

**CITY OF MONROE
ORDINANCE NO. 033/2018**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING MONROE MUNICIPAL CODE TITLE 2 (ADMINISTRATION AND PERSONNEL), TITLE 5 (BUSINESS REGULATIONS AND LICENSING), TITLE 10 (VEHICLES AND TRAFFIC), AND, TITLE 14 (FLOODPLAIN REGULATIONS), TO REFLECT THE CITY'S INTENT AND MODERN PRACTICES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, it is necessary from time to time to amend the Monroe Municipal Code to update certain sections; and

WHEREAS, The City desires to amend the code provisions identified in this ordinance in order to more accurately reflect the City's intent and current practices.

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

Section 1. Amendment of MMC Section 2.28.010. Monroe Municipal Code (MMC) section 2.28.010 – Administration and Personnel - City Positions - Appointed - Appointment, is hereby amended as follows:

2.28.010 Appointment.

The offices of (~~assistant city administrator,~~) city attorney, city clerk, (~~engineer director, city treasurer, director of~~) community development director, finance director, human resources director (~~, police chief~~), parks and recreation director, police chief, and public works director are appointive offices. The offices shall be filled by appointment by the mayor, subject to confirmation by a majority vote of the city council, as authorized by state statute.

Section 2. Amendment of MMC Section 2.28.020. Monroe Municipal Code (MMC) section 2.28.020 – Administration and Personnel - City Positions – Appointed - Removal, is hereby amended as follows:

2.28.020 Removal.

The (~~assistant city administrator,~~) city attorney, city clerk, (~~engineer director, city treasurer, director of~~) community development director, finance director, human resources director (~~, police chief~~), parks and recreation director, police chief, and public works director may all or each be removed or discharged by the mayor.

Section 3. Amendment of MMC Section 2.60.050. Monroe Municipal Code (MMC) section 2.60.050 – Administration and Personnel – Emergency Management - Emergency management director defined, is hereby amended as follows:

2.60.050 Emergency management director defined.

~~((The engineering director shall be the emergency management director for the city of Monroe, subject to the direction and control of the mayor and to legal requirements))~~The mayor shall designate an emergency management director, who shall be responsible for the organization, administration, and operation of the Monroe Emergency Management Office, subject to the direction and control of the mayor and to legal requirements.

Section 4. Amendment of MMC Section 5.44.030. Monroe Municipal Code (MMC) section 5.44.030 – Business Regulations and Licensing – Parking Facilities - Permit application, is hereby amended as follows:

5.44.030 Permit application.

The permit shall be applied for on the forms provided by the city ~~((clerk))~~administrator or designee. The following information shall be provided a as minimum:

- A. Property description;
- B. Property tax number;
- C. Property owner, mailing address and phone number;
- D. Parking facility operator, mailing address and phone number;
- E. Site plan to scale identifying proposed parking layout;
- F. Proposed off-site sign and traffic-control device placement;
- G. Environmental checklist if required;
- H. Application fee established by resolution.

Section 5. Amendment of MMC Section 5.44.040. Monroe Municipal Code (MMC) section 5.44.040 – Business Regulations and Licensing – Parking Facilities - Review of permit applications, is hereby amended as follows:

5.44.040 Review of permit applications.

Applications shall be reviewed by city staff and approved, approved with conditions, or denied by the city administrator or designee within fourteen calendar days of receipt of a completed application. The application shall be reviewed in light of the city's established parking lot permit review criteria attached to the permit application and in compliance with all laws and regulations which may apply.

Section 6. Amendment of MMC Section 10.20.020. Monroe Municipal Code (MMC) section 10.20.020 – Vehicles and Traffic – Overtime Parking – Application for permit, is hereby amended as follows:

10.20.020 Application for permit.

Whenever a person deems it necessary to park overtime on any Monroe street for the purpose of construction or repair, or servicing of business premises, that person shall apply to the city administrator or ~~((his/her))~~ designee for such a permit.

