



McCleary City Council

PROPOSED AGENDA

May 25, 2011

7:00 Council Meeting

Flag Salute
Roll Call
Minutes (Tab A)
Public Comment
Mayor's Report/Comments

Staff Reports: Dan Glenn, City Attorney (Tab B)
 Nick Bird, Director of Public Works (Tab C)

Old Business: Float Shed (Tab D)
 Beerbower Park Path (Tab E)

New Business: Firework Stand Permit (Tab F)
 Parks Regulation Ordinance (Tab G)
 Six Year STIP (Tab H)
 One Call Subscription Agreement (Tab I)
 EMS Code Revision (Tab J)

Ordinances: Park Regulations (Tab K)
 Solid Waste Collection (Tab L)
 Emergency Medical Services (Tab M)

Resolutions: Surplus Police Vehicle (Tab N)

Vouchers
Mayor/Council Comments
Public Comment
Executive Session
Adjournment

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

Please Turn Off Cell Phones – Thank You

| | |
|---|--|
| SUBSTATION PROGRESS ESTIMATE NO. 2 | The substation contractor, KVA, has completed the 95% of the work at the 7th and Maple substation. One panel on the refurbished regulator was not functioning and is being tested and repaired. It was moved by Councilmember Lant, seconded by Councilmember Boling to authorize the Mayor to pay Progress Estimate No. 2 in the amount of \$33,768.53 and the amount to be deposited in the Retainage Account is \$1,632.91. Motion Carried. |
| RCO/BEERBOWER PARK ADA PATH | Nick Bird presented a drawing with the location of the path and gave two options for path surfacing material of asphalt or concrete. The project is part of a matching grant the City accepted in 2008 and has a deadline for completion of the end of June 2011. Councilmember Lant requested to table the topic until the next meeting so the Council would have more time to review the material in detail. Mayor Dent asked Nick Bird to apply for an extension. |
| RESIDENTIAL EXCHANGE PROGRAM SETTLEMENT AGREEMENT | The Agreement has been revised by representatives of both parties. The revised Agreement incorporates by reference all of the terms of the previous Agreement except that it changes the signatory threshold to 75%, the date for signing the revised Agreement to June 3, 2011, and BPA's notification deadline to June 6, 2011. The City Council agreed that their previous decision stands and they will not be signing the Agreement. |
| 2010 ANNUAL FINANCIAL REPORT | Each year the City is required to submit an annual report to the State Auditor's Office on the yearly financial activity. The report is a key component that the Auditor uses when conducting their annual audit. It was moved by Councilmember Boling, seconded by Councilmember Schiller to authorize the Mayor to approve and authorize the City Clerk to submit to the State Auditor's Office the 2010 Annual Financial Report by May 19th, 2011. Motion Carried. |
| WWTP HEAT PUMP | The heat pump for the WWTP lab is not operable. Vern Merryman contacted three companies and the lowest quote was given by Sunset Air. It was moved by Councilmember Geer, seconded by Councilmember Boling to authorize the City to use Sunset Air for repairing the existing heat pump system at a cost of \$2,390.00 plus tax, and replace the existing thermostat at the Wastewater Treatment Plant at a cost of \$157.00 plus tax. Motion Carried. |
| TECHNOLOGY SERVICES RFP | The City did not receive one Request For Proposal before the deadline. One proposal came in after the deadline, which wasn't complete. It was moved by Councilmember Lant, seconded by Councilmember Geer to reject the incomplete bid and search a larger area for proposals. Motion Carried. |
| RESOLUTION NO. 628 | It was moved by Councilmember Geer, seconded by Councilmember Schiller to adopt Resolution No. 628 relating to claims and warrants under certain time circumstances; supplementing the provisions of Resolution 563; establishing protocols in relation thereto; and establishing reporting requirements with no checks or warrants relating to the settlement of litigation nor in an amount greater than \$5,000 to any single payee to be issued pursuant to the authority granted in this Resolution. Motion Carried. |
| SUMMER COUNCIL MEETING SCHEDULE | A clarification was noted regarding the summer meeting schedule. It is confirmed the Council will meet on the fourth Wednesday, which will be the second meeting of the month for the months of June, July, and August 2011. |
| PUBLIC COMMENT | None. |
| APPROVAL OF VOUCHERS | It was moved by Councilmember Geer, seconded by Councilmember Boling to approve the vouchers. Motion carried. |
| EXECUTIVE SESSION | None. |
| ADJOURNMENT | It was moved by Councilmember Boling, seconded by Councilmember Lant to adjourn the meeting at 8:07 PM. The next meeting will be held on May 25, 2011 at 7:00 PM. Motion Carried. |

Mayor Gary Dent: _____

Clerk-Treasurer Wendy Collins: _____

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: May 20, 2011
RE: LEGAL ACTIVITIES as of MAY 25, 2011.

THIS DOCUMENT is prepared by the City Attorney for utilization by the City of McCleary and its elected officials and is subject to the attorney-client privileges to the extent not inconsistent with laws relating to public disclosure.

1. SIX YEAR STREET PLAN UPDATING: Given the meeting schedule, the desire to insure that both the Public and each of you have an adequate opportunity to review the contents prior to adoption, and the statutory mandates, it is my understanding Mr. Bird will be requesting your authority to set the June Council Meeting as the hearing date for the updating of this plan. To achieve this, notice will be published in the City's legal newspaper for purposes of inviting public comment as well.

As I am certain is recognized by all, the annual updating, with associated public hearing, is mandated in order to conform with requirements for funding of projects through the Transportation Improvement Board. It is my understanding Nick will be providing you his proposed recommendation as to the updated listing of streets which will be on our "wish list" for improvement funding.

To formalize the decision you make after the hearing, a resolution will be provided which would adopt by reference whatever prioritization of projects you approve. The June meeting time frame works since TIB's mandate is that the plan be on file with it by the end of June.

