



McCleary City Council Workshop Agenda

March 15th, 2017 5:00 PM

Flag Salute

Roll Call: ___ Pos. 1- Orffer, ___ Pos. 2-Richey , ___ Pos. 3- Peterson, ___ Pos. 4- Blankenship, ___ Pos. 5- Ator

Definitions and Non Conforming

Tab A Amend MMC Zoning Code Definitions

Tab B Non Conforming Use and Structures

Committees

Tab C Committees- Public Works, Public Safety

Municipal Code Updates

Tab D 10.20 Parking

Tab E Title 6

Tab F 8.16 Nuisance

Policies

Tab G Financial Policies

Incentives

Tab H Discussion Developer Incentives

Please turn off Cell Phones- Thank you

Americans with Disabilities Act (ADA) Accommodation is Provided Upon Request

The City of McCleary is an equal opportunity provider and employer.

La ciudad de McCleary es un proveedor de igualdad de oportunidades y el empleador

Version "A" update

17.12 Definitions

4. ~~"Hospital" means an institution specialized in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities in surgery, obstetrics, and general medical practice.~~

"Hospital" means any institution, place, building, or agency which qualifies as fitting within the definition of hospital as set forth in RCW 70.41.020[7], as now existing or hereafter amended.

"Residential treatment facility" means any facility to which the definition contained within WAC 246-337-005, as now existing or hereafter amended or succeeded, is applicable and is required by state law to have a license issued by the State to operate as such a facility.

17.36 Nonconforming Uses, Lots and Structures

17.36.010 Purpose.

17.36.020 Nonconforming uses and structures.

17.36.030 Nonconforming lots.

17.36.040 Nonconforming off-street parking.

17.36.010 Purpose.

Uses, structures and lots legally established before the adoption of this zoning ordinance may not conform to all of its requirements.

(Ord. 709 § 1 (part), 2004)

17.36.020 Nonconforming uses and structures.

In order not to cause undue economic hardship to owners of property, nonconforming uses and structures shall continue under the following conditions:

A. Existing nonconforming structures or uses cannot be enlarged or altered so as to increase their nonconformity; except, however, that owners of nonconforming dwelling units in the C-1 zoning district shall have the right to maintain, improve, or expand their properties;

B. An existing nonconforming structure and its equipment or fixtures may be repaired if the value of the repair does not exceed fifty percent of the assessed value of the structure as determined by the county assessor for the year in which the work is to be done;

C. An existing nonconforming structure that is destroyed by fire or calamity more than fifty percent of its replacement value, as determined by the building official, may be reconstructed to its original size, shape, configuration, and in conformance with the building code if reconstruction commences within three years of the damage, unless extended by the city council; and

D. If a nonconforming use is discontinued for four years or more, then that nonconforming use is no longer legal and subsequent uses and structures shall conform to this chapter.

(Ord. 709 § 1 (part), 2004)

17.36.030 Nonconforming lots.

A. Any lot that existed before the effective date of the ordinance codified in this chapter and which is nonconforming as to area or dimension as required by the zoning district, is a legal building lot provided:

1. The lot has at least twenty feet of frontage on a public street or access to a public street by way of an easement or similar document on record with the county auditor;

2. The lot satisfies all other regulations for the district and all other rules and regulations of the city.

(Ord. 709 § 1 (part), 2004)

17.36.040 Nonconforming off-street parking.

Any use existing before the adoption of the ordinance codified in this chapter that is nonconforming regarding the table of required spaces in Section 17.28.060(D) of this code and intends to expand shall be required to conform to the number of spaces required only for the expanded area.

(Ord. 709 § 1 (part), 2004)

Version "B" update

4. ~~"Hospital" means an institution specialized in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities in surgery, obstetrics, and general medical practice.~~

"Hospital" means any institution, place, building, or agency which qualifies as fitting within the definition of hospital as set forth in RCW 70.41.020[7], as now existing or hereafter amended.

"Residential treatment facility" means any facility to which the definition contained within WAC 246-337-005, as now existing or hereafter amended or succeeded, is applicable and is required by state law to have a license issued by the State to operate as such a facility.

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~~A. Existing nonconforming structures or uses cannot be enlarged or altered so as to increase their nonconformity; except, however, that owners of nonconforming dwelling units in the C-1 zoning district shall have the right to maintain, improve, or expand their properties;~~

A. General Limitation: Existing nonconforming structures or uses cannot be enlarged or altered so as to increase their nonconformity with the provisions of the zoning classification within

which they are located subject to the following provisions in relation to modification, repair or replacement set forth in the following sub-sections Band C.

~~B. — An existing nonconforming structure and its equipment or fixtures may be repaired if the value of the repair does not exceed fifty percent of the assessed value of the structure as determined by the county assessor for the year in which the work is to be done;~~

- B. Non-residential Building or Structure:** An existing nonconforming non-residential building or structure that is damaged or destroyed by natural, accidental or malicious causes to the extent of more than fifty percent of its replacement value, as determined by the building official, may be reconstructed to its original size, shape, configuration, and in conformance with the building code if reconstruction commences within ___ year/s of the damage, unless extended by the city council. Reconstruction must commence within one year of the fire or event which caused the damage and be complete within two years after commencement of construction. The landowner may apply in writing to the City Council for an extension of the time period within which to commence construction or complete reconstruction, such request being required to be [a] submitted to the Office of the Clerk-treasurer during the initial period and [b] approved by City Council in order to be allowed to utilize the modified time period.

2. The owner of a non-residential structure or building may make modifications or improvements to the building or structure so long as [a] such modifications or improvements do not expand or modify its original size or exterior size or configuration and [b] such modifications or improvements do not significantly increase the degree of non-conformance.

~~C. — An existing nonconforming structure that is destroyed by fire or calamity of more than fifty percent of its replacement value, as determined by the building official, may be reconstructed to its original size, shape, configuration, and in conformance with the building code if reconstruction commences within three years of the damage, unless extended by the city council; and~~

C. Residential:

- 1. An existing nonconforming residential building or structure that is damaged or destroyed by natural, accidental, or malicious causes may be reconstructed to its original size, shape, configuration, and in conformance with the building code if reconstruction commences within year/s of the event causing the damage, unless extended by the City Council. The landowner may apply in writing to the City Council for an extension of the time period within which to commence construction or complete reconstruction, such request being required to be [a] submitted to the Office of the Clerk-treasurer during the initial period and [b] approved by City Council in order to be allowed to utilize the modified time period.**
- 2. The owner of a residential structure or building may remove the existing structure or building and replace it with a new residential structure or building so long as all permits are obtained, the project meets all provisions of any applicable building code, and the entire project is**

completed within _____ months of the commencement of the demolition of the existing building or structure.

~~_____ D. _____ If a nonconforming use is discontinued for four years or more, then that nonconforming use is no longer legal and subsequent uses and structures shall conform to this chapter.~~

~~(Ord. 709 § 1 (part), 2004)~~

D. If a nonconforming use is discontinued for one year or more for reasons other than those which make the provisions of Sections B and C applicable, then that nonconforming use is no longer legal and subsequent uses and structures shall conform to this title

17.36.030 Nonconforming lots.

A. Any lot that existed before the effective date of the ordinance codified in this chapter and which is nonconforming as to area or dimension as required by the zoning district, is a legal building lot provided:

1. The lot has at least twenty feet of frontage on a public street or access to a public street by way of an easement or similar document on record with the county auditor;
2. The lot satisfies all other regulations for the district and all other rules and regulations of the city.

(Ord. 709 § 1 (part), 2004)

17.36.040 Nonconforming off-street parking.

Any use existing before the adoption of the ordinance codified in this chapter that is nonconforming regarding the table of required spaces in Section 17.28.060(D) of this code and intends to expand shall be required to conform to the number of spaces required only for the expanded area.

(Ord. 709 § 1 (part), 2004)

Version "C" update

4. ~~"Hospital" means an institution specialized in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities in surgery, obstetrics, and general medical practice.~~

"Hospital" means any institution, place, building, or agency which qualifies as fitting within the definition of hospital as set forth in RCW 70.41.020[7], as now existing or hereafter amended.

"Residential treatment facility" means any facility to which the definition contained within WAC 246-337-005, as now existing or hereafter amended or succeeded, is applicable and is required by state law to have a license issued by the State to operate as such a facility.

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A. Existing nonconforming structures or uses cannot be enlarged or altered so as to increase their nonconformity; except, however, that owners of nonconforming dwelling units in the C-1 zoning district shall have the right to maintain, improve, or expand their properties;

B. An existing nonconforming structure and its equipment or fixtures may be repaired if the value of the repair does not exceed fifty percent of the assessed value of the structure as determined by the county assessor for the year in which the work is to be done;

C. An existing nonconforming structure that is destroyed by fire or calamity more than fifty percent of its replacement value, as determined by the building official, may be reconstructed to its original size, shape, configuration, and in conformance with the building code if reconstruction commences within three years of the damage, unless extended by the city council; and

D. If a nonconforming use is discontinued for ~~four~~ **three** years or more, then that nonconforming use is no longer legal and subsequent uses and structures shall conform to this chapter.

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(Ord. 709 § 1 (part), 2004)

Version "D" update

4. ~~"Hospital" means an institution specialized in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities in surgery, obstetrics, and general medical practice.~~

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B. **Subject to the limitations set forth in the restrictions in subparagraph A, an** existing nonconforming structure and its equipment or fixtures may be repaired **or improved** if the value of the repair **or improvement** does not exceed fifty percent of the assessed value of the structure as determined by the county assessor for the year in which the work is to be done;

C. An existing nonconforming structure that is ~~destroyed by fire or calamity~~ **damaged or destroyed by natural, accidental, or malicious causes, including by fire, storm, or earthquake, to the extent** of more than fifty percent of its replacement value, as determined by the building official, may be reconstructed to its original size, shape, configuration, and in conformance with the building code if reconstruction commences within three years of the damage, unless extended by the city council; and

D. If a nonconforming use is discontinued for ~~four~~ **three** years or more, then that nonconforming use is no longer legal and subsequent uses and structures shall conform to this chapter.

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(Ord. 709 § 1 (part), 2004)

ORDINANCE NO. _____

**AN ORDINANCE RELATING TO ZONING,
AMENDING SECTIONS 17.12.010 and 17.36.020
MMC, PROVIDING AN EFFECTIVE DATE AND FOR
SEVERABILITY & CORRECTION.**

R E C I T A L S:

1. The provisions of the City's Uniform Development Code, as codified in Title 17 of the Municipal Code, govern the land use within the corporate limits.

2. An ambiguity has been found which merits change so as to insure consistency of application with the provisions of state law, as now existing or hereafter amended or succeeded.

3. The Council referred the issues to the Hearing Examiner as authorized by the Municipal Code. The Examiner, after giving of the required public notice, held a public hearing. The Examiner has submitted his Report and Recommendations. Contained within that document were recommendations both as to clarification of the definitional provisions of Section 17.20.010, as well as recommendations as

to appropriate action as to clarifications as to the applicability of the non-conforming use provisions of Chapter 17.36.

4. Upon receipt of the Report and Recommendations, the Council chose to waive any further open record hearings, has adopted the Recommendations, and has chosen to adopt the modifications in definitions and clarify the applicability of the non-conforming utilization provisions of the Code.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY:

SECTION I: Section 17.12.010 and Section I, Ordinance 709, as last amended by Section II, Ordinance 795, shall be amended in the following respects:

Subsection "H": The definition of "hospital" currently existing shall be removed and replaced with the following definition:

"Hospital" means any institution, place, building, or agency which qualifies as fitting within the definition of hospital as set forth in RCW 70.41.020[7], as now existing or hereafter amended.

Subsection "R": The following definition shall be added to that subsection:

"Residential treatment facility" means any facility to which the definition contained within WAC 246-337-005, as now existing or hereafter amended or succeeded, is applicable and is required by state law to have a license issued by the State to operate as such a facility.

SECTION II: Section 17.36.020 MMC is amended to read as follows:

In order not to cause undue economic hardship to owners of property, nonconforming uses and structures shall continue under the following conditions. For purposes of interpretation, "residential building or structure" shall be deemed to include both single family and multi-family buildings or structures.

A. Existing nonconforming structures or uses cannot be enlarged or altered so as to increase their nonconformity; except, however, that owners of nonconforming dwelling units in the C-1 zoning district shall have the right to maintain, improve, or expand their properties;

B. An existing nonconforming structure and its equipment or fixtures may be repaired if the value of the repair does not exceed fifty percent of the assessed value of the

structure as determined by the county assessor for the year in which the work is to be done;

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D. If a nonconforming use is discontinued for three (~~four~~) years or more, then that nonconforming use is no longer legal and subsequent uses and structures shall conform to this chapter.

SECTION III: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance

should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION IV: This Ordinance shall take effect upon the fifth day following date of publication.

SECTION V: Corrections by the Clerk-treasurer or Code Reviser. Upon approval of the Mayor and City Attorney, the Clerk-treasurer and the Code Reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance number and section/subsection numbering.

PASSED THIS _____ DAY OF _____, 2017, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of _____, 2017.

CITY OF McCLEARY:

BRENT SCHILLER, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON)
 : ss.
GRAYS HARBOR COUNTY)

I, WENDY COLLINS, being the duly appointed Clerk-Treasurer of the City of McCleary, do certify that I caused to have published in a newspaper of general circulation in the City of McCleary a true and correct summary of Ordinance Number _____ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number _____, as it was published, is on file in the appropriate records of the City of McCleary.

WENDY COLLINS

SIGNED AND SWORN to before me this _____ day of _____, 2017, by WENDY COLLINS.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, Residing at:
My appointment expires:

ORDINANCE NO. _____

**AN ORDINANCE RELATING TO ZONING,
AMENDING SECTIONS 17.12.010 and 17.36.020
MMC, PROVIDING AN EFFECTIVE DATE AND FOR
SEVERABILITY & CORRECTION.**

R E C I T A L S:

1. The provisions of the City's Uniform Development Code, as codified in Title 17 of the Municipal Code, govern the land use within the corporate limits.

2. An ambiguity has been found which merits change so as to insure consistency of application with the provisions of state law, as now existing or hereafter amended or succeeded.

3. The Council referred the issues to the Hearing Examiner as authorized by the Municipal Code. The Examiner, after giving of the required public notice, held a public hearing. The Examiner has submitted his Report and Recommendations. Contained within that document were recommendations both as to clarification of the definitional provisions of Section 17.20.010, as well as recommendations as

to appropriate action as to clarifications as to the applicability of the non-conforming use provisions of Chapter 17.36.

4. Upon receipt of the Report and Recommendations, the Council chose to waive any further open record hearings, has adopted the Recommendations, and has chosen to adopt the modifications in definitions and clarify the applicability of the non-conforming utilization provisions of the Code.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY:

SECTION I: Section 17.12.010 and Section I, Ordinance 709, as last amended by Section II, Ordinance 795, shall be amended in the following respects:

Subsection "H": The definition of "hospital" currently existing shall be removed and replaced with the following definition:

"Hospital" means any institution, place, building, or agency which qualifies as fitting within the definition of hospital as set forth in RCW 70.41.020[7], as now existing or hereafter amended.

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A. Existing nonconforming structures or uses cannot be enlarged or altered so as to increase their nonconformity; except, however, that owners of nonconforming dwelling units in the C-1 zoning district shall have the right to maintain, improve, or expand their ((~~properties~~)) non-conforming structure so long as such action does not increase the extent of non-compliance with any lot set back requirements established by the municipal code;

B. Subject to the limitations set forth in the restrictions in subparagraph A, an existing nonconforming structure and its equipment or fixtures may be repaired or improved if the value of the repair or improvement does not exceed fifty percent of the assessed value of the structure as determined by the county assessor for the year in which the work is to be done;

C. An existing nonconforming structure that is (~~destroyed by fire or calamity~~) damaged or destroyed by natural, accidental, or malicious causes, including by fire, storm, or earthquake, to the extent of more than fifty percent of its replacement value, as determined by the building official, may be reconstructed to its original size, shape, configuration, and in conformance with the building code if reconstruction commences within three years of the damage, unless extended by the city council; and

D. If a nonconforming use is discontinued for (~~four~~) three years or more, then that nonconforming use is no longer legal and subsequent uses and structures shall conform to this chapter.

SECTION III: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be

invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION IV: This Ordinance shall take effect upon the fifth day following date of publication.

SECTION V: Corrections by the Clerk-treasurer or Code Reviser. Upon approval of the Mayor and City Attorney, the Clerk-treasurer and the Code Reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance number and section/subsection numbering.

PASSED THIS _____ DAY OF _____,
2017, by the City Council of the City of McCleary, and signed in

approval therewith this _____ day of _____,
2017.

CITY OF McCLEARY:

BRENT SCHILLER, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON)
 : ss.
GRAYS HARBOR COUNTY)

I, WENDY COLLINS, being the duly appointed Clerk-Treasurer of the City of McCleary, do certify that I caused to have published in a newspaper of general circulation in the City of McCleary a true and correct summary of Ordinance Number _____ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number _____, as it was published, is on file in the appropriate records of the City of McCleary.

WENDY COLLINS

SIGNED AND SWORN to before me this _____ day of
_____, 2017, by WENDY COLLINS.

NOTARY PUBLIC IN AND FOR THE STATE OF
WASHINGTON, Residing at:
My appointment expires:

SECTION R108 FEES

R108.1 Payment of fees. A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

R108.3 Building permit valuations. Building *permit* valuation shall include total value of the work for which a *permit* is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor.

R108.4 Related fees. The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

R108.5 Refunds. The *building official* is authorized to establish a refund policy.

R108.6 Work commencing before permit issuance. Any person who commences work requiring a *permit* on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required *permit* fees.

SECTION R104

DUTIES AND POWERS OF THE BUILDING OFFICIAL

R104.1 General. The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

R104.2 Applications and permits. The *building official* shall receive applications, review *construction documents* and issue *permits* for the erection and *alteration* of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

R104.3 Notices and orders. The *building official* shall issue necessary notices or orders to ensure compliance with this code.

R104.4 Inspections. The *building official* shall make the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *build-*

ing official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

R104.5 Identification. The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

R104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the *building official* or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner, the owner's authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

R104.7 Department records. The *building official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

R104.8 Liability. The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the *jurisdiction* in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

R104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the *jurisdiction* until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

R104.9 Approved materials and equipment. Materials, *equipment* and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

R104.9.1 Used materials and equipment. Used materials, *equipment* and devices shall not be reused unless *approved* by the *building official*.

R104.10 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifica-

tions for individual cases, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

R104.10.1 Flood hazard areas. The *building official* shall not grant modifications to any provisions required in flood hazard areas as established by Table R301.2(1) unless a determination has been made that:

1. There is good and sufficient cause showing that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section R322 inappropriate.
2. Failure to grant the modification would result in exceptional hardship by rendering the lot undevelopable.
3. The granting of modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. The modification is the minimum necessary to afford relief, considering the flood hazard.
5. Written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and stating that construction below the design flood elevation increases risks to life and property, has been submitted to the applicant.

R104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of the International Codes shall be an alternative to the specific requirements of this code. Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons why the alternative was not *approved*.

R104.11.1 Tests. Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall

have the authority to require tests as evidence of compliance to be made at no expense to the *jurisdiction*. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved* agency. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

Overview

Council committees are policy review and discussion arms of the city/county council that have been created to assist the council in examining issues that may come before it in greater depth and detail. Committees study issues and develop recommendations for consideration by the council. Committees do not take binding action on behalf of the city/county.

Two types of committees exist at the local level:

- Standing committees are permanent bodies with jurisdiction over specific ongoing policy areas such as finance and public safety.
- Ad hoc committees are temporary committees established to investigate and advise on more short-term issues and problems.

While there is no statute that specifically addresses the establishment and operation of internal city council committees, MRSC believes the authority for this can be found in RCW 35A.12.120, which provides, in part: "The council shall determine its own rules and order of business and may establish rules for the conduct of council meetings and the maintenance of order." Under this authority, the city council may enact rules and regulations to govern the conduct and operations of the city council. This authority includes the ability to determine if and when standing committees will be utilized, what the committees will be, how they will conduct their business, and how their members will be appointed.

Here are a few examples of committees in other neighboring Cities.

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- (1) Regulatory. For matters involving finance, ways and means, and special assessments;
- (2) Public Safety and Law. For matters involving police, fire, ambulance, the judiciary, municipal code review, licensing, and health;
- (3) Public Utilities. For matters involving property and building, municipal projects, streets, wharves, bridges, water, public lighting, and environmental quality;

Raymond

A. Finance Committee. The primary purpose of the finance committee is to review and advise the city council upon all matters involving financial affairs of the city, including the review of vouchers for payment, capital and financial planning, financial tracking and reports, and such other matters as may be assigned to this committee.

B. Public Health and Safety Committee. The primary purpose of this committee is to review and advise the city council upon all matters of policy involving public health, welfare, and safety pertaining to the city, including public health, animal control, fire and police protection and law enforcement, and such other matters as may be assigned to this committee.

C. Public Works and Community Development Committee. The primary purpose of this committee is to review and advise the city council on all matters of policy related to water, sewer, streets, storm drainage, sanitation, parks, city buildings and facilities, as well as planning policies including the

comprehensive plan, shoreline management plan, development codes, environmental quality, economic development, downtown revitalization, and such other matters as may be assigned to this committee.

ORDINANCE NO. 203

AN ORDINANCE ESTABLISHING RULES FOR THE CONDUCT OF THE PROCEEDINGS OF THE COUNCIL OF THE TOWN OF McCLEARY AND AMENDING AND REPEALING SECTIONS OF ORDINANCE NO. 2 ADOPTED ON MARCH 2, 1943.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF McCLEARY:

SECTION I. Section 6 of Ordinance No. 2 is hereby amended to read as follows:

The mayor or any councilman may call any member to order for transgressing any rule governing the procedures of the council. The member so called to order shall immediately cease his transgression of the rules, unless permitted by the council to make an explanation, and the council, if appealed to, shall decide the question of order, including if the council sees fit, the temporary suspension of the rules involved.

SECTION II. Section 7 of Ordinance No. 2 is hereby amended to read as follows:

An appeal from the decision of the mayor upon any question shall be allowed and put to a vote upon the demand of any one member.

SECTION III. Section 9 of Ordinance No. 2 is hereby amended to read as follows:

Every member present when a question is put to a vote shall vote "aye", "nay", or may "abstain." The mayor or acting mayor shall vote only in the event of a tie.

SECTION IV. Section 12 of Ordinance No. 2 is hereby amended to read as follows:

Upon the call of any member, the ayes, nays, and abstentions upon any question shall be recorded upon the journal but such call shall not preclude amendments before the main question is put.

SECTION V. Section 13 of Ordinance No. 2 is hereby amended to read as follows:

The mayor or any member shall have the liberty to protest against any ordinance or resolution which he may deem injurious to the public or any individual, and have the reasons for his protests entered upon the journal.

SECTION VI. Section 18 of Ordinance No. 2 is hereby amended to read as follows:

When a question is under debate, no motions shall be entertained except privileged, incidental, and subsidiary motions as listed in "Roberts Rules of Order, New Revised", which motions shall have precedence in the order here given.

SECTION VII. Section 19 of Ordinance No. 2 is hereby amended to read as follows:

All ordinances shall be read three times, and upon the passage thereof, the vote thereon shall be taken by ayes and nays and abstentions, and entered upon the journal. When an ordinance is introduced it shall be read in full one time and no more at the meeting at which it is introduced, and this rule may be suspended for the time only by a vote of the majority of the members present. The object of an ordinance shall be briefly expressed in its title, and no ordinance shall be revived or amended by its title only; but any ordinance section or sections of any ordinance amended shall be inserted at length in the ordinance reviving or amending the same. All ordinances shall be posted in three public places in the town for a period of seven days before being in force and effect.

SECTION VIII. Section 20 of Ordinance No. 2 is hereby amended to read as follows:

Members of council committees shall be appointed by the mayor, subject to confirmation by the council, PROVIDED, That the council may order committee memberships determined by or on some other basis at its pleasure.

SECTION IX. Section 21 of Ordinance No. 2 is hereby amended to read as follows:

All council standing committees shall be established by the council as it may from time to time determine, and membership of said committees shall consist of three councilmen unless otherwise ordered by the council.

SECTION X. Section 24 of Ordinance No. 2 is hereby amended to read as follows:

Charges against any officer of the town shall be in writing and verified by written affidavit. Charges, having been read, shall either be investigated by the council as a committee of the whole, laid on the table, or referred to a committee, as the council may determine.

SECTION XI. Section 25 of Ordinance No. 2 is hereby amended to read as follows:

When a member is about to speak, he shall address the mayor by his title, and when more than one member claims the floor at the same time, the mayor shall pronounce the name of the member entitled to the floor, provided all members seeking recognition shall eventually be recognized, subject to "Roberts Rules of Order, New Revised."

SECTION XII. Section 28 of Ordinance No. 2 is hereby amended to read as follows:

The rules of practice set forth in "Roberts Rules of Order, New Revised" shall govern this council in all matters to which they are applicable when not inconsistent with the Constitution and Laws of the State of Washington, these rules, or any ordinances of the town or order of this council.

SECTION XIII. Sections 22 and 29 of Ordinance No. 2 are hereby repealed.

PASSED AND APPROVED this 1st day of May, 1972.

ATTEST:


Clerk-Treasurer


M A Y O R

10.20 Parking

10.20.010 House trailers.

No house trailer shall be parked or stationed upon the public streets, alleys or other public property of the city after nightfall or for a longer period than three consecutive hours during daylight unless the owner or operator of such house trailer, or some person in his behalf, procure the consent of the chief of police of the city for such parking or stationing of the house trailer and the location thereof. In case any person shall propose to park or station a house trailer on the streets, alleys or other public property so that it constitutes a danger to the public or an obstruction of the public property, the chief of police shall designate a safe parking or stationing location on the public property for such house trailer and it shall thereafter while in McCleary be parked or stationed at such location. Any person failing to comply with this section or to carry out the lawful orders of the chief of police issued pursuant to its provisions shall be guilty of a misdemeanor.