The city administrator or ~~((his/her))~~ designee shall have ~~((the police department))~~city staff investigate the need for such a permit, and, following such investigation ~~((upon approval of the police department))~~, may~~((shall))~~ issue a permit for a period of one week or less for a fee as established by the city council by periodic resolution, renewable weekly as long as such need continues. The city administrator may impose reasonable conditions upon

any such permit as deemed necessary to protect the public health, safety, or welfare.
Each permit shall allow the holder to occupy one parking space during working hours.

Section 7. Amendment of MMC Section 14.01.100. MMC section 14.01.100, Floodplain Regulations – Flood Hazard Area Regulation – Special flood hazard area development permits, is hereby amended as follows:

14.01.100 Special flood hazard area development permits.

A. A special flood hazard area development permit shall be obtained before construction or development begins within any area of special flood hazard established in MMC 14.01.050. A special flood hazard area development permit shall be required for all structures, including the placement of manufactured homes.

B. Application for a special flood hazard area development permit shall be made on forms furnished by the ~~((city engineer))~~ floodplain manager and may include but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to North American Vertical Datum of 1929 mean sea level, of the lowest floor (including the basement) of all structures;
2. Elevation in relation to North American Vertical Datum of 1929 mean sea level to which any structure has been floodproofed;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in MMC 14.01.130(B)(2);
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
5. Base flood elevation data; and
6. Floodway data.

C. The total fee for the application shall be as established by the city council by periodic resolution. The application form must be completed and submitted with the application fee before issuance of the special flood hazard area development permit will be considered.

Section 8. Amendment of MMC Section 14.01.110. MMC section 14.01.110, Floodplain Regulations – Flood Hazard Area Regulation – City engineer - Authority, is hereby amended as follows:

14.01.110 ~~((City engineer))~~ Floodplain manager – Authority.

The ~~((city engineer is appointed))~~ mayor shall appoint a floodplain manager to administer and implement this chapter by granting or denying special flood hazard area development permits in accordance with its provisions.

Section 9. Amendment of MMC Section 14.01.120. MMC section 14.01.120, Floodplain Regulations – Flood Hazard Area Regulation – City engineer – Duties and responsibilities, is hereby amended as follows:

14.01.120 ((City engineer))Floodplain manager – Duties and responsibilities.

Duties of the ((city engineer))floodplain manager shall include, but not be limited to:

A. Permit Review.

1. Review all permit applications to determine that the special flood hazard area development permit requirements of this chapter have been satisfied.
2. Review all special flood hazard area development permit applications to determine that all necessary permits have been obtained from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Review all special flood hazard area development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of MMC 14.01.150 are met.
4. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in an area of special flood hazard, all new construction and substantial improvements shall (a) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (b) be constructed with materials resistant to flood damage, (c) be constructed by methods and practices that minimize flood damages, and (d) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. Review subdivision proposals and other new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in an area of special flood hazard, any such proposals shall be reviewed to assure that (a) all such proposals are consistent with the need to minimize flood damage within the area of special flood hazard, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (c) adequate drainage is provided to reduce exposure to flood hazards.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with MMC 14.01.050, Basis for establishing the areas of special flood hazard, the ((city engineer))floodplain manager obtains, reviews, and reasonably utilizes any base flood elevation and floodway data available from a federal, state or other source, in order to administer MMC 14.01.130, 14.01.140 and 14.01.150.

C. Information To Be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study or required as in subsection (B) of this section, obtain and record the actual elevation (in relation to North American Vertical Datum of 1929 mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed structures:
 - a. Verify and record the actual elevation in relation to North American Vertical Datum of 1929 mean sea level to which the structure was floodproofed; and
 - b. Maintain the floodproofing certifications required in MMC 14.01.100.