As side points, I believe I have previously mentioned that the location of a proposed project does not prohibit the City from submitting a grant application for one of the higher numbered projects rather than the #1 project. Also, if during

the year a new project presents itself which you would desire to submit for funding, the plan can be amended through the holding of a public hearing and adoption of the amendatory resolution.

2. MUNICIPAL WATER RIGHTS: As odd as this may seem, this is becoming an increasingly important topic to cities and counties which operate public water system. At the Municipal Attorneys Conference, it was the subject of an extensive presentation. Both Oakville and Elma are currently working through this area with the goal of increasing their amount of "owned" acre feet which may be utilized in the operation of their systems. (I would note that both have had applications for the granting of additional public water rights pending with DOE for in excess of ten years with no real progress to consideration or approval.)

So why am I bringing this up to you at this stage? Basically for two reasons. The first is to inquire if any of you would like to review a copy of the paper presented at the WSAMA conference? If so, I can make one available to Ms. Collins. The second and more fundamental is to give Mr. Bird the "entree" into providing to you at a subsequent meeting information on the status of the water rights held by the City, the extent to which they are currently being used, and any other information he deems appropriate. It really can be an important subject since, if a city lacks the necessary water rights and an updated plan, the state agency having jurisdiction may refuse to grant approval of plat applications.

3. BEAR FESTIVAL: Since time seems to pass more quickly as we become more "mature", I would note it will not be too long before the Festival occurs. Thus I would recommend the City review with the Festival what activities the Festival anticipates which would involve the use of City facilities, staff, and property. Based upon those discussion, it would then be appropriate to prepare and have executed the necessary written agreements.

4. PARKS REGULATION ORDINANCE: Ms. Collins and Mr. Bird have reviewed the current draft of the ordinance. It is my understanding you will be provided a copy of the existing code sections in Chapter 12.16 which coordinate in terms of licensing certain activities dealt with by the current draft. After we receive any comments, questions, or suggestions you may have developed in your review of the draft, I will develop another draft which will incorporate the suggestions and coordinate the contents of the two chapters so as to avoid either redundancies or inconsistencies. The updated draft will be available for review prior to the June meeting.

5. SOLID WASTE CODE UPDATE: Pursuant to the prior comment, I have prepared a draft update which would replace the current 1948 or so ordinance. As you may have noticed if you have reviewed that ordinance, it can not be found in the Municipal Code. That is because it was never codified for some reason.

In any event, I have patterned this draft after the draft I prepared for the City of Elma which was adopted a year or two ago. That made sense to me since both cities have the same contractor and their contracts have the same terms and conditions. Thus, I would ask that you take a look at this draft and let me know any questions or suggestions you might have. I would suggest that it be put on the July docket for consideration.

6. ALCOHOL POSSESSION & MUNICIPAL PROPERTY: As you may be aware, Montesano recently went through an extensive series of negotiations with one of its volunteer agencies in relation to a portion of a municipal building which is leased to the volunteer group. One area of somewhat difficult conversation was the City's position that alcohol could not be upon the leased premises in the absence of a state-issued special event permit. (One council member's position was it should be totally prohibited. However, the limited approach was agreed upon.) Now, neither McCleary nor Elma have the situation in terms of a leased area to the volunteer group which is present in Montesano. Montesano's situation goes back nearly 100 years. However, in discussions at various WSAMA round tables, as well with WCIA, there is continuing concern about the extent, if any, alcohol is allowed within a public building under any approach other than the state permit.

Thus, since the Montesano situation has been resolved under the unique facts present for it, given those ever present concerns I felt it necessary and appropriate to bring the issue of regulation of this particular situation to the attention of both you, under this report, and the Elma council, under the next report to them. Given the liability risks which can result from this situation, I am going to suggest the Councils and Mayors of both cities consider, to the extent that such a policy is not in place, a policy which prohibits the possession and use of alcohol in a city-owned building except with a state-issued permit. You have such a policy in place for the Community Center. Thus, I would recommend review of any existing policy for applicability to the other public buildings, such City Hall, the Light and Power building, and the Fire Hall, and then move forward with implementation of a blanket prohibition.

As always, this is not meant to be all inclusive. If you have any questions or comments, please direct them to me.

DG/le

STAFF REPORT

To: Mayor Dent
From: Nick Bird, Director of Public Works
Date: May 18, 2011
Re: Current Non-Agenda Activity

House Bill 1953 (REET)

House Bill 1953 was signed by the Governor on May 16. This bill adds flexibility to Cities in their use of REET funds. Previously, REET was only available for certain capital projects. The new section added includes language that implies operations and maintenance of capital projects is now qualified to use REET funds, through 2016. This may be a huge benefit for our Park/Cemetery and Street funds.

House Bill 1478 (Regulatory Requirements)

House Bill 1478 was also signed by the Governor on May 16. This bill revises certain regulatory requirements relating to comprehensive land use planning, shoreline master programs, fuel reduction, etc. Below is a consolidated list of each sections topics.

- Section 1 – Intent of Bill
- **Section 2 – Revisions to Growth Management Act (RCW 36.70A)**
 - While we are a non-GMA County, we are still required to comply with certain components of the GMA.
 - Key components: Comprehensive Plans and Development Regulations
 - The most current Comprehensive Land Use Plan we have is from 2002.
 - Plans and Regulations are required to be updated every eight (8) years beginning in 2018. We may want to consider updating these documents well before then.
- Section 3 – Planning Policies for GMA counties (not us).
- **Section 4 – Electricity or Biofuel use for Government Owned Vehicles**
 - Effective June 1, 2018, all local government subdivisions of the state, (as determined by the Department of Commerce) are required to satisfy one hundred percent (100%) of their fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel.
 - This one is going to take some research. We need to first determine if this requirement will apply to us, and obviously determine how we can meet it if it does apply.
- Section 5 – Department of Commerce deadlines for establishing criteria for state and local agencies (really doesn't pertain to us other than the rules for section 4 will be established by June 2015 by the Department of Commerce).
- Section 6 – Housing Assistance (does not pertain to us)
- **Section 7 – Reporting pavement preservation ratings.** We have a few questions into state agencies to obtain a little guidance on this matter. We will follow up when more information is available.

