall be designed in accordance with applicable state guidelines, must use best available science, must document that alternative solutions are not feasible or do not provide sufficient protection; must demonstrate that future stabilization measures would not be required on the project site or adjacent properties; and be certified by a qualified professional.

D. Land subdivisions and lot line adjustments shall be designed to ensure that future development of the newly created lots will not require structural stabilization for subsequent development to occur.

E. New or expanded structural shoreline stabilization for existing primary structures, including roads, railroads, and public facilities, etc., is prohibited unless there is conclusive evidence documented by a geotechnical analysis that there is a significant possibility that the structure will be damaged within three years as a result of shoreline erosion caused by wind/wave action or other hydraulic forces, and only when significant adverse impacts are mitigated to ensure no net loss of shoreline ecological functions and/or processes.

F. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses, structures or public facilities including roads, bridges, railways, irrigation and utility systems from erosion caused by stream undercutting or wave action; provided, that the existing shoreline stabilization structure is removed from the shoreline as part of the replacement activity. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the facility was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. Proposed designs for new or expanded shore stabilization shall be in accordance with applicable state guidelines and certified by a qualified professional.

G. Where a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.

H. Shoreline stabilization projects that are part of a fish habitat enhancement project meeting the criteria of RCW 77.55.181 will be authorized through a shoreline exemption. Stabilization projects that are not part of such a fish enhancement project will be regulated by this SMP.

I. Small-scale or uncomplicated shoreline stabilization projects (for example, tree planting projects) shall be reviewed by a qualified professional to ensure that the project has been designed using best available science.

J. Large-scale or more complex shoreline stabilization projects (for example, projects requiring fill or excavation, placing objects in the water, or hardening the bank) shall be designed by a qualified professional using best available science. The applicant may be required to have a qualified professional oversee construction or construct the project.

K. New stabilization structures, when found to be necessary, will implement the following standards:

1. Limit the size of the project to the minimum amount necessary;

2. Include measures to ensure no net loss of shoreline ecological functions; and

3. Use biotechnical bank stabilization techniques unless those are demonstrated to be infeasible or ineffective before implementing “hard” structural stabilization measures. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.390 Transportation—Trails, roads, and parking.

A. New or expanded motor vehicle transportation facilities shall not be located within shoreline jurisdiction, unless:

1. The proponent demonstrates that no feasible upland alternatives exist;

2. The project represents the minimum development necessary to serve another specific, localized, and permitted shoreline use; or

3. In the case of a water crossing, the proponent demonstrates that the project is necessary to further a substantial public interest.

B. When new roads or road expansions are unavoidable in shoreline jurisdiction, proposed transportation facilities shall be planned, located, and designed to achieve the following:

1. Meet mitigation sequencing provisions of Section 17.82.230, Environmental protection;

2. Avoid adverse impacts on existing or planned water-oriented uses;

3. Set back from the OHWM to allow for a usable shoreline area for vegetation conservation and any preferred shoreline uses unless infeasible;

4. Minimize grading, vegetation clearing, and alterations of the natural topography; and

5. Use BMPs for preventing erosion and degradation of surface water quality.

C. Improvements to existing motor vehicle facilities shall not interfere with pedestrian and bicycle access, and shall, whenever possible, provide for expansion and enhancement of pedestrian and bicycle transportation facilities.

D. The development, improvement, and expansion of pedestrian and bicycle transportation facilities are allowed within all environments. Such transportation facilities are a preferred use wherever they are compatible with the natural character, resources, and ecology of the shoreline.

E. Pedestrian and bicycle transportation facilities shall be designed, located, and constructed consistent with the policies and regulations for public access as provided in Section 17.82.260, Public access.

F. Parking facilities are not a water-dependent use and shall only be permitted in the shoreline jurisdiction when located fifty feet upland of the edge of riparian vegetation corridor and to support an authorized use where it can be demonstrated to the satisfaction of the shoreline administrator that there are no feasible alternative locations away from the shoreline. Parking as a primary use shall not be allowed in any shoreline jurisdiction. Accessory parking facilities shall be subject to the same permit type as the primary use.

G. Transportation and parking facilities shall be planned to avoid or minimize adverse effects on unique or fragile shoreline features and shall not result in a net loss of shoreline ecological functions or adversely affect existing or planned water-dependent uses. Parking facilities shall be located upland of the principal structure, building, or development they serve, and preferably outside of shoreline jurisdiction, except:

1. Where the proponent demonstrates that an alternate location would reduce adverse impacts on the shoreline and adjacent uses;

2. Where another location is not feasible; and/or

3. Except when Americans with Disabilities Act (ADA) standards require otherwise.

In such cases, the applicant shall demonstrate use of measures to reduce adverse impacts of parking facilities in shoreline jurisdiction, such as low impact development techniques, buffering, or other measures approved by the shoreline administrator.

H. Parking facilities shall be landscaped in a manner to minimize adverse visual and aesthetic impacts on adjacent shoreline and abutting properties.

I. All forms of transportation facilities shall, wherever feasible, consolidate water crossings and make joint use of rights-of-way with existing or planned future primary utility facilities and other transportation facility modalities.

J. Improvements to all existing transportation facilities shall provide for the reestablishment and enhancement of natural vegetation along the shoreline when appropriate.

K. Shoreline crossings and culverts shall be designed to minimize adverse impacts on riparian and aquatic habitat and shall allow for fish passage. See Section 17.82.540, Fish and wildlife habitat conservation areas, for regulations governing crossings of nonshoreline streams located in shoreline jurisdiction. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.400 Utilities.

A. Expansion of existing primary utility facilities within shoreline jurisdiction must demonstrate:

1. The expansion is designed to protect adjacent shorelands from erosion, pollution, or other environmentally detrimental factors during and after construction.

2. The project is planned to fit existing natural topography as much as practical and avoid alteration of the existing natural environment.

3. Debris, overburden, and other construction waste materials shall be disposed of so as to prevent erosion or pollution of a water body.

B. New primary utility facilities and expansions shall include provisions to control the quantity and quality of surface water runoff to natural water bodies, using BMPs to retain natural flow rates. A maintenance program to ensure continued proper functioning of such new facilities shall be required.

C. Applications for installation of utility facilities shall include the following (at a minimum):

1. Reason why the utility facility must be in shoreline jurisdiction;

2. Alternative locations considered and reasons for their elimination;

3. Location of the same, similar, or other utility facilities in the vicinity of the proposed project;

4. Proposed method(s) of construction;

5. Plans for reclamation of areas to be disturbed during construction;

6. Landscape plans;

7. Methods to achieve no net loss of ecological function and minimize clearing of native vegetation; and

8. Consistency with city comprehensive plans for utilities, where such plans exist.

D. Where feasible, utilities shall be consolidated within a single easement and utilize existing rights-of-way. Any utility located within property owned by the utility which must of necessity cross shoreline jurisdiction shall be designed and operated to reserve the option of general public recreational usage of the right-of-way in the future. This option shall be exercised by the public only where:

1. The public will not be exposed to dangers from the utility equipment; and

2. The utility itself will not be subjected to unusual risks of damage by the public.

E. In areas where utilities must cross shoreline jurisdiction, they shall do so by the most direct route feasible, unless such a route would negatively affect an environmentally critical area, or obstruct public access to the shoreline. See Section 17.82.540, Fish and wildlife habitat conservation areas, for regulations governing crossings of nonshoreline streams located in shoreline jurisdiction.

F. Utility facilities shall be designed and located in a manner that protects scenic views and minimizes adverse aesthetic impacts.

G. New utilities which must be constructed across shoreline jurisdiction in previously undisturbed areas must submit a mitigation plan demonstrating the restoration of the shoreline to at least its existing condition. Upon completion of utility installation or maintenance, any disturbed areas shall be regraded to be compatible with the natural terrain of the area and revegetated with appropriate native plants to prevent erosion.

H. All underwater pipelines or those paralleling the waterway transporting liquids potentially injurious to aquatic life or water quality shall be prohibited, unless no other alternative exists to serve a public interest. In those limited instances where permitted, shut-off valves shall be provided at both sides of the water body except for public sanitary sewers of a gravity or siphon nature. In all cases, no net loss of ecological functions shall be maintained.

I. Where utilities cannot cross a shoreline water body via a bridge or other existing water crossing, the utilities shall evaluate site-specific habitat conditions

and demonstrate whether impacts can be mitigated to negatively impact substrate, or whether utilities will need to be bored beneath the water body such that the substrate is not disturbed. Construction of pipelines placed under aquatic areas shall be placed in a sleeve to avoid the need for excavation in the event of a failure in the future.

J. Minor trenching to allow the installation of necessary underground pipes or cables is allowed if no alternative, including boring, is feasible, and if:

1. Impacts on fish and wildlife habitat are avoided to the maximum extent possible.

2. The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.

3. Appropriate BMPs are employed to prevent water quality impacts or other environmental degradation.

K. Utility installation and maintenance operations shall be conducted in a manner that does not negatively affect surface water quality or quantity. Applications for new utility projects in shoreline jurisdiction shall include a list of BMPs to protect water quality. (Ord. 1019 § 2 (Exh. E) (part), 2014)

Article V. Critical Areas

17.82.500 General provisions.

A. Statutory Authorization.

1. The city shall regulate in the shoreline jurisdiction all uses, activities, and development within, adjacent to, or likely to affect one or more critical areas, consistent with the provisions of this article, Critical Areas.

B. Purpose.

1. The purpose of these regulations is to designate ecologically sensitive and hazardous areas and to protect those areas and their functions and values within shoreline jurisdiction. These regulations are intended to:

a. Implement the city comprehensive plan (as amended) and comply with the requirements of the Shoreline Management Act;

b. Protect critical areas through the application of the most current, accurate, and complete scientific or technical information available as determined according to WAC 173-26-201(2)(a), and in consultation with state and federal agencies and other qualified professionals;

c. Protect the general public, resources (including cultural and historic resources), and facilities from injury, loss of life, property damage, or financial loss due to erosion, landslides, pollution, steep slope failure, ground shaking or seismic activity;

d. Protect the general public, resources, and facilities from injury, loss of life, property damage, or financial loss due to inundation of frequently flooded areas;

e. Protect unique, fragile and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats;

f. Prevent cumulative adverse environmental impacts to water quality and availability, wetlands, and fish and wildlife habitat.

C. Designation of Critical Areas.

1. The city shall regulate all uses, activities, and developments within, adjacent to, or likely to affect one or more critical areas located within the shoreline jurisdiction, consistent with the most current, accurate, and complete scientific or technical information available and the provisions herein.

2. The incorporated area of the city is hereby divided into the following critical areas, where appropriate:

a. Wetlands;

b. Critical aquifer recharge areas;

c. Fish and wildlife habitat conservation areas;

d. Geologically hazardous areas.

D. Data Maps.

1. The data maps maintained by the city shall be used as a general guide to determine the location and extent of critical areas within the corporate limits. The data maps shall be consulted when a development application is received to determine if the site is within any areas shown as resource lands or critical areas. The data maps are for reference only and not

regulatory in nature. It shall be the responsibility of the applicant to notify the city of any critical areas which are on or near the site of the development application. The exact location of critical areas shall be determined by a site analysis conducted by a qualified professional using the requirements found within this chapter.

2. In addition to those maps and references identified in the relevant sections of this chapter, the following maps and documents may be used:

a. Critical area maps included in comprehensive plans of Grant County;

b. Maps and reference documents in the Grant County SMP Inventory, Characterization and Analysis Report, as applicable;

c. U.S.G.S. Topographic Quadrangle Maps;

d. Aerial photos;

e. Soil Survey of Grant County, Washington, by the United States Department of Agriculture Soil Conservation Service;

f. National Wetland Inventory maps; and

g. WDFW's Priority Habitats and Species maps.

E. Interpretation of Data Maps.

1. The shoreline administrator is charged with administration of this title for the purpose of interpreting data maps. An affected property owner or other party with standing has a right to appeal the shoreline administrator's determination according to the provisions of Section 17.82.710, Appeals.

2. All development applications are required to show the boundary(ies) of all resource lands and critical areas on a scaled drawing prior to the development application being considered complete for processing purposes.

3. Maps and reference documents in the city SMP inventory, analysis, and characterization report, may apply as applicable.

F. Applicability.

1. This chapter applies to all real property within the shoreline jurisdiction of the corporate limits of the city of Grand Coulee, Washington, as it is now configured or may, from time to time, be altered.

2. These critical areas regulations shall apply to critical areas located within the shoreline jurisdiction.

3. No action shall be taken by any person or entity that results in any alteration of any critical area located within the shoreline jurisdiction except as consistent with the purposes, objectives and intent of these regulations.

4. Where two or more types of critical areas overlap, requirements for development shall be consistent with the standards for each critical area.

5. These regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted. Any conditions required pursuant to these regulations shall be included in the SEPA review and threshold determination.

G. Exemptions.

1. The activities listed below are exempt from the provisions of this chapter. Exempt activities shall be conducted using all reasonable methods to avoid impacts to critical areas. The decision to declare an activity exempt shall be an administrative decision, as set forth in subsection L of this section. Exemption from the chapter shall not be considered permission to degrade a critical area or ignore risks from natural hazards. Incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be repaired at the responsible party's expense.

a. Emergency modification or construction necessary to protect life or real property from immediate damage by natural hazards innate to critical areas. An emergency is an unanticipated event or occurrence which poses an imminent threat to public health, safety, or the environment, and which requires immediate action within a time too short to allow full compliance. Once the threat to the public health, safety, or the environment has dissipated, the actions undertaken as a result of the previous emergency shall be subject to and brought into full compliance with these regulations;

b. Normal maintenance or repair of existing buildings, structures, roads, utilities, levees, or drainage systems, provided the activity does not further alter, encroach upon, or increase impacts to critical areas or associated buffers;

c. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. In every case, impacts to critical areas shall be minimized and areas disturbed by such activity shall be immediately restored as directed by the shoreline administrator to ensure no loss of functions and values; and

d. Passive recreational activities, including, but not limited to: fishing, bird watching, hiking, hunting, boating, horseback riding, skiing, swimming, canoeing, and bicycling; provided the activity does not alter the critical area or its buffer by changing drainage patterns, topography, water conditions or water sources.

H. Permitting.

1. All applications for permits to conduct activities having a possible significant impact on critical areas that are located on or near a project site must identify the areas affected and make an estimate of the probable impact. The city shall deny all requests for permits which would result in a net loss of ecological functions, those activities degrading a wetland or fish and/or wildlife habitat conservation area, which would put people or property in a position of unacceptable risk with respect to floods or geologic hazards, which would tend to aggravate geologic hazards, or which would harm critical recharging areas for aquifers. The city may, however, grant permits which include mitigation measures if the mitigation measures adequately protect the ecological processes and functions of the critical area and people involved. In granting a permit that includes mitigation measures, the most current, accurate, and complete scientific or technical information available, which shall be determined utilizing the criteria set out in WAC 173-26-201(2)(a), shall be used to develop and approve the mitigation measures, per Section 17.82.510.

I. Determination.

1. Each development permit shall be reviewed to determine if the proposal is within a critical area or critical area buffer. City staff shall use maps and data maintained by the city and a site inspection if appropriate.

2. If it is determined that a critical area(s) is present additional assessments prepared by a qualified professional best suited for the type of identified critical area(s) may be required.

3. In cases related to geohazards, the assessment shall include a description of the geology of the site and the proposed development; an assessment of the potential impact the project may have on the geologic hazard; an assessment of what potential impact the geologic hazard may have on the project; appropriate mitigation measures, if any; a conclusion as to whether further analysis is necessary; and be signed by and bear the seal of the engineer or geologist that prepared it.

4. When a geotechnical report is required it shall include a certification from the engineer preparing the report, including the engineer's professional stamp and signature, stating all of the following:

a. The risk of damage from the project, both on and off site;

b. The project will not materially increase the risk of occurrence of the hazard; and

c. The specific measures incorporated into the design and operational plan of the project to eliminate or reduce the risk of damage due to the hazard.

5. All mitigation measures, construction techniques, recommendations, and technical specifications provided in the geotechnical report shall be applied during the implementation of the proposal. The engineer of record shall submit sealed verification at the conclusion of construction that development occurred in conformance with the approved plans.

6. A proposed development cannot be approved if it is determined by the geotechnical report that either the proposed development or adjacent properties will be at risk of damage from the geologic hazard, or that the project will increase the risk of occurrence of the hazard, and there are no adequate mitigation measures to alleviate the risks.

J. Critical Areas Review Process.

1. All land use and building permits shall require that applicants disclose activities within two hundred feet of a known or suspected critical area. The provi-

sions of this chapter shall apply to any such proposals. The review process shall proceed as follows:

a. Pre-Application Meeting/Site Visit. Upon receiving a land use or development proposal, the shoreline administrator shall schedule a pre-application meeting and/or site visit with the proponent. The purpose is to decide whether the proposal is likely to affect the ecological functions of critical areas or pose health and safety hazards. At the meeting, the shoreline administrator will:

i. Provide the applicant with the requirements of this chapter and other applicable local regulations, including but not limited to comprehensive plans, zoning maps, and overlays;

ii. Review critical areas maps and other available reference materials with the applicant;

iii. Outline the review and permitting processes;

iv. Work with the applicant to identify any potential concerns with regards to critical areas; and

v. Provide the applicant with the necessary application materials and SEPA checklist form.

2. Exemption determination.

3. Agency Consultation.

a. Because species populations and habitat systems are dynamic, agency consultation shall be required where activities are proposed within two hundred feet of a designated fish and wildlife habitat conservation area. The shoreline administrator shall consult with WDFW to determine the value of the site to priority habitats and species.

b. Because site specific mapping has not been completed for many critical areas within the city, staff may undertake agency consultation in any instance in which activities are proposed within two hundred feet of a known or suspected critical area.

4. Application and SEPA Checklist.

a. The applicant shall submit all relevant land use/development applications.

b. The applicant shall submit a completed SEPA checklist, except in the following cases:

i. The use or activity has been found to be exempt from the provisions of these regulations, as described under the heading “Exemptions” above; or

ii. The use or activity is categorically exempt from SEPA review.

5. Determination of Need for Critical Areas Report. Based upon the pre-application meeting, application materials, SEPA checklist, and, in the case of fish and wildlife habitat conservation areas, the outcome of the agency consultation, the shoreline administrator shall determine if there is cause to require a critical areas report. In addition, the shoreline administrator may use critical areas maps and reference materials, information and scientific opinions from appropriate agencies, or any reasonable evidence regarding the existence of critical area(s) on or adjacent to the site of the proposed activity. The determination of need for a critical areas report shall be an administrative decision, as set forth in subsection L of this section.

6. Documentation and Notification. The shoreline administrator shall document the pre-application meeting and/or site visit, application and SEPA threshold determination, and any other steps or findings (including, in the case of fish and wildlife habitat conservation areas, the agency consultation) used to decide whether a critical areas report shall be required. The applicant shall receive notice of the determination and any findings that support it.

K. Critical Areas Report.

1. If the shoreline administrator determines that the site of a proposed development includes, is likely to include, or is adjacent to one or more critical areas, a critical areas report may be required. When required, the expense of preparing the critical areas report shall be borne by the applicant. The content, format and extent of the critical areas report shall be approved by the shoreline administrator.

2. The requirement for critical areas reports may be waived by the shoreline administrator if there is substantial evidence that:

a. There will be no alteration of the critical area(s) and/or the required buffer(s); and

b. The proposal will not impact the critical area(s) in a manner contrary to the purpose, intent and requirements of this ordinance and the city’s comprehensive plan; and

c. The minimum standards of this chapter will be met.

3. No critical areas report is required for proposals that are exempt from the provisions of this chapter as set forth under subsection G of this section, Exemptions.

4. Every critical area report shall be completed by a qualified professional who is knowledgeable about the specific critical area(s) in question, and approved by the shoreline administrator.

5. At a minimum, a required critical areas report shall contain the following information:

a. Applicant's name and contact information; permits being sought, and description of the proposal;

b. A copy of the site plan for the development proposal, drawn to scale and showing:

i. Identified critical areas, buffers, and the development proposal with dimensions;

ii. Limits of any areas to be cleared; and

iii. A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;

c. The names and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;

d. Identification and characterization of all critical areas within, or within two hundred feet of, the project area or within any proposed buffer;

e. An assessment of the probable cumulative impacts to critical areas resulting from the proposed development of the site;

f. An analysis of site development alternatives;

g. A description of reasonable efforts made to apply mitigation sequencing, as defined in these regulations, to avoid, minimize, and otherwise mitigate impacts to critical areas;

h. A mitigation plan as set forth in Section 17.82.510;

i. A discussion of the performance standards proposed to ensure that ecological functions of critical areas are protected and health and safety hazards associated with critical areas are precluded;

j. Financial guarantees proposed to ensure compliance with mitigation plan and performance standards; and

k. Any additional information required for specific critical areas as listed in subsequent sections of these regulations.

6. The shoreline administrator may request any other information reasonably deemed necessary to understand impacts to critical areas.

L. Administrative Review.

1. Administrative Decisions. Where these regulations call for an administrative decision, the shoreline administrator shall submit his or her findings and preliminary decision to the shoreline administrator. Administrative review shall be processed according to Chapter 11.09, Review and Approval Process.

M. Surety/Bonding.

1. If a development proposal is subject to mitigation, maintenance or monitoring plans, the city, in a form acceptable to the city attorney, may require an assurance device or surety.

2. 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 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.

3. 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, and the cost of maintenance and monitoring for a five-year period.

4. The bond shall be in the form of an 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 or other method acceptable to the shoreline administrator.

5. 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.

6. 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.

N. Appeals.

1. Any decision of the shoreline administrator may be appealed according to the provisions of Section 17.82.710, Appeals. Such appeal shall be in writing and must be submitted to the city within ten days from the date of the decision. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.510 General performance standards.

A. The following general performance standards shall apply to activities permitted within critical areas or critical area buffers located within the shoreline jurisdiction. Additional standards may be necessary based on site specific considerations or proposed development impacts.

B. General Performance Standards.

1. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan.

2. Mitigation, when allowed, shall ensure that development activity does not yield a net loss of the area or function of the critical areas.

3. Mitigation Sequencing. Mitigation plans shall include a discussion of mitigation alternatives (sequencing) as they relate to mitigation sequencing provisions of Section 17.82.230, Environmental protection.

4. Mitigation Plan. When mitigation is required, the applicant shall submit for approval of a mitigation plan as part of the critical area report. The mitigation plan shall include:

a. A written report identifying mitigation objectives, including:

i. 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 objectives; identification of critical area functions and values; and dates for beginning and completion of site compensation construction activities;

ii. A review of the most current, accurate, and complete scientific or technical information available supporting the proposed mitigation and a description of the report authors' professional qualifications; and

iii. An analysis of the likelihood of success of the compensation project.

b. Measurable criteria for evaluating whether or not the objectives of the mitigation plan have been successfully attained and whether or not the requirements of this chapter have been met.

c. Written specifications and descriptions of the mitigation proposed, including, but not limited to:

i. The proposed construction sequence, timing, and duration;

ii. Grading and excavation details;

iii. Erosion and sediment control features;

iv. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and

v. Measures to protect and maintain plants until established.

d. A program for monitoring construction of the compensation project, and for assessing the completed project and its effectiveness over time. The program shall include a schedule for site monitoring and methods to be used in evaluating whether 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.

e. Identify potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.

f. Additional provisions as required for specific critical area types (e.g., wetlands, etc.).