(Ord. 138 § 1, 1955)

General parking prohibitions

A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. On a sidewalk or planting strip;
2. In front of a public or private driveway or within five feet of the curb radius leading thereto, except in the parking meter zone or elsewhere where official parking meters, signs or pavement markings designate a parking space nearer a driveway;
3. Within an intersection;
4. Within six hundred feet of any place in the city where a fire is in progress;
5. On a crosswalk;
6. Within thirty feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway, except where signs or pavement markings designate a parking space nearer such beacon, sign or signal;
7. Within thirty feet of the nearest rail of a railroad crossing;
8. Within twenty feet of a crosswalk at an intersection except where signs or pavement markings designate a parking space nearer a crosswalk;
9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
10. On the roadway side of any vehicle stopped or parked at the edge or curb of a street (double parking);
11. Upon any bridge or other elevated structure upon a highway;
12. At any place where official signs prohibit stopping;
13. Within fifteen feet of any fire hydrant;

14. On any street in such manner as to block or interfere with the free use of the street, or any alley or driveway;
15. Within thirty feet of a posted bus stop sign;
16. In any marked or designated bus zone; and
17. Along one side of a street or highway in a direction opposite to the traffic flow (facing the wrong direction).
18. Alongside yellow curb or yellow stripe.
19. Within or blocking any alley.

B. Penalties for Violation. Vehicles found in violation of this section, except subsection A14 of this section, shall incur an infraction of seventy-five and no/100 dollars (\$75.00). A second infraction, without the vehicle being moved, shall constitute a second restricted parking fine of seventy-five and no/100 dollars (\$75.00), and a third infraction, without the vehicle being moved, shall constitute a third restricted parking fine of seventy-five and no/100 dollars (\$75.00).

1 **6.03 Definition of terms.**

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3 As used in this chapter, unless the context indicates otherwise:

4 “Abandon” means the knowing or reckless desertion of an animal by its owner or the causing of
5 the animal to be deserted by its owner, in any place, without making provisions for the animal’s
6 adequate care. An animal left without adequate care for three or more days shall be prima facie
7 evidence that the animal has been abandoned.

8 “Animal” includes but is not limited to dogs and cats.

9 “Animal control authority” refers to the joint power authority of the Building Department and
10 Police Department to implement and provide animal control and sheltering services within the
11 respective city.

12 “Animal control officer” refers to that person employed by or designee of the Chief of Police, to
13 enforce the provisions of this title.

14 “At Heel”. A dog shall be deemed to be “at heel” during such times as the dog is positioned and
15 controlled in such a manner so as to remain within a distance of two feet from its owner or other
16 competent person having charge of such dog.

17 “At large” means off the premises of the owner or upon the public streets, alleys, public grounds,
18 school grounds or parks within the city. A dog shall not be deemed at large if:

- 19 1. It is attached to a leash or chain of sufficient strength to restrain the dog and not more
20 than eight feet in length, when said leash or chain is held by a person competent to
21 restrain and control the dog off the owner’s premises;
- 22 2. It is properly restrained within a motor vehicle or housed in a veterinary hospital;
- 23 3. It is accompanied by and at heel beside the owner or a competent responsible person;
- 24 4. The dog or dogs are left unattended on the owner’s premises, and it or they shall be so
25 confined, tied or restrained as to be unable to range beyond the owner’s premises.

26 “Cat” means and includes female, spayed female, male and neutered male cats.

27 “Commercial kennel” means any lot, premises, building or structure where six or more dogs, cats,
28 and/or household pets over the age of six months of age are kept.

29 “Competent person” means any person who, by reason of age and physical ability, and training, is
30 capable of maintaining control of an animal to the extent required by this chapter.

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35 “Dangerous animal” means any animal that:

36 A. Has inflicted severe injury on a human being without provocation; or

37 B. Has killed a domestic or livestock animal without provocation; or

38 C. Has been found to be potentially dangerous and the animal aggressively bites, attacks,
39 or endangers the safety of humans or domestic animals.

40 “Dog” means and includes female, spayed female, male and neutered male dogs.

41 “Domestic animal” means a tame animal in the house or home, or on the property, living with or
42 used by people for companionship, work and/or a food source.

43 “Exotic animal” means any animal that is not native or usually found in the United States

44 “Health officer” includes any person designated as such by the City of McCleary, or any other
45 person designated as such by the city council.

46 “Household pets” means any dogs, cats, rabbits, chickens (except for roosters), ducks, geese,
47 pigeons, or other similar domestic animals over the age of six months.

48 “Livestock” includes, but is not limited to, horses, mules, ponies, cattle, sheep, pigs, hogs, goats,
49 llamas, fowl, oxen or other hoofed animals kept or raised on a farm, ranch or other spread of land
50 which are raised for home use, profit or hobby.

51 “Owner” means any person, firm, corporation, organization, or department possessing,
52 harboring, keeping, having an interest in, or having control or custody of an animal for three
53 consecutive days or more. An animal is deemed to be harbored if it is fed or sheltered for three
54 consecutive days or more and knowingly permitted to remain on the premises occupied by that
55 person. If the owner of the animal is a juvenile, a parent or other custodian of such juvenile shall,
56 for the purposes of this chapter, be treated as the owner of the animal.

57 “Person” includes any person, partnership, corporation, trust or association of persons.

58 “Potentially dangerous animal” means any animal that, without provocation, inflicts injury on a
59 human or a domestic animal or livestock either on public or private property, other than that of
60 the property owner; or chases or approaches a person upon the streets, sidewalks, or any public
61 grounds in a menacing fashion or apparent attitude of attack, or any animal with a known
62 propensity, tendency or disposition to attack without provocation, to cause injury, or otherwise
63 to threaten the safety of humans or domestic animals.

64 “Poundmaster” means the Chief of Police appointed by the City of McCleary, authority for the
65 enforcement of animal control laws and regulations. The poundmaster may include or employ
66 animal control officer(s).

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71 “Proper enclosure” means, while on the owner’s property, a dangerous, or potentially dangerous
72 animal shall be securely confined indoors or in an outside securely enclosed and locked pen or
73 structure, resistant to tunneling, suitable to prevent the entry of young children and designed to
74 prevent the animal from escaping. Such pen or structure shall have secure sides not less than five
75 feet high and a secure top, and shall provide protection from the elements for the animal. The
76 requirement for a secure top on the enclosure may be waived by the poundmaster upon showing
77 that it is unnecessary.

78 This definition shall not apply to guard dogs or watch dogs utilized to secure premises enclosed by
79 a fence or wall not less than five feet high and resistant to tunneling, located within an industrial
80 or commercial zone.

81 “Severe injury” means any physical injury that results in death, broken bones or lacerations
82 requiring one or more sutures or cosmetic surgery.

83 “Show dog or cat” means any dog or cat that meets the requirements as a certified/registered
84 show dog or cat.

85 “Veterinary hospital” means a public establishment regularly maintained and operated by a
86 licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals.

87 “Welfare check” means tending to the well-being of an animal.

88 “Wild animal” means any animal living in its natural state and native to the United States and not
89 normally domesticated, raised, or bred by humans.

90 “Wolf” means any of various forms of a species (Canis lupus).

91 Whenever a power is granted to, or a duty is imposed upon, the poundmaster or animal control
92 officer or other public officer, the power may be exercised or the duty performed by an agent of
93 the officer or by any person duly authorized unless this chapter expressly provides otherwise.

94 All other words or phrases used in this chapter will have their commonly accepted meanings.

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106 6.04 Animals Running at Large

- 107) ~~6.04.010 At large defined.~~ Stray animal a nuisance
- 108) ~~6.04.020 Unlawful activity.~~ Animals injuring property unlawful.
- 109) 06.04.025. Impounding of animals.
- 110) ~~6.04.030 Apprehension of animal— Notification of owner.~~ Notice of impounding.
- 111) 6.04.035 Redemption of impounded animal.
- 112) 6.04.040 Keeping of apprehended animals.
- 113) ~~6.04.050 Disposal provisions.~~ Disposition of unclaimed animals.
- 114) ~~6.04.060 Violation—Penalty.~~ Interference with officers – Failure to redeem – Frauds.
- 115) 6.04.070 Warning tickets
- 116) 6.04.080 Violation tickets.
- 117) 6.04.090 Destruction of animals.

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119 ~~6.04.010 At large defined.~~

120 An animal or poultry is at large, within the meaning of this chapter, when such animal or poultry is without
121 restraint or confinement, or is not efficiently controlled.

122 (Ord. 12 § 4, 1943)

123 6.04.010 Stray animal a nuisance.

124 Any stray dog, cat or animal running at large within the city is declared to be a nuisance, and any such
125 stray dog, cat or animal may be seized and impounded. For the purpose of this section, “stray dog” or
126 “stray animal” means and includes any dog, cat or animal appearing or remaining in a neighborhood or
127 any public place at large.

128 ~~6.04.020 Unlawful activity.~~

129 It is unlawful for horses, cattle, goats, sheep or swine, of any age, nature, sex or kind whatsoever, or any
130 chickens, turkeys, geese or ducks, to run at large within the city, and any person owning or having in
131 charge any such animal or poultry, and permitting the same to run at large within the said limits, shall be
132 deemed guilty of a misdemeanor.

133 (Ord. 425 § 1, 1982; Ord. 12 § 1, 1943)

134 6.04.020 Animals injuring property unlawful.

135 It is unlawful for any owner to suffer or permit any dog, cat or other animal to trespass on private or public
136 property so as to damage or destroy any property or thing of value, to kill, maim or disfigure another’s
137 animal or livestock or to deposit fecal matter on any property not that of his owner, and the same is
138 declared to be a nuisance and any such dog, cat or other animal may be seized and impounded.

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141 **06.04.025. Impounding of animals.**

142 Any animal off the premises of the owner and not under the control of some person, or which is otherwise
143 in violation of this chapter and subject to impound, shall be impounded. All animals impounded will be
144 subject to receiving DHLP, Parvo, and Bordetella vaccinations. Reimbursement of vaccination cost will be
145 at the expense of the owner

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147 **6.04.030 Apprehension of animal— Notification of owner.**

148 ~~It shall be, and it is made, the duty of the city marshal or any deputy marshal, of the city, or any officer~~
149 ~~especially appointed for that purpose, to apprehend and take into custody any and all such animals and~~
150 ~~poultry so found running at large within the city limits and as soon as may be thereafter such officer shall~~
151 ~~notify the owner or person having in charge any such animal or poultry that the same has been taken in~~
152 ~~charge by him; and the owner of such animal or the person entitled to the same, may recover the same~~
153 ~~from the city by paying the necessary costs and charge of taking and holding such animal or poultry~~
154 ~~including the cost of keeping and feeding the same, and by further paying to the city the sum of thirty~~
155 ~~dollars as a penalty for permitting the violation of this chapter.~~

156 ~~{Ord. 425 § 2, 1982; Ord. 12 § 2, 1943}~~

157 **6.04.030 Notice of impounding.**

158 Upon seizing and impounding of any dog, cat or other animal, the poundmaster shall give notice of such
159 impounding in substantially the following manner:

160 A. If the animal is licensed and is wearing a license tag, or if the identity of the owner is known to or can
161 readily be determined by the poundmaster, then, as soon as reasonably practicable after the animal is
162 impounded, the poundmaster shall notify the owner by telephone or otherwise that the animal has been
163 impounded and may be redeemed as provided in this chapter.

164 B. If the owner cannot be readily identified, then the poundmaster shall post notice at the animal control
165 agency in a conspicuous location. Notice shall state the description of the animal and location where the
166 animal was found.

167 **6.04.035 Redemption of impounded animal.**

168 A. Unless this chapter requires impounding for a longer period of time, any impounded animal may be
169 redeemed by the owner, or authorized representative of the owner, by payment to the poundmaster of an
170 impounding fee of \$35.00 for the first offense, \$50.00 for the second offense, and \$100.00 for the third
171 offense and any subsequent offense, and a boarding fee of \$10.00 for each calendar day, whole or part,
172 the animal has been confined. If the impounded animal has no valid license tag and one is required, they
173 shall also obtain a license tag for the current year or duplicate tag in accordance with the provisions of this
174 chapter. If unlicensed, proof of current rabies vaccination must be produced or the license shall be held
175 until such proof is presented. If proof is not presented within 10 days, it shall be another separate violation
176 of this chapter for each day over 10 days that proof is not presented.

177 B. Upon receiving payment of all fees due, the poundmaster shall execute a receipt in duplicate therefor,
178 and a copy shall be delivered to the owner, upon which the owner shall acknowledge delivery of the
179 animal. A copy shall be retained by the poundmaster.

180 C. If the animal has been declared potentially dangerous or dangerous, the owner must also obtain a
181 permit in accordance with MMC 6.12.040 before such animal can be redeemed by the owner.

182 **6.04.040. Keeping of apprehended animals.**

183 The city council shall by resolution provide a pound or proper place for keeping any such animals or
184 poultry so taken up.

185 (Ord. 12 § 5, 1943)

186 **6.04.050 Disposal provisions.**

187 If the owner or person having charge of any such animal or poultry so taken up cannot by reasonable
188 inquiry be found, then it shall be the duty of the officer having such animal or poultry in charge to proceed
189 as provided in RCW Chapter 16.13 for the disposition of said animal(s).

190 (Ord. 425 § 3, 1982: Ord. 12 § 3, 1943)

191 **06.04.050 Disposition of unclaimed animals.**

192 If:

193 A. An unlicensed cat or cat whose owner cannot be identified by means of an identicode or other
194 identification implant is not claimed and redeemed by its owner within 48 hours; or

195 B. An unlicensed/licensed dog or a licensed cat or other animal whose owner is identifiable by means of
196 an identicode or other informational implant is not claimed and redeemed by its owner within 72 hours,
197 the poundmaster, at his discretion, may place an animal at an approved animal shelter, or humanely
198 destroy the animal. For purposes of determining whether the 72 hours has expired, the following methods
199 shall be used:

200 a. If the owner is notified by telephone, time begins when telephone contact was made with the
201 owner by the poundmaster;

202 b. If notice was posted because the owner of the animal could not be readily determined by the
203 poundmaster, time begins when the poundmaster posted the notice at the animal control agency
204 in a conspicuous location.

205 **6.04.060 Violation--Penalty.**

206 For violation of Section 6.04.020, offenders shall be prosecuted in like manner as is, or may be, provided
207 for the prosecution of violation of the general ordinances of the city.

208 **6.04.060 Interference with officers – Failure to redeem – Frauds.**

209 A. It is unlawful for any unauthorized person to break open, or attempt to break open, the city animal
210 shelter, or to take or let out animals therefrom, or to take or attempt to take from any officer any animal
211 seized by him in compliance with this chapter, or in any manner interfere with or hinder such an officer in
212 the discharge of his duties under this chapter.

213 B. It is unlawful for any person to knowingly refuse to redeem an impounded animal or to obtain an
214 animal from the poundmaster and return it to a former owner without first paying all impound fees.

215 C. Any person violating the provisions of this section shall be guilty of a misdemeanor and prosecuted as a
216 criminal offenses.

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219 **6.04.070 Warning tickets.**

220 The animal control officers may issue a warning ticket for the first offense of letting an animal be at large.
221 If a warning ticket is issued, the warning ticket shall be in duplicate. A copy shall be given to the animal's
222 owner, and a copy shall be returned to the animal control office.

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224 **6.04.080 Violation tickets.**

225 A. The animal control officer may issue a warning ticket or a violation ticket to an animal's owner for such
226 owner's first violation of the terms of this chapter. If, however, after receiving the violation or warning
227 ticket, the animal's owner continues to violate this chapter, the officer shall on all subsequent offenses
228 issue a violation ticket.

229 B. A copy of the violation ticket shall be given to the animal's owner. The remaining copies shall be
230 returned to the office of the animal control authority. The office staff will make the necessary
231 arrangements to have one copy delivered to the Grays Harbor County District Court.

232 C. The warning tickets and violation tickets shall either be given directly to the animal's owner or
233 custodian, or to a person of suitable age and discretion, a resident of the household of the owner or
234 custodian. However, if, after making one attempt, the animal control officer is unable to give the ticket to
235 the animal's owner or custodian or person of suitable age and discretion, who is a resident of the
236 household of the owner or custodian, the ticket may be served by mailing it to Grays Harbor District Court.
237 Service of tickets shall be deemed completed three days after mailing to Grays Harbor County District
238 Court.

239 **6.04.090 Destruction of animals.**

240 In the event of an emergency endangering the health or safety of any person, where seizure and
241 impoundment is deemed inadvisable or impracticable, or for humane considerations, the poundmaster or
242 other police officer at his discretion may summarily destroy the animal involved.

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- 256 6.08 Dogs & Cats
- 257 ~~) 6.08.010 Definitions.~~
- 258) ~~6.08.020 Permit--Required when.~~ Dog and cat licenses – Required.
- 259) ~~6.08.030 Permit--Application--Fee.~~ License and permit fees
- 260) 6.08.040 Permit--Expiration.
- 261) 6.08.041 License – No costs for adopted animals
- 262) 6.08.042 License – Receipts and tags.
- 263) 6.08.043 License procedures – Receipts and tags.
- 264) 6.08.044 License procedures – Affixing tags.
- 265) 6.08.050 Permit--Identification tags.
- 266) 6.08.060 Permit--Revocation.
- 267) 6.08.070 Dogs at large.
- 268) ~~6.08.080 Confinement of dogs in heat required.~~ Confinement
- 269) 6.08.090 Care and control of dog by owner.
- 270) ~~6.08.100 Impoundment provisions--Redemption conditions.~~ Impoundment procedure –
- 271 Generally
- 272) 6.08.110 Enforcement.
- 273) 6.08.120 Prosecution of violations.
- 274) 6.08.130 Leash requirements.
- 275 ~~) 6.08.140 Harboring of dog License and collar requirements.~~
- 276 ~~) 6.08.150 At large dogs Seizure and placement in facility.~~
- 277) 6.08.160 Avoidance of license payment unlawful.
- 278) 6.08.170 Offenses--Fees.

279 **~~6.08.010 Definitions.~~**

280 As used in this chapter unless otherwise indicated, the following words and terms shall mean as follows:

281 A. ~~"At large"~~ means to be off the premises of the owner and not under the control of the owner or of an
 282 authorized person, whether by leash or otherwise, but a dog within an automobile or other vehicle of its
 283 owner shall be deemed to be upon the owner's premises.

284 B. ~~"Barking dog"~~ means any dog which by frequent or habitual howling, yelping, or barking annoys or
 285 disturbs other persons in the vicinity of the premises or upon the public street.

286 C. ~~"Dog"~~ includes both male and female, natural or sterilized.

287 D. ~~Harboring.~~ The occupant of any premises on which a dog remains or to which it customarily returns
 288 daily for food and care for a period of five days is presumed to be harboring or keeping the dog within the
 289 meaning of this chapter.

290 E. "Leash" means and includes a cord, thong, or chain not more than ten feet in length by which a dog is
291 controlled by the person accompanying it.

292 F. "Owner" or "keeper" means and includes any person, association or corporation owning, keeping, or
293 harboring a dog.

294 G. "Predatory dog" means and includes any dog of either sex whose actions or habits cutomarily defiles,
295 despoils, or damages property of others.

296 H. "Public emergency" means and includes any situation resulting from conditions of war, insurrection,
297 contagious diseases, or other circumstances which, in the opinion of the city marshal or other police
298 officers, warrants the restraint and confinement of dogs within the premises of the owner or keeper.

299 I. Restraint. A dog shall be deemed to be under restraint if it is confined within the property limits of its
300 owner or keeper by a suitable fence or securely restrained within the premises by a leash affixed to a post
301 or other securely fixed object.

302 J. "Spayed female" means and includes a female dog which has been sterilized by a licensed veterinarian
303 to avoid or prevent conception. Proof of such sterilization may be required by the city clerk in the form of
304 a certificate of a licensed veterinarian.

305 K. "Veterinary hospital" means and includes any establishment maintained and operated by a licensed
306 veterinarian for the diagnosis, treatment, and care of diseased or injured dogs and for their care and
307 training.

308 L. "Vicious dog" means and includes those dogs whose temperament or habits creates danger of injury to
309 persons or to other animals or creates reasonable apprehension of injury to persons or other animals.

310 (Ord. 501 § 1, 1986)

311 **~~6.08.020 Permit – Required when.~~**

312 No person shall, withiut first obtaining a permit therefor in writing from the city clerk-treasurer, own,
313 keep, harbor, or have custody of a dog, except unweaned pups.

314 (Ord. 501 § 2, 1986)

315 **6.08.020 Dog and cat licenses – Required.**

316 No person may keep, harbor or permit to be kept any dog or cat over seven months of age unless it is
317 licensed.

318 A. Licenses will be issued by the city or one of its designees. Licenses are valid for one year from the date
319 the license is purchased.

320 B. Any dog or cat reaching seven months of age must be licensed.

321 C. No license is required of nonresidents staying temporarily within the city for not more than 30 days.
322 Licenses must be obtained within 30 days of the owner’s establishing residence within the city.

323 D. No license is required for service dogs registered as qualified animals for the disabled or qualified
324 search and rescue dogs.

325 E. The city encourages residents to spay/neuter their dogs and cats. An owner who initially purchases an
326 unaltered animal license may receive a \$5.00 rebate during the same licensing year by providing proof that
327 their animal has been spayed or neutered.

328 F. A late application penalty of \$10.00 shall be imposed on each dog or cat if application for such licenses
329 is made after 30 days from the date of renewal, and either:

330 1. More than 30 days from the date of acquisition of the dog or cat over seven months of age; or

331 2. More than 30 days after the dog or cat has attained the age of seven months; or

332

333 3. More than 30 days after the applicant has established residence in the city.

334 G. A certificate may be necessary to prove that a dog or cat has been spayed/neutered.

335 H. Newly acquired dogs and cats over the age of seven months must be vaccinated and licensed within 30
336 days of acquisition.

337 **6.08.030 Permit--Application--Fee.**

338 Upon application, a permit shall be issued following payment of the applicable fee, as follows:

339 A. For each male dog or spayed dog: five dollars;

340 B. For each unspayed female dog: ten dollars.

341 (Ord. 501 § 3, 1986)

342 **06.08.030 License and permit fees.**

343 The following fees are applicable as provided in this chapter:

344 A. Dog and Cat License

345 1. Unaltered dog or cat \$10.00

346 2. Altered dog or cat \$5.00

347

348 **6.08.040 Permit--Expiration.**

349 A permit, if not revoked, shall be valid for one year from the first day of January through the last day of
350 December of each year.

351 (Ord. 501 § 4, 1986)

352

353 **6.08.041 License – No costs for adopted animals.**

354 The poundmaster is authorized to issue a no-cost animal license for an impounded, stray animal upon its
355 adoption under the approved process. All other license requirements shall apply. Such license shall be
356 valid for one year from the date the license was purchased.

357 **6.08.042 License – Receipts and tags.**

358 A. License information shall include space for the following information: sex, color, breed, other
359 identifying marks (if any), approximate age, date and serial number of vaccination, name and address of
360 owner, date of issuance, and amount of license fee, and the current license tag number.

361

362 **6.08.043 License procedures – Receipts and tags.**

363 Upon the payment of the license fee and fulfillment of the licensing requirements, the original of the
364 receipt, together with a license tag as provided for in this chapter, shall be delivered to the applicant.
365 License information shall be retained by the city and a copy delivered to the poundmaster.

366

367 **6.08.044 License procedures – Affixing tags.**

368 The owner shall cause a valid license tag to be permanently affixed to the collar of the animal so that such
369 license tag is in such a position that it may be easily seen by the animal control officer. The owner shall
370 cause the tag to be worn by such animal at all times.

371 **6.08.045 License tags not transferable.**

372 License tags shall not be transferable. No refund shall be made of any dog or cat license fee for any reason.

373 **6.08.050 Permit--Identification tags.**

374 Upon issuing a permit to keep any dog, the city clerk-treasurer shall issue to the owner a metallic or
375 durable tag, stamped with an identifying number and with the year of issuance and so designed that it
376 may be conveniently fastened to a dog collar or harness. Such tag shall be fastened to the dog's collar or
377 harness by the owner and shall be worn at all times when the dog is off the premises of its owner. The city
378 clerk-treasurer shall maintain a record of the identifying numbers and shall make this record available to
379 the public.

380 (Ord. 501 § 6, 1986)

381 **6.08.060 Permit--Revocation.**

382 The city council or the city clerk-treasurer may revoke any permit if the person holding the permit refuses
383 or fails to comply with this chapter or any state or local law governing cruelty to animals or the keeping of
384 animals. Any person whose permit is revoked shall, within ten days thereafter, humanely dispose of all
385 dogs being owned, kept, or harbored by such person and no part of the permit fee shall be refunded.

386 (Ord. 501 § 5, 1986)

387 **6.08.070 Dogs at large.**

388 If a dog is found at large and its owner can be identified and located, such animal may be taken to the
389 owner. In any event, the city marshal or other authorized person shall notify the owner and the city clerk-
390 treasurer of the violation of this chapter and may proceed against the owner for violation of this chapter.
391 In the event any dog found at large is a stray for whom no owner can be found, the city marshal or other
392 authorized person shall be authorized and directed to destroy such dog in a humane manner and to make
393 proper disposition of its body.

394 (Ord. 501 § 7, 1986)

395 **~~6.08.080 Confinement of dogs in heat required.~~**

396 ~~Every female dog in heat shall be confined in a building or secure enclosure in such manner that such~~
397 ~~female dog cannot come into contact with another animal except for planned breeding.~~

398 (Ord. 501 § 8, 1986)

399

400 **6.08.080 Confinement.**

401 A. Every female dog or cat in heat shall be kept confined to the owner's property or in a veterinary
402 hospital or boarding kennel so that such female dog or cat cannot come in contact with other animals
403 except for intentional breeding purposes.

404 B. Dogs or cats kept outdoors for more than six hours at one time must be provided with a moisture
405 proof and windproof shelter of a size which allows the animal to turn around freely and to easily sit, stand
406 and lie in a normal position and to keep the animal clean, dry and comfortable.

407 **06.08.085 Crimes against animals.**

408 A. Any person who takes, captures, leads away, confines or hides a domestic animal of another with the
409 intent to permanently deprive its owner of his/her animal, shall be guilty of a gross misdemeanor. It is a
410 defense to this section if the animal is immediately returned to its owner or taken to the poundmaster.