- Section 8 – Impact Fees (RCW 82.02.070). Not expected to affect us as impact fees can only be charged by GMA agencies.
- Section 9 – Impact Fees (RCW 82.02.080). Not expected to affect us as impact fees can only be charged by GMA agencies.
- Section 10 – Sales Tax to offset costs to serve newly annexed areas (RCW 82.14.415). Does not pertain to us.
- Section 11 – Reclaimed Water Use (RCW 90.46.015). Does not pertain to us yet, but it is something to keep our eye on.
- Section 12 – Ecology NPDES permits (RCW 90.48.260). Does not pertain to us.
- **Section 13 – Shoreline Master Plans (RCW 90.58.080).**
 - This bill did not change the threshold requiring agencies to complete a Shoreline Master Plan.
 - The City of McCleary has no shoreline designated areas within our jurisdiction; however, this regulation requires the City to complete a Shoreline Master Plan by December 1, 2014.
 - Adoption of the County SMP or creation of our own SMP will be considered and presented at a later date.
- Section 14 – Shoreline Master Plan ecology review requirements (RCW 90.58.090) does not pertain to us.

Conservation Program

As was noted verbally last meeting, we are now accepting applications for ductless heat pumps. Additionally, we have taken your suggestion to develop marketing inserts to be included in our utility bills this month. Please let us know what you think!

Hanging Baskets

The hanging baskets should be available for pickup here shortly. If you had the opportunity to see the East County News last week, on the front page was a photo of the flower baskets being grown at Elma High School to be used for the hanging baskets in the City of McCleary and the City of Elma. The high school students in the Horticulture Club deserve a special thank you from the City of McCleary!

3rd Street Planter Boxes

A few years back (2008/2009) the business owners at the strip mall on 3rd Street requested that we remove the trees because of the fruit mess collecting on the ground and being tracked into their businesses. The City considered alternative trees to be installed, but the project fizzled out. We did not consider any replacement in 2010. We learned today that Chamber of Commerce has made a good faith effort to have planter boxes donated, and will have them stained, placed, filled with soil, and planted in the near future. All of this work is being done of their own accord. It is our opinion that they should be congratulated for taking the initiative to beautify the City during tough times.

If there is any concern with the placement of these planter boxes, please let me know so I can relay the concerns to the business owners.

IT RFP

We have contacted five companies that are interested in providing a proposal. These companies have already received a revised copy of the RFP. An additional notice in the Vidette and Olympian will be issued next week (on the 26th). The proposals are due no later than June 10 at 4:00 PM.

Entrance Signs

Todd has been working on replacing the “Welcome to McCleary” entrance signs for a few years now. The signs were purchased back in 2009. Approval from WSDOT to install the signs has finally been received! We anticipate installation of the signs within the next few weeks.

Vacant Lands Evaluation

We have started the process of evaluating the buildout potential of the existing City Limits by evaluating the vacant lands, including infill lots and large parcels. This is the first stage in capital facility planning. As this project develops, we will be sure to keep you informed.

ROW Cleanup

As part of the vacant lands evaluation, we have discovered three parcels owned by the city that are functioning streets (two on Cedar Street, west of 2nd; and one on 7th Street, south of Maple). Ultimately we believe it is appropriate to dedicate these parcels as Right-Of-Way, rather than parcels. This matter will be brought to your attention in more detail in the near future.

Bear Festival Update

An announcement was made at the Chamber Meeting this morning that the Bear Festival is looking for a person to Chair the “Fun Run” and a person to Chair the “Children’s Parade”. If you know anybody that may be interested, please send them to the next Bear Festival Meeting, which will be held at 6:30 PM on June 8 at the Community Center.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: May 18, 2011
Re: Float Shed

I have contacted three companies to obtain quotes for completion of a good faith survey of the structure. Two quotes have been received, but the third entity would like to conduct a site visit before providing a quote. The site visit will be conducted next week.

During these telephone discussions, another issue was brought to my attention that was previously overlooked. The siding looks like hardiplank siding, but to our knowledge hardiplank siding has not been installed. Again, based on the time period of construction, it is probable that the siding is asbestos cement siding.

It is important to note that all of the potential hazardous material concerns will be provided in the good faith survey. The term Asbestos commonly leads people to believe that just the very nature of having asbestos at the site makes it dangerous. This is not the case, the only time asbestos is dangerous is when the material is broken, pulverized, sanded, or otherwise allowed to release into the air.

We anticipate entering into an agreement to have the good faith survey conducted next week. The general turnaround time for providing the final report is approximately one week after sampling. With this information, we can be certain the report will be provided at the next Council Meeting.

Action Requested:

No action requested at this time.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: May 17, 2011
Re: RCO / Beerbower Park ADA Path

Project Extension

We have contacted RCO to request an extension of the project deadline. The original project deadline was June 30, 2011. We have requested an extension to September 30, 2011 to accommodate design decisions and an adequate construction window (to avoid impacts to the Bear Festival). We have not received word yet on if the request has been granted.

Trees

As part of the field review conducted after the last council meeting, it appears the large tree adjacent to the train shelter may be rotten. Additional verification is in progress, but if the tree is indeed a concern, removal of the tree would be best conducted before the installation of the surfacing. As part of this project, we do anticipate the need to remove 4-5 diseased trees behind the backstop to accommodate construction of the path.

We have reiterated the summary from the last meeting, which is shown below:

SUMMARY (From May 5, 2011 Staff Report)

Tables 1 and 2 identify the total out of pocket cost and total project cost, which are summarized below in Table 3.