5. Mitigation, maintenance, monitoring and contingency plans shall be implemented by the developer to protect critical areas and their buffers prior to the commencement of any development activities. Where mitigation is required herein, the following performance standards shall be met:

a. Mitigation planting survival will be one hundred percent for the first year, and eighty percent for each of the four years following.

b. Mitigation must be installed no later than the next growing season after completion of site improvements, unless otherwise approved by the shoreline administrator.

c. Where necessary, a permanent means of irrigation shall be installed for the mitigation plantings that are designed by a landscape architect or equivalent professional, as approved by the shoreline administrator. The design shall meet the specific needs of the vegetation, as may be applicable.

d. On-site monitoring and monitoring reports shall be submitted to the city annually for five years after mitigation installation. The length of time involved in monitoring and monitoring reports may be increased by the shoreline administrator for a development project on a case-by-case basis when longer monitoring time is necessary to establish or reestablish functions and values of the mitigation site. Monitoring reports shall be submitted by a qualified professional biologist. The biologist must verify that the conditions of approval and provisions in the wetland management and mitigation plan have been satisfied.

e. Monitoring reports by the biologist must include verification that the planting areas have less than twenty percent total nonnative/invasive plant cover consisting of exotic and/or invasive species. Exotic and invasive species may include any species on the state noxious weed list, or considered a noxious or problem weed by the Grant County noxious weed board, local conservation districts, or other applicable agencies.

f. Mitigation sites shall be maintained to ensure that the mitigation and management plan objectives are successful. Maintenance shall include corrective actions to rectify problems, including rigorous, as-needed elimination of undesirable plants, protection of shrubs and small trees from competition by grasses and herbaceous plants, and repair and replacement of any dead plants.

g. During the application process, the performance surety agreement shall be submitted by the applicant and shall be reviewed and approved by the appropriate authority in the city. The surety agreement must include the complete costs for the mitigation and monitoring which may include but not be limited to: the cost of installation, delivery, plant material, soil amendments, permanent irrigation, seed mix, and three monitoring visits and reports by a qualified professional biologist, including Washington State sales tax.

h. Sequential release of funds associated with the surety agreement shall be reviewed for conformance with the conditions of approval and the mitigation and management plan. Release of funds may occur in increments of one-third for substantial conformance with the plan and conditions of approval. If the standards that are not met are only minimally out of compliance and contingency actions are actively being pursued by the property owner to bring the project into compliance, the city may choose to consider a partial release of the scheduled increment. Noncompliance can result in one or more of the following actions: carry-over of the surety amount to the next review period; use of funds to remedy the nonconformance; scheduling a hearing with the appropriate hearing body to review conformance with the conditions of approval and to determine what actions may be appropriate.

C. Trails and Trail-Related Facilities.

1. Construction of commercial, public and private trails, and trail-related facilities, such as picnic tables, benches, interpretive centers and signs, view-

ing platforms and campsites may be authorized within designated resource lands and critical areas, subject to the following minimum standards:

a. Trail facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas.

b. Trail facilities shall minimize the removal of trees, shrubs, snags and important habitat features. Vegetation management performed in accordance with best management practices as part of ongoing maintenance to eliminate a hazard to trail users is considered consistent with this standard.

c. Viewing platforms, interpretive centers, campsites, picnic areas, benches and their associated access shall be designed and located to minimize disturbance of wildlife and/or critical characteristics of the affected conservation area.

d. All facilities shall be constructed with materials complementary to the surrounding environment.

e. Trail facilities that parallel the shoreline may be located in the outer twenty-five percent of the buffer area.

f. Commercial and public trails shall not exceed ten feet in width.

g. Private trails shall not exceed four feet in width.

h. Trails that provide direct shoreline access shall not exceed four feet in width and shall be kept to the minimum number necessary to serve the intended purpose.

i. Review and analysis of a proposed trail facility shall demonstrate no net loss of ecological functions and values in conformance with this chapter.

j. Trail facilities shall not be exempt from special report requirements, as may be required by this chapter. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.520 Wetlands.

A. Designation.

1. Wetlands are those areas, designated based on the definitions, methods and standards set forth in the currently approved Federal Wetland Delineation Manual and supplements. Wetland delineations are valid for five years; after such date the city shall determine whether additional assessment is necessary. All areas within the city meeting the wetland designation criteria in the Delineation Manual and supplements are hereby designated critical areas and are subject to the provisions of this chapter.

2. Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the Washington State Wetlands Rating System for Eastern Washington (annotated version), Washington State Department of Ecology Publication No. 04-06-018, June 2014; or as revised by Ecology. Other references for guidance and mitigations include Wetland Mitigation in Washington State—Parts 1 and 2, Washington Department of Ecology Publication No. 06-06-011a and b, March 2006; Wetlands in Washington State—Volume 1: A Synthesis of the Science, Washington State Department of Ecology, Publication No. 05-06-006; and Wetlands in Washington State—Volume 2: Guidance for Protecting and Managing Wetlands, Washington State Department of Ecology, Publication No. 05-06-008 or as amended.

B. Classification.

1. Wetland rating classes shall be as follows:

a. Category I Wetlands. Those wetlands scoring a "Category I" rating under the Washington State Department of Ecology (Ecology) Washington State Wetlands Rating System for Eastern Washington (annotated version), Publication No. 04-06-018, June 2014, as may be amended in the future (hereinafter referred to as the Ecology Wetlands Rating System);

b. Category II Wetlands. Those wetlands scoring a "Category II" rating under the Ecology Wetlands Rating System;

c. Category III Wetlands. Those wetlands scoring a "Category III" rating under the Ecology Wetlands Rating System; and

d. Category IV Wetlands. Those wetlands scoring a "Category IV" rating under the Ecology Wetlands Rating System.

e. Irrigation-Influenced Wetlands. Those wetlands that have resulted from Columbia Basin Project irrigation system development and irrigated agriculture and that are not intentionally created. These wet-

lands are to be classified per wetland rating classes Categories I through IV.

f. Intentionally Created Artificial Wetlands. Wetlands and former wetland areas not regulated are those intentionally created artificial wetlands, or irrigation-influenced wetlands that have dried up and are no longer functioning as a wetland due to changes in farming practices, or irrigation supply management and/or conservation measures.

C. Site Assessment Requirements for Wetlands. In addition to the information described in Section 17.82.500K, the wetlands site assessment report shall include the following information:

1. Documentation of any fieldwork performed on the site, including field data sheets for delineations, function assessments, baseline hydrologic data, soils, and vegetative characteristics of the wetland including U.S. Army Corps delineation data sheets as applicable.

2. A description of the methodologies used to conduct the wetland delineations, function assessments, or impact analyses including references.

3. Identification and characterization of all critical areas, wetlands, water bodies, shorelines, floodplains, and buffers on or adjacent to the proposed project area. For areas off site of the project site, estimate conditions within two hundred feet of the project boundaries using the best available information.

4. For each wetland identified on site and within two hundred feet of the project site provide: the wetland rating per wetland ratings; required buffers; hydrogeomorphic classification; wetland acreage based on a professional survey from the field delineation (acreages for on-site portion and entire wetland area including off-site portions); Cowardin classification of vegetation communities; habitat elements; soil conditions based on site assessment and/or soil survey information; and, to the extent possible, hydrologic information such as location and condition of inlet/outlets (if they can be legally accessed), estimated water depths within the wetland, and estimated hydroperiod patterns based on visual cues (e.g., algal mats, drift lines, flood debris, etc.). Provide acreage estimates, classifications, and ratings based on entire wetland complexes, not only the portion present on the proposed project site.

5. A description of the proposed actions including an estimation of acreages of impacts to wetlands and buffers based on the field delineation and survey and an analysis of site development alternatives including a no-development alternative.

6. An assessment of the probable cumulative impacts to the wetlands and buffers resulting from the proposed development.

7. A discussion of measures, including avoidance, minimization, and compensation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land use activity.

8. A conservation strategy for habitat and native vegetation that addresses methods to protect and enhance on-site habitat and wetland functions.

9. An evaluation of the functions of the wetland and adjacent buffer.

10. A copy of the site plan sheet(s) for the project must be included with the written report and must include, at a minimum:

a. Maps (to scale) depicting delineated and surveyed wetland and required buffers on site, including buffers for off-site critical areas that extend onto the project site; the development proposal; other critical areas; grading and clearing limits; areas of proposed impacts to wetlands and/or buffers (include square footage estimates);

b. A depiction of the proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod alterations from the project.

D. Alteration and Impacts of Wetlands.

1. A regulated wetland or its required buffer can only be altered if the wetlands site assessment pursuant to subsection C of this section shows that the proposed alteration does not degrade the quantitative and qualitative functioning of the wetland, or any degradation can be adequately mitigated to protect the wet-

land function, and maintain no net loss of wetland functions and values as a result of the overall project. Any alteration approved pursuant to this section shall include mitigation necessary to mitigate the impacts of the proposed alteration on the wetland as described in subsection F of this section.

2. The following activities are regulated if they occur in a regulated wetland or its buffer:

a. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind.

b. The dumping of, discharging of, or filling with any material.

c. The draining, flooding, or disturbing the water level or water table.

d. Pile driving.

e. The placing of obstructions.

f. The construction, reconstruction, demolition, or expansion of any structure.

g. Activities that result in:

i. A significant change in water temperature.

ii. A significant change of physical or chemical characteristics of the sources of water to the wetland.

iii. A significant change in the quantity, timing or duration of the water entering the wetland.

iv. The introduction of pollutants.

3. Stormwater Discharge. Stormwater discharges to wetlands shall be controlled and treated to provide all known and reasonable methods of prevention, control, and treatment as mandated in the State Water Quality Standards, Chapter 173-201A WAC, as required by state law, and consistent with the Ecology Stormwater Manual for Eastern Washington. Changes in hydrology that negatively impact functions of a wetland shall not be permitted, except for intentionally created artificial wetlands, or irrigation-influenced wetlands that have been modified so that they no longer have wetland characteristics due to changes in farming practices or irrigation supply management and/or conservation measures. Potential changes may include, but not be limited to, flooding of plant communities resulting in changes in composition, flooding of nests, or associated drawdowns that dehydrate nests, particularly amphibian eggs.

4. Exceptions to Mitigation Requirements. Requirements for mitigation do not apply under the following circumstances:

a. When a wetland alteration is intended exclusively for the enhancement, rehabilitation or restoration of an existing regulated wetland and the proposal will not result in a loss of wetland function and value, subject to the following conditions:

i. The enhancement or restoration project shall not be associated with a development activity; and

ii. An enhancement or restoration plan shall be submitted for site plan review. The restoration or enhancement plan must include the information required under subsection C of this section.

b. When an artificial wetland is intentionally created from a nonwetland site, or a former irrigation-influenced wetland was modified so that it no longer has wetland characteristics due to changes in farming practices or irrigation supply management and/or conservation measures.

E. Development Standards.

1. Lights shall be directed away from the wetland.

2. Activities that generate noise shall be located away from the wetland, or noise impacts shall be minimized through design or insulation techniques.

3. Toxic runoff from new impervious surface area shall be directed away from wetlands.

4. Treated stormwater runoff may be allowed into wetland buffers. Channelized flow should be prevented.

5. Use of pesticides, insecticides, and fertilizers within one hundred fifty feet of wetland boundary shall be limited and follow best management practices (BMPs).

6. The outer edge of the wetland buffer shall be planted with dense native vegetation and/or fencing to limit pet and human disturbance.

7. 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 proposed land use (Table 17.82.520(E)(7)-1) and the wetland category (Table 17.82.520 (E)(7)-2).

Table 17.82.520(E)(7)-1: Land Use Intensity Table

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations
High	• Commercial • Urban • Industrial • Institutional • Retail sales • Residential (more than 1 unit/acre) • High intensity recreation (golf courses, ball fields, etc.)
Moderate	• Residential (1 unit/acre or less) • Moderate intensity open space (parks with biking, jogging, etc.) • Paved driveways and gravel driveways serving 3 or more residences • Paved trails
Low	• Low intensity open space (hiking, bird-watching, preservation of natural resources, etc.) • Timber management • Gravel driveways serving 2 or fewer residences • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management

Table 17.82.520(E)(7)-2: Buffer Widths

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Category IV Wetlands (For wetlands scoring less than 15 points or more for all functions)		
Score for all 3 basic functions is less than 30 points	Low—25 ft Moderate—40 ft High—50 ft	No recommendations at this time
Category III Wetlands (For wetlands scoring 16—18 points or more for all functions)		
Moderate level of function for habitat (score for habitat 20—28 points)	Low—75 ft Moderate—110 ft High—150 ft	No recommendations at this time
Not meeting above characteristics	Low—40 ft Moderate—60 ft High—80 ft	No recommendations at this time

Table 17.82.520(E)(7)-2: Buffer Widths (Continued)

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Category II Wetlands (For wetlands that score 19—21 points or more for all functions or having the "Special Characteristics" identified in the rating system)		
High level of function for habitat (score for habitat 29—36 points)	Low—100 ft Moderate—150 ft High—200 ft	Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 20—28 points)	Low—75 ft Moderate—110 ft High—150 ft	No recommendations at this time
High level of function for water quality improvement and low for habitat (score for water quality 24—32 points; habitat less than 20 points)	Low—50 ft Moderate—75 ft High—100 ft	No additional discharges of untreated runoff
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetlands need to be protected at a watershed or sub-basin scale Other protection based on needs to protect habitat and/or water quality functions
Not meeting above characteristics	Low—50 ft Moderate—75 ft High—100 ft	No recommendations at this time
Category I Wetlands (For wetlands that score 22 points or more for all functions or having the "Special Characteristics" identified in the rating system)		
Natural Heritage Wetlands	Low—125 ft Moderate—190 ft High—250 ft	No additional surface discharges to wetland or its tributaries No septic systems within 300 ft of wetland Restore degraded parts of buffer
Forested	Buffer width based on score for habitat functions or water quality functions	If forested wetland scores high for habitat, need to maintain connections to other habitat areas
High level of function for habitat (score for habitat 29—36 points)	Low—100 ft Moderate—150 ft High—200 ft	Restore degraded parts of buffer Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 20—28 points)	Low—75 ft Moderate—110 ft High—150 ft	No recommendations at this time
High level of function for water quality improvement (24—32 points) and low for habitat (less than 20 points)	Low—50 ft Moderate—75 ft High—100 ft	No additional surface discharges of untreated runoff

Table 17.82.520(E)(7)-2: Buffer Widths (Continued)

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Not meeting above characteristics	Low—50 ft Moderate—75 ft High—100 ft	No recommendations at this time

8. Wetland buffer zones shall be retained in their natural condition. Wetland buffers shall not be mowed. Where buffer disturbances are unavoidable during adjacent construction, revegetation with native plan materials will be required.

9. Standard buffer widths shall be measured on the horizontal from the wetland boundary as surveyed in the field. Standard buffer widths may be modified by the review authority for a development proposal by averaging buffer widths based on a report submitted by the applicant and prepared by a qualified professional approved by the shoreline administrator (e.g., wetland biologist), and shall only be allowed where the applicant demonstrates all of the following:

a. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property;

b. The designated wetland contains variations in sensitivity due to existing physical characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower-rated area;

c. The width averaging will not adversely impact the designated wetland’s functional value;

d. The total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging; and

e. The buffer at its narrowest point is never less than three-quarters of the required width.

10. Mitigation ratios shall be used when impacts to wetlands cannot be avoided. The mitigation ratios by wetland type are an area replacement ratio of:

Table 17.82.520(E)(10): Mitigation Ratios for Eastern Washington

Category and Type of Wetland Impacts	Reestablishment or Creation	Rehabilitation Only[1]	Reestablishment or Creation (R/C) and Rehabilitation (RH)[1]	Reestablishment or Creation (R/C) and Enhancement (E)[1]	Enhancement Only[1]
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 R/H	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II Forested	4:1	8:1	1:1 R/C and 4:1 RH	1:1 R/C and 6:1 E	16:1
All Other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I Based on Score for Functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Natural Heritage Site	Not considered possible[2]	6:1 Rehabilitation of a natural heritage site	R/C Not considered possible[2]	R/C Not considered possible[2]	Case-by-case

1. These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.
2. Natural heritage sites, alkali wetland, and bogs are considered irreplaceable wetlands because they perform some functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

Reference: Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. March 2006. Wetland Mitigation in Washington State—Part 1: Agency Policies and Guidance (Version 1). Washington State Department of Ecology Publication No. 06-06-011a. Olympia, WA.

11. Water-dependent uses, as defined in this chapter, may be located within a wetland or wetland buffer when the applicant or property owner can demonstrate compliance with Section 17.82.510, General performance standards.

a. Developments authorized within a wetland buffer shall comply with the following minimum standards:

i. Designated wetlands and their associated buffers shall be delineated and disclosed on final plats, maps, documents, etc., as critical area tracts, nonbuildable lots, buffer areas or common areas. Ownership and control may be designated as an easement or covenant encumbering the property.

ii. All lots within a major subdivision, short plat or binding site plan shall have the outer edge of all required buffers clearly marked on site with permanent buffer edge markers. Buffer markers may be either buffer signs or steel posts painted with a standard color and label, as approved by the shoreline administrator. The markers shall be field-verified by the surveyor or biologist of record prior to final plat approval. Each lot shall contain a minimum of three buffer area markers located at the landward edge of the buffer perimeter for each habitat type; one located at each side property line and one midway between side property lines. Covenants for the subdivision shall incorporate a requirement stating that buffer area markers shall not be removed, or relocated, except as may be approved by the shoreline administrator.

12. The following activities are allowed to occur in wetlands and wetland buffer zones subject to conditioning with appropriate best management practices to minimize impacts on the functions and values of wetlands:

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 and in accordance with an approved critical area report, including:

i. Walkways and trails; provided, that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer twenty-five percent of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five feet in width for pedestrian use only. Raised boardwalks utilizing nontreated pilings may be acceptable.

ii. Wildlife-viewing structure.

c. Educational and scientific research activities.

d. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way; provided, that the maintenance or repair does not increase the footprint or use of the facility or right-of-way.

e. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alter-

ation of the wetland by changing existing topography, water conditions, or water sources.

f. Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary; provided, that the drilling does not interrupt the groundwater connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the groundwater connection to the wetland or percolation of surface water down through the soil column is disturbed.

g. Enhancement of a wetland buffer through the removal of nonnative invasive plant species. Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

13. Stormwater management facilities shall be allowed within the outer twenty-five percent of a wetland buffer around Category III or IV wetlands; provided, that no other location is feasible and that the location of such facilities will not degrade the functions of the wetland or its buffer. All projects shall comply with the applicable federal, state and local regulations regarding the species.

14. As a condition of any permit or authorization pursuant to these regulations, the shoreline administrator may require temporary or permanent signs and/or fencing along the perimeter of a wetland or buffer in order to protect the functions and values of the wetland, or to minimize future impacts or encroachment upon the wetland or buffer.

15. Wetland alteration proposals shall be approved only if no alternative is available. If alteration is unavoidable, all adverse impacts shall be mitigated as set forth in an approved critical areas report and mitigation plan.

16. When feasible, mitigation shall be on site and sufficient to maintain the functions and values of the wetland and buffer areas. If on-site mitigation is not feasible, then the applicant shall demonstrate that the mitigation site is the nearest that can reasonably achieve the goals of mitigation with a high likelihood of success.

17. As determined through the site-specific study, mitigation measures shall be implemented that maintain the functions and values found in the particular wetland.

18. As determined through the site-specific study, appropriate mitigation, management and monitoring plan(s) shall be developed and implemented, with any necessary surety to ensure compliance with such plan(s) being provided as described hereinabove.

19. A legally established use or structure established prior to the effective date of the ordinance codified in this chapter which does not conform to standards set forth herein is allowed to continue and be reasonably maintained; provided, that such activity or structure shall not be expanded or enlarged in any manner that increases the extent of its nonconformity.

F. Wetland Management and Mitigation Plan.

1. Compensatory Mitigation Plan. Where mitigation is required pursuant to Section 17.82.510, the applicant shall prepare a mitigation plan. The mitigation plan shall follow the general requirements described hereinbelow and in Wetland Mitigation in Washington State—Part 2: Developing Mitigation Plans (Version 1), Washington Department of Ecology (Publication No. 06-06-011b, March 2006 or as revised), and Selecting Wetland Mitigation Sites Using a Watershed Approach (Eastern Washington) (Publication No. 10-06-07, November 2010, or as revised). The following items at a minimum are required as part of a mitigation plan:

a. Description of project or activity, including a detailed narrative describing the project or activity, its relationship to the wetland and its potential impact to the wetland; and

b. Any proposed mitigation, including a discussion of how the project has been designed to avoid and minimize adverse impacts to wetlands, as well as

the necessary monitoring and contingency actions for the continued maintenance of the wetland and its associated buffer; and

c. A report which includes, but is not limited to:

i. Location maps;

ii. A site map prepared at a scale no smaller than one inch equals two hundred feet indicating the boundaries of the identified wetlands; the width and length of all existing and proposed structures, utilities, roads, easements; wastewater and stormwater management facilities; adjacent land uses, zoning districts, and comprehensive plan designations;

iii. A description of the vegetation in the wetland, on the overall project site, and adjacent to the site. A description of the existing wetland and buffer areas proposed to be impacted;

iv. A discussion of any federal, state, or local wetland-related permits required for the project;

v. A discussion of the following mitigation alternatives as they relate to the proposal:

(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 to avoid or reduce impacts;

(C) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(D) Compensating for functions affected by the proposed project, with the intention to achieve functional equivalency or improvement of functions; and

d. Include a description of the compensatory mitigation site, including location and rationale for selection. Describe how preferred order of wetlands mitigation was followed: (i) restoration (including reestablishment and rehabilitation), (ii) creation (establishment), (iii) enhancement in combination with restoration or creation, and (iv) preservation of high-quality, at-risk wetlands. Include an assessment of existing conditions and estimate future conditions if actions are not undertaken. Describe the proposed actions for compensating wetland and upland areas affected by the project. Include the overall goals of the proposed mitigation, including targeted functions. Describe the proposed mitigation construction activities and timing of activities, along with a detailed discussion of ongoing management and monitoring practices which will protect the wetland after the project site has been fully developed, including proposed monitoring, contingency, maintenance and surety programs; and

e. Proposed mitigation ratios, including a discussion of functions and values of and the variety of habitats provided by the proposed replacement wetland. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance "Wetland Mitigation in Washington State Parts I and II" (Ecology Publication No. 06-06-011a-b, Olympia, WA, March 2006), the shoreline administrator may allow mitigation based on the "credit/debit" method developed by the Department of Ecology in "Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Eastern Washington: Final Report" (Ecology Publication No. 11-06-015, August 2012, or as revised). (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.530 Critical aquifer recharge area.

A. Classification.

1. Critical Potential. Wellhead protection areas, streams, wetlands, and any other lands that have been specifically identified as critical recharge areas based on reliable scientific data.

2. High Potential. Areas in which soils show permeability ratings of more than twenty inches per hour.

B. Development Standards.

1. Development activities within an aquifer recharge area shall be designed, developed and operated in a manner that will not potentially degrade groundwater resources nor adversely affect the recharging of the aquifer.

2. All new development shall comply with the following requirements:

a. Applicable water source protection regulations set forth by the United States Environmental Protection Agency, the Washington State Department of Ecology, the Washington State Department of Health, or the Grant County health district.

b. Applicable groundwater management area (GWMA) regulations.

c. Applicable regulations set forth by any irrigation districts regulated by the United States Department of Interior, Bureau of Reclamation (BOR).

d. State requirements regarding protection of upper aquifer zones and groundwater quality (Chapters 173-154 and 173-200 WAC, respectively).

e. The Stormwater Management Manual for Eastern Washington (Washington Department of Ecology Publication 04-10-076, or as revised) shall provide the preferred guidance for stormwater best management practices.

3. A hydrogeologic study and/or ongoing monitoring may be required to assess impacts of development activities on groundwater resources.

4. All proposed activities within aquifer recharge areas must comply with the water source protection requirements of the Federal Environmental Protection Agency, State Department of Health and the Grant County health district.

5. On-site stormwater facilities shall be designed and installed in all aquifer recharge areas, so as to provide both detention and treatment of all runoff associated with the development.

6. All development occurring within aquifer recharge areas shall be required to connect to city sewer and water, and on-site sewage disposal shall be prohibited.

7. Activities that could impair the critical aquifer recharge areas may be permitted in areas with high or moderate recharge potential in accord with applicable zoning regulations, providing the applicant can satisfactorily demonstrate that potential negative impacts to groundwater can be prevented.

8. All storage tanks, whether above or underground, shall be required to be constructed so as to protect against corrosion for the operational life of the tank, to prevent any release of hazardous substances to the ground, groundwaters, or surface waters, and to utilize appropriate containment methods.

9. Application of pesticides, herbicides and fertilizers within aquifer recharge areas shall comply with timing and rates specified on product packaging.

10. Vehicle repair and servicing activities 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.

C. Critical Area Report Requirements.

1. In addition to the general requirements for critical areas reports, a critical areas report for development activities within or adjacent to an aquifer recharge area shall contain the following:

a. A scaled development plan showing the recharge areas;

b. Detailed information on the following items:

i. Hydrogeological susceptibility to contamination and contaminant loading potential;

ii. Depth to groundwater;

iii. Hydraulic conductivity and gradient; and

iv. Soil texture, permeability, and contaminant attenuation potential;

c. Vadose zone analysis, including implications of permeability and attenuation properties;

d. An analysis of the recharge area’s toleration for impervious surfaces in terms both of aquifer recharge and the effect on water quality; and

e. A summary of the proposed development’s effect on the recharge area.

