

MONROE CITY COUNCIL

Regular Business Meeting
June 7, 2016, 7:00 P.M.

Council Chambers, City Hall
806 W Main Street, Monroe, WA 98272

AGENDA

Call To Order

Roll Call

Pledge Of Allegiance

1. Councilmember Hanford

Public Hearing

1. AB16-073: Ordinance No. 002/2016, Amending MMC 20.12
Transportation Impact Fees

Documents: [AB16-073_PH_ORD 002 2016.pdf](#)

Announcements And Presentations

1. AB16-074: TENTATIVE – Confirmation of Planning Commission
Appointment

**NOTE: documents to be posted as soon as available.*

Comments From Citizens

[This time is set aside for members of the audience to speak to the City Council on any issue related to the City of Monroe; except any quasi-judicial matter subject to a public hearing. **Please sign in prior to the meeting; testimony is limited to 5 minutes per speaker.**]

Consent Agenda

1. Approval of the Minutes; May 24, 2016, Regular Business Meeting

Documents: [20160607 CA1 MCC Minutes 20160524.pdf](#)

2. Approval of AP Checks and ACH Payments

Documents: [20160607 CA2 AP Checks.pdf](#)

3. AB16-075: Authorize Mayor to Sign Consultant Agreement with Stantec Consulting for Construction Management Services for the Rivmont Watermain Replacement Project

Documents: [AB16-075_RivmontWaterMainRplcmt.pdf](#)

4. AB16-076: Authorize Mayor to Sign Biosolids Transport Contract with Tenelco, Inc.

Documents: [AB16-076_BiosolidsContract.pdf](#)

Unfinished Business

1. AB16-077: Discussion: Underage Gatherings Regulations

Documents: [AB16-077_Discn_UnderageGatheringsRegs.pdf](#)

2. AB16-078: Discussion: Downtown Decorative Lighting

Documents: [AB16-078_Discn_DTDecorativeLighting.pdf](#)

New Business

1. AB16-079: Ordinance No. 006/2016, Amending MMC 9.26, Fireworks;
First Reading

Documents: [AB16-079_ORD 006 2016_AmdgMMC926Fireworks.pdf](#)

2. AB16-080: Ordinance No. 007/2016, 2016 Building Code Update; First
Reading

Documents: [AB16-080_ORD 007 2016, 2016BldgCodeUpdate.pdf](#)

3. AB16-081: Taxi Cab Application

Documents: [AB16-081_TaxiCabApp.pdf](#)

Final Action

1. AB16-082: Approval of Amendments to Council Rules of Procedure

Documents: [AB16-082_Approval_CnlRofP.pdf](#)

Councilmember Reports

1. City Council Finance & Human Resources Committee

Documents: [20160607 CR1 FHRAgenda060716.pdf](#)

Staff/ Department Reports

Mayor/ Administrative Reports

1. Monroe This Week (June 3, 2016, Edition No. 22)

Documents: [20160607 MR1 Monroe This Week Edition 22.pdf](#)

2. Draft Agenda for June 14, 2016, Regular Business Meeting

Executive Session

If needed.

Adjournment

Majority vote to extend past 10:00 p.m.

THE CITY COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS
AGENDA

Accommodations for people with disabilities will be provided upon request. Please call City Hall at
360-794-7400. Please allow 48 hours advance notice.



MONROE CITY COUNCIL

Agenda Bill No. 16-073

SUBJECT:	PUBLIC HEARING -- Ordinance No. 002/2016, Amending MMC 20.12 Transportation Impact Fees
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
06/07/2016	Public Works	Brad Feilberg	Brad Feilberg	Public Hearing #1

Discussion: 03/22/2016; 04/05/2016; 04/05/2016; 06/07/2016
Public Hearing – Council: 06/07/2016
Public Hearing – Planning Commission: 05/09/2016;05/23/2016

- Attachments:**
1. Ordinance No. 002/2016
 2. Current interim MMC 20.12 language
 3. Planning Commission recommended MMC 20.12 language
 4. Planning Commission Findings and Conclusions.

REQUESTED ACTION:

1. *(After citizen testimony, if any)* Move to close the public testimony portion of the public hearing.
2. *(After Council discussion, if any)* Move to close the public hearing.
3. Provide policy direction to the Mayor and Staff regarding permanent regulations.

DESCRIPTION/BACKGROUND

In order to encourage the reoccupation of vacant buildings throughout Monroe, the City Council adopted interim Ordinance No. 002/2016 to amend Chapter 20.12 of the Monroe Municipal Code on April 5, 2016. As this is an interim ordinance, the City Council is required to hold a public hearing after adoption to receive public comment. The interim ordinance changed the definition of “Development Activity” so that additional transportation impact fees are not collected when the use of an existing building is changed.

As the interim ordinance sunsets on July 5, 2016, the Planning Commission has held a public hearing and forwards a recommendation to the City Council for long-term changes to MMC 20.12.

The Planning Commission recommendation adds a definition of “Substantial Change of Use” and restores transportation impact for this development activity. The Planning Commission also recommends a five year sunset on the new definition of “Development Activity”.

IMPACT – BUDGET

No direct budget impact.

TIME CONSTRAINTS

Ordinance 002/2016 expires July 5, 2016; Proposed Timeline:

- Council Policy Direction 06/07/2016
- First Reading of Ordinance 06/21/2016
- Ordinance Published 06/28/2016
- Ordinance Effective 07/03/2016

**CITY OF MONROE
ORDINANCE NO. 002/2016**

AN INTERIM ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, AMENDING CHAPTER 20.12 MMC
TRANSPORTATION IMPACT FEES; CLARIFYING THE
APPLICABILITY OF TRANSPORTATION IMPACT FEES
TO DEVELOPMENT ACTIVITY INVOLVING CHANGES OF
USE; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 82.02 RCW, the City of Monroe has adopted and codified at Chapter 20.12 MMC standards and procedures for imposing transportation impact fees on development activity within the City in order to fund transportation system improvements necessary to serve such development; and

WHEREAS, the City Council desires to amend Chapter 20.12 MMC in order to clarify the applicability of the City's transportation impact fee to situations involving a change in land use; and

WHEREAS, the Council finds that the existing provisions in Chapter 20.12 MMC concerning changes of land use are potentially vague, and that a code amendment is immediately necessary in order to clarify the Council's legislative intent and to resolve potential uncertainties regarding the application and enforcement of said provisions.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE DO ORDAIN AS FOLLOWS:

Section 1. Amendment of MMC 20.12.030. Subsection 20.12.030(7) of the Monroe Municipal Code is hereby amended as follows:

7. "Development activity" means any construction or expansion of a building, structure, or use, ~~ANY CHANGE IN USE OF A BUILDING OR STRUCTURE, OR ANY CHANGE IN THE USE OF LAND,~~ that generates at least one p.m. peak hour trip of additional demand on and/or need for transportation facilities.

Section 2. Amendment of MMC 20.12.130. Subsection 20.12.130(D) of the Monroe Municipal Code is hereby amended as follows:

~~D. [FOR A CHANGE IN USE OF AN EXISTING BUILDING OR DWELLING UNIT, INCLUDING ANY ALTERATION, EXPANSION, REPLACEMENT, OR NEW ACCESSORY BUILDING, THE IMPACT FEE SHALL BE THE APPLICABLE IMPACT FEE FOR THE LAND USE CATEGORY OF THE NEW USE, LESS THE IMPACT FEE UNDER THE CURRENT RATE SCHEDULE OF THE PRIOR USE. IF NO IMPACT FEE WAS REQUIRED FOR THE PRIOR USE, THE IMPACT FEE FOR THE NEW USE SHALL BE REDUCED BY AN AMOUNT EQUAL TO THE CURRENT IMPACT FEE RATE FOR THE PRIOR~~

~~USE. THE "PRIOR USE" SHALL BE CONSTRUED AS THE LAST USE OF THE PROPERTY, EXCLUDING ANY INTERVENING PERIODS OF VACANCY EXCEPT AS FURTHER PROVIDED HEREIN. PROPERTIES THAT HAVE BEEN VACANT FOR FIVE YEARS OR MORE SHALL BE CONSIDERED VACANT FOR PURPOSES OF A CHANGE IN USE IMPACT FEE CALCULATION IF ANY IMPROVEMENTS ARE MADE TO THE PROPERTY THAT EXCEED FIFTY PERCENT OF THE VALUE OF EXISTING IMPROVEMENTS.~~**Where (i) a certificate of occupancy has been issued for a use, and (ii) the impact fees for said use have been paid, and (iii) the land use category is subsequently changed before the underlying space is occupied, the applicant shall further remit payment for the impact fee amount that applies to the new land use category, less the amount of impact fee already paid.**

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council hereby schedules a post-adoption public hearing on May 3, 2016, at 7:00 p.m. in order to take public testimony concerning the interim regulations set forth in Sections 1 and 2 above.

Section 4. Transmittal to Department of Commerce. Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Declaration of Emergency; Effective Date; Duration. Based upon the above recitals, the City Council hereby declares a public emergency requiring this ordinance to take effect immediately and shall remain effective for a period of three months unless renewed as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the City Council. The City Clerk is directed to publish a summary of this ordinance at the earliest possible date.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 5th day of April, 2016.

Adoption: April 5, 2016
Published: April 12, 2016
Effective: April 5, 2016

CITY OF MONROE, WASHINGTON:

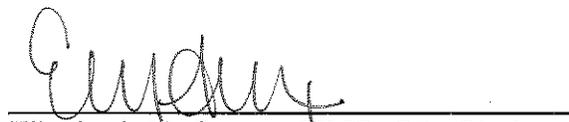
(SEAL)



Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Smoot, MMC, City Clerk



J. Zachary Lell, City Attorney

As redlined is effective until July 5, 2016

**Chapter 20.12
TRANSPORTATION IMPACT FEES**

Sections:

- [20.12.010](#) Purpose.
- [20.12.020](#) Authority.
- [20.12.030](#) Definitions.
- [20.12.040](#) Applicability.
- [20.12.050](#) Exemptions.
- [20.12.060](#) Credits.
- [20.12.070](#) Transportation service area.
- [20.12.080](#) Appeals.
- [20.12.090](#) Transportation impact fee fund – Expenditure and encumbrance.
- [20.12.100](#) Use of funds.
- [20.12.110](#) Time of payment.
- [20.12.120](#) Refunds.
- [20.12.130](#) Calculation of impact fees.
- [20.12.135](#) Independent fee calculations.
- [20.12.140](#) Review.
- [20.12.150](#) Impact mitigation authority preserved.
- [20.12.160](#) Transportation impact fee fund.

20.12.010 Purpose.

The purpose of this chapter is to establish and implement a transportation impact fee program to ensure that new land use development within the city funds a proportionate share of the costs for transportation facilities needed to serve such new growth and development. (Ord. 017/2007 § 2)

20.12.020 Authority.

This chapter is adopted pursuant to Chapters [36.70A](#) and [82.02](#) RCW. (Ord. 017/2007 § 2)

20.12.030 Definitions.

A. The following definitions shall apply for purposes of this chapter:

1. “Act” means the sections of the Washington State Growth Management Act codified at Chapters [36.70A](#) and [82.02](#) RCW, as may be hereinafter amended.
2. “Applicant” means a person or entity that has submitted a written application to the city for a building permit.

3. "Building permit" means the city's written authorization to commence development activity, as further defined by Chapter [18.02](#) MMC.
4. "City" means the city of Monroe, Washington.
5. "City engineer" means the Monroe city engineer or his/her designee. Any authority expressly or impliedly granted to the city engineer by this chapter shall supersede conflicting authority granted to the community development director in MMC [21.20.020](#).
6. "Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
7. "Development activity" means any construction or expansion of a building, structure, or use, ~~any change in use of a building or structure, or any change in the use of land~~ that generates at least one p.m. peak hour trip of additional demand on and/or need for transportation facilities.
8. "Impact fee" means a payment of money imposed by the city upon a building permit or other approval in order to fund system improvements needed to serve new growth and development, that is reasonably related to the new development that creates additional demand and need for transportation facilities, that is a proportionate share of the cost of the transportation facilities, and that is used for facilities that reasonably benefit the new development.
9. "Low-income housing" means a housing unit developed and maintained specifically for rental or ownership occupancy by households with incomes no greater than fifty percent of current median income as determined by reference to the most recently published income data for the Seattle-Bellevue PMSA published by the U.S. Department of Housing and Urban Development.
10. "MMC" means the Monroe Municipal Code.
11. "Owner" means the owner of record of real property; provided, that when real property is purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.
12. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project, that are necessary for the use and convenience of the occupants or users of the project, and that are not system improvements. No improvement or facility included in the city's adopted capital facilities plan shall be considered a project improvement.
13. "Proportionate share" means that portion of the cost of transportation facility improvements that is reasonably related to the service demands, impacts, and needs of new development.
14. "Public facilities" means transportation facilities that are owned or operated by the city.
15. "System improvements" means transportation facilities that are included in the city's capital facilities plan and that are designed to provide service to the community at large, in contrast to project improvements.

16. "Transportation facilities" means public streets and roads, including all publicly owned streets, roads, alleys, and rights-of-way within the city, and all traffic control devices, curbs, gutters, sidewalks, facilities, and improvements directly associated therewith.

17. "Transportation Impact Fee Rate Study Update" means the study prepared by Fehr & Peers in October 2015.

B. The city engineer is authorized to interpret and resolve questions regarding the definitions set forth in this section. (Ord. 002/2016 § 1*; Ord. 018/2015 § 2; Ord. 024/2009 § 9 (Exh. B); Ord. 017/2007 § 2)

* Code reviser's note: Ord. 002/2016 § 6 provides that the ordinance "shall remain effective for a period of three months unless renewed as provided in RCW [35A.63.220](#) and RCW [36.70A.390](#), or unless terminated sooner by the City Council." The ordinance is effective until July 5, 2016.

20.12.040 Applicability.

Unless otherwise exempt from the provisions of this chapter, all applicants seeking approval of development activity within the city on or after the effective date of the ordinance codified in this chapter shall pay transportation impact fees at the time of building permit issuance in the amount and manner set forth in this chapter. (Ord. 017/2007 § 2)

20.12.050 Exemptions.

A. Construction, reconstruction, or remodeling of the following facilities shall be exempt from the payment of eighty percent of the transportation impact fees under this chapter in accordance with RCW [82.02.060](#)(3) and shall be exempt, on a first-come, first-serve basis, from the additional twenty percent of the school impact fees under this chapter to the extent provided for in the annual budget of the city of Monroe in effect at the time of building permit application:

1. Low-income housing. "Low-income housing" is defined as follows: (a) low-income housing projects that are constructed by public housing agencies or private nonprofit housing developments; or (b) low-income residential units, rented or purchased, that are dedicated and constructed by private developers.

The granting of an exemption is subject to the recording of a covenant or recorded declaration of restrictions, acceptable to the city of Monroe, and compliant with RCW [82.02.060](#)(3), precluding the use of the property for other than the exempt purpose; provided, that if the property is used for a nonexempt purpose, then the park impact fees then in effect shall be paid. The covenant or recorded declaration shall be an obligation that runs with the land, and shall be recorded against the title of the real property upon which such housing is located in the real property records of Snohomish County.

B. Except as provided below, the following shall be exempt from the payment of impact fees under this chapter:

1. Replacement of an existing single-family residential structure with a new single-family residential structure upon the same site or lot when such replacement occurs within five years of the demolition or destruction of the existing structure;
2. Replacement of an existing non-single-family residential structure with a new non-single-family residential structure of the same size or less and use at the same site or lot when (a) such replacement occurs within five years of the demolition or destruction of the existing structure and (b) the new non-single-family residential structure creates no obligation to pay impact fees as calculated under the change in use provision of MMC [20.12.130](#)(l) as now or hereafter amended;
3. Condominium projects in which existing dwelling units are converted into condominium ownership where no new dwelling units are created; and
4. Previous mitigation, where:
 - a. The development activity is exempt from the payment of an impact fee pursuant to RCW [82.02.100](#), due to mitigation of the same system improvement under the State Environmental Policy Act (SEPA).

The city engineer is authorized to determine the applicability of any exemption to a particular development activity. All such determinations by the city engineer shall be in writing and shall be subject to appeal pursuant to MMC [20.12.080](#). (Ord. 018/2015 § 3; Ord. 017/2014 § 4; Ord. 024/2009 § 9 (Exh. B); Ord. 017/2007 § 2)

20.12.060 Credits.

- A. An applicant may request a credit against the amount of impact fees otherwise applicable to a development activity for the total value of dedicated land, improvements, or construction provided by the applicant as a condition of development approval. Credits will apply only if and to the extent that the land dedicated, improvements provided, and/or facilities constructed are:
 1. For transportation facilities constituting system improvements that are funded in whole or in part by impact fees; and
 2. Located at suitable sites and constructed at an acceptable quality level as determined by the city.
- B. The city engineer shall determine if a request for credits satisfies the criteria contained in subsection (A) of this section.
- C. The value of credits for structures, facilities or other improvements shall be established by documentation provided to the city engineer by the applicant.
- D. The value of a credit for land, including but not limited to right-of-way and easements, shall be determined on a case-by-case basis by an appraiser selected by, or acceptable to, the city engineer.
- E. The cost of any appraisal under this section shall in the city's discretion either be (1) borne exclusively by the applicant, or (2) deducted from the otherwise-applicable impact fee credit.

F. After receiving the appraisal and/or improvement cost documentation from the applicant, the city engineer shall provide the applicant with a written statement setting forth the dollar amount of the credit, the basis for the credit, the legal description of any dedicated real property, and a description of the development activity to which the credit shall be applied. The applicant shall sign and date a duplicate copy of said statement indicating his/her consent to the terms thereof, and shall return the signed document to the city engineer prior to application of the impact fee credit. The applicant's failure to sign, date, and return said statement within sixty calendar days may nullify the credit.

G. No credit shall be given for dedications for, contributions toward or construction of project improvements.

H. If the amount of the credit is less than the calculated fee amount, the difference remaining shall be chargeable as an impact fee and paid at the time of application for the building permit. In the event the amount of the credit is calculated to be greater than the amount of the impact fee due, the applicant shall forfeit such excess credit.

I. In the event that the city adopts impact fees that are less than the amount determined in the rate study, and provided that the amount of the reduction is achieved by a discount or similar policy determination to reduce the fee without revising the underlying studies, data, or assumptions, then credits shall be given only in an amount by which the value of the credit exceeds the value of the discount used to adopt the impact fees.

J. Any request for a credit must be submitted in writing to the city engineer within sixty calendar days of the city's receipt of the building permit application for the underlying development activity. An applicant's failure to timely file a request by said deadline shall conclusively waive the applicant's entitlement to any such credit.

K. Determinations made by the city engineer pursuant to this section shall be subject to appeal pursuant to MMC [20.12.080](#). (Ord. 017/2007 § 2)

20.12.070 Transportation service area.

The boundaries within which transportation impact fees shall be imposed, collected and expended pursuant to this chapter are co-extensive with the city's corporate limits and shall include all areas annexed to the city on and after the effective date of the ordinance codified in this chapter. For purposes of this chapter, the entire city shall be considered a single transportation service area. (Ord. 017/2007 § 2)

20.12.080 Appeals.

A. Payment Under Protest. An applicant may pay the impact fees imposed by this chapter under protest in order to obtain a building permit. No appeal shall be permitted unless and until the impact fees at issue have been fully remitted to the city.

B. Standing. Only the applicant for the proposed development activity shall have standing to file an appeal under this section.

C. Request for Review. An applicant seeking to appeal the imposition, allowed credit against, or amount of impact fees pursuant to this chapter shall first file a request for review with the city engineer.

1. The request for review shall be submitted to the city engineer using a form provided by the city. The request for review shall be filed within twenty-one calendar days of payment of the impact fees at issue. Failure to timely file such a request shall conclusively waive the applicant's appeal.

2. No administrative fee will be imposed for the request for review by the city engineer.

3. The city engineer shall issue his/her determination in writing regarding a request for review within thirty calendar days after receiving the request for review.

D. Determinations of the city engineer pursuant to subsection (C) of this section may be appealed by the applicant to the hearing examiner. All appeals of a city engineer determination shall proceed as follows:

1. Within fourteen calendar days of the city engineer's determination, the applicant shall file a written notice of appeal with the city clerk. Failure to timely file such notice of appeal shall conclusively waive the applicant's appeal. The notice of appeal shall be signed by the applicant, shall include a copy of the city engineer determination challenged by the applicant, and shall contain the following information:

a. The applicant's name and address;

b. A description of the development activity at issue;

c. The amount of impact fees imposed by the city upon the development activity; and

d. A brief explanation as to why the applicant believes the city engineer's determination was erroneous.

2. The city clerk shall transmit the notice of appeal to the hearing examiner, together with all documents constituting the record for the city engineer's determination.

3. The hearing examiner shall schedule a hearing to be conducted within sixty calendar days of the city clerk's receipt of the notice of appeal. Prior to the hearing date, the applicant and the city may submit evidence and/or briefing pursuant to a schedule issued by the hearing examiner.

4. Within ten calendar days after the close of the hearing, the hearing examiner shall enter written findings, conclusions, and a final decision with respect to the appeal. The hearing examiner may affirm, reverse, modify or remand, in whole or in part, the city engineer's determination; provided, that the hearing examiner shall affirm the city engineer's determination unless the applicant demonstrates that said determination is clearly erroneous; and provided further, that, pursuant to RCW [82.02.070](#), the hearing examiner may modify the impact fee amount based upon principles of fairness.

5. The decision of the hearing examiner shall be final unless appealed to the city council in accordance with Chapter [21.60](#) MMC. (Ord. 003/2008 (Exh. E); Ord. 017/2007 § 2)

20.12.090 Transportation impact fee fund – Expenditure and encumbrance.

A. Impact fees collected pursuant to this chapter shall be deposited in a transportation impact fee fund and shall be earmarked and utilized exclusively for system improvements.

B. Impact fees shall be expended or encumbered within ten years of receipt, unless the city council identifies in written findings extraordinary and compelling reasons for the city to hold the fees beyond the ten-year period. Under such circumstances, the city council shall establish the period of time within which the impact fees shall be expended or encumbered. (Ord. 018/2015 § 4; Ord. 017/2007 § 2)

20.12.100 Use of funds.

A. Impact fees collected pursuant to this chapter:

1. Shall be used for existing and new system improvements that will reasonably benefit new development;
2. Shall not be used to make up for pre-existing system improvement deficiencies that do not benefit new development; and
3. Shall not be used for maintenance or operation of system improvements.

B. Impact fees shall be used for system improvements in conformance with the capital facilities element of the comprehensive plan, including, but not limited to, planning, land acquisition, right-of-way acquisition, site improvements, necessary and related off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, and other associated expenses capable of capitalization.

C. Impact fees may be used to recoup system improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of system improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent permissible under state law and to the extent that the system improvements provided are consistent with the requirements of this section and serve new growth or development. (Ord. 017/2007 § 2)

20.12.110 Time of payment.

A. Impact fees shall be calculated and assessed for each development activity at the time of building permit issuance for each unit within the development, pursuant to the impact fee rates then in effect; provided, that if no building permit is required for the development activity in question, impact fees shall be calculated and assessed for each development activity at the time an occupancy permit or other permit authorizing the underlying use is issued.

B. Applicants who have been awarded credits pursuant to MMC [20.12.060](#) shall prior to building permit issuance submit a copy of the statement prepared by the city engineer setting forth the monetary value of the credit awarded. Impact fees, as determined after

the application of appropriate credits, shall be collected from the applicant at the time the building permit is issued for each unit in the proposed development.

C. The city shall not issue a building, occupancy or other use permit unless and until the impact fees required pursuant to this chapter have been paid. (Ord. 017/2007 § 2)

20.12.120 Refunds.

A. If the city fails to expend or encumber the impact fees within the time period established pursuant to MMC [20.12.090](#)(B), the current owner of the property for which impact fees have been paid may obtain a refund of such fees. In determining whether impact fees have been expended or encumbered, fees shall be considered expended or encumbered on a first in, first out basis.

B. The city shall notify potential claimants by first class mail, deposited with the United States Postal Service, at the last known address of such claimants. A potential claimant or claimant must be the owner of the property for which the impact fees in question have been paid.

C. Owners seeking a refund of impact fees must submit a written refund request to the city engineer within one year of the date the right to claim the refund arises or the date that notice by the city is provided, whichever is later.

D. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the city and expended upon appropriate system improvements.

E. Refunds of impact fees under this section shall include any interest earned on the impact fees by the city.

F. When and if the city seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail at the last known address of the claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended for the appropriate system improvements. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

G. The city shall also refund to the current owner of property for which impact fees have been paid, including interest earned on the impact fees, if the development for which the transportation impact fees were imposed did not occur; however, any associated administrative fee shall not be refunded. (Ord. 017/2007 § 2)

20.12.130 Calculation of impact fees.

A. The transportation impact fee assessed against a development activity shall be based upon the calculation methodology set forth in the Transportation Impact Fee Rate Study Update, Fehr & Peers (October 2015). This study includes the list of eligible impact fee projects enumerated in the transportation element of the city's

comprehensive plan, a calculation of the share of cost related to new growth and development, the determination of an impact fee rate, and the development of an impact fee schedule.

B. Each applicant for development shall pay its share in accordance with the following:

Land Use	Unit of Measure	Impact Fee Rate
Single Family (1 or 2 dwelling units)	Dwelling Unit	\$3,449
Multifamily (3 or more dwelling units)	Dwelling Unit	\$1,966
Senior Housing	Dwelling Unit	\$931
Commercial Services	SF GFA	\$13.73
School	Student	\$448
Institutional	SF GFA	\$2.55
Light Industry/Industrial Park	SF GFA	\$3.14
Warehousing/Storage	SF GFA	\$1.55
Restaurant	SF GFA	\$17.42
General Retail	SF GFA	\$8.45
Supermarket	SF GFA	\$20.93
Administrative Office	SF GFA	\$5.14
Medical Office/Dental Clinic	SF GFA	\$12.31

Exception: Permitted accessory dwelling units (as defined in MMC Title [18](#)) contained within the structure of the primary dwelling unit or detached from the primary dwelling unit shall be exempt from transportation impact fees.

C. For uses that are not identified in the fees established by subsection (B) of this section, the city engineer shall calculate the impact fee amount using the methodology employed in the Transportation Impact Fee Rate Study Update.

~~D. For a change in use of an existing building or dwelling unit, including any alteration, expansion, replacement, or new accessory building, the impact fee shall be the applicable impact fee for the land use category of the new use, less the impact fee under the current rate schedule of the prior use. If no impact fee was required for the prior use, the impact fee for the new use shall be reduced by an amount equal to the current impact fee rate for the prior use. The "prior use" shall be construed as the last use of the property, excluding any intervening periods of vacancy except as further provided herein. Properties that have been vacant for five years or more shall be considered vacant for purposes of a change in use impact fee calculation if any improvements are made to the property that exceed fifty percent of the value of existing improvements. Where (1) a certificate of occupancy has been issued for a use, and (2) the impact fees for said use have been paid, and (3) the land use category is subsequently changed before the underlying space is occupied, the applicant shall further remit payment for the impact fee amount that applies to the new land use category, less the amount of impact fee already paid.~~

E. The city engineer may in his/her sole discretion adjust the standard impact fee at the time the fee is imposed in consideration of unusual circumstances, in specific cases, to ensure that impact fees are imposed fairly.

F. Determinations made by the city engineer pursuant to this section may be appealed to the office of the hearing examiner as set forth in MMC [20.12.080](#).

G. The transportation impact fees computed in this section will be adjusted annually in accordance with a five-year rolling average of the Washington State Department of Transportation Construction Cost Index ("CCI"), coinciding with the city's annual adoption of its six-year street plan.

H. Pursuant to and consistent with the requirements of RCW [82.02.060](#), impact fee schedules have been adjusted for future taxes and other revenue sources to be paid by the new development which are earmarked or proratable to the same new public facilities which will serve the new development. (Ord. 002/2016 § 2*; Ord. 018/2015 § 5; Ord. 027/2008 § 1; Ord. 017/2007 § 2)

* Code reviser's note: Ord. 002/2016 § 6 provides that the ordinance "shall remain effective for a period of three months unless renewed as provided in RCW [35A.63.220](#) and RCW [36.70A.390](#), or unless terminated sooner by the City Council." The ordinance is effective until July 5, 2016.

20.12.135 Independent fee calculations.

A. City-Initiated Independent Fee Calculations. If, in the judgment of the city engineer, the fee calculation methodology set forth in MMC [20.12.130](#) does not accurately or fairly describe or capture the impacts of a development activity upon the city's transportation system, the city engineer may conduct an independent fee calculation and may impose an alternative fee amount based upon that calculation. The alternative fee and calculation shall be set forth in writing and shall be mailed to the permit applicant.

B. Applicant-Initiated Independent Fee Calculations. If an applicant believes that the trip impact fee amounts set forth in MMC [20.12.130](#) do not accurately or fairly describe or capture the impacts of a development activity upon the city's transportation system,

the applicant may prepare and submit to the city engineer an independent fee calculation for the development activity at issue. The independent fee calculation submitted shall demonstrate the basis upon which it is made; provided, independent fee calculations shall use the same methodology used to establish impact fees set forth in MMC [20.12.130](#), shall be limited to adjustments in trip generation rates and trip lengths used in the rate study, and shall not include travel demand forecasts, trip distribution, transportation service areas, costs of road projects, or cost allocation procedures.

1. The city engineer shall consider the independent fee calculation submitted by the applicant, but is not required to accept such documentation or analysis which the city engineer reasonably deems to be inaccurate or unreliable, and may, alternatively, require the applicant to submit additional or different documentation for consideration. The city engineer is authorized, but in no manner obligated, to adjust the impact fee on a case-by-case basis based upon an independent fee calculation, specific characteristics of the development, and/or the demonstrated impact of the development upon the city's transportation system. Any alternative fee calculation approved by the city engineer shall be set forth in writing and mailed to the applicant.

C. Determinations made by the city engineer pursuant to this section may be appealed to the hearing examiner as set forth in MMC [20.12.080](#). (Ord. 017/2007 § 2)

20.12.140 Review.

A. The fee calculations set forth in MMC [20.12.130](#) and fee rates established under this chapter may periodically be reviewed and adjusted by the city council.

B. The cost of administering the impact fee program for traffic impact fees shall be reimbursed through the imposition of administrative fees as set by council resolution. The resolution may set separate charges for different review processes specified in this chapter, including but not limited to the imposition of an impact fee, a request for modification of an impact fee, a request for a credit and an appeal of a determination made pursuant to this chapter. The administrative fee shall be deposited into an administrative fee account within the transportation impact fee fund.

C. The administrative fee, in addition to the actual impact fees, shall be paid by the applicant to the city at the same time as the impact fee is paid or at the time a request for an impact fee review or appeal is filed, if a request thereof occurs after payment of the impact fee. No request for review pursuant to this chapter shall be processed until the applicable administrative fee has been paid. (Ord. 017/2007 § 2)

20.12.150 Impact mitigation authority preserved.

Nothing in this chapter shall preclude the city from requiring the mitigation of adverse impacts with respect to a particular development activity pursuant to applicable state and local regulations. (Ord. 017/2007 § 2)

20.12.160 Transportation impact fee fund.

A. There is hereby established the transportation impact fee fund as a repository for the transportation impact fees collected pursuant to this chapter. Interest earned on the fees shall be allocated to the transportation impact fee fund and expended in furtherance of the purposes for which the impact fees were collected.

B. The city engineer shall annually provide a report to the city council regarding the transportation impact fee fund indicating the source and amount of all monies collected, earned or received, the fund balance, and the system improvements which were financed in whole or in part by impact fees. (Ord. 017/2007 § 2)

Alternative to current interim code**Chapter 20.12
TRANSPORTATION IMPACT FEES**

Sections:

- [20.12.010](#) Purpose.
- [20.12.020](#) Authority.
- [20.12.030](#) Definitions.
- [20.12.040](#) Applicability.
- [20.12.050](#) Exemptions.
- [20.12.060](#) Credits.
- [20.12.070](#) Transportation service area.
- [20.12.080](#) Appeals.
- [20.12.090](#) Transportation impact fee fund – Expenditure and encumbrance.
- [20.12.100](#) Use of funds.
- [20.12.110](#) Time of payment.
- [20.12.120](#) Refunds.
- [20.12.130](#) Calculation of impact fees.
- [20.12.135](#) Independent fee calculations.
- [20.12.140](#) Review.
- [20.12.150](#) Impact mitigation authority preserved.
- [20.12.160](#) Transportation impact fee fund.

20.12.010 Purpose.

The purpose of this chapter is to establish and implement a transportation impact fee program to ensure that new land use development within the city funds a proportionate share of the costs for transportation facilities needed to serve such new growth and development. (Ord. 017/2007 § 2)

20.12.020 Authority.

This chapter is adopted pursuant to Chapters [36.70A](#) and [82.02](#) RCW. (Ord. 017/2007 § 2)

20.12.030 Definitions.

A. The following definitions shall apply for purposes of this chapter:

1. “Act” means the sections of the Washington State Growth Management Act codified at Chapters [36.70A](#) and [82.02](#) RCW, as may be hereinafter amended.
2. “Applicant” means a person or entity that has submitted a written application to the city for a building permit.

3. "Building permit" means the city's written authorization to commence development activity, as further defined by Chapter [18.02](#) MMC.
4. "City" means the city of Monroe, Washington.
5. "City engineer" means the Monroe city engineer or his/her designee. Any authority expressly or impliedly granted to the city engineer by this chapter shall supersede conflicting authority granted to the community development director in MMC [21.20.020](#).
6. "Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
7. "Development activity" means any construction or expansion of a building, structure, or use, or any substantial change in use (as defined below) of a building or structure, ~~or any change in the use of land~~ that generates at least one p.m. peak hour trip of additional demand on and/or need for transportation facilities.
8. "Impact fee" means a payment of money imposed by the city upon a building permit or other approval in order to fund system improvements needed to serve new growth and development, that is reasonably related to the new development that creates additional demand and need for transportation facilities, that is a proportionate share of the cost of the transportation facilities, and that is used for facilities that reasonably benefit the new development.
9. "Low-income housing" means a housing unit developed and maintained specifically for rental or ownership occupancy by households with incomes no greater than fifty percent of current median income as determined by reference to the most recently published income data for the Seattle-Bellevue PMSA published by the U.S. Department of Housing and Urban Development.
10. "MMC" means the Monroe Municipal Code.
11. "Owner" means the owner of record of real property; provided, that when real property is purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.
12. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project, that are necessary for the use and convenience of the occupants or users of the project, and that are not system improvements. No improvement or facility included in the city's adopted capital facilities plan shall be considered a project improvement.
13. "Proportionate share" means that portion of the cost of transportation facility improvements that is reasonably related to the service demands, impacts, and needs of new development.
14. "Public facilities" means transportation facilities that are owned or operated by the city.
15. "Substantial change in use" means a change of use that requires improvements requiring a building permit that exceed fifty percent of the assessed value of the existing improvements.

4516. “System improvements” means transportation facilities that are included in the city’s capital facilities plan and that are designed to provide service to the community at large, in contrast to project improvements.

4617. “Transportation facilities” means public streets and roads, including all publicly owned streets, roads, alleys, and rights-of-way within the city, and all traffic control devices, curbs, gutters, sidewalks, facilities, and improvements directly associated therewith.

4718. “Transportation Impact Fee Rate Study Update” means the study prepared by Fehr & Peers in October 2015.

B. The city engineer is authorized to interpret and resolve questions regarding the definitions set forth in this section. (Ord. 002/2016 § 1*; Ord. 018/2015 § 2; Ord. 024/2009 § 9 (Exh. B); Ord. 017/2007 § 2)

20.12.040 Applicability.

Unless otherwise exempt from the provisions of this chapter, all applicants seeking approval of development activity within the city on or after the effective date of the ordinance codified in this chapter shall pay transportation impact fees at the time of building permit issuance in the amount and manner set forth in this chapter. (Ord. 017/2007 § 2)

20.12.050 Exemptions.

A. Construction, reconstruction, or remodeling of the following facilities shall be exempt from the payment of eighty percent of the transportation impact fees under this chapter in accordance with RCW [82.02.060](#)(3) and shall be exempt, on a first-come, first-serve basis, from the additional twenty percent of the school impact fees under this chapter to the extent provided for in the annual budget of the city of Monroe in effect at the time of building permit application:

1. Low-income housing. “Low-income housing” is defined as follows: (a) low-income housing projects that are constructed by public housing agencies or private nonprofit housing developments; or (b) low-income residential units, rented or purchased, that are dedicated and constructed by private developers.

The granting of an exemption is subject to the recording of a covenant or recorded declaration of restrictions, acceptable to the city of Monroe, and compliant with RCW [82.02.060](#)(3), precluding the use of the property for other than the exempt purpose; provided, that if the property is used for a nonexempt purpose, then the park impact fees then in effect shall be paid. The covenant or recorded declaration shall be an obligation that runs with the land, and shall be recorded against the title of the real property upon which such housing is located in the real property records of Snohomish County.

B. Except as provided below, the following shall be exempt from the payment of impact fees under this chapter:

1. Replacement of an existing single-family residential structure with a new single-family residential structure upon the same site or lot when such replacement occurs within five years of the demolition or destruction of the existing structure;
2. Replacement of an existing non-single-family residential structure with a new non-single-family residential structure of the same size or less and use at the same site or lot when (a) such replacement occurs within five years of the demolition or destruction of the existing structure and (b) the new non-single-family residential structure creates no obligation to pay impact fees as calculated under the change in use provision of MMC [20.12.130](#)(l) as now or hereafter amended;
3. Condominium projects in which existing dwelling units are converted into condominium ownership where no new dwelling units are created; and
4. Previous mitigation, where:
 - a. The development activity is exempt from the payment of an impact fee pursuant to RCW [82.02.100](#), due to mitigation of the same system improvement under the State Environmental Policy Act (SEPA).

The city engineer is authorized to determine the applicability of any exemption to a particular development activity. All such determinations by the city engineer shall be in writing and shall be subject to appeal pursuant to MMC [20.12.080](#). (Ord. 018/2015 § 3; Ord. 017/2014 § 4; Ord. 024/2009 § 9 (Exh. B); Ord. 017/2007 § 2)

20.12.060 Credits.

- A. An applicant may request a credit against the amount of impact fees otherwise applicable to a development activity for the total value of dedicated land, improvements, or construction provided by the applicant as a condition of development approval. Credits will apply only if and to the extent that the land dedicated, improvements provided, and/or facilities constructed are:
 1. For transportation facilities constituting system improvements that are funded in whole or in part by impact fees; and
 2. Located at suitable sites and constructed at an acceptable quality level as determined by the city.
- B. The city engineer shall determine if a request for credits satisfies the criteria contained in subsection (A) of this section.
- C. The value of credits for structures, facilities or other improvements shall be established by documentation provided to the city engineer by the applicant.
- D. The value of a credit for land, including but not limited to right-of-way and easements, shall be determined on a case-by-case basis by an appraiser selected by, or acceptable to, the city engineer.
- E. The cost of any appraisal under this section shall in the city's discretion either be (1) borne exclusively by the applicant, or (2) deducted from the otherwise-applicable impact fee credit.

F. After receiving the appraisal and/or improvement cost documentation from the applicant, the city engineer shall provide the applicant with a written statement setting forth the dollar amount of the credit, the basis for the credit, the legal description of any dedicated real property, and a description of the development activity to which the credit shall be applied. The applicant shall sign and date a duplicate copy of said statement indicating his/her consent to the terms thereof, and shall return the signed document to the city engineer prior to application of the impact fee credit. The applicant's failure to sign, date, and return said statement within sixty calendar days may nullify the credit.

G. No credit shall be given for dedications for, contributions toward or construction of project improvements.

H. If the amount of the credit is less than the calculated fee amount, the difference remaining shall be chargeable as an impact fee and paid at the time of application for the building permit. In the event the amount of the credit is calculated to be greater than the amount of the impact fee due, the applicant shall forfeit such excess credit.

I. In the event that the city adopts impact fees that are less than the amount determined in the rate study, and provided that the amount of the reduction is achieved by a discount or similar policy determination to reduce the fee without revising the underlying studies, data, or assumptions, then credits shall be given only in an amount by which the value of the credit exceeds the value of the discount used to adopt the impact fees.

J. Any request for a credit must be submitted in writing to the city engineer within sixty calendar days of the city's receipt of the building permit application for the underlying development activity. An applicant's failure to timely file a request by said deadline shall conclusively waive the applicant's entitlement to any such credit.