411 B. Any person who alters or removes any collar, tag, license, tattoo or other identifying device from a
412 domestic animal of another with the intent to permanently deprive or defraud its owner from his/her
413 animal, shall be guilty of a gross misdemeanor.

414 C. Any person who willfully molests, provokes or mistreats any animal or willfully opens any door or gate
415 or unleashes any animal for the purpose of allowing it to leave its owner's property or to be at large shall
416 be guilty of a misdemeanor.

417 D. It is unlawful for any person to abandon any domestic animal by dropping off or leaving such animal on
418 the street, road or highway, or in any other public place, or on the private property of the owner or
419 another including unauthorized abandonment at an animal shelter, and violators shall be guilty of a
420 misdemeanor.

421 E. This section does not apply to the killing of any animal by a police officer, animal control officer, a
422 licensed veterinarian, the owner of such an animal or a person authorized by him to destroy such animal;
423 provided, however, that the death of such an animal is accomplished in a humane manner and for lawful
424 purpose.

425 **6.08.090 Care and control of dog by owner.**

426 No owner shall fail to exercise proper care and control of his dogs to prevent them from becoming a public
427 nuisance. Excessive, continuous, or untimely barking, molesting passersby, chasing vehicles, habitually
428 attacking other domestic animals, trespassing upon school grounds, or trespassing upon private property
429 in such manner as to damage property shall be deemed a nuisance.

430 (Ord. 501 § 9, 1986)

431 ~~**6.08.100 Impoundment provisions—Redemption conditions.**~~

432 ~~A. Animals found to be in violation of this chapter shall be impounded by the police department of the~~
433 ~~city or by such other persons or agencies as may be employed or designated by the city for that purpose.~~

434 ~~B. Impounded animals shall be held at such place or places as the city marshal directs.~~

435 ~~C. The mayor and city clerk-treasurer are authorized to enter into a written agreement with any person~~
436 ~~or firm suitably equipped to handle the impoundment, care, and destruction of animals. Such agreement~~
437 ~~shall provide that impounded animals be held in accordance with the terms of this chapter and shall~~
438 ~~establish the rates to be charged for such services.~~

439 D.— Subject to the limitations stated, the owner of an impounded animal may redeem the animal within
440 three working days next following the day of impoundment, or thereafter if the animal has not been
441 destroyed or redeemed by another, by payment of all charges incurred for such animal at the place of
442 impoundment, as such charges are established by the agreement of the impounding agency. In addition to
443 such charges, the owner shall pay a release charge as may be established. Such release charge shall be
444 paid at the office of the city clerk treasurer during regular office hours or may be paid to the city marshal
445 or other police officer of the city outside of the office hours of the city clerk treasurer. The person
446 receiving such release charge shall give a signed, written receipt therefor. The payment of the charges
447 here established shall not be deemed an election of remedies by the city in relation to the issuance of a
448 citation by the city charging a violation of the municipal code. No dog shall be released from impoundment
449 unless it first has a valid identification tag attached to it; provided that, if the animal is owned by a
450 nonresident, then that nonresident shall not be required to buy a city animal license.

451 E. Subject to the limitations stated, any person may redeem an animal by payment of all charges incurred
452 after the animal has been held more than two working days next following the day of impoundment. The
453 impounding agency is authorized to destroy or otherwise dispose of any animal after it has been held for
454 more than seventy two hours.

455 F. When an animal has been impounded, so long as the animal has attached to it licenses or other
456 identification making it reasonably possible, the impounding officer shall, as soon as possible, make a
457 reasonable effort to locate and notify the owner of the animal.

458 G.— Notwithstanding the provisions above, if determined appropriate by the officer or official impounding
459 the animal, no animal impounded under this chapter shall be released or redeemed except under
460 conditions meeting the approval of the proper health officials.

461 H.— Notwithstanding the above provisions, no animal impounded under this chapter shall be released or
462 redeemed unless provisions satisfactory to the city marshal or his designee have been made to assure that
463 the keeping of the animal will no longer violate this chapter.

464 I.— Notwithstanding the above provisions, no animal impounded under this chapter shall be released or
465 redeemed without a hearing first being held before the municipal court judge, after reasonable notice to
466 the owner and any other party deemed to be concerned by the city marshal, and an order of the judge
467 directing the release or redemption of the animal. In the event that pursuant to the provisions of
468 subsection F of this section it has not come to the city's attention as to any party who is either the owner
469 or an interested party in terms of an ownership interest in the animal, then such notice requirement shall
470 be deemed waived. Further, notice shall be deemed reasonable if given twenty four hours prior to the
471 date and time of the hearing. If after such hearing the judge determines that the animal has or exhibits
472 vicious or dangerous propensities and would, if released, constitute any threat to the welfare of the
473 townspeople, the judge is authorized to direct the governmental agency having jurisdiction over the
474 animal to destroy or otherwise satisfactorily dispose of the animal.

475 (Ord. 501 § 10, 1986)

476 **6.08.100 Impoundment procedure – Generally.**

477 **A. Dogs may be taken into the care and custody of the animal control authority in any of the following**
478 **situations:**

479 **1. When a dog is off the premises of its owner or keeper and not under the control of its owner, keeper or**
480 **other authorized person. This prohibition shall not apply to any areas designated by the city for off-leash**
481 **training or exercise;**

482 2. If the dog has no current license tag, and is not in the presence of its owner, keeper or other authorized
483 person;

484 3. If any dog is on public property or the private property of another and the caretaker or said private
485 property owner requests in writing that the dog be removed; provided, that the owner or keeper of the
486 dog(s) cannot be located in a timely manner or is unknown. Such written request shall state the reason
487 why removal is requested;

488 4. When a dog is brought to the animal shelter by a private citizen who has found the dog;

489 5. When a dog has been declared potentially dangerous or dangerous pursuant to this title and/or state
490 law, and the dog is again at large or has otherwise violated the restrictions placed upon it;

491 6. When any dog has been subjected to cruel treatment as defined by RCW 16.52.0170 and/or the
492 provisions of this title; provided, that removal is necessary for the immediate safety and well-being of the
493 animal;

494 7. When the dog's owner or keeper is incapable or unable to continue to care for it because of
495 incarceration, severe illness, death, house fire or other emergency circumstances and an agent for the
496 owner cannot be readily located;

497 8. When a dog has bitten a person, breaking or puncturing the skin, and the owner and/or keeper is
498 unable, incapable or unwilling to provide the 10-day quarantine requirements. If such a dog is found at
499 large the owner will be deemed unable to quarantine and it will be impounded.

500 B. Forthwith, following impoundment, the animal control authority shall notify the owner or keeper, if
501 known, of its impoundment, using whatever reasonable means possible. If the dog's owner is unknown or
502 cannot be located, the information and description of the animal shall be available at the animal shelter
503 during regular business hours.

504 C. All owners or keepers claiming impounded animals of any kind shall provide identification and shall sign
505 a statement that verifies they are the owner, keeper or authorized agent of the owner. Names, street or
506 road addresses, city and phone numbers (if available) will be required.

507

508 **6.08.110 Enforcement.**

509 The city marshal or other authorized person shall enforce this chapter and no person shall interfere with,
510 hinder, molest, or abuse any such enforcer in the exercise of such powers.

511 (Ord. 501 § 11, 1986)

512 **6.08.120 Prosecution of violations.**

513 In the prosecution of alleged violations of the provisions of this chapter, the following provisions shall
514 apply:

515 A. The appearance of the named defendant shall be mandatory and no forfeitures shall be allowed
516 without court appearance.

517 B. Upon a finding of a first violation of this chapter in any one calendar year, an infraction penalty of up to
518 two hundred fifty dollars, but in no event less than fifty dollars, plus the costs actually incurred by the city
519 in the care, maintenance, and in appropriate circumstances, disposal of the animal; provided, that none of

520 the said costs of care, maintenance, and disposal, nor the first fifty dollars of the infraction penalty are
521 subject to suspension.

522 C. In the event that a person is charged with a second violation of this chapter within any twelve-month
523 period and either a prior alleged violation is still pending or the person has been found to have committed
524 that prior infraction, then this second charge shall be deemed a misdemeanor and shall be subject to
525 punishment as provided in Chapter 1.20 of this code; provided that in the event of a conviction, the fine
526 imposed shall be no less than one hundred fifty dollars and the individual shall additionally be required to
527 reimburse the city for the cost of care, maintenance, and disposal, in the appropriate circumstance, of the
528 animal in question. None of said one hundred fifty dollars or costs is subject to suspension or deferral.

529 D. In addition to such fines or penalties as may be imposed pursuant to this section upon the finding of a
530 violation of this chapter or a conviction of a violation of this chapter, the court may impose such
531 restitution for such losses as it finds appropriate that have arisen out of the incident, including but not
532 limited to medical costs incurred for treatment.

533 (Ord. 501 § 12, 1986)

534 **6.08.130 Leash requirements.**

535 It is unlawful for any person to cause, permit, or allow any dog owned, harbored, controlled, or kept by
536 him, in the city, to roam, run, or stray away from the premises where the same is owned, harbored,
537 controlled, or kept, except that while away from said premises such dog shall at all time be controlled by
538 means of a leash or chain not exceeding ten feet in length by the owner or some duly authorized and
539 competent person; provided, however, that such leash or chain is not required for any dog when
540 otherwise safely and securely confined or completely controlled while in or upon any vehicle.

541 (Ord. 501 § 13, 1986)

542 ~~**6.08.140 Harboring of dog--License and collar requirements.**~~

543 ~~No dog shall be harbored within the city unless the required license shall have been paid and unless such~~
544 ~~dog shall have a collar of leather or metal properly secured about its neck, with the number of the license~~
545 ~~stamped or engraved thereon, or upon a metal tag attached thereto.~~

546 ~~(Ord. 501 § 14, 1986)~~

547 ~~**6.08.150 At large dogs--Seizure and placement in facility.**~~

548 ~~A. It shall be the duty of the city marshal or other authorized person of the city to seize and place in a~~
549 ~~proper facility, either inside the city or at a suitable place, any dog being and remaining in the city in~~
550 ~~violation of this chapter, or any stray dog running at large in the city.~~

551 ~~B. If said person cannot conveniently seize any stray dog, he may destroy the same and properly dispose~~
552 ~~of its body.~~

553 ~~(Ord. 501 § 15, 1986)~~

554 **6.08.160 Avoidance of license payment unlawful.**

555 It is unlawful for any person to place a collar and number on any dog with intent to avoid payment of a
556 dog license.

557 (Ord. 501 § 16, 1986)

558 **6.08.170 Offenses--Fees.**

559 A. Any person whose dog has been picked up for being at large within the city limits shall be assessed the
560 sum of ten dollars as a pick-up fee for the first offense in any twelve-month period and shall be assessed
561 the sum of thirty-five dollars as a pick-up fee for the second offense in any twelve-month period, and shall
562 be assessed a pick-up fee of fifty dollars for the third offense in any twelve-month period, and shall be
563 assessed a pick-up fee of one hundred dollars for the fourth and subsequent offenses in any twelve-month
564 period.

565 B. Animals which may from time to time be impounded by the officers and officials of the city shall be
566 transported to and held in such facility as may from time to time be designated by the mayor or council.

567 C. In the event that the owner refuses and/or fails to reclaim the animal from a designated holding facility
568 within three business days following pick-up, the said animal shall be subject to such disposition as the
569 responsible individual at the designated holding facility deems most appropriate.

570 (Ord. 501 § 17, 1986)

571

572 6.12 Dangerous Dogs

573 6.12 Potentially dangerous or dangerous animal.

574 ~~┆ 6.12.010 Definitions.~~

575 ~~┆ 6.12.010 Animal bites – Impounding.~~

576 ~~┆ 6.12.020 Certification of registration – Issuance conditions – Fee. Health officer to quarantine.~~

577 ~~┆ 6.12.030 Exemptions. Notice of quarantine.~~

578 ~~┆ 6.12.040 Unlawful acts – Penalties. Potentially dangerous or dangerous animal~~

579 ~~┆ 6.12.050 Confiscation of dangerous dogs. Animals disturbing the peace.~~

580 ~~┆ 6.12.060 Interpretation of provisions. Responsibility of owner~~

581 ~~┆ 6.12.070 RCW sections adopted – Possession of potentially dangerous wild animals prohibited.~~

582 ~~┆ 6.12.080 Violations – Penalties.~~

583 ~~┆~~

584 ~~6.12.010 Definitions.~~

585 Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this
586 chapter:

587 A. ~~"Animal control authority" means such agency of the city which is delegated to enforce the animal~~
588 ~~control laws of the city.~~

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

594 C. ~~"Dangerous dog" means any dog that according to the records of the appropriate authority:~~

- 595 1. ~~Has inflicted severe injury on a human being without provocation on public or private property;~~
596 2. ~~Has killed a domestic animal without provocation while off the owner's property; or~~
597 3. ~~Has been previously found to be potentially dangerous, the owner having received notice of such and~~
598 ~~the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.~~

599 D. ~~"Owner" means any person, firm, corporation, organization, or department possessing, harboring,~~
600 ~~keeping, having an interest in, or having control or custody of an animal.~~

601 E. ~~"Potentially dangerous dog" means any dog that when unprovoked:~~

- 602 1. ~~Inflicts bites on a human or a domestic animal either on public or private property; or~~
603 2. ~~Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing~~
604 ~~fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to~~
605 ~~attack unprovoked to cause injury, or to cause injury or otherwise to threaten the safety of humans or~~
606 ~~domestic animals.~~

607 F. ~~"Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be~~
608 ~~securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the~~
609 ~~entry of young children and designed to prevent the animal from escaping. Such pen or structure shall~~
610 ~~have secure sides and a secure top, and shall also provide protection from the elements for the dog.~~

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

613 (Ord. 530 § 1, 1988)

614 **6.12.010 Animal bites – Impounding.**

615 A. Every animal bite shall be reported to the animal control officer who shall investigate the case and may
616 order the offending animal to be impounded at any time during the 10 days following the date of the bite.
617 If the animal is impounded and after 10 days following the date of the bite no rabies is present or
618 suspected, the animal may be released to the owner upon payment of any impounding, boarding and
619 license fees, and compliance with the licensing and rabies vaccination provisions of this chapter. If rabies is
620 present or suspected by the health officer, the animal shall be destroyed and the head preserved for
621 laboratory confirmation of the diagnosis.

622 B. If the animal control officer orders an animal impounded at any time during the 10 days following the
623 date of a bite, the owner of the animal may request the impounding to be at a licensed veterinarian's
624 establishment at his own expense.

625 **6.12.020 Health officer to quarantine.**

626 It shall be the duty of the animal control officer to cause to be quarantined any animal within the city,
627 which he has grounds to suspect of being infected with the disease of rabies. Whenever any human being
628 has been bitten by a cat or dog and there is reason to suspect that the animal is rabid, at the discretion of
629 the animal control officer, the animal involved may be restricted for 10 days for observation in such
630 manner as to prevent contact with other animals or humans except for its caretaker.

631 **6.12.030 Notice of quarantine.**

632 A. Any quarantine of an animal shall be initiated by delivering to the owner or keeper of any such animal
633 a written notice of such quarantine which shall prescribe the duration of the same; provided, that the

634 period of said quarantine shall not exceed 10 days unless it shall be determined that the existence of such
635 disease is present. The delivery of the notice of quarantine to an adult residing upon the premises where
636 such animal is kept shall be considered as delivery of the notice to the owner or keeper. Any such animal
637 so quarantined shall be impounded; provided, that, in the discretion of the animal control officer, said
638 animal may be quarantined upon the premises of the owner or any other person during such time as the
639 provisions of the quarantine are strictly kept.

640 B. During the period of any quarantine made under the provisions of this chapter, the owner or keeper of
641 any animal so quarantined shall not allow said animal to come in contact with any other animal or person
642 or permit such animal to run at large on any street or public place in the city or upon the premises where
643 quarantined unless said premises be enclosed by a secure fence, nor shall such owner or keeper remove or
644 cause such animal to be removed from said premises without the consent of the animal control officer.
645 These restrictions shall continue until said animal shall have been released from quarantine. Any animal
646 found running at large as defined in MMC 6.03, or which has been removed from the premises upon which
647 quarantined, shall be impounded and unless claimed and redeemed by its owner within two days after the
648 expiration of quarantine period may be destroyed by the proper authorities.

649 C. Whenever any outbreak of rabies occurs, or when rabies has been diagnosed or a rabid dog or animal
650 has been present in the city, it is unlawful for any owner, keeper or handler of an animal to keep or
651 harbor the same within the city limits after the last publication of the notice provided for in subsection
652 (E) of this section, and during the period in said notice prescribed, unless such dog or animal is securely
653 confined at all times by leash or kept in a tight enclosure from which such animal cannot escape. Any
654 animal found running at large in the city during said period shall be impounded and, unless claimed and
655 redeemed by its owner within two days after such impounding, may be destroyed by the proper
656 authorities. Any animal control officer or police officer may destroy any animal found running at large
657 within the limits of the city during said period when, after reasonable effort, he shall be unable to
658 impound said animal or after reasonable investigation shall be unable to locate the owner or keeper
659 thereof.

660 D. Any animal that has been bitten by a rabid animal must be destroyed. If the owner is unwilling to
661 have this done, the animal (dog or cat only) should be vaccinated and placed in strict isolation for six
662 months or longer. If the animal has been previously vaccinated with an approved vaccine within the
663 time limit approved for such vaccine, revaccination and restraint for 90 days should be carried out.

664 E. Upon any outbreak of rabies, or when rabies has been diagnosed within the city limits, or a rabid dog
665 or animal has been found present, and when, in the judgment of the animal control officer, there is
666 imminent danger of the spread of the disease, such officer shall publish a notice to that effect in the
667 official newspaper of the city for three consecutive days, and for six weeks after the last publication of
668 said notice the provisions of MMC 6.04.090 shall be applicable; provided, that the animal control officer
669 shall have authority, when in his judgment an extension of said six weeks' time is necessary to carry into
670 effect the purpose of this chapter, to extend the said six- week period for an additional six weeks or such
671 lesser time as he shall deem necessary by notice given in the manner provided for in this section and to
672 further thereafter and in the same manner continue said six-week or lesser period until, in his judgment,
673 the said strict quarantine herein provided for shall be unnecessary.

674 **6.12.040. Potentially dangerous or dangerous animal.**

675 A. Declaration. The poundmaster has the authority to declare an animal potentially dangerous or
676 dangerous and require such animal to have a permit in accordance with this section. The poundmaster
677 may declare an animal potentially dangerous or dangerous if he has probable cause to believe that the
678 animal falls within the definitions set forth in MMC 6.03. Such declaration shall be in writing and served

679 by the poundmaster on the owner either personally or by certified mail. However, if the owner cannot
680 be readily determined, service of declaration shall be waived.

681 B. Impoundment. No person shall have, keep or maintain a potentially dangerous or dangerous animal
682 without first obtaining a permit from the poundmaster. Any animal meeting this definition and found at
683 large without a permit will be immediately impounded at the expense of the owner. If the owner of such
684 animal can be readily determined, the poundmaster shall notify the owner personally or by certified or
685 regular mail of the impoundment. If, however, the owner of such animal cannot be readily determined,
686 notification shall be by posting at the animal control agency as provided in MMC 6.04.050.

687 C. Appeal. If the owner of an animal subject to this section wishes to object to the determination of the
688 poundmaster, the owner may, within 10 business days of receipt of the declaration, appeal that
689 declaration by submitting a written request to the city clerk's office. Within 10 business days of the
690 receipt of the request for appeal, the city will file said appeal, at the owner's expense, with the office of
691 the clerk for a hearing before the Hearing Examiner.

692 1. If the Hearing Examiner does not find a preponderance of evidence to support the
693 declaration, the declaration shall be rescinded and the restrictions imposed thereby annulled.
694 No Hearing Examiner costs shall be assessed against the City of McCleary or the animal control
695 authority or officer.

696 2. If the Hearing Examiner finds a preponderance of evidence to support the declaration, it
697 shall impose Hearing Examiner costs on the appellant, restitution if applicable, and may impose
698 additional restrictions on the animal.

699 D. Redemption or Destruction of Animal. An animal impounded under this section shall be returned to
700 its owner if the owner complies with MMC 6.04.035 and subsection (F) of this section by the date and
701 time given on the notice as provided in MMC 6.04.025. If the owner of the impounded animal under this
702 section does not comply with MMC 6.04.035 and subsection (F) of this section by the date and time
703 given on the notice as provided in MMC 6.04.025, such animal shall be destroyed in an expeditious and
704 humane manner; provided, however, that no animal declared dangerous or potentially dangerous by
705 the poundmaster shall be destroyed prior to expiration of the 10-day appeal filing period provided in
706 subsection (C) of this section. Unless required as evidence or to determine if the animal is rabid, animals
707 shall be destroyed as provided in this section during the pendency of an appeal unless the owner
708 prepays all impound and boarding fees, unless ordered otherwise by a court of competent jurisdiction.

709 E. Agreement to Relocate Animal. As an exception to the redemption requirements provided under
710 subsection (C) of this section, upon execution of a declaration of removal by the owner, or authorized
711 representative of the owner of the animal and payment of applicable fees including impound fees, an
712 animal declared dangerous or potentially dangerous may be released by the poundmaster into the
713 custody of the owner, or authorized representative of the owner for the immediate and permanent
714 removal of the animal from McCleary. The declaration of the poundmaster shall remain in full force and
715 effect.

716 F. Permit Required. No person shall have, keep, or maintain any potentially dangerous or dangerous
717 animal without first obtaining an annual permit from the poundmaster. The fee for such a permit shall

718 be in addition to the regular annual license fee. A permit will only be granted if the applicant has
719 provided and maintains:

720 1. A proper enclosure to properly and safely confine the animal as determined by the
721 poundmaster;

722 2. A conspicuously posted sign on the premises which clearly warns the public and children that
723 there is a potentially dangerous or dangerous animal on the property;

724 3. Two hundred fifty thousand dollars surety bond issued by a surety insurer qualified under
725 Chapter 48.28 RCW in a form acceptable to the poundmaster payable to any person injured by
726 the potentially dangerous or dangerous animal; or liability insurance, such as homeowner's
727 insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least \$250,000
728 with maximum deductible coverage not to exceed \$2,500 in a form requiring notice to the city
729 of cancellation or nonrenewal of such policy not less than 30 days prior to its date of
730 cancellation or expiration, insuring the owner for any personal injuries or property damage
731 inflicted by the animal. The city shall be an additional named insured on the policy;

732 4. Control and Confinement. A potentially dangerous animal must be securely leashed and
733 under the control of a person physically able to control the animal when away from the
734 property of the owner or keeper; or, while on the property of the owner, must be securely
735 restrained by physical device or proper enclosure as defined in MMC 6.03 made of materials
736 strong enough to adequately and humanely confine the animal in a manner which prevents it
737 from escaping the property and kept in conformance with requirements in subsection (F) of this
738 section.

739 G. Dangerous animals and potentially dangerous animals must be muzzled and restrained by substantial
740 chain or leash and under physical restraint of a responsible person when away from the property of the
741 owner or keeper; or while on the property of the owner, the animal must be securely confined inside a
742 locked building, kennel, pen, or other structure having secure sides, bottom, and top, suitable to prevent
743 the entry of young children and designed to prevent the animal from escaping and kept in conformance
744 with requirements in subsection (F) of this section.

745 H. A dangerous dog may be confiscated when violation of its license terms has occurred. In that event,
746 notice must be served on the owner either personally or by certified mail, return receipt requested. The
747 owner has a 20-day period in which to correct the deficiencies with respect to the dog, including paying
748 any shelter fees and fines, and is subject to punishment for a gross misdemeanor.

749 I. Violations and Regulation. Any person violating the provisions of this section shall be guilty of a gross
750 misdemeanor. No person who, being the owner of any potentially dangerous or dangerous animal, shall
751 keep, harbor or maintain the same on or off his premises in a manner endangering or likely to endanger
752 the safety of persons, property or other animals nor shall he allow the same to run at large within the
753 city. It shall be a defense to any charge under this section involving an alleged potentially dangerous or
754 dangerous animal that the person endangered was committing, was about to commit or had just
755 committed a trespass or crime and that the animal's reaction was a natural result thereof. The animal
756 control agency may petition the Grays Harbor County District Court to determine whether an animal
757 should be destroyed.

758 **6.12.050 Animals disturbing the peace.**

759 It is unlawful for any person owning or harboring an animal to allow or permit such animal to cause
760 prolonged or continuous noise by frequent or habitual howling, yelping, barking or otherwise noisy
761 conduct, which shall unreasonably interfere, annoy, injure or endanger safety, health, comfort or repose
762 of others. An animal is harbored in violation of this section if, without provocation, it makes noise which
763 can be heard continuously within an enclosed structure off its owner's property for more than five
764 minutes and which annoys, injures or endangers the safety, health, comfort or repose of others.

765 **6.12.060 Responsibility of owner.**

766 Notwithstanding the matters contained in this chapter, the owner or owners of any animal shall not be
767 relieved from responsibility for any damage committed by such animal, as provided by the law and
768 sections of this chapter.

769

770 **6.12.070 RCW sections adopted – Possession of potentially dangerous wild animals prohibited.** The
771 following sections of the Revised Code of Washington (RCW) pertaining to prohibiting possession of
772 potentially dangerous wild animals, including bobcats (*Lynx rufus*, member of the Class mammalian,
773 Order carnivore, Family felide, or any hybrid or cross-mix thereof) as now or hereafter amended are
774 hereby adopted by reference as part of this chapter in all respects as though such chapter were set forth
775 in full: RCW [16.30.005](#), [16.30.010](#), [16.30.020](#), [16.30.030](#), [16.30.040](#), [16.30.050](#), [16.30.060](#), [16.30.070](#),
776 and [16.30.900](#).

777 **6.12.080 Violations – Penalties.**

778 A. Any person violating any provision of this chapter, except MMC 6.06.040, 6.08.085 and 6.12.040, is
779 guilty of an infraction. Unless matters in aggravation warrant a greater civil penalty, each violation shall
780 be subject to a civil penalty as set forth below, plus all costs and assessments for the following
781 respective violations:

782 1. First violation – up to \$100.00;

783 2. Second violation – up to \$200.00;

784 3. Third violation – up to \$300.00;

785 4. Fourth violation and all violations thereafter – up to \$400.00.