Table 3
Financial Summary of Alternatives

| Estimated Construction Cost for Alternative | Out of Pocket Cost | Total Project Cost |
|--|---------------------------|---------------------------|
| Estimated Construction Cost for HMA Path | \$ 12,145.00 | \$ 20,645.00 |
| Estimated Construction Cost for Concrete Path | \$ 10,910.00 | \$ 38,410.00 |

As can be seen in Table 3, there is an anticipated out of pocket savings if we are to construct a Concrete Path. We only anticipate approximately \$6,000 grant funding to accommodate this work. This means our net impact to the park fund will be approximately \$4,900 to \$6,200, depending on the material chosen.

Action Requested:

Please review the information provided, as well as non-cost factors such as appearance, and let us know which surfacing alternative is the preferred alternative.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: May 16, 2011
Re: Firework Stand Permit

The Olympic Christian Center has applied for a fireworks stand permit and building permit. Historically, the approval decision has been the City Council's as it relates to the sale of merchandise within the public right-of-way in conjunction with the Building Official's review for inspections.

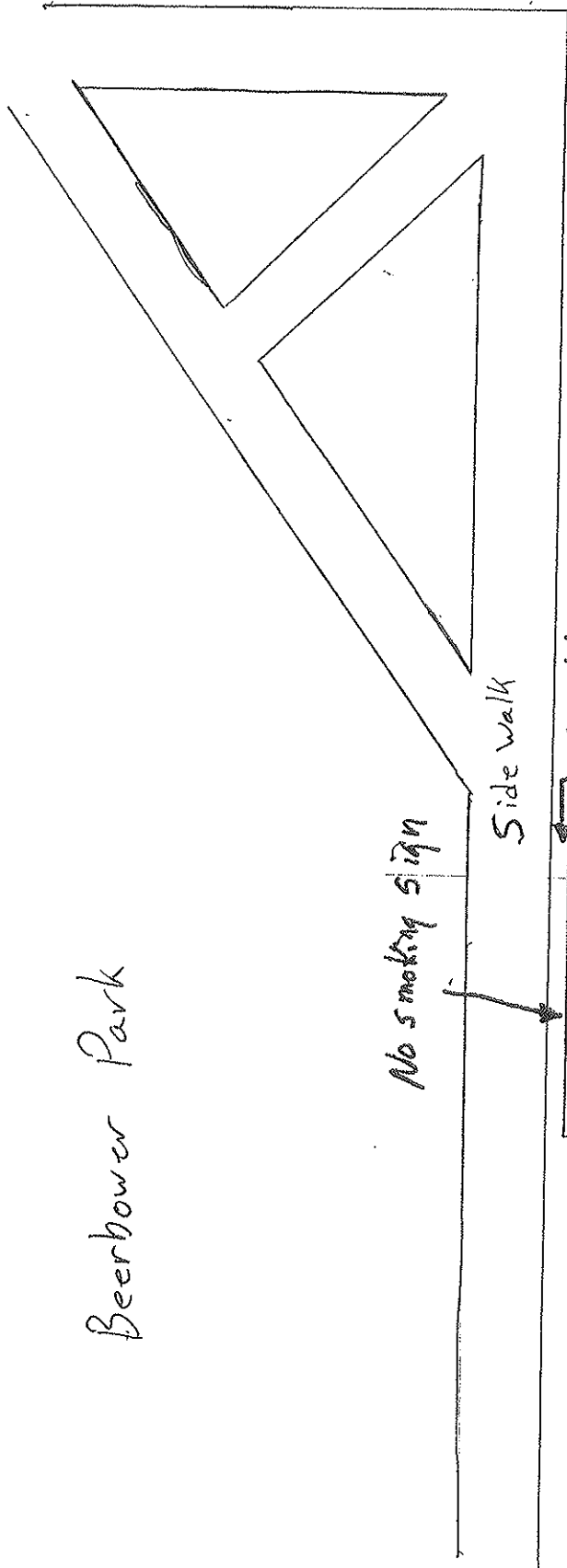
Action Requested:

Authorize the City to issue a fireworks stand permit.

SITE PLAN (showing setbacks)

Bath Rooms

Beerbower Park



No smoking signs

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: May 16, 2011
Re: Parks Regulation Ordinance

Mr. Glenn has prepared a draft ordinance for your review. Below you will find some of the thoughts and concerns we have regarding this ordinance:

Section 1 – Sign Posting – Our original thought was to allow advertising during special events (banners on the softball fencing for example). As Mr. Glenn has pointed out, with revenue comes the burden. If you choose to consider advertising, Mr. Glenn has an example from Montesano that can be provided.

Section 5 – Pets In Park – Currently it is unlawful for dogs to be in the park. We have all seen a variety of occasions where this is not observed. The proposed regulation attempts to provide a balance; leashed animals (S. 5.2) only on hard surfaced areas (S. 5.1). While the current regulation is difficult to enforce, I presume the new regulation will be even more so. Mr. Glenn has indicated that Olympia has designated areas for “off leash” situations, however, it is our opinion that we do not have the facilities to support these activities.

Section 9 – Use by Groups or Assemblies – Our original thought when reading this section was creating an avenue for limiting public disturbances (similar to the occurrence last year) by providing a specified demonstration area. The difficulty will revolve around enforcement.

Section 11 – Camping Prohibited – Currently a biking group uses the park one night annually. There is virtually no impact when this group uses the facility for this purpose. By inserting something to the effect of “It is unlawful to camp in any park except under the provisions of a permit issued pursuant to the provisions of Section 12.16.020”, it generates an avenue to be accommodating. Again, with a topic such as this, things can go south in a hurry.

We have also included a copy of the existing Park and Cemetery regulations identified in MMC 12.16 for your information.

Action Requested:

Please review and consider the Draft Ordinance.