K. Determinations made by the city engineer pursuant to this section shall be subject to appeal pursuant to MMC [20.12.080](#). (Ord. 017/2007 § 2)

20.12.070 Transportation service area.

The boundaries within which transportation impact fees shall be imposed, collected and expended pursuant to this chapter are co-extensive with the city's corporate limits and shall include all areas annexed to the city on and after the effective date of the ordinance codified in this chapter. For purposes of this chapter, the entire city shall be considered a single transportation service area. (Ord. 017/2007 § 2)

20.12.080 Appeals.

A. Payment Under Protest. An applicant may pay the impact fees imposed by this chapter under protest in order to obtain a building permit. No appeal shall be permitted unless and until the impact fees at issue have been fully remitted to the city.

B. Standing. Only the applicant for the proposed development activity shall have standing to file an appeal under this section.

C. Request for Review. An applicant seeking to appeal the imposition, allowed credit against, or amount of impact fees pursuant to this chapter shall first file a request for review with the city engineer.

1. The request for review shall be submitted to the city engineer using a form provided by the city. The request for review shall be filed within twenty-one calendar days of payment of the impact fees at issue. Failure to timely file such a request shall conclusively waive the applicant's appeal.

2. No administrative fee will be imposed for the request for review by the city engineer.

3. The city engineer shall issue his/her determination in writing regarding a request for review within thirty calendar days after receiving the request for review.

D. Determinations of the city engineer pursuant to subsection (C) of this section may be appealed by the applicant to the hearing examiner. All appeals of a city engineer determination shall proceed as follows:

1. Within fourteen calendar days of the city engineer's determination, the applicant shall file a written notice of appeal with the city clerk. Failure to timely file such notice of appeal shall conclusively waive the applicant's appeal. The notice of appeal shall be signed by the applicant, shall include a copy of the city engineer determination challenged by the applicant, and shall contain the following information:

a. The applicant's name and address;

b. A description of the development activity at issue;

c. The amount of impact fees imposed by the city upon the development activity; and

d. A brief explanation as to why the applicant believes the city engineer's determination was erroneous.

2. The city clerk shall transmit the notice of appeal to the hearing examiner, together with all documents constituting the record for the city engineer's determination.

3. The hearing examiner shall schedule a hearing to be conducted within sixty calendar days of the city clerk's receipt of the notice of appeal. Prior to the hearing date, the applicant and the city may submit evidence and/or briefing pursuant to a schedule issued by the hearing examiner.

4. Within ten calendar days after the close of the hearing, the hearing examiner shall enter written findings, conclusions, and a final decision with respect to the appeal. The hearing examiner may affirm, reverse, modify or remand, in whole or in part, the city engineer's determination; provided, that the hearing examiner shall affirm the city engineer's determination unless the applicant demonstrates that said determination is clearly erroneous; and provided further, that, pursuant to RCW [82.02.070](#), the hearing examiner may modify the impact fee amount based upon principles of fairness.

5. The decision of the hearing examiner shall be final unless appealed to the city council in accordance with Chapter [21.60](#) MMC. (Ord. 003/2008 (Exh. E); Ord. 017/2007 § 2)

20.12.090 Transportation impact fee fund – Expenditure and encumbrance.

A. Impact fees collected pursuant to this chapter shall be deposited in a transportation impact fee fund and shall be earmarked and utilized exclusively for system improvements.

B. Impact fees shall be expended or encumbered within ten years of receipt, unless the city council identifies in written findings extraordinary and compelling reasons for the city to hold the fees beyond the ten-year period. Under such circumstances, the city council shall establish the period of time within which the impact fees shall be expended or encumbered. (Ord. 018/2015 § 4; Ord. 017/2007 § 2)

20.12.100 Use of funds.

A. Impact fees collected pursuant to this chapter:

1. Shall be used for existing and new system improvements that will reasonably benefit new development;
2. Shall not be used to make up for pre-existing system improvement deficiencies that do not benefit new development; and
3. Shall not be used for maintenance or operation of system improvements.

B. Impact fees shall be used for system improvements in conformance with the capital facilities element of the comprehensive plan, including, but not limited to, planning, land acquisition, right-of-way acquisition, site improvements, necessary and related off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, and other associated expenses capable of capitalization.

C. Impact fees may be used to recoup system improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of system improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent permissible under state law and to the extent that the system improvements provided are consistent with the requirements of this section and serve new growth or development. (Ord. 017/2007 § 2)

20.12.110 Time of payment.

A. Impact fees shall be calculated and assessed for each development activity at the time of building permit issuance for each unit within the development, pursuant to the impact fee rates then in effect; provided, that if no building permit is required for the development activity in question, impact fees shall be calculated and assessed for each development activity at the time an occupancy permit or other permit authorizing the underlying use is issued.

B. Applicants who have been awarded credits pursuant to MMC [20.12.060](#) shall prior to building permit issuance submit a copy of the statement prepared by the city engineer setting forth the monetary value of the credit awarded. Impact fees, as determined after

the application of appropriate credits, shall be collected from the applicant at the time the building permit is issued for each unit in the proposed development.

C. The city shall not issue a building, occupancy or other use permit unless and until the impact fees required pursuant to this chapter have been paid. (Ord. 017/2007 § 2)

20.12.120 Refunds.

A. If the city fails to expend or encumber the impact fees within the time period established pursuant to MMC [20.12.090](#)(B), the current owner of the property for which impact fees have been paid may obtain a refund of such fees. In determining whether impact fees have been expended or encumbered, fees shall be considered expended or encumbered on a first in, first out basis.

B. The city shall notify potential claimants by first class mail, deposited with the United States Postal Service, at the last known address of such claimants. A potential claimant or claimant must be the owner of the property for which the impact fees in question have been paid.

C. Owners seeking a refund of impact fees must submit a written refund request to the city engineer within one year of the date the right to claim the refund arises or the date that notice by the city is provided, whichever is later.

D. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the city and expended upon appropriate system improvements.

E. Refunds of impact fees under this section shall include any interest earned on the impact fees by the city.

F. When and if the city seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail at the last known address of the claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended for the appropriate system improvements. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

G. The city shall also refund to the current owner of property for which impact fees have been paid, including interest earned on the impact fees, if the development for which the transportation impact fees were imposed did not occur; however, any associated administrative fee shall not be refunded. (Ord. 017/2007 § 2)

20.12.130 Calculation of impact fees.

A. The transportation impact fee assessed against a development activity shall be based upon the calculation methodology set forth in the Transportation Impact Fee Rate Study Update, Fehr & Peers (October 2015). This study includes the list of eligible impact fee projects enumerated in the transportation element of the city's

comprehensive plan, a calculation of the share of cost related to new growth and development, the determination of an impact fee rate, and the development of an impact fee schedule.

B. Each applicant for development shall pay its share in accordance with the following:

Land Use	Unit of Measure	Impact Fee Rate
Single Family (1 or 2 dwelling units)	Dwelling Unit	\$3,449
Multifamily (3 or more dwelling units)	Dwelling Unit	\$1,966
Senior Housing	Dwelling Unit	\$931
Commercial Services	SF GFA	\$13.73
School	Student	\$448
Institutional	SF GFA	\$2.55
Light Industry/Industrial Park	SF GFA	\$3.14
Warehousing/Storage	SF GFA	\$1.55
Restaurant	SF GFA	\$17.42
General Retail	SF GFA	\$8.45
Supermarket	SF GFA	\$20.93
Administrative Office	SF GFA	\$5.14
Medical Office/Dental Clinic	SF GFA	\$12.31

Exception: Permitted accessory dwelling units (as defined in MMC Title [18](#)) contained within the structure of the primary dwelling unit or detached from the primary dwelling unit shall be exempt from transportation impact fees.

C. For uses that are not identified in the fees established by subsection (B) of this section, the city engineer shall calculate the impact fee amount using the methodology employed in the Transportation Impact Fee Rate Study Update.

D. For a substantial change in use of an existing building or dwelling unit, ~~including any alteration, expansion, replacement, or new accessory building,~~ the impact fee shall be the applicable impact fee for the land use category of the new use, less the impact fee under the current rate schedule of the prior use. ~~If no impact fee was required for the prior use, the impact fee for the new use shall be reduce by an amount equal to the current impact fee rate for the prior use. The “prior use” shall be construed as the last use of the property, excluding any intervening periods of vacancy except as further provided herein. Properties that have been vacant for five years or more shall be considered vacant for purposes of a change in use impact fee calculation if any improvements are made to the property that exceed fifty percent of the value of existing improvements.~~

E. Where (1) a certificate of occupancy has been issued for a use, and (2) the impact fees for said use have been paid, and (3) the land use category is subsequently changed before the underlying space is occupied, the applicant shall further remit payment for the impact fee amount that applies to the new land use category, less the amount of impact fee already paid.

~~EF.~~ The city engineer may in his/her sole discretion adjust the standard impact fee at the time the fee is imposed in consideration of unusual circumstances, in specific cases, to ensure that impact fees are imposed fairly.

~~FG.~~ Determinations made by the city engineer pursuant to this section may be appealed to the office of the hearing examiner as set forth in MMC [20.12.080](#).

~~GH.~~ The transportation impact fees computed in this section will be adjusted annually in accordance with a five-year rolling average of the Washington State Department of Transportation Construction Cost Index (“CCI”), coinciding with the city’s annual adoption of its six-year street plan.

~~HI.~~ Pursuant to and consistent with the requirements of RCW [82.02.060](#), impact fee schedules have been adjusted for future taxes and other revenue sources to be paid by the new development which are earmarked or proratable to the same new public facilities which will serve the new development. (Ord. 002/2016 § 2*; Ord. 018/2015 § 5; Ord. 027/2008 § 1; Ord. 017/2007 § 2)

20.12.135 Independent fee calculations.

A. City-Initiated Independent Fee Calculations. If, in the judgment of the city engineer, the fee calculation methodology set forth in MMC [20.12.130](#) does not accurately or fairly describe or capture the impacts of a development activity upon the city’s transportation system, the city engineer may conduct an independent fee calculation and may impose an alternative fee amount based upon that calculation. The alternative fee and calculation shall be set forth in writing and shall be mailed to the permit applicant.

B. Applicant-Initiated Independent Fee Calculations. If an applicant believes that the trip impact fee amounts set forth in MMC [20.12.130](#) do not accurately or fairly describe or capture the impacts of a development activity upon the city’s transportation system, the applicant may prepare and submit to the city engineer an independent fee calculation for the development activity at issue. The independent fee calculation submitted shall demonstrate the basis upon which it is made; provided, independent fee

calculations shall use the same methodology used to establish impact fees set forth in MMC [20.12.130](#), shall be limited to adjustments in trip generation rates and trip lengths used in the rate study, and shall not include travel demand forecasts, trip distribution, transportation service areas, costs of road projects, or cost allocation procedures.

1. The city engineer shall consider the independent fee calculation submitted by the applicant, but is not required to accept such documentation or analysis which the city engineer reasonably deems to be inaccurate or unreliable, and may, alternatively, require the applicant to submit additional or different documentation for consideration. The city engineer is authorized, but in no manner obligated, to adjust the impact fee on a case-by-case basis based upon an independent fee calculation, specific characteristics of the development, and/or the demonstrated impact of the development upon the city's transportation system. Any alternative fee calculation approved by the city engineer shall be set forth in writing and mailed to the applicant.

C. Determinations made by the city engineer pursuant to this section may be appealed to the hearing examiner as set forth in MMC [20.12.080](#). (Ord. 017/2007 § 2)

20.12.140 Review.

A. The fee calculations set forth in MMC [20.12.130](#) and fee rates established under this chapter may periodically be reviewed and adjusted by the city council.

B. The cost of administering the impact fee program for traffic impact fees shall be reimbursed through the imposition of administrative fees as set by council resolution. The resolution may set separate charges for different review processes specified in this chapter, including but not limited to the imposition of an impact fee, a request for modification of an impact fee, a request for a credit and an appeal of a determination made pursuant to this chapter. The administrative fee shall be deposited into an administrative fee account within the transportation impact fee fund.

C. The administrative fee, in addition to the actual impact fees, shall be paid by the applicant to the city at the same time as the impact fee is paid or at the time a request for an impact fee review or appeal is filed, if a request thereof occurs after payment of the impact fee. No request for review pursuant to this chapter shall be processed until the applicable administrative fee has been paid. (Ord. 017/2007 § 2)

20.12.150 Impact mitigation authority preserved.

Nothing in this chapter shall preclude the city from requiring the mitigation of adverse impacts with respect to a particular development activity pursuant to applicable state and local regulations. (Ord. 017/2007 § 2)

20.12.160 Transportation impact fee fund.

A. There is hereby established the transportation impact fee fund as a repository for the transportation impact fees collected pursuant to this chapter. Interest earned on the fees shall be allocated to the transportation impact fee fund and expended in furtherance of the purposes for which the impact fees were collected.

B. The city engineer shall annually provide a report to the city council regarding the transportation impact fee fund indicating the source and amount of all monies collected,

earned or received, the fund balance, and the system improvements which were financed in whole or in part by impact fees. (Ord. 017/2007 § 2)

Findings and conclusions

Findings

1. MMC 21.20.040(B) states that the planning commission shall review and make recommendations on the following subjects:

“B. Amendments to the subdivision code, zoning code, and environmental code (MMC Titles [17](#) through 20).”

Transportation Impact Fees are codified in MMC Chapter 20.12. Planning Commission review is required.

2. WAC 197-11-800 14(i) and WAC 197-11-800 (19) categorically exempt from SEPA threshold determinations the following,

“(14) **Activities of agencies.** The following administrative, fiscal and personnel activities of agencies shall be exempt:

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.”

and

“(19) **Procedural actions.** The proposal, amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are:

(a) Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment.

(b) Text amendments resulting in no substantive changes respecting use or modification of the environment.

(c) Agency SEPA procedures.”

The proposal is SEPA exempt. It is specific to transportation impact fees and involves no substantive changes with respect to use or modification of the environment.

3. The 2015-2035 Comprehensive Plan identifies six economic development strategies including “Provide a Great Place to Start and Grow a Business”. Among the key steps to responding to this strategy identified in the 2015-2035 Comprehensive Plan include:
 - Periodically evaluate fees to ensure Monroe is competitive with other cities in the region.
 - Support local business through efficient regulation, licensing, and permitting procedures.
 - Identify regulatory and financial incentives for starting or growing new business and industrial uses.

4. Pursuant to Chapter 82.02 RCW, the City of Monroe has adopted and codified at Chapter 20.12 MMC standards and procedures for imposing transportation impact fees on development activity within the City in order to fund transportation system improvements necessary to serve such development; and
5. The City Council desires to amend Chapter 20.12 MMC in order to clarify the applicability of the City's transportation impact fee to situations involving a change in land use.
6. Substantial changes in use may have an impact of the transportation infrastructure.
7. As this proposed amendment is intended to stimulate economic development it should sunset when no longer needed.

Conclusions

1. The proposed code amendment modifying the definition of development activity responds to this economic development strategy and is consistent with the 2015-2035 Comprehensive Plan.

CALL TO ORDER, ROLL CALL AND PLEDGE

The May 24, 2016, Regular Business Meeting of the Monroe City Council was called to order by Mayor Thomas at 7:01 p.m.; Council Chambers, City Hall.

Councilmembers present: Davis, Gamble¹, Kamp, Hanford, Rasmussen, and Scarboro.

Staff members present: Brazel, Farrell, Feilberg, Osaki, Smoot, and Warthan.

The Pledge of Allegiance was led by Mr. Russ Dean, American Legion Arthur Kincaid Post No. 58.

Mayor Thomas noted, without objection, the excused absence of Councilmember Cudaback, and proposed reordering of the Announcements/Presentations listed on the agenda. No objections were noted.

ANNOUNCEMENTS/PRESENTATIONS

1. Proclamation: Memorial Day 2016

Mayor Thomas read the proclamation into the record, recognized May 30, 2016, as Memorial Day, and presented the proclamation to Mr. Russ Dean, American Legion Arthur Kincaid Post No. 58.

Mayor Thomas noted the forthcoming Veteran's Memorial Monument Groundbreaking Event; June 2, 2016, 4:30 p.m., Lake Tye Park, Monroe.

2. Proclamation: Twelfth Annual Traditional Pow Wow

Mayor Thomas read the proclamation into the record, recognized May 28, 2016, as the Twelfth Annual Traditional Pow Wow of the Skykomish Valley Indian Education Program, and presented the proclamation to Ms. Marlene Miller and youth representatives from the Skykomish Valley Indian Education Program.

3. Presentation: Economic Alliance

Mr. Patrick Pierce, Chief Executive Officer, and Ms. Shannon McCarty, Executive, Market & Business Development, of the Economic Alliance of Snohomish County (EASC), presented the following information: EASC History (Mission, Vision, and Strategic Goals), EASC Business Lines (Advocate, Develop, and Connect), EASC Boards and Committees, and Getting the Most out of your Investment.

COMMENTS FROM CITIZENS

The following person spoke regarding AB16-072, Downtown Outdoor Sculpture Selection: Ms. Chris Hendrickson.

¹ CLERK'S NOTE: Councilmember Gamble arrived at approximately 7:08 p.m. during Announcements/Presentations.

The following person spoke regarding AB16-071, Downtown Decorative Lighting: Ms. Erin Angus-Snapka.

CONSENT AGENDA

1. Approval of the Minutes; May 17, 2016, Regular Business Meeting
2. AB16-069: Ordinance No. 005/2015, Downtown Fee Waiver Extension; Final Reading

Councilmember Kamp moved to approve the Consent Agenda; the motion was seconded by Councilmember Gamble. On vote,

Motion carried (6-0).

City Clerk Elizabeth Smoot read Ordinance No. 005/2015 into the record.

UNFINISHED BUSINESS

1. AB16-070: Discussion: Smoking/Vaping in Parks

Mr. Mike Farrell, Parks and Recreation Director, provided background information on AB16-070, smoking and vaping in City Parks, enforcement, signage, and staff recommendation.

General discussion ensued regarding policies, regulations, signage, enforcement, fines, example policies/regulations from Arlington and Burien, complaints received, and voluntary enforcement. The City Council requested this item be referred to the Monroe Parks Board for further review.

1. AB16-071: Discussion: Downtown Decorative Lighting

Mr. Brad Feilberg, Public Works Director, provided background information on AB16-071 and downtown decorative lighting.

General discussion ensued regarding funding and timing. The City Council requested this item return to a future meeting with information on additional potential funding sources.

FINAL ACTION

1. AB16-072: Downtown Outdoor Sculpture Selection

Mr. Farrell provided background information on AB16-072 and the Selection Committee's recommendation for a Downtown Outdoor Sculpture.

Councilmember Hanford moved to direct the Mayor and Staff to negotiate a draft agreement for services with Kevin Edwin Pattelle for a downtown art sculpture; the motion was seconded by Councilmember Rasmussen.

General discussion ensued regarding the selected design and artist, design concept, selection committee discussion, access to sculpture, vandalism mitigation/prevention, and inclusion of a descriptive plaque.

On vote,

Motion carried (6-0).

COUNCILMEMBER REPORTS

1. City Council Finance/Human Resources Committee – 2016 Work Plan

Councilmember Gamble presented the draft City Council Finance/Human Resources Committee 2016 Work Plan. No objections/changes were noted, and the work plan was finalized as presented.

2. City Council Transportation/Planning, Public Works, Parks & Recreation, and Public Safety Committee – 2016 Work Plan

Councilmember Davis presented the draft City Council Transportation/Planning, Public Works, Parks & Recreation, and Public Safety Committee 2016 Work Plan. No objections/changes were noted, and the work plan was finalized as presented.

3. Community Transit Board of Directors Meeting (Councilmember Cudaback)

NOTE - There was no verbal report provided at the time of the meeting.

4. Individual Reports

Councilmember Gamble commented on the Snohomish County Cities Dinner Meeting, Snohomish Economic Alliance Annual Meeting, and Monroe Public Schools Foundation Auction held in previous weeks.

Councilmember Rasmussen commented progress in Downtown Monroe and City Parks.

Councilmember Hanford commented on the forthcoming Association of Washington Cities (AWC) Conference.

STAFF/DEPARTMENT REPORTS

Mr. Farrell reported on the upcoming Veteran's Memorial event and Downtown flowers donations.

Mr. Feilberg reported on grants awarded and potential additional grants for construction projects including Chain Lake Road pathway and pedestrian/bicycle pathway in front of the Evergreen State Fairgrounds.

1. Staff Report on Land Sales Update

City Administrator Gene Brazel provided a brief update on land sales.

MAYOR/ADMINISTRATIVE REPORTS

Mr. Brazel reported on the upcoming Main Street Café Ribbon Cutting ceremony and selection of delegates for attendance at the AWC Business Meeting to be held at the Annual Conference in June 2016. Councilmembers Kamp, Hanford, and Rasmussen were selected at City delegates.

1. Monroe This Week (*May 20, 2016, Edition No. 20*)

Mayor Thomas reported on meetings held and events attended the previous week and forthcoming items, including: the Veteran’s Memorial event, Memorial Day Celebrations, demolition derby, and office meetings.

2. Draft Agenda for June 7, 2016, Regular Business Meeting

Administrator Brazel reviewed the draft agenda for the June 7, 2016, Monroe City Council Regular Business Meeting, the extended agenda, and additions/edits thereto.

ADJOURNMENT

There being no further business, the motion was made by Councilmember Rasmussen and seconded by Councilmember Gamble to adjourn the meeting. On vote,
Motion carried (6-0).

MEETING ADJOURNED: 8:53 p.m.

Geoffrey Thomas, Mayor

Elizabeth M. Smoot, MMC, City Clerk

Minutes approved at the Regular Business Meeting of June 7, 2016.

COUNCIL AP CHECKS AND ACH PAYMENTS 5/17/16 - 6/7/16

Accela Inc #774375

transactions	\$2,392.93
transactions - sales tax	\$93.61
Total Paid to Accela Inc #774375	\$2,486.54

AFTS

Other Charges - Don't Flush & Water Meter Flyers	\$643.08
Postage - Utilities	\$2,048.43
Printing Services - Delinquency Notices	\$885.58
Total Paid to AFTS	\$3,577.09

Allred Michael & Joan

Refund Check	\$86.60
Total Paid to Allred Michael & Joan	\$86.60

AmTest Inc.

wwtp testing	\$285.00
Total Paid to AmTest Inc.	\$285.00

Associated Petroleum Products I

Police vehicle fuel - Bldg H	\$3,436.41
PW vehicle fuel	\$6,441.30
Total Paid to Associated Petroleum Products Inc	\$9,877.71

Baker-Lewis-Schwison & Laws PL

public defender legal fees	\$24,000.00
Total Paid to Baker-Lewis-Schwison & Laws PLLC	\$24,000.00

Bowman James

J Bowman - reimbursement of 2 hats & 2 hat patches	\$35.27
Total Paid to Bowman James	\$35.27

Buckingham Ward

speaker costs for department training	\$477.70
Total Paid to Buckingham Ward	\$477.70

City of Monroe

Ferguson Waterworks - AMI contract retainage	\$7,154.70
Total Paid to City of Monroe	\$7,154.70

City of Sunnyside

jail billing	\$1,260.00
Total Paid to City of Sunnyside	\$1,260.00

Conley Chris

C Conley - reimburse for safety rubber work boots	\$108.95
Total Paid to Conley Chris	\$108.95

Davis Brad

Refund Check	\$91.44
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Total Paid to Davis Brad	\$91.44
Department of Ecology	
NPDES	\$11,488.00
Total Paid to Department of Ecology	\$11,488.00
Department of Revenue	
B&O Taxes - March Ammend	\$728.50
Total Paid to Department of Revenue	\$728.50
Department of Transportation	
N Kelsey/Tjerne Place signal maintenance	\$1,724.90
Total Paid to Department of Transportation	\$1,724.90
Everett Utilities City of Everett-	
water purchased for resale	\$103,734.70
Total Paid to Everett Utilities City of Everett-	\$103,734.70
E-Waste LLC	
Spring Clean-up event	\$300.00
Total Paid to E-Waste LLC	\$300.00
Ferguson Enterprises Inc	
AMI Contract	\$148,968.86
water meters	\$4,612.48
Total Paid to Ferguson Enterprises Inc	\$153,581.34
Garcia Cesar Garcia -	
interpreting services	\$111.07
Total Paid to Garcia Cesar Garcia -	\$111.07
Ginnard Ken	
K Ginnard - WASPC Spring Conference per diem	\$108.88
Total Paid to Ginnard Ken	\$108.88
Granich Engineered Products Inc	
PS79 repari	\$5,097.46
Total Paid to Granich Engineered Products Inc	\$5,097.46
H.B. Jaeger Company LLC	
DI pipe	\$1,058.28
fernco	\$43.09
meter boxes & lids	\$1,474.07
meter boxes & lids credit	(\$199.36)
pvc pipe	\$589.68
Total Paid to H.B. Jaeger Company LLC	\$2,965.76
H.W. Lochner Inc	
ADU 18809 137th St SE	\$104.00
Park Place Middle School	\$104.00
Total Paid to H.W. Lochner Inc	\$208.00

H-2 LLC	
assignment of cash	\$9,000.00
Total Paid to H-2 LLC	\$9,000.00
HD Supply Waterworks LTD	
meter cplg	\$301.07
meter setter	\$4,124.82
Total Paid to HD Supply Waterworks LTD	\$4,425.89
Henrich Shannon	
Refund Check	\$110.10
Total Paid to Henrich Shannon	\$110.10
Hill Scott	
Refund Check	\$146.82
Total Paid to Hill Scott	\$146.82
Imprest Fund City of Monroe -	
TLR-13 license	\$76.15
Total Paid to Imprest Fund City of Monroe -	\$76.15
Inland Environmental Resources	
mag hydroxide	\$5,348.83
Total Paid to Inland Environmental Resources Inc	\$5,348.83
INTEGRA	
INTEGRA - Long distance charge	\$1,723.56
Total Paid to INTEGRA	\$1,723.56
Integra Telecom of Washington I	
phone maintenance	\$503.16
Total Paid to Integra Telecom of Washington Inc.	\$503.16
Iron Mountain	
IRON MOUNTAIN-Off Site Storage	\$225.96
Total Paid to Iron Mountain	\$225.96
KBA Inc	
Woods Creek Road professional services	\$7,694.42
Total Paid to KBA Inc	\$7,694.42
Mayes Kenneth	
Refund Check	\$171.76
Total Paid to Mayes Kenneth	\$171.76
Mayes Testing Engrs Inc.	
Tjerne Place SE Extension	\$1,687.50
Total Paid to Mayes Testing Engrs Inc.	\$1,687.50
Monroe Chamber of Commerce	
destination marketing management development	\$4,583.00
Total Paid to Monroe Chamber of Commerce	\$4,583.00

Monroe Correctional Complex	
4/30/16 Inmate pay	\$206.00
Total Paid to Monroe Correctional Complex	\$206.00
Nalty Raymond & Mary	
Refund Check	\$238.77
Total Paid to Nalty Raymond & Mary	\$238.77
NC Machinery/Power/Rental Co	
vehicle maintenance	\$533.72
Total Paid to NC Machinery/Power/Rental Company	\$533.72
NW Playground Equip. Inc	
playground surfacing repair	\$3,822.00
Total Paid to NW Playground Equip. Inc	\$3,822.00
Ogden Murphy Wallace PLLC	
professional services through 4/30/16	\$30,850.45
Total Paid to Ogden Murphy Wallace PLLC	\$30,850.45
Olbrechts & Associates PLLC	
hearing examiner - Skyview Ridge	\$2,098.00
Total Paid to Olbrechts & Associates PLLC	\$2,098.00
Olson Dale	
reimbursement of CDL physical eye exam/medical	\$256.00
Total Paid to Olson Dale	\$256.00
Paxman Darrell	
payment of reimbursement agreement fees - 5% Administrative fee	\$3,127.36
Total Paid to Paxman Darrell	\$3,127.36
PUD	
PUD - 16410 177th Ave SE	\$107.63
PUD - 512 S Sams St	\$16,078.55
PUD - 806 W Main St A	\$1,162.48
Total Paid to PUD	\$17,348.66
Puget Sound Energy Inc	
PSE - 769 Village Way - PW Bui	\$139.71
PSE - 806 Main St Bldg C - Veh	\$146.33
PSE - 806 W Main St Bldg I - P	\$509.71
PSE - Police Department	\$374.09
PSE- 806 W Main St Bldg A -Mai	\$550.25
Total Paid to Puget Sound Energy Inc	\$1,720.09
Quenzer Timothy	
T Quenzer - WASPC Spring Conference per diem	\$108.88
Total Paid to Quenzer Timothy	\$108.88
Republic Services Inc	
ALLIED/REPUBLIC - Recycle - WW	\$61.09

ALLIED/REPUBLIC -Recycle - PW	\$503.17
ALLIED/REPUBLIC -Recycle CH	\$126.24
ALLIED/REPUBLIC -Recycle -PW/P	\$38.52
Total Paid to Republic Services Inc	\$729.02
Sanders John	
Refund Check	\$11.93
Total Paid to Sanders John	\$11.93
Sandoval Monica	
M Sandoval - fuel for training travel	\$18.83
Total Paid to Sandoval Monica	\$18.83
Scheffer Staci & Todd	
Refund Check	\$33.65
Total Paid to Scheffer Staci & Todd	\$33.65
Sentinel Offender Services LLC	
electronic home monitoring	\$68.77
Total Paid to Sentinel Offender Services LLC	\$68.77
Snohomish County Clerks & Fina	
D Nelson/R Howard & E Smoot - P Baker non-member	\$76.00
Total Paid to Snohomish County Clerks & Finance Office	\$76.00
Snohomish County Human Servic	
liquor board profits & excise taxes	\$1,228.31
Total Paid to Snohomish County Human Services Dept	\$1,228.31
Snohomish County Planning & D	
Sno Co Tomorrow 2016 dues	\$3,149.00
Total Paid to Snohomish County Planning & Developmen	\$3,149.00
Snohomish County Public Works	
Overlay Allocations	\$472.02
Total Paid to Snohomish County Public Works	\$472.02
Snohomish County Sheriff Correc	
jail billing	\$26,198.79
Total Paid to Snohomish County Sheriff Corrections Bure	\$26,198.79
Snohomish County Sheriff's Office	
inmate medical billing	\$10.61
Total Paid to Snohomish County Sheriff's Office	\$10.61
SNOPAC911	
dispatch services	\$21,849.62
managed laptop program	\$2,026.92
Total Paid to SNOPAC911	\$23,876.54
Sykes Jabari & Kyla	
Refund Check	\$118.08
Total Paid to Sykes Jabari & Kyla	\$118.08

United Parcel Service Inc	
shipping	\$23.48
Total Paid to United Parcel Service Inc	\$23.48
WA St Criminal Justice Training C	
patrol rifle instructor training	\$500.00
Total Paid to WA St Criminal Justice Training Commision	\$500.00
Walburn Karen	
Refund Check	\$28.28
Total Paid to Walburn Karen	\$28.28
Washington State Patrol	
fingerprinting	\$300.25
Total Paid to Washington State Patrol	\$300.25
Zachor & Thomas Inc. P.S.	
prosecuting attorney services	\$10,000.00
Total Paid to Zachor & Thomas Inc. P.S.	\$10,000.00
Grand Total	\$492,340.25



MONROE CITY COUNCIL

Agenda Bill No. 16-075

SUBJECT:	<i>Authorize Mayor to Sign Consultant Agreement with Stantec Consulting for Construction Management Services for the Rivmont Watermain Replacement Project</i>
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
06/07/2016	Public Works Design & Construction	Jim Gardner	Brad Feilberg	Consent Agenda #3

Discussion: 01/19/2016, 06/07/2016

Attachments: 1. Consultant Agreement

REQUESTED ACTION: Move to authorize the Mayor to sign the Consultant Agreement with Stantec Consulting for Construction Management Services for the Rivmont Watermain Replacement Project; and expressly authorize any further minor revisions as deemed necessary or appropriate.

DESCRIPTION/BACKGROUND

The road surface condition of Rivmont Street is substandard, and the existing watermain is aging. The City will replace the watermain this summer with new ductile iron pipe, as well as rehabilitate the road surface with new asphalt and road base.

A Request for Proposals (RFP) was issued for a Construction Management Firm to provide construction inspection services for the Rivmont Watermain Replacement Project. Four firms responded. After careful evaluation, and subsequent phone interviews with the two highest-ranking firms, the firm selected is Stantec Consulting Services.

IMPACT – BUDGET

The requested expenditure to fund the consultant agreement (plus contingency) for the Rivmont Watermain Replacement Project is \$110,043.86. This amount will be billed to the CIP Water Fund.

TIME CONSTRAINTS

The watermain replacement must be started this month to ensure the road can be paved prior to the start of winter.

CONSULTANT AGREEMENT	
PROJECT TITLE AND IDENTIFICATION NUMBER Rivmont Watermain Replacement Project M2016-0004	WORK DESCRIPTION Provide construction observation services associated with the City of Monroe's Rivmont Watermain Replacement Project
CONSULTANT Stantec Consulting Services, Inc. 11130 NE 33rd Place, Suite 200 Bellevue, WA 98004	CONSULTANT CONTACT NAME, AND TELEPHONE NO. Christopher Ruiz Project Manager (425) 289-7360 chris.ruiz@stantec.com
FEDERAL I.D. NO. 11-2167170	BUDGET OR FUNDING SOURCE 412-000-120-594-34-65-00
PROJECT ADMINISTRATOR NAME, ADDRESS AND TELEPHONE NO. Jim Gardner, PE Project Manager 806 West Main Street Monroe, WA 98272 (360) 863-4542	MAXIMUM AMOUNT PAYABLE, IF ANY \$110,043.86 Project Management: \$ 2,781.00 Construction Observation: \$89,280.86 Management Reserve: \$17,982.00
COMPLETION DATE December 31, 2016	<input type="checkbox"/> Lump Sum <input type="checkbox"/> Cost Plus a Fixed Fee <input type="checkbox"/> Schedule Rate/Time and Materials <input checked="" type="checkbox"/> Time and Materials/Not to Exceed

THIS AGREEMENT is entered into on _____, 2016 between the City of Monroe, Washington, hereinafter called "the CITY", and the above person, firm or organization, hereinafter called "the CONSULTANT".

WHEREAS, the CITY desires to accomplish the above-referenced project; and

WHEREAS, the CITY does not have sufficient staff or expertise to meet the required commitment and therefore deems it advisable and desirable to engage the assistance of a CONSULTANT to provide the necessary services for the project; and

WHEREAS, the CONSULTANT has represented to the CITY that the CONSULTANT is in compliance with the professional registration statutes of the State of Washington, if applicable, and has signified a willingness to furnish consulting services to the CITY, now, therefore,

IN CONSIDERATION OF the terms and conditions set forth below, or attached and incorporated and made a part hereof, the parties agree as follows:

1. Retention of Consultant - Scope of Work. The CITY hereby retains the CONSULTANT to provide professional services as defined in this agreement and as necessary to accomplish the scope of work attached hereto as Exhibit A and incorporated herein by this reference as if set forth in full. The CONSULTANT shall furnish all services, labor and related equipment necessary to conduct and complete the work, except as specifically noted otherwise in this agreement.

2. Completion of Work. The CONSULTANT shall not begin any work under the terms of this agreement until authorized in writing by the CITY. The CONSULTANT shall complete all work required by this agreement according to the schedule attached as Exhibit B and incorporated herein by this reference as if set forth in full. A failure to complete the work according to the attached schedule, except where such failure is due to circumstances beyond the control of the CONSULTANT, shall be deemed a breach of this agreement. The established completion time shall not be extended because of any delays attributable to the CONSULTANT, but may be extended by the CITY, in the event of a delay attributable to the CITY, or because of unavoidable delays caused by circumstances beyond the control of the CONSULTANT. All such extensions shall be in writing and shall be executed by both parties.

3. Payment. The CONSULTANT shall be paid by the CITY for satisfactorily completed work and services satisfactorily rendered under this agreement as provided in Exhibit C, attached hereto and incorporated herein by this reference as if set forth in full. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work specified in the Scope of Work attached. The CONSULTANT shall be entitled to invoice the CITY no more frequently than once per month during the course of the completion of work and services by the CONSULTANT. Invoices shall detail the work performed or services rendered, the time involved (if compensation is based on an hourly rate) and the amount to be paid. The CITY shall pay all such invoices within 45

days of submittal, unless the CITY gives notice that the invoice is in dispute. In no event shall the total of all invoices paid exceed the maximum amount payable set forth above, if any, and the CONSULTANT agrees to perform all services contemplated by this agreement for no more than said maximum amount.

4. Changes in Work. The CONSULTANT shall promptly make such changes and revisions in the complete work provided by this agreement as may be necessary to correct errors made by the CONSULTANT and appearing therein when required to do so by the CITY. The CONSULTANT shall make such corrective changes and revisions without additional compensation from the CITY. Should the CITY find it desirable for its own purposes to have previously satisfactorily completed work or parts thereof changed or revised, the CONSULTANT shall make such revisions as directed by the CITY. This work shall be considered as Extra Work and will be paid for as provided in Section 5.

5. Extra Work.

A. The CITY may, at any time, by written order, make changes within the general scope of the agreement in the services to be performed. If any such change causes an increase or decrease in the estimated cost of, or the time required for, performance of any part of the work or services under this agreement, whether or not changed by the order, or otherwise affects any other terms or conditions of the agreement, the CITY shall make an equitable adjustment in the (1) maximum amount payable; (2) delivery or completion schedule or both; and (3) other affected terms, and shall modify the agreement accordingly.

B. The CONSULTANT must submit any "proposal for adjustment" under this clause within 30 days from the date of receipt of the written order to make changes. However, if the CITY decides that the facts justify it, the CITY may receive and act upon a proposal submitted before final payment of the agreement.

C. Failure to agree to any adjustment shall be a dispute as provided in Section 18. Notwithstanding any such dispute, the CONSULTANT shall proceed with the agreement as changed.

D. Notwithstanding any other provision in this section, the maximum amount payable for this agreement shall not be increased or considered to be increased except by specific written amendment of this agreement.

6. Ownership of Work Product. Any and all documents, drawings, reports, and other work product produced by the CONSULTANT under this agreement shall become the property of the CITY upon payment of the CONSULTANT'S fees and charges therefore. The CITY shall have the complete right to use and re-use such work product in any manner deemed appropriate by the CITY, provided, that use on any project other than that for which the work product is prepared shall be at the CITY'S risk unless such use is agreed to by the CONSULTANT. Electronic versions of all work products shall be provided to the CITY in a format compatible with CITY software, except to the extent expressly waived in the attached exhibits.

7. Independent Contractor. The CONSULTANT is an independent contractor for the performance of services under this agreement. The CITY shall not be liable for, nor obligated to pay to the CONSULTANT, or any employee of the CONSULTANT, sick leave, vacation pay, overtime or any other benefit applicable to employees of the CITY, nor to pay or deduct any social security, income tax, or other tax from the payments made to the CONSULTANT which may arise as an incident of the CONSULTANT performing services for the CITY. The CITY shall not be obligated to pay industrial insurance for the services rendered by the CONSULTANT.

8. Indemnity. The CONSULTANT agrees to hold harmless, indemnify and defend the CITY, its officers, agents, employees and volunteers from and against any and all claims, injuries, losses, suits, costs or liability (collectively, "Claims"), specifically including without limitation Claims resulting from injuries, sickness or death of employees of the CONSULTANT and/or damage to property, arising out of or otherwise resulting from the acts, errors, or omissions of the CONSULTANT, its officers, agents, subconsultants or employees, in connection with the services required by this agreement, provided, however, that: The CONSULTANT's obligation to indemnify, defend and hold harmless shall not extend to Claims caused by or resulting from the sole willful misconduct or sole negligence of the City, its officers, agents or employees.

Should a court of competent jurisdiction determine that this agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the CONSULTANT and the CITY, its officers, officials, employees, and volunteers, the CONSULTANT's liability hereunder shall be only to the extent of the CONSULTANT's negligence.

It is further specifically and expressly understood that the indemnification provided herein constitutes the CONSULTANT'S waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

The CITY's acceptance or approval of any services or work product under this agreement shall not be deemed to reduce, abridge, limit or otherwise alter the CONSULTANT's obligations as set forth in this section, unless such intent is expressly stated in writing by the CITY.

The provisions of this section shall survive the expiration or termination of this agreement.

9. Insurance. The CONSULTANT shall procure and maintain for the duration of the agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the CONSULTANT, its agents, representatives, or employees.