786 B. Each person is guilty of a separate offense for each and every day during any portion of which any
787 violation of the provisions of this chapter is committed, continued or permitted by any such person and
788 shall be punished accordingly.

789 C. Court costs shall be assessed in addition to any other fine, penalty, cost or statutory assessment
790 imposed.

791

792

793 ~~**6.12.020 Certification of registration—Issuance conditions—Fee.**~~

794 A. ~~The agency of the city authorized to issue dog licenses shall issue a certificate of registration to the~~
795 ~~owner of a dangerous dog if the owner presents to the animal control authority sufficient evidence of:~~

796 1. ~~A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible~~
797 ~~warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously~~
798 ~~display a sign with a warning symbol that informs children of the presence of a dangerous dog;~~

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

802 3. ~~A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under~~
803 ~~RCW Title 48 in the amount of at least fifty thousand dollars, insuring the owner for any personal injuries~~
804 ~~inflicted by the dangerous dog.~~

805 B. ~~In addition to the regular dog licensing fee, there shall be charged a sum of five hundred dollars per~~
806 ~~year to register a dangerous dog. A year shall be calculated in the same manner as a year is calculated~~
807 ~~under the ordinance relating to the issuance of licenses for dogs.~~

808 ~~(Ord. 530 § 2, 1988)~~

809 ~~**6.12.030 Exemptions.**~~

810 ~~Dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at~~
811 ~~the time, was committing a wilful trespass or other tort upon the premises occupied by the owner of the~~
812 ~~dog, or was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to~~
813 ~~have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.~~

814 ~~(Ord. 530 § 4, 1988)~~

815 ~~**6.12.040 Unlawful acts—Penalties.**~~

816 A. ~~It is unlawful for an owner to have a dangerous dog in the city without a certificate of registration~~
817 ~~issued under Section 6.12.020. This section shall not apply to dogs used by law enforcement officials for~~
818 ~~police work.~~

819 B. ~~It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure~~
820 ~~unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a~~
821 ~~responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or~~
822 ~~interfere with its vision or respiration but shall prevent it from biting any person or animal.~~

823 C. ~~Any person who is convicted of a violation of any provision of Sections 6.12.010, 6.12.020 or this~~
824 ~~section shall, upon such conviction, be punished as provided in Chapter 1.20 of this code; provided that,~~
825 ~~upon first conviction, the minimum fine shall be two hundred fifty dollars, none of which may be~~
826 ~~suspended or deferred.~~

827 ~~(Ord. 530 § 3, 1988)~~

828 ~~**6.12.050 Confiscation of dangerous dogs.**~~

829 Any dangerous dog shall be immediately confiscated by an animal control authority if:
830 A. ~~The dog is not validly registered under Section 6.12.020;~~
831 B. ~~The owner does not secure the liability insurance coverage required under Section 6.12.020;~~
832 C. ~~The dog is not maintained in the proper enclosure;~~
833 D. ~~The dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under~~
834 ~~physical restraint of the responsible person.~~

835 In addition, the owner shall be guilty of a misdemeanor and subject to punishment as provided in
836 Section 6.12.040(C).

837 (Ord. 530 § 5, 1988)

838 ~~6.12.060 Interpretation of provisions.~~

839 This chapter shall be deemed supplementary to Chapter 6.08 of this title and the provisions thereof and
840 shall be so interpreted. To the extent that provisions of this chapter are inconsistent with the provisions
841 of Chapter 6.08, the provisions of this chapter shall be deemed to supplant such inconsistent provisions.

842 (Ord. 530 § 8, 1988)

843

844 6.16 Treatment of Animals

845) 6.16.010 Cruelty to animals.

846) 6.16.020 Care of animals.

847) 6.16.030 Cruelty, responsibility for.

848

849) 6.16.040 Ownership, trespass—Not a defense.

850) 6.16.050 Exclusions.

851) 6.16.060 Limitations on application of section.

852) 6.16.070 Violations.

853 **6.16.010 Cruelty to animals.**

854 Any person who is convicted in municipal court of violating any of the following provisions shall be
855 deemed to have committed the offense of cruelty to animals and shall be subject to punishment as
856 provided in Chapter 1.20 of this code:

857 A. Impounding or confining or causing to be impounded or confined any domestic animal, fowl, or
858 insectivorous bird, and, after such action, failing to provide that animal, fowl, or insectivorous bird with
859 a sufficient quantity of good and wholesome food and water;

860 B. Willfully transporting or confining or causing to be transported or confined any domestic animal or
861 animals, fowl, or insectivorous bird, in a manner, posture, or confinement that will jeopardize the safety
862 of the animal, fowl, or insectivorous bird, or the public;

863 C. Torturing, tormenting, depriving of necessary sustenance, cruelly beating, mutilating, or killing, or
864 causing, procuring, authorizing, requesting, or encouraging such actions; having charge or custody of
865 any animal, fowl, or insectivorous bird, either as owner or otherwise, inflicting unnecessary suffering or
866 pain upon the same or unnecessarily failing to provide the same with the proper food, drink, air, light,
867 space, shelter, or protection from the weather, or cruelly abandoning any animal, fowl, or insectivorous
868 bird.

869 For purposes of this section, "necessary sustenance or proper food" means the provision at suitable
870 intervals, not to exceed twenty-four hours, of wholesome food stuff and water suitable for the species
871 and age of the animal, fowl, or bird, and sufficient to provide a reasonable level of nutrition for such
872 animal, fowl or bird;

873 D. Owning, possessing, keeping, or training any animal or fowl with the intent that that animal or fowl
874 shall be engaged in exhibition of fighting with another animal or fowl; for amusement or gain causing
875 any animal or fowl to fight with another animal or fowl or causes any animal or fowl to injure each
876 other; or permitting any act in violation of the prior two clauses of this subsection to be done on any
877 premises under his or her charge or control or aids or abets any such act; or who is knowingly present as
878 a spectator at any place or building where preparations are being made for an exhibition of the fighting
879 of animals or fowl with the intent to be present at such preparation or is knowingly present at such
880 exhibit or at any other fighting or injury as described in this particular subsection with the intent to be
881 present at such exhibition, fighting, or injury.

882 E. Nothing in this section shall prohibit the use of canines in the management of livestock as defined by
883 RCW Chapter 16.57 as now existing or hereafter amended by the owner of the livestock, the owner's
884 employees or agents, or other persons in lawful custody of the livestock, or the use of dogs in hunting as
885 provided by law or the training of dogs or the use of equipment in the training of dogs for any purpose
886 not prohibited by law.

887 F. Abandonment or neglect of any animal over whom a person has ownership, charged care, custody, or
888 possession. Abandonment shall include the leaving of unattended animals at a commercial or public
889 establishment in an effort to give away or sell such animal.

890 G. Confinement, placement, or transport of an animal in any vehicle in a manner that jeopardizes the
891 safety of the animal or the public or which could subject the animal to injury or suffering.

892 1. When transporting any living animal on the outside part of any vehicle, such animal shall be
893 caged, harnessed, or enclosed, keeping such animal from falling or being thrown from the
894 vehicle transporting it.

895 H. Any violation as defined by RCW 16.52.207.

896 (Ord. 530 § 6, 1988)

897

898 **6.16.020 Care of animals.**

899 A. In the event that any domestic animal is impounded or confined in the manner provided by Section
900 6.16.010 and is without necessary food and water for more than twenty-four consecutive hours, it is
901 lawful for any person from time to time as it shall be deemed necessary and after notification to the
902 police department and the presence of a police officer, animal control officer or designee to enter into
903 and open any pound or place of confinement in which such animal is confined and supply it with
904 necessary food and water so long as it shall be so confined. Such person should not be liable to action
905 for such entry and the reasonable cost of such food and water may be collected by that person from the
906 owner of such animal and the animal shall be subject to attachment therefor and shall not be exempt
907 from levy and sale upon execution based upon a judgment therefor, all as provided in RCW 16.52.100 as
908 now existing or hereafter amended. If an investigating officer finds it unreasonably difficult to supply
909 such animal or animals with food and water in the location, the officer may remove the animals to
910 protective custody for that purpose with the same responsibility for reimbursement of costs continuing.

911 B. If a police officer, animal control officer or designee of either finds that a domestic animal has been
912 neglected by its owner as established within this chapter or as may be reasonably perceived, that officer
913 may authorize removal of the animal to a proper pasture, facility, or other suitable place for feeding and
914 restoring to health and the cost of such removal and restoration shall be collectible as provided in
915 subsection A of this section. The same immunity from liability as provided in subsection A shall exist as
916 to this action.

917 (Ord. 530 § 7, 1988)

918 **6.16.030 Cruelty, responsibility for.**

919 A. In addition to any other penalties, a person charged with animal cruelty, based on probable cause,
920 shall pay all costs necessary to restore the injured animal(s) to good health or to otherwise ameliorate
921 the effects of the cruelty. In addition, the charged person shall pay all costs incurred for boarding and
922 caring for any animal cruelly treated by the charged person.

923 B. In addition to any of the penalties, the Court may prohibit any person charged under this section from
924 owning any interest in, or possessing or having care or control of any animal, or any species of animals
925 designated by the Court, for a period of time to be determined by the Court. The Court may also require
926 forfeiture to the County of any animals owned, possessed, or in the care or custody of a person charged
927 under this section.

928 C. The owner of an animal which is subjected to an act of cruelty by a person or persons in violation of
929 this section may bring a civil action to recover the damages sustained by such owner.

930 **6.16.040 Ownership, trespass—Not a defense.**

931 A. It shall not be a defense to the crime of cruelty to animals for the person committing the cruel act(s)
932 to assert that he is the owner of the animal(s) that were the victim(s) of the alleged cruelty.

933 B. Trespass shall not be a defense to any action under this section.

934

935

936 **6.16.050 Exclusions.**

937 Nothing in this section is intended to prohibit accepted practices used in the commercial raising or
938 slaughtering of livestock or poultry, or products thereof. Nothing in this section is intended to prohibit
939 the humane and sanitary procedures performed by a veterinarian to meet commonly accepted breed
940 standards. All neutering of livestock must be performed using commonly accepted and humane
941 procedures.

942 **6.16.060 Limitations on application of section.**

943 No part of this chapter shall be deemed to interfere with any of the laws of this State known as the
944 "game laws."

945 **6.16.070 Violations.**

946 Violation of any provision of this chapter shall be a misdeme

947

948 **6.18 CONTROL OF ANIMALS OTHER THAN DOGS**

949) **6.18.010. Animals other than dogs at large – Defined.**

950) **6.18.020. Animals at large – Diseased.**

951) **6.18.030. Animals at large – Impoundment.**

952) **6.18.040 Redemption of impounded animals – Sales if not redeemed.**

953) **6.18.050 Impoundment – Fees.**

954) **6.18.060. Keeping animals in the city – General regulations – Penalty.**

955) **06.18.065. Keeping of hens.**

956) **6.12.070 Infractions – Penalty.**

957) **6.12.080 Misdemeanors – Penalty.**

958

959 **6.18.010. Animals other than dogs at large – Defined.**

960 An animal, other than a dog, shall be deemed at large whenever found upon any highway or public place
961 and not being lawfully driven or led in transit over the same; whenever found or staked or tethered
962 within 50 feet of the dwelling, building, or structure of another, or without the consent of the owner or
963 lessee thereof upon the property of another; or whenever kept, found, staked, or tethered in violation
964 of any law, ordinance, or health regulation.

965 **6.18.020. Animals at large – Diseased.**

966 No owner of a diseased animal, including a dog, shall permit it to run at large among other animals until
967 it is determined by an accredited veterinarian that such disease is not communicable.

968 **6.18.030. Animals at large – Impoundment.**

969 All animals found to be at large may be taken up and impounded. Animals may also be impounded for
970 any of the reasons as provided in MMC [6.08.100](#).

971

972 **6.18.040 Redemption of impounded animals – Sales if not redeemed.**

973 A. The owner or persons entitled to the possession of any animal impounded may redeem the same at
974 any time before the sale thereof by paying the animal control authority the impounding fees and the
975 charges and costs of boarding such animal as adopted by the resolution of the city council.

976 B. If no person appears to redeem any impounded animal within five days after the impounding thereof,
977 it shall be the duty of the animal control authority to give notice that such animal has been impounded,
978 stating therein the place of the shelter, a full description of the animal and that unless redeemed such
979 animal will be adopted or sold at public auction naming the day and hour of such sale and where such
980 sale shall take place.

981 C. The impound notice shall be given by whatever reasonable means possible. If the animal's owner or
982 keeper is unknown and cannot be located, the notice shall be posted at the animal control agency.

983 **6.18.050 Impoundment – Fees.**

984 The animal control authority is authorized to charge and collect impoundment fees in accordance with a
985 fee schedule adopted by resolution of the city council. The animal control authority is also authorized to
986 collect actual costs associated with advertising as required under this chapter and expenses related to
987 veterinary care and special transportation.

988 **6.18.060 Keeping animals in the city – General regulations – Penalty.**

989 A. Any person being the owner or entitled to the possession of any animal of the species of horse, mule,
990 ass, cattle, sheep, goat, domesticated fowl and exotic animals (except domesticated fowl maintained in
991 a residence), including but not limited to duck, chicken, goose, turkey or peafowl or swine of any kind,
992 shall be permitted to keep the same within the limits of the city except as the same is now or may be
993 hereafter forbidden by ordinance by securely confining the same in a stable or other building; or an
994 enclosure surrounded by a secure, well-built fence of sufficient height and strength to confine such
995 animal therein; or the same may be securely staked out in a vacant lot in such manner that it cannot get
996 upon any street, alley, or other public place within the city; provided, that the same is so confined or
997 staked out as to effectively prevent it getting within 50 feet of any dwelling or other building in which
998 persons work or are accustomed to be, or near enough to the property of another to do any damage
999 thereto or commit any nuisance thereupon; and provided further, that any such animal shall be
1000 considered as running at large when it breaks away from its fastenings or is herded or permitted to feed
1001 upon any of the streets, alleys or other public places of the city. Such confinement or staking must
1002 provide adequate food, water and shelter so that animal will not suffer abuse or neglect.

1003 **Animal keeping within the city limits of McCleary shall be dictated by the following:**

1004 **1. Requirements Defined.**

1005 i. ii. Livestock will not be allowed in existing and proposed subdivisions which have an
1006 average lot size of one acre or less. Pre-existing livestock, prior to date of adoption of
1007 the ordinance codified in this section, are allowed to remain as long as they do not
1008 constitute a nuisance.

1009 ii. c. Confinement. Animal confinement structures must have setbacks from adjacent
1010 neighboring dwellings of at least 150 feet.

1011 B. Hives or colonies of bees shall be kept in a manner in which they are inaccessible to the general public
1012 and so that bee movements to and from the hive do not interfere with the ordinary movements of
1013 persons on adjacent properties or the public right-of-way. Other rules and regulations involving hives or
1014 colonies of bees may be required as set forth in RCW 15.60.

1015 C. All stables and other buildings and all enclosures and premises upon which any such animals are kept
1016 and confined shall be kept in a clean, healthful, and sanitary condition by the person owning, possessing,
1017 or using any such premises for said purposes, and no persons owning, possessing, or using any such
1018 premises shall permit any nuisance to be formed or to accumulate thereon.

1019 D. It is the duty of the animal control authority to inspect all premises whereon any such animals are
1020 confined or kept, and to enforce the regulation of this chapter. If any such premises are not kept in a
1021 manner as required by this chapter, such officer or officers shall at once notify the persons owning,
1022 possessing, or using the premises for such purpose to place the same in a safe, secure, clean, healthful,
1023 and sanitary condition, and such person shall immediately comply with such order.

1024 E. Any person violating any of the provisions of this section shall be deemed guilty of an infraction and
1025 upon conviction thereof shall be fined in any sum not to exceed \$250.00.

1026 **06.18.065. Keeping of hens.**

1027 A. Notwithstanding the regulations in MMC 6.18.060, keeping of hens shall be permitted on properties
1028 used for single-family and duplex residential purposes only in the R1, R2, and R3 zoning districts under
1029 the following conditions:

- 1030 1. A maximum of six hens shall be permitted for each piece of land with contiguous property
1031 ownership regardless of lot area;
- 1032 2. Keeping of roosters shall be prohibited;
- 1033 3. Hens shall be contained within a fully enclosed fence, pen or coop at all times.
 - 1034 a. Such enclosure shall be less than 120 square feet in area.
 - 1035 b. If the height of the hen enclosure is six feet or less, it shall have a minimum setback of
1036 four feet from any side yard property line and zero feet from the rear yard. If such
1037 enclosure is over six feet in height, it shall meet the setbacks for a structure as defined
1038 in MMC 17.24;
- 1039 4. Hen enclosures shall be kept in a good working condition, shall not cause odor or noise
1040 nuisances, and shall not be deemed unsightly from any public right-of-way, as determined by
1041 the director of public works or his/her designee.

1042 **B. Violations.**

1043 1. The owner of any property in violation of subsection (A) of this section, as determined by the
1044 administrator, shall be subject to the infraction penalties defined in BMC 6.12.070.

1045 2. Within seven days of the notice of violation the property owner shall correct the cause of violation. If
1046 the violation has not been corrected in this time, the city, with cause, may seek legal entry to the
1047 property to remove the hens. The property owner will be responsible for any costs incurred by the city
1048 to ensure the nuisance is removed.

1049 **6.12.070 Infractions – Penalty.**

1050 A violation of any of the following provisions shall constitute an infraction and shall subject the violator
1051 to a fine not to exceed \$250.00:

1052 A. Any violation of the provisions of MMC 6.18.060, the general regulations governing keeping animals
1053 in the city.

1054 B. It is unlawful for any person to cause, permit, or allow any domestic animal or livestock of any kind to
1055 be at large

1056 **6.12.080 Misdemeanors – Penalty.**

1057 Any violation of the following provisions shall constitute a gross misdemeanor and shall be punishable
1058 by a fine not to exceed \$5,000 and/or imprisonment for a period not to exceed one year.

1059 A. It is unlawful for any person to prevent, obstruct, or hinder the impoundment of any animal or any
1060 other enforcement duties of police officers or animal control officers pursuant to this chapter.

1061 B. It is unlawful for a person to own, keep or maintain any wild, hybrid or exotic animal without a valid
1062 permit from the animal control authority.

1063 C. It is unlawful for an owner or keeper to refuse to quarantine or permit the quarantine of any animal
1064 when and as required by state law and this chapter.

1065 D. It is unlawful for an owner of an exotic or wild animal to allow such animal to be at large.

1066 E. It is unlawful for any person to take or drive any animal from any enclosed lot or tract of land or from
1067 any stable or other building, or from outside the limits of the city with the intent that such animal be
1068 impounded.

1069 F. Except as otherwise provided, it is unlawful for an owner of any wolf or wolf hybrid to keep or
1070 maintain such animal in the city, or for the owner or keeper of any exempted wolf or wolf hybrid to fail
1071 to comply with the provisions of this title.

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1 **8.16.010 Definitions.**

2 Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the
3 meanings shown in this chapter.

4 Where terms are not defined through the methods authorized by this section, such terms shall have
5 ordinarily accepted meanings such as the context implies

6 Unless the context requires otherwise, the following mean:

- 7 A. "Abate" means to repair, replace, remove, destroy or otherwise remedy the condition in
8 question by such means and in such a manner and to such an extent as the enforcement
9 officer determines is necessary in the interest of the general health, safety and welfare of the
10 community.
- 11 B. "APPROVED" means, approved by the public works director, enforcement officer or
12 designated person.
- 13 C. "CONDEMN" means, to adjudge unfit for occupancy or use.
- 14 D. "EXTERIOR PROPERTY" means, the open space on the premises and on adjoining property
15 under the control of owners or operators of such premises.
- 16 E. "EXTERMINATION" means, the control and elimination of insects, rats or other pests by
17 eliminating their harborage places; by removing or making inaccessible materials that serve as
18 their food; by poison spraying, fumigating, and trapping or by any other approved pest
19 elimination methods.
- 20 F. "Fire hazard" means anything or act which increases or may cause an increase of the hazard or
21 menace of fire to a greater degree than that customarily recognized as normal by persons in
22 the public service regularly engaged in preventing, suppressing or extinguishing fire or any
23 thing or act which may obstruct, delay, hinder or interfere with the operations of the fire
24 department or the egress of occupants in the event of fire.
- 25 G. "IMMINENT DANGER" means, a condition which could cause serious or life-threatening injury
26 or death at any time.
- 27 H. "INFESTATION" means the presence, within or contiguous to, a structure or premises of
28 insects, rats, vermin or other pests.
- 29 H. "INOPERABLE MOTOR VEHICLE" means, a vehicle which cannot be driven upon the public
30 streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a
31 state of disrepair, or incapable of being moved under its own power, including but not limited
32 to-automobile, trailer, truck, or other such vehicle, or any vehicle hulk, motorcycles,
33 snowmobiles or other motorized recreational vehicles.
- 34 I. "LET FOR OCCUPANCY OR LET" means, to permit, provide or offer possession or occupancy of
35 a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is
36 not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or
37 license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

- 38 J. “MMC” means, McCleary Municipal Code.
- 39 K. “OCCUPANT” means, any individual living or sleeping in a building, or having possession of a
40 space within a building and/or any person who has charge, care or control of a structure or
41 premises and/or a person, corporation, partnership or group, whether or not the legal owner
42 of record, occupying a building or portion thereof as a unit.
- 43 L. “STRICT LIABILITY OFFENSE” means, an offense in which the prosecution in a legal proceeding
44 is not required to prove criminal intent as a part of its case. It is enough to prove that the
45 defendant either did an act which was prohibited, or failed to do an act which the defendant
46 was legally required to do.
- 47 M. “STRUCTURE” means, that which is built or constructed or a portion thereof.
- 48 H. "Junk" includes, all motor vehicles not currently licensed, old or unusual motorized or
49 nonmotorized vehicle or vehicle parts, abandoned automobiles, old machinery, old machinery
50 parts, old appliances, or parts thereof, old iron or other metal, glass, paper, lumber, wood, or
51 other waste or discarded material.
- 52
- 53 I. "Person" means a natural person, firm, partnership, association or corporation, whether he is
54 acting for himself or as representative or agent of another.
- 55 B. ~~"Person in charge of property" means an agent, lessee, contract purchaser or other person having~~
56 ~~possession or control of property or the supervision of any construction project.~~
- 57 J. “OWNER” means, any person, agent, operator, firm or corporation having a legal or equitable
58 interest in the property; or recorded in the official records of the state, county or municipality
59 as holding title to the property; or otherwise having control of the property, including the
60 guardian of the estate of any such person, and the executor or administrator of the estate of
61 such person if ordered to take possession of real property by a court.
62
- 63 K. "Person responsible" means:
- 64 1. ~~The owner;~~
- 65 1. The owner, as defined in subsection J of this section;
- 66 2. ~~The person in charge of property, as defined in subsection B of this section;~~
- 67 3. ~~The person who caused to come into or continue in existence a nuisance as defined in the ordinance~~
68 ~~codified in this chapter or another ordinance of this city.~~
- 69 2. The owner and/or occupant who caused to come into or continue in existence a violation
70 in the ordinance codified in this chapter or another ordinance of this city.
- 71 L. "Public place" means a building, public street, alley or right-of-way, place or accommodation,
72 whether publicly or privately owned, open and available to the general public.

73 E. "Premises" means and includes property, landscaping, plantings, trees, bushes, fences, buildings,
74 fixtures and exterior storage of personal property, equipment, supplies and vehicles.

75 **M. "Premises" means and includes property, landscaping, plantings, trees, bushes, fences,**
76 **buildings, fixtures and exterior storage of personal property, equipment, supplies and**
77 **vehicles, including any structures thereon.**

78 F. "Officer," "enforcement officer," or "designated person": the officer or designated person for the
79 purpose of the ordinance codified in this chapter shall mean either the public works director or police
80 chief, as may be applicable under the circumstances and subject to the provisions of RCW 35A.12.100.

81 **N. "Officer," "enforcement officer," or "designated person": the Public Works Director, Police**
82 **Chief or his/her designee, is charged with the administration and enforcement of this code.**

83 O. "Nuisance": unless the context of the use of the term in a particular section or the specific
84 language of this code otherwise provides or requires, for purposes of this code a "nuisance" or a
85 "public nuisance" consists in an occupation, use of property, a thing, unlawfully doing an act, or
86 omitting to perform a duty, which occupation, use, thing, act or omission:

87 1. Unreasonably annoys, injures or endangers the comfort, repose, health or safety of the public or
88 others; or

89 2. Unreasonably offends decency; or

90 3. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage or
91 use, any lake, stream, canal or basin, or any public park, square, street, alley or highway; or

92 4. In any way renders other persons unreasonably insecure in life or the use of property; or

93 5. Unreasonably obstructs the free use of property so as to essentially interfere with the
94 comfortable enjoyment of life and property.

95 (Ord. 616 § 1, 1995)

96

97 **8.16.015 Administration.**

98 **The enforcement officer charged with the enforcement of this code, while acting for the jurisdiction,**
99 **shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for**
100 **any damage accruing to persons or property as a result of an act required or permitted in the**
101 **discharge of official duties. Any suit instituted against any officer or employee because of an act**
102 **performed by that officer or employee in the lawful discharge of duties and under the provisions of**
103 **this code shall be defended by the legal representative of the jurisdiction until the final termination of**
104 **the proceedings. The enforcement officer or any subordinate shall not be liable for costs in an action,**
105 **suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the**
106 **department of property maintenance inspection, acting in good faith and without malice, shall be free**
107 **from liability for acts performed under any of its provisions or by reason of any act or omission in the**
108 **performance of official duties in connection therewith.**

109 The enforcement officer shall enforce the provisions of this code and shall have authority as necessary
110 in the interest of public health, safety and general welfare, to adopt and promulgate rules and
111 procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and
112 to designate requirements applicable because of local climatic or other conditions. Such rules shall not
113 have the effect of waiving structural or fire performance requirements specifically provided for in this
114 code, or of violating accepted engineering methods involving public safety.

115 The enforcement officer shall carry proper identification when inspecting structures or premises in the
116 performance of duties under this code.

117 The enforcement officer shall issue all necessary notices or orders to ensure compliance with this code
118 and shall keep records of all notices or orders specified in the provisions of this code.