2. When a proposed use presents a high risk of drinking water contamination, a hydrogeologic assessment shall be required.

a. A hydrogeologic assessment shall be required for the following land uses:

i. Hazardous substance processing and handling.

ii. Hazardous waste treatment and storage facility.

iii. Wastewater treatment plant sludge disposal.

iv. Solid waste disposal facility.

b. A required hydrogeologic assessment shall be submitted by a hydrogeologist licensed by the state of Washington. The hydrogeologic assessment shall use scientifically valid methods and studies to establish existing (baseline) water quality and shall be used to develop conditions of approval to ensure that the pro-

posed development will not contribute contaminants or facilitate degradation of recharge areas. In addition to the information required in all critical areas reports, the assessment shall include, at a minimum:

i. Pertinent well log and geologic data.

ii. Ambient groundwater quality.

iii. Groundwater elevation.

iv. Recharge potential of facility site.

v. Current data on wells and any springs located within one thousand feet of the facility.

vi. Surface water location and potential recharge.

vii. Water supply source for the facility.

viii. Analysis and discussion of the effects of the proposed project on the groundwater resource.

c. A required hydrogeologic assessment must demonstrate that the proposed use does not present a threat of contamination to the aquifer system. Successful demonstration of those findings warrants approval under this section.

d. Ongoing monitoring of uses that present high risk of drinking water contamination may be required to assess impacts of development activities on groundwater resources. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.540 Fish and wildlife habitat conservation areas.

A. Classification.

1. Fish and wildlife habitat conservation areas include those with the following characteristics:

a. Federally Designated Endangered, Threatened and Sensitive Species. Areas with which federally designated endangered, threatened and sensitive species have a primary association. Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted for current listing status.

b. State Designated Endangered, Threatened and Sensitive Species. Areas with which state designated endangered, threatened and sensitive species have a primary association.

c. State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the state of Washington identified by the Washington Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species) and 232-12-011 (state threatened and sensitive species). The State Department of Fish and Wildlife maintains the most current listing and should be consulted for current listing status.

d. State Priority Habitats and Areas Associated with State Priority Species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the State Department of Fish and Wildlife.

e. Habitats and Species of Local Importance. Habitats and species of local importance are those identified by the city, including but not limited to those habitats and species that, due to their population status or sensitivity to habitat manipulation, warrant protection. Habitats may include a seasonal range or habitat element with which a species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

f. All areas within the city meeting the definition of one or more critical areas defined above are hereby

designated critical areas and are subject to the provisions of this chapter.

B. Development Standards.

1. Flora (plant life) and fauna (animal life) identified as protected shall be sheltered from construction activities using best management practices.

2. Habitat conservation areas and buffers will be left undisturbed, unless the development proposal demonstrates that impacts to the habitat conservation area and/or buffer are unavoidable, demonstrated in a habitat management and mitigation plan described in subsection C of this section.

3. Critical area reports for fish and wildlife habitat conservation areas shall include a habitat assessment to evaluate the presence or absence of a potential critical species or habitat.

4. The Washington State Department of Fish and Wildlife priority habitat and species management recommendations shall be consulted in developing specific measures to protect a specific project site.

5. All projects shall comply with the applicable federal, state and local regulations regarding the species and habitats identified to be upon a site.

6. Establishment of Buffers. When needed to protect the functions and values of habitat conservation areas, the shoreline administrator shall require the establishment of buffer areas for activities in or adjacent to such areas. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration. Buffer widths shall reflect the sensitivity of the habitat and the intensity of activity proposed, and shall be consistent with the management recommendations issued by the State Department of Fish and Wildlife.

7. As determined through the site-specific study, mitigation measures shall be implemented that maintain the base-line populations and reproduction rates for the particular species.

8. As determined through the site-specific study, appropriate habitat conservation, management and monitoring plan(s) shall be developed and implemented, with any necessary surety to ensure compliance with such plan(s) being provided as described in this chapter.

9. Habitat Conservation Areas.

a. Development occurring within a one-thousand-foot radius of a state or federal threatened, endangered, or sensitive species den, nesting, or breeding site, migration corridors or feeding areas of terrestrial species shall require a habitat management and mitigation plan.

b. Cliff, cave and talus slope habitats shall have at least a fifty-foot buffer for safety and resource protection.

c. Bald Eagles. An approved bald eagle management plan by the Washington Department of Fish and Wildlife meeting the requirement and guidelines of the Bald Eagle Protection Rules, WAC 232-12-292, as amended, satisfies the requirements of a habitat management and/or mitigation plan.

d. Mule Deer Habitat. Habitat connectivity and migration corridors for mule deer shall be considered in habitat management and/or mitigation plans.

e. Development in or over all surface waters shall require a habitat mitigation plan.

C. Riparian buffers for Banks Lake, Crescent Bay, and Lake Roosevelt in the city are provided in Table 17.82.210(A), Development Standards.

1. The required buffer widths established in this SMP may be modified by the shoreline administrator for a development on existing legal lots of record in place at the time of adoption of this program, in accordance with the provisions of this section only where the applicant demonstrates all of the following:

a. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property;

b. The designated buffer area contains variations in sensitivity to ecological impacts due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation;

c. The total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging;

d. The minimum buffer width at its narrowest point shall not be less than thirty-five percent of the buffer width established under this SMP; and

e. The buffer width averaging does not result in a net loss of ecological function.

D. Shoreline Buffer Reductions. Shoreline buffers may be administratively modified where a legally established road or other type of continuous development crosses or extends along a shoreline or critical area buffer and is wider than twenty feet. The shoreline administrator may approve a modification of the minimum required buffer width to the waterward edge of the improved continuous development provided the upland side of the continuous development areas outlined below:

1. Does not provide additional protection of the shoreline water body or stream; and

2. Provides little (less than twenty percent to no biological, geological or hydrological buffer functions relating to the riparian and upland portions of the buffer.

E. Standard Buffer Reduction. Reductions of up to thirty-five percent of the standard buffer may be approved if the applicant demonstrates to the satisfaction of the shoreline administrator that a mitigation plan developed by a qualified professional pursuant to Section 17.82.520F indicates that enhancing the buffer (by removing invasive plants or impervious surfaces, planting native vegetation, installing habitat features or other means) will result in a reduced buffer that functions at a higher level than the existing standard buffer.

F. Infill Development. In an effort to facilitate infill development in approved plats, the city may approve requests to reduce the standard shoreline buffers up to a maximum of fifty percent for a new single-family residence and appurtenant structures in accordance with the following criteria:

1. Where there are single-family residences within one hundred fifty feet on either side of the proposed residence in an existing plat, the buffer shall be determined as the greater of one of the following three options: (a) a common line drawn between the nearest corners of the nearest residence, (b) a common line calculated by the average of the nearest residence's existing buffer, or (c) a fifty percent reduction of the standard buffer.

2. Where there is only a residence located within one hundred fifty feet on one side of the proposed residence in an existing plat, the standard buffer shall be determined as the greater of a common line drawn between the nearest corner of the nearest residence and the nearest point of the standard buffer on the adjacent vacant lot, a common line calculated by the average of the nearest residence's setback and the standard buffer for the adjacent vacant lot, or a fifty percent reduction of the standard buffer.

G. Fish/Wildlife Habitat Management and Mitigation Plan.

1. A fish/wildlife habitat management and mitigation plan shall be prepared by a qualified professional biologist who is knowledgeable of fish and wildlife habitat within North Central Washington.

2. In determining the extent and type of mitigation appropriate for the development, the plan shall evaluate the ecological processes that affect and influence critical area structure and function within the water shed or sub-basin; the individual and cumulative effects of the action upon the functions of the critical area and associated watershed; and note observed or predicted trends regarding specific wetland types in the watershed, in light of natural and human processes.

3. The fish/wildlife habitat management and mitigation plan shall demonstrate, when implemented, no net loss of ecological functions of the habitat conservation area and buffer.

4. The fish/wildlife habitat management and mitigation plan shall identify how impacts from the proposed project shall be mitigated, as well as the necessary monitoring and contingency actions for the continued maintenance of the habitat conservation area and any associated buffer.

5. Mitigation for development may include a sequenced combination of the mitigation measures included in Section 17.82.510, General performance standards, as needed to achieve the most effective protection or compensatory mitigation for critical area functions.

6. Mitigation Ratios.

a. Mitigation ratios shall be used when impacts to riparian areas, aquatic habitat, and riparian buffers are unavoidable. Compensatory mitigation shall restore, create, rehabilitate or enhance equivalent or greater ecological functions. Mitigation shall be located on site unless the biologist can demonstrate and the city approves that on-site mitigation will result in a net loss of ecological functions. If off-site mitigation measures are determined to be appropriate, off-site mitigation shall be located in the same watershed as the development within the city.

b. The on-site mitigation ratio shall be at a minimum area replacement ratio of 1:1 for development within aquatic habitat, riparian areas and riparian buffers. An area replacement ratio of 2:1 shall apply to native vegetation removal within these areas. Mitigation for diverse, high quality habitat or off-site mitigation may require a higher level of mitigation. Mitigation and management plans shall evaluate the need for a higher mitigation ratio on a site-by-site basis, dependent upon the ecological functions and values provided by the habitat. Recommendations by resource agencies in evaluating appropriate mitigation shall be encouraged. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.550 Geologically hazardous areas.

A. Classification and Designation.

1. Geologically hazardous areas include those with the following characteristics:

a. Erosion Hazard Areas. Erosion hazard areas are at least those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "moderate to severe," "severe," or "very severe" rill and inter-rill erosion hazard. Erosion hazard areas are also those areas impacted by shore land and/or stream bank erosion and those areas within a river's channel migration zone. Erosion hazard areas are those that contain all three of the following characteristics:

i. A slope of thirty percent or greater;

ii. Soils identified by the Soil Conservation Service as unstable and having a high potential for erosion; and

iii. Areas that are exposed to the erosion effects of wind or water.

b. Landslide Hazard Areas. Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Landslide hazard areas are those that may contain any of the following circumstances:

i. All areas that have historically been prone to landsliding;

ii. All areas containing soil types identified by the Natural Resource Conservation Service (NRCS) as unstable and prone to landslide hazard;

iii. All areas that show evidence of or are at risk from snow avalanches; or

iv. All areas that are potentially unstable as a result of rapid stream incision or stream bank erosion.

c. Seismic Hazard Areas. Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. Settlement and soil liquefaction conditions occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow groundwater table. Seismic hazards shall be as identified in the Washington State Department of Natural Resources seismic hazard and liquefaction susceptibility maps for Eastern Washington and other geologic resources.

d. Other Hazard Areas. Geologically hazardous areas shall also include areas determined by the shoreline administrator to be susceptible to other geological events including mass wasting, debris flows, rock falls, and differential settlement.

e. Known geologically hazardous areas within the city consist of erosion hazard areas, including steep slopes. As more information is obtained that demonstrates the existence of other types and/or areas of geologically hazardous areas, these types and/or

areas shall be classified and protected in accordance with the provisions of this chapter.

B. Development Standards.

1. All projects shall be evaluated through a geotechnical report, completed by a qualified professional with expertise in the particular hazard(s) present in a given critical area, to determine whether the project is proposed to be located in a geologically hazardous area and, if so, what is the project's potential impact on the geologically hazardous area and the potential impact of the geologic hazard on the proposed project.

2. All projects shall comply with the applicable federal, state and local regulations, including the International Building Code.

3. Alterations of geologically hazardous areas or associated buffers may only occur for activities that:

a. Will not increase the threat of the geological hazard to adjacent properties beyond predevelopment conditions;

b. Will not adversely impact other critical areas;

c. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than predevelopment conditions; and

d. Are certified as safe as designed and under anticipated conditions by a qualified engineer or geologist, licensed in the state of Washington.

4. Mitigation plans for geologically hazardous areas shall establish setbacks and buffer widths as needed to eliminate or minimize risks of property damage, death, or injury resulting from development of the hazard area. Where established, buffers shall be maintained between all permitted uses and activities and the designated geologically hazardous area(s).

5. The existing native vegetation within the buffer area(s) shall be maintained, except that normal, nondestructive pruning and trimming of vegetation for maintenance purposes are allowed.

6. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited. Where removal of vegetation is unavoidable, reseeding and replanting with native vegetation shall be preferred. In lieu of a native restoration planting an erosion control mix recommended by the Natural Resource Conservation Service, the Grant County Conservation District, the WSU Cooperative Extension Office, or other qualified agent to assist in stabilization of the areas and to discourage establishment of invasive plants may be substituted.

7. As determined through the site-specific study, appropriate drainage, grading, excavation and erosion control measures shall be implemented in the geologically hazardous area(s).

8. Every erosion hazard area mitigation plan shall include a runoff management plan or an erosion control plan to reduce sedimentation problems.

9. Development and activities located within landslide or erosion hazard areas shall provide for long-term slope stability, and design shall incorporate the following standards:

a. Structures and improvements shall minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;

b. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;

c. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;

d. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes; and

e. Development shall be designed to minimize impervious lot coverage.

10. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available.

11. Subdivision of lands in erosion, landslide, and mine hazard areas is subject to the following:

a. Land that is located wholly within an erosion, landslide or mine hazard area or its buffer may not be subdivided. Land that is located partially within an erosion, landslide or mine hazard area or its buffer may be divided; provided, that each resulting lot has

sufficient buildable area outside of, and will not affect, the geologic hazard area.

b. Access roads and utilities may be permitted within the erosion, landslide or mine hazard area and associated buffers only if no other feasible alternative exists.

c. As determined through the site-specific study, mitigation measures shall be implemented that maintain the integrity of the geologically hazardous area(s).

12. As determined through the site-specific study, appropriate management and monitoring plan(s) shall be developed and implemented to preserve and protect both the geologically hazardous area(s) and the project, with any necessary surety to ensure compliance with such plan(s) being provided as described hereinabove.

13. A use or structure established prior to the effective date of this chapter which does not conform to standards set forth herein is allowed to continue and be reasonably maintained; provided, that such activity or structure shall not be expanded or enlarged in any manner that increases the extent of its nonconformity.

14. Additional Considerations.

a. Site-specific considerations may warrant additional performance standards, to be determined during the permit process, to ensure the protection of critical areas.

b. Development specific considerations may warrant additional performance standards based on level of impact to critical areas. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.560 Existing structures and development.

A. Lawfully existing structures and previously approved developments prior to the adoption of this section shall be allowed to continue as exemptions from this chapter. It is the intention of this chapter to allow these nonconforming uses to continue and to allow previously approved developments to commence without any additional review procedures. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.570 Warning and disclaimer of liability.

A. This chapter does not imply that land outside resource lands and critical areas activities that are permitted within such areas will be free from exposure or damage resulting from catastrophic natural disasters which can, and will, occur on rare occasions. This chapter shall not impose or create any liability on the part of the city, elected or appointed officials, and/or employees thereof for any damages that result from reliance on this chapter or any administration decision lawfully made hereunder. (Ord. 1019 § 2 (Exh. E) (part), 2014)

Article VI. Administration and Enforcement

17.82.600 Roles and responsibilities.

A. Shoreline Administrator.

1. The city mayor or his/her designee shall serve as the shoreline administrator, and in the case of a shoreline substantial development permit (SDP) shall grant or deny the permit. The shoreline administrator shall administer the shoreline permit and notification systems, and shall be responsible for coordinating the administration of shoreline regulations with zoning enforcement, building permits, and all other regulations regulating land use and development in the city.

2. The shoreline administrator or his/her designee shall be familiar with regulatory measures pertaining to shorelines and their use, and, within the limits of his or her authority, shall cooperate in the administration of these measures. Permits issued under the provisions of this shoreline regulation shall be coordinated with other land use and development regulatory measures of the city. The shoreline administrator shall establish procedures that advise all parties seeking building permits or other development authorization of the need to consider possible shoreline applications. It is the intent of the city, consistent with its regulatory obligations, to simplify and facilitate the processing of shoreline substantial development permits.

3. The shoreline administrator or his/her designee shall ensure that proposed regulatory or administrative actions do not unconstitutionally infringe upon

private property rights. Shoreline goals and policies should be pursued through the regulation of development of private property only to an extent that is consistent with all relevant constitutional and other legal limitations (where applicable, statutory limitations such as those contained in Chapter 82.02 RCW and RCW 43.21C.060) on the regulation of private property.

4. The shoreline administrator shall apply Section 17.82.500, general provisions for shoreline critical areas.

B. Hearing Examiner.

1. The hearing examiner shall have the authority to decide on appeals from administrative decisions issued by the shoreline administrator of this SMP.

a. The hearing examiner may grant or deny shoreline variances and shoreline conditional use permits, following an open record hearing.

C. Planning Commission.

1. The planning commission is vested with the responsibility to review the SMP as part of regular SMP updates required by RCW 90.58.080 as a major element of the city's planning and regulatory program, and make recommendations for amendments thereof to the city council.

D. City Council. The city council is vested with authority to:

1. Initiate an amendment to this SMP according to the procedures prescribed in WAC 173-26-100.

a. Adopt all amendments to this SMP. Substantive amendments shall become effective immediately upon adoption by Ecology. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.610 Interpretation.

A. Under the administrative provisions, the shoreline administrator shall have authority to interpret this SMP when such interpretation is clearly consistent with the goals and policies of this SMP and the SMA.

B. The city shall consult with Ecology if formal written interpretations are developed as a result of a lack of clear guidance in the Act, the SMP guidelines, or this master program to ensure that any are consistent with the purpose and intent of Chapter 90.58 RCW and Chapter 173-26 WAC. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.620 Statutory noticing requirements.

A. At a minimum the city shall provide notice in accordance with WAC 173-27-110, and may provide for additional noticing requirements. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.630 Application requirements.

A. A complete application for a shoreline substantial development, shoreline conditional use, or shoreline variance permit shall contain, at a minimum, the information listed in WAC 173-27-180.

B. The shoreline administrator shall provide written informational materials, procedures, instructions, and forms required to submit an application for a shoreline substantial development permit, variance, or conditional use permit.

C. These materials should include but are not limited to a plan cover sheet; a joint aquatic resource permits application (JARPA) form; SEPA checklist; fee schedule; review criteria; process and timelines to assist potential applicants and interested parties on the permit application submittal and review process.

D. The shoreline administrator may vary or waive these requirements according to administrative application requirements on a case-by-case basis.

E. The shoreline administrator may require additional specific information depending on the nature of the proposal and the presence of sensitive ecological features or issues related to compliance with other requirements, and the provisions of this SMP. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.640 Shoreline substantial development permits.

A. A shoreline substantial development permit shall be required for all development on shorelines, unless the proposal is specifically exempted per Section 17.82.670. Shoreline substantial development permits shall be and shall be reviewed as Type II administrative review as set forth in Chapter 11.09 and Section 17.82.700, Review process.

B. A shoreline substantial development permit shall be granted only when the development proposed is consistent with:

1. The policies and procedures of the Act, Chapter 90.58 RCW;

2. The applicable provisions of Chapter 173-27 WAC; and

3. This SMP.

C. The city may attach conditions to the approval of permits as necessary to ensure consistency of the project with the SMA and this SMP.

D. Nothing shall interfere with the city's ability to require compliance with all other applicable plans and laws. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.650 Shoreline conditional use permits.

A. Uses specifically classified or set forth in this SMP as conditional uses shall be subject to review and condition by the shoreline administrator and by Ecology. Applications for a shoreline conditional use permit shall be processed as set forth in Chapter 17.64, Conditional Uses, and shall be reviewed as a Type III action subject to quasi-judicial review as set forth in Title 11.

B. Other uses which are not classified or listed or set forth in this SMP may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in this SMP.

C. Uses which are specifically prohibited by this SMP may not be authorized as a conditional use.

D. Review Criteria for SCUP. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized; provided, that the applicant demonstrates all of the following:

1. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

2. That the proposed use will not interfere with the normal public use of public shorelines;

3. That the proposed use of the site and design of the project are compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

5. That the public interest suffers no substantial detrimental effect.

E. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

F. In authorizing a conditional use, special conditions may be attached to the permit by the city or Ecology to prevent undesirable effects of the proposed use and/or to ensure consistency of the project with the SMA and this SMP.

G. Nothing shall interfere with the city's ability to require compliance with all other applicable plans and laws. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.660 Shoreline variance permits.

A. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this SMP where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this SMP would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Variances from the use regulations of the SMP are prohibited. Applications for shoreline variance permits shall be processed with procedures as set forth in Chapter 17.68 and shall be considered as an action subject to quasi-judicial review as set forth in Chapter 11.09.

B. Review Criteria.

1. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown

and the public interest shall suffer no substantial detrimental effect.

2. Variance permits for development and/or uses that will be located landward of the OHWM, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

a. That the strict application of the bulk, dimensional or performance standards set forth in the SMP precludes, or significantly interferes with, reasonable use of the property;

b. That the hardship described in the criteria in subsections B2a through f of this section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the SMP, and not, for example, from deed restrictions or the applicant's own actions;

c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP and will not cause adverse impacts on the shoreline environment;

d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

e. That the variance requested is the minimum necessary to afford relief; and

f. That the public interest will suffer no substantial detrimental effect.

3. Variance permits for development and/or uses that will be located waterward of the OHWM, as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;

b. That the proposal is consistent with the criteria established under subsections B2a through f of this section can be met; and

c. That the public rights of navigation and use of the shorelines will not be adversely affected.

4. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.670 Exemptions from shoreline substantial development permits.

A. An exemption from the shoreline substantial development permit process is not an exemption from compliance with the SMA or this SMP, or from any other regulatory requirements. All proposed uses, activities, or development occurring within shoreline jurisdiction must conform to the intent and requirements of Chapter 90.58 RCW, the SMA, and this SMP whether or not a permit or other form of authorization is required.

B. Letters of exemption shall be issued by the city when an exemption applies or when a letter of exemption is required by the provisions of WAC 173-27-050 and as follows:

1. Any person claiming exemption from the substantial development permit requirements shall make an application to the shoreline administrator for such an exemption in the manner prescribed by the shoreline administrator, except that no written statement of exemption is required for emergency development pursuant to WAC 173-27-040(2)(d).

a. The shoreline administrator is authorized to grant or deny requests for statements of exemption from the shoreline substantial development permit requirement for uses and developments within shorelines that are specifically listed in subsection D of this section. The statement shall be in writing and shall indicate the specific exemption of this program that is being applied to the development, and shall provide a summary of the shoreline administrator's analysis of

the consistency of the project with this program and the Act. The letter shall be sent to the applicant and maintained on file in the offices of the shoreline administrator.

b. Statements of exemption may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of this program and the Act.

c. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. The shoreline administrator's decision may be appealed pursuant to Section 17.82.710.

d. Exempt activities requiring a JARPA shall not be conducted until a statement of exemption has been obtained from the shoreline administrator.

C. Interpretations of Exemptions.

1. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the shoreline substantial development permit process.

a. A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use must obtain a shoreline conditional use permit even though the development or use does not require a shoreline substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this SMP, such development or use can only be authorized by approval of a shoreline variance.

b. The burden of proof that a development or use is exempt from the permit process is on the applicant.

c. If any part of a proposed development is not eligible for exemption, then a shoreline substantial development permit is required for the entire proposed development project.

d. The city may attach conditions to the approval of exempted developments and/or uses as necessary to ensure consistency of the project with the SMA and this SMP. Additionally, nothing shall interfere with each responsible local government's ability to require compliance with all other applicable laws and plans.

D. The city shall exempt from the shoreline substantial development permit requirement the shoreline developments listed below:

1. Any development of which the total cost or fair market value does not exceed six thousand four hundred fourteen dollars or as adjusted by the State Office of Financial Management, if such development does not materially interfere with the normal public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

2. Normal maintenance or repair of existing legally established structures or developments, including damage by accident, fire, or elements. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location, and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

3. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the shoreline administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation, the new structure shall be removed or any permit that would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, these regulations, or this program, shall be obtained. All emergency construction shall be consis-

tent with the policies and requirements of this chapter, Chapter 90.58 RCW, and this program. As a general matter, seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

4. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures, including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation shall not be considered normal or necessary farming or ranching activities.

5. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence or appurtenance for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level, and which meets all requirements of the city, other than requirements imposed pursuant to Chapter 90.58 RCW. Construction authorized under this exemption shall be located landward of the ordinary high water mark.

6. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system, or similar facilities existing on September 8, 1975, including return flow and artificially stored groundwater from the irrigation of lands.

7. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

8. Operation and maintenance of existing and future systems of dikes, ditches, drains, or other facilities on irrigable lands where water is being drained from irrigation runoff or shallow groundwater levels artificially recharged through irrigation, and that are created, developed, or utilized primarily as a part of an agricultural drainage or diking system.

9. Any project with a certification from the governor pursuant to Chapter 80.50 RCW (certification from the State Energy Facility Site Evaluation Council).

10. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

a. The activity does not interfere with the normal public use of surface waters;

b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

c. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity; and

d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions.

11. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control published by the Departments of Agriculture or Ecology jointly with other state agencies under Chapter 43.21C RCW.

12. A public or private project that is designed to improve fish or wildlife habitat or fish passage when all of the following apply:

a. The project has been approved by WDFW;

b. The project has received hydraulic project approval (HPA) by WDFW pursuant to Chapter 77.55 RCW; and

c. The city has determined that the project is substantially consistent with the local shoreline master program. The city shall make such determination in a timely manner and provide it by letter to the applicant.

13. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are deter-

mined to be consistent with local shoreline master programs.

14. Any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW or to Ecology when it conducts a remedial action under Chapter 70.105D RCW.

15. Other than conversions to nonforest land use, forest practices regulated under Chapter 76.09 RCW are not subject to additional regulations under the Act or this program (RCW 90.58.030(2)(d)(ii)). (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.680 Duration of permits.

A. The duration of permits shall be consistent with WAC 173-27-090. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.690 Initiation of development.

A. Each permit for a substantial development, shoreline conditional use or shoreline variance issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of receipt with Ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of receipt of the decision are complete. The date of filing for a substantial development permit is the date of actual receipt by the Department of Ecology of a local government's final decision on the permit. With regard to a permit for a shoreline variance or a shoreline conditional use, "date of filing" means the date a responsible local government or applicant receives the written decision of Ecology. When a substantial development permit and a conditional use or variance permit are required for a development, the submittal on the permits shall be made concurrently.

B. Permits for substantial development, shoreline conditional use, or shoreline variance may be in any form prescribed and used by the city including a combined permit application form. Such forms will be supplied by the city.

C. A permit data sheet shall be submitted to Ecology with each shoreline permit. The permit data sheet form shall be consistent with WAC 173-27-990. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.700 Review process.

A. After the city's approval of a shoreline conditional use or variance permit, the city shall submit the permit to the Department of Ecology for approval, approval with conditions, or denial. Ecology shall render and transmit to the city and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days of the date of submittal by the city pursuant to WAC 173-27-110.

B. The Department of Ecology shall review the complete file submitted by the city on shoreline conditional use or variance permits and any other information submitted or available that is relevant to the application. Ecology shall base its determination to approve, approve with conditions or deny a conditional use permit or variance on consistency with the policy and provisions of the SMA and, except as provided in WAC 173-27-210, the criteria in WAC 173-27-160 and 173-27-170.

C. The city shall provide timely notification of the Department of Ecology's final decision to those interested persons having requested notification from local government pursuant to WAC 173-27-130. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.710 Appeals.

A. Appeals of Shoreline Permit Decisions. The city of Grand Coulee's decisions on shoreline permits may be appealed to the following "bodies" in this sequence, as applicable:

1. The city of Grand Coulee hearing examiner or in accordance with Chapter 11.11, Appeals (for substantial development permits only).

2. State Shorelines Hearings Board (SHB) in Tumwater.

3. SHB decisions may be appealed to superior court.

4. Superior court decisions may be appealed to the court of appeals.

5. Appeals court decisions may be appealed to the Washington Supreme Court.

6. Appeals to the SHB and courts are governed by RCW 90.58.180, 43.21B.001, Chapter 34.05 RCW Part V, and Chapter 461-08 WAC.

B. All requests for review of any final permit decisions under Chapter 90.58 RCW and Chapter 173-27 WAC are governed by the procedures established in RCW 90.58.180 and Chapter 461-08 WAC, the rules of practice and procedure of the shorelines hearings board. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.720 Amendments to permits.

A. A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the SMP, and/or the policies and provisions of Chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision.

B. Revisions to permits shall be considered consistent with WAC 173-27-100. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.730 Enforcement.

A. The Act provides for a cooperative program between the city of Grand Coulee and the Department of Ecology to implement and enforce the provisions of the Act and this master program. This section provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, and orders to take corrective action, in accordance with WAC 173-27-270, 173-27-280, 173-27-290 and 173-27-300 and Chapter 11.13. The enforcement means and penalties provided herein are not exclusive and may be taken or imposed in conjunction with, or in addition to, any other civil enforcement actions and civil penalties, injunctive or declaratory relief, criminal prosecution, actions to recover civil or criminal penalties, or any other action or sanction authorized by this section, or any other provision of the city of Grand Coulee Code and Land Use Code, or any other provision of state or federal law and regulation.

B. The shoreline administrator, with the assistance of the city's attorney, shall have authority to commence and prosecute any enforcement action authorized by this section. In determining the appropriate enforcement actions to be commenced and prosecuted, the administrator shall consider the following factors:

1. The nature of the violation;

2. The extent of damage or potential future risk to the shoreline environment and its ecological functions or to the public health and safety, caused by or resulting from, whether directly or indirectly, the alleged violation;

3. The existence of knowledge, intent, or malice on behalf of the violator;

4. The economic benefit or advantage that accrued to the violator(s) as a result of the violation; and

5. The estimated actions and costs of providing adequate mitigation, restoration, rehabilitation, or enhancement, to repair or minimize any substantial adverse impacts upon the shoreline environment and its ecological functions, or the public health and safety.

C. The shoreline administrator may commence and prosecute enforcement action jointly with the Department of Ecology. Pursuant to Chapter 173-27 WAC, the Department of Ecology may initiate and prosecute enforcement action separate from the shoreline administrator. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.740 Cumulative effects of shoreline developments.

A. The city will periodically evaluate the effectiveness of the shoreline master program update for achieving no net loss of shoreline ecological functions with respect to shoreline permitting and exemptions. At the end of 2015 and at the end of every other year thereafter the shoreline administrator shall pre-

pare a report of shoreline development permits, conditional permits and variances including the exempt use activity approvals and the locations and effects of each, by type and classifications. The report should include activities involving development, conservation, restoration, mitigation, and enforcement. It should summarize the net change of developments (including new development, decommissioning of structures and protected areas) using indicators such as linear length of stabilization and flood hazard structures, number of overwater structures (piers, docks etc.), road length within shoreline, number of water body road crossings, number of levees/dikes, acres of impervious surface areas, acres of vegetation, acres of permanently protected areas or areas with limited development. Compliance and enforcement activity will also be tracked.

B. The shoreline administrator will, to the extent feasible, coordinate with other departments of the city or as adjacent jurisdictions, to assess cumulative effects of shoreline development. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.750 Amendments to shoreline master program.

A. Amendments to the program shall be processed as legislative decisions pursuant to WAC 173-26-110 as mentioned in this subsection. A complete submittal shall include two copies of the following, where applicable:

1. Documentation (i.e., signed resolution or ordinance) that the proposal has been approved by the local government.

2. If the proposal includes text amending a master program document of record, it shall be submitted in a form that can replace or be easily incorporated within the existing document.

3. Amended text shall show strikeouts for deleted text and underlining for new text, clearly identifying the proposed changes. At the discretion of the department, strikeouts and underlined text may not be required provided the new or deleted portions of the master program are clearly identifiable.

4. Amended environment designation map(s), showing both existing and proposed designations, together with corresponding boundaries described in text for each change of environment. All proposals for changes in environment designation and redesignation shall provide written justification for such based on existing development patterns, the biophysical capabilities and limitations of the shoreline being considered, and the goals and aspirations of the local citizenry as reflected in the locally adopted comprehensive land use plan.

5. A summary of proposed amendments together with explanatory text indicating the scope and intent of the proposal, staff reports, records of the hearing, and/or other materials which document the necessity for the proposed changes to the master program.

6. Evidence of compliance with Chapter 43.21C RCW, the State Environmental Policy Act, specific to the proposal.

7. Evidence of compliance with the public notice and consultation requirements of WAC 173-26-100.

8. Copies of all public, agency, and tribal comments received, including a record of names and addresses of interested parties involved in the local government review process or, where no comments have been received, a comment to that effect.

9. A copy of the master program submittal checklist completed in accordance with WAC 173-26-201(2)(f), (3)(a) and (h).

10. For comprehensive master program updates, copies of the inventory and characterization, use analysis, restoration plan and cumulative impacts analysis.

B. Any locally approved amendments to the SMP will not become effective until approved by the State Department of Ecology. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.760 Definitions.

A. Definitions.

1. “Act” means the Washington State Shoreline Management Act, Chapter 90.58 RCW.

2. “Adjacent,” for purposes of applying Article V—Critical Areas, means immediately adjoining (in

contact with the boundary of the influence area) or within a distance 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 site immediately adjoining a critical area; or

b. A distance equal to or less than the required critical area buffer width and building setback.

3. "Adoption by rule" means an official action by the department to make a local government shoreline master program effective through rules consistent with the requirements of the Administrative Procedure Act, Chapter 34.05 RCW, thereby incorporating the adopted shoreline master program or amendment into the state master program.

4. "Agency consultation" means consultation with state or federal agencies, including but not limited to those listed below, for the intended purposes. "Agency consultation" does not mean "Endangered Species Section 7 Consultation."

a. Washington Department of Fish and Wildlife and/or the U.S. Fish and Wildlife Service for the purpose of making a preliminary determination regarding the presence of priority habitats and species and the potential impacts of a development proposal on such habitats and species.

b. The Washington State Department of Natural Resources Natural Heritage Program for the purpose of making a preliminary determination regarding impacts of a development proposal on rare or sensitive plant and animal species associated with wetlands and aquatic ecosystems.

c. The Washington State Department of Ecology for the purpose of making a preliminary determination regarding impacts of a development proposal on wetlands and aquatic ecosystems.

d. The Washington State Department of Ecology for the purpose of making a preliminary determination regarding impacts of a development on groundwater resources and aquifer recharge areas.

e. The Washington State Department of Natural Resources Division of Geology and Earth Science for the purpose of making a preliminary determination regarding geologically hazardous areas, especially earthquakes and seismic activity.

f. The Natural Resource Conservation Service for the purpose of making a preliminary determination regarding geologically hazardous areas as they pertain to slope, soil type, other soil characteristics, and other erosive properties of soils.

5. "Alteration," for purposes of applying Article V—Critical Areas, 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, dredging, channelizing, clearing (vegetation), applying pesticides, discharging waste, construction, compaction, excavation, modifying for stormwater management, relocating, or other activities that change the existing landform, vegetation, hydrology, wildlife, or habitat value, of critical areas.

6. "Amendment" means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

7. "Applicant" means a person who files an application for a permit under this SMP 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.

8. "Approval" means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the Department of Ecology for review and official action pursuant to this chapter; or an official action by the Department of Ecology to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

9. "Aquaculture" means the culture or farming of fish, shellfish, or other aquatic plants and animals.

10. "Aquifer recharge area" means an area that, due to the presence of certain soils, geology, and surface water, acts to recharge groundwater by percolation.

11. "Assessed value" means assessed valuation shall be as established by the county assessor's office, unless otherwise provided by a Market Appraisal Institute (MAI) appraisal.

12. “Associated wetlands” are those wetlands which are in proximity to, and either influence or are influenced by, a stream subject to the Act.

13. “Average grade level” means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

14. “Base flood” means a 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 with the letter A or V.

15. “Base flood elevation” means the water surface elevation of the base flood.

16. “Basement” means any area of a building having its floor subgrade (below ground level) on all sides.

17. “Best management practices” (BMPs) means conservation practices or systems of practice and management measures that:

a. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;

b. Minimize adverse impacts on surface water and groundwater flow, circulation patterns, and the chemical, physical, and biological characteristics of wetlands;

c. Protect trees and vegetation designated to be retained during and following site construction; and

d. Provide standards for proper use of chemical herbicides within critical areas.

18. “Boating facilities” includes boat launches and upland boat storage, marinas and other boat moorage structures or uses.

19. “Breakwater” means an offshore structure whose primary purpose is to protect harbors, moorages, and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave-caused erosion. Breakwaters are generally built parallel to shore, and may or may not be connected to land, and may be floating or stationary.

20. “Buffer” means the zone contiguous with a critical area that is required for the continued maintenance, function, and structural stability of the critical area.

21. “City” means the city of Grand Coulee.

22. “Clearing” means the cutting, killing, grubbing, or removing of vegetation or other organic material by physical, mechanical, chemical, or any other similar means.

23. “Community access” means a shoreline access available to a group or community (e.g., home owners association) which may not be accessible to general public.

24. “Conservation easement” means a reservation or encumbrance on particular piece of real property that precludes building improvement(s) intended for human habitation or other structures or activities that would frustrate the primary purpose of the easement as a buffer.

25. “Compensation project” means actions specifically designed to replace project-induced critical area and buffer losses. Compensation project design elements may include, but are not limited to, land acquisition, planning, construction plans, monitoring, and contingency actions.

26. “Compensatory mitigation” means types of mitigation used to replace project-induced critical area and buffer losses or impacts.

27. “Critical aquifer recharge area (CARA)” means areas designated by WAC 365-190-080(2) that are determined to have critical recharging effects on aquifers used for potable water as defined by WAC 365-190-030(2).

28. “Critical facility” means a facility for which even a slight chance of impact from a hazard event might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency installations, and installations that produce, use, or store hazardous materials or hazardous waste.

29. “Critical areas” include the following areas and ecosystems: aquifer recharge areas (i.e., areas with a critical recharging effect on aquifers used for potable water); fish and wildlife habitat conservation areas; frequently flooded areas; geologically hazardous areas; and wetlands.

30. “Crown” means the area of a tree containing leaf- or needle-bearing branches.

31. “Cultural and historic resources” means buildings, sites and areas having archaeological, historical, cultural or scientific value or significance.

32. “Data maps” means that series of maps maintained by the town of Grand Coulee for the purpose of graphically depicting the boundaries of resource lands and critical areas.

33. “Developable area” means a site or portion of a site that may be utilized as the location of development, in accordance with the rules of this SMP.

34. “Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulk heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any stage of water level.

35. “Development application” means an application tendered under the provision of subdivision and zoning ordinances for a conditional use permit, rezone, or planned development, or an application submitted pursuant to the subdivision and zoning ordinance for a preliminary major subdivision or short plat.

36. “Development permit” means any permit issued by the city of Grand Coulee, or other authorized agency, for construction, land use, or the alteration of land.

37. “DSH” means the diameter at standard height; the diameter of the trunk measured fifty-four inches (four and one-half feet) above grade.

38. “Ecological functions” or “shoreline functions” means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem.

39. “Ecology” means the Washington State Department of Ecology.

40. “Ecosystem-wide processes” means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

41. “Erosion” means the process by which soil particles are mobilized and transported by natural agents such as wind, rain, frost action, or stream flow.

42. “Erosion hazard area” means those areas that, because of natural characteristics including vegetative cover, soil texture, slope gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

43. “Feasible” means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions: (a) the action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (b) the action provides a reasonable likelihood of achieving its intended purpose; and (c) the action does not physically preclude achieving the project’s primary intended legal use. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action’s infeasibility, the reviewing agency may weigh the action’s relative public costs and public benefits, considered in the short- and long-term time frames.

44. “FEMA—Federal Emergency Management Agency” means the agency that oversees the administration of the National Flood Insurance Program (44 CFR).

45. “Fill” means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other

material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

46. "Fish and wildlife habitat 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. These areas include:

a. Federally Designated Endangered, Threatened, and Sensitive Species. Areas with which federally designated endangered, threatened and sensitive species have a primary association. Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted for current listing status.

b. State Designated Endangered, Threatened, and Sensitive Species. Areas with which state designated endangered, threatened, and sensitive species have a primary association.

c. State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the state of Washington identified by the Washington Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species) and 232-12-011 (state threatened and sensitive species). The State Department of Fish and Wildlife maintains the most current listing and should be consulted for current listing status.

d. State Priority Habitats and Areas Associated with State Priority Species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the State Department of Fish and Wildlife.

e. Habitats and Species of Local Importance. Habitats and species of local importance are those identified by the city, including but not limited to those habitats and species that, due to their population status or sensitivity to habitat manipulation, warrant protection. Habitats may include a seasonal range or habitat element with which a species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

f. All areas within the city meeting the definition of one or more critical areas defined above are hereby designated critical areas and are subject to the provisions of the SMP.

47. "Flood event" means any rise in the surface elevation of a water body to a level that causes the inundation or submersion of areas normally above the ordinary high water mark.

48. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff or surface waters from any source.

49. "Flood hazard area" means any area subject to inundation by the base flood or risk from channel migration including, but not limited to, an aquatic area, wetland, or closed depression.

50. "Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance and Mitigation Administration has delineated both the areas of special flood hazard and the risk premium zones (44 CFR Part 59).

51. "Flood insurance study" means the official report provided by the Federal Insurance and Mitigation Administration that includes the flood profiles,

the FIRM, and the water surface elevation of the base flood (44 CFR Part 59).

52. “Flood protection elevation” means an elevation that is one foot or more above the base flood elevation.

53. “Flood plain” is synonymous with one-hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the Act.

54. “Floodproofing” means adaptations that ensure a structure is substantially resistant to the passage of water below the flood protection elevation and resists hydrostatic and hydrodynamic loads and effects of buoyancy.

55. “Floodway” means the area, as identified in a master program, that either: (a) has been established in Federal Emergency Management Agency flood insurance rate maps or floodway maps; or (b) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

56. “Floodway dependent structure,” for purposes of applying Article V—Critical Areas, means structures such as, but not limited to, dams, levees and pump stations, stream bank stabilization, and related recreational structures, bridge piers and abutments, and fisheries enhancement or stream restoration projects.

57. “Formation” means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

58. “Formation, confining” means the relatively impermeable formation immediately overlaying a confined aquifer.

59. “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 shoreline administrator, in accordance with WAC 365-190-080(3). Classifications of frequently flooded areas include, at a minimum, the one-hundred-year floodplain designations of the Federal Emergency Management Agency (FEMA) and National Flood Insurance Protection (NFIP).

60. “Functions” and “values,” for purposes of applying Article V—Critical Areas, mean the beneficial roles served by critical areas, including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, conveyance and attenuation, groundwater recharge and discharge, erosion control, and recreation. “Functions” and “values” may be considered independently, with “functions” being measured indicators such as water quality, hydrologic functions, and habitat functions and “values” being nonmeasured indicators such as local importance, potential qualities, or recreational benefits.

61. “Geologically hazardous areas” means areas susceptible to erosion, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible commercial, residential, or industrial development is sited in areas of significant hazard.

62. “Geotechnical report” or “geotechnical analysis” means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic con-

ditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts on adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

63. "Grading" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

64. "Groin" means a barrier type of structure extending from the stream bank into a water body for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water or deposition of materials.

65. "Ground cover" means all types of vegetation other than trees.

66. "Guidelines" means those standards adopted by the department to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the department in developing and amending master programs.

67. "Hazard areas" means areas designated as geologically hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse, or other geologically hazardous conditions, including steep slopes.

68. "Hazard tree" means any tree with any significant structural defect, disease, extreme size, or combinations of these which make it subject to failure, as determined by the shoreline administrator or her/his designee.

69. "Hazardous substance(s)" means:

a. A hazardous substance as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any substance designated pursuant to Section 311(b)(2)(A) of the Clean Water Act (CWA); any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by act of Congress); any toxic pollutant listed under Section 307(a) of the CWA; or any imminently hazardous chemical substance or mixture with respect to which the United States Environmental Protection Agency has taken action pursuant to Section 7 of the Toxic Substances Control Act; and

b. Hazardous substances that include 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.

70. "High intensity land use" means land uses consisting of commercial, urban, industrial, institutional, retail, residential with more than one unit per acre, agricultural (dairies, nurseries, raising and harvesting crops, requiring annual tilling, raising and maintaining animals), high intensity recreation (golf courses, ball fields), and hobby farms.

71. "Heavy equipment" means such construction machinery as backhoes, treaded tractors, dump trucks, and front-end loaders.

72. "Hydraulic project approval (HPA)" means a permit issued by the state of Washington's Department of Fish and Wildlife for modification to waters of the state in accordance with Chapter 77.55 RCW.

73. "Impervious surface area" means any nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to, roof tops, swimming pools, paved or graveled roads and walkways or parking areas, and excluding landscaping and surface water retention/detention facilities.

74. "Invasive, nonnative vegetation species" means the plants listed for Eastern Washington in Washington State Noxious Weed Board Publication

No. 820-264E (N/6/09), or the latest version of this document.

75. “Isolated wetland” means those wetlands and their buffers that are outside of the following critical areas and their buffers, where applicable: lake, river, stream, or wetland. Isolated wetlands have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

76. “Landslide” means episodic down slope movement of a mass of soil or rock that includes, but is not limited to, rock falls, slumps, mudflows, and earth flows.

77. “Landslide hazard areas” means areas that are potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

78. “Low intensity land use” includes, but is not limited to, forestry and open space (such as passive recreation and natural resources preservation).

79. “May” means the action is acceptable, provided it conforms to the provisions of this chapter.

80. “Mine hazard area” means areas underlain by, adjacent to, or affected by mine workings such as adits, gangways, tunnels, drifts or air shafts.

81. “Minor utility project” means the placement of a utility pole, street sign, anchor, vault, or other small component of a utility facility, where the disturbance of an area is less than seventy-five square feet.

82. “Mitigation sequencing” means the process of avoiding, reducing, or compensating for the adverse environmental impact(s) of a proposal, including the following actions, listed in the order of preference, subsection A82a of this section being the most preferred:

a. Avoiding the adverse impact altogether by not taking a certain action or parts of an action;

b. Minimizing adverse 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;

c. Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment;

d. Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of the action;

e. Compensating for the adverse impact by replacing, enhancing, or providing substitute resources or environments; and

f. Monitoring the adverse impact and the compensation projects and taking appropriate corrective measures.

83. “Moderate intensity land use” includes, but is not limited to, residential at a density of one unit per acre or less, moderate intensity open space (parks), agriculture (moderate intensity land uses such as orchards and hay fields).

84. “Monitoring” means the collection of data by various methods for the purpose of understanding natural systems and features, evaluating the impact of development proposals on such systems, and/or assessing the performance of mitigation measures imposed as conditions of development.

85. “Must” means a mandate; the action is required.

86. “Native growth protection easement (NGPE)” means an easement granted to the city of Grand Coulee for the protection of native vegetation within a critical area or its associated buffer.

87. “Native vegetation” means plant species that are indigenous to the region.

88. “Nonconforming use or development” means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Act or the applicable master program, or amendments thereto, but which does not conform to present regulations or standards of the program. Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following are considered conforming structures: setbacks, buffers, or yards; area; bulk; height; or density.

89. “New construction” means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this SMP.

90. “Non-water-oriented uses” means those uses that are not water-dependent, water-related, or water-enjoyment.

91. “Normal maintenance” means those usual acts that are necessary to prevent a property’s decline, lapse, or cessation from a lawfully established condition.

92. “Normal repair” means to restore a structure or development to a state comparable to its original condition including, but not limited to, its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse impacts on shoreline resources or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development, and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse impacts on shoreline resources or environment.

93. “Ordinary high water mark (OHWM)” means that mark that will be 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, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change or change through hydrology thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department. Where the OHWM cannot be found, it shall be the line of mean high water.

94. “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 having less impact on critical areas.

95. “Primitive trail” means an unimproved, unpaved, but physically defined pathway for nonmotorized movement.

96. “Priority habitat” means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes: comparatively high fish or wildlife density; comparatively high fish or wildlife species diversity; fish spawning habitat; important wildlife habitat; important fish or wildlife seasonal range; important fish or wildlife movement corridor; rearing and foraging habitat; refugia habitat; limited availability; high vulnerability to habitat alteration; unique or dependent species; or a priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife. A priority habitat may also be described by a successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

97. “Priority species” means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

a. Criterion 1—State-Listed or State-Proposed Species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State-proposed species are those fish and wildlife species that will be reviewed by the Department of Fish and Wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

b. Criterion 2—Vulnerable Aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate.

c. Criterion 3—Species of Recreational, Commercial, and/or Tribal Importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species

used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

d. Criterion 4—Species listed under the Federal Endangered Species Act as either proposed, threatened or endangered.

98. "Provisions" means policies, regulations, standards, guideline criteria or environment designations.

99. "Public access" means both physical and visual access. Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Examples are listed below:

a. Visual Access. Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters.

b. Physical Access. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a walkway, trail, bikeway, park, canoe and kayak hand launch site, or other area serving as a means of physical approach to public waters.

100. "Public agency" means every town, city, state, or federal office, every officer, every institution, whether educational, correctional, or other, and every department, division, board, and commission that provides services or recommendations to the public or other such agencies.

101. "Qualified professional" means a person with experience and training in the pertinent discipline, and who is a qualified expert with expertise appropriate for the relevant critical area or shoreline subject. A qualified professional must have obtained a B.S., B.A. or equivalent degree or certification in biology, engineering, environmental studies, fisheries, geomorphology, landscape architecture, forestry or related field, and two years of related work experience.

a. A qualified professional for wildlife, habitats or wetlands must have a degree in biology, zoology, ecology, fisheries, or related field, and professional experience in Washington State.