A. Minimum Scope of Insurance

CONSULTANT shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 or equivalent and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The CITY shall be named as an additional insured under the CONSULTANT's Commercial General Liability insurance policy with respect to the work performed for the CITY.

3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. Professional Liability Professional liability insurance appropriate to the CONSULTANT's profession.

B. Minimum Amounts of Insurance

CONSULTANT shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.

The amounts listed above are the minimum deemed necessary by the CITY to protect the CITY'S interests in this matter. The CITY has made no recommendation to the CONSULTANT as to the insurance necessary to protect the CONSULTANT'S interests and any decision by the CONSULTANT to carry or not carry insurance amounts in excess of the above is solely that of the CONSULTANT.

3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

C. Other Insurance Provisions.

All insurance shall be obtained from an insurance company authorized to do business in the State of Washington. Excepting the professional liability insurance, the CITY will be named on all insurance as an additional insured. The CONSULTANT shall submit a certificate of insurance to the CITY evidencing the coverages specified above, together with an additional insured endorsement naming the CITY, within fifteen (15) days of the execution of this agreement and prior to the performance of any work specified hereunder. The certificates of insurance shall cover the

work specified in or performed under this agreement. The certificate and endorsement must be project and/or site specific. No cancellation, reduction or modification of the foregoing policies shall be effective without thirty (30) days prior written notice to the CITY.

The CONSULTANT's insurance coverage shall be primary insurance as respect the City. Any insurance, self-insurance, or insurance pool coverage maintained by the CITY shall be excess of the CONSULTANT's insurance and shall not contribute with it.

D. Acceptability of Insurers.

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

E. No Limitation.

The CONSULTANT's maintenance of insurance as required by this agreement shall not be construed to limit the liability of the CONSULTANT to the coverage provided by such insurance, or otherwise limit the CITY'S recourse to any remedy available at law or equity.

10. Records Retention and Disclosure. The CONSULTANT shall keep all records related to this agreement for a period of three years following completion of the work for which the CONSULTANT is retained. The CONSULTANT shall permit any authorized representative of the CITY, and any person authorized by the CITY for audit purposes, to inspect such records at all reasonable times during regular business hours of the CONSULTANT. Upon request, the CONSULTANT will provide the CITY with reproducible copies of any such records. The copies will be provided without cost if required to substantiate any billing of the CONSULTANT, but the CONSULTANT may charge the CITY for copies requested for any other purpose. The CONSULTANT shall also provide a complete electronic copy of all reports, plans, and specifications upon completion of the work or upon request of the CITY.

Separate from and additional to the foregoing, the CONSULTANT shall fully cooperate with and assist the CITY with respect to any request for public records received by the CITY and related to any public records generated, produced, created and/or possessed by the CONSULTANT and related to the services performed under this agreement. Upon written demand by the CITY, the CONSULTANT shall furnish the CITY with full and complete copies of any such records within five business days.

The CONSULTANT's failure to timely provide such records upon demand shall be deemed a material breach of this agreement. To the extent that the CITY incurs any monetary penalties, attorneys' fees, and/or any other expenses as a result of such breach, the CONSULTANT shall fully indemnify and hold harmless the CITY as set forth in Section 8.

For purposes of this section, the term "public records" shall have the same meaning as defined by Chapter 42.17 RCW and Chapter 42.56 RCW, as said chapters have been construed by Washington courts.

The provisions of this section shall survive the expiration or termination of this agreement.

11. Notices. All notices required to be given by either party to the other under this agreement shall be in writing and shall be given in person or by mail to the addresses set forth in the box for the same appearing at the outset of this agreement. Notice by mail shall be deemed given as of the date the same is deposited in the United States mail, postage prepaid, addressed as provided in this paragraph.

12. Project Administrator. The Project Administrator shall be responsible for coordinating the work of the CONSULTANT, for providing any necessary information for and direction of the CONSULTANT's work in order to ensure that it generally meets the requirements of this agreement, and for reviewing, monitoring and approving the general quality and quantity of such work. The CONSULTANT shall report to and take any necessary direction from the Project Administrator. Provided, that nothing in this section shall be construed as altering the CONSULTANT'S duty of care or otherwise limiting, abridging, waiving or reducing the CONSULTANT'S obligations under this agreement.

13. Conflict Amongst Main Agreement and Attachments. In case of conflict between the Exhibits to this agreement and the portions of this agreement preceding the signature lines (Sections 1-23), the terms of Sections 1-23 shall prevail. Any limitations on liability and indemnification expressed in the attached exhibits beyond those specified in Sections 8 and 9 (prior to signature line) shall be null and void.

14. Termination. The CITY reserves the right to terminate this agreement at any time upon ten (10) days written notice to the CONSULTANT. Any such notice shall be given to the address specified in Box 3 on page 1. In the event that this agreement is terminated by the CITY other than for fault on the part of the CONSULTANT, a final payment shall be made to the CONSULTANT for all services satisfactorily performed. No payment shall be made for any work completed after ten (10) days following receipt by the CONSULTANT of the notice to terminate. In the event that services of the CONSULTANT are terminated by the CITY for fault on part of the CONSULTANT, the amount to be paid shall be determined by the CITY with consideration given to the actual cost incurred by the CONSULTANT in performing the work to the date of termination, the amount of work originally required which would satisfactorily complete it to date of termination, whether that work is in a form or type which is usable to the CITY at the time of termination, the cost of the CITY of employing another firm to complete the work required, and the time which may be required to do so.

15. Non-Discrimination. The CONSULTANT agrees not to discriminate against any customer, employee or applicant for employment, subcontractor, supplier or materialman, because of race, color, creed, religion, national origin, marital status, sex, sexual orientation, age or handicap, except for a bona fide occupational qualification. The CONSULTANT understands that if it violates this provision, this agreement may be terminated by the CITY and that the CONSULTANT may be barred from performing any services for the CITY now or in the future.

16. Subcontracting or Assignment. The CONSULTANT may not assign or subcontract any portion of the services to be provided under this agreement without the express written consent of the CITY. Any subconsultants approved by the CITY at the outset of this agreement are named on Exhibit D attached hereto and incorporated herein by this reference as if set forth in full.

17. Non-Waiver. Payment for any part of the work or services by the CITY shall not constitute a waiver by the CITY of any remedies of any type it may have against the CONSULTANT for any breach of the agreement by the CONSULTANT, or for failure of the CONSULTANT to perform work required of it under the agreement by the CITY. Waiver of any right or entitlement under this agreement by the CITY shall not constitute waiver of any other right or entitlement.

18. Resolution of Disputes; Governing Law and Venue. This agreement shall be governed by and construed in accordance with the laws of the State of Washington. If any dispute arises out of or in connection with this agreement, including any question regarding its existence, enforceability, interpretation, or validity, the parties will, if practicable, meet and confer in good faith for a period of fourteen (14) days to attempt to resolve such dispute without an adversary proceeding. If at the end of the fourteen (14) day period such attempt at resolution is unsuccessful, the parties may resort to litigation. The exclusive venue for any litigation arising out this agreement shall be the Snohomish County Superior Court. The substantially prevailing party in any such litigation shall be entitled to an award of its reasonable attorneys' fees.

19. Taxes. The CONSULTANT will be solely responsible for the payment of any and all applicable taxes related to the services provided under this agreement and if such taxes are required to be passed through to the CITY by law, the same shall be duly itemized on any billings submitted to the CITY by the CONSULTANT.

20. Code of Ethics. The CONSULTANT and all subconsultants/subcontractors shall also comply with the Monroe Code of Ethics (Exhibit E), Chapter 2.52 MMC. Any violation of Chapter 2.52 MMC by the CONSULTANT or any of its subconsultants/subcontractors shall be considered a material breach of this Agreement.

21. Entire Agreement. This agreement represents the entire integrated agreement between the CITY and the CONSULTANT, superseding all prior negotiations, representations or agreements, written or oral. This agreement may be modified, amended, or added to, only by written instrument properly signed by both parties hereto.

22. Legal Compliance. In the performance of work under this agreement, the CONSULTANT shall comply with all federal, state and municipal laws, ordinances, rules and regulations that are applicable to the CONSULTANT's business, equipment, and personnel engaged in operations covered by this agreement or accruing out of the performance of such operations.

23. Risk of Loss. The CONSULTANT shall be solely responsible for the safety of its employees, agents and subcontractors in the performance of the work hereunder and shall take all protections reasonably necessary for that purpose. All work shall be done at the CONSULTANT's own risk, and the CONSULTANT shall be solely responsible for any loss of or damage to materials, tools, or other articles used or held for use in connection with the work.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

CONSULTANT: STANTEC CONSULTING SERVICES, INC.

Ben Hall

By: Ben Holladay

Title: PRINCIPAL

CITY OF MONROE:

Geoffrey Thomas, City Mayor

ATTEST/AUTHENTICATED:

Elizabeth M. Smoot, MMC, City Clerk

EXHIBIT A

SCOPE OF WORK

PROJECT DESCRIPTION AND PURPOSE

Replacement of 3,400 LF of 8" DIP water main, 45 LF of 6" DIP water line, 6 EA fire hydrants, and reconstruction of the roadbed.

SCOPE OF SERVICES AND TASKS

Stantec Consulting Services Inc. (Stantec) will provide construction observation services associated with the City of Monroe's Rivmont Watermain Replacement Project #M2016-0004. The specific elements of Stantec's Scope of Services are itemized and presented in the following tasks:

Task 1: Project Management

Stantec will provide the project management services necessary to attend weekly meetings, manage staffing schedules, provide project administration and prepare invoices related to construction observation services provided by Stantec. Specific tasks for this effort are as follows:

- Conducting internal project meetings as necessary
- Managing Stantec's staff and tasks and providing general project administration services
- Monitoring progress against projected schedule, scope of service, and budget and administering monthly and final invoices to the City
- Creating and maintaining project records and files
- Communicating with City staff regarding the project progress, any issues of concern, project requirements, periodic reviews, and overall project schedule

Assumptions:

- Preparation of a Project Plan, including this Scope of Services, Project Schedule, and Construction Observation Fee Estimate are not included in this Scope of Services
- No significant claims involving dispute resolutions beyond on-site meetings will be required
- The contractor will complete the work within the contract time of 90 working days

Deliverables:

- Monthly invoices
- Correspondence as required

Task 2: Construction Observation

Stantec will provide construction observation based on the contractor's schedule, progress, and performance for the construction of the proposed improvements. Stantec will utilize two construction representatives to provide nearly continuous observation of the work with

anticipated schedule of a 10-hour, 4-day work week. Chris Ruiz will be the primary construction representative and will coordinate observation with the alternate construction representative.

Specific activities associated with this task include:

- Attending the preconstruction meeting
- Traveling to-and-from the project site on a daily basis
- Attending weekly site meetings with contractor and city staff
- Observing daily work, progress, and conformance to plans and specifications
- Informing City of progress and work quality by completing daily construction reports
- Tracking quantities of bid items used and coordinating pay estimates with contractor
- Maintaining informal red-lined drawings of work performed
- Communicating with the contractor and the City as needed
- Scheduling and coordinating required testing to be performed by others
- Observing testing
- Developing and checking one preliminary and one final punch list
- Reviewing and providing recommendations for contractor's written claims for extras or change orders

Assumptions

- The contractor will complete the work within the contract time of 90 working days
- The contractor will work a 40-hour work week
- No significant claims involving dispute resolutions beyond on-site meetings will be required
- RFIs will be coordinated and reviewed by others
- Construction record drawings will be produced by others
- Client will coordinate and provide review of each submittal
- Special inspections will be performed by others
- Compaction tests will be performed by others

Deliverables:

- Construction reports, memos, and other correspondence as required
- Construction photos
- Daily record of actual quantities of Work performed and accepted
- Preliminary construction drawing redlines based on work performed in the field
- Review of the preliminary construction record drawings

Task 3: Management Reserve

Stantec will provide additional construction observation and project management in the event that full-time observation is required or the contractor works additional days beyond the scheduled 4-day work week. Activities associated with this task include the items listed in Tasks 1 & 2 above.

Assumptions

The contractor will complete the work within the contract time of 90 working days

FEE BUDGET

The fee budget for this Scope of Services shall be time and materials not to exceed \$110,043.86 without prior approval of the City.

ITEMS NOT INCLUDED IN THIS SCOPE OF SERVICES

The scope of services specifically excludes the following services:

- Permit applications and coordination with permit agencies
- Boundary surveys
- Construction staking services and cut sheets
- Potholing existing utilities and utility location services
- Geotechnical investigations and geotechnical engineering services
- Critical areas report, wetland delineation and wetland restoration plans for the construction contract
- Acquiring additional or modified easements
- Services made necessary by the default of the contractor or City under the contract for construction or by deficiencies, defects, or delays in the work by the contractor
- Participation in mediation, arbitration, or legal proceedings
- Attendance at meetings not specifically identified

EXHIBIT B

COMPLETION SCHEDULE

December 31, 2016

EXHIBIT C

FEE SCHEDULE

	Hrs/Week	# Weeks	Rate	Estimate
Task 1 Project Management (PM)				
Chris Ruiz, Construction Representative	0.5	18	\$148.00	\$1,332.00
Tim Tobin, PE	0.5	18	\$161.00	\$1,449.00
PM Subtasks				
Confer with Stantec PE as needed				
Comply with Health, Safety & Environment (HSE)				
Review daily construction reports				
Manage Stantec staff				
Monitor progress against projected schedule, scope and budget				
Review pay estimates				
Communicate with City staff				
Review monthly WIPS and approve invoices				
Task 1 Project Management - Subtotal Fee Estimate				\$2,781.00
Task 2 Construction Observation (CO)				
Chris Ruiz, Construction Representative (flex-time estimate of 5 hrs/day)	20.0	18	\$148.00	\$53,280.00
Brian Sliger, Construction Representative (flex-time estimate of 3.5 hrs/day)	14.0	18	\$127.00	\$32,004.00
CO Subtasks				
Attend pre-construction meeting				
Daily travel time to and from site				
Attend weekly site meetings with contractor and city				
Observe onsite materials comply with approved submittals				
Review utilities shown on drawings				
Observe utility locates in the field				
Observe survey in field				
Observe and record pipe line and grade				
Observe traffic control: signs, cones, flaggers				
Observe TESC				
Observe watermain construction				
Observe pipe bed				
Observe backfill and compaction				
Schedule and coordinate required testing				
Observe testing by contractor				
Observe testing by third-party special inspectors				
Measure daily progress				
Record daily progress				
Record daily materials/truck tickets				
Draft daily construction report				
File site photos				
Redline drawings				
Record equipment in use				
Record onsite personnel				
Observe cleanup				
Record any issues, problems or conflicts				
Confer with City personnel				
Finalize field reports and site photos and deliver to city				
Manage Risk Management Strategy (RMS) requirements				
Construction Observation Subtask - Fee Estimate				\$85,284.00

CO Expenses				
Mileage	RT Miles	# Days	Rate	Total
Chris Rutz	51.4	72	\$0.54	\$1,998.43
Brian Silgar	51.4	72	\$0.54	\$1,998.43
Construction Observation Expense Subtask - Estimate				\$3,996.86
Task 2 Construction Observation - Subtotal Fee Estimate				\$89,289.86
Task 3 Management Reserve				
	Hrs/Week	# Weeks	Rate	Fee Estimate
Task 1 - PM Subtasks listed above	0.25	18	148	\$656.00
Task 2 - CO Subtasks listed above	6.5	18	148	\$17,316.00
Task 3 Management Reserve Subtotal - Fee Estimate				\$17,982.00
Rivmont Watermain Replacement Project - Total Fee Estimate				\$110,043.86

SCHEDULE OF HOURLY RATES

Stantec Consulting Services Inc. fee schedule by staff and reimbursable
expense classification as of January 1, 2016. Rates are subject to
modification.

Staff Time

<u>Classification</u>	<u>Hourly Billing Rate Range</u>	
EIT / Sr. Designer	\$91.00	\$137.00
Civil Specialist	\$103.00	\$186.00
Engineer	\$107.00	\$187.00
Project Manager	\$180.00	\$230.00
Planner	\$120.00	\$161.00
Geotechnical Engineer	\$150.00	\$231.00
CAD (includes mapping and GIS)	\$73.00	\$148.00
Engineering Geologist	\$129.00	\$171.00
Construction Representative	\$104.00	\$148.00
Surveyor	\$77.00	\$137.00
Project Surveyor (PLS)	\$140.00	\$173.00
Administrative	\$31.00	\$104.00
Administrative Lead	\$95.00	\$148.00
Director / Principal / Sr. Engineering Consultant	\$196.00	\$295.00

Reimbursable Expenses

Travel

Vehicle Mileage	IRS Standard Rate: (Currently \$0.54)
Airfare	Actual cost without markup
Miscellaneous Travel - Parking, Tolls, Taxi Fares, etc.	Actual cost without markup

Project Specific Supplies & Outside Reproduction Actual cost without markup

Prints

Black & White Prints (up to 11x17)	\$1.25	per sheet
Color Prints (up to 11x17)	\$1.50	per sheet
Large Format Prints	\$7.50	per sheet
CD Production	\$2.00	per cd

Computer Station \$10.00 per hour

Map/Drawing Scanning \$5.00 per sheet

Field Equipment

Survey - Digital Level	\$5.00	per hour
Robotic Total Station	\$15.00	per hour
GPS/RTK	\$20.00	per hour

No charges are billed for the following items:

1. Long distance phone calls
2. Fax services
3. Postage

EXHIBIT D

SUBCONSULTANT LIST

No Subconsultants

EXHIBIT E

MONROE CODE OF ETHICS

- 2.52.010 Purpose; construction.**
- 2.52.020 Definitions.**
- 2.52.030 Award of contracts prohibited.**
- 2.52.040 Board of ethics – Public officials.**
- 2.52.050 Miscellaneous provisions.**
- 2.52.060 Appeal – Penalties for violation.**

2.52.010 Purpose; construction.

The city of Monroe hereby adopts the code of ethics for municipal officers codified at Chapter 42.23 RCW, inclusive of any future amendments thereof. It is the city's specific intent that the ethical standards set forth at Chapter 42.23 RCW shall govern the conduct of municipal officers within the city of Monroe. Except as expressly provided in this chapter, the city disclaims any intent to impose substantive standards of conduct that are more stringent than or otherwise different from those set forth in Chapter 42.23 RCW with respect to the subject matter of said chapter.

2.52.020 Definitions.

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

A. "Advisory opinion" means an opinion rendered by the board of ethics, based upon hypothetical circumstances, indicating how the board would rule on a matter having the same or sufficiently parallel facts, should an adversary proceeding develop.

B. "Hypothetical circumstances" means circumstances of fact framed in such a manner as to call for an opinion from the board based on a series of assumptions and not based on the known or alleged past or current conduct of a specific public official or employee that could be the basis of a complaint under MMC 2.52.040.

C. "Prima facie showing" means evidence which, standing alone and unexplained, would maintain the proposition and claimed violation of this chapter set forth in the complaint.

2.52.030 Award of contracts prohibited.

Members of the city of Monroe, Washington, boards, commissions, and city staff are prohibited from being awarded contracts with the city. Exceptions to this rule are those covered by the CBA, RCW and WAC. This subsection was submitted to the Monroe city council as an initiative with enough required signatures to be submitted to the voters. The city council adopted the initiative as an ordinance as an alternative to placing on the ballot. Consequently, to the extent required by law, this subsection shall be construed as superseding any conflicting city requirements or requirements that otherwise operate to illegally amend the requirements of an initiative.

2.52.040 Board of ethics – Public officials.

There is hereby created a board of ethics for city of Monroe public officials. The purpose of this board is to issue advisory opinions on the provisions of this code of ethics and to review and report to the city council on any alleged violations of the code of ethics, all as set forth below. The board shall also provide recommendations on amendments to the ethics ordinance, as directed by the city council:

A. Composition. The board of ethics shall be composed of five members. None of these may be a public official, city employee or immediate family of either. The mayor shall appoint the board members, with the confirmation of the city council. The board of ethics must be citizens of the United States and residents of the city they serve for at least one year before their appointment to the ethics board.

The regular term of office for members of the board of ethics shall be three years. Each member shall hold office until a successor is appointed and confirmed. Regular terms shall commence January 1st and end December 31st. Initial terms shall be staggered with two members appointed for terms beginning upon their appointment in 2004 and ending December 31, 2004; two members appointed for terms beginning upon their appointment and ending December 31, 2005; and one member appointed for a term beginning upon his or her appointment and ending December 31, 2006. After expiration of the initial terms, subsequent appointees shall serve a regular three-year term.

The board shall elect from its membership a presiding officer who shall be referred to as a chairman, chairwoman, or chairperson, as may be appropriate, who shall serve for a period of one year, unless reelected.

A majority of the board of ethics shall constitute a quorum. The board shall meet as frequently as it deems necessary, or at the request of the mayor or a quorum of the city council. The board shall adopt procedures governing the conduct of its meetings, hearings and the issuance of opinions.

B. Specific Complaint against a Public Official.

1. Any person may submit a written complaint to the mayor or city administrator alleging one or more violations of this ethics code by a public official. The allegation shall set forth specific facts with precision and detail, sufficient for a determination of sufficiency by the board. The complaint shall also set forth the specific sections and subsections of this code that the facts violate, and the reasons why. Complaints should be signed by the person or persons submitting them, include the submitter's correct name, address at which mail may be personally delivered to the submitter, and the telephone number at which the submitter may be contacted.

2. The mayor or his/her designee shall inform the public official and the council of the complaint and shall submit the complaint to the board for determination of sufficiency of the complaint within twenty-four hours of its receipt. Voicemail, email or similar notification of the defendant is acceptable if actual notice is not immediately practicable. A copy of the complaint shall also be sent to the defendant by registered mail within three days of receipt. A complaint cannot be sufficient unless it precisely alleges and describes unjustified acts which constitute a prima facie showing of a violation of a specified provision or provisions of this code. The purpose of requiring that the complaint be sufficient is to ensure that the complaint is supported by identifiable facts, and to ensure that the complaint is not based on frivolous charges.

3. The complainant shall have the responsibility for proving the allegations in the complaint by a preponderance of the evidence.

4. Complaints shall be subject to a two-year statute of limitation. The limitations period shall commence from the date that information on completion of the alleged misconduct was reasonably available to the public.

5. Complaints may be amended as authorized by the decision-maker as justice requires; provided, that the timeframes of the review process provide the defendant with a fair opportunity to respond.

6. All public officials and employees, excluding the alleged violator, shall observe strict confidentiality as to the complaint and alleged violator until the review is complete, to the extent that the information is acquired as a result of a person's status as a public official or employee. Confidentiality after completion shall be maintained unless the complaint or finding is released through a public disclosure request filed with the city attorney. City officials and employees may divulge information to the extent necessary to defend against inaccurate or misleading public information about their involvement in the complaint review process. The ethics board and/or city council may divulge information to the extent necessary to correct any inaccurate or misleading public information about the complaint review process. Any person who violates this subsection shall not be subject to criminal penalties; however, a violation of this subsection may result in disciplinary action against such person. The city council may remove a member of the board of ethics from the board if it determines that the member has violated this subsection.

7. The board shall hold a hearing for the purpose of determining sufficiency of written complaints. The board shall begin the hearing no later than twenty days after the complaint is received and shall conclude the hearing(s) no later than twenty-four days after it receives the complaint; provided, however, that the running of these time periods shall be tolled and the complaint proceedings shall be stayed in the event the board makes application to the city council for continuance of the proceedings. Such continuances may only be granted by the city council when there is demonstrable and compelling reason(s) to do so, and may not exceed ten days. The board shall render a written report, setting forth its findings of sufficiency as to whether or not the individual against whom the complaint was filed may have violated the code of ethics.

8. The determination of sufficiency or insufficiency by the board is final and binding, and no administrative or other legal appeal is available. If the finding is one of sufficiency of the complaint, then the complaint shall be heard and reported as set forth below.

9. No report may be issued by the board, unless a person or entity complained against has had an opportunity to present information on his, her or its behalf at a hearing before the board.

10. A copy of the written report on sufficiency shall be delivered to the city council, person complained against, and the complaining party within ten days of conclusion of the hearing, unless a longer time period has been requested by the person complained against, and has been approved by the board or unless a longer time period has been requested by the board and has been approved by the city council.

11. In the event the written report provides that the board has found sufficiency in the allegations against whom the complaint has been filed, the matter shall be referred for hearing to the city's hearings examiner unless the defendant requests the matter be heard by the ethics board. (Hearings examiners will be rotated from a rotational roster maintained by the city and shall be licensed and practicing attorneys who are not residents of the city.)

a. Hearings by a hearings examiner or the ethics board must be held within twenty days of a finding of sufficiency unless an extension is requested, or granted, by the defendant. The hearing must be concluded within ten days of commencement of the hearing unless extended by the request or agreement of the defendant.

b. Findings of fact and conclusions and opinion of the hearings examiner or the ethics board must be received by the council no later than seven days after the conclusion of the hearing.

c. The complainant or defendant may request a subpoena for documentary evidence or the attendance of witnesses by making a written application to the mayor describing in detail the subject matter of the proposed subpoena and an explanation of why such information is reasonably necessary in order to conduct the hearing. The subpoena may be issued in the event the mayor determines the subpoena request is reasonable, relevant to the complaint and within the subpoena power of the city. The request for a subpoena shall be submitted to the mayor within two business days after the determination of sufficiency and the mayor shall have two business days to issue a decision. In the event the mayor denies the request or the complaint alleges a violation of the ethics code by the mayor, the defendant or complainant may request a decision from the city council. City council review shall be scheduled for the next regular city council business meeting or study session, unless an earlier special meeting is available. The commencement of the hearing on the merits shall be delayed until five days after the council makes a decision on whether to issue a subpoena.

12. In the event the final determination by either the hearings examiner or the ethics board provides that the individual against whom the complaint has been filed has violated the code of ethics, the council shall convene and render its decision within seven days of the receipt of said determination unless an extension is requested by the defendant and granted by council. In the event that the city council members agree by majority vote that one or more of the violations occurred, then as to the violations the city council may take any of the following actions by a majority vote of the council; provided, that penalties may only be based upon violations alleged in the complaint or amended complaint and not upon other violations discovered during the complaint process:

a. Admonition. An admonition shall be a verbal nonpublic statement made by the mayor to the individual.

b. Reprimand. A reprimand shall be administered to the individual by letter. The letter shall be approved by the city council and shall be signed by the mayor. If the individual objects to the content of such letter, he or she may file a request for review of the letter of reprimand with the city council. The city council shall review the letter of

reprimand in light of the report and the request for review, and may take whatever action appears appropriate under the circumstances. The action of the city council shall be final and not subject to further review.

c. Censure. A censure shall be a written statement administered personally to the individual. The individual shall appear at a time and place directed by the city council to receive the censure. Notice shall be given at least twenty days before the scheduled appearance at which time a copy of the proposed censure shall be provided to the individual. Within five days of receipt of the notice, the individual may file a request for review of the content of the proposed censure with the city council. Such a request will stay the administration of the censure. The city council shall review the proposed censure in light of the report and the request for review, and may take whatever action appears appropriate under the circumstances. The action of the city council shall be final and not subject to further review. If no such request is received, the censure shall be administered at the time and place set. It shall be given publicly, and the individual shall not make any statement in support of or in opposition thereto or in mitigation thereof. A censure shall be deemed administered at the time it is scheduled whether or not the individual appears as required.

d. Removal. In the event the individual against whom the complaint has been filed is a member of a city board, commission, committee, or other multi-member bodies appointed by the mayor with the approval of the city council, the city council may, by a majority vote, remove the individual from such board, commission or committee; provided, however, that nothing in this section authorizes the city council to remove a council member or the mayor from his or her office.

13. Proceedings by the board or the hearings examiner when they relate to action involving a person shall be made in executive session; however, upon request of the person involved, the proceeding shall be open to the public. The complaint, the determination of sufficiency or no sufficiency, and written report of the board or the hearings examiner shall be considered public records.

14. Action by the city council shall be by majority vote. If the proceeding involves a member of the city council, the member does not vote on any matter involving the member. As provided in RCW 35A.12.100, the mayor shall vote in the case of a tie, except if the action is against the mayor. Deliberation by the council may be in executive session; however, upon request of the person complained against, the meeting shall be open to the public.

15. A complaint cannot be sufficient unless it precisely alleges and describes unjustified acts, which constitute a prima facie showing of a violation of a specified provision or provisions of this code.

C. Specific Complaint Against a City Employee Official. In the event the individual against whom the complaint has been filed is a city employee, the city shall follow the appropriate discipline, through the employee's supervisor and/or department head, procedures as outlined in the appropriate bargaining agreement, employee handbook, civil service rules, and/or

standard operating procedures. Employees also have the right to appeal through the court system as regulated by state and federal law.

D. Board Unavailability—Hearing Examiner Authority. In the event the ethics board is unable to perform any function designated under this section due to lack of a quorum or other reason, such function shall instead be performed by the hearing examiner who shall be governed by the board's procedures.

2.52.050 Miscellaneous provisions.

The board of ethics shall also render written opinions concerning the applicability of the code of ethics to hypothetical circumstances or situations upon the request of the mayor or any councilmember. Requests for opinions from the public must be approved by either the mayor or a majority vote of council.

The city shall release copies of any written report resulting from a review of a complaint and any written censures or reprimands issued by the city council in response to public records requests as consistent with Chapter 42.56 RCW and any other applicable public disclosure laws.

The mayor shall provide staff, as he or she deems appropriate, to assist the board of ethics.

Board members shall be reimbursed by the city for reasonable expenses incurred in their exercise of the official business of the board, consistent with the expense reimbursement policies of the city.

The city clerk shall cause a copy of this code of ethics to be distributed to every public officer of the city within thirty days after enactment of the ordinance codified in this chapter. The ordinance codified in this chapter will also be made available on the city's Web page and hard copies will be made available upon request.

2.52.060 Appeal – Penalties for violation.

Appeal of a decision of the board of ethics that the code of ethics has been violated, or a decision of the city council as to an admonition, reprimand, censure, or removal, may be filed with the Snohomish County superior court, Washington State. Any person who files with the ethics board a false charge of misconduct on the part of any public official or public employee when the person knows it is false shall be guilty of a misdemeanor. In addition to criminal penalties, violators shall pay a civil penalty of five hundred dollars, or three times the economic value of anything received in violation of this chapter, whichever is greater. Any monetary penalty assessed civilly shall be placed in the city's general fund.



MONROE CITY COUNCIL

Agenda Bill No. 16-076

TITLE:	<i>Authorize Mayor to Sign Biosolids Transport Contract with Tenelco, Inc.</i>
---------------	--

DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
06/07/2016	Public Works – WWTP	John Lande	John Lande	Consent Agenda #4

Discussion: 10/20/2015; 02/23/2016; 06/07/2016

Attachments: 1. Biosolids Transport Contract

REQUESTED ACTION: Move to authorize the Mayor to sign the Biosolids Transport Contract with Tenelco, Inc; and expressly authorize any further minor revisions as deemed necessary or appropriate.

DESCRIPTION/BACKGROUND

The City entered into a contract with Cascade Materials & Aggregate, LLC on January 23, 2013, for biosolids management services. The biosolids are collected in Monroe and the applied to agricultural land that is permitted to receive biosolids. That contract required a 90-day notice when they are no longer able to dispose of our biosolids. However, we were informed that Cascade Materials & Aggregate, LLC, could no longer meet its contractual obligation.

In order to comply with the City of Monroe Purchasing Policy a formal request for proposal process needed to be completed to obtain biosolids management services from another vendor. This process was expected to take approximately 90 days.

As the City generates approximately eight wet tons of biosolids per day, and does not have adequate storage for 90 days of generated biosolids, the City Council declared an emergency to allow the City to contract with a biosolids management services provider immediately while going through the request for proposals process to select a long term service provider.

The City advertised for a biosolids management company and received one responsive proposal. The City has been working with this company in an effort to negotiate an agreement. The City and the company have not been able to reach an agreement based on issues with insurance and liability language in the contract.

To further comply with the City of Monroe Purchasing Policy another formal request for proposals needed to be completed. Additional time was necessary for this process. Resolution No. 003/2016 was established for this time. The City received two proposals from its most recent request and Tenelco, Inc. was selected as the firm most suited to perform the City's biosolids management services.

IMPACT – BUDGET

\$120,000 is budgeted for this service in 2016.

TIME CONSTRAINTS

Resolution No. 003/2016 120 day interim period expires 6/21/2016.



CONTRACT SERVICES

1.0 PARTIES

THIS AGREEMENT, entered into this ____ day of May, 2016 by and between The City of Monroe (hereinafter referred to as the “City”) and Tenelco Inc. (hereinafter called the “Contractor”).

2.0 RECITALS

2.1 The City desires to contract with the Contractor for the performance of Biosolids Transport and Contractor is agreeable to performing such services in accordance with the terms and conditions set forth herein. Biosolids characteristics are as follows:

2.1.1 15 – 17% TS

2.1.2 Up to 2200 - 3000 wet tons per year

2.1.3 Class B Biosolids (Vector Attraction not met per WAC 173-308-180)

IN CONSIDERATION of mutual benefits, terms and conditions specified below, the parties agree as follows:

3.0 SCOPE OF SERVICES

3.1 Transport of Biosolids from the Department of Corrections to a Beneficial Use Facility (BUF). The Contractor shall:

3.1.1 Physically receive, accept and manage the application of biosolids tendered by The City of Monroe at a Washington State Department of Ecology permitted BUF project site.

3.1.2 Provide all of the facilities, equipment, and personnel necessary for such work, and perform the application of The City of Monroe’s biosolids in compliance with all applicable local, state, and federal regulations. Without prejudice to the foregoing, Contractor shall comply fully with the Spill Prevention and Response

Plan and the General Permit for Biosolids Management attached hereto as Attachments "A" and "B", respectively, and incorporated herein as if set forth in full.

3.1.3 Provide certified scale weight for each loaded trailer, payment will be based off of this ticket weight.

3.1.4 Have the ability to haul up to 90 wets tons per week (45-60 will be the normal).

4.0 TIME PERFORMANCE; AGREEMENT TERM

4.1 Contractor shall provide trailer to Department of Corrections loading site for material loading (city staff will load trailer) within 48 hour notice. In the event that the Contractor cannot respond within 48 hours because of highway or weather conditions, the Contractor shall notify the WWTP Manager by email, and the WWTP Manager can grant an extension to the 48 hour time limit necessary to accommodate the conditions for the delay of service. Extensions will be considered for conditions determined out the Contractor's control.

4.2 The Term of this Agreement shall be two (2) years unless terminated earlier or extended in accordance with Section 10.0.

5.0 CONTRACTOR PERFORMANCE

5.1 QUALITY AND ACCEPTABILITY OF WORK

The Contractor warrants and represents that it has the business, professional, and technical expertise to use and manage the application of biosolids and shall at all times do so in a prudent and workmanlike manner. Furthermore, the contractor warrants and represents that it has the equipment, plant and employee resources required to perform this contract or will obtain such by subcontract as it deems appropriate. Such equipment shall, at all times relevant to the performance of services hereunder, be maintained in good and safe conditions fit for use as required. Contractor shall bear the exclusive risk of loss and/or damage to any such equipment.

5.2 UNSATISFACTORY PERFORMANCE

Upon notice of unsatisfactory performance, the Contractor will have 10 regularly scheduled working days from the time of notice of the unsatisfactory condition to complete corrective action.

6.0 COMPENSATION

- 6.1 Contractor shall be paid based on acceptable work performed at the rate of \$ 62.00 per wet ton (based on certified scale weight tickets).
- 6.2 Price adjustments shall be made after negotiations between City and Contractor through an amendment of said price for this agreement.
- 6.3 Contractor shall invoice the City monthly for services rendered under this Agreement. Upon acceptance by the City of the invoiced work, which acceptance shall not be unreasonably withheld, Contractor shall be compensated in accordance with the City's usual procedures.

7.0 CHANGES IN SERVICES

- 7.1 The services to be performed under this Agreement and the compensation to be paid therefore may be changed only by written agreement of the parties.

8.0 INSURANCE

8.1 Indemnification/Hold Harmless

The Contractor shall defend, indemnify and hold the City of Monroe, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the City, its officers, officials, employees, and volunteers, the Contractor's liability hereunder shall be only to the extent of the Contractor's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

Insurance

The Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, their agents, representatives, employees or subcontractors.

No Limitation

Contractor's maintenance of insurance, its scope of coverage and limits as required herein shall not be construed to limit the liability of the Contractor to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

Minimum Scope of Insurance

Contractor shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage. **Pollution Liability coverage at least as broad as that provided under ISO Pollution Liability-Broadened Coverage for Covered Autos Endorsement CA 99 48 shall be provided and the Motor Carrier Act Endorsement (MCS 90) shall be attached.**
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, products-completed operations, stop gap liability, personal injury and advertising injury, and liability assumed under an insured contract. There shall be no endorsement or modification of the Commercial General Liability Insurance for liability arising from explosion, collapse or underground property damage. The City shall be named as an additional insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City using ISO Additional Insured endorsement CG 20 10 10 01 and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing equivalent coverage.

3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

Minimum Amounts of Insurance

Contractor shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and \$2,000,000 products-completed operations aggregate limit.

Other Insurance Provision

The Contractor's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain that they shall be primary insurance as respect the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.

Verification of Coverage

Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Contractor before commencement of the work.

Subcontractors

The Contractor shall have sole responsibility for determining the insurance coverage and limits required, if any, to be obtained by subcontractors, which determination shall be made in accordance with reasonable and prudent business practices.

Notice of Cancellation

The Contractor shall provide the City and all Additional Insureds for this work with written notice of any policy cancellation, within two business days of their receipt of such notice.

Failure to Maintain Insurance

Failure on the part of the Contractor to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days notice to the Contractor to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Contractor from the City.

9.0 COMPLIANCE WITH LAWS; GOVERNING LAW; VENUE

9.1 Contractor shall comply with all applicable federal, state, and local laws in performing services under this Agreement.

9.2 This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. The exclusive venue for any litigation arising out of this Agreement shall be the Superior Court for Snohomish County, Washington. The substantially prevailing party in any such litigation shall be entitled to an award of its reasonable attorneys' fees.

10.0 TERMINATION/RENEWAL

10.1 If Contractor breaches any obligations under this agreement, and fails to cure the same within 10 days of written notice by the City to do so, the City may immediately terminate this Agreement, in which case, the City shall pay Contractor only for the costs of services completed by Contractor and accepted by the City in accordance with this Agreement.

10.2 By a writing mutually executed by the parties, the initial Term of this Agreement may be renewed for up to two (2) 1-year extension periods.

10.3 Except as otherwise provided herein, the City may terminate this Agreement for any reason upon thirty (30) days written notice to the Contractor, in which case the City shall pay Contractor for all costs incurred by the Contractor in performing services under this

Agreement to the date of termination. Upon receipt of such notice, Contractor shall cease all work on the date set forth in the Notice of Termination, which may be later than thirty (30) days.

10.4 Contractor may terminate this Agreement for any reason upon ninety (90) days written notice to the City. Contractor shall continue to perform during the ninety (90) day period.

11.0 AUTHORIZED SIGNATURE

11.1 Authorized Signature. By their signatures below each party represents that they are fully authorized to sign for and on behalf of the named principal above.

12.0 PUBLIC RECORDS DISCLOSURE

12.1 Contractor shall keep all records related to this agreement for a period of three years following the termination or expiration of this Agreement. Contractor shall permit any authorized representative of the City, and any person authorized by the City for audit purposes, to inspect such records at all reasonable times during regular business hours of Contractor. Upon request, Contractor will provide the City with reproducible copies of any such records. The copies will be provided without cost if required to substantiate any billing of Contractor, but Contractor may charge the City for copies requested for any other purpose. Contractor shall also provide a complete electronic copy of all reports, plans, and specifications upon completion of the work or upon request of the City.

12.2 Separate from and additional to the foregoing, Contractor shall fully cooperate with and assist the City with respect to any request for public records received by the City and related to any public records generated, produced, created and/or possessed by Contractor and related to the services performed under this Agreement. Upon written demand by the City, Contractor shall furnish the City with full and complete copies of any such records within five business days.

12.3 Contractor's failure to timely provide such records upon demand shall be deemed a material breach of this Agreement. To the extent that the City incurs any monetary penalties, attorneys' fees, and/or any other expenses as a result of such breach, Contractor shall fully indemnify and hold harmless the CITY as set forth in Section 8.1.