119

120 **8.16.017 Public nuisance defined.**

121 Every act unlawfully done and every omission to perform a duty, which act or omission:

122 **A. Annoys, injures or endangers the safety, health, comfort or repose of the citizens of the city;**

123 **B. Unlawfully interferes with, distracts, or tends to obstruct or renders dangerous for passage, a**
124 **public park, street, alley, highway or other public area; or**

125 **C. In any way renders any citizens of the city insecure in life or use of property, shall constitute a**
126 **public nuisance.**

127

128 **8.16.020 Public nuisance declared.**

129 Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public
130 nuisance, and whenever the enforcement officer determines that any of these conditions exist upon any
131 premises or structure, the enforcement officer may require or provide for the abatement thereof
132 pursuant to this chapter.

133 **Every successive owner of property who neglects to abate any continuing nuisance upon or in the use**
134 **of such property caused by a former owner, is liable therefor in the same manner as the owner who**
135 **created it.**

136 The construction, maintaining, using, placing, depositing, causing, allowing, leaving or permitting to be
137 or remain in or upon any private or public lot, building, structure, or premises, on, in or upon any street,
138 avenue, alley, park, parkway, or other public or private place in the city, any one or more of the
139 following places, conditions, things or acts to the prejudice, danger or annoyance of others:

140 1. Accumulations of manure, rubbish or other solid waste: provided that, a compost pile so
141 covered or concealed as not to affect the health, safety or value of adjacent property shall not
142 be so deemed.

143 2. **All structures and exterior property shall be kept free from insect and rodent harborage and**
144 **infestation. Where rodents are found, they shall be promptly exterminated by approved**

145 processes which will not be injurious to human health. After extermination, proper
146 precautions shall be taken to eliminate rodent harborage and prevent re-infestation. The
147 owner of any structure shall be responsible for extermination in the public or shared areas of
148 the property. The occupant shall be responsible for the continued rodent and pest-free
149 condition of the premises.

150 3. All limbs or trees overhanging a public sidewalk which are less than nine feet above the surface
151 of said sidewalk or overhanging a city street which are less than fourteen feet above the surface
152 of said street.

153 4. Any violation of the McCleary Municipal Code.

154 5. Causing or allowing garbage, waste, refuse, litter, debris, or other offensive materials, to be
155 collected or deposited, or to remain in any place in the city, to the annoyance of any person,
156 unless otherwise permitted by law.

157 6. Premises or residences:

158 a. Which are in such a state of decay as to cause an offensive odor, or

159 b. Which are in an unsanitary condition, or

160 c. Which create or constitute an unreasonable risk of fire or public safety hazard for
161 adjoining property owners, whether public or private.

162 7. All premises and exterior property shall be maintained free from weeds or plant growth in
163 excess of 18 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all
164 grasses.

165 8. Ponds or pools of stagnant water: except those areas of wetlands as designated by city, federal
166 or state laws, rules or regulations;

167 9. Privies, vaults, cesspools, sumps, pits, or like places which are not securely protected from flies
168 and rats or which are foul or malodorous;

169 10. All unused, abandoned or discarded refrigerators, ice boxes, or like containers which are left in
170 any place exposed or accessible to children; or any water closet, bathtub, or other appliance;

171 11. All places not properly fenced which are used or maintained as junkyards or dumping grounds,
172 or for the wrecking, disassembling, repair or rebuilding of automobiles, trucks, tractors, or
173 machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned
174 automobiles, trucks, tractors, or machinery of any kind or of any of the parts thereof, or for the
175 storing or leaving of any machinery or equipment used by contractors or builders or by other
176 persons, which said places are kept or maintained so as to essentially interfere with the
177 comfortable enjoyment of life or property by others.

178 ~~12. Deposit, keep or leave or to permit to be deposited, kept or left in any place accessible to~~
179 ~~children, or in any place viewable from a public street or alley, any abandoned, unused,~~
180 ~~unlicensed, nonrunning or discarded automobile, trailer, truck, or other such vehicle, or any~~
181 ~~vehicle hulk or any part thereof. For the purposes of this subsection, "abandoned, unused,~~

182 nonrunning" refers to a vehicle which is not movable under its own power and which has been
183 in a stationary position for more than fourteen days.

184 **13. Except as provided for in other regulations, no inoperable motor vehicle shall be deposited,**
185 **keep or leave or to permit to be deposited, kept or left in any place accessible to children, or**
186 **in any place viewable from a public street or alley, inoperative, abandoned, unused, non-**
187 **running or discarded inoperable motor vehicle, or other such vehicle, or any vehicle hulk or**
188 **any part thereof, shall be parked, kept or stored on any premises, and no vehicle shall at any**
189 **time be in a state of major disassembly, disrepair, damaged to the extent it prevents normal**
190 **operation, or in the process of being stripped or dismantled. Painting of vehicles is prohibited**
191 **unless conducted inside an approved spray booth, or disassembling, repair or rebuilding of**
192 **automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-**
193 **out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind or of any**
194 **of the parts thereof.**

195 **Exception: A vehicle of any type is permitted to undergo major overhaul, including body work,**
196 **provided that such work is performed inside a structure or similarly enclosed area designed and**
197 **approved for such purposes.**

198

199 This section shall not apply to junk kept in a duly licensed junkyard, automobile wrecking yard,
200 automobile sales lot or automobile repair shop.

201 The term "junk" as used in this section includes all motor vehicles not currently licensed, old or unusual
202 motorized or nonmotorized vehicle or vehicle parts, abandoned automobiles, old machinery, old
203 machinery parts, old appliances, or parts thereof, old iron or other metal, glass, paper, lumber, wood, or
204 other waste or discarded material;

205 14. This section shall not apply to authorized construction projects with reasonable safeguards to
206 prevent injury or death to playing children;

207 15. The depositing or burning of or causing to be deposited or burned in any street, alley, sidewalk,
208 park, parkway, or other public place which is open to travel, any hay, straw, grass, grass
209 clippings, papers, wood, boards, boxes, leaves, manure, or other rubbish or material except by
210 permission of the fire marshal;

211 16. The existence of any dead, diseased, infested or dying tree that may constitute a danger to
212 property or persons. No tree on property which abuts upon a street or public sidewalk shall
213 interfere with street or sidewalk traffic;

214 17. All shrubs, bushes, trees or vegetation which have grown and are in such a condition, whether
215 as the result of size, flammability or state of decay, constitute a fire hazard;

216 18. Any tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire, pipe, metal articles,
217 plaster, and all other trash or abandoned material, unless the same is kept in covered bins or
218 metal receptacles approved by the director of public works and further except for recyclables
219 kept in approved containers;

- 220 19. Any trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses,
221 bedding accessories, packing hay, straw, or other packing material, scrap iron, tin, pipe, and
222 other metal not neatly piled;
- 223 20. Lumber, roofing or siding materials, logs, or pilings not so stacked, piled or arranged as to be
224 free from being dangerous to or/and accessible to children;
- 225 21. Any of the following not properly secured from access by the public: provided that the building
226 official shall have concurrent jurisdiction in relation to any covered structures:
- 227 a. Any unsightly or dangerous building, billboard, or other structure, or
- 228 b. Any abandoned or partially destroyed building or structure, or
- 229 c. Any building or structure commenced and left unfinished for a period of more than six
230 months from the date of the issuance of any applicable building permit.
- 231 22. Repair upon the public streets, alleys or other public property of the city, of any automobile,
232 truck, or other motor vehicle or any other device required to possess a license issued by the
233 Department of Motor Vehicle/Licenses of this state or the state of its registration except for
234 emergency repairs not to exceed forty-eight hours in any seven-day period and only so long as it
235 is so located as to not constitute a hazard or unreasonable interference to pedestrian or motor
236 veicle travel.
- 237 23. Any putrid, unsound or unwholesome bones, meat, hides, skins, skeletons, or other whole or
238 part of any dead animal, fish or fowl, butcher's trimmings and offal, or any waste, vegetable or
239 animal matter, in any quantity, garbage, human excreta, or other offensive substance, provided
240 nothing contained in this chapter shall prevent the temporary retention of waste in receptacles
241 in the manner approved by the director of public works of the city or the local disposal
242 company.
- 243 24. Except to the extent allowed by the lawful terms of a permit issued by the governmental
244 authority having jurisdiction thereof, burning or disposal of refuse, sawdust, or other material in
245 such a manner to cause or permit ashes, sawdust, soot or cinders to be cast upon the streets or
246 alleys of the city, or to cause or permit dense smoke, noxious fumes, ashes, soot or gases arising
247 from such burning to become annoying or injurious to the health, comfort or repose of the
248 general public.
- 249 25. The existence of any vines, plants growing into or over any street, sidewalk, public hydrant, pole
250 or electrolier, or the existence of any shrub, vine or plant, growing on, around, or in front of any
251 hydrant, stand pipe, sprinkler system connection, or any other appliance or facility provided for
252 fire protection purposes in such a way as to obscure the view thereof or impair the access
253 thereto, or obstruct or interfere with the proper diffusion from the light from any street lamp,
254 or obstruct the vision of vehicle or pedestrian traffic.
- 255 26. Any poisonous or harmful substance which is reasonably accessible to persons or to animals;

- 256 27. The existence of any fence or other structure or thing on private property abutting or fronting
257 upon any public street, sidewalk or place which is in a sagging, leaning, fallen, decayed, or other
258 dilapidated or unsafe condition;
- 259 28. Poultry which creates a nuisance;
- 260 29. To dispose of animals within the city;
- 261 30. All trees, hedges, billboards, fences, or other obstructions which prevent persons from having a
262 clear view of traffic approaching an intersection from cross streets in sufficient time to bring a
263 motor vehicle driven at a reasonable speed to a full stop before the intersection is reached;
- 264 31. All explosives, inflammable liquids, and other dangerous substances stored in any manner or in
265 any amount other than that provided by ordinance;
- 266 ~~32. Maintaining within or allowing to be maintained, procuring or keeping within the city any~~
267 ~~dangerous animal. For purposes of this chapter, a dangerous animal shall mean any animal,~~
268 ~~other than the common household cat or dog or native bee, that is capable of killing or seriously~~
269 ~~injuring a human being, whether such injury be inflicted by the utilization of venom,~~
270 ~~constriction, claw, bite, or otherwise: provided that, this provision shall not apply so long as the~~
271 ~~animal is located within a facility such as a zoo or wildlife refuge owned and operated by a~~
272 ~~governmental agency or a nonprofit entity recognized as such under the laws of the state of~~
273 ~~Washington and the Internal Revenue Code of the United States of America or within a properly~~
274 ~~licensed veterinary hospital where such animal is confined temporarily for treatment;~~
- 275 33. For any person to obstruct or encroach upon public highways, streets, private ways, alleys and
276 ways open to the public, including cemeteries, or to unlawfully obstruct or impede the flow of
277 municipal transit vehicles, as defined in RCW 46.04.355, as now existing or hereafter amended
278 or succeeded, or passenger traffic, or to otherwise interfere with the provision or use of public
279 transportation services, or obstruct or impede a municipal transit driver, operator, employee or
280 supervisor in the performance of that individual's duties;
- 281 34. For any person to erect, continue or use any building or other structure or place for the exercise
282 of any trade, activity, employment or manufacture, which, by occasioning obnoxious, hazardous
283 or toxic exhausts or emissions, offensive smells, or otherwise, is offensive or dangerous to the
284 health of individuals or the public;
- 285 35. For any person to cause or allow the obstruction of or impeding, without legal authority, of the
286 passage or flow of any stream, canal or body of water;
- 287 36. Any place wherein intoxicating liquors or controlled substances are kept for unlawful use, sale or
288 distribution.

289 (Ord. 625 § 1, 1996: Ord. 616 § 3, 1995)

290

291

292

293 **8.16.021 Wrecked, dismantled or inoperative vehicles – prohibited activity.**

294 **A. No person may park, store or abandon a wrecked, dismantled or inoperative vehicle, or part**
295 **thereof on private property, except where the following conditions apply:**

296 **1. A vehicle or vehicle part is completely enclosed within a building in a lawful manner**
297 **where it is not visible from the street or from other public or private property; or**

298 **2. A vehicle is stored or parked in a lawful manner on private property in connection with**
299 **the business of a licensed dismantler, licensed auto repair business or licensed vehicle**
300 **dealer and is fenced as required by state law.**

301

302 **8.16.022 Notice required.**

303 **A. Whenever a vehicle has been determined to be a wrecked, dismantled or inoperative vehicle**
304 **or as an abandoned vehicle, the last registered vehicle owner of record and the land owner of**
305 **record where the vehicle is located shall each be given notice by certified mail that a hearing**
306 **may be requested before the hearing examiner. If no hearing is requested within ten days**
307 **from the certified date of receipt of the notice, the vehicle shall be removed by the city.**

308 **B. If a request for hearing is received within ten days, a notice giving the time, location and date**
309 **of the hearing on the question of abatement and removal of the vehicle or vehicles shall be**
310 **mailed by certified or registered mail, with five-day return receipt requested, to the land**
311 **owner as shown on the last equalized assessment roll and to the last registered and legal**
312 **owner of record of each vehicle unless the vehicle identification numbers are not available to**
313 **determine ownership.**

314 **8.16.023 Determination of responsibility.**

315 **A. The owner of the land on which the vehicle is located may appear in person at the hearing or**
316 **present a written sworn statement in time for consideration at the hearing. The owner may**
317 **deny responsibility for the presence of the vehicle on the land stating the reason for such**
318 **denial. If it is determined by the hearing examiner that the vehicle was placed on the land**
319 **without consent of the land owner and that the land owner has not subsequently acquiesced**
320 **in its presence, then costs of administration or removal of the vehicle shall not be assessed**
321 **against the property upon which the vehicle is located nor otherwise be collected from the**
322 **land owner.**

323 **B. Nothing in this chapter shall relieve the landowner of any civil penalties which may accrue**
324 **from any code violation related to the improper placement, parking or storage of vehicles or**
325 **parts thereof to which the landowner has consented or acquiesced.**

326 **C. In addition to determination of responsibility as provided for in paragraph A, the hearing**
327 **examiner shall receive and examine evidence on other relevant matters, including whether a**
328 **public nuisance as defined in this chapter exists. The decision of the hearing examiner shall be**
329 **final.**

330

331 8.16.024 Abatement and removal authorized.

332 The city may remove any abandoned, wrecked, dismantled or inoperative vehicle, automobile hulk or
333 part thereof, after complying with the notice requirements of MMC 8.16.023. The proceeds of any
334 such a disposition shall be used to defray the costs of abatement and removal of any such a vehicle,
335 including costs of administration and enforcement.

336

337 8.16.025 Costs of abatement and removal.

338 A. The costs of abatement and removal of any such vehicle or remnant part, including costs of
339 administration and enforcement, shall be collected from the last registered vehicle owner if
340 the identity of such owner can be determined, unless such owner in the transfer of ownership
341 thereof has complied with RCW 46.12.101.

342 B. If the vehicle owner cannot be established, the costs of abatement and enforcement shall be
343 collected from the land owner on which the vehicle or remnant part is located, unless the
344 landowner has shown in as described in MMC 8.16.022, that the vehicle or remnant part was
345 placed on such property without the landowner's consent or acquiescence.

346 C. Costs of administration for the removal and disposal of vehicles or remnant parts may be
347 recovered according to the lien and personal obligation provisions as provided in this chapter.

348

349 ~~8.16.030 Prohibited conduct.~~

350 8.16.030 Prohibited.

351 It is unlawful for any responsible person or owner to create, permit, maintain, suffer, carry on or allow
352 upon any premises any of the acts or things declared by the ordinance codified in this chapter to be a
353 public nuisance.

354 Every successive owner of property who neglects to abate any continuing nuisance upon or in the use
355 of such property caused by a former owner, is liable therefor in the same manner as the owner who
356 created it.

357 The owner of the premises shall maintain the structures, premises and exterior property in
358 compliance with these requirements, except as otherwise provided for in this code. A person shall not
359 occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary
360 and safe condition and which do not comply with the requirements of this code. Occupants of a
361 dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and
362 safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they
363 occupy and control.

364 It shall be unlawful for the owner of any dwelling unit or structure who has received a notice and
365 order or upon whom a notice and order has been served to sell, transfer, mortgage, lease or
366 otherwise dispose of such dwelling unit or structure to another until the provisions of the notice and
367 order has been complied with, or until such owner shall first furnish the grantee, transferee,

368 mortgagee or lessee a true copy of any notice and order issued by the enforcement officer and shall
369 furnish to the enforcement officer a signed and notarized statement from the grantee, transferee,
370 mortgagee or lessee, acknowledging the receipt of such notice and order and fully accepting the
371 responsibility without condition for making the corrections or repairs required by such notice and
372 order.

373 It is unlawful for any person to enter any unoccupied building and commit a nuisance therein.

374

375 (Ord. 616 § 4, 1995)

376 **~~8.16.040 Enforcement—Notice.~~**

377 1.—The enforcement officer, upon receiving a written complaint from any neighbor, person, citizen
378 or other source, or becoming aware that a nuisance may exist, shall investigate the complaint or
379 information with all reasonable dispatch.

380 2.—The enforcement officer, upon finding any condition in violation of the ordinance codified in this
381 chapter, shall cause any owner or other responsible person to be notified in writing of the
382 existence of the public nuisance, including posting of a notice on the premises where the
383 nuisance exists, directing the owner and occupant of the property to abate the condition within
384 ten calendar days after notice or other reasonable period. If not personally served, the written
385 notice shall be mailed to the last known address of the owner or other responsible person, with
386 copies being transmitted by first class post and certified mail.

387 a. At the time of posting, if in the determination by the enforcement officer said property
388 appears abandoned, a copy of such notice shall be forwarded by certified mail to the legal
389 owner or designated guardian, postage paid, and if known or disclosed from official public
390 records of the tax assessor's office, to the holder of any other legal interest in the building or
391 land created by contract, deed of trust, mortgage or deed.

392 1.—The notice shall be substantially in the following form:

393 -

394 **NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION**

395 (Name and address of person notified)

396 As owner, agent, lessees, or other person occupying or having charge or control of the building, lot, or
397 premises _____ you are hereby notified that the undersigned, pursuant to Ordinance Number/Code
398 Section _____ of the City of McCleary has determined that there exists upon or adjoining said
399 premises the following condition contrary to the provisions of subsection _____ of Ordinance
400 Number/Code Section _____.

401 You are hereby notified to abate or correct said condition to the satisfaction of the undersigned within
402 ten (10) days of the date of this notice. If you do not abate, correct or appeal such condition within ten
403 (10) days, the City may without further notice to you abate the condition at your expense.

404 Dated:_____.

405 By-

406 (Name of Enforcement Officer)

407 (Ord. 616 § 5, 1995)

408

409 **8.16.040 Enforcement--Notice.**

410 **1. The enforcement officer having knowledge of any public nuisance shall cause any property**
411 **owner and occupants to be notified in writing of the existence of a public nuisance on the**
412 **premises and shall order the owner and occupants to abate the violation within a reasonable**
413 **period of time. The notice shall be served either personally or by first class and certified mail**
414 **with return receipt requested.**

415 **2. If the condition is not corrected and the violation continues following the time frame**
416 **indicated in 8.16.040 (1), the enforcement officer shall be authorized to issue and serve a**
417 **notice of infraction to the owners or persons in control of the subject property.**

418 **3. If the condition is not corrected and the violation continues following the notice of infraction**
419 **or infractions, posting of a notice on the premises where the nuisance exists, directing the**
420 **owner or occupants in charge of the property to abate the condition within the time given. If**
421 **not personally served, the written notice shall be mailed at the address of record at the Grays**
422 **Harbor County assessor's office, or at the discretion of the enforcement officer to such other**
423 **person in control of the subject property owner or other responsible person, transmitted by**
424 **first class post and certified mail.**

425 4. The notice shall be substantially in the following form:

426 NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION

427 (Name and address of person notified)

428 As owner, agent, lessees, or other person occupying or having charge or control of the building, lot, or
429 premises _____ you are hereby notified that the undersigned, pursuant to Ordinance Number/Code
430 Section _____ of the City of McCleary has determined that there exists upon or adjoining said
431 premises the following condition contrary to the provisions of subsection _____ of Ordinance
432 Number/Code Section _____.

433 You are hereby notified to abate or correct said condition to the satisfaction of the undersigned within
434 ten (10) days of the date of this notice. If you do not abate, correct or appeal such condition within ten
435 (10) days, the City may without further notice to you abate the condition at your expense.

436 Dated:_____.

437 By

438 (Name of Enforcement Officer)

439

440 **8.16.045 Appeal.**

441 Within the time allowed after posting and mailing of such notice, as provided in Section 8.16.040 of this
442 chapter, the person responsible shall remove the nuisance or within the same ten-day time period show
443 that no nuisance exists unless an appeal/protest is taken as provided in this section.

444 A. An owner or person responsible protesting that no nuisance exists shall file with the public
445 works director a written statement which shall specify the basis for so protesting within the ten-
446 day period allowed for removal pursuant to Section 8.16.040 of this chapter. The statement
447 shall set out with reasonable specificity the factual matters which are the basis of the protest.

448 B. The statement shall be referred to the mayor for administrative review. In undertaking such a
449 review, the mayor may consider such materials as are within the file, including those submitted
450 by the party protesting the decision. The mayor may also undertake a personal view of the site
451 or condition at issue. If determined necessary and appropriate by the mayor, an informal
452 conference may be held at which the protestor and all other interested parties and persons may
453 present such factual and legal information as is determined relevant by the mayor. Following
454 such administrative review, the mayor shall thereupon determine whether or not a nuisance in
455 fact exists, and the determination shall be entered in the official records of the city. An
456 administrative review shall be required only in those instances where a written statement has
457 been filed as provided within this section.

458 C. If the administrative review determines that a nuisance does in fact exist, the person
459 responsible shall, within the time specified after the administrative determination, abate the
460 nuisance.

461 If more than one person is a person responsible, they shall be jointly and severally liable for abating the
462 nuisance, and for the costs incurred by the city in abating the nuisance.

463 If, within the time allowed, the nuisance has not been abated by the person or persons responsible, the
464 city may cause the nuisance to be abated.

465 (Ord. 616 § 6, 1995)

466 ~~**8.16.050 Nuisance by animals.**~~

467 ~~It is declared to be a nuisance and unlawful for any owner, keeper or walker of any dog or cat to permit
468 his or her dog or cat to discharge such animal's excreta upon any public or private property, other than
469 the property of the owner of any dog or cat, within the city if such owner, keeper or walker does not
470 immediately thereafter remove and clean up such animal's excreta from the public or private property.~~

471 (Ord. 308 § 6, 1973)

472 ~~**8.16.080 Defacing public or private property.**~~

473 **8.16.050 Defacing public or private property.**

474 No person shall mar, injure, destroy or deface, or aid in injuring, destroying or defacing in the city, any
475 public or private property, or cause to be posted or stuck, any handbill or placard upon any public or

476 private building, or upon any fence or other property within the city without the permission from the
477 owner or occupant first obtained; or mar, injure, destroy or deface or cause to be marred, destroyed,
478 injured or defaced any bridge, fence, tree, street sign, awning, lamppost, electric light post, or apparatus
479 or any other property, not belonging to the person so offending, whether public or private.

480 (Ord. 308 § 10, 1973)

481 ~~**8.16.090 Unattended machinery.**~~

482 ~~It is a nuisance and unlawful for any person, firm or corporation to permit any construction, compaction,~~
483 ~~earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth, and~~
484 ~~which is owned or controlled by him to stand for any period of time unattended without locking the~~
485 ~~ignition system or otherwise rendering said machinery inoperable so as to prevent any person~~
486 ~~unauthorized by the owner or individual in control thereof from starting said machinery.~~

487

488 **8.16.060 Unsafe equipment, machinery**

489 **It is a nuisance and unlawful for any person, firm or corporation to permit any construction,**
490 **compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of**
491 **the earth, and which is owned or controlled by him to stand for any period of time unattended**
492 **without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent**
493 **any person unauthorized by the owner or individual in control thereof from starting said machinery.**

494 **Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring**
495 **or device, flammable liquid containers or other equipment on the premises or property or safety of**
496 **the public or occupants of the premises or structure.**

497 (Ord. 308 § 11, 1973)

498

499 ~~**8.16.100 Unoccupied buildings to be closed.**~~

500 ~~Every agent or owner of any unoccupied building in the city shall keep the same securely closed at all~~
501 ~~times against persons who may enter and commit a nuisance therein.~~

502 ~~(Ord. 308 § 12, 1973)~~

503

504 ~~**8.16.110 Nuisance in unoccupied building.**~~

505 ~~It is unlawful for any person to enter any unoccupied building and commit a nuisance therein.~~

506

507 **8.16.70 Unsafe, unlawful, unfit structure.**

508 **A. An unsafe structure is one that is found to be dangerous to the life, health, property or safety**
509 **of the public or the occupants of the structure by not providing minimum safeguards to**

510 protect or warn occupants in the event of fire, or because such structure contains unsafe
511 equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty
512 construction or unstable foundation, that partial or complete collapse is possible.

513 B. A structure is unfit for human occupancy whenever the enforcement officer finds that such
514 structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or
515 lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or
516 lacks ventilation, illumination, sanitary, heating, drinking or other essential equipment, or
517 because the location of the structure constitutes a hazard to the occupants of the structure or
518 to the public.

519 C. An unlawful structure is one found in whole or in part to be occupied by more persons, or was
520 erected, altered or occupied contrary to the McCleary Municipal Code.

521 D. When a structure or equipment is found by the enforcement officer to be unsafe, or when a
522 structure is found unfit for human occupancy, or when a structure is found be unlawful, such
523 structure shall be condemned pursuant to the provisions 8.16.175.

524

525 8.16.80 Structures, buildings and premises.

526 A. The owner of the premises shall maintain the structures, premises and exterior property in
527 compliance with these requirements, except as otherwise provided for in this code. A person
528 shall not occupy as owner-occupant or permit another person to occupy premises which are
529 not in a sanitary and safe condition and which do not comply with the requirements of this
530 code. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for
531 keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit,
532 housekeeping unit or premises which they occupy and control.

533 1. Every agent or owner of any unoccupied building in the city shall keep the same securely
534 closed at all times against persons who may enter and commit a nuisance therein.