PARK AND CEMETERY REGULATIONS

Sections:

12.16.010 Unlawful acts.

12.16.020 Authorization and consent for activities--Procedure--Appeal of decision.

12.16.010 Unlawful acts.

A person who commits the following described acts and is convicted of such actions shall be subject to punishments as provided in Chapter 1.20 of this code, as now existing or hereafter amended or succeeded:

- A. Using, placing, or erecting any signboard, sign, billboard, bulletin board, post, pole, or device of any kind for commercial advertising in any park or cemetery; attaching any notice, poster, sign, wire, cord, or similar device to any tree, shrub, railing, post, or structure within any park or cemetery; or erecting a structure of any kind within any park or cemetery without the prior authorization obtained pursuant to Section 12.16.020;
- B. Removing, destroying, mutilating, or defacing any structure, monument, wall, fence, railing, vehicle, shrub, tree, plant, flower, lighting system, sprinkling system, or any other property lawfully in any park or cemetery, or to operate a motor vehicle in such a manner which causes damage to the same;
- C. Allowing or permitting any animal to enter into or upon any city park or cemetery, except in designated areas, unless being utilized as a seeing-eye animal, without prior authorization obtained pursuant to Section 12.16.020;
- D. Shooting, firing, or exploding, or allowing to be shot, fired, or exploded any firearm, fireworks, firecracker, or explosive device of any kind or carrying any firearm or shooting or firing any air gun, bow and arrow, BB or pellet gun, or using a slingshot in any park or cemetery without prior authorization obtained pursuant to Section 12.16.020, excepting therefrom firearms utilized as commemorative indications by recognized military organizations at military funerals;
- E. Taking up collections or acting or applying the vocation of agent, peddler, or barker within any park or cemetery;
- F. Holding, operating, or conducting a carnival, exhibition, or circus in a park or cemetery without prior authorization obtained pursuant to Section 12.16.020;
- G. Selling food, refreshments, or merchandise, whether from a table, stand, booth, or otherwise within any park or cemetery without prior authorization obtained pursuant to Section 12.16.020;
- H. Organizing and conducting any religious or political assembly within a park or cemetery without the prior authorization obtained pursuant to Section 12.16.020. Such authorization shall not be unreasonably withheld, but may specifically stipulate the time and place of such meeting or assembly so as to not unreasonably interfere with other lawful activities within the facility and include reasonable provision for crowd control, traffic control, and other activities. It is specifically provided this section shall not be construed so as to limit the normal intended use of

the cemetery nor require prior approval of religious proceedings directly related to a funeral being carried forth in the cemetery;

- I. To camp in any park or cemetery without prior authorization obtained pursuant to Section 12.16.020;
- J. To deposit any refuse, junk, litter, shrubbery, yard trimmings, or advertising matter in any park or cemetery other than in designated receptacles; provided that the authorization to deposit shall not be deemed to allow the deposit of any refuse, litter, or other trash collected whether at home, business, or any other place or location and brought to the park or cemetery for the purpose of depositing refuse, litter, or trash;
- K. To build a fire in any park or cemetery except in duly designated areas; to remain in any park or cemetery after the posted closing time.

(Ord. 521 § 1, 1987)

12.16.020 Authorization and consent for activities--Procedure--Appeal of decision.

When consent or authorization is required prior to the undertaking of an activity specified in Section 12.16.010, that consent or authorization shall be sought as follows:

- A. A request shall be directed in writing to the mayor, detailing with adequate specificity the activity sought to be permitted. Upon receipt of such a request, the mayor shall undertake consideration as to the appropriateness of authorizing the activity. If in the mayor's discretion it is deemed necessary to obtain additional information, such request for information shall be responded to by the applicant. In making the determination, the mayor shall consider such factors as may be deemed necessary and appropriate, including but not limited to the impact of the requested utilization upon the use by the facility by other citizens; the demands that may be placed upon public services by the anticipated activity; prior experience or history of the applicant in undertaking similar activities; prior history or experience of the city in the allowance of such similar activities; and such other factors relating to public health, safety, and welfare as may be articulated. The decision of the mayor shall be in writing and rendered in a reasonably timely manner after application.
- B. If any person is aggrieved by the decision of the mayor whether to grant or deny a request, that person may appeal the decision of the mayor to the city council, which shall hear the matter at its next regular session or at such other time as it may deem appropriate. The council, after receiving such information as it deems necessary and appropriate, may either affirm, reverse, or modify the mayor's decision. The decision of the council shall be final.

(Ord. 521 § 2, 1987)

Chapter 12.20

OPENING AND EXCAVATION OF PUBLIC RIGHTS-OF-WAY

Sections:

12.20.010 Definitions.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: May 18, 2011
Re: 2012 STIP

As we discussed last meeting, we were uncertain if we would be able to meet the deadline of providing a Final STIP document for your review. The problem was that WSDOT is transitioning to a new "program" and training is on May 20. We have attempted to muddle through the new program to provide a DRAFT STIP document for your review and comment.

Prior to adoption of the STIP Amendment, we must have a public hearing. We were unable to get the advertisement notice out in time, thus the public hearing and adoption must wait until June 22.

In the mean time, we have attached the Six Year Transportation Improvement Program for the Period of 2012 to 2017 for your review. Similar to last year, we have increased the project cost by 3% to account for inflation. Next year we anticipate re-running detailed cost estimates for the projects included in the Program.

Action Requested:

Review the attached STIP Amendment. Please identify any concerns or comments you may have at this time.

Six Year Transportation Improvement Program
From 2012 to 2017

Agency: McCleary
County: Grays Harbor
MPO/RTPO: SWW RTPO

N Outside

| | | | | | | | | | | | | | | |
|------------------|----|-----------------|---|--|-------------------------------|---------|---------|-----------|----------------|------------------|---------------|--------------|--------------------|-------------|
| Functional Class | 08 | Priority Number | 1 | A. PIM/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description | B. STIP ID G. Structure ID | Hearing | Adopted | Amendment | Resolution No. | Improvement Type | Utility Codes | Total Length | Environmental Type | RW Required |
| | | | | West Ash Street Improvements West Ash Street North 10th Street to North 7th Street Project will reconstruct and widen the existing roadway, provide new curb and gutter, stormwater collection system improvements, sidewalk, planter strip, trees, parking lanes, and ensure ADA compliant corridor. | McC01 | | | | | 04 | O P S T W | 0.240 | CE | No |