12.4 For purposes of this section, the term “public records” shall have the same meaning as defined by Chapter 42.17 RCW and Chapter 42.56 RCW, as said chapters have been construed by Washington courts.

The provisions of this section shall survive the expiration or termination of this Agreement.

13.0 INDEPENDENT CONTRACTOR.

13.1 Contractor is an independent contractor for the performance of services under this Agreement. The City shall not be liable for, nor obligated to pay to Contractor or any employee of Contractor, sick leave, vacation pay, overtime or any other benefit applicable to employees of the City, nor to pay or deduct any social security, income tax, or other tax from the payments made to Contractor which may arise as an incident of Contractor performing services for the City. The City shall not be obligated to pay industrial insurance for the services rendered by Contractor.

14.0 ENTIRE AGREEMENT

14.1 This Agreement represents the entire integrated agreement between the City and Contractor, superseding all prior negotiations, representations or agreements, written or oral. This Agreement may be modified, amended, or added to, only by written instrument properly signed by both parties hereto.

15. NONDISCRIMINATION.

15.1 Contractor agrees not to discriminate against any customer, employee or applicant for employment, subcontractor, supplier or materialman, because of race, color, creed, religion, national origin, marital status, sex, sexual orientation, age or handicap, except for a bona fide occupational qualification. Contractor understands that if it violates this provision, this Agreement may be terminated by the City and that Contractor may be barred from performing any services for the City now or in the future.

16. SUBCONTRACTING OR ASSIGNMENT.

16.1 Contractor may not assign or subcontract any portion of the services to be provided under this Agreement without the express written consent of the City.

17. NONWAIVER.

17.1 Payment for any part of the work or services hereunder by the City shall not constitute a waiver by the City of any remedies of any type it may have against Contractor for any breach of the Agreement by Contractor, or for failure of Contractor to perform work required of it under the Agreement. Waiver of any right or entitlement under this Agreement by the City shall not constitute waiver of any other right or entitlement.

18. NOTICES

18.1 All notices required to be given by either party to the other under this Agreement shall be in writing and shall be given in person or by mail to the addresses set forth below. Notice by mail shall be deemed given as of the date the same is deposited in the United States mail, postage prepaid, addressed as provided in this paragraph.

To the City:

To Contractor:

Janeco Inc.

PMB A-28 621SR9 NE.

LK. Stevens, wa. 98258

WHEREFORE, the parties agree to be bound by the terms and conditions set forth above.

DATED, this _____ day of May, 2016.

CITY OF MONROE, WA

TENELCO INC.

Catherine A. Tenold - Eldre Deje

Geoffrey Thomas, Mayor

ATTEST:

Elizabeth M. Smoot, MMC, City Clerk

ATTACHMENTS

ATTACHMENT A: Spill Response

ATTACHMENT B: General Permit for Biosolids Management

ATTACHMENT A
SPILL RESPONSE

Spill Prevention and Response Plan

***For Tenelco's Beneficial Use Facility
Application Sites Located in Douglas County***

**Submitted as an addendum to the Tenelco's
*Application for Coverage
Under the General Permit for Biosolids Management***

November 10, 2015

These procedures are written as guidance intended for Tenelco operators and management, and will be provided to employees under separate cover, just as they are conveyed here. In the event of a spill, *Tenelco priorities are:*

- **Contact Cathy Eldredge 425-397-7770 or 425-344-4381**
- **Protect health and life of individuals**
- **Contain the spill**
- **Clean up the spill**
- **Communicate clearly on what happened, what was done to resolve it, and remaining issues or concerns.**

In the event of a spill, identified Tenelco staff will take the following steps:

Tenelco Driver of Vehicle Involved:

1) Call the office 425-397-7770 or Cathy Eldredge 425-344-4381 take steps to protect life and health first. First determine whether there are any injuries to anyone involved, whether Tenelco, Inc. staff or other persons. If there are any injuries, notify emergency responders via 911 or any other way possible. Protection of life and health is always the first priority. Call 911 if there is any doubt at all. The office will make contact with the proper entities:

Eastern WA. Dept. of Ecology	Peter Severtson	509-665-5381
Western WA. Dept. of Ecology	Amber Corfman	425-649-7258
Leavenworth US Forest Service Ranger Station		509-548-2550
Cle Elum Ranger District		509-852-1100

2) Tenelco biosolids represent a very low risk to health. In a highway situation, risks are much greater from accidents that might occur following a spill than from the spill itself.

3) Warn approaching traffic. Set out flags, flares, reflectors or other devices to warn approaching traffic (from both directions) as necessary. If the spill is in the lane of traffic place warning devices to discourage traffic from driving through the spill. In all

cases take the necessary steps to keep yourself safe. If the spill is on Tenelco property or another location where access is easily restricted, take necessary steps to keep other employees and casual passers by away from the spill.

4) If the spill is on the roadway, notify emergency authorities. Contact the local police, sheriff or state patrol and advise them that there has been a spill (if they were not already contacted). Tell them you are contacting the Tenelco, Inc. office for assistance. Answer any questions directly. Tenelco will take responsibility for cleaning up any spilled material. Do not, however, acknowledge fault or liability in any other matter. This will be resolved by official investigation and insurance, as necessary.

5) In the event of a very small spill, if traffic conditions permit delaying contact with emergency authorities, contact the Tenelco office for direction and assistance.

6) Call Tenelco, Inc. office 425-397-7770 explain that there has been a spill. The office will need to know:

- Where is the spill?
- Are there any injuries?
- Are emergency personnel on scene or responding?
- What was spilled?
- How large is the spill?
- What are the traffic conditions?
- What is the weather like?
- Is your vehicle serviceable?
- Is a replacement tractor or trailer, or tow truck needed?
- Is there any surface water nearby (including ditches)?
- Are there any storm drains near the spill?
- Can the spill be cleaned up by hand with a shovel? Is a loader or pumper needed?

Office/Management Responsibility:

1) Notify the State Department of Ecology. Contact the Department of Ecology and advise them of the situation. For west side counties contact -Amber Corfman at 425-649-7258. For east side counties, Peter Severtson at 509-665-5381 If you cannot reach

Amber or Peter directly, ask to speak with the supervisor in the Solid Waste and Financial Assistance Program. Note their name and the time you spoke with them.

2) Allow the Department of Ecology to make its own decision, internally, as to whether it wants to respond or follow-up. Generally this will probably not be necessary, but it is important to let Ecology know what happened. They may receive phone calls and it is extremely helpful if they can say, "Yes, we know about that. Tenelco called us immediately. They have arranged for removal of the spilled material, and everything is being taken care of."

Operator/Management Joint Responsibility: Clean up the spill.

Dewatered/Solid Materials:

Small spills can be removed (shoveled) by hand. If it is not possible to return the spilled material to the truck immediately, move it as necessary to isolate it from traffic and contact with passers by. For large volumes of dewatered solids, a front-end loader is appropriate. Load spilled solids into a serviceable trailer.

In both cases, remove remaining solids with a coarse-bristled broom and scoop shovel. Treat the affected area with a light coating of hydrated lime.\

Liquid Spills:

For liquid spills, take actions that will prevent their entry into surface water. Small earthen diversions or berms may be all that is necessary, and can be quickly constructed with a shovel. Block nearby storm drains any way possible. A plastic bag weighted down with gravel may be adequate. A pump truck can be used to remove pooled liquids. If liquid biosolids have soaked into area soils, generally it will not be possible (or not even desirable) to remove the soils. Clean up any pooled material and spread a good coating of lime on the surface.

Keep in mind that each spill may present some unique characteristic which requires on-scene judgment. Consequently the foregoing procedures are to be considered guidelines. They should be followed, however, unless Tenelco management identify an overriding circumstance justifying a departure.

Personal Cleanup

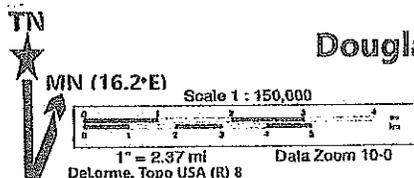
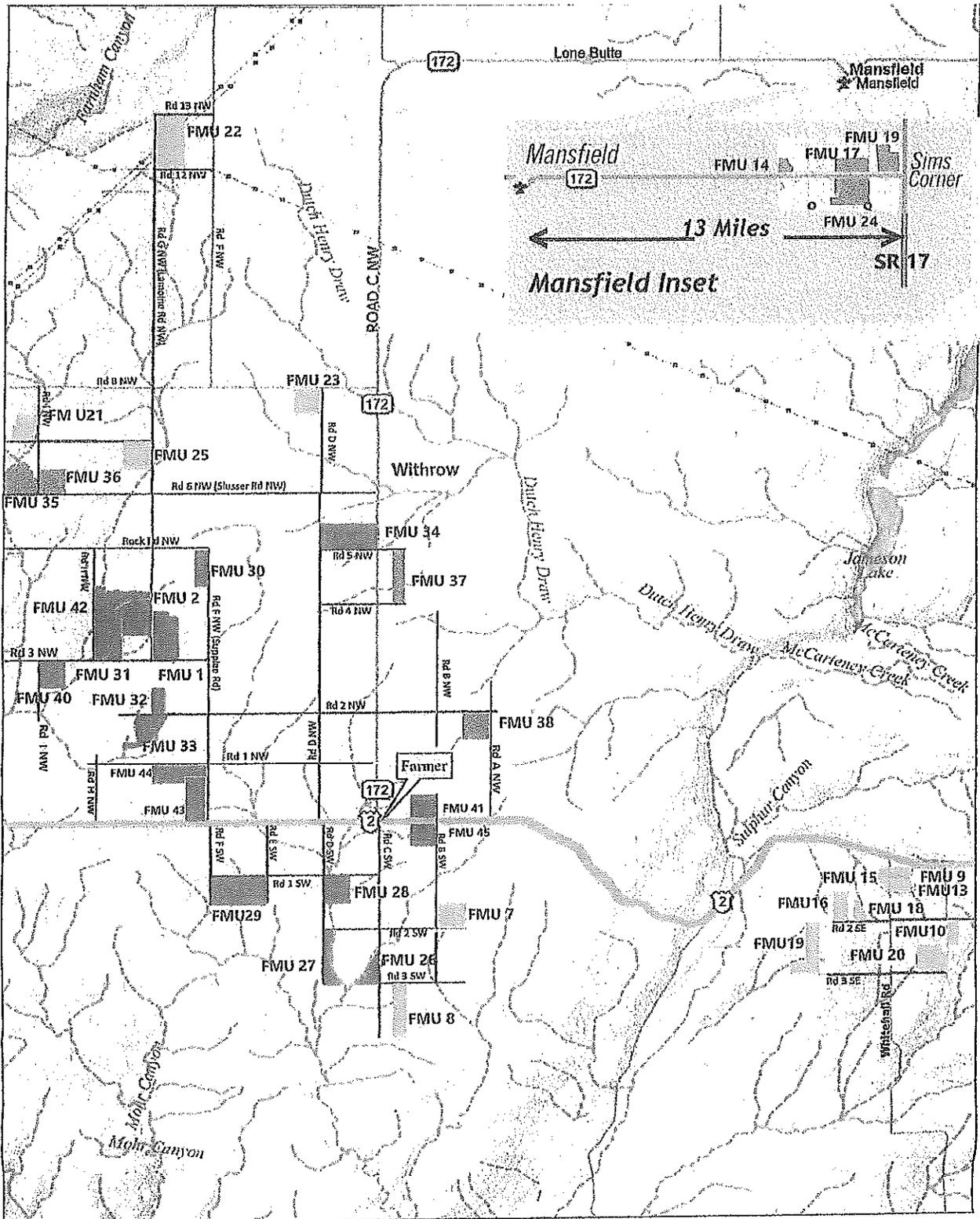
Change out of soiled clothing, including shoes, as soon as possible after your role in active clean-up has been completed. Avoid tracking solids into office areas, and avoid riding in other vehicles (if possible) if your clothes are soiled. If you must ride in another vehicle, take such steps as are necessary to minimize soiling of the interior.

Biosolids Haul Routes

This section shall have current biosolids haul routes mapped and attached. These maps shall be kept up to date and representative of the transportation route(s) followed by the drivers when delivering biosolids from the point of origin to the permitted fields for land application.

ATTACHMENT B
GENERAL PERMIT FOR BIOSOLIDS MANAGEMENT

TENELCO BUF: Douglas County Application Site



Douglas County Overview Map
 Updated _____ (Date)

Robert Clements Sites
 Chad Clements Sites
 Randy Uhrich Sites
 Chism / Smith Sites



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
1250 W. Alder Street • Union Gap, WA 98009-0009 • (509) 575-2490

January 13, 2016

Ms. Catherine Tenold-Eldredge
President, Tenelco, Inc.
621 St Route 9 NE, Suite A-28
Lake Stevens, WA 98258

NOTICE OF FINAL COVERAGE UNDER THE GENERAL PERMIT

<u>Permit Number:</u>	BT0526
<u>General Permit Effective Date:</u>	September 4, 2015
<u>Final Coverage Date:</u>	January 13, 2016
<u>Coverage Expiration Date:</u>	September 4, 2020 (or a later date if your facility remains in compliance with the <i>General Permit for Biosolids Management, Chapter 173-308 WAC</i> , and all approved plans, and your facility has not been directed by the Department to reapply for coverage under this permit or apply for coverage under a new permit)

Dear Ms. Tenold-Eldredge:

This letter is to notify you that Tenelco Beneficial Use Facility has been granted Final Coverage under the *General Permit for Biosolids Management*. You are required to comply with all applicable requirements of the *General Permit for Biosolids Management, Chapter 173-308 WAC*, and all approved plans.

The following requirements must be complied with as a condition of this approval:

- 1) The General Land Application Plan (GLAP) dated October 29, 2015 for Douglas County describes the geographical area where biosolids may be land applied, sets forth site selection criteria, general management guidelines, and advance notice procedures for selection of new land application sites. This plan supersedes all prior Tenelco, Inc., General Land Application Plans applicable to Douglas County. An electronic copy (on CD) of this plan is included with this letter.
- 2) Storage and Land application of biosolids shall be in accordance with the Site Specific Land Application Plan (SSLAP) for Douglas County dated October 13, 2015. This plan supersedes all prior Tenelco, Inc., Site Specific Land Application Plans applicable to Douglas County. An electronic copy (on CD) of this plan is included with this letter.

- 3) The **Sampling and Analysis Plan dated October 13, 2015** shall set forth Tenelco's biosolids and soil sampling procedures. An electronic copy (on CD) of this plan is included with this letter.
- 4) In the event of a biosolids spill, Tenelco shall follow the procedures set forth in the **Spill Prevention and Response Plan dated April 16, 2012**. Tenelco shall provide Ecology with current haul routes from the various source locations from which they receive biosolids. An electronic copy (on CD) of this plan is included with this letter.
- 5) An agronomic application rate for a field shall be approved in advance of biosolids storage in that field unless other conditions are authorized in advance by Ecology.
- 6) The total amount of biosolids stored in a field must not exceed that required to meet the approved agronomic application rate(s) unless other conditions are authorized in advance by Ecology.
- 7) Ecology shall approve all new biosolids sources in advance of delivery to land application sites. At a minimum, a new biosolids source approval shall require testing of the biosolids for Priority Pollutants (WAC 173-308-160), Pathogen Reduction (WAC 173-308-170), and nutrients (N, P, K), . These data shall be provided by Tenelco to Ecology in advance of approval.
- 8) No additional organic or inorganic fertilizers shall be applied to permitted sites that have received biosolids or are scheduled to receive biosolids in the same growing season, unless such fertilization is approved in advance by Ecology.
- 9) Tenelco shall maintain an **Interested Party List** and ensure those on the list are provided with public notice information concerning new land application sites or other significant changes in biosolids management practices or permitting. Tenelco shall keep Ecology updated on this list throughout their term of Coverage under the General Permit for Biosolids Management by providing, in writing, the most current version of their Interested Parties List. If changes are made to this list, Ecology shall receive an updated version within 14 calendar days.
- 10) Tenelco shall provide weekly reports to the Biosolids Coordinator in the Central Region; see Section 16.0 of the Site Specific Land Application Plan. These reports shall be sent every week for the previous weeks' activities.
- 11) A **Permitted Fields List** shall be maintained to document the specific areas where land application of biosolids is permitted. The process for documenting new or expanded land application sites is set forth in #5 of the General Land Application Plan dated October 29, 2015. The Permitted Field List will serve as the official documentation of those areas under Final Coverage that are potentially eligible for land application. An electronic copy (on CD) of this list showing all current land application fields is included with this letter.

YOUR RIGHT TO APPEAL

You have a right to appeal this permit to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this permit:

- File your appeal and a copy of this permit with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this permit on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Rd SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this permit to:

Peter Severtson
(509)
peter.severtson@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board**
www.eho.wa.gov/Boards_PCHB.aspx
- **Chapter 43.21B RCW - Environmental Hearings Office – Pollution Control Hearings Board**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

- **Chapter 34.05 RCW, Administrative Procedure Act**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 70.95J. RCW - Municipal Sewage Sludge – Biosolids**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=70.95J>
- **Chapter 173-308 WAC - Biosolids Management**
<http://www.ecy.wa.gov/biblio/wac173308.html>

Sincerely,

James Rivard

James Rivard
Section Manager
Waste 2 Resources Program

By certified mail [7004 1160 0002 6158 1655]

cc: Snohomish Health District Contact
Rebecca Singer, State Biosolids Coordinator



MONROE CITY COUNCIL

Agenda Bill No. 16-077

SUBJECT:	Discussion: Underage Gatherings Regulations
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
06/07/2016	Police Dept	Tim Quenzer	Tim Quenzer	Unfinished Business #1

Discussion: 04/26/2016; 06/07/2016

- Attachments:**
1. Sample Ordinances provided by Monroe Community Coalition regarding 'Underage Gathering' Regulations
 2. RCW 66.44.270, Furnishing liquor to minors – Possession; use – Penalties – Exhibition of effects – Exceptions

REQUESTED ACTION: Discussion and direction to the Mayor and Staff regarding potential Underage Gatherings regulations.

DESCRIPTION/BACKGROUND

On April 26, 2016, the Monroe City Council reviewed action recommendations received from the Monroe Community Coalition; and staff's assessment of these items. The City Council requested item No. 4 -- Adopting a civil penalty that would apply to the renter or property owner of a property where underage drinking of more than ten (10) people is occurring [similar to regulations regarding 'Underage Gatherings' adopted by the Cities of Othello and Mercer Island] -- be researched further.

Sample ordinances for regulations regarding 'Underage Gatherings' adopted by the Cities of Othello and Mercer Island are attached (*Attachment 1*).

To note -- the underlying activity targeted (underage drinking, supplying alcohol to minors and allowing minors to consume alcohol on the landowner's premises) is currently criminalized by state law and enforceable; see RCW 66.44.270, Furnishing liquor to minors – Possession; use – Penalties – Exhibition of effects – Exceptions (*Attachment 2*).

At this time, Staff does not recommend any changes to these regulations, and defers to regulation based on those provided in State Law, RCW 66.44.270.

IMPACT – BUDGET

N/A

TIME CONSTRAINTS

N/A

ORDINANCE NO. 2013-4

AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE TITLE 8 TO INCLUDE A NEW CHAPTER 8.68 TITLED "UNDERAGE GATHERINGS"

THE CITY COUNCIL OF THE CITY OF OTHELLO, WASHINGTON DOES ORDAIN AS FOLLOWS:

SECTION 1. Othello Municipal Code Title 8 is amended to include a new chapter 8.68 titled "Underage Gatherings" to provide as follows:

8.68.010 Definitions.

For the purpose of this ordinance, the following definitions shall apply:

- A. "Alcoholic beverage" shall mean alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer that contains one-half of one percent or more of alcohol by volume; and is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.
- B. "Property" shall mean private property, rented residential premises, or private rented commercial spaces; including but not limited to a home, yard, garage, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, party or other social function, and whether owned, leased, rented, or used with or without compensation.
- C. "Responsible person" includes:
 - 1. The person(s) who owns, rents, leases, or otherwise has a right to control property at which an underage gathering takes place,
 - 2. The person(s) in immediate control of property at which an underage gathering takes place, or,
 - 3. The person(s) who organizes, supervises sponsors, conducts, allows, or controls access to the underage gathering.

If the property is rented or lease, the landlord or lessor is not covered by this chapter unless they fall within the category of persons described under subsections (C)(2) or (3) of this definition.

- D. "Underage gathering" means a party or gathering of two or more persons at a property at which alcoholic beverages or controlled substances are being consumed or possessed by one or more underage persons or one or more underage persons are exhibiting effects of consuming alcoholic beverages or the use of a controlled substance.
- E. "Underage persons" shall mean any person under age 21 of age.

8.68.020 Underage gatherings prohibited.

- A. An underage gathering constitutes a public nuisance, is an immediate threat to public health and safety, and is prohibited.

- B. As a public nuisance, the underage gathering may be summarily abated by law enforcement by all reasonable means, singularly or in combinations, including, but not limited to:
1. Issuance of notice of civil infraction as authorized by RCW 7.80;
 2. Public nuisance abated pursuant to OMC Chapter 8.26;
 3. Any other remedy provided by law.

8.68.030 Exemptions.

- A. This ordinance shall not apply to any location or place that is regulated by permit or license issued by the Washington State Liquor Control Board.
- B. This ordinance shall not apply to underage gatherings where the only underage persons consuming alcoholic beverages are being closely supervised in person by their parent or guardian while consuming the alcoholic beverages.
- C. The ordinance does not apply to alcoholic beverages given for medicinal purposes to an underage person by a parent, guardian, physician, or dentist, or to controlled substances that given for medicinal purposes to an underage person by a physician or dentist.
- D. This ordinance does not apply to alcoholic beverages given to an underage person when such alcoholic beverage is being in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.

8.68.040 Violations –Civil penalty.

Upon identification of an underage gathering, law enforcement may issue a notice of infraction to any and all known responsible persons with a C-8 penalty to each responsible person.

SECTION 2. This ordinance shall be in full force and effect five (5) days after its passage and publication of its summary as required by law.

PASSED by the **CITY COUNCIL** of the city of Othello, Washington, this 28th day of July, 2014.

MAYOR

ATTEST:

APPROVED AS TO FORM:

CITY ATTORNEY

**CITY OF MERCER ISLAND
ORDINANCE NO. 11C-14**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
ADOPTING MERCER ISLAND CITY CODE CHAPTER 9.21, UNDERAGE
GATHERINGS, AND ESTABLISHING AN EFFECTIVE DATE.**

~~WHEREAS, the City of Mercer Island, pursuant to the police powers delegated to it by RCW~~
35A.11.020, has the authority to enact laws that promote the public health, safety and general welfare of its residents;

WHEREAS, underage persons consuming alcoholic beverages at gatherings held at private residences, rented residential premises, or privately rented commercial premises is harmful to the underage persons themselves and a threat to the peace, health, safety, quiet enjoyment of neighboring residents and the general welfare of the public. Underage persons who have been consuming alcoholic beverages are at greater risk of automobile accidents, suicide, physical and sexual assault;

WHEREAS, persons with the means to prevent the occurrence of these types of gatherings include those that control the private property and have failed to ensure that alcoholic beverages are not served to or consumed by underage persons at these gatherings;

WHEREAS, RCW 66.44.270 makes it a gross misdemeanor for any person to knowingly permit any person under the age of twenty-one to consume alcoholic beverages on any premises under his or her control;

WHEREAS, problems associated with gatherings involving underage persons drinking alcohol can be difficult to prevent and deter. Law enforcement requires additional methods to deal with underage drinking and its attendant problems. If persons are held responsible by having to pay a fine for failing to prevent underage drinking at gatherings on property they own or otherwise control, they will be more likely to supervise gatherings and to stop underage drinking at gatherings on property they own or control;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: **MICC Title 9 Criminal Code.** Title 9 of the Mercer Island City Code is hereby amended to adopt new Chapter 9.21 "Underage Gatherings," as follows:

**Chapter 9.21
Underage Gatherings**

Sections:

- 9.21.010** **Definitions**
- 9.21.020** **Underage Gatherings Prohibited**
- 9.21.030** **Exemptions**
- 9.21.040** **Civil Penalty**

9.21.010 Definitions

For the purposes of this Chapter, the following definitions shall apply:

A. "Alcoholic Beverage" shall mean alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer that contain one half of one percent or more of alcohol by volume; and is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

B. "Property" shall mean private property, rented residential premises, or private rented commercial spaces; including but not limited to a home, yard, garage, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, party or other social function, and whether owned, leased, rented, or used with or without compensation.

C. "Responsible Person" includes:

1. The person(s) who owns, rents, leases, or otherwise has right to control Property at which an Underage Gathering takes place;

2. The person(s) in immediate control of Property at which an Underage Gathering takes place; or

3. The person(s) who organizes, supervises, sponsors, conducts, allows, controls, or controls access to the Underage Gathering.

If the Property is rented or leased, the landlord or lessor is not covered by this ordinance unless they fall within the category of persons described under (2) or (3) herein.

D. "Underage Gathering" means a party or gathering of four or more persons at a Property at which Alcoholic Beverages are being consumed or possessed by one or more Underage Persons or one or more Underage Persons are exhibiting effects of consuming Alcoholic Beverages.

E. "Underage Person" shall mean any person under nineteen years of age.

9.21.020 Underage Gatherings Prohibited

A. An Underage Gathering constitutes a public nuisance, is an immediate threat to public health and safety, and is prohibited.

B. As a public nuisance, the Underage Gathering may be summarily abated by law enforcement by all reasonable means, singularly or in combination, including, but not limited to:

1. Issuance of a Notice of Civil Infraction, as authorized by Chapter 7.80 RCW;

2. Public nuisance abatement procedures as set forth in Chapter 8.24 of the Mercer Island City Code; and

3. Any other remedy provided by law.

9.21.030 Exemptions

A. This Chapter shall not apply to any location or place that is regulated by a permit or license issued by the Washington State Liquor Control Board;

B. This Chapter shall not apply to Underage Gatherings where the only Underage Persons consuming Alcoholic Beverages are being closely supervised in person by their parent or guardian while consuming the Alcoholic Beverages and while exhibiting the effects of consuming Alcoholic Beverages.

C. This Chapter does not apply to Alcoholic Beverages given for medicinal purposes to an Underage Person by a parent, guardian, physician, or dentist.

D. This Chapter does not apply to Alcoholic Beverages given to an Underage Person when such ~~Alcoholic Beverage is being used in connection with religious services and the amount consumed is the~~ minimal amount necessary for the religious service.

9.21.040 Civil Penalty

Upon identification of an Underage Gathering, law enforcement may issue a notice of civil infraction to any or all known Responsible Persons with a penalty of \$250 for each cited Responsible Person.

Section 2: **Severability.** If any section, sentence, clause or phrase of this ordinance or any municipal code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or the amended code section.

Section 3: **Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 4: **Effective Date.** This Ordinance shall take effect and be in force on 30 days after its passage and publication.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on the ____ day of _____, 2011 and signed in authentication of its passage.

CITY OF MERCER ISLAND

Jim Pearman, Mayor

ATTEST:

Allison Spietz, City Clerk

Approved as to Form:

Katie Knight, City Attorney

Date of Publication: _____

RCW 66.44.270**Furnishing liquor to minors—Possession, use—Penalties—Exhibition of effects—Exceptions.**

(1) It is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control. For the purposes of this subsection, "premises" includes real property, houses, buildings, and other structures, and motor vehicles and watercraft. A violation of this subsection is a gross misdemeanor punishable as provided for in chapter **9A.20** RCW.

(2)(a) It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any liquor. A violation of this subsection is a gross misdemeanor punishable as provided for in chapter **9A.20** RCW.

(b) It is unlawful for a person under the age of twenty-one years to be in a public place, or to be in a motor vehicle in a public place, while exhibiting the effects of having consumed liquor. For purposes of this subsection, exhibiting the effects of having consumed liquor means that a person has the odor of liquor on his or her breath and either: (i) Is in possession of or close proximity to a container that has or recently had liquor in it; or (ii) by speech, manner, appearance, behavior, lack of coordination, or otherwise, exhibits that he or she is under the influence of liquor. This subsection (2)(b) does not apply if the person is in the presence of a parent or guardian or has consumed or is consuming liquor under circumstances described in subsection (4), (5), or (7) of this section.

(3) Subsections (1) and (2)(a) of this section do not apply to liquor given or permitted to be given to a person under the age of twenty-one years by a parent or guardian and consumed in the presence of the parent or guardian. This subsection shall not authorize consumption or possession of liquor by a person under the age of twenty-one years on any premises licensed under chapter **66.24** RCW.

(4) This section does not apply to liquor given for medicinal purposes to a person under the age of twenty-one years by a parent, guardian, physician, or dentist.

(5) This section does not apply to liquor given to a person under the age of twenty-one years when such liquor is being used in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.

(6) This section does not apply to liquor provided to students under twenty-one years of age in accordance with a special permit issued under RCW **66.20.010**(12).

(7)(a) A person under the age of twenty-one years acting in good faith who seeks medical assistance for someone experiencing alcohol poisoning shall not be charged or prosecuted under subsection (2)(a) of this section, if the evidence for the charge was obtained as a result of the person seeking medical assistance.

(b) A person under the age of twenty-one years who experiences alcohol poisoning and is in need of medical assistance shall not be charged or prosecuted under subsection (2)(a) of this section, if the evidence for the charge was obtained as a result of the poisoning and need for medical assistance.

(c) The protection in this subsection shall not be grounds for suppression of evidence in other criminal charges.

(8) Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture shall not be a disqualification of that person to acquire a license to sell or dispense any liquor after that person has attained the age of twenty-one years.

[**2015 c 59 § 2**; **2013 c 112 § 2**; **1998 c 4 § 1**; **1993 c 513 § 1**; **1987 c 458 § 3**; **1955 c 70 § 2**.
Prior: 1935 c 174 § 6(1); 1933 ex.s. c 62 § 37(1); RRS § 7306-37(1); prior: Code 1881 § 939; **1877 p 205 § 5**.]

NOTES:

Intent—2013 c 112: "The legislature intends to save lives by increasing timely medical attention to alcohol poisoning victims through the establishment of limited immunity from prosecution for people under the age of twenty-one years who seek medical assistance in alcohol poisoning situations. Dozens of alcohol poisonings occur each year in Washington state. Many of these incidents occur because people delay or forego seeking medical assistance for fear of arrest or police involvement, which researchers continually identify as a significant barrier to the ideal response of calling 911." [**2013 c 112 § 1**.]

Severability—1987 c 458: See note following RCW **48.21.160**.

*Minors, access to tobacco, role of liquor and cannabis board: Chapter **70.155** RCW.*



MONROE CITY COUNCIL

Agenda Bill No. 16-078

SUBJECT:	Discussion: Downtown Monroe Area Decorative Lighting
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
06/07/2016	Public Works	Brad Feilberg	Brad Feilberg	Unfinished Business #2

Discussion – Council: 04/12/2016, 05/24/2016; 06/07/2016

Discussion – Committee: 04/26/2016 (P4)

Attachments: 1. Conceptual sketch

REQUESTED ACTION: Authorize purchase of downtown decorative lighting materials in an amount not to exceed \$14,000 using monies from the contingency fund.

DESCRIPTION/BACKGROUND

The Downtown Monroe Association has suggested the installation of decorative accent light along the sidewalks in the Downtown Monroe Area. The installation of warm white LED string lights zig-zagging (*see attached concept sketch*) from the existing street light poles to poles extending vertically from the unlit bollards is estimated to cost approximately \$26,000. These lights (*shown to the right*) are spaced two feet apart on the string. Similar lights have recently been installed at the Route 2 Taproom & Grazing Place patio and just north of the intersection of East Main Street and Woods Street.



On April 12, 2016, City Council reviewed the proposal and requested the matter be reviewed by the City Council Planning/Transportation, Public Works, Parks & Recreation, and Public Safety (P4) Committee in regards to project timing/fitting into the Public Works 2016 Work Plan; and the Finance and Human Resources Committee in regards to funding.

The P4 Committee discussed this issue on April 26, 2016, and concurs that the downtown decorative lighting project should be scheduled for 2017 unless the HR/Finance Committee recommends additional funding to cover the addition cost of overtime installation this summer.

The City Council has expressed its desire to have the decorative lighting installed next spring or, if additional funds can be raised, this summer. By purchasing the materials now, the installation can occur as soon as staff is available.

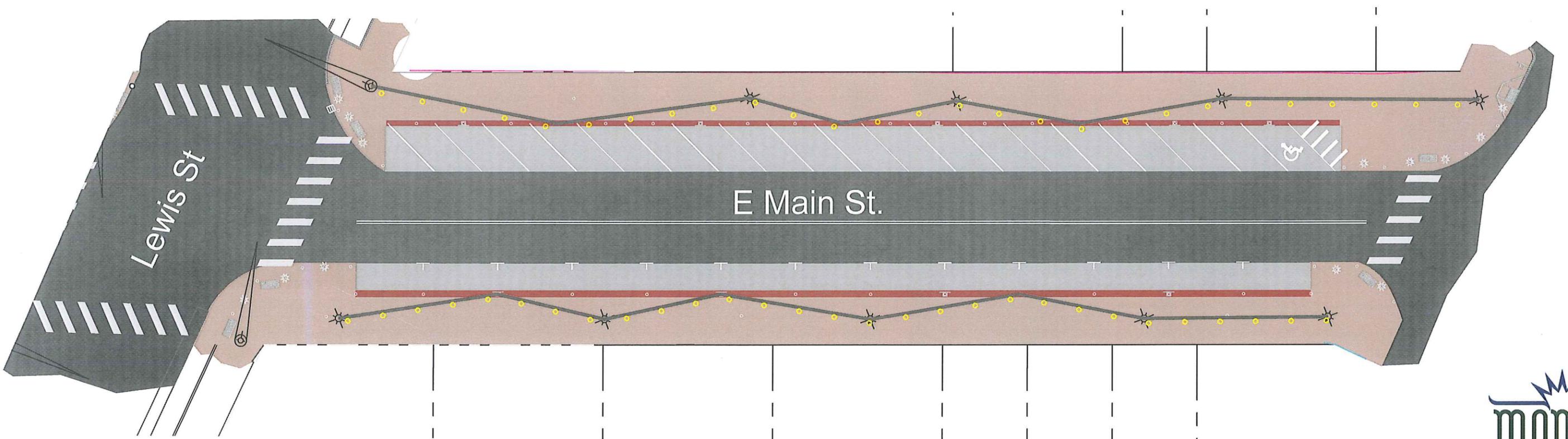
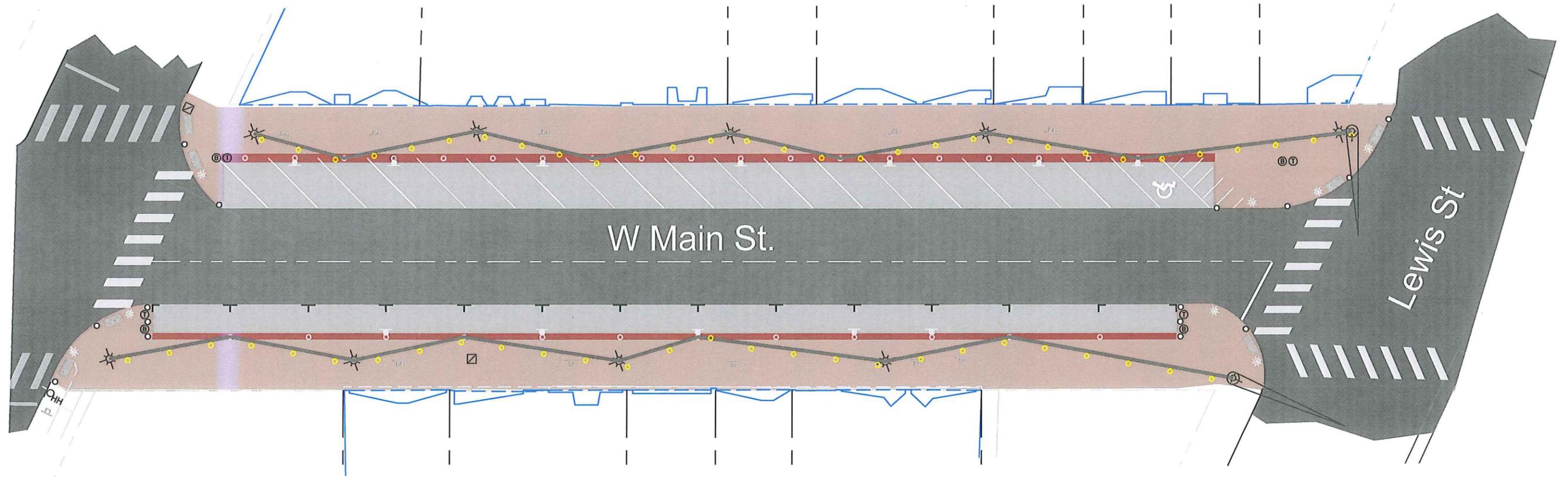
IMPACT – BUDGET

\$30,000 for 2017 installation

\$38,000 for summer 2016 installation

It is suggested that this project be funded from the contingency fund (current balance \$290,458.)

TIME CONSTRAINTS
N/A





MONROE CITY COUNCIL

Agenda Bill No. 16-079

TITLE:	Ordinance No. 006/2016, Amending MMC 9.26, Fireworks; First Reading
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
06/07/2016	Police Dept.	Tim Quenzer	Tim Quenzer	New Business #1

Discussion: 08/18/2015; 04/05/2016; 06/07/2016
First Reading: 06/07/2016

- Attachments:**
1. AB16-041 (April 5, 2016, Meeting Materials on Fireworks)
 2. Proposed Ordinance No. 006/2016
 3. Recommendation from Fire Marshall Mike Fitzgerald

REQUESTED ACTION: Move to accept as first reading Ordinance No. 006/2016, amending Chapter 9.26 of the Monroe Municipal Code; restricting the time for sale of fireworks; providing for severability; and establishing an effective date.

DESCRIPTION/BACKGROUND

At the April 5, 2016, Meeting, Council reviewed local and state law regulations regarding fireworks, as well as examples of local jurisdictions who have adopted emergency fireworks provisions for fire danger (see Attachment 1). In addition, Monroe Fire District No. 3 Chief Jamie Silva and Fire Marshall Mike Fitzgerald presented information on fireworks related calls in recent years, and recommendations on potential amendments to MMC 9.26, Fireworks.

Following discussion at the April 5th Meeting, Council requested an ordinance be brought back amending the time of sales. The following amendment is proposed to MMC 9.26.020, Restrictions on times for sale and discharge of fireworks (see Attachment 2):

- Consumer fireworks may be purchased and sold within the city of Monroe, Washington only between the hours of ~~[NOON AND ELEVEN P.M. ON JUNE 28TH OF ANY YEAR AND BETWEEN]~~nine a.m. and eleven p.m. on ~~[JUNE 29TH]~~**July 1st** through July 4th of any year; and only between the hours of noon and eleven p.m. on December 27th ~~[OF ANY YEAR AND BETWEEN NINE A.M. AND ELEVEN P.M. ON DECEMBER 28TH]~~ through December 31st of any year.

Council discussed potential amendments for emergency fireworks provisions for fire danger; however, no action on this matter was proposed at this time.

In addition, Fire Marshall Fitzgerald provided additional recommendations (see Attachment 3); these amendments have not been included in the proposed ordinance for action at this time; however, are presented for City Council’s consideration.

IMPACT – BUDGET

N/A

TIME CONSTRAINTS

Pursuant to the State Fireworks Law (Chapter 70.77 RCW), cities may be more restrictive than state law; however, local rules may be effective no sooner than one year from their adoption. Ordinance must be adopted no later than June 30, 2016, in order to be effective June 30, 2017. Schedule for adoption: First Reading – June 7, 2016; and Adoption – June 14, 2016.



MONROE CITY COUNCIL

Agenda Bill No. 16-041

TITLE:	Discussion: Fireworks Regulations [MMC 9.26]
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
04/05/2016	Police Dept.	Tim Quenzer	Tim Quenzer	Unfinished Business #1

Discussion: 08/18/2015; 04/05/2016

- Attachments:**
1. Monroe Municipal Code 9.26 - Fireworks
 2. MRSC Information on Fireworks Regulations
 3. Douglas County Code 8.20 - Fireworks
 4. San Juan County Code 9.20 - Fireworks
 5. Email/Letter from Citizen

REQUESTED ACTION: Review, discussion, and direction.