535 2. All vacant structures and premises thereof or vacant land shall be maintained in a clean,
536 safe, secure and sanitary condition as provided herein so as not to cause a blighting
537 problem or adversely affect the public health or safety.

538 3. All accessory structures, including detached garages, fences and walls, shall be maintained
539 structurally sound and in good repair.

540 4. All fences shall be constructed with materials which was designed for its purpose.

541 5. Buildings shall have approved address numbers placed in a position to be plainly legible
542 and visible from the street or road fronting the property. These numbers shall contrast
543 with their background. Address numbers shall be Arabic numerals or alphabet letters.
544 Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of
545 0.5 inch (12.7 mm).

546 6. All structural members shall be maintained free from deterioration, and shall be capable
547 of safely supporting the imposed dead and live loads.

- 548 7. All foundation walls shall be maintained plumb and free from open cracks and breaks and
549 shall be kept in such condition so as to prevent the entry of rodents and other pests.
- 550 8. All exterior property and premises shall be maintained in a clean, safe and sanitary
551 condition. The occupant and/or owner shall keep that part of the exterior property which
552 such occupant and/or owner occupies or controls in a clean and sanitary condition.
- 553 9. No person shall damage, mutilate or deface any exterior surface of any structure or
554 building on any private or public property by placing thereon any marking, carving or
555 graffiti. It shall be the responsibility of the owner to restore said surface to an approved
556 state of maintenance and repair.
- 557 10. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and
558 maintained weatherproof and properly surface coated where required to prevent
559 deterioration.
- 560 11. All exterior surfaces, including but not limited to, doors, door and window frames,
561 cornices, porches, trim, balconies, decks and fences shall be maintained in good condition.
- 562 12. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto,
563 shall be maintained structurally sound, in good repair, with proper anchorage and capable
564 of supporting the imposed loads. Every handrail and guard shall be firmly fastened and
565 capable of supporting normally imposed loads and shall be maintained in good condition.
- 566 13. All overhang extensions including, but not limited to canopies, marquees, signs, metal
567 awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair
568 and be properly anchored so as to be kept in a sound condition. When required, all
569 exposed surfaces of metal or wood shall be protected from the elements and against
570 decay or rust by periodic application of weather-coating materials, such as paint or similar
571 surface treatment.
- 572 14. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the
573 elements and decay by painting or other protective covering or treatment. Peeling, flaking
574 and chipped paint shall be eliminated and surfaces repainted.
- 575 15. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m²) of
576 floor area, and every bedroom occupied by more than one person shall contain at least 50
577 square feet (4.6 m²) of floor area for each occupant thereof.
- 578 16. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof
579 drainage shall be adequate to prevent dampness or deterioration in the walls or interior
580 portion of the structure. Roof drains, gutters and downspouts shall be maintained in good
581 repair and free from obstructions. Roof water shall not be discharged in a manner that
582 creates a public nuisance.
- 583 17. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be
584 maintained structurally safe and sound, and in good repair. All exposed surfaces of metal
585 or wood shall be protected from the elements and against decay or rust by periodic
586 application of weather-coating materials, such as paint or similar surface treatment.

- 587 18. All siding and masonry joints as well as those between the building envelope and the
588 perimeter of windows, doors, and skylights shall be maintained weather resistant and
589 water tight.
- 590 19. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and
591 corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit
592 future rust and corrosion.
- 593 20. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for
594 stabilization by oxidation are exempt from this requirement.
- 595 21. The interior of a structure and equipment therein shall be maintained in good repair,
596 structurally sound and in a sanitary condition. Occupants shall keep that part of the
597 structure which they occupy or control in a clean and sanitary condition. Every owner of a
598 structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or
599 more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean
600 and sanitary condition, the shared or public areas of the structure and exterior property.
- 601 22. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610
602 mm) in depth shall be completely surrounded by a fence or barrier. Gates and doors in
603 such barriers shall be self-closing and self-latching. Where the self-latching device is less
604 than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be
605 located on the pool side of the gate. Self-closing and self-latching gates shall be
606 maintained such that the gate will positively close and latch when released from an open
607 position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be
608 removed, replaced or changed in a manner that reduces its effectiveness as a safety
609 barrier.
- 610 23. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air,
611 grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or
612 adjacent public or private property or that of another tenant.
- 613 24. Where it is found that a plumbing system in a structure constitutes a hazard to the
614 occupants or the structure by reason of inadequate service, inadequate venting, cross
615 connection, back siphonage, improper installation, deterioration or damage or for similar
616 reasons, the enforcement officer shall require the defects to be corrected to eliminate the
617 hazard.
- 618 25. The water supply system shall be installed and maintained to provide a supply of water to
619 plumbing fixtures, devices and appurtenances in sufficient volume and at pressures
620 adequate to enable the fixtures to function properly, safely, and free from defects and
621 leaks.
- 622 26. Dwellings shall be provided with permanently installed, safe, functioning heating facilities
623 and an approved power or fuel supply system capable of maintaining a room temperature
624 of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances
625 shall not be used to provide space heating.

626 **27. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances**
627 **and water heating appliances shall be properly installed and maintained in a safe working**
628 **condition, and shall be capable of performing the intended function.**

629 **B. When the enforcement officer finds a violation to exist, the enforcement officer will follow**
630 **the provisions set forth in MMC 8.16.040 unless otherwise deemed as provided in MMC**
631 **8.16.70.**
632

633 **8.16.121 Plainly or clearly audible--Interpretation concerning noise violations.**

634 For purposes of Sections 8.16.121 through 8.16.125 and Sections 8.16.130 through 8.16.160, inclusive:

635 A. "Plainly audible" and "clearly audible" shall mean the same thing.

636 B. To be violative of the provisions of Sections 8.16.130 through 8.16.160, the sound, noise or use must
637 be plainly audible and be of such nature as to be capable of unreasonably disturbing the peace, comfort
638 and repose of a person occupying a structure.

639 (Ord. 553 § 6, 1990)

640

641 **8.16.122 Excessive noise--Declaration of policy.**

642 A. It is the policy of the city to minimize the exposure of citizens to the physiological and psychological
643 dangers of excessive noise and to protect, promote and preserve the health, safety and welfare of the
644 general public. It is the express intent of the city council to control the level of noise in a manner which
645 promotes commerce, the use, value and enjoyment of property, sleep and repose, and the quality of the
646 environment. The city council recognizes the position of the guarantees of freedom of speech in our
647 society. If those guarantees are to be truly effective, it is necessary that each citizen tolerate unwelcome
648 speech and ideas; without that, the guarantees of free speech cannot serve their critical roles of
649 fostering the exchange of ideas. The city council, however, recognizes that any right may be abused,
650 than an individual's right is limited by the impacts of its utilization upon those in our society who are
651 affected by that utilization and that balancing must be effectuated. In effectuating this balancing, the
652 city recognizes the vital role involved with the right to privacy, the right to be let alone, in an increasingly
653 noisy and intrusive world. Nowhere is that right more significant than in the privacy of one's home.

654 B. Sound is a principal medium of communication. By its nature and as a result of massive technological
655 changes within the last few years, it has become an even more potentially intrusive medium to those
656 who do not wish to hear the specific noise or message. The purpose of this chapter is to protect to the
657 greatest extent possible both the right of free speech and the right to privacy within the home. Its
658 purpose is to guarantee ample channels of communication for all ideas, whether welcome or
659 unwelcome by recipients, yet also secure the home as a refuge from noise which unreasonably disturbs
660 the peace and repose of its inhabitants.

661 (Ord. 553 §§ 1, 10 (part), 1990)

662

663 **8.16.123 Excessive noise--Finding of special conditions.**

664 The police department and the city council have been apprised of numerous citizen complaints
665 regarding specialized noise occurrences, particularly in summer months, such as the playing of amplified
666 music, in automobiles and otherwise, and the running of motorcycles, all at such volume and duration as
667 to unreasonably disturb and interfere with the peace, comfort and repose of others. Such noises
668 constitute a public disturbance. These noise occurrences adversely affect the public health and welfare,
669 the value of property and the quality of environment, and constitute special conditions within the city
670 which make necessary any and all differences between this chapter and regulations adopted by the
671 Department of Ecology.

672 (Ord. 553 §§ 2, 10 (part), 1990)

673

674 **8.16.124 Public disturbance noises designated.**

675 It is unlawful for any person wilfully to cause, or any person in possession of property wilfully to allow to
676 originate from the property, any sound which:

677 A. Is caused by the operation of a motor vehicle, including by way of example and not by way of
678 limitation, automobile, truck, motorcycle and all-terrain vehicle, upon property other than a public
679 highway, and which is so loud as to unreasonably disturb or interfere with the peace, comfort and
680 repose of owners or possessors of real property;

681 B. Is plainly audible within any dwelling unit which is not the source of the sound and which is located
682 within a residential zone established pursuant to the zoning ordinance, Title 17 of the McCleary
683 Municipal Code, is of such loudness, frequency or duration as to unreasonably disturb the peace,
684 comfort and repose of owners or possessors of such dwelling units within such dwelling units, and which
685 emanates from any device designed for sound production or reproduction, such as, but not limited to,
686 radios, televisions, musical instruments, phonographs and loudspeakers. However, between the hours
687 of seven a.m. and ten p.m., sound which is plainly audible within such dwelling unit for less than a total
688 of five minutes in any one-hour period or less than one minute at any one time shall not be deemed to
689 unreasonably disturb a person's peace, comfort and repose for purposes of this subsection;

690 C. Is plainly audible within any structure which is not the source of the sound and which is located
691 within the city, other than in a residential zone established pursuant to the zoning ordinance, Title 17 of
692 this code, if of such loudness, frequency or duration as to unreasonably disturb the peace, comfort and
693 repose of owners or possessors of such dwelling units within such dwelling units, and which emanates
694 from any device designed for sound production or reproduction, such as, but not limited to, radios,
695 televisions, musical instruments, phonographs and loudspeakers. However, between the hours of seven
696 a.m. and ten p.m., sound which is plainly audible within such dwelling unit for less than a total of five
697 minutes in any one-hour period or less than one minute at any one time shall not be deemed to
698 unreasonably disturb a person's peace, comfort and repose for purposes of this subsection. "Sound
699 which is plainly audible" means sound such as, but not limited to, understandable spoken speech or
700 comprehensible musical rhythms;

701 D. Sound produced by the audio system installed in a motor vehicle which is plainly audible more than
702 fifty feet from the vehicle when the windows and doors of the vehicle are closed or one hundred feet if
703 either are open, unless such sound is generated by a system in compliance with the following:

- 704 1. Is produced by a speaker system externally mounted,
- 705 2. Is related to the advertising or promotion of a social or political event, cause, issue or candidate, or
706 promoting a particular business enterprise,
- 707 3. Occurs between the hours of eight a.m. and eight p.m., and
- 708 4. Possesses the permit required by Section 8.16.160 of this code.

709 (Ord. 553 §§ 3, 10 (part), 1990)

710

711 **8.16.125 Exemptions from Sections 8.16.121 through 8.16.124.**

712 In addition to those exemptions contained in Section 8.16.150, the following sounds are exempt from
713 the provisions of this chapter:

- 714 A. Sounds created by fire alarms;
- 715 B. Sounds created by emergency equipment and emergency work necessary in the interests of law
716 enforcement or of the health, safety or welfare of the community;
- 717 C. Sounds created by off-highway vehicles while being used in officially designated off-road vehicle
718 parks; and
- 719 D. Sounds created by warning devices not operated continuously for more than thirty minutes per
720 incident.

721 (Ord. 553 §§ 4, 10 (part), 1990)

722

723 **8.16.130 Unnecessary noises designated.**

724 The following intentional acts, among others, are declared to be loud, disturbing and unnecessary noises
725 in violation of this chapter:

- 726 A. The sounding of any horn or signaling device on any automobile, motorcycle, transit vehicle or other
727 vehicle on any public street or public place of the city, except as a necessary warning of danger to
728 person or property; the creation by means of any such signaling device of any unreasonably loud or
729 harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time;
- 730 B. The use of any automobile, motorcycle, transit vehicle, or other vehicle, or engine, either stationary
731 or moving, or any instrument, device or thing so out of repair, so loaded, or in such manner as to create
732 loud and unnecessary grating, squealing, grinding, rattling or other noise;

733 C. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours
734 of eleven p.m. and seven a.m. or at any time and place so as to disturb the quiet, comfort and repose of
735 any person in any hospital, rest home, sanitarium, dwelling, hotel, motel or other type of residence;

736 D. The keeping in any building or upon any premises, of any bird, animal or fowl which by frequent or
737 long continued noise shall disturb the comfort and repose of any person in the vicinity;

738 E. The sounding of any whistle, siren or bell, receiving its power from whatever source, except to give
739 notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper city
740 authorities;

741 F. To discharge into the open air the exhaust of any steam engine, stationary internal combustion
742 engine or motor vehicle, except through a muffler or other device which will effectively reduce loud or
743 explosive noises therefrom;

744 G. The erection, including excavation, demolition, alteration or repair of any building, in a residential,
745 apartment, hotel or business district other than between the hours of seven a.m. and seven p.m. on
746 weekdays, except in case of urgent necessity in the interest of public safety and convenience, after
747 obtaining a permit from the public works superintendent;

748 H. The creation of any unreasonable or excessive noise near any school, institute of learning, church or
749 court, while the same are in session, or near any hospital, or other institution reserved for the sick,
750 feeble or aged, provided signs are displayed in such vicinities indicating such institution is nearby;

751 I. The creation of loud and excessive noises in connection with loading or unloading any vehicle, or the
752 opening or destruction of bales, boxes and containers;

753 J. The use, operation, or permitting to be used, played or operated any radio receiving set, musical
754 instrument, phonograph, or other machine or device for the producing or reproducing of sound in such
755 manner as to unreasonably disturb the peace, quiet and comfort of the neighboring inhabitants or at
756 any time with louder volume than is necessary for convenient hearing for the person or persons who are
757 in the room, vehicle or chamber in which such machine or device is operated and who are voluntary
758 listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a
759 manner as to be plainly audible at a distance of fifty feet from the building, structure or vehicle in which
760 it is located shall be prima facie evidence of a violation of this section;

761 K. The use of hand or power tools, blowers or machinery which results in unreasonably loud and
762 disturbing noises and is clearly audible at a distance of fifty feet from the structure in or on which such
763 tools or machinery are operated.

764 (Ord. 553 § 5 (part), 1990; Ord. 308 § 15, 1973)

765

766 **8.16.140 Repetition of unnecessary noises.**

767 It is unlawful for any person to permit any of the acts referred to in Section 8.16.130 to repeatedly take
768 place upon property under his dominion and control.

769 (Ord. 308 § 16, 1973)

770

771 **8.16.150 Exceptions from prohibition.**

772 None of the terms or prohibitions hereof shall apply or be enforced against:

773 A. Any vehicle of the city while engaged in necessary public business;

774 B. Excavations or repairs of bridges, streets or highways by or on behalf of the city, the county, or the
775 state during the night seasons when the public welfare and convenience render it impossible to perform
776 such work during the day;

777 C. The reasonable use of amplifiers or loudspeakers in the course of public addresses at reasonable
778 times and reasonable hours.

779 (Ord. 308 § 17, 1973)

780

781 **8.16.160 Use of loudspeakers.**

782 No person shall use any loudspeaker, amplifier or other similar device which shall project sound above a
783 normal level beyond the property lines of the premises upon which it is being used without first
784 obtaining a permit from the office of the police so to do; in issuing a permit, the office of the police shall
785 impose such restrictions on time, area, and volume as are necessary to preserve the public peace and
786 safety.

787 (Ord. 308 § 18, 1973)

788

789

790 **~~8.16.170 Keeping of animals.~~**

791 ~~A. Any person, firm or corporation is prohibited from keeping or sheltering animals in such a manner
792 that a condition resulting from same shall constitute a nuisance.~~

793 ~~B. In populous districts, stable manure must be kept in a covered watertight pit or chamber and shall
794 be removed at least once a week during the period from April 1st to October 1st and, during the other
795 months, at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health
796 officer.~~

797 ~~C. Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source
798 of drinking water.~~

799 ~~(Ord. 308 § 19, 1973)~~

800

801 **8.16.170 Property on City Right of Way**

- 802 A. The abutting property owner is required to maintain all property outside the lot lines and
803 property lines and inside the curblines or the traveled portion of the public streets, alleys or
804 sidewalks.
- 805 B. All property left on the public right-of-way as a result of an eviction or a forcible entry and
806 detainer or unlawful detainer action shall be deemed abandoned and is hereby declared a
807 public nuisance.
- 808 C. Any items which remain on the public right-of-way of any street, alley or sidewalk for a period
809 of forty-eight hours , including but not limited to any personal or household items, furniture,
810 appliances, machinery, equipment, building materials, or other items shall be deemed
811 abandoned and to constitute a public nuisance subject to removal by the city with or without
812 notice.
- 813 D. The costs of abatement may be assessed against the abutting real estate from which the
814 nuisance was abated for collection in the manner provided in the provisions in this chapter.

815

816 **8.16.175 Closing of structures, buildings, equipment, premises.**

- 817 A. Whenever the enforcement officer has condemned a structure or equipment, notice shall be
818 posted in a conspicuous place in or about the structure affected by such notice and served on
819 the owner or the person and/or persons responsible for the structure and/or equipment in
820 accordance with MMC 8.16.185. If the notice pertains to equipment, it shall also be placed on
821 the condemned equipment.
- 822 B. Upon failure of the owner or person responsible to comply with the notice provisions within
823 the time given, any occupied structure, building or equipment shall be vacated as ordered by
824 the enforcement officer. Any person who shall occupy the premises or operate the
825 equipment, any owner or any person responsible for the premises who shall let anyone
826 occupy the premises or operate the equipment, the premises or equipment, that person shall
827 be and/or shall also be responsible and will be liable for any penalties provided in this
828 chapter.
- 829 C. The enforcement officer is authorized to enter the structure and/or premises at reasonable
830 times to inspect subject to constitutional restrictions on unreasonable searches and seizures.
- 831 1. If entry is refused or not obtained, the enforcement officer is authorized pursuant to
832 8.16.190.
- 833 D. The enforcement officer is authorized to post, as provided in MMC 8.16.185, on the premises
834 and order the structure closed up so as not to be a public nuisance. Upon failure of the owner
835 to close up the premises within the time specified in the order, the enforcement officer shall
836 cause the premises to be closed and secured through any available public agency or by
837 contract or arrangement by private persons and the cost thereof shall be charged against the
838 real estate upon which the structure is located and shall be a lien upon such real estate and
839 may be collected by any means provided in this chapter.

840 E. Notwithstanding other provisions of this code, the enforcement officer shall order the
841 necessary work to be done, including the boarding up of openings and/or the fencing of
842 premises, to render such structure/premise temporarily safe.

843 F. The enforcement officer shall employ the necessary labor and materials to perform the
844 required work as expeditiously as possible.

845

846 8.16.180 Demolition or repair

847 A. The enforcement officer shall order, as provided in MMC 8.16.182, the owner of any premises
848 upon which is located any structure, which in the enforcement officer judgment finds any of
849 the following;

850 1. Is so old, dilapidated or has become so out of repair as to be dangerous, unsafe,
851 unsanitary or otherwise unfit for human habitation or occupancy, and such that it is
852 unreasonable to repair the structure, to demolish and remove such structure; or

853 2. If such structure is capable of being made safe by repairs, to repair and make safe and
854 sanitary or to demolish and remove at the owner's option; or

855 3. Where there has been a cessation of normal construction of any structure for a period
856 of more than two years, to demolish and remove such structure.

857 B. If the owner of a premises fails to comply with a demolition order, as provided in MMC
858 8.16.182, the enforcement officer shall cause the structure to be repaired or demolished and
859 removed, either through an available public agency or by contract or arrangement with
860 private persons, and the cost of such repair or demolition and removal shall be charged
861 against the real estate upon which the structure is located, the legal counsel of the jurisdiction
862 shall institute appropriate action against the owner of the premises.

863 C. When any structure has been ordered demolished and removed, the governing body or other
864 designated officer under said contract or arrangement aforesaid shall have the right to sell the
865 salvage and valuable materials, at the highest price obtainable. The net proceeds of such sale,
866 after deducting the expenses of such demolition and removal, shall be promptly remitted with
867 a report of such sale or transaction, including the items of expense and the amounts
868 deducted, for the person who is entitled thereto, subject to any order of a court. If such a
869 surplus does not remain to be turned over, the report shall so state.

870

871 8.16.182 Notice to Demolish

872 A. The issuance of an order to demolish the structure and enforcement action pursuant to this
873 chapter.

874 B. Posting of a notice on the premises where the structure exists, directing the owner or
875 occupants in charge of the property to Demolish the structures within the time given. The
876 written notice shall be, if not personally served, mailed at the address of record at the Grays
877 Harbor County assessor's office, or at the discretion of the enforcement officer to such other

878 person in control of the subject property owner or other responsible person, transmitted by
879 first class post and certified mail.

880 C. The order shall be as follows;

881 Notice to Demolish
882 Unlawful and/or Unsafe Structure

883
884 Name of Owner
885 Or Current Resident
886 Address
887

888 As owner, agent, lessees, or other person occupying or having charge or control of the building, lot,
889 or premises located at, Address, you are hereby notified that the undersigned, pursuant to
890 Ordinance Number. The City of McCleary has determined that there exists upon said premises the
891 following conditions contrary to the provisions of Ordinance Number.

892 You are hereby notified to Demolish the structure by Time on Date

893
894 Enforcement Officer
895 Of The
896 City of McCleary
897 Date
898

899

900 ~~8.16.180 Noxious weeds and rubbish--Abatement cost if done by city.~~

901 The city, by and through the city council, may, if the person, firm or corporation maintaining the
902 nuisance, fails or neglects to destroy and remove noxious weeds and rubbish, after notice as herein
903 provided, go upon or authorize and direct the proper offices to go upon the premises, cut and remove
904 therefrom, noxious weeds and rubbish, and the costs and expenses thereof shall be charged to and
905 taxed against the property, and recovered as a part of the taxes by special assessment, or may be
906 recovered in a civil action.

907 (~~Ord. 308 § 20, 1973~~)

908

909 8.16.185 Notice to Vacate

910 A. The issuance of an order prohibiting occupancy of the premises, requiring its immediate
911 vacation and enforcement action pursuant to this chapter.

912 B. Posting of a notice on the premises where the violation exists, directing the owner or
913 occupants in charge of the property to Vacate the violation within the time given. The written
914 notice shall be, if not personally served, mailed at the address of record at the Grays Harbor
915 County assessor's office, or at the discretion of the enforcement officer to such other person

916 in control of the subject property owner or other responsible person, transmitted by first class
917 post and certified mail.

918 C. The order shall be as follows;

919 Notice to Vacate
920 Unlawful Condition

921 Name of Owner
922 Or Current Resident
923 Address
924
925

926 As owner, agent, lessees, or other person occupying or having charge or control of the building, lot,
927 or premises located at, Address, you are hereby notified that the undersigned, pursuant to
928 Ordinance Number. The City of McCleary has determined that there exists upon said premises the
929 following conditions contrary to the provisions of Ordinance Number.

930 You are hereby notified to Vacate by Time on Date

931 Enforcement Officer
932 Of The
933 City of McCleary
934 Date
935
936

937 8.16.190 Right of entry

938 A. In the event the enforcement officer has been denied, refused and/or not obtained entry
939 to any structure, dwelling unit, building, property/premises, and the enforcement officer
940 having reason to examine the structure, dwelling unit, building, or property/premises
941 pursuant to a violation in the MMC, apply for a warrant for the structure, dwelling unit,
942 building, property, and/or premises.

943 B. Before a warrant is issued by the judge, the enforcement officer must set forth by affidavit
944 under oath the ordinance or ordinances upon which he is proceeding, and state the
945 circumstances upon which he is seeking the warrant.

946 C. If the judge finds that the enforcement officer is proceeding according to the provisions in
947 the MMC, he shall issue a warrant for the search of the structure, dwelling unit, building,
948 or property/premises.