| Funding | | | | | | | | | |
|---------|-------|-------------------------|-------------------|---------------|-----------------|-------------|-------------|-------------|-------------|
| Status | Phase | Phase Start Year (YYYY) | Federal Fund Code | Federal Funds | State Fund Code | State Funds | Local Funds | Total Funds | Total Funds |
| P | ALL | 2012 | | 0 | TIB | 1,360,476 | 71,604 | 1,432,080 | 1,432,080 |
| Totals | | | | 0 | | 1,360,476 | 71,604 | 1,432,080 | 1,432,080 |

| Expenditure Schedule | | | | | | | | | |
|----------------------|-----------|-----|-----|-----|-----------|-----------|--|--|--|
| Phase | 1st | 2nd | 3rd | 4th | 5th & 6th | Totals | | | |
| ALL | 1,432,080 | 0 | 0 | 0 | 0 | 1,432,080 | | | |
| Totals | 1,432,080 | 0 | 0 | 0 | 0 | 1,432,080 | | | |

| Grand Totals for McCleary | | | | | | | | | |
|---------------------------|-------------|-------------|-------------|--|--|--|--|--|--|
| Federal Funds | State Funds | Local Funds | Total Funds | | | | | | |
| 0 | 9,585,576 | 504,504 | 10,090,080 | | | | | | |

Agency: McCleary
County: Grays Harbor
MPO/RTPO: SWW RTPO

Y Inside

N Outside

| | | | | | | | | | | | | |
|------------------|----|---|-------------------------------|---------|---------|-----------|----------------|------------------|----------------|--------------|--------------------|-------------|
| Functional Class | 07 | A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description | B. STIP ID G. Structure ID | Hearing | Adopted | Amendment | Resolution No. | Improvement Type | Utility Codes | Total Length | Environmental Type | RW Required |
| | | 2 North Summit Road Improvement North Summit Road East Beck Street to Larson Road Resurface roadway, provide new curb and gutter, sidewalk, Stormwater Collection system improvements, planter strip, fees, parking lanes, and ensure ADA compliant corridor. | McC02 | | | | | 04 | G O P S T W | 0.780 CE | | No |

| Funding | | Phase | Phase Start Year (YYYY) | Federal Fund Code | Federal Funds | State Fund Code | State Funds | Local Funds | Total Funds |
|---------|---|-------|-------------------------|-------------------|---------------|-----------------|-------------|-------------|-------------|
| Status | P | ALL | 2013 | | 0 | WSDOT | 3,491,592 | 183,768 | 3,675,360 |
| Totals | | | | | 0 | | 3,491,592 | 183,768 | 3,675,360 |

| Expenditure Schedule | | 1st | 2nd | 3rd | 4th | 5th & 6th |
|----------------------|-----|-----|-----------|-----|-----|-----------|
| Phase | ALL | 0 | 3,675,360 | 0 | 0 | 0 |
| Totals | | 0 | 3,675,360 | 0 | 0 | 0 |

Six Year Transportation Improvement Program From 2012 to 2017

Agency: McCleary

County: Grays Harbor

MPOR/TPO: SWW RTPO

Y Inside

N Outside

| | | | | | | | | | | | | | | | | | | | | | | | |
|------------------|----|-----------------|---|--|-----------------|---------|--|---------|--|-----------|--|----------------|--|------------------|----|---------------|-----------|--------------|----------|--------------------|--|-------------|----|
| Functional Class | 07 | Priority Number | 3 | A. PIN/Project No. B. STIP ID | | Hearing | | Adopted | | Amendment | | Resolution No. | | Improvement Type | 05 | Utility Codes | O P S T W | Total Length | 0.500 CE | Environmental Type | | RW Required | No |
| | | | | C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description | G. Structure ID | | | | | | | | | | | | | | | | | | |
| | | | | South 3rd Street Improvements South 3rd Street West Simpson Ave to McCleary Sine Road Resurface roadway, provide new curb and gutter, sidewalk, Stormwater Collection system improvements, and ensure ADA compliant corridor. | McC03 | | | | | | | | | | | | | | | | | | |

| Funding | | | | | | | | | |
|---------|-------|-------------------------|-------------------|---------------|-----------------|-------------|-------------|-------------|-------------|
| Status | Phase | Phase Start Year (YYYY) | Federal Fund Code | Federal Funds | State Fund Code | State Funds | Local Funds | Total Funds | Total Funds |
| P | ALL | 2014 | T1B | 0 | | 878,332 | 46,228 | 924,560 | 924,560 |
| | | | Totals | 0 | | 878,332 | 46,228 | 924,560 | 924,560 |

| Expenditure Schedule | | | | | |
|----------------------|-----|-----|---------|-----|-----------|
| Phase | 1st | 2nd | 3rd | 4th | 5th & 6th |
| ALL | 0 | 0 | 924,560 | 0 | 0 |
| Totals | 0 | 0 | 924,560 | 0 | 0 |

Six Year Transportation Improvement Program From 2012 to 2017

Agency: McCleary
County: Grays Harbor
MPO/RTPO: SWW RTPO

Y Inside N Outside

| | | | | | | | | | | | | | | |
|------------------|----|-----------------|---|---|-----------------|---------|---------|-----------|----------------|------------------|---------------|--------------|--------------------|-------------|
| Functional Class | 08 | Priority Number | 4 | A. PIN/Project No. B. STIP ID C. Project Title D. Road Name or Number E. Begin & End Terminals F. Project Description | G. Structure ID | Hearing | Adopted | Amendment | Resolution No. | Improvement Type | Utility Codes | Total Length | Environmental Type | RW Required |
| | | | | South 4th Street Improvements South 4th Street West Simpson Ave to 4th Street Extension Project will reconstruct and widen the existing roadway, provide new curb and gutter, stormwater collection system improvements, sidewalk, planter strip, trees, parking lanes, and ensure ADA compliant corridor. | MC04 | | | | | 04 | O P S T W | 0.490 CE | CE | No |

| Funding | | | | | | |
|---------|-------|-------------------------|-------------------|---------------|-----------------|-------------|
| Status | Phase | Phase Start Year (YYYY) | Federal Fund Code | Federal Funds | State Fund Code | Total Funds |
| P | ALL | 2015 | TIB | 0 | 2,430,480 | 127,920 |
| Totals | | | | 0 | 2,430,480 | 127,920 |
| | | | | | | 2,558,400 |

| Expenditure Schedule | | | | | |
|----------------------|-----|-----|-----|-----------|-----------|
| Phase | 1st | 2nd | 3rd | 4th | 5th & 6th |
| ALL | 0 | 0 | 0 | 2,558,400 | 0 |
| Totals | 0 | 0 | 0 | 2,558,400 | 0 |