DESCRIPTION/BACKGROUND

At the July 7, 2015, Council Meeting, Councilmember Cudaback and Hanford requested a discussion item be added to the extended agenda regarding Monroe’s regulations related to fireworks - Monroe Municipal Code 9.26 (*attachment 1*).

At that time, Mayor Thomas noted the State Fireworks Law (Chapter 70.77 RCW), which allows cities to be more restrictive than state law; however, local rules may be effective no sooner than one year from their adoption. Mayor Thomas also noted local jurisdictions who have adopted emergency fireworks provisions for fire danger.

Information provided by the Municipal Research Services Center (MRSC) details out this information (*attachment 2*), and also provides references to Douglas and San Juan Counties who have adopted emergency provisions for fire danger (*see attachments 3 and 4*).

In preparation for discussion in August 2015, Councilmember Kamp forwarded an email/letter received from a citizen regarding fireworks, and asked this be included in the packet for this item (*attachment 5*).

On August 18, 2016, the City Council reviewed this information (*attachments 1 through 5*), and requested this item be brought back in 2016 for further discussion.

In the 2016 legislative session, [HB2348](#), providing local governments with flexibility regarding local fireworks ordinances, was considered. It has halted in the House Rules Committee and will most likely not pass in this legislative session.

Monroe Fire District No. 3 Chief Jamie Silva and Fire Marshall Mike Fitzgerald will be present at the April 5, 2016, Council Meeting to present information on fireworks related calls in recent years.

IMPACT – BUDGET

N/A

TIME CONSTRAINTS

N/A

Chapter 9.26 FIREWORKS

Sections:

- [9.26.010](#) RCW adopted – Copies filed and authenticated.
- [9.26.020](#) Restriction on times for sale and discharge of fireworks.
- [9.26.030](#) Restrictions and permits.
- [9.26.040](#) Littering.
- [9.26.050](#) Violation – Penalty.
- [9.26.060](#) Severability.

9.26.010 RCW adopted – Copies filed and authenticated.

Except as otherwise provided herein, Chapter [70.77](#) RCW, State Fireworks Law, is hereby adopted by reference, including all future amendments or additions thereto, and under the provisions of RCW [35A.12.140](#), the sections codified in this chapter shall be published as required by law, but the specified Chapter [70.77](#) RCW adopted by reference need not be published but shall be authenticated and recorded with the Monroe city clerk, and not less than one copy of such chapter in the form in which it was adopted shall forthwith be filed in the office of the Monroe city clerk for use and examination by the public. (Ord. 005/2005)

9.26.020 Restriction on times for sale and discharge of fireworks.

The sale, purchase and discharge of consumer fireworks shall not be permitted at any time except during the following times and dates:

- A. Consumer fireworks may be purchased and sold within the city of Monroe, Washington only between the hours of noon and eleven p.m. on June 28th of any year and between nine a.m. and eleven p.m. on June 29th through July 4th of any year; and only between the hours of noon and eleven p.m. on December 27th of any year and between nine a.m. and eleven p.m. on December 28th through December 31st of any year; and
- B. Consumer fireworks may be discharged within the city of Monroe, Washington only:
 - 1. Between the hours of nine a.m. and midnight on the 4th of July of any year; and
 - 2. Between the hours of six p.m. on December 31st and one a.m. on January 1st of the subsequent year. (Ord. 005/2005)

9.26.030 Restrictions and permits.

A. Fireworks, including any composition or device designed to produce a visual or audible effect by combustion, deflagration, or detonation, and which meets the definition of articles pyrotechnic or consumer fireworks or display fireworks under Ch. [70.77](#) RCW, shall not be manufactured, used, sold or detonated within the city of Monroe, Washington, except as follows:

- 1. Flares for emergency operation;
- 2. Signal device to begin an athletic event or sport;

3. Use by military organizations;
 4. Blank cartridges for show or theater;
 5. A public fireworks display permitted in accordance with MMC [15.04.110](#) and RCW [70.77.260](#); and
 6. "Common fireworks" as such term is defined by WAC [212-17-035](#).
- B. Any person desiring to:
1. Manufacture, import, possess with intent to sell, or sell any fireworks at wholesale or retail for any use; or
 2. Make a public display of fireworks in accordance with MMC [15.04.110](#) and RCW [70.77.260](#) within the city of Monroe shall, not less than five days prior to such activity, obtain from the city a business license pursuant to Chapter [5.02](#) MMC. (Ord. 005/2005)

9.26.040 Littering.

The debris from discharged fireworks shall be properly disposed of. All persons discharging fireworks shall police the area in which such fireworks were discharged and pick up all litter resulting from such fireworks. Violation of this section shall be a violation under this chapter, MMC [9.28.170](#), and RCW [70.93.060](#). (Ord. 005/2005)

9.26.050 Violation – Penalty.

- A. Any person violating any provision of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine in an amount not exceeding one thousand dollars, or by imprisonment in jail for a term not exceeding ninety days, or by both. In the case of a conviction for a violation of this chapter, the city's fire marshal or designee may order the fireworks stand closed and may deny approval of a request by the person for a fireworks permit for a period of one year.
- 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.
- C. Any fireworks which 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 police officer. (Ord. 005/2005)

9.26.060 Severability.

If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter. (Ord. 005/2005)

The Monroe Municipal Code is current through Ordinance 008/2015, passed June 9, 2015.

Disclaimer: The City Clerk's Office has the official version of the Monroe Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.



Fireworks Regulation in Washington State

This page provides regulatory information on fireworks, sample provisions from Washington cities and counties, and additional reference sources.

Introduction

Local government provisions must be consistent with the Washington State statutes and regulations regarding fireworks, although they can be more restrictive. A number of jurisdictions have banned the use of consumer fireworks and allow only public displays, while others allow the discharge of fireworks on fewer days than allowed under state law. Exemptions are made for religious and other special uses.

Fireworks Regulation in Washington

The State of Washington has not completely preempted local government regulation of fireworks, but fireworks regulation is largely governed by the state fireworks law, chapter 70.77 RCW (<http://app.leg.wa.gov/rcw/default.aspx?cite=70.77>) and the administrative regulations adopted by the Washington State Patrol, chapter 212-17 WAC (<http://app.leg.wa.gov/wac/default.aspx?cite=212-17>).

RCW 70.77.250 (<http://app.leg.wa.gov/rcw/default.aspx?cite=70.77.250>)(1) provides that "the chief of the Washington state patrol, through the director of fire protection, shall enforce and administer this chapter." Additionally, though federal law does not directly cover local use of fireworks, the Washington statutes defining consumer fireworks incorporate classifications adopted by the United States Consumer Product Safety Commission and United States Department of Transportation, RCW 70.77.136 (<http://app.leg.wa.gov/rcw/default.aspx?cite=70.77.136>). In short, this is an area where local governments need to be careful concerning what they can and cannot regulate.

State Licenses and Local Government Permits

Any individual or company wanting to manufacture, import or sell fireworks, or make a public display of fireworks, needs a state license and a permit from the appropriate local government jurisdiction (city or county) where the action is to take place, RCW 70.77.255 (<http://app.leg.wa.gov/rcw/default.aspx?cite=70.77.255>) and 70.77.315 (<http://app.leg.wa.gov/rcw/default.aspx?cite=70.77.315>). There are bonding and insurance requirements for any individual or company putting on a public fireworks display. RCW 70.77.355 (<http://app.leg.wa.gov/rcw/default.aspx?cite=70.77.355>). There are also insurance requirements for retail fireworks stands. RCW 70.77.270 (<http://app.leg.wa.gov/rcw/default.aspx?cite=70.77.270>)(3).

Retail Stands for Sale of Fireworks

The state regulates temporary or permanent structures where fireworks are sold or stored. WAC 212-17-21505 (<http://app.leg.wa.gov/wac/default.aspx?cite=212-17-21505>) - General provisions. There are state regulations dealing with the siting and setbacks required of retail fireworks stands. RCW 70.77.270 (<http://app.leg.wa.gov/rcw/default.aspx?cite=70.77.270>).

Dates and Times Fireworks May Be Sold or Discharged

State law sets the allowable times for sale or discharge of fireworks. Fireworks may be sold and purchased from:
MCC Agenda 04/05/2016
MCC Agenda 06/07/2016; Page 6 of 26
Unfinished Business #1
New Business #1; AB16-079

1. Noon to 11 p.m. on June 28;
2. 9 a.m. to 11 p.m. on June 29 through July 4;
3. 9 a.m. to 9 p.m. on July 5;
4. Noon to 11 p.m. on December 27 through December 31.

Fireworks may be used and discharged from:

1. Noon to 11 p.m. on June 28;
2. 9 a.m. to 11 p.m. on June 29 through July 3;
3. 9 a.m. to midnight on July 4; (4) from 9 a.m. to 11 p.m. on July 5;
4. 6 p.m. on December 31 to 1 a.m. on January 1. (RCW 70.77.395 (<http://app.leg.wa.gov/rcw/default.aspx?cite=70.77.395>))

Counties and cities can be more restrictive than state restrictions and can even ban all sale and discharge of fireworks, but they cannot be less restrictive. The state supreme court decision *Brown v. Yakima* (<http://courts.mrsc.org/mc/courts/zsupreme/116wn2d/116wn2d0556.htm>), 116 Wn.2d 556 (1991), held that the state fireworks law does not prevent a local government from enacting an ordinance more restrictive than state law. However, any local rules that are more restrictive may be effective no sooner than one year from their adoption. RCW 70.77.250 (<http://app.leg.wa.gov/rcw/default.aspx?cite=70.77.250>)(4).

Local Government Regulatory Ordinances

Below are samples of fireworks ordinances from several jurisdictions. The Washington State Patrol has a list of cities and counties with fireworks laws or ordinances that are more restrictive than state law (<http://www.wsp.wa.gov/fire/docs/fireworks/ordinances.pdf>). Cities and counties should carefully review any proposed ordinance to make sure it is not in conflict with state law.

Statutes and Regulations

- [Ch. 70.77 RCW \(http://app.leg.wa.gov/rcw/default.aspx?cite=70.77\)](http://app.leg.wa.gov/rcw/default.aspx?cite=70.77) - State Fireworks Law
- [Ch. 212-17 WAC \(http://app.leg.wa.gov/wac/default.aspx?cite=212-17\)](http://app.leg.wa.gov/wac/default.aspx?cite=212-17) - Fireworks
- [Fireworks Which May Be Lawfully Purchased, Possessed, or Discharged by the Public \(http://www.wsp.wa.gov/fire/docs/fwlicensing/lglfwrks.pdf\)](http://www.wsp.wa.gov/fire/docs/fwlicensing/lglfwrks.pdf) - Washington State Patrol

Emergency Provisions for Fire Danger

- Douglas County Code [Sec. 8.20.160 \(http://www.codepublishing.com/WA/DouglasCounty/html/DouglasCounty08/DouglasCounty0820.html#8.20.160\)](http://www.codepublishing.com/WA/DouglasCounty/html/DouglasCounty08/DouglasCounty0820.html#8.20.160) - Fireworks Sale Restrictions During Certain Emergencies
- San Juan County Code [Sec. 9.20.080 \(http://www.codepublishing.com/wa/sanjuancounty/html/SanJuanCounty09/SanJuanCounty0920.html#9.20.080\)](http://www.codepublishing.com/wa/sanjuancounty/html/SanJuanCounty09/SanJuanCounty0920.html#9.20.080) - Prohibition Due to Extreme Fire Danger

Provisions Allowing Sale and Use of Fireworks

Provisions vary from the time of day to the days in which consumer fireworks can be used without special permits. However, RCW 70.77.395 (<http://app.leg.wa.gov/rcw/default.aspx?cite=70.77.395>) sets the parameters.

- Clark County Code [Ch. 5.28 \(http://www.codepublishing.com/WA/ClarkCounty/clarkco05/clarkco0528/clarkco0528.html\)](http://www.codepublishing.com/WA/ClarkCounty/clarkco05/clarkco0528/clarkco0528.html) - Sale of

Fireworks - Use permitted June 28 (noon) until July 4 (midnight)

- Douglas County Code Ch. 8.20
(<http://www.codepublishing.com/WA/DouglasCounty/html/DouglasCounty08/DouglasCounty0820.html#8.20>) - Fireworks - Discharge allowed during the hours of 1:00 p.m. and 11:59 p.m. on July 3 and July 4, and between the hours of 6:00 p.m. on December 31 and 1:00 a.m. on January 1.
- Puyallup Municipal Code Ch. 16.20
(<http://www.codepublishing.com/wa/puyallup/html/Puyallup16/Puyallup1620.html#16.20>) - Fireworks - Discharge restricted to the hours between 9:00 a.m. and 11:00 p.m. on July 4.
- Thurston County Code Ch. 6.68
(http://library.municode.com/HTML/16720/level2/TIT6BULIRE_CH6.68FIPE.html) - Fireworks Permits - Restrict discharge of consumer fire works to July 3 and July 4, between the hours of 9:00 a.m. and 11:00 p.m.
- Tumwater Municipal Code Ch. 8.30
(<http://www.codepublishing.com/wa/tumwater/html/Tumwater08/Tumwater0830.html#8.30>) - Fireworks - Restricts discharge of consumer fire works to July 3 and July 4, between the hours of 9:00 a.m. and 11:00 p.m.
- Vancouver Municipal Code
 - Ch. 16.20
(http://www.cityofvancouver.us/sites/default/files/fileattachments/vmc/titles_chapters/O16.020.pdf) - Fireworks
 - Ch. 16.30
(http://www.cityofvancouver.us/sites/default/files/fileattachments/vmc/titles_chapters/O16.030.pdf) - Consumer Fireworks - Consumer discharge of consumer fireworks is allowed only on July 4 between the hours of 9:00 a.m. and 11:59 p.m.
- Walla Walla Municipal Code Ch. 8.09
(<http://www.codepublishing.com/WA/WallaWalla/html/WallaWalla08/WallaWalla0809.html#8.09>) - Fireworks - Approved fireworks may be discharged between 9:00 a.m. on July 4 and 12:00 a.m. on July 5, and between 6:00 p.m. on December 31 and 1:00 a.m. on January 1

Provisions Prohibiting Sale and Use of Fireworks Except for Public Displays, Religious Activities, and Private Events

- Bellevue Municipal Code
 - Sec. 23.11.5608.2
(<http://www.codepublishing.com/wa/bellevue/html/Bellevue23/Bellevue2311.html#23.11.5608.2>) - Fireworks discharge prohibited
 - Sec. 23.11.5608.2.3
(<http://www.codepublishing.com/wa/bellevue/html/Bellevue23/Bellevue2311.html#23.11.5608.2.3>) - Standards for Fireworks Displays
- Kirkland Municipal Code Ch. 11.60
(<http://www.codepublishing.com/wa/kirkland/html/kirkland11/Kirkland1160.html#11.60>) - Fireworks
- Shoreline Municipal Code Ch. 9.15
(<http://www.codepublishing.com/wa/shoreline/html/Shoreline09/Shoreline0915.html#9.15>) - Fireworks
- Spokane Valley Municipal Code Ch.7.15
(<http://www.codepublishing.com/WA/spokanevalley/html/SpokaneValley07/SpokaneValley0715.html#7.15>) -

- Yakima County Code Ch. 8.46
(<http://www.codepublishing.com/WA/yakimacounty/html/YakimaCounty08/YakimaCounty0846.html#8.46>)
- Fireworks - In addition to religious exemptions, exceptions are made for production of motion pictures, theatricals or operas when such use and display are a necessary part of the production by permit.

Provisions Relating to the Public Display of Fireworks

- Burien Municipal Code Sec. 5.30.080
(<http://www.codepublishing.com/wa/burien/html/Burien05/Burien0530.html#5.30.080>) - Standards for Public Fireworks Displays
- Seattle Fire Code Ch. 56
(http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/sO47893.pdf) - Explosives and Fireworks
- Tacoma Municipal Code Ch. 3.12 (<http://cms.cityoftacoma.org/cityclerk/Files/MunicipalCode/Title03-Fire.PDF#page=45>) - Fireworks

Public Information

- Cowlitz County - Fireworks (<http://www.co.cowlitz.wa.us/index.aspx?nid=572>)
- King County - Fireworks Regulations and Safety
(<http://www.kingcounty.gov/property/FireMarshal/fireworks.aspx>)
- Renton - Fireworks Ban (<http://rentonwa.gov/living/default.aspx?id=828>)
- Vancouver - Learn About Legal Use of Fireworks in Vancouver (<http://www.cityofvancouver.us/fire/page/learn-about-legal-use-fireworks-vancouver>)
- Washington State Fire Marshal - Fireworks Enforcement Education Campaign
(<http://www.wsp.wa.gov/fire/educamp.htm>)

Additional References

- American Pyrotechnics Association (<http://www.americanpyro.com/>)
- Consumer Product Safety Commission - Fireworks Information Center (<http://www.cpsc.gov/safety-education/safety-education-centers/fireworks/>)
- International Fire Marshals Association - 2006 Model Fireworks Law
(<http://www.nfpa.org/~media/Files/Safety%20information/For%20consumers/Fireworks/ModelFireworks.pdf>)
- National Fire Protection Association - Fireworks (<http://www.nfpa.org/categoryList.asp?categoryID=297&URL=Research%20&%20Reports/Fact%20sheets/Seasonal%20safety/Fireworks>)
- Washington State Fire Marshal - Fireworks Safety & Injury Prevention
(<http://www.wsp.wa.gov/fire/fireworks.htm>)

Last Modified: July 06, 2015

transport fireworks by means other than common carrier. (Ord. CE 10-03-78B Exh. A (part): Ord. CE 04-01-63B Exh. A (part))

8.20.040 Consumer fireworks—When discharge permitted.

No person shall discharge or otherwise use any consumer fireworks within the unincorporated areas of Douglas County, except between the hours of one p.m. and eleven fifty-nine p.m. on July 3rd and July 4th, and between the hours of six p.m. on December 31st and one a.m. on January 1st. (Ord. CE 10-03-78B Exh. A (part): Ord. CE 04-01-63B Exh. A (part))

8.20.050 Permit application requirements.

- A. The applicant shall have a valid license issued by the state of Washington authorizing the holder to engage in the fireworks activities sought in the permit application.
- B. Permit applications shall be submitted in such form and containing such detail as is reasonably required by the fire marshal. Such applications shall, at a minimum, include the applicable permit application fees, clean-up deposit, state license(s), site drawings depicting permanent and temporary structures and other material features on the site, insurance certificate(s), storage sites and arrangements, and the name, address and telephone number of each applicant and any other responsible party.
- C. In addition to the other requirements of the State Fireworks Law, the applicant shall procure and maintain a policy or policies of public general liability, bodily injury and property damage insurance in a company or companies approved by the fire marshal in the minimum amount of one million dollars, single limit. Douglas County, Douglas County Fire District No. 2 and any other fire protection district providing fire protection shall be named as additional named insureds on such policy. Certificates of coverage shall be filed with the fire marshal.
- D. The applicant shall post a five hundred dollar cash deposit with each permit application conditioned upon the prompt removal of all temporary structures and the cleaning of all debris from the site. If the applicant removes all temporary structures and cleans up all debris within two days after the end of the permitted fireworks activities, the applicant shall be entitled to the return of the deposit. If the stand is not removed and debris is not cleaned prior to that time, the five hundred dollar deposit shall be forfeited and placed in the Douglas County general fund.
- E. A fully complete application for the retail sale of consumer fireworks shall be filed with the fire marshal no later than last official business day of May in the calendar year for which the applicant is seeking a permit.
- F. A fully complete application for a public display of fireworks shall be filed with the fire marshal in conformance with Chapter 70.77 RCW and Chapter 212-17 WAC as they now exist or may be hereafter amended. (Ord. CE 10-03-78B Exh. A (part): Ord. CE 04-01-63B Exh. A (part))

8.20.060 Permit fees.

The permit application fee for each application filed with the fire marshal shall be established by resolution of the board of commissioners, shall be paid at the time the permit application is filed, and is non-refundable. (Ord. CE 10-03-78B Exh. A (part): Ord. CE 04-01-63B Exh. A (part))

8.20.070 Consumer fireworks—When sale permitted.

No consumer fireworks shall be sold or offered for sale at retail, except between the hours of ten a.m. and ten p.m. on July 1st through July 3rd, and between the hours of ten a.m. and nine p.m. on July 4th. (Ord. CE 10-03-78B Exh. A (part); Ord. CE 04-01-63B Exh. A (part))

8.20.080 Retail sale of consumer fireworks.

The retail sale of consumer fireworks shall conform with Chapter 70.77 RCW and Chapter 212-17 WAC as they now exist or may be hereafter amended.

Permanent buildings and temporary stands used for the retail sale of consumer fireworks shall be located only where commercial activities are authorized under the zoning code. (Ord. CE 10-03-78B Exh. A (part); Ord. CE 04-01-63B Exh. A (part))

8.20.090 Retail sale of consumer fireworks—Signage.

In addition to all other signage requirements of the State Fireworks Law, a sign shall be conspicuously posted at each location where consumer fireworks are sold that reads as follows:

ONLY CONSUMER FIREWORKS LIKE THOSE SOLD AT THIS LOCATION MAY BE DISCHARGED
IN DOUGLAS COUNTY.

DISCHARGE OF FIREWORKS IS PERMITTED ONLY BETWEEN THE HOURS OF 1:00 P.M. AND
11:59 P.M. ON JULY 3 AND JULY 4 AND BETWEEN THE HOURS OF 6:00 P.M. ON DECEMBER 31
AND 1:00 A.M. ON JANUARY 1.

DISCHARGE OF BOTTLE ROCKETS, SKY ROCKETS, MISSILE-TYPE ROCKETS,
FIRECRACKERS, SALUTES, AND CHASERS IS ILLEGAL AND WILL SUBJECT THE VIOLATOR TO
CRIMINAL PROSECUTION.

(Ord. CE 10-03-78B Exh. A (part); Ord. CE 04-01-63B Exh. A (part))

8.20.110 Approved storage facilities required.

Fireworks storage locations and facilities shall conform to Chapter 70.77 RCW and Chapter 212-17 WAC as they now exist or may be hereafter amended. Consumer fireworks remaining unsold after the lawful period of retail sales provided in DCC Section [8.20.070](#) shall be removed within two days to an approved storage facility. (Ord. CE 10-03-78B Exh. A (part); Ord. CE 04-01-63B Exh. A (part))

8.20.120 Consumer fireworks—Where discharge prohibited.

The discharge of consumer fireworks is prohibited in the following locations:

- A. In or upon any publicly owned property; provided, that the chief administrative officer of publicly owned property may issue written permits or authorizations for discharge of consumer fireworks on such terms and conditions as shall be deemed necessary to protect the public, public property and private property;
- B. Within three hundred feet of any hotel, motel or other lodging facility, hospital, convalescent center, assisted-living center, public library, church, synagogue or other place of worship;
- C. Within or from any structure, vehicle or vessel. (Ord. CE 10-03-78B Exh. A (part); Ord. CE 04-01-

63B Exh. A (part))

8.20.130 Public display of fireworks—Additional provisions.

In addition to the requirements of the State Fireworks Law, the following provisions shall apply to the public display of fireworks:

- A. All minimum clearances, site dimensions, separation clearances and landing areas shall be subject to review by and approval of the fire marshal. In the sole discretion of the fire marshal, the minimum standards of the State Fireworks Law may be increased to protect the public and property.
- B. The applicant shall provide fire protection for the display. The fire marshal shall determine the level of personnel and equipment necessary. Prior to the public display, the applicant shall pay the full cost of the required personnel and equipment to the appropriate fire district.
- C. The applicant shall provide crowd control for the display. The fire marshal shall determine the level of crowd control necessary, including the number and placement of crowd control monitors. If local law enforcement is providing crowd control, the applicant shall pay the full cost of the required personnel and equipment to the appropriate law enforcement agency prior to the display.
- D. If, in the opinion of the fire marshal, the sheriff or the pyrotechnic operator, a lack of fire protection or crowd control poses a danger to the public or property, then the fire marshal, the sheriff or the pyrotechnic operator shall immediately suspend the display until the danger is corrected. (Ord. CE 10-03-78B Exh. A (part); Ord. CE 04-01-63B Exh. A (part))

8.20.140 Permit coverage—Transfer of permit prohibited.

A separate permit shall be obtained for each activity requiring a permit and for each location at which fireworks activity is undertaken. A permit shall be used only by the designated permittee and shall not be assigned or otherwise transferred. Any transfer or purported transfer of a permit shall be deemed a violation of this chapter and shall void the permit. (Ord. CE 10-03-78B Exh. A (part); Ord. CE 04-01-63B Exh. A (part))

8.20.150 Revocation of permit.

Any failure of or refusal by a permittee to comply with the requirements of a permit, to comply with the State Fireworks Law, to comply with this chapter, or to comply with any lawful requirement or order of the fire marshal concerning fireworks shall be grounds for revocation of a permit by the fire marshal. (Ord. CE 10-03-78B Exh. A (part); Ord. CE 04-01-63B Exh. A (part))

8.20.160 Fireworks—Emergencies—Restrictions on sale and use.

The fire marshal may prohibit the discharge of all fireworks during periods of extreme fire danger. (Ord. CE 10-03-78B Exh. A (part); Ord. CE 04-01-63B Exh. A (part))

8.20.170 Special effects for entertainment productions.

This chapter does not prohibit the assembling, compounding, use, and display of special effects by any person engaged in the production of motion pictures, radio, television productions or live entertainment when such use and display is a necessary part of the production and such person possesses a valid permit issued by the fire marshal. (Ord. CE 10-03-78B Exh. A (part); Ord. CE 04-01-63B Exh. A (part))

8.20.180 Excluded from this chapter.

This chapter does not apply to the operation of railways, motor vehicles, vessels or other transportation means for signal purposes or illumination, the use of signals at athletic events, operations conducted by law enforcement and the military, and agricultural and wildlife fireworks. (Ord. CE 10-03-78B Exh. A (part); Ord. CE 04-01-63B Exh. A (part))

8.20.190 Appeals.

Any person aggrieved by a decision of the fire marshal under this chapter may appeal the decision by filing an appeal in the Douglas County Superior Court and serving a copy of the appeal on the fire marshal within ten days after receipt of the fire marshal's decision. (Ord. CE 10-03-78B Exh. A (part); Ord. CE 04-01-63B Exh. A (part))

8.20.200 Enforcement.

The fire marshal and the sheriff shall have the authority to enforce the provisions of this chapter. (Ord. CE 10-03-78B Exh. A (part); Ord. CE 04-01-63B Exh. A (part))

8.20.210 Penalties.

Each violation of this chapter shall be punishable as a misdemeanor. (Ord. CE 10-03-78B Exh. A (part); Ord. CE 04-01-63B Exh. A (part))

The Douglas County Code is current through Ord. 15-09-17B, passed March 31, 2015, and Res. 14-01-50B, passed October 28, 2014.

Disclaimer: The Clerk of the Board's Office has the official version of the Douglas County Code. Users should contact the Clerk of the Board's Office for ordinances passed subsequent to the ordinance cited above.

Chapter 9.20 FIREWORKS¹

Sections:

- 9.20.010 Definitions.**
- 9.20.020 *Repealed.***
- 9.20.030 Possession, sale, transfer and discharge of fireworks unlawful without a permit.**
- 9.20.040 Application for public/private fireworks display.**
- 9.20.050 Standards for public/private fireworks displays.**
- 9.20.060 Special effects for entertainment media.**
- 9.20.070 Acts not prohibited – Signal purposes, forest protection, etc.**
- 9.20.080 Prohibition due to extreme fire danger.**
- 9.20.090 Applicability.**
- 9.20.100 Chapter in connection with state law.**
- 9.20.110 Enforcement.**
- 9.20.120 Penalty for violations.**

9.20.010 Definitions.

A. "Fireworks" means any composition or device designed to produce a visible or an audible effect by combustion, deflagration or detonation, and which meets the definition of "articles pyrotechnic" as set forth in RCW [70.77.138](#), or the definition of "consumer fireworks" as set forth in RCW [70.77.136](#), or the definition of "display fireworks" as set forth in RCW [70.77.131](#).

B. "Public display" means an entertainment feature where the public is invited, admitted or permitted to view the display or discharge of display fireworks.

C. "Special effects," pursuant to RCW [70.77.146](#), means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen in the atmosphere, and designed and intended to produce an audible, visual, mechanical or thermal effect as an integral part of a motion picture, radio, television, theatrical or opera production or live entertainment.

D. "Display fireworks" means large fireworks designed primarily for display and classified as such by the U.S. Department of Transportation, as further set forth in RCW [70.77.131](#).

E. "Extreme fire danger" means a period of hot, dry weather accompanied by low fuel moistures. It is during this period that wildland fires can be expected and fire growth will be accelerated. (Ord. 28-2008 § 2; Ord. 14-2000 § 5; Ord. 100-1993. Formerly 15.05.010)

9.20.020 Discharge of legal fireworks – Allowable times.

Repealed by Ord. 28-2008. (Ord. 14-2000 § 5; Ord. 100-1993. Formerly 15.05.020)

9.20.030 Possession, sale, transfer and discharge of fireworks unlawful without a permit.

It is unlawful for any person to possess, sell, offer to sell, use, transfer, discharge or explode any fireworks within the unincorporated areas of San Juan County, except for duly authorized public or private displays for which a permit has been issued under this chapter. (Ord. 28-2008 § 3; Ord. 14-2000 § 5; Ord. 100-

1993. Formerly 15.05.030)

9.20.040 Application for public/private fireworks display.

Applications for a permit to hold, conduct or operate a public/private display of fireworks other than on July 4th shall be made to the San Juan County fire marshal at least 10 days prior to the scheduled event. Applicants shall meet all qualifications and permit requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display per Chapter [70.77](#) RCW. Applicant shall provide a copy of any approved public display permit to the local fire department at least seven days prior to the public fireworks display event. (Ord. 14-2000 § 5; Ord. 100-1993. Formerly 15.05.040)

9.20.050 Standards for public/private fireworks displays.

All public/private fireworks displays shall conform to the following minimum standards and conditions:

A. All public/private fireworks displays must be planned, organized and discharged by a state of Washington licensed pyro-technician.

B. A permit must be obtained from the County and approved by the fire marshal or designee per SJCC [9.20.040](#) prior to any public/private display of fireworks. The permit shall include the name of the applicant; the applicant's address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed; the manner in which the fireworks are being stored prior to the display; and shall include the name and address of the insurance company providing the bond required and a photocopy of the policy per Chapter [70.77](#) RCW and SJCC [9.20.040](#).

C. A drawing shall be submitted to the fire marshal showing a plan view of the fireworks discharge site and the surrounding area within a 300-foot radius. The drawing shall include all structures, fences, barricades, streets, fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

D. When, at the discretion of the fire marshal or fire chief having jurisdiction, such requirement is necessary to preserve the public health, safety and welfare, the permit may require that a fire department pumper and a minimum of four trained fire-fighters shall be on site 30 minutes prior to and after the shooting of the event.

E. All combustible debris and trash shall be removed from the area of discharge for a distance of 300 feet in all directions.

F. All unfired or "dud" fireworks shall be disposed of in a safe manner.

G. A minimum of 20 gallons of water available for firefighting and one fire blanket shall be required to be at the fireworks discharge site.

H. The permit may be immediately revoked at any time deemed necessary by the fire marshal, fire chief, or designee due to any noncompliance, weather conditions, and/or period of extreme fire danger. The display may also be canceled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display.

I. Areas of public access shall be determined by the fire marshal or designee and maintained in an approved manner. (Ord. 14-2000 § 5; Ord. 100-1993. Formerly 15.05.050)

9.20.060 Special effects for entertainment media.

This chapter does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the County to purchase, possess, transport or use such fireworks, and

meets the requirements of SJCC [9.20.050](#)(A) through (D). (Ord. 14-2000 § 5; Ord. 100-1993. Formerly 15.05.060)

9.20.070 Acts not prohibited – Signal purposes, forest protection, etc.

This chapter does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, motor or sail vessels, or other transportation agencies for signal purposes or illumination or for use in forest protection activities or those uses described in RCW [70.77.311](#). (Ord. 14-2000 § 5; Ord. 100-1993. Formerly 15.05.070)

9.20.080 Prohibition due to extreme fire danger.

During periods of extreme fire danger, the County fire marshal may prohibit the discharge of all fireworks. This decision will be based on consultation with the representatives of the fire districts/departments of the County. (Ord. 14-2000 § 5; Ord. 100-1993. Formerly 15.05.080)

9.20.090 Applicability.

The provisions of this chapter shall be applicable to the sale and use of all fireworks except toy paper caps containing not more than twenty-five hundredths grain of explosive compound for each cap and trick or novelty devices not classified as consumer fireworks. (Ord. 28-2008 § 4; Ord. 14-2000 § 5; Ord. 100-1993. Formerly 15.05.090)

9.20.100 Chapter in connection with state law.

This chapter is intended to augment Chapter [70.77](#) RCW, and shall be construed in connection with that law and any and all rules or regulations issued pursuant thereto. This chapter shall take effect June 29, 1994. (Ord. 14-2000 § 5; Ord. 100-1993. Formerly 15.05.100)

9.20.110 Enforcement.

The County sheriff, or his designee, is authorized to enforce all provisions of this chapter and, in addition to criminal sanctions or civil remedies, he may revoke any permit issued pursuant to this chapter upon any failure or refusal of the permittee to comply with the orders and directives of the marshal or designee. (Ord. 14-2000 § 5; Ord. 100-1993. Formerly 15.05.110)

9.20.120 Penalty for violations.

Any person violating or failing to comply with any provisions of this chapter is guilty of an infraction and subject to a fine of up to \$250.00. (Ord. 14-2000 § 5; Ord. 100-1993. Formerly 15.05.120)

¹Ordinance 28-2008 amends Chapter [9.20](#) SJCC. A referendum was filed on Ordinance 28-2008 and the ordinance was approved by the voters on November 2, 2010. Pursuant to RCW [70.77.250](#)(4) and Section 7 of Ordinance 28-2008, the ordinance becomes effective one year after adoption. The November 2, 2010, vote was certified on November 23, 2010, which is regarded as the date of adoption. Therefore, Ordinance 28-2008 is effective as of November 23, 2011.

Mobile Version

From: Jim Kamp
Sent: Tuesday, July 21, 2015 4:01 PM
To: Gene Brazel
Cc: Geoffrey Thomas
Subject: FW: Attached letter

Hello Gene

could you include this in any discussion we may have re fireworks?

Thank you

Jim Kamp
Councilmember, City of Monroe
(425) 315-5692

From: Jack Houston
Sent: Monday, July 20, 2015 4:39 PM
To: Jim Kamp
Cc: John Mathers; Wally Watkins; Andre' DeWald; Steve Martin; Marvin Anderson
Subject: Attached letter

Greetings Brother Kamp,

Hope you are doing well, and having a great summer.

We have had a good year so far at Lodge, and things are going well.

Hope you can put my letter (attached) up before the Council for consideration.
I am not sure about who would regulate or dictate what I have proposed.

It probably would not be popular with the Fireworks Companies, as they want every sale they can get.
However, it is pure fact that 95% of our sales came (as usual) on the last 2 days.

Best Regards, and hope you can join us tomorrow evening for Lodge.. Jeans and t-shirt night. Burgers at 6PM.

Jack Houston

To: The City of Monroe, WA.

July 20, 2015

Attention: City Council Members

From: Jack Houston – Secretary of Sultan/Monroe Masonic Lodge

Subject: The Sale of Fireworks in the City of Monroe, WA.

Dear Council Members,

Our Masonic Lodge has been a non-profit organization raising funds for our various benevolent programs by selling fireworks for a commission with the TNT Company. We have done this for five years in a row in the City of Monroe.

Our Lodge members and their families support this by contributing time for 24 hours a day for 7 consecutive days. This year our tent was located in the Walmart parking lot, and our efforts resulted in very poor returns. We scheduled at least 4 people to volunteer during each shift when open, and a night watchman/volunteer for 12 hours when closed. In addition to those hours we spent perhaps 80 man/hours working on unpacking & setting up the merchandise, and another 80 man/hours packing and inventory work after we were closed for the year.

In all we invested a total of over 650 man/hours with a return of less than \$2/man-hour. We also had expenses related to the supply of power for lights and cash register etc.

We received our shipment on Saturday June 27th. Our Stand was allowed to open June 28th at Noon. We were open at 10 AM to 10 PM on June 29th, June 30th, July 1st, July 2nd, July 3rd and July 4th. We spent July 5th packing up and inventory work, and had a closing meeting on July 6th with TNT. In all, our commitment was for 10 days without considering planning time.

It is my understanding that the City of Monroe regulates and restricts the sale of fireworks with regard to the number of days they are allowed to sell fireworks. If not please pass this to whomever.

I would like to propose that the City of Monroe reduce the number of days they allow the sale of fireworks.. **from 7 days to 4 days**. Allow them to open July 1st 2nd 3rd, & 4th.

Here is why.

- 1.) Our experience during the last five years: the first 4 days we are open we do **almost no sales**. People just come to look and compare prices with Boom City on the Reservation.
- 2.) During 7 days, city officials must contend with inspecting each of a multitude of sales locations for those days. Do our safety officials have better things to do?
- 3.) Emergency response personnel deal with the exposure of these potentially hazardous amusements earlier than needed. Would reducing the days they are available help prevent accidents and injuries?
- 4.) Police responders deal with a 10 day exposure to possible theft and vandals at these outlets.
- 5.) Most of these stands are manned by inexperience non-profit Volunteer retail help. Sales tax is not a factor. A shorter window for sales would actually increase the quality of our sales manpower.

Thank You for considering this proposal for a change in regulations for 2016. It would most likely not affect our total gross sales, but it would be easier to operate a 6 day commitment instead of 10. Please contact me for any related questions or direction in placing this before the proper official(s).
Best Regards, Jack Houston - 425-879-8475

**CITY OF MONROE
ORDINANCE NO. 006/2016**

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, AMENDING CHAPTER 9.26 OF THE
MONROE MUNICIPAL CODE; RESTRICTING THE TIME
FOR SALE OF FIREWORKS; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE

WHEREAS, Chapter 70.77 RCW, the State Fireworks Law, governs the purchase, sale, and discharge of fireworks; and

WHEREAS, RCW 70.77.250(4) permits cities to adopt ordinances with stricter regulations of fireworks than state law, provided such ordinances may not have an effective date sooner than on year after their adoption; and

WHEREAS, the City Council adopted Monroe Municipal Code Chapter 9.26, Fireworks, through Ordinance No. 005/2005, on February 16, 2005; and

WHEREAS, it is the desire of the City Council to amend regulations governing the sale and discharge of fireworks that are more restrictive than state law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of MMC 9.26.020. Section 9.26.020, Restriction on times for sale and discharge of fireworks, of the Monroe Municipal Code is hereby amended as follows:

9.26.020 Restriction on times for sale and discharge of fireworks.

The sale, purchase and discharge of consumer fireworks shall not be permitted at any time except during the following times and dates:

A. Consumer fireworks may be purchased and sold within the city of Monroe, Washington only between the hours of ~~[NOON AND ELEVEN P.M. ON JUNE 28TH OF ANY YEAR AND BETWEEN]~~nine a.m. and eleven p.m. on ~~[JUNE 29TH]~~**July 1st** through July 4th of any year; and only between the hours of noon and eleven p.m. on December 27th ~~[OF ANY YEAR AND BETWEEN NINE A.M. AND ELEVEN P.M. ON DECEMBER 28TH]~~ through December 31st of any year; and

B. Consumer fireworks may be discharged within the city of Monroe, Washington only:

1. Between the hours of nine a.m. and midnight on the 4th of July of any year; and

2. Between the hours of six p.m. on December 31st and one a.m. on January 1st of the subsequent year.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. Pursuant to RCW 70.77.250(4), this ordinance shall be in full force and effect one (1) year from and after its adoption.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this _____ day of _____, 2016.