949 D. If a warrant is issued, the enforcement officer shall make a return to the court of issuance.
950 The enforcement officer's return shall consist of;

951 1. An affidavit stating the time of issuance;

952 2. The time the structure, dwelling unit, building, or property/premises was
953 searched;

954 **3. The mode of service;**

955 **I. Either by serving a copy of the warrant upon the owner of the premises,**
956 **occupant or other person having charge of said premises;**

957 **II. And posting notice of the warrant upon the property.**

958

959 **~~8.16.190 Liability for abatement.~~**

960 ~~Every successive owner of property who neglects to abate any continuing nuisance upon or in the use of~~
961 ~~such property caused by a former owner, is liable therefor in the same manner as the owner who~~
962 ~~created it.~~

963 ~~(Ord. 308 § 21, 1973)~~

964

965 **~~8.16.200 Nuisances prohibited.~~**

966 ~~It is unlawful for any person to erect, contrive, cause, continue, or maintain a nuisance as herein defined~~
967 ~~or prohibited.~~

968 ~~(Ord. 308 § 22, 1973)~~

969

970 **~~8.16.205 Abatement by city.~~**

971 ~~In all cases where the city has determined to proceed with abatement, the city shall acquire jurisdiction~~
972 ~~to abate the condition at the person's expense as provided in this chapter. Upon the abatement of the~~
973 ~~condition or any portion thereof by the city, all the expenses thereof shall constitute a civil debt owing~~
974 ~~to the city jointly and severally by such persons who have been given notice as provided in this chapter.~~
975 ~~The debt shall be collectible in the same manner as any other civil debt owing to the city. To the extent~~
976 ~~allowed by law, whether statute, ordinance, rule or regulation, including, but not limited to, the~~
977 ~~provisions of the Building Code, Fire Code, or Uniform Code relating to the abatement of abandoned or~~
978 ~~dangerous buildings, it shall become a lien against the property and may be collected in such manner as~~
979 ~~may be allowed by law.~~

980

981 **8.16.200 Abatement by city.**

982 **A. In all cases where the city has determined to proceed with abatement, the city shall acquire**
983 **jurisdiction to abate the condition at the person's expense as provided in this chapter. Upon**
984 **the abatement of the condition or any portion thereof by the city, all the expenses thereof**
985 **shall constitute a civil debt owing to the city jointly and severally by such persons who have**
986 **been given notice as provided in this chapter. The debt shall be collectible in the same manner**
987 **as any other civil debt owing to the city. It shall become a lien against the property and may**
988 **be collected in such manner as provided in this chapter.**

989 **B. The enforcement officer shall order the necessary work to be done, including the boarding up**
990 **of openings and/or the fencing of premises, to render such structure/premise temporarily**
991 **safe and shall cause such other action to be taken as the enforcement officer deems necessary**
992 **to abate such nuisance.**

993 **C. For the purposes of this code, the enforcement officer shall employ the necessary labor and**
994 **materials to perform the required work as expeditiously as possible.**

995 **D. The fees for activities and services performed by the department in carrying out its**
996 **responsibilities under this code shall be as indicated in the following schedule;**

997 **1. Re-inspection fees may be assessed if work is incomplete, corrections not completed**
998 **or the allotted time is depleted. All City of McCleary fees shall be established by the**
999 **City of McCleary Development fee schedule. Fees will be assessed at the hourly**
1000 **charge in minimum fifteen (15) minute increments.**

1001 **E. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The**
1002 **legal counsel of the jurisdiction shall institute appropriate action against the owner of the**
1003 **premises or structure for the recovery of such costs pursuant to this chapter.**

1004 (Ord. 616 § 7, 1995)

1005

1006 **~~8.16.210 Abatement by owner or other responsible person.~~**

1007 ~~If and when an owner or other responsible person shall undertake to abate any condition described in~~
1008 ~~the ordinance codified in this chapter, whether by order of the enforcement officer or otherwise, all~~
1009 ~~necessary and legal conditions pertinent to the abatement may be imposed by the enforcement officer.~~
1010 ~~It is unlawful for the owner or other responsible person to fail to comply with such conditions. Nothing~~
1011 ~~in the ordinance codified in this chapter shall relieve any owner or other responsible person of the~~
1012 ~~obligation of obtaining any required permit to do any work incidental to the abatement.~~

1013 ~~(Ord. 616 § 8, 1995)~~

1014

1015 **8.16.210 Liability and abatement by owner or other responsible person.**

1016 If and when an owner or other responsible person shall undertake to abate any condition described in
1017 the ordinance codified in this chapter, whether by order of the enforcement officer or otherwise, all
1018 necessary and legal conditions pertinent to the abatement may be imposed by the enforcement officer.
1019 It is unlawful for the owner or other responsible person to fail to comply with such conditions. Nothing
1020 in the ordinance codified in this chapter shall relieve any owner or other responsible person of the
1021 obligation of obtaining any required permit to do any work incidental to the abatement.

1022

1023 **~~8.16.215 Immediate danger—Summary abatement.~~**

1024 Whenever any condition on or use of property causes or constitutes or reasonably appears to cause or
1025 constitute an imminent or immediate danger to the health or safety of the public or a significant portion
1026 thereof, the enforcement officer shall have the authority to summarily and without notice abate the
1027 same to the extent and subject to the provisions of applicable law, including by way of representation,
1028 RCW 35A.12.100, as now existing, amended or succeeded. The expenses of such abatement shall
1029 become a civil debt against the owner or other responsible party and be collected as provided in Section
1030 8.16.205 of this chapter.

1031 (~~Ord. 616 § 9, 1995~~)

1032

1033

1034

1035

1036 **8.16.215 Immediate danger.**

1037 **A. Whenever any condition on or use of property causes or constitutes or reasonably appears to**
1038 **cause or constitute an imminent or immediate danger to the health or safety of the public or a**
1039 **significant portion thereof, the enforcement officer shall have the authority to summarily and**
1040 **without notice abate the same to the extent and subject to the provisions of applicable law,**
1041 **including through an available public agency or by contract or arrangement with private**
1042 **persons. The expenses of such abatement shall become a civil debt against the owner or other**
1043 **responsible party and be collected as provided in this chapter.**

1044 **B. Whenever, in the opinion of the enforcement officer, there is imminent danger due to an**
1045 **unsafe condition, the enforcement officer shall order the necessary work to be done, including**
1046 **the boarding up of openings and/or the fencing of premises, to render such structure/premise**
1047 **temporarily safe whether or not the legal procedure herein described has been instituted; and**
1048 **shall cause such other action to be taken as the enforcement officer deems necessary to meet**
1049 **such emergency.**

1050 **C. The enforcement officer, upon approval from the public works director, shall have the**
1051 **authority to authorize disconnection of utility service to the building or structure in case of**
1052 **emergency where necessary to eliminate an immediate hazard to life or property or when**
1053 **such utility connection has been made without approval. The enforcement officer shall notify**
1054 **the serving utility and whenever possible, the owner and occupant of the building or structure**
1055 **of the decision prior to taking action. If not notified prior to disconnection the owner or**
1056 **occupant of the building or structure shall be notified in writing as soon as practical**
1057 **thereafter.**

1058

1059 **8.16.220 Abatement moneys.**

1060 All moneys collected for abatement purposes, as provided in this chapter, shall be separately stated and
1061 itemized by the clerk of the police court in his report to the city clerk treasurer and shall be credited by

1062 the city clerk treasurer to the department or division of the city government which shall be actually
1063 employed in the abatement of the nuisance.

1064 (~~Ord. 308 § 24, 1973~~)

1065

1066 **8.16.220 Abatement moneys.**

1067 **A. The governing body or other designated officer under said contract or arrangement aforesaid**
1068 **shall have the right to sell the salvage and valuable materials, at the highest price obtainable.**
1069 **The net proceeds of such sale, after deducting the expenses of such demolition and removal,**
1070 **shall be promptly remitted with a report of such sale or transaction, including the items of**
1071 **expense and the amounts deducted, for the person who is entitled thereto, subject to any**
1072 **order of a court. If such a surplus does not remain to be turned over, the report shall so state.**

1073 **B. All moneys collected for abatement purposes, as provided in this chapter, shall be separately**
1074 **stated and itemized by the enforcement officer in his report and shall be credited by the city**
1075 **clerk-treasurer to the department or division of the city government which shall be actually**
1076 **employed in the abatement by the city.**

1077

1078 **8.16.230 Violation—Penalty.**

1079 A.—Any person violating any of the provisions of the ordinance codified in this chapter shall be subject
1080 to the following penalty or punishments:

1081 1.—In the event of a first violation within any six month period, be issued a notice of infraction and,
1082 upon a finding of committed, be subject to a penalty of up to two hundred fifty dollars.

1083 2.—In the event of a second violation within any six month period, be issued a notice of infraction and,
1084 upon a finding of committed, be subject to a penalty of up to five hundred dollars, one hundred fifty
1085 dollars of which may be neither suspended nor deferred.

1086 3.—In the event of a third and subsequent violation within any six month period, be subject to issuance
1087 of a criminal citation, and upon conviction, be guilty of a misdemeanor and, subject to punishment by a
1088 fine not to exceed one thousand dollars, two hundred fifty dollars of which shall be neither suspended
1089 nor deferred, by imprisonment in jail not to exceed ninety days, or by both such fine and imprisonment.

1090 B.—In addition to any other penalty, fine or imprisonment which may be imposed, the court may direct
1091 the correction or elimination of the nuisance and in the event the party fails to timely correct, order
1092 such correction to be carried out and require the party to pay the costs related to such correction or
1093 elimination. In the event that summary abatement has been carried out pursuant to the authority in
1094 Section 8.16.215 of this chapter, the costs incurred by the city in so acting may be imposed.

1095 (~~Ord. 616 § 10, 1995~~)

1096

1097

1098

1099 8.16.230 Violation--Penalty.

1100 A. Any person violating any of the provisions of the ordinance codified in this chapter shall be
1101 subject to the following penalty or punishments:

1102 1. In the event of a first violation within any twelve-month period, be issued a notice of
1103 infraction and, upon a finding of committed, be subject to a penalty of up to two
1104 hundred fifty dollars.

1105 2. In the event of a second violation within any twelve-month period, be issued a notice
1106 of infraction and, upon a finding of committed, be subject to a penalty of up to five
1107 hundred dollars, one hundred fifty dollars of which may be neither suspended nor
1108 deferred.

1109 3. In the event of a third and subsequent violation within any twelve-month period, be
1110 subject to issuance of a criminal citation, and upon conviction, be guilty of a
1111 misdemeanor and, subject to punishment by a fine not to exceed one thousand
1112 dollars, two hundred fifty dollars of which shall be neither suspended nor deferred,
1113 by imprisonment in jail not to exceed ninety days, or by both such fine and
1114 imprisonment. Each day that a violation exists may constitute a separate violation of
1115 this chapter.

1116 B. In addition to any other penalty, fine, or imprisonment which may be imposed, the court may
1117 direct the correction or abatement of the nuisance and in the event that the party continues
1118 to fail to timely correct, order such correction or abatement be performed by the city using
1119 any lawful means. The city may enter unsecured property and may remove, correct or abate
1120 the nuisance which is subject to abatement. If the person does not consent to entry, the city
1121 may seek judicial process from the court, as it deems necessary, to effect the removal,
1122 correction or abatement of the nuisance. The costs, including incidental expenses of
1123 correcting the violation, may be billed to the owners, persons or occupants in control of the
1124 subject property, and if the owners, persons or occupants in control fail to remit payment in a
1125 timely manner, the city may file a lien for the cost of any abatement proceedings and all other
1126 related and incidental costs against the real property upon which any of the work of the
1127 abatement was performed. A notice of the city's lien, specifying the expenses incurred in
1128 abating the nuisance and giving the legal description of the premises sought to be charged,
1129 shall be filed with the county auditor within ninety days from the date of the abatement and
1130 the same may at any time thereafter be collected in the manner for foreclosure of mechanic's
1131 or labor liens under the laws of the state of Washington. In addition to a lien, the debt shall be
1132 collectible in the same manner as any other civil debt owing to the city, and the city may
1133 pursue collection of the costs of any abatement proceedings under this chapter by any other
1134 lawful means, including but not limited to a collection agency. Any person sent a bill or notice
1135 of the costs due for an abatement of a nuisance may request a hearing before the court to
1136 determine if the costs should be assessed, reduced, or waived. A request for hearing shall be
1137 made in writing and filed with the court no later than seven days from the date of mailing of
1138 the bill or notice of costs due for the abatement. Each request for a hearing shall contain the

1139 address and telephone number of the person requesting the hearing, and shall set out the
1140 basis for the appeal. Failure to request a hearing within seven days from the mailing of the bill
1141 or notice of costs due for the abatement shall be a waiver of the right to contest the validity of
1142 the costs incurred in the abatement of the violation.

1143

1144 8.16.235 Injunction as alternative relief.

1145 As an alternative, or in addition to abatement and criminal proceedings the city may, at its option,
1146 institute civil proceedings as appropriate to enjoin the nuisance.

1147 8.16.240 Severance.

1148 The provisions of this chapter are declared to be severable and if any section, sentence, clause or
1149 phrase of this chapter shall for any reason be held to be invalid or unconstitutional, such decision shall
1150 not affect the validity of the remaining sections, sentences, clauses or phrases of this chapter, and
1151 they shall remain in effect, it being the legislative intent that this chapter shall stand notwithstanding
1152 the invalidity of any part.



Adopting Financial Policies

Type:

Best Practice

Background:

Financial policies are central to a strategic, long-term approach to financial management. Some of the most powerful arguments in favor of adopting formal, written financial policies include their ability to help governments:

1. Institutionalize good financial management practices. Formal policies usually outlive their creators, and, thus, promote stability and continuity. They also prevent the need to re-invent responses to recurring issues.
2. Clarify and crystallize strategic intent for financial management. Financial policies define a shared understanding of how the organization will develop its financial practices and manage its resources to provide the best value to the community.
3. Define boundaries. Financial policies define limits on the actions staff may take. The policy framework provides the boundaries within which staff can innovate in order to realize the organization's strategic intent.
4. Support good bond ratings and thereby reduce the cost of borrowing.
5. Promote long-term and strategic thinking. The strategic intent articulated by many financial policies necessarily demands a long-term perspective from the organization.
6. Manage risks to financial condition. A key component of governance accountability is not to incur excessive risk in the pursuit of public goals. Financial policies identify important risks to financial condition.
7. Comply with established public management best practices. The Government Finance Officers Association (GFOA), through its officially adopted Best Practices endorsement of National Advisory Council on State and Local Budgeting (NACSLB) budget practices and the GFOA Distinguished Budget Presentation Award Program, has recognized financial policies as an essential part of public financial management.

Recommendation:

GFOA recommends that governments formally adopt financial policies. Steps to consider when making effective financial policies include (1) scope, (2) development, (3) design, (4) presentation, and (5) review.

Scope. There are some basic financial policy categories (but not limited to) that all governments should consider adopting.

1. *General fund reserves.* Policies governing the amount of resources to be held in reserve and conditions under which reserves can be used.

2. *Reserves in other funds.* Policies for other funds (especially enterprise funds) that serve a similar purpose to general fund reserve policies.
3. *Grants.* Policies that deal with the administration and grants process.
4. *Debt.* Policies that govern the use of government debt, including permissible debt instruments, conditions under which debt may be used, allowable levels of debt, and compliance with continuing disclosure requirements.
5. *Investment.* Policies that provide guidance on the investment of public funds, including permissible investment instruments, standards of care for invested funds, and the role of staff and professional advisors in the investment program.
6. *Economic development.* Policies that address a local government's use of subsidies or other incentives to encourage private development.
7. *Accounting and financial reporting.* Policies that establish and guide the use of an audit committee, endorse key accounting principles, and that ensure external audits are properly performed.
8. *Risk management and internal controls.* Policies that address traditional views of risk management and internal control, as well as more modern concepts of "enterprise risk management."
9. *Procurement.* Policies that are most essential for adoption by the governing board in order to encourage efficient, effective and fair public procurement.
10. *Long-term financial planning.* A policy that commits the organization to taking a long-term approach to financial health.
11. *Structurally balanced budget.* Policies that offer a distinction between satisfying the statutory definition and achieving a true structurally balanced budget.
12. *Capital.* Policies that cover the lifecycle of capital assets, including capital improvement planning, capital budgeting, project management, and asset maintenance.
13. *Revenues.* Policy guidance through the designing of efficient and effective revenue systems that guarantee the generation of adequate public resources to meet expenditure obligations.
14. *Expenditures.* Policies addressing a range of issues around how the money is expended, including personnel, outsourcing, and funding long-term liabilities.
15. *Operating budget.* Policies that describe essential features of the budget development process and form, as well as principles that guide budgetary decision making.

Development. The following steps should be considered in the development of effective policies.

1. Define the problem the policy will address.
2. Draft the policy. Be aware of legal requirements and consider public comments. Look at the experience of peer governments.
3. Review and present the policy to government officials.
4. Formally consider and adopt policy.
5. Implement policy making sure that staff and government officials are aware of policies.

Design. Effective polices have a number of design features in common.

1. Policies must exist in written form.
2. Policies should be expressed in a manner that is understandable to the intended audiences.
3. Policies should be made available to all stakeholders, and be published in more than one medium with multiple means of access.
4. Policies should address all relevant issues and risks for that specific policy in a concise fashion.

Presentation. Effective financial policies share some of the following traits.

1. All of the financial policies are placed in the same section of the budget document.
2. The original and revision dates are shown on the individual policies.

Review. Financial policies are most successful when they are reviewed after being enacted.

1. Policies should be monitored, reviewed, and updated as needed in a systematic way.
2. Analyze the reasons if specific policies are not being followed.

Note: References listed below will be arranged separately on the GFOA website.

Reference to Some of GFOA Best Practices on Financial Policies

Financial Policy	GFOA Best Practice Link
General Fund /Other Fund Reserves	<ul style="list-style-type: none"> • Determining the Appropriate Level of Unrestricted Fund Balance in the General Fund • Determining the Appropriate Level of Working Capital in Enterprise Funds
Grants	<ul style="list-style-type: none"> • Establishing an Effective Grants Policy • Establishing a Grants Administration Oversight Committee • Administering Grants Effectively
Debt	<ul style="list-style-type: none"> • Debt Management Policy • Analyzing and Issuing Refunding Bonds
Investment	<ul style="list-style-type: none"> • Local Government Investment Pools • Investment of Bond Proceeds
Economic Development	<ul style="list-style-type: none"> • Evaluating and Managing Economic Development Incentives • Coordinating Economic Development and Capital Planning • Monitoring Economic Development Performance • Developing an Economic Development Incentive Policy
Accounting & Financial Reporting	<ul style="list-style-type: none"> • Documenting Accounting Policies and Procedures • Encouraging and Facilitating the Reporting of Fraud and Questionable Accounting and Auditing Practices • Audit Committees

	<ul style="list-style-type: none"> • Basis of Accounting versus the Budgetary Basis
Risk Management & Internal Controls	<ul style="list-style-type: none"> • Practical Steps to Avoid, Limit, or Eliminate Internal Control Deficiencies Identified in an Audit • Business Preparedness and Continuity Guidelines • Creating a Comprehensive Risk Management Program
Procurement	<ul style="list-style-type: none"> • Purchasing Card Programs • Electronic Payment and Collection Systems
Long-term Financial Planning	<ul style="list-style-type: none"> • Long-Term Financial Planning
Balanced Budget	<ul style="list-style-type: none"> • Achieving a Structurally Balanced Budget
Capital	<ul style="list-style-type: none"> • Capital Planning Policies • Incorporating a Capital Project Budget in the Budget Process • Multi-Year Capital Planning • Establishing Capitalization Thresholds for Capital Assets • Determining the Estimated Useful Life of Capital Assets
Expenditures	<ul style="list-style-type: none"> • Inflationary Indices in Budgeting • Effective Budgeting of Salary and Wages • Strategies for Managing Health-Care Costs • Measuring the Full Cost of Government Service
Revenues	<ul style="list-style-type: none"> • Establishing Government Charges and Fees • Financial Forecasting in the Budget Preparation Process • The Use of Trend Data and Comparative Data for Financial Analysis • Revenue Diversification, Use of One-Time Revenues, and Use of Unpredictable Revenues
Operating Budget	<ul style="list-style-type: none"> • A Systematic Approach to Managing Performance • Making the Budget Document Easier to Understand • Public Participation in Planning, Budgeting, and Performance Management • Presenting Official Financial Documents on Your Government's Website

Committee:

Governmental Budgeting and Fiscal Policy

References:

- GFOA Best Practice, "Recommended Budget Practices from the National Advisory Council on State and Local Budgeting," 1998.
- GFOA Publication, "Financial Policies," 2012 (Shayne Kavanagh).

Approved by GFOA's Executive Board:
September 2015

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Section II: Processes, Policies & Summaries *Financial Policies*

Financial Policies

As stewards of the public's resources, the City Council and City Manager ensure sound financial management of the City over the long-term. The following set of Financial Policies provides consistent guidance to financial and budget decisions. This set of well- designed policies also provides assurances to the citizens, creditors, grantors and others interested in the City's financial condition that the city is operated in a fiscally sound and prudent manner.

Budget Policies

As required by State law and by prudent financial management, the City will biennially prepare a balanced budget where projected resources meet or exceed projected needs. Additionally to be fiscally sound the budget will:

- Fund recurring operating expense with recurring revenues so that ongoing needs are not adversely impacted by the loss of one-time revenues.
- Allow for funding one-time needs with non-recurring revenues wherever possible.
- Provide sufficient resources to the Contingency Fund so that it can reasonably respond to critical unforeseen needs of the City without requiring the City to divert resources from other important services, but not to exceed the legal maximum funding of the equivalent 37.5 cents per thousand.
- Include a five-year forecast of the City's revenues and expenses so the City Council can make current budget decisions in the context of the City's long term financial conditions.
- Establish utility rates sufficient to provide net positive operating results and to meet or exceed any revenue bond coverage requirements.

Reserve Policies

Reserves provide important protections against the regular fluctuations of local economic conditions and the month-to-month variability of revenue collections. Reasonable reserves provide the working capital needed to support City operations through these cycles and should be set at a level that can sustain City operations for the most adverse conditions that can reasonably be expected. It is most useful to define reserves as a percentage of budgeted expenses so it can be readily converted to the number of days or months the City can operate without receiving additional revenues.

The City of Fife maintains its accounting records on the cash basis of accounting where revenues and expenses are only recognized when revenues are actually received and expenses when actually paid. Therefore, to properly determine the amount of the reserve in any fund, known liabilities expected to be paid from current resources will be considered as an obligation of existing cash balances (similar to the accrual basis of accounting) so that only the unobligated portion of the cash balance is used to determine the reserve amount.

Section II: Processes, Policies & Summaries

Financial Policies

General Fund

The City will maintain an undesignated fund balance of 17% of annual budgeted General Fund expenses excluding debt service transfers (a two month reserve) in the General Fund. The General Fund may also have additional reserves.

Utilities

The Water, Sewer and Storm Drainage utilities shall maintain sufficient cash reserves to provide for seasonal variability of revenues and to allow it to operate if a bi-monthly billing cycle is disrupted for any reason.

Other Funds

The other funds of the City are used to account for restricted revenue sources provided for a specifically defined service or expense. Any reserve requirements thought prudent for operations should be determined by the City Manager as part of the budget request.

Accounting & Financial Reporting Policies

The City utilizes a "funds" accounting system wherein monies restricted for specific purposes are accounted for in separate "funds" in accordance with national accounting practices. Unrestricted monies will be accounted for in the General Fund. The City maintains its accounting system on the cash basis of accounting as permitted by the State Auditor and will use the BARS chart of accounts as required by the State Auditor. Additionally, the City complies with the systems and controls prescribed by the Office of the State Auditor who establishes procedures and records which reasonably assure safeguarding of assets and the reliability of financial reporting.

The City prepares an annual financial report using the forms prescribed by the State Auditor and is audited on a schedule determined by the State Auditor and as prescribed by State law. The City may, from time-to-time, arrange for additional audits when considered beneficial to the City's operations. The State Auditor is required to examine the affairs of all local governments at least once every three years. The City is audited annually. The examination must include, among other things, the financial condition and resources of the City, whether the laws and constitution of the State are being complied with, the methods and accuracy of the accounts and reports of the City, and federally funded programs (grants) as required for a "single audit" under OMB A-133. Reports of the auditor's examinations are required to be filed in the Office of the State Auditor and in the finance department of the City. The State Auditor last audited the City's financials for fiscal year ended December 31, 2011 and received a clean audit with no significant findings of fact. Additionally, the Finance Director prepares quarterly financial reports showing the budget versus actual revenues and actual expenses and projecting year end results for the General Fund and each utility fund.

Debt Policies

The City's ability to pledge its revenues in support of debt is a valuable "tool" for providing essential public services, but can threaten the City's financial flexibility and the City's credit rating if not used prudently. Excessive use of debt can also create an onerous tax burden on city property owners. Therefore, the City adopts the following policies to guide its use of debt:

RESOLUTION NO. 10-2014

**A RESOLUTION OF THE CITY OF LEAVENWORTH, WASHINGTON, AMENDING
THE FINANCIAL POLICY**

BE IT RESOLVED by the City Council of the City of Leavenworth, Washington as follows:

WHEREAS, the purpose of a Financial Policy is to outline the financial goals, policies and financial reporting requirements of the City, and

WHEREAS, the City Council and Administration conducted a review of the adopted financial policy guidelines and proposed changes based on the 2015-2016 budget cycle at the annual budget retreat held on April 25, 2014 and the City Council Study Session held on May 13, 2014.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF
LEAVENWORTH, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. The compilation of fiscal policies entitled "City of Leavenworth Financial Policy" attached hereto, and incorporated herein by this reference as set forth in full, is hereby amended as the official statement of financial policy for the City of Leavenworth and supersedes any revisions that have been theretofore made.

Section 2. Resolution 6-2013 is hereby repealed.

Passed by the City Council of the City of Leavenworth and approved by the Mayor this 13th day of May, 2014.

CITY OF LEAVENWORTH

By:



Cheryl K. Farivar, Mayor

Attest:



Chantell Steiner,
Finance Director/City Clerk

CITY OF LEAVENWORTH FINANCIAL POLICY

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1. General Financial Goals

- a. To provide a financial base sufficient to sustain municipal services to maintain the social well being and physical conditions of the City.
- b. To be able to withstand local and regional economic trauma, to adjust to changes in the service requirements, and to respond to other changes as they affect the community.
- c. To maintain an excellent credit rating in the financial community and assure taxpayers that Leavenworth city government is maintained in sound fiscal condition.

2. Operating Budget Policies

- a. The base operating budget is the City's comprehensive two-year financial plan which provides for the desired level of city services as defined by the City's priorities. A biennial budget will be developed every two years and will be reviewed annually using a "budgeting by priorities" process.
- b. The goals of the Budgeting by Priorities process are:
 - Align the budget with Council / Citizen priorities
 - Measure progress towards priorities
 - Get the best value for each tax dollar
 - Foster continuous learning in the City
 - Build regional cooperation
- c. "One-time" expenses require specific authority to be carried forward into subsequent budgets.
- d. Revenues and expenditures for the General Fund and all operating funds shall be projected for the ensuing biennium.
- e. Biennial operating budgets should provide for design, construction, maintenance and replacement of the City's capital, plant, and equipment consistent with the Capital Facilities Plan including the related cost for operating such new facilities.
- f. The City will maintain all its assets at a level such that it protects the City's capital investment and minimizes future maintenance and replacement costs.
- g. The City will develop an equipment replacement and maintenance needs analysis for the life cycle of the equipment and will update this projection every two years consistent with budget development.
 1. The City currently maintains a schedule of replacement for the Equipment Rental and Revolving Loan Fund for Vehicles and Equipment.
 2. The City currently maintains a schedule of replacement for all citywide computer systems.

3. The City will strive to develop a schedule of replacement for city owned facilities and equipment by 2016 for the 2015-2016 biennial budget.

h. All general government current operating expenditures will be paid from current revenues and cash carried over from the prior biennium. Reports on revenues and expenditures will be prepared monthly for the Finance Committee for review and distributed quarterly to the full City Council during the year. The City will avoid budgetary and accounting procedures which balance the current budget at the expense of future budgets. The City of Leavenworth defines a balanced budget as current biennium revenues (including fund balances) are equal to or greater than current biennium budgeted expenditures (including ending fund balances). The City will attempt to utilize beginning balances and other one-time revenues only for one-time/non-recurring expenditures such as planned capital improvements or projects.

i. All supplemental appropriations for programs (appropriations requested after the original budget is adopted) will be considered as a result of the availability of new revenues (such as unanticipated grants) or fund balance if available and without affect to a fund's minimum reserve. All supplemental appropriations will conform to the "Budgeting by Priorities" process.