Six Year Transportation Improvement Program From 2012 to 2017

Agency: McCleary
County: Grays Harbor
MPO/RTPO: SWW RTPO

Y Inside

N Outside

| | | | | | | | | | | | | | | | | | | | |
|------------------|----|--|-----------------|---|--|-----------|--|----------------|--|------------------|----|---------------|-----------|--------------|----------|--------------------|--|-------------|----|
| Functional Class | 08 | B. STIP ID | | Hearing | | Amendment | | Resolution No. | | Improvement Type | 04 | Utility Codes | O P S T W | Total Length | 0.140 CE | Environmental Type | | RW Required | No |
| Priority Number | 5 | A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description | G. Structure ID | West Maple Street improvements West Maple Street South 5th Street to South 3rd Street Project will reconstruct and widen the existing roadway, provide new curb and gutter, stormwater collection system improvements, sidewalk, planter strip, trees, parking lanes, and ensure ADA compliant corridor. | | | | | | | | | | | | | | | |
| | | | McCOS | | | | | | | | | | | | | | | | |

| Funding | | Status | Phase | Phase Start Year (YYYY) | Federal Fund Code | Federal Funds | State Fund Code | State Funds | Local Funds | Total Funds |
|---------|-----|--------|-------|-------------------------|-------------------|---------------|-----------------|-------------|-------------|-------------|
| P | ALL | | | 2016 | TIB | 0 | TIB | 839,800 | 44,200 | 884,000 |
| | | | | | Totals | 0 | | 839,800 | 44,200 | 884,000 |

| Expenditure Schedule | | 1st | 2nd | 3rd | 4th | 5th & 6th |
|----------------------|--|-----|-----|-----|-----|-----------|
| Phase | | | | | | |
| ALL | | 0 | 0 | 0 | 0 | 884,000 |
| Totals | | 0 | 0 | 0 | 0 | 884,000 |

Six Year Transportation Improvement Program From 2012 to 2017

Agency: McCleary
County: Grays Harbor
MPO/RTPO: SWW RTPO

Y Inside

N Outside

| | | | | | | | | | | | | | | |
|------------------|----|-----------------|---|--|-----------------------------------|---------|---------|-----------|----------------|------------------|---------------|--------------|--------------------|-------------|
| Functional Class | 08 | Priority Number | 6 | A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description | B. STIP ID G. Structure ID | Hearing | Adopted | Amendment | Resolution No. | Improvement Type | Utility Codes | Total Length | Environmental Type | RW Required |
| | | | | North 8th Street Improvements North 8th Street West Simpson Ave to West Ash Street Project will reconstruct and widen the existing roadway, provide new curb and gutter, stormwater collection system improvements, sidewalk, planter strip, trees, parking lanes, and ensure ADA compliant corridor. | McC06 | | | | | 04 | O P S T W | 0.090 | CE | No |

| Funding | | Phase | Phase Start Year (YYYY) | Federal Fund Code | Federal Funds | State Fund Code | State Funds | Local Funds | Total Funds |
|---------|---|-------|-------------------------|-------------------|---------------|-----------------|-------------|-------------|-------------|
| Status | P | ALL | 2016 | TIB | 0 | | 584,896 | 30,784 | 615,680 |
| Totals | | | | | 0 | | 584,896 | 30,784 | 615,680 |

| Expenditure Schedule | | 1st | 2nd | 3rd | 4th | 5th & 6th |
|----------------------|-----|-----|-----|-----|-----|-----------|
| Phase | ALL | 0 | 0 | 0 | 0 | 615,680 |
| Totals | | 0 | 0 | 0 | 0 | 615,680 |

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: May 16, 2011
Re: One Call Subscription Agreement