First Reading: June 7, 2016 CITY OF MONROE, WASHINGTON:
Adopted:
Published:
Effective:

(SEAL)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

Elizabeth M. Smoot, MMC, City Clerk

J. Zachary Lell, City Attorney

SNOHOMISH COUNTY FIRE DISTRICTS 3 & 7

Serving the Communities of Clearview, Maltby, Mill Creek, and Monroe

Community Risk Reduction Division

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April 15, 2016

Gene Brazel, Administrator
Debbie Willis, Administrative Chief
City of Monroe
Via Email

Re: Proposed modifications to the fireworks ordinance

Attached are my recommended changes to the fireworks ordinance, based upon Council comments and the necessary corrections to bring the ordinance into compliance with state law and practical enforcement. A summary of these proposals is below:

- 9.26.020(A) – Restrict the sales date to begin July 1st of each year.
 - This is recommended in order to:
 - make enforcement of unlawful discharge more practical, by reducing the number of days that lawful fireworks are in the community
 - make any (proposed) emergency ban (see 9.26.020(C)) on discharge more practical because it would be impractical to call an emergency ban on discharge when fireworks have already been sold in the community
- 9.26.020(A) – Change time of sales for New Year’s holiday to begin at noon.
 - This is required to be compliant with RCW 70.77.
- 9.26.020(C) – This is an optional amendment if Council is favorable.
- 9.26.050(D) – This section is requested to empower the fire marshal with greater enforcement authority for violations of applicable laws regarding fireworks.
 - The current practice available under state law is to forward reports of violations to the state fire marshal. By the time the state fire marshal can act, the fireworks stand has closed
 - This proposed change would allow the fire marshal to immediately relieve life safety violations by revoking the local permit.

I feel it is important to allow the Police Department to comment on these proposals before presenting to Council.

Thank you.

Yours in public service,

A handwritten signature in black ink that reads "Michael Fitzgerald". The signature is written in a cursive style with a large, stylized initial "M".

Michael Fitzgerald
Fire Marshal

Cc: File

Chapter 9.26 FIREWORKS

Sections:

- [9.26.010](#) RCW adopted – Copies filed and authenticated.
- [9.26.020](#) Restriction on times for sale and discharge of fireworks.
- [9.26.030](#) Restrictions and permits.
- [9.26.040](#) Littering.
- [9.26.050](#) Violation – Penalty.
- [9.26.060](#) Severability.

9.26.010 RCW adopted – Copies filed and authenticated.

Except as otherwise provided herein, Chapter [70.77](#) RCW, State Fireworks Law, is hereby adopted by reference, including all future amendments or additions thereto, and under the provisions of RCW [35A.12.140](#), the sections codified in this chapter shall be published as required by law, but the specified Chapter [70.77](#) RCW adopted by reference need not be published but shall be authenticated and recorded with the Monroe city clerk, and not less than one copy of such chapter in the form in which it was adopted shall forthwith be filed in the office of the Monroe city clerk for use and examination by the public. (Ord. 005/2005)

9.26.020 Restriction on times for sale and discharge of fireworks.

The sale, purchase and discharge of consumer fireworks shall not be permitted at any time except during the following times and dates:

- A. Consumer fireworks may be purchased and sold within the city of Monroe, Washington only between the hours of noon and eleven p.m. on ~~June 28th~~[July 1st](#) of any year and between nine a.m. and eleven p.m. on ~~June 29th~~[July 2nd](#) through July 4th of any year; and only between the hours of noon and eleven p.m. on December 27th of any year and between ~~nine a.m.-noon~~ and eleven p.m. on December 28th through December 31st of any year; and
- B. Consumer fireworks may be discharged within the city of Monroe, Washington only:
 - 1. Between the hours of nine a.m. and midnight on the 4th of July of any year; and
 - 2. Between the hours of six p.m. on December 31st and one a.m. on January 1st of the subsequent year. (Ord. 005/2005)

C. The fire marshal may prohibit the discharge of all fireworks during periods of extreme fire danger.

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9.26.030 Restrictions and permits.

A. Fireworks, including any composition or device designed to produce a visual or audible effect by combustion, deflagration, or detonation, and which meets the definition of articles pyrotechnic or consumer fireworks or display fireworks under Ch. [70.77](#) RCW, shall not be manufactured, used, sold or detonated within the city of Monroe, Washington, except as follows:

1. Flares for emergency operation;
2. Signal device to begin an athletic event or sport;
3. Use by military organizations;
4. Blank cartridges for show or theater;
5. A public fireworks display permitted in accordance with MMC [15.04.110](#) and RCW [70.77.260](#); and
6. "Common fireworks" as such term is defined by WAC [212-17-035](#).

B. Any person desiring to:

1. Manufacture, import, possess with intent to sell, or sell any fireworks at wholesale or retail for any use; or
2. Make a public display of fireworks in accordance with MMC [15.04.110](#) and RCW [70.77.260](#) within the city of Monroe shall, not less than five days prior to such activity, obtain from the city a business license pursuant to Chapter [5.02](#) MMC. (Ord. 005/2005)

9.26.040 Littering.

The debris from discharged fireworks shall be properly disposed of. All persons discharging fireworks shall police the area in which such fireworks were discharged and pick up all litter resulting from such fireworks. Violation of this section shall be a violation under this chapter, MMC [9.28.170](#), and RCW [70.93.060](#). (Ord. 005/2005)

9.26.050 Violation – Penalty.

A. Any person violating any provision of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine in an amount not exceeding one thousand dollars, or by imprisonment in jail for a term not exceeding ninety days, or by both. In the case of a conviction for a violation of this chapter, the city's fire marshal or designee may order the fireworks stand closed and may deny approval of a request by the person for a fireworks permit for a period of one year.

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.

C. Any fireworks which 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 police officer. (Ord. 005/2005)

D. Any failure of or refusal by a permittee to comply with the requirements of a permit, to comply with the State Fireworks Law, to comply with this chapter, or to comply with any lawful order or order of the fire marshal concerning fireworks shall be grounds for immediate revocation of a permit by the fire marshal.

9.26.060 Severability.

If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter. (Ord. 005/2005)



MONROE CITY COUNCIL

Agenda Bill No. 16-080

SUBJECT: *Ordinance No. 007/2016, 2016 Building Code Update; First Reading*

DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
06/07/2016	Community Development	Richard Karns	Richard Karns	New Business #2

Discussion: 05/17/2016; 06/07/2016
First Reading: 06/07/2016

Attachments: 1. Draft Ordinance No. 007/2016, Amending MMC 15.04

REQUESTED ACTION: Move to accept as first reading Ordinance No. 007/2016, amending Chapter 15.04 of the Monroe Municipal Code to adopt local amendments to the State Building Code, Title 51 WAC; providing for severability; and establishing an effective date.

DESCRIPTION/BACKGROUND

What are commonly referred to as the “Building Codes” are a series of documents updated every three years by the International Code Council (ICC) and the International Association of Plumbing and Mechanical Officials.

The most recent additions were published in 2015. Following publication, the Washington State Building Code Council review and amend these documents and then adopt the new “Building Code” for all jurisdictions within the State of Washington to be effective July 1, 2016.

The State of Washington in (Title 51 Washington Administrative Code) will be adopting the 2015 editions of the following:

- International Energy Conservation Code;
- International Building Code and Appendix E (Supplementary Accessibility Requirements);
- International Existing Building Code;
- International Residential Code and Appendices F (Radon Control Methods), Appendix Q (Dwelling Unit Fire Sprinkler Systems) and exempting Chapters 11 and 25-43;
- International Mechanical Code;
- International Fuel Gas Code;
- International Fire Code; and
- Uniform Plumbing Code.

In the past the City of Monroe has also adopted the following:

- International Building Code Appendix J (Grading);
- 1997 Uniform Code for the Abatement of Dangerous Buildings;
- International Fire Code:
 - Appendix B (Fire-Flow Requirements for Buildings);
 - Appendix C (Fire Hydrant Locations and Distribution); and
 - Appendix D (Fire Apparatus Access Roads);

The City Council is allowed to amend the “Building Code” so long as the minimum performance standards are maintained. However, amendments that affect one and two family dwelling units must be approved by the State Building Code Council.

Topics of Consideration:

- Not adopting IRC Appendix V requiring all one- and two-family dwellings to be sprinklered.

Adoption Schedule:

- 05/17/2016 - Discussion/questions.
- 06/07/2016 - Ordinance - First reading.
- 06/14/2016 - Ordinance - Adoption.
- 06/21/2016 – Ordinance Summary Publication.
- 07/01/2016 – Ordinance Effective.

IMPACT – BUDGET

N/A

TIME CONSTRAINTS

The 2015 International Code group as adopted by the State of Washington is mandated to become effective July 1, 2016.

**CITY OF MONROE
ORDINANCE NO. 007/2016**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING CHAPTER 15.04 OF THE MONROE MUNICIPAL CODE TO ADOPT LOCAL AMENDMENTS TO THE STATE BUILDING CODE, TITLE 51 WAC; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Washington State Legislature adopted the International Building Code and Appendix E (Supplementary Accessibility Requirements), International Existing Building Code, International Residential Code and Appendix F (Radon Control Methods) and Appendix Q (Dwelling Unit Fire Sprinkler Systems), International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code (Commercial), International Energy Conservation Code (Residential), International Fire Code, and the Uniform Plumbing Code, and directed that the State Building Code Council adopt these codes as part of the State Building Code; and

WHEREAS, the State Building Code Council adopted the 2015 editions of such codes, effective as of July 1, 2016, in all Washington cities; and

WHEREAS, the City Council has determined that adoption of local amendments to the 2015 codes is in the public interest.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of MMC 15.04.040. Subsection 15.04.040(B), Referenced Codes, of the Monroe Municipal Code is hereby amended as follows:

B. Copies of Codes on File. The city clerk shall maintain on file, for reference by the general public, not less than one copy of the following codes and state statutes and regulations, or parts thereof, as herein adopted by reference, together with the amendments and supplements thereto herein made a part of this chapter. The copy of codes on file may be placed by the city clerk in the custody of the office of the building official in order to make them more readily available for inspection and use by the general public:

1. The International Energy Conservation Code, **Commercial and Residential**, published by the International Code Council, [~~2012~~]**2015** Editions;
2. The International Building Code, published by the International Code Council, [~~2012~~]**2015** Edition;
3. The International Existing Building Code, published by the International Code Council, [~~2012~~]**2015** Edition;

4. The International Residential Code, published by the International Code Council, [2012]2015 Edition;
5. The International Mechanical Code, published by the International Code Council, [2012]2015 Edition;
6. The International Fuel Gas Code, published by the International Code Council, [2012]2015 Edition;
7. The International Fire Code, published by the International Code Council, [2012]2015 Edition;
8. The Uniform Plumbing Code, and standards, published by the International Association of Plumbing and Mechanical Officials, [2012]2015 Edition;
9. The Uniform Code for the Abatement of Dangerous Buildings, published by the International Code Council, 1997 Edition;
10. The State Building Code, Chapter 19.27 RCW;
11. All amendments, supplements, modifications, exclusions, exemptions, and additions to the codes identified in subsections (B)(1) through (10) of this section ("codes") adopted by the Washington State Building Code Council, and published in Chapter 19.27 RCW and WAC Title 51, including but not limited to Chapters 51-11C, 51-50, 51-51, 51-52, 51-54A, and 51-56 WAC.

Section 2. Amendment of MMC 15.04.070. Section 15.04.070, International Building Code adopted, of the Monroe Municipal Code is hereby amended as follows:

15.04.070 State Building Code adoption and amendment of the 2015 edition of the International Building Code, WAC 51-50, [INTERNATIONAL BUILDING CODE] adopted.

The **State Building Code adoption and amendment of the 2015 edition of the International Building Code, WAC 51-50, [INTERNATIONAL BUILDING CODE (IBC), 2012 EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INCLUDING THE FIRE-RESISTIVE ASSEMBLIES LISTED IN THE FIRE RESISTANCE DESIGN MANUAL, TWENTIETH EDITION, DATED 2012, INCLUDING APPENDIX E (SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS), APPENDIX H (SIGNS), AND APPENDIX J (GRADING),]** together with amendments and/or additions thereto, is hereby adopted by reference. **WAC 51-50 [THE 2012 EDITION OF THE INTERNATIONAL BUILDING CODE]** is amended to include the following new and amended provisions. In the event of any conflict between any provision of the IBC and this section, the provisions of this section shall apply. New sections or subsections shall be deemed deleted from the IBC and the amended provisions inserted in their place in accordance with the direction of this section.

- A. IBC Section 101.1 Amended. Section 101.1 of the IBC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Building Code of the City of Monroe, hereinafter referred to as "IBC" or "this code."

- B. IBC Section 101.2.2 Added. A new Section 101.2.2 is hereby added to the IBC to read as follows:

101.2.2 Existing Buildings. Existing buildings undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.

~~C. IBC SUBSECTIONS 105.1.1 AND 105.1.2 DELETED. SUBSECTIONS 105.1.1 AND 105.1.2 ARE HEREBY DELETED IN THEIR ENTIRETY.]~~

- C~~D~~. IBC Section 105.2 Amended. Section 105.2 of the IBC is hereby amended as follows:

1. The subsection entitled "Building" is amended as follows:

- a. Subsection 105.2(1) is hereby amended to read as follows:

One-story detached structures accessory to a one- or two-family dwelling, used as tool and storage sheds, patio covers, playhouses, tree-supported structures used for play and similar uses, gazebos, hot tub enclosures and similar uses provided the floor area does not exceed 200 sf. Accessory buildings must be considered to be portable and may not be constructed on permanent foundations such as poured-in-place concrete footings or poured-in-place concrete poles or posts.

2. The subsection entitled "Electrical" is hereby deleted.

- D~~E~~. IBC Section 109.2 Amended. Section 109.2 of the IBC is hereby amended to provide as follows:

109.2 Schedule of permit fees. On buildings, structures, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the periodic fee resolution of the Monroe City Council and Table 1-A and Table 103.4.2(A) thereto.

Plan Review Fees. When submitted documents are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 75 percent of the building permit fee as shown in Table 1-A of the Monroe Fees Resolution. The plan review fees specified in this section are separate from and in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section

107.3.4.2, an additional plan review fee shall be charged at the rate shown in Table 1-A of the Monroe Fees Resolution.

E[F]. IBC Section 109.3 Amended. Section 109.3 of the IBC is hereby amended to provide as follows:

Table of valuations. Building Valuation Data – Square Foot Construction Costs Table (latest edition) from the Building Safety Journal published by ICC.

F[G]. IBC Section 109.6 Amended. Section 109.6 of the IBC is hereby amended to read as follows:

109.6 Refunds. The building official may authorize the refund of fees paid upon filing of a written application by the original permittee not later than 180 days after the date of fee payment, as follows:

1. 100% of any fee erroneously paid or collected;
2. Up to 80% of the permit fee paid when no work has been done under a permit issued in accordance with the periodic fee resolution of the Monroe City Council; or
3. Up to 80% 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 review is performed.
4. The request for a refund must be in writing, prior to the expiration date of the 180 day plan review period, or the expiration date of the building permit, and with justifiable cause.

G[H]. IBC Section 111.3 Amended. IBC Section 111.3 is hereby amended by adding the following sentence to the end of the subsection:

The fee for a Temporary Certificate of Occupancy shall be as set by periodic fee resolution of the Monroe City Council.

H[I]. IBC Section 113 Amended. Section 113 of the IBC is hereby amended to provide as follows:

Section 113 – APPEALS.

113.1 Appeals. All appeals of orders, decisions, interpretations or determinations made by the building official relative to the application and interpretation of the IBC shall be to the City of Monroe Hearing Examiner in accordance with **Chapter 2.34** MMC[~~TITLE~~–21]. The Hearing Examiner shall have no authority to waive requirements of this code.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this code.

I[J]. IBC Section 114.2 Amended. Subsection 114.2 is hereby amended to provide as follows:

114.2 Code Enforcement. Enforcement of violations of this code shall be in accordance with Chapter 1.04 of the Monroe Municipal Code.

J[K]. IBC Section 114.3 Deleted. Subsection 114.3 is deleted in its entirety.

K[L]. IBC Section 114.4 Deleted. Subsection 114.4 is deleted in its entirety.

L[M]. IBC Section 115.2 Amended. IBC Section 115.2 is hereby amended by adding the following sentence to the end of the section:

115.2 Issuance. There shall be a fee imposed for issuance of a Stop Work Order in the amount set by periodic fee resolution of the Monroe City Council.

M[N]. IBC Section 115.4 Added. A new subsection 115.4 of the IBC is hereby added to read as follows:

115.4 Unauthorized tampering. Signs, tags, or seals posted or affixed by the building official shall not be mutilated, destroyed, tampered with, or removed without authorization from the building official. The fine for the removal, mutilation, destruction of, or tampering with said notice, sign, tags, or seals shall be as set forth in the Monroe Municipal Code, Section 15.04.200.

N[O]. IBC Section 202 Amended. Definitions of substantial damage and substantial improvement are hereby amended as follows:

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the assessed value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the code official and that are the minimum necessary to assure safe living conditions.

2. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the code official and that are the minimum necessary to assure safe living conditions. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

[P]. IBC Subsection 501.2 Amended. Subsection 501.2 of the IBC is hereby amended to read as follows:

[F] 501.2 Address identification. New and existing buildings shall be provided with approved address numbers or letters. The size of each character shall be as specified in Table 501.2. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property. When required by the code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address numbers shall be maintained.

Table 501.2 Address Numbering Size Table

DISTANCE FROM STREET OR ROAD	MINIMUM SIZE
0 – 50 feet	6" H x 3/4" Stroke Width
51 – 150 feet	8" H x 1" Stroke Width
151 – 200 feet	10" H x 1 1/4" Stroke Width
201 feet and farther	12" H x 1 1/2" Stroke Width

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) shall have numbers or building identification in compliance with this section, but with a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

[Q]. IBC Section [F] 903.2.13 Added. A new section [F] 903.2.13 of the IBC is hereby added to read as follows:

[F] 903.2.13 Other sprinkler requirements. In addition to the requirements of Section 903.2, approved automatic fire sprinkler systems shall be installed throughout all buildings and structures described in this Section 903.2.13. For the purposes of this Section 903.2.13, fire walls, fire barriers, fire partitions and fire-resistance-rated horizontal assemblies do not constitute separate buildings.

1. In all new buildings and structures with an Occupancy Classification assigned under the IBC and with a gross floor area of five thousand or greater square feet, regardless of type or use.

Exceptions: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-resistance-rated walls and 2-hour fire-resistance-rated floor/ceiling assemblies.

2. In existing buildings with a gross floor area of ten thousand or greater square feet undergoing additions, repairs, reconstruction, or improvements exceeding sixty percent of the assessed value of such building or structure.

Q[R]. IBC Section [F] 903.3.7 Added. A new subsection [F] 903.3.7 of the IBC is hereby added to read as follows:

[F] 903.3.7 Fire department connections. Fire department connections shall be installed remote from the building in an approved location. Fire department connections shall be installed outside the collapse zone of the structure, and within 50 feet of a fire hydrant. The fire department connection shall be a 4" Storz connection with a 30-degree down angle installed in accordance with City of Monroe standards.

R[S]. IBC Section [F] 903.3.8 Added. A new section [F] 903.3.8 of the IBC is hereby added to read as follows:

[F] 903.3.8 Fire Control Room. All multiple tenant buildings; buildings constructed speculatively ("spec") as shells or warehouses, and all buildings in excess of 20,000 square feet which require fire sprinkler protection shall be constructed with a dedicated fire control room in accordance with Section 903.3.8.

[F] 903.3.8.1 Size and construction. The fire control room shall be adequately sized to allow 3 feet of clearance around the circumference of the sprinkler riser for inspection, testing, and maintenance. The construction of the fire control room shall consist of materials similar to adjacent areas, except that there shall be no requirements to provide fire resistive construction on the interior walls which form the fire control room.

[F] 903.3.8.2 Location. The fire control room shall be located adjacent to an outside wall of the building, and a dedicated outside entrance with a minimum 36" swinging door shall be provided.

[F] 903.3.8.3 Contents. The fire control room shall contain only the fire sprinkler riser(s), fire alarm control panel, fire pump(s), and other necessary fire protection

appliances and communications equipment. No storage of combustible items is allowed inside the fire control room.

[F] 903.3.8.4 Signage. The outside door providing access to the fire control room shall bear a sign or placard with minimum 4" white lettering on a red background which reads: "FIRE CONTROL ROOM."

S[F]. IBC Section 1612.3 Amended. Section 1612.3 of the IBC is amended in its entirety to read as follows:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for Snohomish County, Washington and Incorporated Areas," dated September 16, 2005, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

~~[U. IBC SECTION 3412.2 AMENDED. SECTION 3412.2 OF THE IBC IS HEREBY AMENDED TO READ AS FOLLOWS:~~

~~3412.2 APPLICABILITY. STRUCTURES EXISTING PRIOR TO MAY 1, 1987 IN WHICH THERE IS WORK INVOLVING ADDITIONS, ALTERATIONS OR CHANGES OF OCCUPANCY SHALL BE MADE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION OR THE PROVISIONS OF SECTIONS 3403 THROUGH 3409. THE PROVISIONS IN SECTIONS 3412.2.1 THROUGH 3412.2.5 SHALL APPLY TO EXISTING OCCUPANCIES THAT WILL CONTINUE TO BE, OR ARE PROPOSED TO BE, IN GROUPS A, B, E, F, M, R, S AND U. THESE PROVISIONS SHALL NOT APPLY TO BUILDINGS WITH OCCUPANCIES IN GROUP H OR I.~~

~~V. APPENDIX H (SIGNS) AMENDED. APPENDIX H (SIGNS) OF THE IBC IS HEREBY AMENDED AS FOLLOWS:~~

~~1. THE FOLLOWING SECTIONS OF APPENDIX H (SIGNS) OF THE IBC ARE HEREBY DELETED IN THEIR ENTIRETY:~~

- ~~A. SUBSECTION H101.2;~~
- ~~B. SECTION H102;~~
- ~~C. SECTION H106;~~
- ~~D. SUBSECTION H107.1.3;~~
- ~~E. SECTION H108;~~
- ~~F. SECTION H110;~~
- ~~G. SECTION H114 INCLUDING TABLES 4-A AND 4-B; AND~~
- ~~H. SECTION H115 ICC EC-2003.~~

~~2. SECTION H101.1 IS HEREBY AMENDED BY ADDING THE FOLLOWING SENTENCE TO THE BEGINNING OF SECTION H101.1: SIGNS SHALL BE GOVERNED BY THIS APPENDIX H AS AMENDED AND MMC CHAPTER 18.80.~~

~~3. SECTION 104.1 IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:~~

~~H104.1 IDENTIFICATION. EVERY OUTDOOR ADVERTISING DISPLAY SIGN HEREAFTER ERECTED, CONSTRUCTED OR MAINTAINED, FOR WHICH A PERMIT IS REQUIRED SHALL BE PLAINLY MARKED WITH THE NAME OF THE PERSON, FIRM OR CORPORATION ERECTING AND MAINTAINING SUCH SIGN.~~

~~4. SECTION H109.1 IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:~~

~~H109.1 HEIGHT RESTRICTIONS. THE STRUCTURAL FRAME OF GROUND SIGNS SHALL NOT BE ERECTED OF COMBUSTIBLE MATERIALS TO A HEIGHT OF MORE THAN 35 FEET (10668 MM) ABOVE THE GROUND. GROUND SIGNS CONSTRUCTED ENTIRELY OF NONCOMBUSTIBLE MATERIAL SHALL NOT BE ERECTED TO A HEIGHT OF GREATER THAN 45 FEET (13716 MM) ABOVE THE GROUND. GREATER HEIGHTS ARE PERMITTED, APPROVED AND LOCATED SO AS NOT TO CREATE A HAZARD OR DANGER TO THE PUBLIC.]~~

I[W]. IBC Appendix J (Grading) Amended. Appendix J (Grading) of the IBC is hereby amended as follows:

1. Subsection J101.2 of Appendix J (Grading) of the IBC is hereby deleted in its entirety.
2. **The term “city engineer” shall be substituted for the term “building official” throughout Appendix J (Grading).**

Section 2. Amendment of MMC 15.04.080. Section 15.04.080, International Mechanical Code adopted, of the Monroe Municipal Code is hereby amended as follows:

15.04.080 State Building Code adoption and amendment of the 2015 edition of the International Mechanical Code, WAC 51-52,[INTERNATIONAL MECHANICAL CODE] adopted.

~~The **State Building Code adoption and amendment of the 2015 edition of the International Mechanical Code, WAC 51-52,[INTERNATIONAL MECHANICAL CODE (IMC), 2012 EDITION, CHAPTER 51-52 WAC PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, TOGETHER WITH THE 2012 STATE-WIDE AMENDMENTS EFFECTIVE**~~

JULY 1, 2013,] is hereby adopted by reference[; ~~PROVIDED, HOWEVER, THAT THE STANDARDS FOR LIQUEFIED PETROLEUM GAS INSTALLATIONS SHALL BE 2011 NFPA 58 (LIQUEFIED PETROLEUM GAS CODE) AND 2012 ANSI Z223.1/NFPA 54 (NATIONAL FUEL GAS CODE)]. **WAC 51-52 is amended to include the following new and amended provisions. In the event of any conflict between any provision of the IMC and this section, the provisions of this section shall apply. New sections or subsections shall be deemed deleted from the IMC and the amended provisions inserted in their place in accordance with the direction of this section.**~~

A. IMC Section 101.1 Amended. Section 101.1 of the IMC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Monroe, hereinafter referred to as the “IMC” or “this code.”

B. MC Section 106.4.3 Amended. Section 106.4.3 of the IMC is hereby amended to read as follows:

106.4.3 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The code official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be in writing and justifiable cause demonstrated.

C. IMC Section 106.4.4 Deleted. Section 106.4.4 of the IMC is hereby deleted in its entirety.

D. IMC Section 106.5.2 Amended. Section 106.5.2 of the IMC is hereby amended to read as follows:

106.5.2 Schedule of permit fees. The fee for each permit required under the Mechanical Code shall be as set by periodic fee resolution of the Monroe City Council.

E. IMC Section 106.5.3 Amended. Section 106.5.3 of the IMC is hereby amended to read as follows:

106.5.3 Refunds. The building official may authorize the refund of fees paid upon filing of a written application by the original permittee not later than 180 days after the date of fee payment, as follows:

1. 100% of any fee erroneously paid or collected;
2. Up to 80% of the permit fee paid when no work has been done under a permit issued in accordance with the City of Monroe Fees Resolution; or

3. Up to 80% 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 review is done.

The request for a fee refund must be made in writing, prior to the expiration date of the 180 day plan review period, or the expiration date of the mechanical permit, and with justifiable cause.

F. IMC Section 108.2 Amended. Subsection 108.2 is hereby amended to provide as follows:

108.2 Code Enforcement. Enforcement of violations of this code shall be in accordance with Chapter 1.04 of the Monroe Municipal Code. Signs, tags, or seals posted or affixed by the building official shall not be mutilated, destroyed, tampered with, or removed without authorization from the building official. The fine for the removal, mutilation, destruction of, or tampering with said notice, sign, tags, or seals shall be as set forth in the Monroe Municipal Code, Section 15.04.200.

G. IMC Section 108.3 Deleted. Subsection 108.3 is deleted in its entirety.

H. IMC Section 108.4 Deleted. Subsection 108.4 is deleted in its entirety.

I. IMC Section 108.5 Deleted. Subsection 108.5 is deleted in its entirety.

J. IMC Section 108.6 Deleted. Subsection 108.6 is deleted in its entirety.

K. IMC Section 109 Amended. Section 109 of the IMC is hereby amended to read as follows:

Section 109 – APPEALS

109.1 Appeals. All appeals of orders, decisions, interpretations or determinations made by the building official relative to the application and interpretation of the IMC shall be to the City of Monroe Hearing Examiner in accordance with **Chapter 2.34** MMC[~~TITLE 21~~]. The Hearing Examiner shall have no authority to waive requirements of this code.

1. 109.1.1, Limitation of authority – Amended. Section 109.1.1 of the IMC is hereby amended by replacing the term “board of appeals” with “hearing examiner.”

L. IFGC Section 101.1 Amended. Section 101.1 of the IFGC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Monroe, hereinafter referred to as the “IFGC” or “this code.”

M. IFGC Section 106.5.3 Amended. Section 106.5.3 of the IFGC is hereby amended to read as follows:

106.5.3 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The code official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be in writing and justifiable cause demonstrated.

N. IFGC Section 106.5.4 Deleted. Section 106.5.4 of the IFGC is hereby deleted in its entirety.

O. IFGC Section 106.6.2 Amended. Section 106.6.2 of the IFGC is hereby amended to read as follows:

106.6.2 Schedule of permit fees. The fee for each permit required under the Fuel Gas Code shall be as set by periodic fee resolution of the Monroe City Council.

P. IFGC Section 106.6.3 Amended. Section 106.6.3 of the IFGC is hereby amended to read as follows:

106.6.3 Refunds. The building official may authorize the refund of fees paid upon filing of a written application by the original permittee not later than 180 days after the date of fee payment, as follows:

- 1. 100% of any fee erroneously paid or collected;**
- 2. Up to 80% of the permit fee paid when no work has been done under a permit issued in accordance with the City of Monroe Fees Resolution; or**
- 3. Up to 80% 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 review is done.**

The request for a fee refund must be made in writing, prior to the expiration date of the 180 day plan review period, or the expiration date of the mechanical permit, and with justifiable cause.

Q. IFGC Section 108.2 Amended. Subsection 108.2 is hereby amended to provide as follows:

108.2 Code Enforcement. Enforcement of violations of this code shall be in accordance with Chapter 1.04 of the Monroe Municipal Code. Signs, tags, or seals posted or affixed by the building official shall not be mutilated,

destroyed, tampered with, or removed without authorization from the building official. The fine for the removal, mutilation, destruction of, or tampering with said notice, sign, tags, or seals shall be as set forth in the Monroe Municipal Code, Section 15.04.200.

- R. IFGC Section 108.3 Deleted. Subsection 108.3 is deleted in its entirety.
- S. IFGC Section 108.4 Deleted. Subsection 108.4 is deleted in its entirety.
- T. IFGC Section 108.5 Deleted. Subsection 108.5 is deleted in its entirety.
- U. IFGC Section 108.6 Deleted. Subsection 108.6 is deleted in its entirety.
- V. IFGC Section 109 Amended. Section 109 of the IFGC is hereby amended to read as follows:

Section 109 – APPEALS

109.1 Appeals. All appeals of orders, decisions, interpretations or determinations made by the building official relative to the application and interpretation of the IFGC shall be to the City of Monroe Hearing Examiner in accordance with Chapter 2.34. The Hearing Examiner shall have no authority to waive requirements of this code.

Section 3. Amendment of MMC 15.04.090. Section 15.04.090, Uniform Plumbing Code adopted, of the Monroe Municipal Code is hereby amended as follows:
15.04.090 State Building Code adoption and amendment of the 2015 edition of the Uniform Plumbing Code, WAC51-56,[UNIFORM PLUMBING CODE] adopted.

The State Building Code adoption and amendment of the 2015 edition of the Uniform Plumbing Code, WAC51-56,[UNIFORM PLUMBING CODE (UPC), 2012 EDITION, CHAPTER 51-56 WAC WITH 2012 STATE-WIDE AMENDMENTS, EFFECTIVE JULY 1, 2013, PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS, INCLUDING APPENDICES A, B, AND I, AS AMENDED,]are hereby adopted by reference[, AS AMENDED HEREIN; PROVIDED, THAT NOTHING IN THIS SECTION SHALL APPLY TO FUEL GAS PIPING]. **WAC 51-56 is amended to include the following new and amended provisions. In the event of any conflict between any provision of the UPC and this section, the provisions of this section shall apply. New sections or subsections shall be deemed deleted from the UPC and the amended provisions inserted in their place in accordance with the direction of this section.**

- A. UPC Section 101.1 Amended. Section 101.1 of the UPC is hereby amended to read as follows:
101.1 Title. These regulations shall be known as the Plumbing Code of the City of Monroe, hereinafter referred to as the “UPC” or “this code.”

- B. UPC Section 102.2.2 Amended. Section 102.2.2 of the UPC is hereby amended to read as follows:

102.2.2 Code Enforcement. Enforcement of violations of this code shall be in accordance with Chapter 1.04 of the Monroe Municipal Code.

Signs, tags, or seals posted or affixed by the building official shall not be mutilated, destroyed, tampered with, or removed without authorization from the building official. The fine for the removal, mutilation, destruction of, or tampering with said notice, sign, tags, or seals shall be as set forth in the Monroe Municipal Code, Section 15.04.200.

- C. UPC Section 102.3 Amended. Section 102.3 of the UPC is hereby amended to read as follows:

102.3 Appeals. All appeals of orders, decisions, interpretations or determinations made by the building official relative to the application and interpretation of the UPC shall be to the City of Monroe Hearing Examiner in accordance with **Chapter 2.34** MMC[~~TITLE 21~~]. The Hearing Examiner shall have no authority to waive requirements of this code.

102.3.1 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this code.

- D. UPC Section 103.3.4 Amended. Section 103.3.4 of the UPC is hereby amended to read as follows:

103.3.4 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The authority having jurisdiction is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

- E. UPC Section 103.4 Amended. Section 103.4 of the UPC is hereby amended to read as follows:

103.4 Schedule of fees. The fee for each permit and other fee required under the Plumbing Code shall be as by periodic fee resolution of the Monroe City Council.

- F. UPC Section 103.4 Amended. Subsection 103.4.1 of the UPC is hereby amended to read as follows:

103.4.1 Plan Review Fees. When a plan or other data is required to be submitted by Section 103.2.1, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for plumbing work shall be as

by periodic fee resolution of the Monroe City Council. The plan review fees specified in this subsection are separate from and in addition to the permit fees. When plans are incomplete or changed so as to require additional review, a fee shall be charged at the rate set by periodic fee resolution of the Monroe City Council.

- G. UPC Section 103.4.4 Amended. Section 103.4.4 of the UPC is hereby amended to read as follows:

103.4.4 Refunds. The building official may authorize the refund of fees paid upon filing of a written application by the original permittee not later than 180 days after the date of fee payment, as follows:

1. 100% of any fee erroneously paid or collected;
2. Up to 80% of the permit fee paid when no work has been done under a permit issued in accordance with the City of Monroe Fees Resolution; or
3. Up to 80% 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 review is done.

The request for a fee refund must be made in writing, prior to the expiration date of the 180 day plan review period, or the expiration date of the plumbing permit, and with justifiable cause.

Section 4. Amendment of MMC 15.04.100. Section 15.04.100, International Residential Building Code adopted, of the Monroe Municipal Code is hereby amended as follows:

15.04.100 State Building Code adoption and amendment of the 2015 edition of the International Residential Code, WAC 51-51,[INTERNATIONAL RESIDENTIAL BUILDING CODE] adopted.

The **State Building Code adoption and amendment of the 2015 edition of the International Residential Code, WAC 51-51,[INTERNATIONAL RESIDENTIAL BUILDING CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, [2012] EDITION, INCLUDING APPENDIX F (RADON CONTROL METHODS), [APPENDIX G (SWIMMING POOLS, SPAS, AND HOT TUBS), AND APPENDIX R (DWELLING UNIT FIRE SPRINKLER SYSTEMS), TOGETHER WITH AMENDMENTS AND/OR ADDITIONS THERETO],** is hereby adopted by reference. **WAC 51-51[THE 2012 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE]** is amended to include the following new and amended provisions. In the event of any conflict between any provision of the IRC and this section, the provisions of this section shall apply. New sections or subsections shall be deemed deleted from the IRC and the amended provisions inserted in their place in accordance with the direction of this section.

- A. IRC Section R101.1 Amended. Section R101.1 of the IRC is hereby amended to read as follows:

R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Monroe, and shall be cited as such and will be referred to herein as the "IRC" or "this code."

- B. IRC Section 105.2 Amended. Section 105.2 of the IRC is hereby amended to read as follows:

1. The subsection entitled "Building" is amended as follows:

- a. Subsection 105.2(1) is hereby amended to read as follows:

One-story detached structures accessory to a one- or two-family dwelling, used as tool and storage sheds, patio covers, playhouses, tree-supported structures used for play and similar uses, gazebos, hot tub enclosures and similar uses provided the floor area does not exceed 200 sf. Accessory buildings must be considered to be portable and may not be constructed on permanent foundations such as poured-in-place concrete footings [~~OR—POURED-IN-PLACE CONCRETE POLES OR POSTS~~].

2. The subsection entitled "Electrical" is deleted.

- C. IRC Section 105.3.1.1 Amended. Section 105.3.1.1 of the IRC is hereby amended in its entirety to read as follows:

R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures located in an area prone to flooding as established by Table 301.2(1), the code official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamage condition. If the code official finds that the value of proposed work equals or exceeds 50 percent of the assessed value of the building or structure before the damage has occurred or the improvement is started, the finding shall be provided to the hearing examiner for a determination of substantial improvement of substantial damage. Applications determined by the hearing examiner to constitute substantial improvement or substantial damage shall meet the requirements of Section R322.

- D. IRC Section R105.5 Amended. Section R105.5 of the IRC is hereby amended to read as follows:

R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

- E. IRC Section 108.2 Amended. Section 108.2 of the IRC is hereby amended to read as follows:

108.2 Schedule of permit fees. On buildings, structures, gas, mechanical, and plumbing systems or alterations requiring a permit, the fee for each permit shall be as set by periodic fee resolution of the Monroe City Council and Table 1-A and Table 103.4.2(A) attached thereto.

Plan Review Fees. When submitted documents are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 75 percent of the building permit fee as shown in Table 1-A of the Monroe Fees Resolution. The plan review fees specified in this section are separate from and in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged at the rate shown in Table 1-A of the Monroe Fees Resolution.

- F. Section R108.5 Amended. Section R108.5 of the IRC is hereby amended to read as follows:

R108.5 Refunds. The building official may authorize the refund of fees paid upon filing of a written application by the original permittee not later than 180 days after the date of fee payment, as follows:

1. 100% of any fee erroneously paid or collected;
2. Up to 80% of the permit fee paid when no work has been done under a permit issued in accordance with the periodic fee resolution of the Monroe City Council; or
3. Up to 80% 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 review is done.

The request for a fee refund must be made in writing, prior to the expiration date of the 180 day plan review period, or the expiration date of the building permit, and with justifiable cause.

- G. IRC Section R110.1 Amended. Section R110.1 of the IRC is hereby amended by adding a sentence to the end of the first paragraph to read as follows:

Approval of the final inspection on the building site job card shall be considered to be final approval and the signed job card shall serve as the "Certificate of Occupancy" as stated on the job card.

- H. IRC Section R112 Amended. Section R112 of the IRC is hereby amended to provide as follows:

Section 112 – APPEALS

112.1 Appeals. All appeals of orders, decisions, interpretations or determinations made by the building official relative to the application and interpretation of the IRC shall be to the City of Monroe Hearing Examiner in accordance with **Chapter 2.34** MMC[~~TITLE 24~~]. The hearing examiner shall have no authority to waive the requirements of this code.

R112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this code.

112.2.1 Determination of substantial improvement in areas prone to flooding. When the building official provides a finding required in Section R105.3.1.1, the hearing examiner shall determine whether the value of the proposed work constitutes a substantial improvement. A substantial improvement means any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the assessed value of the building or structure before the improvement or repair is started. If the building or structure has sustained substantial damage, all repairs are considered substantial improvement regardless of the actual repair work performed. The term substantial improvement does not include:

1. Improvements of a building or structure required to correct existing health, sanitary or safety code violations identified by the building official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of an historic building or structure provided that the alteration will not preclude the continued designation as an historic building or structure.

For the purpose of this exclusion, an historic building is:

- 2.1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or

2.2. Determined by the Secretary of the U.S. Department of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or

2.3. Designated as historic under a state or local historic preservation program that is approved by the Department of the Interior.

R112.3 Administration. The building official shall take immediate action in accordance with the decision of the hearing examiner.

- I. IRC Section R113.2 Amended. Subsection R113.2 is hereby amended to provide as follows:

R112.2 Code Enforcement. Enforcement of violations of this code shall be in accordance with Chapter 1.04 of the Monroe Municipal Code.

- J. IRC Section R113.3 Deleted. Subsection R113.3 is deleted in its entirety.

- K. IRC Section R113.4 Deleted. Subsection 113.4 is deleted in its entirety.

- L. IRC Section R114 Amended. Section R114 of the IRC is hereby amended to read as follows:

R114.1 Notice to owner. Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work and shall state the conditions under which work will be permitted to resume. There shall be a fee imposed for issuance of a Stop Work Order in the amount set by periodic fee resolution of the Monroe City Council.

R114.2 Unlawful continuance. Any person who shall continue work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to an investigative fee of which shall be a fee equal to the building permit fee in addition to the required permit fees by Monroe City Council by periodic resolution.

R114.3 Unauthorized tampering. Signs, tags, or seals posted or affixed by the building official shall not be mutilated, destroyed, tampered with, or removed without authorization from the building official. The fine for the removal, mutilation, destruction of, or tampering with said notice, sign, tags, or seals shall be as set forth in the Monroe Municipal Code, Section 15.04.200.