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.

d. A qualified professional for vegetation management must be a registered landscape architect, certified arborist, biologist, or professional forester with a corresponding degree or certification.

e. A qualified archaeologist must be a person qualified for addressing cultural and historical resources protection and preservation, with a degree in archaeology, anthropology, history, classics or other germane disciplines with a specialization in archaeology and/or historic preservation and with a minimum of two years' experience in preparing cultural resource site assessment reports.

102. "Recreational development" means the modification of the natural or existing environment to accommodate commercial and public facilities designed and used to provide recreational opportunities to the public. Commercial recreational development should be consistent with commercial development defined herein.

103. "Recreational vehicle" means a vehicle designed primarily for recreational camping, travel, or seasonal use that has its own mode of power or is mounted on or towed by another vehicle, including, but not limited to, travel trailers, folding camping trailer, truck camper, motor home, and multi-use vehicles.

104. "Residential development" entails one or more buildings, structures, lots, parcels or portions thereof that are designed, used or intended to be used as a place of abode for human beings. These include single-family residences, residential subdivisions, short residential subdivisions, attached dwellings, and all accessory uses or structures normally associated with residential uses. Accessory residential uses include, but are not limited to, garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas and guest cottages. Hotels, motels,

dormitories or any other type of overnight or transient housing are excluded from the residential category and must be considered commercial uses depending on project characteristics.

105. "Restore," "restoration" or "ecological restoration" means the reestablishment or upgrading of impaired natural or enhanced ecological shoreline processes or functions. This may be accomplished through measures including but not limited to revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

106. "Riparian habitat" means areas adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems that mutually influence each other.

107. "Salmonid" means a member of the fish family Salmonidae.

108. "Section 404 Permit" means a permit issued by the Army Corps of Engineers for the placement of dredge or fill material waterward of the OHWM or clearing in waters of the United States, including wetlands, in accordance with 33 USC Section 1344.

109. "Seismic hazard areas" means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

110. "Shall" means a mandate; the action must be done.

111. "Shoreline areas" and "shoreline jurisdiction" means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

112. "Shoreline master program" or "master program" means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under Chapter 90.58 RCW shall be considered an element of the county's or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under Chapter 90.58 RCW, including use regulations, shall be considered a part of the county's or city's development regulations.

113. "Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

114. "Shoreline stabilization" means actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, wind, or wave action. These actions include structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, groundwater management, planning and regulatory measures to avoid the need for structural stabilization.

115. "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

116. "Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts on functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

117. "Snag" means the remaining trunk of a dying, diseased, or dangerous tree that is reduced in height and stripped of all live branches.

118. "Species and habitats of local importance" means those species that may not be endangered, threatened, or critical from a statewide perspective, but are of local concern due to their population status, sensitivity to habitat manipulation, or other educational, cultural, or historic attributes. These species

may be priority habits, priority species, and those habitats and species identified in the critical areas code as having local importance (e.g., elk).

119. "Species, threatened and endangered" means those native species that are listed by the State Department of Fish and Wildlife pursuant to RCW 77.12.070 as threatened (WAC 232-12-011) or endangered (WAC 232-12-014), or that are listed as threatened or endangered under the Federal Endangered Species Act (16 U.S.C. 1533).

120. "Start of construction" means and 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 issuance date. For cumulative tracking, the permit may extend beyond the specified time frame to the time of permit completion. 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 foundation 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.

121. "Steep slopes" means those slopes (excluding city-approved geotechnical engineered slopes) forty percent or steeper within a vertical elevation change of at least ten feet. A slope is defined by establishing its toe and top and is measured by averaging the inclination over at least ten feet of vertical relief.

122. "Stream" 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 pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses which 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 run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

123. "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water.

124. "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 assessed value of the structure before the damage occurred.

125. "Substantial improvement" means any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which exceeds fifty percent of the assessed value of the structure before the improvement or repair is started. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term can exclude:

a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement or building official and are the minimum necessary to ensure safe living conditions; or

b. Any alteration of a historic structure; provided, that the alteration will not preclude the structure's continued designation as a historic structure.

126. "Substantially degrade" means to cause significant ecological impact.

127. “Topping” means the severing of main trunks or stems of vegetation at any place above twenty-five percent of the vegetation height.

128. “Transportation facilities” are those structures and developments that provide for the movement of people, goods and services. These include roads and highways, railroad facilities, bridges, parking facilities, bicycle paths, trails and other related facilities.

129. “Tree removal” means the removal of a tree, through either direct or indirect actions, including but not limited to: (a) clearing, damaging or poisoning resulting in an unhealthy or dead tree; (b) removal of at least half of the live crown; or (c) damage to roots or trunk that is likely to destroy the tree’s structural integrity.

130. “Trees” means any living woody plant characterized by one main stem or trunk and many branches and having a diameter of four inches or more measured twenty-four inches above ground level.

131. “Unavoidable” means adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.

132. “Urban growth” means activities that make intensive use of land for the location of building, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources.

133. “Urban growth, characterized by” means land having urban growth on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth; or any and all incorporated areas.

134. “Utility” means a service and/or facility that produces, transmits, carries, stores, processes, or disposes of electrical power, gas, potable water, stormwater, communications (including, but not limited to, telephone and cable), sewage, oil, and the like.

135. “Vegetation” means plant life growing below, at, and above the soil surface.

136. “Vegetation alteration” means any clearing, grading, cutting, topping, limbing, or pruning of vegetation.

137. “Water-dependent use” means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

138. “Water-enjoyment use” means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

139. “Water-oriented use” means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

140. “Water quality” means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term “water quantity” refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and stormwater handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

141. “Water-related use” means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

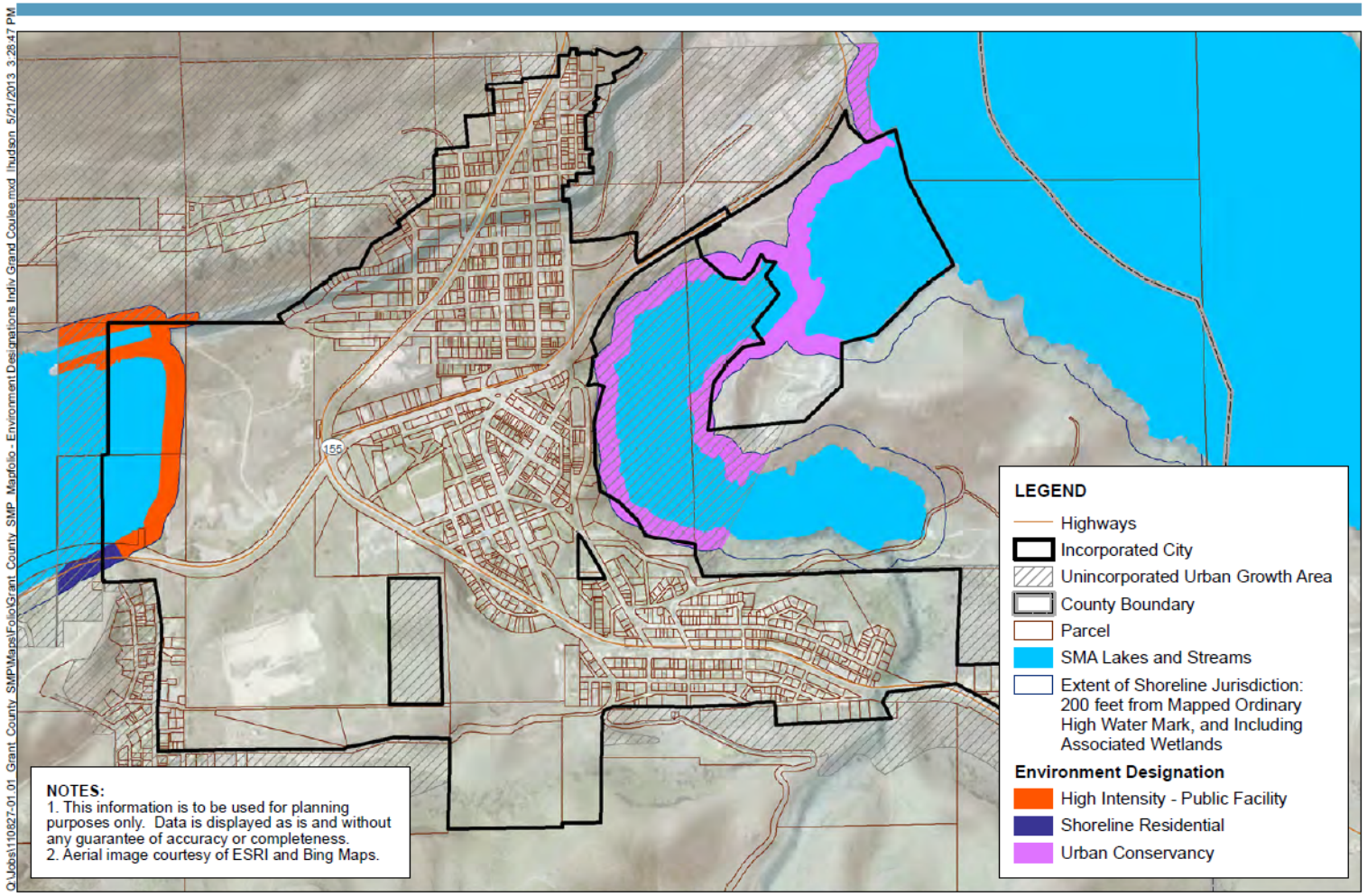
142. “Water resources inventory area (WRIA)” means one of sixty-two watersheds in the state of Washington, each composed of the drainage areas of a stream or streams, as established in Chapter 173-500 WAC as it existed on January 1, 1997.

143. “WDFW” means the Washington Department of Fish and Wildlife.

144. “Weir” means a structure generally built perpendicular to the shoreline for the purpose of diverting water or trapping sediment or other moving objects transported by water.

145. “Wetlands” are areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. 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 nonwetland areas to mitigate the conversion of wetlands. (Ord. 1019 § 2 (Exh. E) (part), 2014)

17.82.770 Shoreline environment designation map.



Map 1
Grand Coulee, Environment Designations
Grant County Shoreline Master Program
Grant County, WA

(Ord. 1019 § 2 (Exh. E) (part), 2014)

Title 18

ENVIRONMENT

Chapters:

Chapter 18.10

STATE ENVIRONMENTAL POLICY ACT

Sections:

18.10.010 Authority.

Grand Coulee hereby adopts the provisions codified in this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904. This chapter contains Grand Coulee's SEPA procedures and policies. Specific portions of the SEPA rules, Chapter 197-11 WAC, must be used in conjunction with this chapter. (Ord. 964 § 2 (part), 2008)

18.10.020 Adoption of portions of Washington Administrative Code.

The purpose of this section is to establish basic requirements that apply to the SEPA process. The city adopts the following sections of Chapter 197-11 WAC by reference:

WAC

197-11-040 Definitions.
197-11-050 Lead agency.
197-11-055 Timing of the SEPA process.
197-11-060 Content of environmental review.
197-11-070 Limitations on actions during SEPA process.
197-11-080 Incomplete or unavailable information.
197-11-090 Supporting documents.
197-11-100 Information required of applicants.
197-11-158 GMA project review—Reliance on existing plans, laws and regulations.
197-11-210 SEPA/GMA integration.
197-11-220 SEPA/GMA definitions.
197-11-228 Overall SEPA/GMA integration procedures.
197-11-230 Timing of an integrated GMA/SEPA process.
197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
197-11-235 Documents.
197-11-238 Monitoring.
197-11-250 SEPA/Model Toxics Control Act integration.
197-11-253 SEPA lead agency for MTCA actions.
197-11-256 Preliminary evaluation.

197-11-259 Determination of nonsignificance for MTCA remedial actions.
197-11-262 Determination of significance and EIS for MTCA remedial actions.
197-11-265 Early scoping for MTCA remedial actions.
197-11-268 MTCA interim actions.

(Ord. 964 § 2 (part), 2008)

18.10.030 Definitions.

A. This section establishes uniform usage and definitions of terms under SEPA. The city adopts the following sections by reference:

WAC
197-11-700 Definitions.
197-11-702 Act.
197-11-704 Action.
197-11-706 Addendum.
197-11-708 Adoption.
197-11-710 Affected tribe.
197-11-712 Affecting.
197-11-714 Agency.
197-11-716 Applicant.
197-11-718 Built environment.
197-11-720 Categorical exemption.
197-11-722 Consolidated appeal.
197-11-724 Consulted agency.
197-11-726 Cost-benefit analysis.
197-11-728 County/city.
197-11-730 Decision maker.
197-11-734 Determination of nonsignificance (DNS).
197-11-736 Determination of significance (DS).
197-11-738 EIS.
197-11-740 Environment.
197-11-742 Environmental checklist.
197-11-744 Environmental document.
197-11-746 Environmental review.
197-11-750 Expanded scoping.
197-11-752 Impacts.
197-11-754 Incorporation by reference.
197-11-756 Lands covered by water.
197-11-758 Lead agency.
197-11-760 License.
197-11-762 Local agency.
197-11-764 Major action.
197-11-766 Mitigated DNS.
197-11-768 Mitigation.
197-11-770 Natural environment.
197-11-772 NEPA.
197-11-774 Nonproject.
197-11-776 Phased review.
197-11-778 Preparation.
197-11-780 Private project.
197-11-782 Probable.
197-11-784 Proposal.
197-11-786 Reasonable alternative.
197-11-788 Responsible official.
197-11-790 SEPA.
197-11-793 Scoping.
197-11-794 Significant.
197-11-796 State agency.
197-11-797 Threshold determination.
197-11-799 Underlying governmental action.

B. Additional Definitions. In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

1. "Department" means any division, subdivision or organizational unit of the city established by resolution, rule or order.

2. "Early notice" means the city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance procedures).

3. "Resolution" means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.

4. "SEPA rules" means Chapter 197-11 WAC adopted by the Department of Ecology. (Ord. 964 § 2 (part), 2008)

18.10.040 Designation of responsible official.

A. For those proposals for which the city is the lead agency, the responsible official shall be the mayor.

B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference.

C. The city shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with Chapter 42.17 RCW. (Ord. 964 § 2 (part), 2008)

18.10.050 Lead agency determination and responsibilities.

A. The department within the city receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253 and 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.

B. When the city is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.

C. When the city is not the lead agency for a proposal, all departments of the city shall use and consider, as appropriate, either the determination of nonsignificance (DNS) or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require the preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.

D. If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the city may be initiated by the responsible official.

E. Departments of the city are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 192-11-942 and 197-11-944; provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.

F. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (that is, which agencies require nonexempt licenses).

G. When the city is lead agency for a MTCA remedial action, the Department of Ecology shall be provided an opportunity under WAC 197-11-253(5) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-253(6), the city shall decide jointly with Ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency. (Ord. 964 § 2 (part), 2008)

18.10.060 Additional timing considerations.

A. The DNS or final EIS for the proposal shall accompany the city's staff recommendation to any appropriate advisory body, such as the planning commission.

B. If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant

may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications. (Ord. 964 § 2 (part), 2008)

18.10.070 Categorical exemptions and threshold determinations.

The purpose of this section is to establish rules for deciding whether a proposal has a "probable significant adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This section also contains rules for evaluating the impacts of proposals not requiring an EIS. The city adopts the following sections by reference:

WAC

197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-355	Optional DNS process.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.

(Ord. 964 § 2 (part), 2008)

18.10.080 Thresholds for categorical exemptions.

Grand Coulee establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based an local conditions:

A. For residential dwelling units, up to four dwelling units;

B. For agricultural structures, up to ten thousand square feet;

C. For office, school, commercial, recreational, service or storage, up to four thousand square feet and up to twenty parking spaces;

D. For parking lots, up to twenty spaces;

E. For landfills and excavations, up to one hundred cubic yards. (Ord. 964 § 2 (part), 2008)

18.10.090 Use of exemptions.

A. Each department within the city that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal shall determine whether the license and/or the proposal is exempt in Section 18.10.080 and WAC 197-11-800. The department's determination that a proposal is exempt shall be final. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.

B. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

C. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

1. The city shall not give authorization for:

a. Any nonexempt action;

b. Any action that would have an adverse environmental impact; or

c. Any action that would limit the choice of alternatives;

2. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if the nonexempt action(s) may not be approved; and

3. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if the nonexempt action(s) may not be approved. (Ord. 964 § 2 (part), 2008)

18.10.100 Environmental checklist.

A. Except as provided in subsection C of this section, a completed environmental checklist in the form provided in WAC 197-11-960 shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; except a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency and, if the city is the lead agency, for determining the responsible official and for making the threshold determination.

B. For private proposals, the city will require the applicant to complete the environmental checklist. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

C. For projects submitted as planned actions under WAC 197-11-164, the city shall use its existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with or as part of a planned action ordinance, or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to the Department of Ecology to allow at least a thirty-day review prior to use. (Ord. 964 § 2 (part), 2008)

18.10.110 Mitigated DNS.

A. As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

B. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

2. Precede the city's actual threshold determination for the proposal.

3. The responsible official should respond to the request for early notice within ten working days. The response shall:

a. Be written;

b. State whether the city currently considers issuance of a determination of significance (DS) likely and, if so, indicate the general or specific area(s) of concern that are leading the city to consider a DS; and

c. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

d. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

e. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:

i. If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall circulate a DNS under WAC 197-11-340(2).

ii. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.

iii. The applicant's proposed mitigation measures (clarification, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.

iv. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other doc-

uments which have specifically addressed the proposed impacts.

v. A mitigated DNS is issued under WAC 197-11-340(2), requiring a fourteen-day comment period and public notice, or WAC 197-11-355, which may require no additional comment period beyond the comment period on the notice of application.

vi. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.

vii. The city's written response under this subsection B shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination. (Ord. 964 § 2 (part), 2008)

18.10.120 Environmental impact statement (EIS).

The purpose of this section is to set forth the procedures for preparing environmental impact statements. The following sections are adopted by reference, as supplemented by this section:

WAC

197-11-400 Purpose of EIS.
197-11-402 General requirements.
197-11-404 EIS types.
197-11-406 EIS timing.
197-11-408 Scoping.
197-11-410 Expanded scoping.
197-11-420 EIS preparation.
197-11-425 Style and size.
197-11-430 Format.
197-11-435 Cover letter or memo.
197-11-440 EIS contents.
197-11-442 EIS contents on nonproject proposals.
197-11-443 EIS contents when prior to nonproject EIS.
197-11-444 Elements of environment.
197-11-448 Relationship of EIS to other considerations.
197-11-450 Cost benefit analysis.
197-11-455 Issuance of draft EIS.
197-11-460 Issuance of final EIS.

(Ord. 964 § 2 (part), 2008)

18.10.130 Preparation of EIS.

A. Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the responsible official of the department under which the action will be taken. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.

B. The DEIS and FEIS or draft and final SEIS shall be prepared by city staff, the applicant, or by consultants selected by the city. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, billing procedures and financial arrangements for the consultant.

C. The city may require an applicant to provide information the city does not possess, including specific investigations which will aid the decision-making process. (Ord. 964 § 2 (part), 2008)

18.10.140 Consultation, comment and response.

This section contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The city adopts the following sections by reference:

WAC

197-11-500 Purpose of this part.
197-11-502 Inviting comment.

197-11-504 Availability and cost of environmental documents.
197-11-508 SEPA register.
197-11-510 Public notice.
197-11-535 Public hearings and meetings.
197-11-545 Effect of no comment.
197-11-550 Specificity of comments.
197-11-560 FEIS response to comments.
197-11-570 Consulted agency cost to assist lead agency.

(Ord. 964 § 2 (part), 2008)

18.10.150 Public notice.

A. Whenever possible, the city shall integrate the public notice required in this section with existing notice procedures for the city's nonexempt permits or approvals required for the proposal.

B. Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3), the city shall give public notice as follows:

1. If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.

2. If an environmental document is issued concurrently with the notice of application, the public notice requirements for the notice of application in RCW 36.70B.110(4) will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1).

3. If no public notice is otherwise required for the permit or approval, the city shall give notice of the DNS or DS by:

a. Publishing notice in a newspaper of general circulation in the city; and

b. Posting the property, for site-specific proposals; and

c. Mailing to all property owners, as shown on the records of the county assessor, and all street addresses of properties within three hundred feet.

C. Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

D. If a DNS is issued using the optional DNS process, the public notice requirements for a notice of application in RCW 36.70B.110(4) as supplemented by the requirements in WAC 197-11-355 will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1)(b).

E. Whenever the city issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

1. Indicating the availability of the DEIS in any public notice required for a nonexempt license; and

2. At least the following methods:

a. Posting the property, for site-specific proposals;

b. Publishing notice in a newspaper of general circulation in the city;

c. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;

3. The following methods are additional, optional methods that may be used:

a. Notifying the news media;

b. Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or

c. Publishing notice in agency newsletters and/or sending notice to agency mailing lists (general lists or specific lists for proposals or subject areas);

d. Public notice for projects that qualify as planned actions shall be tied to the underlying permit as specified in WAC 197-11-172(3).

e. The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense. (Ord. 964 § 2 (part), 2008)

18.10.160 Consulted agency responsibilities—Designation of official.

The officer or department head shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure the responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city. Responses from the consulted agency shall be derived from the department head of the agency with general responsibility or expertise in

regards to the issue to be discussed. Written comments shall be forwarded to the lead agency prior to a threshold determination, participation in scoping, and reviewing a DEIS. (Ord. 964 § 2 (part), 2008)

18.10.170 Use and supplementation of existing environmental documents—Rules.

The purpose of this section is to establish rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA). The city adopts the following sections by reference:

WAC

197-11-164 Planned actions—Definition and criteria.
197-11-168 Ordinances or resolutions designating planned actions—Procedures for adoption.
197-11-172 Planned actions—Project review.
197-11-600 When to use existing environmental documents.
197-11-610 Use of NEPA documents.
197-11-620 Supplemental environmental impact statement—Procedures.
197-11-625 Addenda—Procedures.
197-11-630 Adoption—Procedures.
197-11-635 Incorporation by reference—Procedures.
197-11-640 Combining documents.

(Ord. 964 § 2 (part), 2008)

18.10.180 SEPA and agency determinations—Rules—Appeal.

This section establishes rules and policies for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This section also contains procedures for appealing SEPA determinations. The city adopts the following sections by reference:

WAC

197-11-650 Purpose of this part.
197-11-655 Implementation.
197-11-660 Substantive authority and mitigation.
197-11-680 Appeals.

(Ord. 964 § 2 (part), 2008)

18.10.190 Substantive authority.

A. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of Grand Coulee.

B. The city may attach conditions, in writing, to a permit or approval for a proposal so long as:

1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and

2. Such conditions are based on one or more policies in subsection D of this section and cited in the license or other decision document; and

3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

4. The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts.

C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probably significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter; and

2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

3. The denial is based on one or more policies identified in subsection D of this section and identified in the findings of fact for the decision.

D. The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:

1. The city shall use all practicable means, consistent with other essential considerations of policy, to improve and coordinate plans, functions, programs,

and resources to the end that the city and its citizens may:

a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

b. Assure for all people of Washington safe, healthful, productive and aesthetically and culturally pleasing surroundings;

c. Attain the widest range of beneficial use of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

d. Preserve important historic, cultural and natural aspects of our national heritage;

e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

2. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment;

3. The city adopts by reference the goals, policies and purposes in the following city documents, as they now exist or are hereafter amended:

a. Grand Coulee comprehensive plan.

b. Grand Coulee shoreline master program.

c. Grand Coulee comprehensive water plan.

d. Grand Coulee zoning code.

e. Grand Coulee subdivision code.

f. Grand Coulee development permit procedures and administration code.

g. Grand Coulee development standards code.

h. Grand Coulee building and construction code.

i. Grand Coulee storm drainage standards and guidelines.

(Ord. 964 § 2 (part), 2008)

18.10.200 Appeals.

A. Any appeal brought under the State Environmental Policy Act (SEPA) shall be linked to a specific governmental action. SEPA provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of Chapter 43.21C RCW, Chapter 197-11 WAC and this chapter. It is not intended to create an independent cause of action unrelated to a specific governmental action.

B. Appeals under SEPA shall be taken from the land use permit decision of the city, together with its accompanying environmental determinations.

C. Appeals of environmental determinations made (or lacking) under SEPA shall be commenced within the time required to appeal the governmental action which is subject to environmental review to superior court. There shall be no administrative appeal of a city action or failure to act with respect to environmental determinations under SEPA.