3. Revenue Policies

a. The City will strive to maintain as diversified and stable a revenue system as permitted by state law to shelter it from short-run fluctuations in any one revenue source. The revenue mix should combine elastic and inelastic revenue sources to minimize the effect of an economic downturn.

b. Because revenues, especially those of the General Fund, are sensitive to both local and regional economic activities, revenue estimates provided to the City Council shall be conservative.

c. The City will estimate its biennial revenues by an objective, analytical process using past historical figures, economic changes, and suggestions provided annually by the Municipal Research and Service Center Budget Suggestions pamphlet.

d. The City will establish all user charges at a level related to the cost of providing the service and within policy parameters established by the City Council.

e. Each year, the City will review user fees to adjust for the effects of inflation and other factors as appropriate. The City will set fees for user activities, such as development and recreational services, at a level to support the direct and indirect costs of the activity.

g. The City will set fees and user charges for each enterprise fund, such as Water, Wastewater, Garbage, Stormwater, and Parking at a level that fully supports the total direct and indirect cost of the activity including the cost of annual depreciation of capital assets. Additionally, for analysis and rate modeling purposes, the proposed rates shall also take into account debt service coverage commitments made by the City at a minimum of 100% of the annual debt service.

4. Expenditure Policies

- a. The City budget will provide for a sustainable level of service as defined in the context of the Budgeting by Priorities process.
- b. The City's operating budget will not use one-time revenues to support ongoing expenditures.
- c. The City will maintain expenditure categories according to state statute and administrative regulation. Capital expenditures shall meet the requirements of generally accepted accounting principles (GAAP) which would include purchases that will be used for at least one year such as computers, vehicles, equipment, office furniture, real property, and improvements to city infrastructure. Typically these items would have a minimum cost of \$5,000 but may be less in the case of such items as computers and equipment.
- d. The City will structure service levels in the context of financial sustainability.
- e. The City will forecast its General Fund expenditures biennially. The drivers and assumptions used in the forecast will be described when necessary. All other funds will use past historical figures and economic changes where appropriate.

5. Capital Investment Budget Policies

- a. The City will make capital improvements in accordance with an adopted capital facilities plan.
- b. The Capital Facilities Plan and the base operating budget will be reviewed at the same time to ensure that the City's capital and operating needs are balanced with each other and that the Capital Facilities Plan is aligned with the City's other long-range plans.
- c. The City will develop a six-year plan for capital improvements including operations and maintenance costs that will be reviewed each year. Capital expenditures will be forecasted taking into account changes in population, changes in real estate development, or changes in relevant economic condition of the City and the region.
- d. The City will identify the estimated costs and potential funding sources for each capital project proposal before it is submitted to Council for approval. The City will use intergovernmental assistance and other outside resources whenever possible.
 1. Partnership funding with non-intergovernmental partners: The City may consider entering into agreements with various non-governmental agencies for a specific project development on a case by case basis through the use of a Developer Reimbursement and Collection Agreement as defined in the Leavenworth Municipal Code or other City Council approved agreement. In general the City is not considered a partner for development of new construction; however, the City Council may consider a financial partnership that meets at a minimum the following criteria:
 - i. The project costs meet all financial criteria within this Financial Policy without jeopardizing the financial stability or credit rating of the City.

- ii. The project has been accounted for in the City's various planning documents including but not limited to the 6-year Capital Facilities Plan, 6-year Transportation Improvement Plan, Water, Sewer, Stormwater, Park & Recreation, Regional Trails and/or Downtown Master Plans.
 - iii. The Developer provides the City with financial proof of ability to complete the construction of the project at 125% of the total estimated project costs prior to any City commitment. Financial proof could include secured bond funding notification from the bonding agency or a final line of credit from an FDIC banking institution.
 - iv. The City Council may choose to incorporate additional criteria on a case by case basis for projects requesting partnership funding.
- e. The City will determine the least costly financing method for all new projects.

6. Short-Term Debt Policies

- a. Short-term debt is defined as a period of three years or less.
- b. The City may use short-term debt to cover temporary cash flow shortages, which may be caused by a delay in receipting tax revenues or issuing long-term debt. The City will not use short-term debt for current operations.
- c. The City may issue interfund loans rather than outside debt instruments to meet short-term cash flow needs. Interfund loans will be permitted only if an analysis of the affected fund indicates excess funds are available and the use of these funds will not impact the fund's current operations. All interfund short-term borrowing will be subject to Council approval by resolution as approved for interfund loans.

7. Long-Term Debt Policies

- a. Long Term debt is that debt which exceeds three years.
- b. The City will utilize long-term borrowing for capital improvements that cannot reasonably be financed on a pay-as-you-go basis from anticipated cash flows.
- c. Acceptable uses of bond proceeds are items which can be capitalized and depreciated. Refunding bond issues designed to restructure current outstanding debt is also an acceptable use of bond proceeds provided that the net present value (NPV) of savings is at least four percent (4%).
- d. The City will determine whether self supporting bonds (such as special assessment or local improvement district bonds) are in the City's best interest when planning to incur debt to finance capital improvements.
- e. The City will not use long-term debt for current operations.

f. The City will maintain good communications with bond rating agencies about its financial condition. The City will follow a policy of full disclosure on every financial report and bond prospectus including proactive compliance with disclosure to the secondary market.

g. General Obligation Bond Policy

1. Every project proposed for financing through general obligation debt shall be accompanied by a full analysis of the future operating and maintenance costs associated with the project.

2. Bonds cannot be issued for a longer maturity schedule than a conservative estimate of the useful life of the asset to be financed.

h. Limited Tax General Obligation Bond Policies

1. As a precondition to the issuance of limited tax general obligation bonds, alternative methods of financing should also be examined.

2. Before general obligation bond propositions are placed before the voters, the capital project under consideration should have been included in the Capital Facilities Plan. The source of funds should describe the intended use of bond financing.

3. Limited tax general obligation bonds should only be issued under certain conditions:

- A project requires monies not available from alternative sources;
- Matching fund monies are available which may be lost if not applied for in a timely manner; or
- Catastrophic conditions.

i. Financing of Lease Purchases

1. Lease purchase financing may be used when the cost of borrowing or other factors make it in the City's best interest.

j. Loan Financing

1. The City may apply for low interest loan financing through state and federal programs such as the Department of Commerce, Public Works Board, Department of Ecology, Department of Health and any other program created for low interest financing of capital investments.

2. Under Washington State law, the public may vote to approve bond issues for General Government Purposes in an amount not to exceed 2.5% of assessed valuation. Within the General Purposes limit of 2.5%, the City may approve bond issues and/or lease purchases up to 1.5% of the City's total assessed value without a vote of the people and the remaining 1% with a vote of the people. State law also provides for an additional 2.5% of assessed valuation for Utility Purposes and 2.5% of assessed valuation for Open Space, Park and Capital Facilities of which each

requires a vote of the people. The City Council recognizes that these limits, although allowable, may not be affordable for the debt service payments; therefore, the following additional policies on use are defined and may be amended from time to time by action of the City Council:

- i. For General Purpose Limits the City Council is authorized to approve up to 1.35% of the 1.5% without a vote of the people. The remaining .15% is reserved for emergency uses only and must first be approved by resolution for use.
- ii. For General Purpose Limits the City Council is authorized to approve up to the full 1% with a vote of the people as defined by State Law.
- iii. For Utility Purpose Limits the City Council is authorized to approve up to 1% of the 2.5% with a vote of the people. The remaining 1.5% is reserved for emergency uses only and must first be approved by resolution for use.
- iv. For Open Space, Park and Capital Facilities the City Council is authorized to approve up to 1% of the 2.5% with a vote of the people. The remaining 1.5% is reserved for emergency uses only and must first be approved by resolution for use.

8. Reserve Fund Policies

a. The City will maintain General Operating Reserves at a level equal to at least 15% of the total General Fund budgeted revenue, including the beginning fund balance, development review revenue, and any significant one-time revenue. This reserve would exclude any non revenues and interfund loans within the current year. This reserve shall be created and maintained to:

1. Provide sufficient cash flow to meet daily financial needs.

2. Sustain City services in the event of a catastrophic event such as a natural/manmade disaster (e.g. earthquake, windstorm, flood, terrorist attack) or a major downturn in the economy. In general, the City shall endeavor to support ongoing operations with ongoing revenues, but may use reserves on a one-time basis to support City services pending the development of a longer term financial solution. However, in no event shall reserves be used longer than one biennium to support City operations. If reserves are used, the City will begin to replenish these reserves at the end of the biennium if a surplus exists, but no later than the biennium following their use.

3. The City will strive to build the General Operating Reserves in future years to a minimum of 25% by 2020.

b. Biennium surpluses in the General Fund will be used to fund one-time operations, capital expenditures, dedication to a Capital Facilities planned expenditure or utilized to increase the general operating reserve minimum planned for future years:

1. There are surplus balances remaining after all current expenditure obligations and reserve requirements are met.

2. The City has made a determination that revenues for the ensuing biennium are sufficient to support budgeted General Fund operations.

c. A surplus is defined as the difference between the actual beginning fund balance and the budgeted beginning fund balance. It consists of under-expenditures and excess revenues over and above the amounts included in the following biennial budget.

d. The City may also maintain, at its discretion, an Economic Contingency to serve as a hedge against economic fluctuations, fund future one-time operational and capital needs or support City services on a one-time basis pending the development of a longer term financial solution. The source of funding for this reserve is the biennium surplus as outlined in sections 8b and 8c above. Restoration of this reserve is at the City's discretion.

e. The City will strive to maintain an Economic Contingency reserve of \$200,000 by 2020 in the Lodging Tax Fund to serve as a hedge against economic fluctuations in the lodging industry, fund future one-time operational and capital needs or to address additional advertising needs due to a downturn in the economy. If reserves are used, the City will begin to replenish these reserves at the end of the biennium if a surplus exists, but no later than the biennium following their use.

f. The City will strive to maintain operating reserves by the year 2020 in the following enterprise funds; these operating reserves shall be created and maintained to provide sufficient cash flow to meet daily financial needs:

1. 25% of the Water Fund's total expenditures excluding ending fund balances, debt service principle and interest, capital expenditures, and one-time expenditures.

2. 35% of the Sewer Fund's total expenditures excluding debt service principle and interest, capital expenditures, and one-time expenditures.

3. 25% of the Garbage Fund's total expenditures excluding debt service principle and interest, capital expenditures, and one-time expenditures.

4. 25% of the Stormwater Fund's total expenditures excluding debt service principle and interest, capital expenditures, and one-time expenditures

5. 100% of one year of the Parking Fund's average debt service payment.

g. Bond reserve funds shall be created for the Water and Wastewater Funds and will be maintained at a minimum in accordance with the provisions set forth in the bond covenants. These shall be in addition to the reserves described above. If no bond covenants exist, the City will strive to maintain the bond reserve funds at a minimum of 4% of the total principle debt owing on the utility.



CITY OF MABTON

FINANCIAL POLICY 2014
Approved by Resolution No. 2014-03
Date of Approval: May 27, 2014

POLICY PURPOSE

City of Mabton adopts this Financial 2014 Policy for the purpose of establishing consistent guidelines for municipal fiscal budget and planning. These policies incorporate Council approved values and expectations which will serve as a guide for Council members, city staff, citizens and other interested parties conducting business with the City. The policies set forth guidelines for financial planning, budgeting, accounting, reporting and other management practices. It is the City's goal to assure prudent financial management and responsible stewardship of the City's financial and physical assets.

In order to assist in fund review and management, the City Clerk/Treasurer prepares multi-year projections for the water and sewer funds which are used for budget planning and to evaluate the viability/sustainability of each of the funds. Due to constraints in financial resources, multiyear financial planning is a goal that may not be immediately achieved for in all city funds.

A. FUND DEFINITIONS

General (Current Expense) Fund (001)

This fund is the primary operating fund of the City of Mabton. It accounts for all financial resources except those required or elected to be accounted for in another fund.

Special Revenue Funds (100-199)

These funds account for specific revenues that are restricted or committed to expenditures for specified purposes of the City of Mabton.

Debt Service Funds (200 – 299)

These funds account for the financial resources that are restricted, committed, or assigned to expenditures for principal, interest and related costs on general long-term debt.

Capital Project Funds (300 – 399)

RESOLUTION NO. 2014-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MABTON, WASHINGTON ADOPTING A FINANCIAL POLICY FOR THE CITY OF MABTON.

WHEREAS, the City of Mabton and its City Council recognize the importance of sound financial planning and clear policies and guidelines for financial management; and,

WHEREAS, financial policies have been developed to guide financial planning and management and to serve as City Council's approved values and expectations for council members, city staff, citizens and other interested parties who may do business with the city,

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Mabton, Washington as follows:

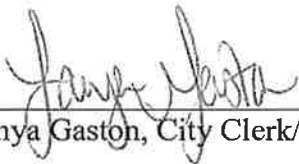
Section 1. Approval of Financial Policy 2014: City of Mabton hereby adopts Financial Policy 2014 and authorizes the Mayor to sign it.

ADOPTED AND APPROVED by the Mabton City Council on this 27th day of May, 2014.



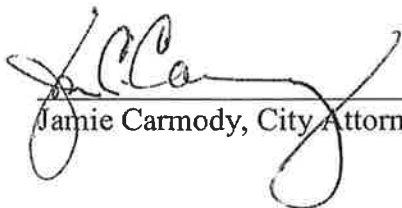
Mario Martinez, Mayor

ATTEST:



Tanya Gaston, City Clerk/Treasurer

APPROVED AS TO FORM:



Jamie Carmody, City Attorney

2014-03

These funds account for financial resources which are restricted, committed, or assigned for the acquisition or construction of capital facilities or other capital assets.

Permanent Funds (700-799)

These funds account for financial resources that are legally restricted to the extent that only earnings, and not principal, may be used for purposes that support programs for the benefit of the government or its citizenry.

PROPRIETARY FUND TYPES:

Enterprise Funds (400-499)

These funds account for operations that provide goods or services to the general public and are supported primarily through user charges.

Internal Service Funds (500-599)

These funds account for operations that provide goods or services to other departments or funds of the city on a cost-reimbursement basis.

Agency Funds (631-699)

These funds are used to account for assets that the city holds for others in an agency capacity.

B. RESOURCE PLANNING AND ALLOCATION POLICIES

1. City Council and staff shall review revenues and expenditures of the various funds through the annual budget process to assure stability, continuity and fiscal integrity in the provision of all city services. The purpose of this annual planning process will be for citizens, staff, advisory committees and City Council to review, evaluate and discuss current and future programs, service levels and capital facility needs and requirements. The City shall consider relevant economic conditions, estimate revenues and reserves, changes in levels of service, operating expenses, capital requirements, and debt service for all funds.

2. City of Mabton establishes a goal to maintain and retain a minimum General Fund operating reserve or an ending fund balance of between 10% and 15% of current year General Fund revenues. A Contingency Reserve Fund shall be established and maintained at 3% to 5% of General Fund revenues. The operating reserves are intended to offset or protect against fluctuations or changes in revenues or operating costs in order to stabilize services and the City's work force. The reserve funds assure protection for provision and continuity of public services and allows time for City to adjust or address changes in revenues and economic conditions. The Contingency Reserve Fund is an emergency fund to be used to address unforeseen or emergent circumstances and allows City Council to address the situation without disrupting other budgeted commitments.

3. If a fund's ending balance is sufficient, excess reserves or other one-time revenues, may be used for capital, equipment, or other one-time projects or services that improve the City's productivity and efficiency.

4. City of ^{MC}Mabton shall establish and maintain a Street Fund with a budgeted ending or reserve fund balance of between 8% and 15% of annual revenues. If the Street Fund's ending or reserve balance is sufficient, excess reserves or other one-time revenues, may be used for capital, equipment, or other one-time projects or services that relate to transportation or allowable Street Fund expenditures.

5. The Operating and Capital Budgets will be incorporated into the forecast, planning and budget process. Operating and capital budgets shall be fund levels and reserves to provide for municipal operating services, maintenance and replacement of fixed assets and acquisitions determined to be reasonable or necessary for provision of public services and facilities.

6. The City's annual budget will include information related to Capital Financial Planning for the water and sewer funds. The City Clerk/Treasurer shall present a Financial Plan to the Finance Committee for consideration and recommendation to City Council. The plan shall be prepared on an annual basis and shall address current City goals and policies, and other long-range planning considerations related to capital improvement needs of the City. The Council will review and update the Financial Plan each year.

7. The City budget will implement City Council adopted goals and policies, long-range plans, the service choices for the community and revenue allocation policies of the Council.

8. The City will use "prudent revenue and expenditure assumptions" in their budget planning documents and financial forecasts.

9. City adopts a general policy that ongoing expenditures (which exclude ending fund balances) should not exceed ongoing revenues (which exclude beginning fund balances). Clerk/Treasurer and Finance Committee shall periodically review ongoing revenues and expenses to assure compliance with budget directives and assure sustainability of public services and facilities.

10. The City may supplement the Street Fund by allocating 20% of the annual property taxes and 30% of annual Utility Taxes. Any such allocated funds shall be applied to maintenance or improvement of streets and transportation facilities. This allocation will be reviewed each year by the Finance Committee and, if deemed necessary, forwarded to City Council for proposed adjustments.

C. ACCOUNTING AND FINANCIAL PRACTICE POLICIES

1. The City will maintain an accounting and financial reporting system that complies with applicable professional standards and state accounting requirements.

2. Regardless of the budget appropriation, if a fund's revenues are less than projected, the City Clerk/Treasurer shall review the operating capital and ending fund balances and report with recommendations for possible adjustments to the City Council.

3. If a fund's ending balance meets established reserve levels, any excess reserves or other one-time revenues, may be applied by City Council for capital improvements, equipment, or other one-time projects or services that improve the City's productivity, efficiency and/or provision of public services.

D. REVENUE AND COLLECTION POLICIES

1. The General Fund and its related reserve funds exist to provide services and benefits related to the general safety, health and welfare of the community. These services include: public safety, parks, recreation and general community planning and development, a proportionate share of overhead costs for administrative and legislative services. While some services are budgeted in the general fund such as development fees, these services provide specific private benefits to the users. These services are funded by user fees to recover the City's costs.

2. Street funds are generated primarily through gas tax revenues and a portion of the city's property and utility taxes. The funds are applied to maintenance and capital improvements to the residential and arterial street system including a share of the administrative expenses of the City.

3. The City periodically compares the city's fees and charges with other nearby cities so Mabton is recovering costs at a comparable rate to other cities. Fees may be adjusted periodically to ensure that rates are current, equitable, competitive and deemed appropriate.

4. In preparing financial information for the Budget, the receipt of a grant will be included in operating fund revenues only when it is probable the City will receive a grant award. (*Probable means relatively likely but not certain.*)

E. CAPITAL FACILITIES PLANNING

1. The City will plan for capital improvements/facilities over a six (6) year period. The Capital Facilities Plan will directly relate to the long-range plans of the City Council. When capital improvements are being planned, operating costs will be estimated and identified within the City's Financial Plan.

2. Although it may not always be possible to replace capital assets on a consistent schedule, a concerted effort will be made by department heads to maintain a current inventory of capital assets, maintain and repair assets on a periodic and regular basis, and plan for and budget for replacement costs. Equipment replacement requests may be made by department heads each year during the budget cycle.

3. A capital project is defined as a project of a nonrecurring nature with a cost of \$25,000 or more and estimated service life of three (3) years or more. Major renovations of existing facilities that cost more than \$25,000 may be submitted for consideration as a capital project. Maintenance of existing facilities, however, should not be included in capital requests. Requests for funding of annual maintenance projects should be included in the appropriate operating budget through the annual budget process or requested through a budget amendment.

4. The Adopted Capital Facilities Plan Element (and as amended) of the Mabton Comprehensive Plan provides guidance for the development of the City's Capital Improvement Program and is incorporated into the budget package each year.

5. All funding sources shall be identified in the sections of the Capital Facilities Plan. The Plan shall specifically identify and list the local funds, grant funds, borrowing and other financial resources that support or fund a program.

F. DEBT AND INVESTMENT MANAGEMENT POLICIES

1. The City shall comply with debt issuance guidelines established by federal, state, and local agencies. Debt will be used prudently and in limited circumstances. The use of council manic debt authority will be reviewed and approved by City Council based on priority, need, and fund viability and applicable regulations.

2. Debt may be used on a limited basis for specific short -term cash flow requirements after consideration of other available resources. Debt will not be used to fund long-term revenue shortages. For major capital projects with long-term useful lives (normally 20 years or more) and where costs exceed short -term cash flows, debt may be utilized after City Council determines that there is sufficient dedicated revenue to service the debt.

3. The City will comply with state law and the following priorities for investment evaluation and determinations:

- a. Preserve capital through prudent financial investments;
- b. Maintain sufficient liquidity so that funds are available when needed; and
- c. Achieve the best available rate of return.

G. FINANCIAL MANAGEMENT AND ORGANIZATIONAL REVIEW POLICIES

1. Budget reviews shall be made on an annual basis with examination of all line-item costs for each department or program.

2. The City will periodically evaluate its administrative and direct service delivery systems for the purpose of evaluating system costs, benefits, sustainability and necessity. City may engage a qualified and or competitively priced private or public contractor to assist or guide system review and/or assessment.

3. The compensation of employees will be competitive with that of comparable public sector employers in the relevant recruiting or market area. The criteria for reviewing employee wages and benefits will also include internal comparability for similar jobs and the City's ability to pay. If relevant, private sector comparisons may be considered.

4. The City will, within available resources, maintain the productivity of staff through a supportive working environment, which includes appropriate equipment, supplies, materials, and professional staff development.

5. City contracts shall be reviewed and approved as follows:

- As a general rule, any contracts requiring additional budget authority shall be placed on the Council agenda and included in Council packets for consideration by City Council.
- All capital projects in which there is a material change in scope would be presented to Council for discussion, consideration and decision *(for example an extension of a sidewalk that was not part of the original project scope)*.

H. COST ALLOCATION PLAN

1. Cost Allocation. The City of Mabton shall comply with all laws and regulations in calculating and receiving full cost recovery for services rendered to other funds. Costs of shared resources must be allocated fairly. Cost allocation is a method to identify and allocate indirect costs. Direct costs are those costs directly associated with a specific projects/cost objectives. Indirect costs are those costs incurred for a common or joint purpose benefiting more than one cost objective but which are not readily assignable to a specific cost objective.

2. Guidelines and Authority. The following shall guide accounting and cost allocation: The Washington State Auditor's Office prescribes the accounting and reporting procedures for local governments in the State of Washington. RCW 43.090.200. RCW 43.09.210 provides, in part, as follows:

Separate accounts shall be kept for each department, public improvement, undertaking, institution, and public service industry under the jurisdiction of every taxing body.

All service rendered by, or property transferred from, one department, public improvement, undertaking, institution, or public service industry to another, shall be paid for at its true and full value by the department, public improvement, undertaking, institution, or public service industry receiving the same, and no department, public improvement, undertaking, institution, or public service industry shall benefit in any financial manner whatever by an appropriation or fund made for the support of another.

The statute does not provide specific guidance on how "full value" is to be determined. RCW 35A.33.122/35A.34.205/35.33.123 states:

Administration, oversight, or supervision of utility - Reimbursement from utility budget authorized. Whenever any code city apportions a percentage of the city manager's, administrator's, or supervisor's time, or the time of other management or general government staff, for administration, oversight, or supervision of a utility operated by the city, or to provide services to the utility, the utility budget may identify such services and budget for

reimbursement of the city's current expense fund for the value of such services.

- **The Federal Office of Management and Budget (OMB) Circular A-87**

OMB Circular A-87 establishes cost principles for State, local, and Indian Tribal Governments for determining costs for Federal Awards. Item 5 of the Circular states that, "The principles are for determining allowable costs only." In defining allowable costs, the Circular provides a definition of allocable costs at Attachment A, paragraph C.3.a, "A cost is allocable to a particular cost objective if the goods or services involved are chargeable or assignable to such cost objective in accordance with relative benefits received." The Circular further outlines costs that are allowable for charging the Federal government and distinguishes those that are specifically excluded from recovery.

- **Governmental Accounting Standards Board (GASB)**

GASB is the independent organization that establishes and **approves** standards of accounting and financial reporting for U.S. state and local governments. While GASB is not a governmental agency and does not have enforcement authority, compliance with GASB is tested by the Washington State Auditor's Office's annual audit of the City.

3. City Allocation Plan.

The City has identified a variety of ways to identify and determine an appropriate percentage of costs for allocation to various funds. These methods include but may not be limited to the following:

- Number of employees (FTEs) in each fund
- Percentage of Budget including total operating expenses (dollar amounts) in each fund or total operating revenues (dollar amounts) in each fund
- Number of expenditure line items used in each fund
- The percentage of department time that is directly attributable to utilities

The following is the plan to allocate employee payroll costs to the various funds and or departments that utilize those employees:

- Identify the total fund and department costs to be allocated.
City Clerk/Treasurer shall meet with the Public Works Director and other Department heads in order to review and adjust allocations applying the above methods and procedures. Based on such meeting and application of the identified methods of assessment, City Clerk/Treasurer shall determine the appropriate percentages or amount to use in allocating costs between and among various funds and or departments.
- Allocate the costs to appropriate departments by percentage or amount ensuring appropriate costs are charged back to the appropriate funds and or departments.
- Each Department Head is ultimately responsible for allocation of their department salaries.

I. BUDGET DEVELOPMENT

The City of Mabton utilizes spreadsheets to compile information related to the distribution of costs among its various funds during the budget update process to ensure costs are allocated correctly. The City Clerk/Treasurer is primarily responsible for determining the final percentages or amounts charged back to the City funds/departments based on the factors mentioned above.

Cost Allocation Plan used

Each year the Cost Allocation Plan that will be used for the following year, will be included and approved by City Council as part of the overall budget package.