- M. IRC Table R301.2(1) Amended. Table R301.2(1) of the IRC is hereby amended to read as follows:

Table R301.2(1)

Climatic and Geographic Design Criteria

Ground Snow Load	Wind Speed ^d	Topographic Effects ^k	Seismic Design Category ^f	Weathering ^a	Frost line depth ^b	Termites ^c	Winter Design Temp ^e	Ice Barrier Underlayment Required ^h	Flood Hazards ^g	Air Freeze Index ⁱ	Mean Annual Temp ^j
25 lbs/ft ²	85 mph	YES	D1/D2	Moderate	18"	Slight	26°	No	See MMC 14.01	174	51.2°

N. IRC Section R329 Added. A new Section R329 of the IRC is hereby added to read as follows:

R329 Fire Sprinklers. All zero lot line townhouses constructed, where the aggregate area of all connected townhouses totals five thousand square feet or greater, shall have installed throughout the building an automatic fire sprinkler system approved pursuant to Section 903 of the IFC. For the purposes of this Section, fire walls, fire barriers, fire partitions and fire-resistance-rated horizontal assemblies do not constitute separate buildings.

Section 5. Amendment of MMC 15.04.110. Subsection 15.04.110, International Fire Code adopted, of the Monroe Municipal Code is hereby amended as follows:

15.04.110 State Building Code adoption and amendment of the 2015 edition of the International Fire Code, WAC 51-54A, [INTERNATIONAL FIRE CODE] adopted.

The State Building Code adoption and amendment of the 2015 edition of the International Fire Code, WAC 51-54A, is hereby adopted by reference.~~[2012 EDITION OF THE INTERNATIONAL FIRE CODE (IFC), AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AS ADOPTED BY THE STATE OF WASHINGTON IN CHAPTER 19.27 RCW AND AMENDED BY THE BUILDING CODE COUNCIL IN CHAPTER 51-54A WAC, INCLUDING THOSE STANDARDS OF THE NATIONAL FIRE PROTECTION ASSOCIATION SPECIFICALLY REFERENCED IN THE INTERNATIONAL FIRE CODE, AND INCLUDING APPENDICES B (FIRE-FLOW REQUIREMENTS FOR BUILDINGS), C (FIRE HYDRANT LOCATIONS AND DISTRIBUTION), AND D (FIRE APPARATUS ACCESS ROADS). THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE]~~ WAC 51-54A is amended by the city to include the following new and amended provisions. In the event of any conflict between any provision of the IFC and this chapter, the provisions of this chapter shall apply. New sections or subsections shall be deemed deleted from the IFC and the amended provisions inserted in their place in accordance with the direction of this code.

A. IFC Section 101.1 Amended. Section 101.1 of the IFC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Monroe, hereinafter referred to as the "IFC" or "this code."

B. IFC Section 101.2.1 Amended. Section 101.2.1 of the IFC is hereby amended to read as follows:

101.2.1 Appendices. The following appendices of the IFC are hereby adopted by reference:

Appendix B: Fire-Flow Requirements for Buildings

Appendix C: Fire Hydrant Locations and Distribution

~~[Appendix D: Fire Apparatus Access Roads~~

~~C. IFC Section 105.1.4 Added. A new Section 105.1.4 is hereby added to the IFC to read as follows:~~

~~105.1.4 Schedule of permit fees. The fee for each required permit shall be as set by periodic fee resolution of the Monroe City Council.~~

~~1. Refunds. The code official may authorize the refund of fees paid upon filing of a written application by the original permittee not later than 180 days after the date of fee payment, as follows:~~

~~i. 100% of any fee erroneously paid or collected;~~

~~ii. Up to 80% of the permit fee paid when no work has been done under a permit issued in accordance with the periodic fee resolution of the Monroe City Council; or~~

~~iii. Up to 80% 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 review is done.~~

~~The request for a fee refund must be made in writing, prior to the expiration date of the 180 day plan review period, or the expiration date of the building permit, and with justifiable cause.]~~

~~[D]C.~~ IFC Section 105.3.3 Amended. Section 105.3.3 of the IFC entitled "Occupancy prohibited before approval" is hereby amended to read as follows:

105.3.3 Occupancy prohibited before approval. The building or structure shall not be occupied prior to compliance with IBC Section 111 or IRC Section R110.

~~[E]D.~~ IFC Section 105.3.4 Deleted. Section 105.3.4 of the IFC entitled "Conditional permits" is hereby deleted in its entirety.

~~[F]E.~~ IFC Section 105.4.1.2 Added. A new Section 105.4.1.2 is hereby added to the IFC to read as follows:

105.4.1.2 Electronic Pre-Incident Data. Applicants for commercial building permits and commercial tenant improvement permits shall submit electronic building site and floor plans in a CADD *.dwg format [~~TO THE BUILDING & LIFE SAFETY OFFICE~~] prior to the final fire inspection for occupancy. Such data [~~SHALL~~]may be utilized by the Fire Department for the creation of pre-incident plans.

[~~G~~]F. IFC Section 105.6.15 Deleted. Section 105.6.15 of the IFC entitled “Fire hydrants and valves” is hereby deleted in its entirety.

[~~H~~]G. IFC Section 105.6.3[~~5~~]7 Deleted. Section 105.6.35 of the IFC entitled “Private fire hydrants” is hereby deleted in its entirety.

[~~H~~]H. IFC Section 105.7.1[~~2~~]3 Deleted. Section 105.7.11 of the IFC entitled “Private fire hydrants” is hereby deleted in its entirety.

[~~J~~]I. IFC Section 108 Amended. Section 108 of the IFC is hereby amended to read as follows:

Section 108 – APPEALS

108.1 Appeals. All appeals of orders, decisions, interpretations or determinations made by the code official relative to the application and interpretation of the IFC shall be to the City of Monroe Hearing Examiner in accordance with MMC Chapter 2.34 MMC[~~TITLE 21~~]. The Hearing Examiner shall have no authority to waive requirements of this code.

[~~K~~]. IFC Section 114.2 Amended. Subsection 114.2 is hereby amended to provide as follows:

~~114.2 Code Enforcement. Enforcement of violations of this code shall be in accordance with Chapter 1.04 of the Monroe Municipal Code.~~

~~L. IFC Section 114.3 Deleted. Subsection 114.3 is deleted in its entirety.~~

~~M. IFC Section 114.4 Deleted. Subsection 114.4 is deleted in its entirety.]~~

[~~N~~]J. IFC Section 109.3 Amended. Section 109.3 of the IFC is hereby amended to read as follows:

109.3 Notice of violation. Where the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice and order of code violation in accordance with Chapter 1.04 of the Monroe Municipal Code.

K. IFC Section 109.~~3~~**4** Amended. Section 109.~~3~~**4** of the IFC is hereby amended to read as follows:

109.~~3~~**4** Violation penalties. Persons who violate a provision of the IFC or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a gross misdemeanor, punishable by a fine of not more than five thousand dollars or by imprisonment not exceeding 365 days or both such fine and imprisonment. Each day that violation continues after due notice has been served shall be deemed a separate offense.

~~[O]~~**L.** IFC Section 111.4 Amended. Section 111.4 of the IFC is hereby amended to read as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than five hundred dollars or more than five thousand dollars.

~~[P. IFC SECTION 503 DELETED. SECTION 503 OF THE IFC AND ALL SUBSECTIONS ARE HEREBY DELETED IN THEIR ENTIRETY. ALL REFERENCES TO IFC SECTION 503 SHALL MEAN APPENDIX D.]~~

[Q]M. IFC Subsection 505.1 Amended. Subsection 505.1 of the IFC is hereby amended to read as follows:

505.1 Address identification. New and existing buildings shall be provided with approved address numbers or letters. The size of each character shall be as specified in Table 505.1. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property. When required by the code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address numbers shall be maintained.

Table 501.1 Address Numbering Size Table

DISTANCE FROM STREET OR ROAD	MINIMUM SIZE
0 – 50 feet	6" H x 3/4" Stroke Width
51 – 150 feet	8" H x 1" Stroke Width
151 – 200 feet	10" H x 1 1/4" Stroke Width
201 feet and farther	12" H x 1 1/2" Stroke Width

[R]N. IFC Subsection 505.2 Amended. Subsection 505.2 of the IFC is hereby amended to read as follows:

505.2 Street or road signs. Streets and roads shall be identified with approved permanent signs when roadways allow passage by vehicles. Signs shall meet the requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways as adopted by the State of Washington in 47.36.030 RCW and 468-95 WAC.

[S]O. IFC Section 506 Amended. Section 506 of the IFC is hereby amended to read as follows:

506.1 Where required. A Knox Box® of a size and type approved by the fire code official shall be provided by the building or business owner for all occupancies except Group R-3 and U.

506.1.1 Locks. A Knox® lock or key switch shall be installed on gates or similar barriers when required by the fire code official. Knox® FDC caps shall be installed on all new fire department connections and, when required by the fire code official, on existing fire department connections.

506.2 Key box maintenance. The operator of a business with a Knox Box on the building shall provide entry; fire control room; elevator; fire alarm panel; mechanical; electrical; manual fire alarm box (pull station); keys to the Monroe Fire Marshal, and shall immediately notify the Monroe Fire Marshal and provide the new key when a lock is changed or rekeyed. All such keys provided to the Monroe Fire Marshal shall be secured in the building's or business's Knox Box®.

[+P] IFC Section 903.2.13 Added. A new Section 903.2.13 is hereby added to the IFC to read as follows:

903.2.13 Other sprinkler requirements. In addition to the requirements of Section 903.2, approved automatic fire sprinkler systems shall be installed throughout all buildings and structures described in this Section 903.2.13. For the purposes of this Section 903.2.13, fire walls, fire barriers, fire partitions and fire-resistance-rated horizontal assemblies do not constitute separate buildings.

1. In all new buildings and structures with an Occupancy Classification assigned under the IBC and with a gross floor area of five thousand or greater square feet, regardless of type or use.

Exception: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour

fire-resistance-rated walls and 2-hour fire-resistance-rated floor/ceiling assemblies.

2. In existing buildings with a gross floor area of ten thousand or greater square feet undergoing additions, repairs, reconstruction, or improvements exceeding sixty percent of the assessed value of such building or structure.

~~[U. IFC Section 903.3.7 Amended. Section 903.3.7 of the IFC is hereby amended to read as follows:~~

~~903.3.7 Fire department connections. Fire department connections shall be installed remote from the building in an approved location. Fire department connections shall be installed outside the collapse zone of the structure, and within 50 feet of a fire hydrant. The fire department connection shall be a 4" Storz connection with a 30-degree down angle installed in accordance with City of Monroe standards.]~~

~~[V]Q. IFC Section 903.3.[8]7 Added. A new section 903.3.[8]7 is hereby added to the IFC to read as follows:~~

~~903.3.[8]7 Fire Control Room. All multiple tenant buildings; buildings constructed speculatively ("spec") as shells or warehouses; and all buildings in excess of 20,000 square feet which require fire sprinkler protection shall be constructed with a dedicated fire control room in accordance with Section 903.3.[8]7.~~

~~903.3. [8]7.1 Size and construction. The fire control room shall be adequately sized to allow 3 feet of clearance around the circumference of the sprinkler riser for inspection, testing, and maintenance. The fire control room shall not be excessively large so that storage of disallowed items is discouraged. The construction of the fire control room shall consist of materials similar to adjacent areas, except that there shall be no requirements to provide fire resistive construction on the interior walls which form the fire control room.~~

~~903.3.[8]7.2 Location. The fire control room shall be located adjacent to an outside wall of the building, and a dedicated outside entrance with a minimum 36" swinging door shall be provided.~~

~~903.3.[8]7.3 Contents. The fire control room shall contain only the fire sprinkler riser(s), fire alarm control panel, fire pump(s), and other necessary fire protection appliances and communications equipment. No storage of combustible items is allowed inside the fire control room.~~

~~903.3.[8]7.4 Signage. The outside door providing access to the fire control room shall bear a sign or placard with minimum 4" white lettering on a red background which reads: "FIRE CONTROL ROOM."~~

[W]R. IFC [Section]Table B105.2 Amended. [Section]Table B105.2 of the IFC is hereby amended to read as follows:

Where the value of 25% is listed in the table, it shall be replaced with 50%.

~~[B105.2 BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS. THE MINIMUM FIRE-FLOW AND FLOW DURATION FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS SHALL BE AS SPECIFIED IN TABLE B105.1.~~

~~EXCEPTION: A REDUCTION IN REQUIRED FIRE-FLOW OF 50 PERCENT, AS APPROVED, IS ALLOWED WHEN THE BUILDING IS PROVIDED WITH AN APPROVED AUTOMATIC SPRINKLER SYSTEM INSTALLED IN ACCORDANCE WITH SECTION 903.3.1.1 OR 903.3.1.2. THE RESULTING FIRE-FLOW SHALL NOT BE LESS THAN 1,500 GALLONS PER MINUTE (5678 L/MIN) FOR THE PRESCRIBED DURATION AS SPECIFIED IN TABLE B105.1.]~~

[X. ~~Section D102 Amended. Section D102 of the IFC is hereby amended in its entirety to read as follows:~~

~~SECTION D102~~

~~REQUIRED ACCESS~~

~~D102.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.~~

~~Exception: The code official is authorized to increase the dimension of 150 feet (45 720 mm) where any of the following conditions occur:~~

- ~~1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1, 903.3.1.2 or 9.3.3.1.3., or~~
- ~~2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided., or~~
- ~~3. There are not more than two Group R-3 or Group U occupancies.~~

~~D102.1.2 Additional access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.~~

~~D102.1.3 High-piled storage. Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 32.~~

~~Y. IFC Section D103 Amended. Section D103 of the IFC is hereby amended to read in its entirety as follows:~~

~~SECTION D103~~

~~MINIMUM SPECIFICATIONS~~

~~D103.1 Specifications. Fire apparatus access roads shall be installed, maintained, and arranged in accordance with this Section D103.~~

~~D103.1.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).~~

~~D103.1.2 Authority. The code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.~~

~~D103.1.3 Section. The minimum acceptable structural section of fire apparatus access roads shall be 3 inches of Class "B" Asphalt placed over four inches of crushed surfacing top course. The subgrade shall meet the compaction requirements of the city engineer. Equivalent road sections may be allowed by the city engineer.~~

~~D103.1.4 Turning radius. The required turning radius of a fire apparatus access road shall be designed and constructed to accommodate an inside turning radius of 25 feet and an outside turning radius of 40 feet.~~

~~D103.1.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45,720 mm) in length shall be provided with a cul-de-sac turn-around which meets the specifications of City of Monroe Standard Plan 304 Design & Construction Standards.~~

~~Exceptions: A hammerhead turn-around which meets the specifications of City of Monroe Standard Plan 316 or equivalent Design & Construction Standards is allowed where:~~

- ~~1. The city engineer has declared that the dead-end fire apparatus access road is temporary; or~~
- ~~2. There are not more than four dwelling units served by the dead-end road.~~

~~D103.1.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO Standards or equivalents approved by~~

~~the city engineer. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.~~

~~D103.1.7 Grade. The maximum grade of a fire apparatus access road shall be 15%, with a maximum vertical curve of 9% over 50 linear feet.~~

~~D103.1.8 Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the fire department's apparatus.~~

~~D103.2 Fire Lane Marking and Signage. Fire apparatus access roads shall be marked and signed in accordance Sections D103.2.1 through D103.2.2. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.~~

~~D103.2.1 Marking of Curbs and Roadway Surface. Fire apparatus access roads shall be marked whenever necessary to maintain the unobstructed minimum required width of fire apparatus access roads. Marked fire apparatus access roads, or "fire lanes" as defined in Section 502.1 of the code, shall be established or relocated upon orders from the fire code official at the time of plan review; pre-construction site inspection; post-construction site inspection; and any time during the life of the occupancy requiring fire apparatus access.~~

~~D103.2.1.1 Installation and Maintenance. Marked fire lanes shall be installed and maintained in accordance with this Section. Only those fire apparatus access roads established or authorized by the fire code official may be marked as a "fire lane." Fire lanes shall be marked by any one or more of the following types of marking:~~

- ~~1. Curbs shall be marked with red traffic paint covering the top and front, extending the length of the designated fire lane. Four-inch (4") white block letters which read "NO PARKING – FIRE LANE" shall be stenciled at least every twenty-five (25) linear feet on the red curb.~~
- ~~2. Rolled curbs shall be covered with red traffic paint, extending the length of the designated fire lane. Four-inch (4") white block letters which read "NO PARKING – FIRE LANE" shall be stenciled at least every twenty-five (25) linear feet on the red curb.~~
- ~~3. Lanes without curbs shall be identified by red traffic paint as a 6 inch wide stripe on the pavement, extending the length of the designated fire lane. The words "NO PARKING – FIRE LANE" shall be in 3 inch stroke white block letters~~

18 inches in height, and placed 8 inches measured perpendicular from the red paint stripe on the pavement. Where long drives require no parking on either side of the access road, repetitions shall alternate sides of the drive.

4. Where directed by the fire code official, specific areas shall be designated and those areas are to be marked with diagonal striping across the width of the fire lane. Diagonal marking shall be used in conjunction with painted curbs and/or edge striping and shall run at an angle of 30 to 60 degrees from one side to the other. These diagonal lines shall be in red traffic paint, parallel with each other, at least 6 inches in width, and 24 inches apart. Lettering shall occur as specified above.

5. ~~NO PARKING FIRE LANE~~ signs complying with Figure D103.2.2. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.2.2.1 or D103.2.2.2.



FIGURE D103.3.2

FIRE LANE SIGNAGE

D103.2.2.1 Roads 20 to 26 feet in width. Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be marked on both sides as no parking.

D103.2.2.2 Roads more than 26 feet in width. Fire apparatus access roads more than 26 feet wide (7925 mm) to 32 feet wide (9754 mm) shall be marked on one side of the road as no parking.

D103.3 Obstruction of fire apparatus access roads. No person shall stop, stand or park a vehicle or maintain any obstruction in any such designated fire lane whether occupied or not, except temporarily for the purposes of and while actually engaged in loading or unloading property or passengers.

~~D103.4 Required gates or barricades. The fire code official is authorized to require the installation and maintenance of gates or other approved barricades across fire apparatus access roads, trails or other access ways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.~~

~~D103.4.1 Secured gates and barricades. When Where required, gates and barricades shall be secured in an approved manner. Roads, trails and other access ways that have been closed and obstructed in the manner prescribed by Section D103.4 shall not be trespassed on or used unless authorized by the owner and the fire code official.~~

~~Exception: The restriction on use shall not apply to public officers acting within the scope of duty.~~

~~D103.5 Security gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:~~

- ~~1. The minimum gate width shall be 20 feet (6096 mm).~~
- ~~2. Gates shall be of the swinging or sliding type.~~
- ~~3. Construction of gates shall be of materials that allow manual operation by one person.~~
- ~~4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.~~
- ~~5. Electric gate openers shall be listed in accordance with UL 325 and equipped with a means of opening the gate by fire department personnel for emergency access. Gates intended for automatic operations shall be designed, constructed and installed to comply with the requirements of ASTM F2200. Emergency opening devices shall be approved by the fire code official.~~
- ~~6. Manual opening gates shall not be locked with a padlock or chain and padlock unless an approved Knox Box® containing the key(s) to the lock is installed at the gate in an approved location.~~
- ~~7. Locking device specifications shall be submitted for approval by the fire code official prior to installation of the gate.]~~

Section 6. Repeal of MMC 15.04.145. Section 15.04.130, International Fuel Gas Code adopted, of the Monroe Municipal Code is hereby repealed in full:

~~[15.04.145 — INTERNATIONAL FUEL GAS CODE ADOPTED.~~

~~THE 2012 INTERNATIONAL FUEL GAS CODE (IFGC), [2012]2015 EDITION, CHAPTER 51-52 WAC, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, TOGETHER WITH THE [2012]2015 STATE-WIDE AMENDMENTS, EFFECTIVE JULY 1, [2013]2016, IS HEREBY ADOPTED BY REFERENCE; PROVIDED, HOWEVER, THAT THE STANDARDS FOR LIQUEFIED PETROLEUM GAS INSTALLATIONS SHALL BE 2011 NFPA 58 (LIQUEFIED PETROLEUM GAS CODE) AND 2012 ANSI Z223.1/NFPA 54 (NATIONAL FUEL GAS CODE).~~

~~**W.** IFGC SECTION 101.1 AMENDED. SECTION 101.1 OF THE IFGC IS HEREBY AMENDED TO READ AS FOLLOWS:~~

~~101.1 TITLE. THESE REGULATIONS SHALL BE KNOWN AS THE FUEL GAS CODE OF THE CITY OF MONROE, HEREINAFTER REFERRED TO AS THE "IFGC" OR "THIS CODE."~~

~~**X.** IFGC SECTION 106.5.3 AMENDED. SECTION 106.5.3 OF THE IFGC IS HEREBY AMENDED TO READ AS FOLLOWS:~~

~~106.5.3 EXPIRATION. EVERY PERMIT ISSUED SHALL BECOME INVALID UNLESS THE WORK ON THE SITE AUTHORIZED BY SUCH PERMIT IS COMMENCED WITHIN 180 DAYS AFTER ITS ISSUANCE, OR IF THE WORK AUTHORIZED ON THE SITE BY SUCH PERMIT IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AFTER THE TIME THE WORK IS COMMENCED. THE CODE OFFICIAL IS AUTHORIZED TO GRANT, IN WRITING, ONE OR MORE EXTENSIONS OF TIME, FOR PERIODS OF NOT MORE THAN 180 DAYS EACH. THE EXTENSION SHALL BE IN WRITING AND JUSTIFIABLE CAUSE DEMONSTRATED.~~

~~**Y.** IFGC SECTION 106.5.4 DELETED. SECTION 106.5.4 OF THE IFGC IS HEREBY DELETED IN ITS ENTIRETY.~~

~~**Z.** IFGC SECTION 106.6.2 AMENDED. SECTION 106.6.2 OF THE IFGC IS HEREBY AMENDED TO READ AS FOLLOWS:~~

~~106.6.2 SCHEDULE OF PERMIT FEES. THE FEE FOR EACH PERMIT REQUIRED UNDER THE FUEL GAS CODE SHALL BE AS SET BY PERIODIC FEE RESOLUTION OF THE MONROE CITY COUNCIL.~~

~~**AA.** IFGC SECTION 106.6.3 AMENDED. SECTION 106.6.3 OF THE IFGC IS HEREBY AMENDED TO READ AS FOLLOWS:~~

~~106.6.3 REFUNDS. THE BUILDING OFFICIAL MAY AUTHORIZE THE REFUND OF FEES PAID UPON FILING OF A WRITTEN APPLICATION BY THE ORIGINAL PERMITTEE NOT LATER THAN 180 DAYS AFTER THE DATE OF FEE PAYMENT, AS FOLLOWS:~~

- 4. ~~100% OF ANY FEE ERRONEOUSLY PAID OR COLLECTED;~~
- 5. ~~UP TO 80% OF THE PERMIT FEE PAID WHEN NO WORK HAS BEEN DONE UNDER A PERMIT ISSUED IN ACCORDANCE WITH THE CITY OF MONROE FEES RESOLUTION; OR~~
- 6. ~~UP TO 80% 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 REVIEW IS DONE.~~

~~THE REQUEST FOR A FEE REFUND MUST BE MADE IN WRITING, PRIOR TO THE EXPIRATION DATE OF THE 180 DAY PLAN REVIEW PERIOD, OR THE EXPIRATION DATE OF THE MECHANICAL PERMIT, AND WITH JUSTIFIABLE CAUSE.~~

BB. ~~IFGC SECTION 108.2 AMENDED. SUBSECTION 108.2 IS HEREBY AMENDED TO PROVIDE AS FOLLOWS:~~

~~108.2 CODE ENFORCEMENT. ENFORCEMENT OF VIOLATIONS OF THIS CODE SHALL BE IN ACCORDANCE WITH CHAPTER 1.04 OF THE MONROE MUNICIPAL CODE. SIGNS, TAGS, OR SEALS POSTED OR AFFIXED BY THE BUILDING OFFICIAL SHALL NOT BE MUTILATED, DESTROYED, TAMPERED WITH, OR REMOVED WITHOUT AUTHORIZATION FROM THE BUILDING OFFICIAL. THE FINE FOR THE REMOVAL, MUTILATION, DESTRUCTION OF, OR TAMPERING WITH SAID NOTICE, SIGN, TAGS, OR SEALS SHALL BE AS SET FORTH IN THE MONROE MUNICIPAL CODE, SECTION 15.04.200.~~

CC. ~~IFGC SECTION 108.3 DELETED. SUBSECTION 108.3 IS DELETED IN ITS ENTIRETY.~~

DD. ~~IFGC SECTION 108.4 DELETED. SUBSECTION 108.4 IS DELETED IN ITS ENTIRETY.~~

EE. ~~IFGC SECTION 108.5 DELETED. SUBSECTION 108.5 IS DELETED IN ITS ENTIRETY.~~

FF. ~~IFGC SECTION 108.6 DELETED. SUBSECTION 108.6 IS DELETED IN ITS ENTIRETY.~~

GG. ~~IFGC SECTION 109 AMENDED. SECTION 109 OF THE IFGC IS HEREBY AMENDED TO READ AS FOLLOWS:
SECTION 109 – APPEALS~~

~~109.1 APPEALS. ALL APPEALS OF ORDERS, DECISIONS, INTERPRETATIONS OR DETERMINATIONS MADE BY THE BUILDING OFFICIAL RELATIVE TO THE APPLICATION AND INTERPRETATION OF THE~~

~~IFGC SHALL BE TO THE CITY OF MONROE HEARING EXAMINER IN ACCORDANCE WITH MMC TITLE 21. THE HEARING EXAMINER SHALL HAVE NO AUTHORITY TO WAIVE REQUIREMENTS OF THIS CODE.]~~

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. Effective Date. This ordinance shall be in full force July 1, 2016.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this _____ day of _____, 2016.

First Reading: June 7, 2016
Adoption:
Published:
Effective:

CITY OF MONROE, WASHINGTON:

(SEAL)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

Elizabeth M. Smoot, MMC, City Clerk

J. Zachary Lell, City Attorney



MONROE CITY COUNCIL

Agenda Bill No. 16-081

SUBJECT:	<i>Taxi Cab Application</i>
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
06/07/2016	Police Dept	Tim Quenzer	Tim Quenzer	New Business #3

Discussion: 06/07/2016

Attachments: 1. Taxi Cab Application

REQUESTED ACTION: Move to approve application for Taxi Cancun.

DESCRIPTION/BACKGROUND

The City of Monroe received a Taxicab license application from Taxi Cancun on April 19, 2016. Per MMC 5.16.040 the application shall be submitted to the City Council with the Chief of Police's written recommendations, either approving or rejecting the application.

Chief Quenzer has reviewed the application from Taxi Cancun; verified that the necessary qualifications were met; and recommends approval of the application.

IMPACT – BUDGET

N/A

TIME CONSTRAINTS

N/A



TAXICAB LICENSE APPLICATION
TAXICABS
Monroe Municipal Code Chapter 5.16

NOTE: PROOF OF INSURANCE MUST BE SUBMITTED WITH THIS APPLICATION.
FEES: TAXICAB LICENSE APPLICATION: \$15.00; TAXICAB LICENSE: \$50.00/YEAR;
EACH ADDITIONAL CAB: \$10.00/YEAR; TAXICAB STAND: \$30.00/YEAR.

PLEASE PRINT OR TYPE

- 1. Name Miriam Carrasco.
2. Address 633. Smith St. Monroe WA 98272
3. Telephone/Fax Nos./Email 425.420.0785. TaxiCancunwa@gmail.com.
4. Taxicab driver(s) (Name, Address, Telephone No., Email, Description):

Miriam Carrasco.

5. Taxicab Stand:

I, _____, the undersigned, do hereby apply for a taxicab stand or zone at the following address/location: _____

(Note: Written authorization of the adjacent property owner must be submitted with this application.)

Signature: _____ Date Executed: _____

6. Type of Vehicle(s):

Passenger Capacity 6
Make: Hondo Model: Odyssey

7. Rates and charges: _____

8. Proof of Insurance: Must be current; and submitted with this application. YES: X NO: _____

RETURN COMPLETED FORM TO:
FINANCE DIRECTOR PAID
City of Monroe APR 19 2016
806 West Main Street
Monroe, WA 98272-2198 CITY OF MONROE
Fax: 360-794-4007 \$15.00
Email: dnelson@monroewa.gov

FOR OFFICIAL USE:
Date Received: April 19, 2016
Fee Paid: \$15.00
Finance Director:
Police Chief Review:
City Council Approval:
License Issued:



TAXICAB DRIVER'S LICENSE APPLICATION

TAXICABS

Monroe Municipal Code Chapter 5.16

NOTE: ALL APPLICANTS WILL BE PHOTOGRAPHED, FINGERPRINTED, AND INVESTIGATED BY THE CHIEF OF POLICE TO VERIFY QUALIFICATIONS; AND MUST BE AT LEAST 20 YEARS OF AGE. FEES: TAXICAB DRIVER'S LICENSE APPLICATION: \$15.00; RENEWAL: \$5.00

PLEASE PRINT OR TYPE

1. Taxicab Company Information:

Company/Owner Taxi Cancun. Miriam Carrasco.
Address 633 Smith St Monroe WA 98272
Telephone No./Email 425.420.0785. TaxiCancunwa@gmail.com.

2. Taxicab Driver Information:

Name Miriam Carrasco.
Address 633 Smith St Monroe WA 98272.
Telephone No./Email 425.420.0785 ''
Date of Birth 12/30/87 Valid Washington State Driver's License: YES [checked] NO
WA State Driver's License No. CARRAM*131RT Expiration Date: 12/30/18
Have you ever been convicted of any moving violations in the past five years? YES NO [checked]

If yes, please list:

Date Charge Agency
Date Charge Agency
Date Charge Agency
Previous Employer Phone No.
Address

3. Declaration of Applicant:

I, Miriam Carrasco declare under penalty of perjury that the foregoing is true and correct.
Signature: [Signature] Date Executed: 4/15/16.

RETURN COMPLETED FORM TO:
FINANCE DIRECTOR
City of Monroe
806 West Main Street
Monroe, WA 98272-2198
Fax: 360-794-4007
Email: dnelson@monroewa.gov
PAID APR 19 2016 CITY OF MONROE \$15.00
MCC Agenda 06/07/2016; Page 3 of 4

FOR OFFICIAL USE:
Date Received: 4/19/2016
Fee Paid: \$15.00
Finance Director:
Police Chief Review:
City Council Approval:
License Issued:



TAXICAB DRIVER'S LICENSE APPLICATION
TAXICABS
Monroe Municipal Code Chapter 5.16

NOTE: ALL APPLICANTS WILL BE PHOTOGRAPHED, FINGERPRINTED, AND INVESTIGATED BY THE CHIEF OF POLICE TO VERIFY QUALIFICATIONS; AND MUST BE AT LEAST 20 YEARS OF AGE. FEES: TAXICAB DRIVER'S LICENSE APPLICATION: \$15.00; RENEWAL: \$5.00

PLEASE PRINT OR TYPE

1. Taxicab Company Information:

Company/Owner TAXI CANCUN
Address 633 Smith St Monroe WA 98272
Telephone No./Email TAXICANCUN WA@gmail.com

2. Taxicab Driver Information:

Name NESTOR Perez
Address 633 Smith St Monroe WA 98272
Telephone No./Email 425-420 0785
Date of Birth 07-27-1984 Valid Washington State Driver's License: YES [checked] NO
WA State Driver's License No. PERE2NCL161M7 Expiration Date: 07-27-2018
Have you ever been convicted of any moving violations in the past five years? YES NO [checked]

If yes, please list:

Date Charge Agency
Date Charge Agency
Date Charge Agency
Previous Employer Phone No.
Address

3. Declaration of Applicant:

I, NESTOR Perez declare under penalty of perjury that the foregoing is true and correct.
Signature: [Signature] Date Executed: 4/20/16

RETURN COMPLETED FORM TO:
FINANCE DIRECTOR
City of Monroe
806 West Main Street
Monroe, WA 98272-2098
Fax: 360-794-4007
Email: dnelson@monroewa.gov
PAID APR 21 2016 CITY OF MONROE

FOR OFFICIAL USE:
Date Received: 4/21/16
Fee Paid: \$15.00
Finance Director:
Police Chief Review: [Signature]
City Council Approval:
License Issued:



MONROE CITY COUNCIL

Agenda Bill No. 16-082

SUBJECT:	<i>Approval of Amendments to Council Rules of Procedure</i>
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
06/07/2016	Administration	Gene Brazel Elizabeth Smoot	Gene Brazel	Final Action #1

Discussion - Council 05/17/2016
Discussion - Committee 03/08/2016, 04/12/2016, 05/10/2016

- Attachments:**
1. City Council Rules of Procedure – Proposed Amendments
 2. Alternatives to Allow for Abstentions

<p>REQUESTED ACTION:</p> <p>A. Move to approve amendments to the City Council Rules of Procedure as presented.</p> <p>AND <i>(if desired)</i></p> <p>B. Move to amend City Council Rules of Procedure Section 8.8 to strike “Any Councilmember present who fails to vote without a valid disqualification shall be declared to have voted in the affirmative on the question.” and insert amendment language option number ____; to allow for abstentions.</p> <p>Options:</p> <ol style="list-style-type: none"> 1. A Councilmember may choose to abstain from voting on an item; an abstention shall be declared to have voted in the affirmative on the question; however, will be noted in the minutes accordingly. 2. A Councilmember may choose to abstain from voting on an item; an abstention shall be declared to have voted in the negative on the question; however, will be noted in the minutes accordingly. 3. A Councilmember may choose to abstain from voting on an item; an abstention will not count as a vote in the affirmative or the negative on the question; and will be noted in the minutes accordingly. <p>AND <i>(if desired)</i></p> <p>C. Move to amend City Council Rules of Procedure Section 8.9 to strike “Each member present shall vote on all questions put to the Council” and insert “Each member present may vote or abstain on all questions put to the Council.”</p>
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DESCRIPTION/BACKGROUND

The City Council Legislative Affairs Committee has reviewed proposed amendments to the Council Rules of Procedure to bring the procedures up to date with current practices and to align with Roberts Rules of Order (see *Attachment 1*). In addition, the Committee has proposed changes to the following sections:

- Section 3 – council seating arrangement – “Council shall choose their seating arrangements on the dais at the first meeting of every even year; selection order to be determined by seniority of each council member and the number of years served on City Council.”

- Section 5.1.6 – Comments from Citizens – “~~Three~~Five minutes will be allowed per speaker when addressing council.”
- Section 8.8 and 8.9 – potential amendments to allow for abstentions; multiple options have been requested for discussion (*see Attachment 2*).

IMPACT – BUDGET

N/A

TIME CONSTRAINTS

N/A

**MONROE CITY COUNCIL
RULES OF PROCEDURE**

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MONROE CITY COUNCIL RULES OF PROCEDURE

SECTION 1. AUTHORITY

- 1.1 The Monroe City Council hereby establishes the following procedures for the conduct of Council meetings, proceedings, and business. These procedures shall be in effect upon adoption by the Council and until such time as they are amended or new procedures are adopted in the manner provided by these rules.

SECTION 2. FORM OF GOVERNMENT

- 2.1 The City of Monroe is organized as a municipality under the Revised Code of Washington (RCW) as a non-charter, code city, Mayor/Council form of government. As such, roles and responsibilities of the Mayor and Council are defined in the RCW.

- 2.2 RCW 35A.11.020 lists the specific powers vested in the City Council. The following is a summary list of City Council powers:

- Define the functions of officers and employees
- Define the powers and duties of officers and employees
- Fix compensation of officers and employees
- Fix working conditions of officers and employees
- Maintain civil service or merit employment system
- Maintain retirement and pensions systems
- Adopt and enforce ordinances regulating local affairs and municipal affairs
- Impose fines and penalties for violation of city ordinances
- Exercise all powers possible for a city or a town to exercise under the Constitution so long as the power is not specifically denied to code cities by law
- Regulate the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, all public real property, all waterways, and all structures and any other improvement
- Engage in collective bargaining
- Render social services
- Render recreational services
- Render educational services
- Render corporate services
- Operate and supply utilities
- Impose taxes if not prohibited by other state law
- Approve claims against the city (RCW 34A.31.030)
- Engage in Interlocal Agreements, to accept gifts and to accept grants (RCW 35A11.040)
- To cause the city to participate in economic opportunity programs (RCW 35A.11.060)

MONROE CITY COUNCIL RULES OF PROCEDURE

- 2.3 The duties of the Mayor, who is the chief executive officer of the city, are listed in Sections 35A.12.090 and 35A.12.100 of the RCW. The following is a summary list of the duties of the Mayor:
- To oversee the departments and the employees
 - To appoint and remove any administrative officer or assistant
 - To see that laws are enforced
 - To provide general supervision of the government and city interest
 - To approve the official faithful performance bonds for officers and employees
 - To approve payment and performance bonds of city contractors
 - To enforce contracts
 - To bring lawsuits but only with the approval of a majority of the council
 - To preside over council meetings, but to vote only to break ties not involving the passage of an ordinance, the acceptance of a grant, the revocation of a franchise or a license, or a resolution to pay money
 - To report to the council on financial and other needs of the city
 - To recommend council action
 - To prepare a proposed budget
 - To veto ordinances, but subject to an override by the council
 - To perform as ceremonial head of the city
- 2.4 Council compensation ~~will be reviewed at least every five (5) years by the Council Legislative Review Committee.~~ shall be established by the Monroe Salary Commission as set forth in Monroe Municipal Code 2.24.060.
- 2.5 Council may have a School District Student Representative position appointed to serve per Resolution No. 2012/023.

SECTION 3. COUNCIL MEETINGS

The Monroe City Council may hold one of two types¹ of official meetings when a quorum of its members is present. "Quorum" is defined as at least four members of the City Council. Council shall choose their seating arrangements on the dais at the first meeting of every even year; selection order to be determined by seniority of each council member and the number of years served on City Council. ~~be seated to the right of the Mayor starting with the Council At-Large Position, then Council Position No. 6, and descending to Council Position No. 1.~~

- 3.1 **REGULAR MEETINGS:** Regular meetings of the Monroe City Council will be held the first four Tuesdays of each month at the Council Chambers in City Hall.² However, Council reserves the right as deemed necessary to cancel, adjourn, or continue any regular meeting in accordance with state law.

¹ RCW provides for only two types of meetings, "regular" and "special."

² MMC 2.04.010: Provides for day and time of meetings. Also provides for study sessions.

MONROE CITY COUNCIL RULES OF PROCEDURE

- 3.1.1 Regular meetings will begin at 7:00 PM, and will be scheduled to end at 10:00 PM; provided that meetings may be extended by majority vote of the Council.
- 3.1.2 Separate from public hearings and the designated Comments from Citizens portion of each meeting, participation in City Council discussions is limited to Council members and those invited to speak by the Council.
- 3.2 **SPECIAL MEETINGS:** Any Council meeting other than a regular meeting, which has been called for the purpose of conducting official action. Written notice shall be given to the members of the Council and the media at least 24 hours in advance, except that no notice shall be required if the meeting is necessary to address an emergency as contemplated in RCW 42.30.070 or 42.30.080. A Special Council meeting may be scheduled by the Mayor, or the City Administrator, or by a majority of the City Council.
- 3.3 All official meetings, minutes, and records of the Council shall be open to the public with the exception of executive sessions.
- 3.4 All public meetings of the City Council shall be open to the media, freely subject to recording by radio, television, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting.
- 3.5 The City Council may choose to hold official City Council meetings in the community, or as joint meetings with other cities, or in other cities, provided that appropriate notice of such meeting is given in accordance with state law. Council cannot take final action on a resolution or ordinance at a meeting outside City limits. RCW 35A.12.110.
- 3.6 If any Tuesday on which a meeting is scheduled falls on a legal holiday, the meeting may by Council motion be rescheduled or cancelled. A special meeting may be called by the Mayor on a holiday if such meeting is necessary to conduct pending business.
- 3.7 The City Clerk will keep an account of all proceedings of the Council in accordance with statutory requirements and a summary of proceedings will be entered into a minute book constituting the official record of the Council. The official Council record shall be available for public review on the City's Website, or at City Hall during City Hall's regular business hours.
- 3.8 Citizens' comment sign-up sheets will be available at each Council meeting for the use of citizens wishing to address the Council. Public hearing sign-up sheets will be available for the meetings with a public hearing scheduled.