D. A person aggrieved by a city action or failure to act has the right to a judicial appeal pursuant to Chapters 43.21C and 36.70C RCW, and Chapter 197-11 WAC. There is no administrative appeal of city environmental determinations made (or lacking) under SEPA provided by this title. (Ord. 964 § 2 (part), 2008)

18.10.210 Notice of action—Form.

A. The city, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080.

B. The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the applicant or proponent pursuant to RCW 43.21C.080. (Ord. 964 § 2 (part), 2008)

18.10.220 Categorical exemptions.

The city adopts by reference the following rules for categorical exemptions, use of exemptions, and critical areas:

WAC
197-11-800 Categorical exemptions.

197-11-880 Emergencies.
197-11-890 Petitioning DOE to change exemptions.

(Ord. 964 § 2 (part), 2008)

18.10.240 Agency compliance.

The purpose of this section is to establish rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The city adopts the following sections by reference:

WAC
197-11-900 Purpose of this part.
197-11-902 Agency SEPA policies.
197-11-916 Application to ongoing actions.
197-11-920 Agencies with environmental expertise.
197-11-922 Lead agency rules.
197-11-924 Determining the lead agency.
197-11-926 Lead agency for governmental proposals.
197-11-928 Lead agency for public and private proposals.
197-11-930 Lead agency for private projects with one agency with jurisdiction.
197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936 Lead agencies for private projects requiring licenses for more than one state agency.
197-11-938 Lead agency for specific proposals.
197-11-940 Transfer of lead agency status to a state agency.
197-11-942 Agreements on lead agency status.
197-11-944 Agreements on division of lead agency duties.
197-11-946 DOE resolution of lead agency disputes.
197-11-948 Assumption of lead agency status.

(Ord. 964 § 2 (part), 2008)

18.10.250 Fees.

The city shall require the following fees for its activities in accordance with the provisions of this chapter:

A. Threshold Determination. For every environmental checklist the city will review when it is lead agency, the city shall collect a fee from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee. When the threshold determination requires a public notice of a DNS or DS, an additional fee shall be collected from the proponent. For each additional public notice required under this chapter or under Chapter 197-11 WAC, the city shall collect an additional fee from the proponent. Fees shall be established by resolution of the city council.

B. Environmental Impact Statement.

1. When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant(s) to cover costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation. The applicant shall post bond or otherwise ensure payment of such costs. Fees shall be established by resolution of the city council.

2. The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by persons or entities other than the city. The consultant shall bill such costs and expenses directly to the applicant. The applicant shall post bond or oth-

erwise ensure payment of such costs. Such consultants shall be approved by the responsible official and shall be selected by mutual agreement of the city and applicant after a call for proposals.

3. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund an appropriate portion of fees collected under subsection B1 or B2 of this section which remain after incurred costs are paid.

C. The city shall not collect a fee for performing its duties as a consulted agency.

D. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.17 RCW. (Ord. 964 § 2 (part), 2008)

18.10.260 Forms.

The purpose of this section is to adopt by reference the necessary forms to administer these rules. The city adopts the following forms by reference:

WAC	
197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.

(Ord. 964 § 2 (part), 2008)

STATUTORY REFERENCES FOR WASHINGTON CITIES AND TOWNS

The statutory references listed below refer the code user to state statutes applicable to Washington cities and towns. They are up to date through July 2016.

General Provisions

Incorporation
Wash. Const. Art. XI § 10 and Chapter 35.02 RCW

Classification of municipalities
Chapters 35.01 and 35.06 RCW

Annexations
Chapter 35.13 RCW

First class cities
Chapter 35.22 RCW

Second class cities
Chapter 35.23 RCW

Towns
Chapter 35.27 RCW

Unclassified cities
Chapter 35.30 RCW

Miscellaneous provisions applicable to all cities and towns
Chapter 35.21 RCW

Adoption of codes by reference
RCW 35.21.180

Codification of ordinances
RCW 35.21.500 through 35.21.580

Penalties for ordinance violations in first class cities
RCW 35.22.280(35); 35.21.163 and 35.21.165

Penalties for ordinance violations in second class cities
RCW 35.23.440(29); 35.21.163 and 35.21.165

Penalties for ordinance violations in towns
RCW 35.27.370(14); 35.21.163 and 35.21.165

Civil infractions
Chapter 7.80 RCW

Elections
RCW Title 29A

Campaign finances and disclosure
Chapter 42.17A RCW

Official newspaper
RCW 35.21.875

Administration and Personnel

Commission form of government
Chapter 35.17 RCW

Council-manager plan
Chapter 35.18 RCW

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 whistleblower protection
Chapter 42.41 RCW

Code of ethics for officers
Chapter 42.23 RCW

Open Public Meeting Act of 1971
Chapter 42.30 RCW

Municipal courts
Chapters 3.46, 3.50, 35.20 RCW

Planning commissions
Chapter 35.63 RCW

Hearing examiner system for zoning amendments
RCW 35A.63.170

Emergency management
Chapter 38.52 RCW

Revenue and Finance

Budgets
Chapters 35.32A, 35.33, 35.34 RCW

Bonds
Chapters 35.36, 35.37, 35.41 RCW

Depositories
Chapter 35.38 RCW

Investment of funds
Chapter 35.39 RCW

Accident claims and funds
Chapter 35.31 RCW

Validation and funding of debts
Chapter 35.40 RCW

Local improvements
Chapter 35.43 through 35.56 RCW

Retail sales and use taxes
Chapter 82.14 RCW

Leasehold excise tax
Chapter 82.29A RCW

Real estate excise tax
Chapter 82.46 RCW

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) through (8)

Town licenses
RCW 35.27.370(9)

Municipal business and occupation tax
Chapter 35.102 RCW

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 through 35.21.715

Ambulance business taxes
RCW 35.21.768

Freight carrier taxes
RCW 35.21.840 through 35.21.850

Gambling
Chapters 9.46, 9.47 RCW

Liquor
RCW 66.08.120 and 66.44.010

Auctioneers
RCW 35.21.690

Cabarets
RCW 66.28.080

Cable television
Chapter 35.99 RCW

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
Chapter 16.52 RCW

Dangerous dogs
RCW 16.08.070 et seq.

Health and Safety

Generally
RCW Title 70

Local health boards and officers
Chapter 70.05 RCW

Garbage collection and disposal
RCW 35.21.120 et seq. and Chapter 35.67 RCW

Litter control
Chapter 70.93 RCW

Fireworks
Chapter 70.77 RCW

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
Chapter 49.60 RCW

Juvenile curfew
RCW 35.21.635

Vehicles and Traffic

Motor vehicles
RCW Title 46

Model traffic ordinance
Chapter 46.90 RCW

Penalties for driving while intoxicated
RCW 35.21.165

Accident reports
Chapter 46.52 RCW

Streets, Sidewalks and Public Places

Local improvements
Chapters 35.43 through 35.56 RCW

Metropolitan park districts
Chapter 35.61 RCW

Street construction and maintenance
Chapters 35.72 through 35.79 RCW

Sidewalk construction
Chapters 35.68 through 35.70 RCW

Public Services

Municipal utilities
Chapter 35.92 RCW

Municipal Water and Sewer Facilities Act
Chapter 35.91 RCW

Sewer systems
Chapter 35.67 RCW

Water or sewer districts, assumption of jurisdiction
Chapter 35.13A RCW

Buildings and Construction

State building code
Chapter 19.27 RCW

Unfit dwellings, buildings and structures
Chapter 35.80 RCW

Energy-related building standards
Chapter 19.27A RCW

Electrician and electrical installations
Chapter 19.28 RCW

Electrical construction
Chapter 19.29 RCW

Development impact fees
RCW 82.02.050 et seq.

Subdivisions

Subdivisions generally
Chapter 58.17 RCW

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
Chapter 36.70A RCW

Judicial review of land use decisions
Chapter 36.70C RCW

Disposition of Ordinances Table

Ordinance Number	
1	Council meetings (Repealed by 470)
2	Designates official newspaper (1.16)
3	Duties, bond and salary of city clerk (2.08)
4	Duties, bond and salary of city attorney (2.16)
5	Duties, bond and salary of city treasurer (2.12)
6	Duties, bond and salary of police chief (2.24)
7	Dog license fee and dogs running at large (Not codified)
8	Missing
9	Volunteer fire department regulations (Repealed by 664)
10	Regulation of intoxicating liquors (Repealed by 470)
11	Duties, bond and salary of police judge (Repealed by 644)
12	Vagrancy and disorderly conduct (Not codified)
13	Hawkers, peddlers and itinerant vendors (Repealed by 470)
14	Traffic code (Repealed by 470)
15	Installation of electrical wires and equipment (Not codified)
16	Regulates hanging signs, placards or banners over streets, sidewalks or alleys (Repealed by 821)
17	Business license taxes (Repealed by 69)
18	Garbage disposal (Repealed by 419)
19	Handling food products (Repealed by 470)
20	Naming of streets (Not codified)
21	Moving buildings (12.04)
22	Business licenses (Not codified)
23	Construction of sewerage collection and disposal system (Special)
24	Creation of salary of office of superintendent of streets, levies taxes for maintenance of sewer collection and disposal system (Repealed by 78)
25	Sewerage disposal regulations (Repealed by 470)
26	Missing
27	Amends §2 of Ord. 17, business license taxes (Repealed by 69)
28	Fire regulations and fire limits (Repealed by 470)
29	Building construction regulations (Repealed by 470)
30	Vending machine, amusement device or game licenses (Repealed by 68)
31	Misdemeanors (Repealed by 892)
32	Plumbing regulations (Repealed by 470)
33	Wards and precincts (Repealed by 470)
34	Authorized loans (Special)
35	Appropriation (Special)
36	Bond issuance (Special)
37	Sidewalk regulations (12.08)
38	Adds § 55-A to Ord. 22, license code (Repealed by 54)
39	Bond issuance (Special)
40	Tabled
41	Amends § 1(2) (d) of Ord. 27, business license taxes (Repealed by 69)
42	Amends §§ 29 and 32 of Ord. 22, adds §§ 55-B and 55-C, license code (Not codified)
43	Amends §§ 22 and 36 of Ord. 22, license code (Not codified)
44	Adds § 50-A to Ord. 14, traffic (Repealed by 470)
45	Amends § 1 of Ord. 1, council meetings (Repealed by 470)
46	Amends § 3 of Ord. 6, police chief (Not codified)
47	Adds § 44-A to Ord. 22, license code (Not codified)

Ordinance Number	
48	Amends title and § 3 of Ord. 24, repeals §§ l and 2 of Ord. 24, superintendent of streets and sewers (Repealed by 78)
49	Amends § 2 of Ord. 46, police chief (Not codified)
50	Adds § 36-A to Ord. 22, license code (Not codified)
51	Amends § 21 of Ord. 14, traffic (Repealed by 470)
52	Amends § 9 of Ord. 10, intoxicating liquors (Repealed by 470)
53	Emergency expenditure of moneys (Special)
54	Sale and delivery of solid fuel or fuel oil, repeals Ord. 38 (Repealed by 76)
55	Amends § 3 of Ord. 30, vending machines, amusement devices and games (Repealed by 58)
56	Taxi dancer licensing (Repealed by 470)
57	Adds § 27-A to Ord. 22, taxi dancers (Repealed by 470)
58	Repeals Ord. 55, vending machines, amusement devices and games (Repealer)
59	Amends § 3 of Ord. 11, police judge (Not codified)
60	Amends title and § 2 of Ord. 54, fuel oil and delivery and sale (Repealed by 470)
61	Amends §§ 1 and 2 of Ord. 9, volunteer fire department (Repealed by 664)
62	Electrical wiring and installation regulations (Repealed by 932)
63	Prohibits solicitors, peddlers, hawkers, itinerant merchants and transient vendors to trespass on private property (Repealed by 677)
64	Stationary broadcasting and sound devices declared nuisances (Repealed by 889)
65	Emergency expenditure of moneys (Special)
66	Unlawful assemblages (9.24)
67	Amends § 13(10) of Ord. 22, carnivals, shows, exhibitions and entertainment (Not codified)
68	Coin operated vending machines, amusement devices and games, repeals Ord. 30 (Repealed by 112)
69	Amends §§ 13(1), 37 and 54 of Ord. 22, adds §§ 58—63, repeals Ord. 17, licensing code (Repealed by 75)
70	Bicycle licenses (Repealed by 470)
71	Regulation and licensing of collective skill-ball games (Repealed by 470)
72	Amends § 3 of Ord. 68, repeals §§ 9 and 10, coin operated vending machines, amusement devices and games (Repealed by 112)
73	Laying water mains and pipe lines (Repealed by 695)
74	Adds § 21-A to Ord. 29, building construction (Repealed by 470)
75	Adds §§ 13(a), 29-A, 32-A, 37-A, 54-A, 55-B, 55-C and 58—65 to Ord. 22, license code (5.04)
76	Repeals Ords. 38 and 54, sale and delivery of solid fuel and fuel oil (Repealer)
77	Amends § 2 of Ord. 15, electrical wiring and slashing (Repealed by 821)
78	Repeals Ords. 24 and 48, superintendent of streets and sewers (Repealer)
79	Amends title of Ord. 5, adds § 4 to Ord. 5, treasurer and deputy treasurer (2.12)
80	Creates office of purchasing agent (Repealed by 790)
81	Emergency expenditure of moneys (Special)

Ordinance Number	
82	Adds § 37-A to Ord. 14, traffic (Repealed by 470)
83	Amends §§ 3 and 4 of Ord. 75, cardrooms and dance halls (Not codified)
84	Emergency expenditure of moneys (Special)
85	Emergency expenditure of moneys (Special)
86	Parking time limits (Repealed by 470)
87	Expenditure of moneys (Special)
88	Amends § 3 of Ord. 5, treasurer (Not codified)
89	Acquisition of municipal electric distribution system (Special)
90	Amends § 3 of Ord. 72, coin operated vending machines, amusement devices and games (Repealed by 112)
91	Amends § 1, 37-A, 55-B and 58(5) of Ord. 75, license code (Not codified)
92	Amends § 1 of Ord. 83, public cardrooms (Not codified)
93	Amends § 1 of Ord. 90, coin operated vending machines, amusement devices and games (Repealed by 112)
94	Emergency expenditure of moneys (Special)
95	Sale and issuance of electric distribution system bonds (Special)
96	Establishes free public library department (Repealed by 470)
97	Establishes light department (Repealed by 470)
98	Rate schedule for city light department (Repealed by 115)
99	Tabled
100	Amends § 1 of Ord. 21, adds § 3-A, moving buildings, heavy objects and machinery over streets (12.04)
101	Adds § 6-A to Ord. 29, building construction (Repealed by 470)
102	Amends § 1 of Ord. 11, police judge (Not codified)
103	Franchise (Special)
104	Emergency expenditure of moneys (Special)
105	Amends title and § 1 of Ord. 102, police judge (Not codified)
106	Emergency expenditure of moneys (Special)
107	Compensation for volunteer firemen (Not codified)
108	Appropriation and use of moneys derived from licenses and fees (3.16)
109	Zones wards 1 and 2 (Repealed by 470)
110	Emergency expenditure of moneys (Special)
111	Amends § 3 of Ord. 28, fire zones (Repealed by 470)
112	Coin operated vending machines, amusement devices and games, repeals Ords. 68, 72, 90 and 93 (Repealed by 470)
113	Amends §§ 13(1), 29-A, 32-A, 37-A, 54-A, 58 and 59 of Ord. 22, adds § 60-A, repeals § 65, license code (Not codified)
114	Tabled
115	Rate schedule for city light department, repeals Ord. 98 (Repealed by 354)
116	Emergency expenditure of moneys (Special)
117	Emergency expenditure of moneys (Special)
118	Franchise (Special)
119	Adds §§ 2-A and 2-B to Ord. 18, collection, removal and disposal of garbage (Not codified)
120	Expenditure of moneys (Special)
121	Amends § 1 of Ord. 107, compensation of fire department (Repealed by 470)
122	Budget for 1943 (Special)

Ordinance Number	
123	Amends §§ 13(1), 29-A, 32-A, 37-A, 58 and 59 of Ord. 22, license code (Not codified)
124	Amends §§ 2 and 3 of Ord. 112, coin operated vending machines, amusement devices and games (Repealed by 470)
125	Emergency expenditure of moneys (Special)
126	Amends § 1 of Ord. 107, fire department compensation (Repealed by 470)
127	Curfew for minors (Repealed by 362)
128	Prohibits animals at large (7.12)
129	Tax commission (Rejected)
130	Emergency expenditure of moneys (Special)
131	Emergency expenditure of moneys (Special)
132	Budget for 1944 (Special)
133	Amends § 1 of Ord. 107, fire department compensation (Repealed by 470)
134	Emergency expenditure of moneys (Special)
135	Amends §§ 1(b) and 2(b) of Ord 115, city light department rate schedule (Repealed by 470)
136	Collection, removal and disposal of garbage (Repealed by 419)
137	Emergency expenditure of moneys (Special)
138	Budget for 1945 (Special)
139	City elections (Repealed by 470)
140	Emergency expenditure of moneys (Special)
141	Amends §§ 13(1) and 58 of Ord. 22, license code (Not codified)
142	Unsafe buildings (Repealed by 470)
143	Adds § 3-B to Ord. 21, moving buildings, heavy objects and machinery over streets (Repealed by 1060)
144	Amends § 35 of Ord. 28, fire limits (Repealed by 470)
145	Adds §§ 31(a)—31(g) to Ord. 29, building construction (Repealed by 470)
146	Emergency expenditure of moneys (Special)
147	Acquisition of municipal water system (Special)
148	Budget for 1946 (Special)
149	Acquisition of electric distribution system and substations (Special)
150	Emergency expenditure of moneys (Special)
151	Provides for payment of electric distribution system and substations (Special)
152	Street and alley vacations (Special)
153	Authorizes purchase and improvement of electric distribution system (Special)
154	Taxicab licenses (5.16)
155	Emergency expenditure of moneys (Special)
156	Confirms results of election (Special)
157	City elections (Repealed by 470)
158	Prohibits keeping and harboring livestock, live poultry, fowl or rabbits within the city (7.08)
159	Establishes city sewer project-state development board fund (3.24)
160	Emergency expenditure of moneys (Special)
161	Establishes city P.F.H.A. project fund (3.24)
162	Amends § 3 of Ord. 3, compensation of city clerk (Not codified)
163	Budget for 1947 (Special)
164	Amends § 3 of Ord. 88, compensation of treasurer (Not codified)
165	Emergency expenditure of moneys (Special)
166	Emergency expenditure of moneys (Special)

Ordinance Number	
167	Emergency expenditure of moneys (Special)
168	Business licenses (Repealed by 461)

Ordinance Number	
169	Procedure for obtaining business license (Repealed by 560)
170	Duties of city clerk (2.08)
171	Provides for city council's confirmation of hiring and firing of officers and employees of the city (2.48)
172	Compensation of volunteer firemen (Not codified)
173	Repeals § 6 of Ord. 168, business licenses (Repealed by 461)
174	Prohibits dogs at large (Not codified)
175	Amends § 3 of Ord. 49, police chief (Not codified)
176	Amends § 1 of Ord. 158, keeping livestock, live poultry, fowl and rabbits within the city (7.08)
177	Establishment and purchase of municipal air field (Repealed by 470)
178	Prohibits dogs running at large (Not codified)
179	Use of trailers as homes and dwelling places (Not codified)
180	Emergency expenditure of moneys (Special)
181	Establishes rate schedule for city water department (Repealed by 470)
182	Annexation (Special)
183	Establishes fee for sewer system connection (Repealed by 470)
184	Establishes fee for sewer system connection (Repealed by 470)
185	Budget for 1948 (Special)
186	Street and alley vacation (Special)
187	Plan and system for additions and improvements to water distribution system (Special)
188	Emergency expenditure of moneys (Special)
189	Emergency expenditure of moneys (Special)
190	Amends §§ 3 and 7(1) and(2) of Ord. 136, garbage disposal (Repealed by 419)
191	Amends § 1 of Ord. 168, coin operated vending machines, amusement devices and games (Repealed by 470)
192	Amends § 3 of Ord. 175, police chief (Not codified)
193	Establishes library fund (3.24)
194	Abatement of dangerous buildings (Repealed by 932)
195	Emergency expenditure of moneys (Special)
196	Emergency expenditure of moneys (Special)
197	Emergency expenditure of moneys (Special)
198	Emergency expenditure of moneys (Special)
199	Emergency expenditure of moneys (Special)
200	Prohibits driving without operator's license (Repealed by 470)
201	Licensing carnivals (Repealed by 470)
202	Nuisances (8.04)
203	Sale of intoxicating liquors (Repealed by 470)
204	Emergency expenditure of moneys (Special)
205	Budget for 1949 (Special)
206	Emergency expenditure of moneys (Special)
207	Sewer system regulations (13.40)
208	Establishes zones (Repealed by 470)
209	Building code (Repealed by 470)
210	Emergency expenditure of moneys (Special)
211	Salaries (Repealed by 470)
212	Amends § 7(2) of Ord. 190, garbage disposal (Repealed by 419)
213	Emergency expenditure of moneys (Special)
214	Emergency expenditure of moneys (Special)
215	Emergency expenditure of moneys (Special)

Ordinance Number	
216	Emergency expenditure of moneys (Special)
217	Water rates (Repealed by 285)
218	Amends § 3 of Ord. 183, sewer system connections (Repealed by 470)
219	Emergency expenditure of moneys (Special)
220	Street vacation (Special)
221	Budget for 1950 (Special)
222	Approves street grades (Special)
223	Sewer system service charge (Repealed by 470)
224	Punchboard licenses (Repealed by 470)
225	Slot machine and card game licenses (Repealed by 470)
226	Salaries (Repealed by 313)
227	Sewer system service charge (Repealed by 282)
228	Emergency expenditure of moneys (Special)
229	Licensing of amusement devices and games (Repealed by 470)
230	Emergency expenditure of moneys (Special)
231	Emergency expenditure of moneys (Special)
232	Emergency expenditure of moneys (Special)
233	Emergency expenditure of moneys (Special)
234	Emergency expenditure of moneys (Special)
235	Emergency expenditure of moneys (Special)
236	Emergency expenditure of moneys (Special)
237	Budget for 1951 (Special)
238	Emergency expenditure of moneys (Special)
239	Emergency expenditure of moneys (Special)
240	Salaries (Repealed by 470)
241	Emergency expenditure of moneys (Special)
242	Amends § 1 of Ord. 203, sale of intoxicating liquors (Repealed by 470)
243	City clerk office hours (Repealed by 470)
244	Emergency expenditure of moneys (Special)
245	Park use regulations (Not codified)
246	Budget for 1952 (Special)
247	Emergency expenditure of moneys (Special)
248	Sale and distribution of beer (Repealed by 273)
249	Hauling of gas and inflammable liquids by motor vehicles (Repealed by 251)
250	Salaries (Not codified)
251	Repeals Ord. 249, hauling gas and inflammable liquids by motor vehicles (Repealer)
252	Emergency expenditure of moneys (Special)
253	Emergency expenditure of moneys (Special)
254	Utility service reconnection of charge (Repealed by 470)
255	Emergency expenditure of moneys (Repealed by 379)
256	Amends § 1 of Ord. 217, water rates (Repealed by 285)
257	Emergency expenditure of moneys (Special)
258	Budget for 1953 (Special)
259	Emergency expenditure of moneys (Special)
260	Prohibits purchase and use of intoxicating liquors by minors (Repealed by 470)
261	Emergency expenditure of moneys (Special)