3. Maintain for public inspection all records pertaining to the provisions of this chapter.
- D. Alteration of Watercourses.
1. The ~~((city engineer))~~ floodplain manager shall notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 2. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- E. Interpretation of FIRM Boundaries. The ~~((city engineer))~~ floodplain manager shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in MMC 14.01.170.

Section 10. Amendment of MMC Section 14.01.160. MMC section 14.01.160, Floodplain Regulations – Flood Hazard Area Regulation – Variances, is hereby amended as follows:

14.01.160 Variances.

- A. The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.
- B. The hearing examiner, after examining the applicant's hardships, shall approve or disapprove a request for a variance. Procedures for the granting of variances by the hearing examiner are as follows:
1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 2. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause,
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 3. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
 4. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
 5. Variances are generally limited to a lot size less than one-half acre; as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood

level, in conformance with the procedures of this subsection and subsections (B)(1) and (2), (C) and (D) of this section;

6. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- a. The criteria of this subsection and subsections (B)(1), (2), (3) and (5) of this section are met, and
- b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- C. The ~~((city engineer))~~ floodplain manager shall notify the applicant in writing that:
 1. The issuance of a variance to construct a structure below the base flood level may result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and
 2. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in subsection (D) of this section.
- D. The ~~((city engineer))~~ floodplain manager shall:
 1. Maintain a record of all variance actions, including justification for their issuance; and
 2. Report such variances issued in the city's annual or biennial report submitted to the Federal Insurance Administrator.
- E. The Federal Insurance Administrator may review the hearing examiner's findings justifying the granting of variances, and if that review indicates a pattern inconsistent with the objectives of sound floodplain management, the Federal Insurance Administrator may take appropriate action under 44 CFR 59.24(b).
- F. The variance criteria above are meant to incorporate the federal requirements for variances as specified in 44 CFR 60.6 as now or hereafter amended. To the extent that requirements of this section or MMC 14.01.170 conflict with or omit requirements of 44 CFR 60.6 as now or hereafter amended, the terms of 44 CFR 60.6 shall govern.

Section 11. Amendment of MMC Section 14.01.170. MMC section 14.01.170, Floodplain Regulations – Flood Hazard Area Regulation – Appeals procedures, is hereby amended as follows:

14.01.170 Appeals procedures.

A. Administrative Appeals.

1. The hearing examiner shall have the authority to hear and decide appeals from any order, requirement, permit, decision or determination made by the ~~((city engineer))~~ floodplain manager or ~~((his))~~ designee in the administration and enforcement of provisions of this title.
2. Appeals from the city engineer's order, requirement, permit, decision, or determination may be taken to the hearing examiner by any person aggrieved. The appeal shall be filed in writing, in duplicate, in original form with the city clerk within ten days of the date of the action being appealed. Upon filing an appeal, a place and time for the hearing not more than thirty days from such notice of appeal shall be set by the hearing examiner.
3. The hearing examiner may, in conformity with this title or other applicable ordinances, reverse or affirm, wholly or in part, or modify the order, requirement,

decision or determination appealed from, and may rule on the order, requirement, decision or determination as necessary. To that end, the hearing examiner shall have all the power of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned.

4. The decision of the hearing examiner on an administrative appeal shall be final and conclusive.

B. Appeal of Variances.

1. There shall be no administrative appeal of the hearing examiner's decision on a requested variance under this chapter.

2. The ((city engineer))floodplain manager shall maintain the records of all variances granted under this chapter and shall report any variances to the Federal Insurance Administrator upon request.

C. Judicial Appeal. Appeals from the final decision of the hearing examiner under this chapter shall be made to Snohomish County superior court in accordance with Chapter 36.70C RCW.

Section 12. 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 22. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 11th day of December, 2018.

First Reading: December 11, 2018
Adoption: December 11, 2018
Published: December 14, 2018
Effective: December 19, 2018

CITY OF MONROE, WASHINGTON:



Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Adkisson, MMC, City Clerk



J. Zachary Lell, City Attorney