SECTION 4. PRESIDING OFFICER

- 4.1 The presiding officer at all meetings shall be the Mayor and in the absence of the Mayor, the Mayor Pro-Tem shall act in that capacity. If both the Mayor and the

MONROE CITY COUNCIL RULES OF PROCEDURE

Mayor Pro Tem are absent, Councilmembers present shall elect one of their members to serve as presiding officer until the return of the Mayor or Mayor Pro-Tem.

- 4.2 The presiding officer shall:
- 1) Preserve order and decorum in the Council Chambers.
 - 2) Observe and enforce all policies and procedures adopted by Council.
 - 3) Appoint Councilmembers to serve on ad-hoc committees, if necessary.
 - 4) Recognize Councilmembers requesting the floor in the order in which they operate their signal light. It is the policy of the Monroe City Council to encourage its members to:
 - Speak one time to an issue taking care not to reiterate previous comments or arguments;
 - Rebut opposing arguments only once;
 - Speak only twice on the same subject without permission of the presiding officer;
 - Wait for presentations to conclude before offering comments and asking questions; and
 - Speak to the merits of an issue and avoid references to personalities.
- 4.3 When a Councilmember serves as presiding officer, the Councilmember shall have only those rights and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.

SECTION 5. ORDER OF REGULAR COUNCIL MEETING AGENDA

- 5.1 The following is the usual order of the agenda for the Monroe City Council's regular meeting; however, the order may be changed by the Mayor or Council. Changes to the order may also be made by the City Administrator, which shall be deemed approved unless a majority of Council members object:
- 5.1.1 CALL TO ORDER: The presiding officer calls the meeting to order.
- 5.1.2 ROLL CALL: The City Clerk shall call the roll, and the presiding officer shall indicate any Councilmember who is not in attendance whether or not the Councilmember has an excused absence. Councilmembers may make a motion to excuse absent Councilmembers. (Councilmembers are to inform the Mayor, the City Administrator, or the City Clerk if they are unable to attend any Council meeting or if they knowingly will be late to any meeting.)
- 5.1.3 PLEDGE OF ALLEGIANCE
- 5.1.4 ANNOUNCEMENTS/PRESENTATIONS³

³ See Section 11, Presentations.

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5.1.5 PUBLIC HEARINGS: At the time and place specified in the hearing notice, the presiding officer will open the public hearing, announce the time allotted for individual speakers, and call upon staff to describe the matter under consideration.

Following questions from Council regarding the matter, the presiding officer will call for comments from proponents, opponents, and all other individuals wishing to speak on the matter.

The presiding officer closes the public hearing or continues it to a future time certain. The presiding officer may request that final action be taken at close of the hearing, rather than later on the agenda.

5.1.6 COMMENTS FROM CITIZENS:⁴ This time is set aside for members of the audience to speak to the City Council on any issue related to the City of Monroe, except any pending quasi-judicial matter subject to a public hearing (citizens wanting to voice concerns about quasi-judicial matters must do so during and in accordance with the public hearing process). Those items are marked with an *. You are welcome to address the council on any other subject. Council usually does not take action on matters brought up during audience participation and may, if appropriate, schedule the matter for a subsequent meeting. Before making comments, the speaker is encouraged to state for the official record their name and address. ~~Three~~Five minutes will be allowed per speaker when addressing council. Documents received from citizens will not be read into the record by City Officials or staff but rather filed as part of the record. It may however be read into the record by the author or the author's designee. It is encouraged that the author for the official record, write their name and address on the document.

5.1.7 STUDENT REPRESENTATIVE REPORT. This time is set aside for the Student Representative to report on activities and events at the high school.

5.1.8 CONSENT AGENDA:⁵

5.1.8.1 When the City Administrator or designee determines that any item of business requires action by the council but is of a routine and noncontroversial nature, such item may be presented at a regular meeting of the council as part of a Consent Agenda.

5.1.8.2 The Consent Agenda shall be introduced by a motion "To approve the Consent Agenda" and shall be considered by the council as a single item.

⁴ See Section 11, Presentations.

⁵ Section 5.1.7, *Consent Agenda* is copied from Resolution 96/16, *Adopting a Consent Agenda*, December 11, 1996.

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5.1.8.3 There shall be no debate or discussion by any member of the council regarding any item on the Consent Agenda, beyond asking questions for simple clarification.

5.1.8.4 On objection by any member of the council to inclusion of any item on the Consent Agenda, that item shall be removed from the Consent Agenda forthwith. Such objection may be made at any time prior to the taking of a vote on the motion to approve the Consent Agenda. All such items shall be considered individually, immediately following the Consent Agenda.

5.1.8.5 Approval of the motion to approve the Consent Agenda shall be fully equivalent to approval, adoption, or enactment of each motion, resolution, ordinance, or other item of business thereon, exactly as if each had been acted upon individually.

5.1.8.6 Consent Agenda items may include; but, shall not be limited by this reference: approval of all Council minutes, final approval of leases and contracts, final acceptance of grants, deeds or easements, setting dates for public hearings, approval of change orders, acknowledging receipt of claims for damages against the city, approval of claims or vouchers, passage of resolutions and/or ordinances requiring no further public hearing and which the Council has given directions to prepare, and any other such routine items as the City Administrator/designee, may deem appropriate to be placed upon such a Consent Agenda.

5.1.9 UNFINISHED BUSINESS: Unfinished Business consists of subjects that have previously been introduced to or considered by the Council, but have not been finalized. Final approval/adoption may be taken during this portion of the meeting. First readings of ordinances may be placed as Unfinished Business, if the subject had been introduced to Council at a previous meeting.

5.1.10 NEW BUSINESS:⁶ New Business consists of subjects which have not previously been considered by the Council and which may require discussion and action. The first reading of proposed ordinances may occur at this time. Official final action may also be taken on items under "New Business".

5.1.11 FINAL ACTION: Discussions and deliberations on items listed in this section have been completed and it is anticipated Council is prepared to take an official final action. Except for unforeseen matters reasonably

⁶ Section 12.3: certain "correspondence" is placed under New Business or Final Action, with backup information. See 12.1 - 12.4 for all types of correspondence.

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requiring immediate or short-term attention, every effort will be made to provide meeting materials to the Council twenty-four hours in advance. In general, items should be reviewed during “New Business” in a prior meeting before being placed under “Final Action.”

5.1.12 COUNCILMEMBER REPORTS: Councilmembers report on Council committee meetings, other regional meetings, and activities in which they have participated.

5.1.13 STAFF/DEPARTMENT REPORTS. Verbal or written reports are given by staff on issues of interest to the Council that does not require official action that night.

5.1.14 MAYOR/ADMINISTRATIVE STAFF REPORTS: Reports by the Mayor and City Administrator, if any, are made to the Council on issues of interest to the Council that do not require official action. The draft agenda for the next Council meeting is presented at this time, as well.

5.1.15 EXECUTIVE SESSIONS: Executive Sessions may be held during regular, special, or emergency meetings, or may be held as separate meetings. Executive Session subjects are limited to considering matters relating to real property acquisition and sale, public bid contract performance, complaints against public officers and employees, personnel issues, litigation, and other matters authorized by RCW Chapter 42.30. Before convening an Executive Session, the Mayor or designee shall announce the purpose of the meeting and the anticipated amount of time needed for the Session. At the conclusion of the Executive Session, if appropriate, the public meeting will reconvene and action taken.

5.1.16 ADJOURNMENT: The presiding officer adjourns the meeting after a motion to adjourn is made, seconded, and passed.

5.2 The Mayor, City Council, or City Administrator may add items to an agenda and Council may take action on items not listed on the agenda. (Pursuant to Section 10.1, an addition by City Council must be at the request of at least two Councilmembers.)

SECTION 6. COUNCIL DISCUSSION

6.1 All Council discussion unless otherwise noted here, shall be governed by ROBERT’S RULES OF ORDER, THE MODERN EDITION.

SECTION 7. TYPES OF COUNCIL ACTION

7.1 The City Council may take action only during an official Council meeting by adopting a minute order, a resolution, or an ordinance. These actions are listed in order of complexity and formality – a minute order is easier to issue and change than an ordinance.

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- 7.2 Minute Order. An adopted motion of the City Council recorded in the official record. A minute order may adopt proclamations of recognition, signify Council's acknowledgement or recognition of staff action, or serve as a marker in the official record documenting Council's deliberations or conclusions. A minute order may be adopted by a majority of those present at a meeting.
- 7.3 Resolution. An action of the City Council in which Council resolves to direct certain of action. A resolution may be changed by a subsequent resolution. A resolution may be adopted by a majority of those present at a meeting.
- 7.4 Ordinances. Ordinances are official acts of the legislative body enacting local law and must receive a minimum of four affirmative votes (see section 8.9). They are the most permanent and binding form of Council actions and may be changed or repealed only by a subsequent ordinance. Ordinances shall be read two times before adoption unless the Council waives a second reading. Adopting an ordinance on a first reading shall waive the second reading by implication if no express waiver is made.

Ordinances normally become effective five days after publication in the city's official newspaper. If an ordinance is subject to Initiative or Referendum process, there is a thirty-day waiting period. If legally sufficient petitions are filed, the ordinance may be rescinded or subject to a public vote.

The Mayor holds the exclusive power to review and veto Council's ordinances.⁷ Ordinances vetoed by the Mayor will be considered by Council in accordance with state law. Five affirmative votes, not including recusals, must be cast by Council members to override the Mayor's veto.

SECTION 8. MOTIONS

- 8.1 Motions shall be clear and concise and shall not include arguments for the motion within the motion. If a motion does not receive a second it dies. Motions that do not need a second include: nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order.
- 8.2 After a motion and a second, the presiding officer shall restate the motion, state the names of the Councilmembers making the motion and second, and Council will be given the opportunity to ~~discuss their opinions on the issue~~debate prior to the vote. No further citizen comments without council request or permission may be heard once a motion and second is on the floor.
- 8.3 A motion may be withdrawn or modified by the maker of the motion, at any time prior to the motion being restated by the presiding officer, without the consent of Council. Once restated, a motion may be withdrawn or modified by the maker only through a request for permission to withdraw or modify, and granted by the Council.

⁷ RCW allows Mayor 10 days from date of passage to veto.

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- 8.4 A motion to “lay on the table” (to set the pending matter aside in order to address an item of immediate urgency or an item which needs to be addressed prior to the pending matter) requires a second and, is not debatable ~~except that such debate shall not debate the issue under consideration. If a motion to table prevails, the Presiding Officer shall move to the next item on the agenda. A tabled item can be reconsidered at the same meeting or at the next regular meeting.~~ Any member may make a motion to “take from the table” ~~move to remove the item from the table for consideration any time during the same meeting, or the next regular meeting, as long as no question is pending.~~ Such an item requires a second and a majority vote of those present. If the item is not ~~removed~~ taken from the table by the end of the next regular meeting, it shall be considered expired.
- 8.5 A motion to “postpone to a certain time” requires a second, is debatable, is amendable, and may be reconsidered only at the same meeting ~~or a future meeting~~. The question being postponed must be considered at that later time.
- 8.6 A motion to “call for the question” shall close debate on the main motion and is non-debatable. This motion must receive a second and fails without a two-thirds vote of those present. (If 7 Councilmembers are present, then 5 must vote in the affirmative to meet this 2/3 requirement.) Debate is reopened if the motion fails.
- 8.7 A motion to “amend” is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, or substituting.
- 8.8 The motion maker, the Mayor, or the City Clerk, should repeat the motion prior to voting. The City Clerk shall take a roll call vote, if requested by the Mayor, a Councilmember, or when required by law. At the conclusion of any vote, the Mayor shall inform the Council of the results of the vote. A motion that receives a tie vote is deemed to have failed, unless the Mayor chooses to break the tie by casting an affirmative for those items that the Mayor is allowed to break the tie (section 8.44~~12~~) vote of those present. Any Councilmember present who fails to vote without a valid disqualification shall be declared to have voted in the affirmative on the question.
- 8.9 Each member present shall vote on all questions put to the Council except on matters in which he or she has been disqualified for a conflict of interest or under the appearances of fairness doctrine as defined by applicable State Law. Such members shall disqualify themselves prior to any discussions of the matter and shall leave the Council Chambers if considered necessary by the City Attorney. When disqualification of a member or members results or would result in the inability of the Council to act on a matter on which it is required by law to take action, any member absent or who had been disqualified under the appearances of fairness doctrine may subsequently participate provided such member first shall have reviewed all materials and listened to all tapes of the proceedings in which the member did not participate.

MONROE CITY COUNCIL RULES OF PROCEDURE

- 8.10 A motion to “reconsider” may be made during the same meeting in which a question has been decided, by any Councilmember who voted in the majority on the question. Such an item requires a second and a majority vote of those present. ~~may move for reconsideration. To reconsider a decided question after a council meeting has been adjourned, the matter must be listed on a future Council agenda in accordance with the provisions of section 10.1.~~
- 8.11 A motion to “rescind” or “amend something previously adopted⁸” at a previous meeting requires a second, is debatable, is amendable, and requires a majority vote with previous notice, and a two-thirds vote without previous notice.
- 8.12 In accordance with the RCW, the Mayor does not participate in Council votes, unless it becomes necessary to break a tie vote. The Mayor shall not break tie Council votes involving the passage of an ordinance, the acceptance of a grant, the revocation of a franchise or a license, or the payment of money.
- 8.13 The City Attorney, or City Clerk in absence of the City Attorney, shall decide all questions of interpretations of these policies and procedures and all other questions of a parliamentary nature, which may arise at a Council meeting. All cases not provided for in these policies and procedures shall be governed by ROBERT’S RULES OF ORDER, THE MODERN EDITION. In the event of a conflict, these policies and procedures shall prevail.
- 8.14 A tie vote, (3-3, 2-2) on an Ordinance or matter requiring four affirmative votes for passage, shall not be final action of the matter voted upon, but shall be deemed to have tabled-postponed the matter until the next regular meeting at which all seven Councilmembers are present. At that meeting, any member may move to take the matter off the table. Failure to do so kills the matter. Staff will insure all members are reminded that the Ordinance or matter is scheduled for an appropriate agenda.pending.
- 8.15 A non-tie vote (3-2, 2-3, 3-1, 1-3) which fails for a lack of four affirmative votes, if the matter requires four affirmative votes for passage, shall be deemed to defeat the matter voted upon. But, any Councilmember may move to reconsider the matter at the same or next succeeding regular meeting if all seven Councilmembers are present; or two Councilmembers may request to bring the item back for action at a future meeting where all seven Councilmembers are present.-

SECTION 9. COUNCIL MEETING STAFFING

- 9.1 The City Administrator, or designee, shall attend all meetings of the City Council unless excused by the Mayor. The City Administrator may make recommendations to the Council and may take part in discussions of the Council, but shall have no vote.

⁸ NOTE: A formal “motion to amend something previously adopted” is unnecessary in order for the City Council to amend previously adopted ordinances, resolutions, plans, policies and similar legislative enactments that have already taken effect.”

MONROE CITY COUNCIL RULES OF PROCEDURE

- 9.2 The City Attorney, or designee, shall attend all meetings of the Council unless excused by the Mayor or the City Administrator and shall, upon request, give a legal opinion, either written or oral, on legal questions and matters. The City ~~attorney~~ Attorney, or City Clerk in the absence of the City Attorney, shall act as the Council's parliamentarian. The City Attorney shall refrain from providing personal opinions or recommendations unless specifically requested.
- 9.3 The City Clerk, or designee, shall attend all regular meetings of the City Council, keep the official records and minutes, and perform such other duties as may be needed for the orderly conduct of the meeting. The City Clerk shall attend other meetings when requested by the Mayor, the City Administrator, or City Council.

SECTION 10. AGENDA PREPARATION⁹

- 10.1 The City Administrator, or designee, with the approval of the Mayor, will prepare an agenda for each Council meeting specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Council. An item may be placed on the agenda by the Mayor, the City Administrator, a Department Head, with the concurrence of the City Administrator, or at the request of at least two Councilmembers. During the meeting subject to the agenda, Council members may by majority vote modify the agenda, including additions and deletions, to the extent authorized by law.

The City Administrator, presiding officer, or designee shall present the agenda for the next meeting.

- 10.2 Some agenda items may be listed on the agenda for a time certain. Such listing will mean that an item will be heard as soon as reasonably possible after the specified time. However, legally required and advertised public hearings will have a higher priority over other time-scheduled agenda items that have been scheduled for convenience rather than for statutory or other legal reasons.
- 10.3 The City will endeavor to schedule sufficient time between public hearings and other items so the public is not kept unduly waiting and so the Council will have sufficient time to hear testimony and to deliberate matters among themselves.
- 10.4 Public hearings will be scheduled as needed.
- 10.5 To the extent possible, agenda items continued from one meeting will have preference on the next agenda.
- 10.6 The City Administrator, or designee, shall attempt to have the meeting agenda finalized by 5:12:00 PM on the ~~Wednesday~~ Friday prior to the Council meeting. The agenda and available documents will be made available to Council Members, the media and the public on the City Website.

⁹ The City Administrator establishes guidelines and deadlines for submitting items to administer this process.

MONROE CITY COUNCIL RULES OF PROCEDURE

SECTION 11. PRESENTATIONS TO COUNCIL

- 11.1 Remarks made to Council should address the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, disruptive, or personally abusive may be requested to leave the meeting.
- 11.2 The presiding officer has the authority to preserve order at all meetings of the Council, to cause removal of any person from any meeting for disorderly conduct, and to enforce the rules of the Council. The presiding officer may command assistance of any peace officer to enforce all lawful orders of the presiding officer to restore order at any meeting.
- 11.3 Citizens wishing to address complaints, concerns or questions to the City Council are encouraged to first contact the City Administrator or can, however, contact the City Council directly. If the issue is not resolved at the staff level, the City Administrator may place the matter on a council agenda with the appropriate background information.

SECTION 12. APPEALS BEFORE COUNCIL

- 12.1 Purpose; Scope. The purpose of this Section 12 is to establish rules governing certain administrative appeals before the City Council. The provisions of this section apply exclusively to appeals for which: (i) the City Council has been designated as the appellate venue by ordinance, and (ii) the specific procedures for which are not set forth in the MMC or other ordinance. Without limitation of the foregoing, the following procedures shall expressly not apply to appeals within the scope of Chapter 21.50 MMC or Chapter 21.60 MMC.
- 12.2 Construction. The provisions of this Section 12 are intended to supplement, and not contradict or supersede, the applicable provisions of the MMC and other City ordinances. To the extent that the provisions of this Section 12 are inconsistent with any applicable provision of the MMC or other ordinance, the MMC or ordinance provision shall control.
- 12.3 Commencing an appeal.
 - 12.3.1 Who may appeal. Standing to file an administrative appeal to the City Council shall be limited to those parties authorized by ordinance.
 - 12.3.2 Form of appeal. Except as otherwise provided by ordinance, an appeal shall be submitted to the City Clerk's Office in writing and shall set forth:
 - 12.3.2.1 Facts demonstrating that the person is adversely affected by the challenged administrative decision;

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12.3.2.2 A concise statement identifying each alleged error of fact, law, or procedure, and the manner in which the challenged administrative decision fails to satisfy the applicable decision criteria;

12.3.2.3 The specific relief requested.

12.3.3 Time to Appeal. Except as otherwise provided by ordinance, the written appeal must be received by the Monroe City Clerk's Office no later than 5:00 p.m. on the fourteenth day following the issuance date of the decision being appealed.

12.4 Appeal Proceeding Before Council.

12.4.1 Scheduling/Notice. Following receipt of a written appeal, staff shall schedule the appeal hearing to occur before the City Council at a meeting within 30 days as an action item under New Business and shall provide written notice to the parties to the appeal.

12.4.2 Types of Appeals. Any appeal from an administrative decision for which there has already been an open-record hearing or similar evidentiary proceeding as part of the underlying administrative process shall be a closed-record appeal. All other appeals shall be open-record appeals.

12.4.3 Submission of Written Materials.

12.4.3.1 For open-record appeals, all evidence, written statements, and identification of witnesses to be called at the hearing (if appropriate) from the parties to the appeal shall be submitted to the City Clerk's Office 7 working days prior to the scheduled appeal hearing.

12.4.3.2 For closed-record appeals, staff shall provide the City Council with a copy of the administrative record underlying the challenged decision 7 working days prior to the hearing date. Any written statements from the parties shall be submitted to the City Clerk's office 7 working days prior to the hearing date. No information, evidence, or facts shall be cited to or considered by the City Council unless the same is contained within the administrative record.

12.4.4 Conduct of the appeal proceeding.

12.4.4.1 Who may participate: Only the appellant, the owner(s) of property subject to the underlying application or decision (if different from the appellant), and the respondent (typically City staff), or the representatives of these parties, may participate in

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the appeal hearing. Provided, that properly identified witnesses may testify in open-record appeal hearings.

12.4.4.2 Issues. The City Council shall limit its consideration to those alleged errors clearly identified in the appellant's original written appeal.

12.4.4.3 Appeal proceeding sequence of events.

12.4.4.3.1 The presiding officer will introduce the matter being heard, review the applicable rules of procedure, and address the appearances of fairness doctrine.

12.4.4.3.2 Appellant Testimony. The appellant shall be given 15 minutes to present oral argument to the City Council. For open-record appeals, any presentation of witnesses shall occur within this timeframe. (New information, evidence or facts is only allowed for open-record appeals).

12.4.4.3.3 Respondent Testimony. The respondent shall be given 15 minutes to present oral argument to the City Council. (New information, evidence or facts is only allowed on open record appeals).

12.4.4.3.4 Rebuttal testimony. Appellant shall be given 5 minutes for rebuttal.

12.4.4.3.5 Questions from the hearing body. The City Council may ask clarifying questions of the parties at the close of testimony.

12.5 City Council Decision on Appeal.

12.5.1 Standards. The City Council may grant the appeal, grant the appeal with modifications, or deny the appeal. The Council's review shall be de novo, and no presumption of validity shall attach to the challenged administrative decision.

12.5.2 Conditions. The City Council may impose reasonable conditions as part of the granting of an appeal or granting of an appeal with modification to reasonably ensure conformance with the criteria under which the application was made.

12.5.3 Findings. The City Council shall adopt written findings and conclusions which support its decision on the appeal. The City Council shall reasonably endeavor to adopt such findings and conclusions within 14 working days of the appeal hearing. The City Council's written findings

MONROE CITY COUNCIL RULES OF PROCEDURE

and conclusions shall serve as the City's final, appealable decision with respect to the matter at issue.

- 12.5.4 Required Vote. A vote to grant the appeal or grant the appeal with modifications must be by a majority vote unless a different vote requirement is established by ordinance or law. A tie vote shall be decided by the vote of the Mayor. Any other vote constitutes denial of the appeal.

SECTION 13. WRITTEN CORRESPONDENCE WITH THE COUNCIL

Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular citizens of the City. The City Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Monroe residents. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential. Documents received from citizens will not be read into the record by City Officials or staff but rather filed as part of the record. They may however be read into the record by the author or the author's designee, subject to the applicable speaking time limitations established by these Rules of Procedure.

One concern is application of the appearance of fairness doctrine to correspondence addressed to the Council, concerning matters which will be coming before the City Council in a quasi-judicial or land use hearing context. Special care in the way the content of those letters is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section.

- 13.1 Correspondence of an Information Only nature – correspondence which is purely of an informational nature and does not require a response or action and Routine Requests – items of a routine nature (minor complaints, routine requests, referrals, etc.) will be transmitted to the Councilmembers either by e-mail, a hard copy in their City mailbox, or a hard copy distributed at the Council meeting.
- 13.2 Significant Correspondence – Written correspondence which obviously requires some Council discussion, is of a policy nature or for which a non-routine official action or response is required, shall be placed on the regular council agenda, either under New Business or if appropriate, Final Action, and shall be accompanied by backup information as are all other agenda items.
- 13.3 Correspondence Directly Relating to Pending Quasi-Judicial Hearing Matters – Copies of such correspondence shall not then be included within the agenda materials, but shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the City Council for its

MONROE CITY COUNCIL RULES OF PROCEDURE

quasi-judicial consideration, and as a part of the hearing course. PROVIDED, that such materials shall not be circulated to Councilmembers where the pending quasi-judicial matter is a closed record proceeding.

SECTION 14. RESPECTING ROLES AND RESPONSIBILITIES

- 14.1 The City Council and the Mayor shall continue to demonstrate their mutual respect of each other's respective roles and responsibilities. The Mayor acknowledges the Council as the policy making body for the city and the Council acknowledges the Mayor as the city's chief administrative officer responsible for implementing council's policies.
- 14.2 The Mayor shall refer policy questions to the City Council and shall endeavor to fully and completely implement Council's policy decisions and legislative directives.
- 14.3 Councilmembers shall not attempt to influence staff in the selection, or direction of personnel, the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of City licenses or permits. The Council shall not attempt to change or interfere with the operating rules and practices of any city department. Councilmembers are not prohibited from discussing policy issues, requesting information from or asking questions of the Mayor or City Administrator.

SECTION 14A. COUNCIL LEGISLATIVE COMMITTEES

- 14A.1 Purpose. The purpose of a council legislative committee is to formulate policy recommendations and gather policy information for the City Council in order to provide for more efficient and effective use of City Council meeting time. Committees will address issues assigned to them by the City Council. The committees are not intended to oversee or interfere with the administration.
- 14A.2 Staffing. Administrative support to and attendance of committees is provided at discretion of the Mayor. The Mayor or City Administrator may participate as an ex-officio member of each committee. Meeting agendas, if any, and committee minutes, and committee reports may be prepared by staff if directed by the Mayor and requested by the committee.¹⁰
- 14A.3 Committees Established. A council legislative committee shall consist of up to three council members with two making a quorum. Legislative committees have the following functions:
 - A. Transportation and Planning Committee, Public Works, Parks & Recreation, and Public Safety Committee. The primary purpose of the transportation and planning committee is to review and advise upon matters of policy assigned by the City Council involving the physical and economic

¹⁰ Minutes required, see Sec. 13A.5.

MONROE CITY COUNCIL RULES OF PROCEDURE

development of the city as well as matters involving planning for transportation systems and facilities, also involving public health, welfare and safety as well as City infrastructure, excluding traffic and including animal control, public safety, water and sewer utilities, parks ~~& and~~ recreation and property management, sales and acquisitions.

B. Finance and Human Resources Committee. The primary purpose of the Finance and Human Resources Committee is to review and advise upon on matters of policy assigned by the City Council involving city financial affairs, including budget development goals and major financial policies such as reserves and fund balance levels, grants and Interlocal Agreements, personnel matters (e.g. union negotiations, employee benefits), and approval of warrants.

C. Legislative Affairs Committee: The primary purpose of the Legislative Affairs Committee is to review and advise upon legislative matters at county, state, and federal levels of interest to the city council; and city council policies and procedures. ~~and council compensation (see Section 2.4).~~

14A.4 Performance of Tasks. The committees created in this chapter shall perform such tasks in line with the subjects described in Section 13A.3, or as may be referred to them by the council. Committee functions are to be flexibly applied and issues such as committee workload and member expertise may be as important as or more important than committee function in assigning tasks to committees. The committees shall not preclude the Council from creating any other ad hoc or other committee with similar functions.

14A.5 Committee Minutes and Reports. Committee minutes shall be written, including time, date, and location of meeting, attendance, topics discussed, and any reports to council. Committee reports should be very brief, giving subject matter and date(s) during which subject was discussed. Reminders of upcoming Committee meeting dates may be given, but are not considered "reports".

14A.6 Assignment of Members - Chairperson. Councilmembers shall be assigned to a committee as determined by the city council annually in January. A chairperson for each committee shall be selected by the committee members to preside over committee meetings. After January assignments have been made, the committees shall discuss and establish regular meeting dates, which are open to the public as required by the Open Public Meeting Act, Chapter 42.30 RCW.

SECTION 15. REPRESENTING THE POSITION OF THE CITY

15.1 If a Councilmember or the Mayor appears on behalf of the city before another Governmental Agency, a community organization or the media for the purpose of commenting on an issue, the majority position of the council, if known, is to be stated. Personal opinions and comments which differ from the Council majority may be expressed if it is clearly stated the comments do not reflect the majority council position.

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- 15.2 A Councilmember's concurrence shall be obtained before a second party shares that Councilmembers view or position with the media, another governmental agency, or a community organization.
- 15.3 Letters, written statements, newspaper, guest opinions, etc., which state a Council opinion shall be submitted to the full Council for review, comment, and final approval prior to their release. In some cases, it may be appropriate to provide for the signatures of the full Council.

SECTION 16. CONFIDENTIALITY

- 16.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during executive sessions to ensure that the city's position is not compromised. Confidentially also includes information provided to Councilmembers outside of executive sessions when the information is considered to be exempt from disclosure under exemptions set forth in the RCW.
- 16.2 If the Council, in executive session, has given direction or consensus to city staff on proposed terms and conditions for any type of issue, all contact with the other party shall be done by the designated city staff representative handling the issue. Prior to discussing the information with anyone other than fellow Councilmembers, the Mayor, the City Attorney, or staff designated by the City Administrator, Councilmembers should review such potential discussion with the City Administrator or City Attorney. Any Councilmember having such contact or discussion is to make a full disclosure to the Mayor or City Council in a timely manner.

SECTION 17. SUSPENSION AND AMENDMENT OF RULES

- 17.1 Any provision of these rules not governed by state law or ordinance may be temporarily waived suspended by a majority vote of the Council, except as otherwise specified in these rules or required by law. Any formal action of the City Council in violation or disregard of these rules shall be deemed as an implied waiver thereof.
- 17.2 These rules may be amended or new rules adopted, by a majority vote of the Council.

SECTION 18. EFFECT OF RULES

- 18.1 These rules are for the sole convenience of the City Council, and may only be enforced by Council Members. Nothing in these rules shall be construed as creating any enforceable right, entitlement, or cause of action in or for any other party.
- 18.2 If any sentence, clause or provision of these rules irreconcilably conflicts with an applicable provision of state or federal law or is otherwise invalidated by a court of competent jurisdiction, the offending sentence, clause or provision of these rules shall be severable from the remainder.

ALTERNATIVE LANGUAGE TO ALLOW FOR ABSTENTIONS

8.8 CURRENT LANGUAGE:

The motion maker, the Mayor, or the City Clerk, should repeat the motion prior to voting. The City Clerk shall take a roll call vote, if requested by the Mayor, a Councilmember, or when required by law. At the conclusion of any vote, the Mayor shall inform the Council of the results of the vote. A motion that receives a tie vote is deemed to have failed, unless the Mayor chooses to break the tie by casting an affirmative for those items that the Mayor is allowed to break the tie (section 8.12) vote of those present. Any Councilmember present who fails to vote without a valid disqualification shall be declared to have voted in the affirmative on the question.

ALTERNATIVES TO REPLACE CURRENT LANGUAGE:

1. A Councilmember may choose to abstain from voting on an item; an abstention shall be declared to have voted in the affirmative on the question; however, will be noted in the minutes accordingly.
2. A Councilmember may choose to abstain from voting on an item; an abstention shall be declared to have voted in the negative on the question; however, will be noted in the minutes accordingly.
3. A Councilmember may choose to abstain from voting on an item; an abstention will not count as a vote in the affirmative or the negative on the question; and will be noted in the minutes accordingly.

8.9 PROPOSED LANGUAGE:

Each member present shall ~~shall~~ **may** vote or abstain on all questions put to the Council except on matters in which he or she has been disqualified for a conflict of interest or under the appearances of fairness doctrine as defined by applicable State Law. Such members shall disqualify themselves prior to any discussions of the matter and shall leave the Council Chambers if considered necessary by the City Attorney. When disqualification of a member or members results or would result in the inability of the Council to act on a matter on which it is required by law to take action, any member absent or who had been disqualified under the appearances of fairness doctrine may subsequently participate provided such member first shall have reviewed all materials and listened to all tapes of the proceedings in which the member did not participate.



MONROE CITY COUNCIL
Finance & Human Resources Committee Meeting
Tuesday, June 7, 2016, 6 P.M.
Council Conference Room, City Hall

AGENDA

I. Call to Order

II. Approval Minutes (Meeting of Tuesday, May 3, 2016)

III. Unfinished Business

IV. New Business

A. Garbage Contract

V. Other

VI. Next Committee Meeting (July 5, 2016)

VII. Adjournment



MONROE THIS WEEK

June 3, 2016 Edition No. 22

Mayor

Geoffrey Thomas
gthomas@monroewa.gov

Councilmembers

Patsy Cudaback
Kevin Hanford
Ed Davis
Jason Gamble
Jim Kamp
Jeff Rasmussen
Kirk Scarboro
councilmembers@monroewa.gov

City Hall

806 West Main Street
Monroe, WA 98272
Phone: 360.794.7400
Open 8AM – 5PM, M-F

Appointment Openings

Planning Commission

Job Openings

Construction Inspector
Customer Service Specialist
Senior Engineer – Development Review
www.monroewa.gov/jobs

Events this Week

- 06/04** *Touch – A – Truck, Monroe Christian School, 10AM – 4PM*
- Miracle League Games, Rotary Field, 8AM-2PM*
- 06/04** *Relay For Life, Monroe High School*
- 06/05** *10AM – 10AM*
- 06/07** *Tip-A-Cop, Adam's Bistro, 104 N. Lewis St, 5PM-9PM*
- City Council Finance and Human Resources Committee Meeting, City Hall, Permit Center, 6PM*
- City Council Meeting, City Hall, Council Chambers, 7PM*

From the Office of Mayor Thomas

To highlight some of the things going on in our community, I am writing this weekly city update, "Monroe This Week. If you have any suggestions or questions regarding "Monroe This Week" or the stories below, please contact me at GThomas@MonroeWa.gov.

Yours in Service,

Mayor Geoffrey Thomas

Be In The Know!

PSRC Economic Development District Meeting

On Wednesday, June 1, 2016, I attended the Puget Sound Regional Council's Economic Development District meeting. I serve as the representative for Snohomish County Cities and the City of Monroe. This was their quarterly meeting and the discussion topic was a continuation of the PSRC's update of its regional economic development strategy. The regional economic development strategy will be used to identify economic strengths and opportunities in the Puget Sound region, identify areas that need improvement to support those economic strengths and opportunities, and develop policies and strategies which can be implemented from the city to county to regional to statewide level to support sustainable economic development and growth. This regional-level plan will influence decision-making on transportation, land use, promoting areas for economic development, workforce development, and education at the county and city level. The draft update is now expected to be released in January 2017 for public comment.

Our primary focus was to discuss the overarching "strategy objectives." There are six "strategy objectives," which are currently drafted as:

1. Show alignment of economic development efforts throughout the region and across all sectors.
2. Nurture economic development with high impact.
3. Inform the economic development context for plans in land use, transportation, environmental and all other quality of life aspects.

**City of Monroe
Year-to-Date Comparisons**

The following are year-to-date comparisons

Sales Tax Revenues

'15 to 5/31/15: \$1,601,592

'16 to 5/31/16: \$1,775,685

UP \$174,093 or 10.87%

Real Estate Excise Tax

'15 to 5/31/15: \$187,640

'16 to 5/31/16: \$375,594

UP \$187,954 or 100.17%

Lodging Tax Revenues

'15 to 5/31/15: \$18,679

'16 to 5/31/16: \$23,437

UP \$4,758 or 25.47%

Business License Fees

'15 to 5/31/15: \$21,069

'16 to 5/31/16: \$20,879

DOWN \$190 or -0.90%

Building Permit Revenues

'15 to 5/31/15: \$135,163

'16 to 5/31/16: \$202,753

UP \$67,590 or 50.01%

Planning Fee Revenues

'15 to 5/31/15: \$47,740

'16 to 5/31/16: \$36,290

DOWN \$11,450 or -23.98%

New House Permits

'15 to 5/31/15: 35

'16 to 5/31/16: 52

UP 18 units or 52.9%

**19 permits issued in May 2016 alone*

Multi-Family Permits (# units)

'15 to 5/31/15: 13

'16 to 5/31/16: 4

DOWN 9 units or -69.2%

Building Division Inspections

'15 to 5/31/15: 712

'16 to 5/31/16: 764

UP 52 or 7.3%

(PSRC continued)

4. Support regional marketing and business recruitment needs and opportunities.
5. Collaborate with leaders in workforce development, higher education, and business climate to support, retain, and expand the region's economic base.
6. Address equity throughout the entirety of the plan and process.

As we went over these, I made comments to reinforce the importance that cities like Monroe have in contributing to the regional economy. I talked about how we, and cities like Monroe, have manufacturers and businesses that sell products outside of the Puget Sound region and build parts that are shipped within the region to complete products which are sold outside our region (e.g. manufacturing aircraft parts that are shipped to Boeing).

I talked about housing affordability and quality-of-life in cities like Monroe that help our region retain employees, and employers that contribute to the regional economy. I reinforced the importance of looking beyond the metropolitan area, to cities like ours as integral in supporting regional economic success. I also emphasized my concerns the strategy that is approved should not be a reason for our comprehensive plan, transportation plan, or grant applications for road projects to be denied by governmental or non-governmental organizations (like the Puget Sound Regional Council).

Lastly, I emphasized the importance of building out our transportation network, especially in connecting our cities to the metropolitan area, and I specifically mentioned SR-522.

The next quarterly meeting will be in the fall. For more information about the Economic Development District, click [here](#).

Local Business Tours! Natural Factors and Research International

Quarterly, representatives from the Monroe Chamber of Commerce, Everett Community College, Economic Alliance of Snohomish County, and the City of Monroe, tour local manufacturers and businesses in our community. On Thursday, June 2, 2016, we toured Natural Factors and Research International.

Natural Factors produces natural vitamin supplements, which they sell worldwide. They employ over 150 people and have room in their building on Fryelands Boulevard to expand. They own farm land on the west side of Lake Tye and plan on growing crops for use in their vitamin supplements.

(Tours Continued)

Their manufacturing building in Monroe was the first LEED certified manufacturing building in the State of Washington and the only LEED certified building in Monroe. They are certified at the “Gold” level. LEED certification is awarded to building projects that meet certain standards for environmental stewardship and sustainability. I really enjoyed the tour and look forward to Natural Factors expanding here in Monroe. For more information, check out their website at www.naturalfactors.com

Research International develops equipment which can be used to sense biological, aerosol, and other chemical agents in our environment. Their products are used worldwide and are used to identify threats to human health and safety. They employ over 30 people at their facility, which is also the home of The Saaski Art Gallery. For more information about Research International, check out their website at www.resrchintl.com

For more information about The Saaski Art Gallery, check out their website at <http://www.art-merchant-intl.com>

Thank you to everyone for the tours of their facilities and for sharing with us about how your businesses compete regionally and globally. We truly appreciate having you in our community. Thank you to the Economic Alliance of Snohomish County for scheduling these tours this week.

Veterans Memorial Groundbreaking

On Thursday, June 2, 2016, our community held a groundbreaking ceremony for the new Veterans Memorial Monument, which will be installed at Lake Tye Park. Over 75 people attended this event. The memorial is being built after students at Park Place Middle School delivered presentations about the lives of the service men from the Monroe area who fell during World War II. Their names were once to be included on a memorial that had fallen into disrepair. The students' presentations brought to light the need to replace this memorial with a new one in a more prominent location. The American Legion Arthur Kincaid Post 58 stepped forward and, working with the Monroe School District and City of Monroe, is leading the installation of a new Veterans Memorial at Lake Tye Park. Boy Scout Sam Thomas will be tackling this memorial as his Eagle Scout project. We are grateful for everyone involved in bringing this memorial to our community. It is expected to be completed by Veterans Day 2016.

For more information or to contribute to this memorial, contact Larry “Woody” Woods at 360-793-1363.

Memorial Day

On Memorial Day, I attended the American Legion's remembrance ceremony at the cemetery on Old Owen Road. Over 60 people attended this ceremony. We reflected upon and gave thanks for the service of the men and women who have fallen in protecting and preserving our country. I delivered the address, which you may read [here](#). As we go about our daily lives, let us honor their legacy in our words and our actions. We are forever grateful for their service and their legacy.

Safety Reminder!

The weather is heating up and this weekend is supposed to be beautiful and hot! Before families head down to the water to cool off, it is important to check to see if your life jackets fit properly for the whole family. Drowning is the leading cause of injury-related death among children ages 1-4, but it is recommended that adults wear life jackets too. Monroe Fire wants to remind families of our life jacket loaner program! Families can visit Fire Station 31 at 163 Village Court to check out a life jacket before they go to the water. For more swimming safety tips, visit:

www.safekids.org/safetytips/field_risks/swimming-and-water