Ordinance Number	
262	Creates planning commission (2.32)
263	Emergency expenditure of moneys (Special)
264	Emergency expenditure of moneys (Special)
265	Electricity service rate schedule (Repealed by 470)
266	Licenses and regulates amusement devices and games and devices of skill (Repealed by 311)
267	License fee for card games (Repealed by 307)
268	Budget for 1954 (Special)
269	Emergency expenditure of moneys (Special)
270	Emergency expenditure of moneys (Special)
271	Authorizes city membership in Washington State Power Commission (Repealed by 470)
272	Adopts state motor vehicle laws (10.04)
273	Repeals Ord. 248 sale and distribution of beer (Repealer)
274	Amends § 1 of Ord. 217 water rates (Repealed by 285)
275	Emergency expenditure of moneys (Special)
276	Emergency expenditure of moneys (Special)
277	Not passed
278	Not passed
279	Budget for 1955 (Special)
280	Emergency purchase for electrical equipment (Special)
281	Emergency expenditure of moneys (Special)
282	Sewer system use charges, repeals § 9 of Ord. 207 and Ord. 227 (Repealed by 439)
283	Emergency expenditure of moneys (Special)
284	Emergency expenditure of moneys (Special)
285	Water rates, repeals § 1 of Ord. 181 and Ords. 217, 256 and 274 (Repealed by 470)
286	Emergency expenditure of moneys (Special)
287	Adds §§ 7, 8 and 9 to Ord. 115, electrical service rates (Repealed by 470)
288	Adds §§ 6, 7 and 8 to Ord. 181, water service rates (Repealed by 470)
289	Adds §§ 20, 21 and 22 to Ord. 207, sewer service rates (13.40)
290	Emergency expenditure of moneys (Special)
291	Budget for 1956 (Special)
292	Emergency expenditure of moneys (Special)
293	Amends 1955 budget (Special)
294	Amends 1955 budget (Special)
295	Amends 1955 budget (Special)
296	Creates city superintendent of utilities (Repealed by 381)
297	Street vacation (Special)
298	Repeals §§ 28 and 29 of Ord. 28, fire hazards and fireworks (Repealer)
299	Amends § 30 of Ord. 14, traffic (Repealed by 470)
300	Street vacation (Special)
301	Enrollment of fire department in volunteer firemen’s relief and pension act (Repealed by 470)
302	Pension relief, disability and retirement system (Repealed by 304)
303	Budget for 1957 (Special)
304	Pension relief, disability and retirement system, repeals Ord. 302 (Repealed by 470)
305	Amends 1956 budget (Special)
306	Amends 1956 budget (Special)
307	License fees for card games and card tables, repeals Ord. 267 (Repealed by 470)

Ordinance Number	
308	Salaries (Not codified)
309	Street vacation (Special)
310	Emergency expenditure of moneys (Special)
311	Licensing and regulation of amusement devices and games of skill, repeals Ord. 266 (Repealed by 470)
312	Emergency expenditure of moneys (Special)
313	Salary of police judge, repeals Ord. 226 (Not codified)
314	Removal of trees, plants, shrubs and vegetation causing fire hazards (Repealed by 634)
315	Budget for 1958 (Special)
316	Amends 1957 budget (Special)
317	Emergency expenditure of moneys (Special)
318	Emergency expenditure of moneys (Special)
319	Amends 1957 budget (Special)
320	Provides for withdrawal from statewide city employee's retirement system (Special)
321	Amends §§ 3 and 7 of Ord. 136, garbage disposal, repeals Ord. 190 (Repealed by 419)
322	Amends § 13 of Ord. 168, business licenses (Repealed by 461)
323	Emergency expenditure of moneys (Special)
324	Emergency expenditure of moneys (Special)
325	Accepts gift from United States for construction of sewage disposal plants (Special)
326	Accepts gift from United States of certain land (Special)
327	Annexation (Special)
328	Annexation (Special)
329	Budget for 1959 (Special)
330	Emergency expenditure of moneys (Special)
331	Emergency expenditure of moneys (Special)
332	Annexation (Special)
333	Accepts gift from True's Oil Company of certain building (Special)
334	Emergency expenditure of funds (Special)
335	Salaries (Not codified)
336	Amends 1959 budget (Special)
337	Emergency expenditure of moneys (Special)
338	Amends Ord. 79, creates position of deputy city treasurer (2.21)
339	Budget for 1960 (Special)
340	Emergency expenditure of moneys (Special)
341	Emergency expenditure of moneys (Special)
342	Street vacation (Special)
343	Aircraft landing permit (Repealed by 470)
344	Emergency expenditure of moneys (Special)
345	Budget for 1961 (Special)
346	Emergency expenditure of moneys (Special)
347	Establishes civilian auxiliary police force (2.40)
348	Civil defense regulations (Repealed by 470)
349	Appointment and duties of city attorney (2.16)

Ordinance Number	
350	Prohibits dogs from running at large (Repealed by 565)
351	Emergency expenditure of moneys (Special)
352	Budget for 1962 (Special)
353	Emergency expenditure of moneys (Special)
354	Electrical energy rate schedules, repeals Ord. 115 (Repealed by 470)
355	Water rates, repeals § 1 of Ord. 285 (Repealed by 470)
356	Emergency expenditure of moneys (Special)
357	Designates arterials (Not codified)
358	Street vacation (Special)
359	Street vacation (Special)
360	Emergency expenditure of moneys (Special)
361	Budget for 1963 (Special)
362	Curfew for minors, repeals Ord. 127 (Repealed by 459)
363	Annexation (Special)
364	Emergency expenditure of moneys (Special)
365	Emergency expenditure of moneys (Special)
366	Emergency expenditure of moneys (Special)
367	Dog licensing (Repealed by 544)
368	Emergency expenditure of moneys (Special)
369	Rates for use of water on vacant property (Repealed by 393)
370	Amends § 6 of Ord. 311, licensing of amusement devices and games and devices of skill, repeals § 13 of Ord. 311 (Repealed by 470)
371	Budget for 1964 (Special)
372	Emergency expenditure of moneys (Special)
373	Emergency expenditure of moneys (Special)
374	Emergency expenditure of moneys (Special)
375	Emergency expenditure of moneys (Special)
376	Watering of vacant lots (Void)
377	Personnel policy (Repealed by 790)
378	Budget for 1965 (Special)
379	Repeals Ord. 255, state employment security (Repealer)
380	Void
381	Repeals Ord. 296, city superintendent of utilities (Repealer)
382	Salaries (Not codified)
383	Establishes traffic regulations (Repealed by 510)
384	Emergency expenditure of moneys (Special)
385	Vetoed
386	Uniform Building Code, repeals Ord. 204 (Repealed by 426)
387	Emergency expenditure of moneys (Special)
388	Salary of police chief (Not codified)
389	Budget for 1956 (Special)
390	Comprehensive zoning plan (Repealed by 643)
391	Emergency expenditure of moneys (Special)
392	Amends § 4 of Ord. 390, zoning (Repealed by 643)
393	Repeals Ord. 369, use of water on vacant property (Repealer)
394	Transfer of moneys (Special)
395	Amends § 8 of Ord. 207, sewer system charges (Repealed by 867)
396	Water rates, repeals § 1 of Ord. 355 (Repealed by 470)
397	Appointment of duties of city clerk (2.08)
398	Budget for 1967 (Special)
399	Mobile homes, house trailers and pick-up campers (14.20)
400	Street vacation (Special)

Ordinance Number	
401	Amends § 4 of Ord. 354, electric energy rates (Repealed by 470)
402	Amends § 1 of Art. III of Ord. 390, zoning (Repealed by 643)
403	Adds § I to Art. III of Ord. 399, trailers and mobile homes (14.16)
404	Amends §§ 2 and 3 of Ord. 354, electrical energy rates (Repealed by 470)
405	Amends § H of Art. III of Ord. 399, trailers and mobile homes (Repealed by 1060)
406	Franchise (Special)
407	Budget for 1968 (Special)
408	Emergency expenditure of moneys (Special)
409	Emergency expenditure of moneys (Special)
410	Emergency expenditure of moneys (Special)
411	Council meetings (Repealed by 707)
412	Creates additional policemen and position of city jailer (Not codified)
413	Emergency expenditure of moneys (Special)
414	Creates cumulative reserve fund (3.12)
415	Amends § 1 of Ord. 144, fire zones (Repealed by 470)
416	Amends § 30 of Ord. 299, traffic (Repealed by 470)
417	Establishes public thoroughfare (Special)
418	Budget for 1969 (Special)
419	Garbage collection and disposal, repeals Ords. 18, 138, 190, 212 and 321 (Repealed by 912)
420	Emergency expenditure of moneys (Special)
421	Charges for garbage and refuse collection and sanitary landfill maintenance service (Not codified)
422	Amends 1969 budget (Special)
423	Amends 1969 budget (Special)
424	Adopts 1968 amendment to revised motor vehicle code (Repealed by 510)
425	Submits proposition regarding sale of electrical distribution system (Special)
426	Adopts Uniform Building Code, repeals Ords. 204 and 386 (Repealed by 470)
427	Franchise (Special)
428	Amends § 3-B of Ord. 21, moving buildings, heavy objects and machinery over streets (Repealed by 1060)
429	Amends 1969 budget (Special)
430	Water hook-up charges, repeals § 1, Schedule III of Ord. 396 (Repealed by 470)
431	Dangerous weapons (9.96)
432	Budget for 1970 (Special)
433	Fixes water deposits (Repealed by 470)
434	Creates investment committee (Repealed by 905)
435	Closes Grand Coulee Electrical Distribution System (Special)
436	Emergency expenditure of funds (Special)
437	Utility supplier's business license tax (Repealed by 806)
438	Amends § 1 of Ord. 377, personnel policy (Repealed by 790)
439	Sewer system use charges, repeals Ord. 282 (Repealed by 497)
440	Utility service charge (Repealed by 695)
441	Sales and use tax (3.08)
442	Office hours of city clerk (2.08)
443	Emergency expenditure of funds (Special)
444	Annexation (Special)
445	Adds area to fire zone no. 2 (Repealed by 470)
446	Repeals dog license fee requirement of § 2 of Ord. 367 (Repealer)
447	Water service charges (Repealed by 695)

Ordinance Number	
448	Rezone (Special)
449	Budget for 1971 (Special)
450	Emergency expenditure of moneys (Special)
451	Renames certain streets and roads (Not codified)
452	Adopts criminal code (9.01)
453	Water rates (Repealed by 695)
454	Service commission for city police (Repealed by 509)
455	Establishes cumulative reserve fund (3.12)
456	Transfer of funds (Special)
457	Reimbursement of expenses and payment of salaries for mayor and councilmen (Not codified)
458	Library construction (Special)
459	Curfew, repeals Ord. 362 (Repealed by 794)
460	Budget for 1972 (Special)
461	Business license fee, repeals Ords. 168, 173 and 322 (Repealed by 489)
462	Furnishing alcoholic liquors to minors (9.68)
463	Amends §§ 2 and 4 of Ord. 377, personnel policy (2.48)
464	Emergency expenditure of moneys (Special)
465	Adds funds to cumulative reserve fund (Special)
466	Water heaters, amends § 2 of Ord. 453, water deposits (Repealed by 695)
467	Adopts 1970 Uniform Building Code (Repealed by 932)
468	Transfer of funds (Special)
469	Transfer of funds (Special)
470	Repeals Ords. 1, 10, 13, 14, 19, 21 (§ 4), 25, 28, 29, 31 (§§ 6, 9, 10, 14, 15), 32, 33, 44, 45, 51, 52, 56, 57, 60, 70, 71, 74, 82, 86, 96, 97, 101, 109, 111, 112, 121, 124, 126, 133, 135, 139, 142, 144, 145, 157, 177, 181, 183, 184, 191, 200, 201, 203, 207 (§ 11), 208, 209, 211, 218, 223, 224, 225, 229, 240, 242, 243, 254, 260, 265, 271, 285, 287, 288, 299, 301, 304, 307, 311, 343, 348, 354, 355, 370, 396, 399 Art. 6, 401, 404, 415, 416, 426, 430, 433, 445 (Repealer)
471	Adopts general penalty (Not codified)
472	Establishes a federal shared revenue fund (3.20)
473	Amends § 1 of Ord. 2, official city newspaper (1.16)
474	Alley vacation (Special)
475	Adopts Uniform Plumbing Code (Repealed by 932)
476	Appropriation (Special)
477	General obligation bonds for city library (Special)
478	City park regulations (9.84)
479	Ad valorem tax levy (Special)
480	Participation in public employees' retirement system (2.52)
481	Adopts 1974 budget (Special)
482	Definitions applicable to city of Grand Coulee (1.04)
483	Authorizes right of entry for city officials (1.08)
484	Adopts a general penalty, amends Ords. 127 § II, 128 § 3, 136 § 7, 143 § 3-B(4), 154 § 6, 158 § 2, 168 § 16, 178 § 2, 194 § 10, 202 § 2, 245 § 7, 249 § 2, 272 § 2, 314 § 5, 362 § 2, 367 § 6, 369 § 8, 390 § 2, 397 § 7, 419 § 15, 424 § 1, 431 § 6, 461 § 2 (2.08, 7.04, 7.08, 7.12, 8.04, 9.96, 10.04)
485	Amends § II of Ord. 377, holidays (Repealed by 790)
486	Code adoption ordinance (1.01)
487	Emergency appropriation for water system extension (Special)
488	Water rates and services (Repealed by 695)

Ordinance Number	
489	Business license fees, repeals Ords. 168, 173, 322 and 461 (Repealed by 560)
490	Tax levy for 1975 (Special)
491	Budget for 1975 (Special)
492	Street vacation (Special)
493	Civil service commission (Repealed by 575)
494	Moving building bonding provisions (Repealed by 1060)
495	Public records copying and inspection provisions (Repealed by 522)
496	Tax levy for 1976 (Special)
497	Sewer system charges, repeals Ord. 439 (13.40)
498	1976 budget (Special)
499	Treasurer's salary (Not codified)
500	City attorney's compensation (Not codified)
501	Amends subsection (D) of § 2.48.040, sick leave (Repealed by 790)
502	Amends § 2.40.020, duties of civilian auxiliary police force (2.40)
503	Amends § 1 of Ord. 497, sewer system charges (Not codified)
504	Amends § 7.12.040, livestock running at large (7.12)
505	Adds § 7.12.045, abandonment of animals (7.12)
506	Amends § 7.04.020, dog license (Repealed by 544)
507	Prohibits disturbing the peace (9.56)
508	Prohibits the keeping of a disorderly house (Repealed by 892)
509	Repeals Ord. 454 (Repealer)
510	Adopts Washington Model Traffic Ordinance and other traffic statutes, repeals Ords. 383 and 424, traffic (Repealed by 789)
511	Ambulance rates (Repealed by 555)
512	Amends Ord. 499, treasurer's salary (Not codified)
513	Maintenance and copying of public records (Repealed by 873)
514	Taxation (Special)
515	Recording devices at council meetings (Repealed by 548)
516	Uniform codes adopted (Repealed by 638)
517	Expenditures and revenues for 1977 (Special)
518	Private detective licensing (Repealed by 821)
519	Amends § 2.40.030(B)(2), auxiliary police force (2.40)
520	Annexation (Special)
521	Leasehold excise tax (3.06)
522	Repeals Ord. 495, public records (Repealer)
523	Emergency expenditure (Special)
524	Antirecession fiscal assistance fund (Not codified)
525	(Not passed)
526	Amends subsections A, B, C, D and E of § 3.04.010, utility supplier's license tax (Repealed by 806)
527	Amends § 5.04.010, business license fees (Repealed by 560)
528	Tax levy for 1978 (Special)
529	Amends § 14.20.020, mobile home permit fees (Repealed by 868)
530	Amends § 1 of Ord. 503, sewer system charges (Repealed by 595)
531	Amends § 1 of Ord. 488, water rates (Repealed by 594)
532	Amends § 13.24.010, sewer connection charges (Repealed by 867)
533	Emergency expenditure (Special)
534	Amends § 2 of Ord. 517, expenditures and revenues for 1977 (Special)
535	Ratifies expense accumulative reserve fund loans (Special)
536	Emergency expenditure (Special)
537	Emergency expenditure (Special)

Ordinance Number	
538	Rezone (Repealed by 549)
539	1978 contract with Electric City for police services (Not codified)
540	1978 budget (Special)
541	Amends Ord. 390, rezone (Special)
542	Amends § 1 of Ord. 489, business license fee (Repealed by 560)
543	CATV franchise (Special)
544	Dog licensing and regulations, repeals Ords. 367 and 506 (Repealed by 674)
545	Alley vacation (Special)
546	Water and sewer reserve funds created (3.24)
547	Ambulance reserve fund created (Not codified)
548	Repeals Ord. 515, recording devices at council meetings (Repealer)
549	Repeals Ord. 538, rezone (Repealer)
550	Creates sewer construction fund (Special)
551	Park name (Special)
552	Amends Ords. 390 and 392, zoning (Not codified)
553	Ad valorem tax levy (Repealed by 554)
554	Ad valorem tax levy; repeals Ord. 553 (Special)
555	Ambulance service fees; repeals Ord. 511 (Repealed by 570)
556	Amends § 5 of Ord. 488, fire hydrants (Repealed by 594)
557	Amends Art. III of Ord. 399, mobile home fees (Repealed by 868)
558	1979 budget (Special)
559	Garbage collection rates (Repealed by 591)
560	Business licenses; repeals §§ 1, 2 and 3 of Ord. 169 and §§ 1, 2 and 3 of Ord. 489 (Not codified)
561	Union contract (Repealed by 790)
562	Amends subsection D of § 2.48.040, employees (Repealed by 790)
563	Amends § 17.20.010, zoning (Repealed by 997)
564	Sewers (13.40)
565	Repeals Ord. 350 and §§ 7.12.010—7.12.030 (Repealer)
566	Authorizes special financing (Special)
567	Amends § 2 of Ord. 488, water service application deposit fee (Repealed by 594)
568	Ad valorem tax levy (Special)
569	Emergency expenditure (Special)
570	Ambulance service fees; repeals Ord. 555 (Repealed by 608)
571	Business license fees (Repealed by 677)
572	1980 budget (Special)
573	Solid waste disposal rates (Repealed by 591)
574	Adds section and amends § 2 of Ord. 262, planning commission (2.32)
575	Repeals Ord. 493, civil service commission (Repealer)
576	(Not passed)
577	Transient occupancy tax (Repealed by 874)
578	Prohibits possession of marijuana (9.52)
579	Accrued sick leave fund for city employees (3.24)
580	Short term warrant financing for waste water treatment facility (Special)
581	Environmental Policy Act Model Ordinance and SEPA guidelines adopted (Repealed by 650)
582	Overnight parking (10.08)
583	Creates stadium tax fund (3.24)
584	Gambling tax; repeals Ch. 9.40 (3.11)
585	Creates payroll claim fund (3.24)
586	Emergency expenditure (Special)
587	Sets ad valorem taxes (Special)
588	Burning restrictions and permit (Repealed by 796)

Ordinance Number	
589	Amends § 2 of Ord. 262, planning commission (2.32)
590	Creates claims clearing fund (3.18)
591	Solid waste disposal; repeals Ord. 573 (8.16)
592	Emergency expenditure (Special)
593	Adopts 1981 budget (Special)
594	Water rates and services; repeals Ords. 531, 556, 567 (Repealed by 695)
595	Sewer charges; repeals Ord. 530 (Repealed by 619)
596	Municipal court costs (1.12)
597	Amends § 1 of Ord. 594, water charges (Repealed by 627)
598	Adds language to Ord. 594, water charges (Repealed by 627)
599	Sign regulations (14.28)
600	Street vacation (Special)
601	Combines offices of treasurer and clerk (2.08)
602	Adds subsection E to § 3 of Ord. 594, water turn-off due to payment delinquency (Repealed by 627)
603	Establishes telephone business regulations; repeals § 1(B) of Ord. 437 (Repealed by 806)
604	Ad valorem tax levy (Special)
605	Emergency expenditure (Special)
606	Amends § 1 of Ord. 457, salaries (Not codified)
607	Creates treasurer's cash suspense fund (3.24)
608	Ambulance service fees; repeals Ord. 570 (Repealed by 695)
609	Declares intent to join North Central Regional Library District (Special)
610	Emergency expenditure (Special)
611	Adopts 1982 budget (Special)
612	Solid waste disposal charges (Repealed by 625)
613	Speed limit change on portion of State Highway #155 (Not codified)
614	Speed limit change on portion of State Highway #155 (Not codified)
615	(Not approved)
616	(Not adopted)
617	Amends § 1 of Ord. 9, volunteer fire department (Repealed by 664)
618	(Not approved)
619	Sewer system charges; repeals Ord. 595 (13.40)
620	Amends § 13.24.010, sewer connection fees (Repealed by 791)
621	Emergency expenditure (Special)
622	Ad valorem tax levy (Special)
623	Equipment replacement fund (3.24)
624	Authorizes issuance of warrants (Special)
625	Solid waste disposal charges; repeals Ord. 612 (Repealed by 637)
626	Amends Ord. 603 § 1, telephone business tax (Repealed by 806)
627	Water rates and services; repeals Ords. 597, 598 and 602 (Repealed by 695)
628	Adopts 1983 budget (Special)
629	Amends Ord. 625 § 2, solid waste disposal charges (Repealed by 627)
630	Amends § 12 and repeals § 16 of Ord. 544, dog control (Repealed by 674)
631	Amends § 1 of Ord. 606, salaries (Not codified)
632	Amends § 2 and subsections (A) and (B) of § 3 of Ord. 627, water rates and services (Repealed by 695)
633	Amends § 1 of Ord. 606, salaries (Not codified)
634	Abatement of vegetation and fire hazards; repeals Ord. 314 (Repealed by 892)
635	Ad valorem tax levy (Special)
636	Amends § 1 of Ord. 603 and § 1(A) of Ord. 437, telephone and electricity business tax (Repealed by 806)

Ordinance Number	
637	Solid waste disposal charges; repeals Ords. 625 and 629 (8.16)
638	Uniform codes adopted; repeals Ord. 516 (Repealed by 704)
639	Emergency expenditure (Special)
640	Adopts 1984 budget (Special)
641	Amends Ord. 546, water and sewer reserve funds (3.24)
642	Adds new section to Ord. 544, animal control (Repealed by 674)
643	Zoning; repeals Ords. 390 and 402 (Repealed by 997)
644	Repeals and replaces Ch. 2.20, police judge (2.20)
645	Annexation (Special)
646	Subdivisions (Repealed by 996)
647	Mobile home and recreational vehicle parks (Repealed by 997)
648	Wastewater discharge (13.40)
649	Vacation (Special)
650	State Environmental Policy Act; repeals Ord. 581 (Repealed by 964)
651	Travel expense reimbursement (Repealed by 790 and 872)
652	Bond issuance (Special)
653	Bond issuance (Special)
654	Tax levy (Special)
655	Amends §§ 1 and 2 of Ord. 636, telephone and electricity business tax (Repealed by 806)
656	Appropriation (Special)
657	Garbage and solid waste collection charges (8.16)
658	1985 budget (Special)
659	Parking (10.08)
660	Creates miscellaneous funds (3.24)
661	Bond issuance; amends §§ 7 and 10 of Ord. 653 (Special)
662	Adds §§ 3.08.025 and 3.08.035 and amends §§ 3.08.010 and 3.08.020, sales and use tax (3.08)
663	Creates police department petty cash account (3.24)
664	Volunteer fire department; repeals Ord. 9, 61 and 617 (2.36)
665	Amends § 17.60.030, zoning (Repealed by 954)
666	Tax levy (Special)
667	Amends §§ 1 and 2 of Ord. 655, telephone and electricity business tax (Repealed by 806)
668	Excise tax on sale of property (3.05)
669	Appropriation (Special)
670	1986 budget (Special)
671	Sewer use charges (13.40)
672	Adopts State Energy Code (Repealed by 932)
673	Adds § 13 to Art. II of Ord. 671, sewer use charges (13.40)
674	Dog control; repeals Ords. 630, 544 and 642 (Repealed by 845)
674-A	Fireworks regulations (8.24)
675	Amends § 3 of Ord. 652, bond issuance (Special)
676	Municipal capital improvements fund (3.24)
677	Business license fees and taxes; repeals Ords. 63 and 571 (Repealed by 821)
678	Amends § 1(B) of Ord. 599, signs (14.28)
679	Ad valorem tax levy (Special)
680	Wastewater treatment facility operating fund (Special)
681	Amends § 1 of Ord. 667, telephone business tax (Repealed by 806)
682	Appropriation (Special)
683	Garbage and solid waste collection charges (8.16)
684	Adopts Model Conservation Standards (Repealed by 932)
685	1987 budget (Special)
686	(Number not used)
687	(Not adopted)
688	(Not adopted)
689	Abandoned vehicles (8.28)

Ordinance Number	
690	Garbage and solid waste collection charges (8.16)
690A	Street vacation (Special)
691	Tax levy (Special)
692	Emergency expenditure (Special)
693	Prohibits hunting within city limits (7.16)
694	Amends § 1(A) of Ord. 437, business and occupation tax, and § 1 of Ord. 603, telephone business tax (Repealed by 806)
695	Water rates and regulations; repeals Ords. 73, 440, 447, 453, 466, 488, 594, 627 and 632 (13.04)
696	Emergency expenditure (Special)
697	Ambulance service fees; repeals Ord. 608 (Repealed by 709)
698	Adopts 1988 budget (Special)
699	Adopts jail facility operation standards (2.42)
700	Building numbering and street names (14.32)
701	Adds section to Ord. 674 and amends §§ 7.04.030 and 7.04.210, dog control (Repealed by 763)
702	Amends §§ 8.04.020 and 8.04.030; abatement of vegetation and other fire hazards (Repealed by 892)
703	Amends § 7.04.200, dog control (Repealed by 845)
704	Uniform codes; repeals Ord. 638 (Repealed by 932)
705	Uniform Fire Code (14.04)
706	Loan from cumulative reserve fund (Special)
707	City council; repeals Ord. 411 (Repealed by 726)
708	(passed 10/18/88) Tax levy (Special)
708	(passed 11/15/88) Street vacation (Repealed by 713)
709	Ambulance service fees; repeals Ord. 697 (Repealed by 766)
710	Expenditure of funds (Special)
711	Amends § 7.04.070, dog control (Repealed by 845)
712	Adopts 1989 budget (Special)
713	Street vacation; repeals Ord. 708 (Special)
713A	Amends §§ 1, 2, and 4 of Ch. 6 of Ord. 695, water regulations (Repealed by 760)
713B	Amends § 9 of Art. II of Ord. 671, sewer use charges (13.40)
714	Loan from cumulative reserve fund (Special)
715	Solid waste disposal charges (8.16)
716	Tax levy (Special)
717	Emergency expenditure (Special)
718	Solid waste disposal charges (8.16)
718A	1990 budget (Special)
719	Loan authorization (Special)
720	Cable television franchise tax (3.07)
721	Amends § 13.36.070, sewer use charges (13.40)
722	Amends § 3.11.020(C), gambling tax (Repealed by 943)
723	Reductions in water and sewer rates for senior or disabled citizens (13.44)
724	Exchange of properties to correct rights-of-way (Special)
725	Amends §§ 1, 2 and 4 of Ch. 6 of Ord. 713A, water regulations (Repealed by 760)
726	City council; repeals Ord. 707 (Repealed by 985)
727	Form of government (1.06)
728	Tax levy for 1991 (Special)
729	Expenditure of funds (Special)
730	Amends § 3.11.020(C), punch boards and pull tabs (Repealed by 943)
731	Garbage and refuse collection rates (Repealed by 751)
732	Expenditure of funds (Special)
733	Utility bill delinquent fees (13.04)

Ordinance Number	
734	Monthly metered water rates (Repealed by 760)
735	Water turn-on and/or transfer of account charge (13.04)
736	Vacant charge for water service (13.04)
737	Authorizes loan from cumulative reserve fund (Special)
738	Expenditure of funds (Special)
739	Adopts 1991 budget (Special)
740	Restructures loan repayment to cumulative reserve fund; repeals § 2 of Ord. 706, 714, 719 and 737 (Special)
741	Amends effective date of Ord. 736, vacant charges (Not codified)
742	Stopping, standing and parking (10.08)
743	Expenditure of funds (Special)
744	Adds sections to Chs. 17.08 and 17.60, zoning (Repealed by 997)
745	Adds § 5.04.020(I); amends §§ 5.04.030, 5.04.050, 17.08.240, 17.60.100 and 17.60.110 and § 5.1 of Ord. 643, child day care facilities (Repealed by 997)
746	Quit claim deed (Special)
747	Creates street reserve fund (3.24)
748	Tax levy (Special)
749	Adds section to Ch. 17.60; adds language to § 17.72.010 and Ch. 17.56, bed and breakfast establishments (Repealed by 997)
750	Creates sewer plant reserve fund, sewer equipment reserve fund, water equipment reserve fund and street equipment reserve fund (3.24)
751	Adopts charges for garbage and solid waste collections and sanitary landfill maintenance services; repeals Ord. 731 (Repealed by 776)
752	Authorizes expenditure of funds (Special)
753	Adopts 1992 budget (Special)
754	Adopts 1991 Washington State Energy Code and 1991 Ventilation and Indoor Air Quality Code (Special)
755	Resource lands and critical areas development (Repealed by 920)
756	Amends § 4 of Ord. 734, monthly metered water rates outside city limits (Repealed by 760)
757	Amends § 7 of Ord. 674-A, fireworks sales (8.24)
758	(Voided)
759	Authorizes expenditure of funds (Special)
760	Amends Ch. 6 of Ord. 695, water rates; repeals §§ 1, 2 and 4 of Ch. 6 of Ord. 695, and repeals Ords. 713A, 725, 734 and 756 (Repealed by 822)
761	Tax levy (Special)
762	Expenditure of funds (Special)
763	Dog control; repeals Ords. 701, 642, 630 and 544 (Repealed by 763)
764	Expenditure of funds (Special)
765	Budget (Special)
766	Ambulance service fees; repeals Ord. 709 (Repealed by 827)
767	Amends § 9 of Article II of Ord. 713B, sewer charges (13.40)
768	Adds new sections to Chs. 17.08 and 17.68, zoning (Repealed by 997)
769	Adds Ch. 10.10, highway access management (10.10)
770	Authorizes expenditure of funds (Special)
771	Adds § 17.60.035 and amends §§ 17.56.010 and 17.72.010, zoning (Repealed by 997)
772	Adds § 10.08.030, parking (10.08)
773	Tax levy (Special)
774	Regulation of cable television basic service tier rates and related equipment, installation and service charges (Not codified)
775	Restructures loan repayment (Special)

Ordinance Number	
776	Adopts charges for garbage and solid waste collections and sanitary landfill maintenance services; repeals Ord. 751 (Repealed by 803)
777	1994 budget (Special)
778	Amends § 9 of Ord. 767, sewer charges (13.40)
779	Repeals and replaces § 1 of Ord. 760, water rates (Repealed by 804)
780	Authorizes expenditure of funds (Special)
781	Authorizes expenditure of funds (Special)
782	Adds § 8.24.050(D), fireworks (8.24)
783	Small works roster (Repealed by 893)
784	Annexation (Special)
785	Street variation (Special)
786	Bond prepayment (Special)
787	Repeals and replaces Ord. 720, utility tax on cable television operations (Repealed by 806)
787A	Authorizes expenditure of funds (Special)
788	Amends § 19 of Ord. 763, dog control (Repealed by 845)
789	Adopts Washington Model Traffic Ordinance; repeals Ord. 510 (10.04)
790	Adopts by reference the city personnel policy manual; adds § 3(e) to Ord. 519, repeals and replaces § 6 of Ord. 347 and repeals Ord. 80, § 2 and a portion of § 3 of Ord. 170, §§ 7 and 8 of Ord. 347 and Ords. 377, 438, 485, 501, 561, 562 and 651 (2.08, 2.40, 2.48)
791	Repeals and replaces Ord. 620, sewer connection fee (Repealed by 867)
792	Exempts city from RCW 9.41.050(4) (Repealed by 1039)
793	Authorizes expenditure of funds (Special)
794	Establishes parental responsibility for curfew violations; repeals Ord. 459 (9.60)
795	Amends § 2.40.060, auxiliary police force compensation (2.40)
796	Repeals Ord. 588 and § 8.12.160 (Repealer)
797	Tax levy for 1995 (Special)
798	(Number not used)
799	Repeals and replaces § 3 of Ord. 786, bond prepayment (Special)
800	Check-handling charge for returned checks (3.28)
801	Utility service charges, delinquent accounts (13.02)
802	Amends § 9 of Ord. 778, sewer use charges (Repealed by 824)
803	Solid waste disposal charges; repeals Ord. 776 (Repealed by 823)
804	Water rates; repeals § 1 of Ord. 779 (Repealed by 822)
805	Adopts 1995 budget (Special)
806	Utility tax; repeals Ords. 437, 603 and 787 (3.14)
807	Amends § 3.11.020(D), card games (Repealed by 943)
808	Amends § 19 of Ord. 788, dog control (Repealed by 845)
809	Closes library bond fund, sewer bond redemption fund and sewer bond reserve fund (Special)
810	City council membership (2.04)
811	Amends 1995 budget (Special)
812	Adds § 14.28.020(H) and (I); amends § 14.28.030, signs (14.28)
813	Amends 1995 budget (Special)
814	Street vacation (Special)
815	(Rejected)
816	Amends § 17.60.080(F) [17.60.180 (F)], zoning (Repealed by 997)
817	Tax levy for 1996 (Special)
818	Street vacation (Special)

Ordinance Number	
819	Adopts 1996 budget (Special)
820	Amends 1995 budget (Special)
821	Business licenses; repeals Ords. 16, 77, 154, 518 and 677 (5.04)
822	Repeals and replaces §§ 13.04.350 and 13.04.360, water rates; repeals Ord. 804 (Repealed by 828)
823	Repeals and replaces § 8.16.030, garbage collection and disposal rates; repeals Ord. 803 (Repealed by 826)
824	Amends § 13.36.060, sewer service charges; repeals Ord. 801 [802] (Repealed by 829)
825	Tax levy for 1997 (Special)
826	Repeals and replaces § 8.16.030, garbage collection and disposal rates; repeals Ord. 823 (Repealed by 840)
827	Ambulance service fees; repeals Ord. 766 (Repealed by 865)
828	Repeals and replaces §§ 13.04.350 [and 13.04.360], water rates; repeals Ord. 822 (Repealed by 838)
829	Amends § 13.36.060, sewer service charges; repeals Ord. 824 (Repealed by 839)
830	Adopts 1997 budget (Special)
831	Amends 1997 budget (Special)
832	Street vacation (Special)
833	False alarms (9.74)
834	Emergency ordinance adopting comprehensive plan, land use and zoning regulations and zoning map (Expired)
835	Grants fiber-optic telecommunications transmission system franchise (Special)
836	Establishes library advisory board (2.72)
837	Tax levy for 1998 (Special)
838	Repeals and replaces §§ 13.04.350 [and 13.04.360], water rates; repeals Ord. 828 (Repealed by 849)
839	Amends § 13.36.060, sewer service charges; repeals Ord. 829 (Repealed by 847)
840	Repeals and replaces § 8.16.030, garbage collection and disposal rates; repeals Ord. 826 (Repealed by 848)
841	Adopts 1998 budget (Special)
842	Amends § 2.32.020, planning commission (2.32)
843	Public works trust fund pre-construction loan agreement (Special)
844	Establishes regional board landfill reserve fund, regional board post closure reserve fund and regional board closure reserve fund (Repealed by 851)
845	Dog control; repeals Ords. 674, 701, 711, 763 and 788 (7.04)
846	Home occupations (Repealed by 997)
847	Amends § 13.36.060, sewer service charges; repeals Ord. 839 (Repealed by 863)
848	Repeals and replaces § 8.16.030, garbage collection and disposal rates; repeals Ord. 840 (Repealed by 861)
849	Repeals and replaces §§ 13.04.350 [and 13.04.360], water rates; repeals Ord. 838 (Repealed by Ord. 862)
850	Adopts 1999 budget (Special)
851	Repeals Ord. 844 (Repealer)
852	Amends § 5(E)(1) of Ord. 821, business licenses (5.04)
853	Amends 1998 [1999] budget (Special)
854	Amends 1999 budget (Special)
855	Street vacation (Special)
856	(Not adopted)
857	Adopts comprehensive plan, land use regulations and zoning map (Note to Title 17)
858	Parking (10.08)
859	Street vacation (Special)
860	Amends 1999 budget (Special)

Ordinance Number	
861	Repeals and replaces § 8.16.030, garbage collection and disposal rates; repeals Ord. 848 (Repealed by 904)
862	Repeals and replaces §§ 13.04.350 [and 13.04.360], water rates; repeals Ord. 849 (Repealed by 880)
863	Amends § 13.36.060, sewer use charges; repeals Ord. 847 (13.40)
864	Alley vacation (Special)
865	Establishes ambulance rates; repeals Ord. 827 (Special)
866	Adopts city budget for fiscal year 2000 (Special)
867	Repeals and replaces § 13.24.010, sewer connection fee; repeals Ord. 791 (13.40)
868	Repeals and replaces § 14.20.020, mobile home permit fee; repeals Ord. 557 (14.20)
869	Repeals and replaces § 14.24.180(A), threshold determination fee; repeals § 18(1) of Ord. 650 (Repealed by 964)
870	Amends Ord. 704, building codes (Repealed by 932)
871	Appropriations (Special)
872	Repeals Ch. 2.64 and Ord. 651 (Repealer)
873	Public records inspection and copying; repeals Ord. 513 and Ch. 2.60 (2.60)
874	Special excise tax for lodging; repeals Ord. 577 (3.10)
875	Amends 2000 budget (Special)
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877	Closes certain arterial street number (Special)
878	Amends 2000 budget (Special)
879	Amends § 13.36.060, sewer use charges (Repealed by 896)
880	Repeals and replaces Ord. 862 and § 13.04.350, water rates (Repealed by 895)
881	Reenacts Ords. 861, 862, 863, 865 and 870 (13.40)
882	Ambulance rates; repeals Ord. 865 (Special)
883	Amends 2000 budget (Special)
884	Authorizes interfund loan (Special)
885	Repeals and replaces Ord. 484 and § 1.12.010, general provisions (1.12)
886	Adopts 2001 budget (Special)
887	Amends 2000 budget (Special)
888	Amends 2000 budget (Special)
889	Repeals and replaces Ord. 64, noise nuisance (8.08)
890	Amends 2001 budget (Special)
891	Amends 2001 budget (Special)
892	Nuisances; repeals Ords. 31, 508, 634, 702 (8.04)
893	Public work contracts; repeals Ord. 783 (Repealed by 968)
894	Repeals Ord. 633, salaries (Not codified)
895	Water rate increase; repeals Ord. 880 (Repealed by 903)
896	Amends § 13.36.060; repeals Ord. 879, sewer rates (Repealed by 902)
897	Ambulance rates; repeals Ord. 882 (Repealed by 924)
898	Amends 2001 budget (Special)
899	Adopts 2002 budget (Special)
900	Amends 2001 budget (Special)
901	Amends 2002 budget (Special)
902	Amends § 13.36.060; repeals Ord. 896, sewer rates (13.40)
903	Amends §§ 13.04.350 [and 13.04.360]; repeals Ord. 895, water rates (13.04)
904	Amends § 8.16.030; repeals Ord. 861, garbage collection and disposal rates (Repealed by 912)
905	Repeals Ord. 434 and Ch. 2.44, investment committee (Repealer)
906	Adopts 2003 budget (Special)

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907	Amends 2002 budget (Special)
908	Establishes civil service commission (2.28)
909	Amends 2003 budget (Special)
910	Alley vacation (Special)
911	Grants cable franchise (Special)
912	Adds Ch. 8.12, solid waste disposal; repeals Ords. 419, 484, 803, 861, 881 and 904 as codified in Title 8, garbage collection (8.12)
913	Amends 2003 budget (Special)
914	Adopts 2004 budget (Special)
915	Amends Ch. 17.18, resource lands and critical areas development (Repealed by 997)
916	Amends 2003 budget (Special)
917	Amends 2004 budget (Special)
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919	Alley vacation (Special)
920	Repeals Ord. 755, resource lands and critical areas development (Repealer)
921	Amends §§ 14.20.140 and 14.20.180, mobile homes (14.20)
922	Amends §§ 13.04.350 and 13.04.360, water rates (13.04)
923	Amends § 8.12.230, garbage collection rates (8.12)
924	Ambulance rates; repeals Ord. 897 (Special)
925	Adopts 2005 budget (Special)
926	Amends 2004 budget (Special)
927	Amends § 13.04.350, water rates (13.04)
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929	Establishes police department imprest fund (3.24)
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931	Personal wireless service facilities development regulations (Repealed by 997)
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939	Water revenue bonds issuance (Special)
940	Amends 2005 water construction fund budget (Special)
941	Adopts 2006 budget (Special)
942	Amends 2005 budget (Special)
943	Repeals and replaces §§ 3.11.020 and 3.11.030, gambling tax (3.11)
944	Speed limit change on portions of Martin Road, Noble Road and Spokane Way (Not codified)
945	Amends § 9.56.020, breach of peace (9.56)
946	Establishes fire department rate schedules (Special)
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950	Adopts 2007 budget (Special)
951	Amends 2006 budget (Special)
952	Amends 2007 budget (Special)
953	Amends § 8.24.200(A), fireworks (8.24)
954	Adds §§ 17.08.005, 17.08.525, 17.08.535 and 17.60.015; amends §§ 17.08.510, 17.08.520, 17.08.540, 17.08.650, 17.08.660 and 17.56.010; repeals and replaces 17.60.030, manufactured housing (Repealed by 997)

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955	Amends § 17.96.020, nonconforming uses (Repealed by 997)
956	Amends § 13.36.060, sewer rates (13.40)
957	Amends § 13.04.350, water rates (13.04)
958	Adds Ch. 17.110; repeals § 17.112.100, development cost reimbursement (Repealed by 997)
959	Adopts 2008 budget (Special)
960	Amends 2007 budget (Special)
961	Amends and renames Ch. 2.32, planning agency (2.32)
962	Adds Ch. 2.50, hearing examiner (2.50)
963	Adds Title 11; repeals Chs. 17.100, 17.104, § 17.108.040, Chs. 17.112 and 17.120, development code administration (11.01, 11.03, 11.05, 11.07, 11.09, 11.11, 11.13, 11.15)
964	Adds Ch. 18.10; repeals Ch. 14.24, State Environmental Policy Act (18.10)
965	Establishes regional solid waste funds (Special)
966	Interim amendment of § 17.56.010, land use (Expired)
967	Interim amendment of § 17.56.010, land use (Repealed by 997)
968	Repeals Ord. 893 and Ch. 2.68, small works roster (Repealer)
969	Amends Ord. 947, ambulance rates (Special)
970	Establishes solid waste disposal construction fund (3.24)
971	Amends 2008 budget (Special)
972	Repeals § 9.44.010, immoral conduct (Repealer)
973	Amends 2008 budget (Special)
974	Amends 2008 budget (Special)
975	Authorizes city acquisition of property (Special)
976	Extends cable franchise (Special)
977	Amends § 8.12.230, solid waste collection and disposal rates (8.12)
978	Amends § 13.04.350, water service rates (13.04)
979	Amends § 13.36.060, sewer system user rates (13.40)
980	Adopts 2009 budget (Special)
981	Amends 2008 budget (Special)
982	Amends 2008 budget and Ord. 959 (Special)
983	Annexation (Special)
984	Annexation (Special)
985	Amends § 2.04.010; repeals Ord. 726 (Repealed by 1020)
986	Adopts 2010 budget (Special)
987	Amends 2009 budget (Special)
988	Annexation (Special)
989	Moratorium on adult entertainment and sexually oriented businesses (Expired)
990	Maintains moratorium on adult entertainment and sexually oriented businesses (Expired)
991	Adopts 2011 budget (Special)
992	Adds Ch. 5.08, adult businesses (Repealed by 1004)
993	Amends 2010 budget (Special)
994	Extends moratorium on adult entertainment and sexually oriented businesses (Expired)
995	Adds Ch. 11.17; repeals § 11.01.040, development code administration (11.17)
996	Repeals and replaces Title 16, land divisions (16.02, 16.04, 16.06, 16.08, 16.10, 16.12)
997	Repeals and replaces Title 17, zoning; repeals Ords. 989 and 994 (17.04, 17.08, 17.12, 17.16, 17.18, 17.20, 17.24, 17.28, 17.32, 17.36, 17.40, 17.42, 17.44, 17.48, 17.52, 17.56,

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	17.60, 17.64, 17.66, 17.68, 17.72, 17.76, 17.80)
998	Adopts updated comprehensive plan (Special)
999	Amends § 10.08.040, parking (10.08)
1000	Amends Ord. 911, cable franchise (Special)
1001	Amends 2011 budget (Special)
1002	Adopts 2012 budget (Special)
1003	Amends §§ 5.04.010(8) and (9), 5.04.050(C)(2), 5.04.070 and 5.04.090, business licenses (5.04)
1004	Amends Ch. 5.08; repeals Ord. 992, adult businesses (5.08)
1005	Amends Ord. 969, ambulance rates (Special)
1006	Adopts 2013 budget (Special)
1007	Amends § 13.44.010(B), senior and disabled citizen water and sewer rate reductions (13.44)
1008	Amends Ord. 836, library advisory board (2.72)
1009	Moratorium on cannabis-related businesses and permits (Special)
1010	Amends §§ 13.04.430, 13.04.440, 13.04.450, 13.04.480(B), 13.04.490(C), 13.24.010(C) and 13.24.020; repeals § 13.04.460, utility billing (13.04, 13.40)
1011	Amends § 13.04.420, water service billing (13.04)
1012	Extends cable franchise (Special)
1013	Amends 2013 budget (Special)
1014	Adopts 2014 budget (Special)
1015	Amends 2013 budget (Special)
1016	Adds § 11.17.604; amends § 17.48.020, district uses (11.17, 17.48)
1017	Street vacation (Special)
1018	Approves cable franchise transfer (Special)
1019	Adds Ch. 17.82; adopts shoreline master program (17.82)
1020	Amends § 2.04.010; repeals Ord. 985, council meetings (Repealed by 1033)
1021	Amends § 17.16.050, height, bulk and density requirements (17.16)
1022	Extends cable franchise (Special)
1023	Adds § 2.28.005; amends Ch. 2.24 and § 2.28.010(A), chief of police and civil service (2.24, 2.28)
1024	Amends §§ 2.24.015 and 2.28.010(A); repeals § 2.28.005, chief of police and civil service (2.24, 2.28)
1025	Amends 2014 budget (Special)
1026	Adopts 2015 budget (Special)
1027	Amends §§ 5.04.010(8) and (9), 5.04.020(C), 5.04.030(A), 5.04.040(E), 5.04.050(B)(7) and (C)(2), 5.04.060(A), 5.04.070(B) and 5.04.110(A)(3), business licenses (5.04)
1028	Adds Ch. 8.30, weed and vegetation control (8.30)
1029	Amends Ord. 1005, ambulance rates (Special)
1030	Adopts 2016 budget (Special)
1031	Amends 2015 budget (Special)
1032	Repeals §§ 13.04.440(A) and (B), delinquency charges for water services (13.04)
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1034	Amends §§ 11.17.498 and 17.48.020, district uses (11.17, 17.48)
1035	Right-of-way vacation (Special)
1036	Amends Ch. 8.24, fireworks (8.24)
1037	Adopts 2017 budget (Special)
1038	Amends Ch. 13.04, water regulations (13.04)
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1040	Adds Ch. 10.30, wheeled all-terrain vehicles (10.30)

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1041	Adopts public participation plan for 2018 comprehensive plan update (Special)
1042	Amends Ord. 1029, ambulance rates (Special)
1043	Adds Ch. 2.74, transportation benefit district (2.74)
1044	Moratorium on mini-storage and storage-related businesses (Special)
1045	Adopts 2018 budget (Special)
1046	Amends Chs. 13.16 through 13.40 as Ch. 13.40, regulation of public and private sewers (13.40)
1047	Extends moratorium on mini-storage and storage-related businesses (Special)
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1049	Amends 2018 budget (Special)
1050	Amends Ord. 455 § 2, cumulative reserve funds (3.12)
1051	Street/alley vacations (Special)
1052	Amends Ord. 1042, ambulance rates (Special)
1053	Amends § 13.04.495(A), vacant charge (13.04)
1054	Amends Ch. 5.04, business licenses (5.04)
1055	Adopts 2019 budget (Special)
1056	Amends 2018 budget (Special)
1057	(Number not used)
1058	Adds § 8.04.020(JJ); amends §§ 8.04.010, 8.04.040 and 8.04.070, public nuisances (8.04)
1059	Amends §§ 2.32.020 and 2.32.030, planning agency (2.32)
1060	Repeals §§ 12.04.050 and 14.20.110, cleanup bonds (Repealer)
1061	Amends §§ 13.44.020 and 13.44.030, water and sewer rate reduction for senior or disabled citizens (13.44)
1062	Adopts 2020 budget (Special)
1063	Interfund loan (Special)
1064	Amends 2020 budget (Special)
1065	Amends Ch. 5.04, business licenses (5.04)
1066	Amends § 2.08.040, city clerk office hours (2.08)
1067	Adds § 11.17.668; amends district use chart in § 17.48.020, short-term rentals (11.17, 17.48)
1068	Amends 2020 budget (Special)
1069	Amends 2020 budget (Special)
1070	Adopts updated comprehensive plan (Special)
1071	Amends Ord. 1052, ambulance rates (Special)
1072	Creates public safety tax fund (3.24)
1073	Adopts 2021 budget (Special)
1074	Amends 2020 budget (Special)
1075	Amends 2020 budget (Special)
1076	Adds §§ 1.04.010(AA), 11.17.076, 11.17.077, 11.17.129, 11.17.255 and 11.17.605 and Ch. 17.67; amends §§ 1.01.100, 16.02.080 and 17.48.020, electric vehicle charging stations (1.01, 1.04, 11.17, 16.02, 17.48, 17.67)
1077	Amends Ch. 17.18, resource lands and critical areas development (17.18)

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