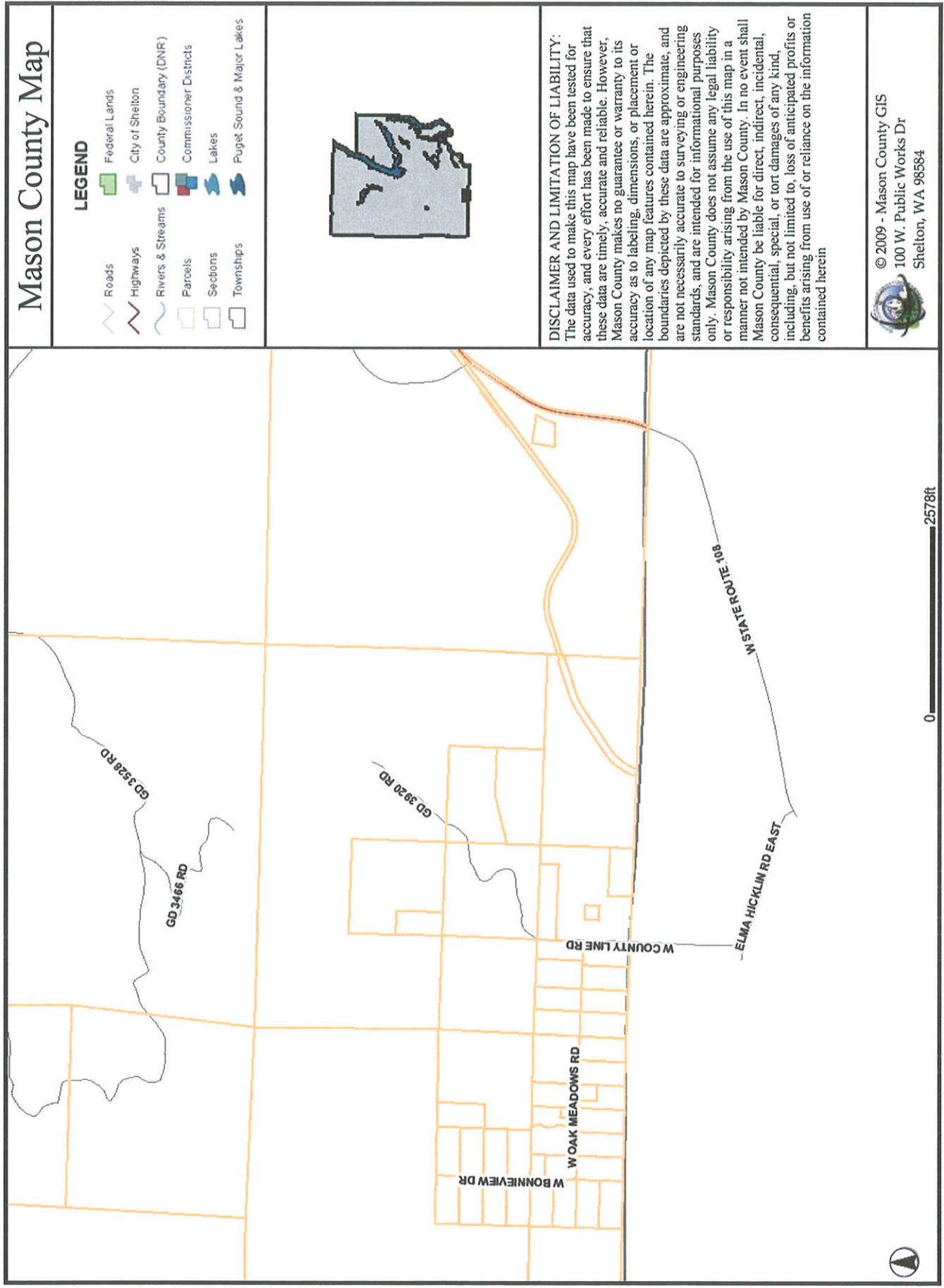
When you call before you dig in the City of McCleary, all of our utility departments are notified. When you call before you dig in our Grays Harbor County service area, we are notified. Unfortunately, we have a sliver of our electrical distribution in Mason County (north of Elma-Hicklin Road). When calling into one call to replace a danger pole, we were not notified, this prompting us to correct the deficiency.

There are three one call "entities" in Washington State. Grays Harbor is served by NUNC, while Mason County is served by UULC. If Mason were served by NUNC, we could easily adjust the service area and correct the problem. Unfortunately, we are overlapping the two "entity" service areas and must enter into an agreement with UULC to receive notification for calls on W. County Line Road, W Oak Meadows Road, and W. Bonnieview Drive.

This results in an added cost of \$1.20 per notice. Since these lines have been in place for over 30 years, and this is just now coming to our attention, we do not anticipate a large number of notices.

Action Requested:

Authorize the City to execute the UULC Master Agreement.



STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: May 19, 2011
Re: EMS Code Revision

As we have previously discussed, the City is currently paying EMS fee's on all municipal accounts, including but not limited to lift stations, park lighting, etc. In light of this topic, Mr. Glenn has taken the opportunity to provide a draft revision to Ordinance 648. Based on a quick review of the draft Ordinance, it appears that a new definition has been added, stating that municipal corporations shall not be included.

Since we are considering revising this Ordinance, now would also be a great time to consider bolstering the definition of Equivalent Dwelling Unit (EDU) provided in Section I(4). Based on the definition provided, an EDU is the occupancy rate of an average single family home. Generally, this number is around 2.5 persons per household.

The problem is not determining the average occupancy rate of an average household, but determining the occupancy rate of businesses. If we had business licenses, this would be an easy item to include on the annual renewal, based on the number of employees and customers. The School or Simpson Door both have much higher probabilities of needing EMS than does the laundry mat or salon, based solely on a per capita basis.

Another alternative would be to revise the definition of EDU to coincide with a stormwater EDU, as business tend to have parking lots and structures large enough to accommodate the expected volume of customers and quantity of employees.

In the event we do not revise Section I(4), we will need to contact all businesses to request that they provide their occupancy rate.

Action Requested:

Please consider revising Section I (4) and adopting the proposed ordinance.

ORDINANCE NO. _____

AN ORDINANCE RELATING TO PARKS; ESTABLISHING REGULATIONS; GRANTING AUTHORITY; ADDING A NEW CHAPTER TO TITLE 13 OF THE MUNICIPAL CODE; IMPOSING PENALTIES; REPEALING SECTIONS 2.36.010 & 2.36.020 OF THE MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

R E C I T A L S:

1. The City maintains a park and other recreational facilities for use by the citizens. It has also, in recent years, acquired additional property for potential use as a second park.

2. The Administrative Staff has reported to the Council that the operation of the system would benefit from the implementation of a formal set of regulations.

3. Staff have reviewed the materials and have recommended to the Council and Mayor that the provisions set out below be adopted.

4. During the course of the review, it has been determined that existing provisions of the Municipal Code have provided for a Board of Parks Commissioners. So far as has been determined, no such Board has existed for many years. Since the current method of operation of the parks facilities has been successful, it is found appropriate to repeal the provisions

establishing the Commission and reassigning the authority granted to the Commission.

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

SECTION 1: SIGN POSTING AND STRUCTURES PROHIBITED

Without the prior written consent of the Director of Public Works, hereinafter referred to in this ordinance as the Director, or his or her designee, the following acts are unlawful:

A. To place or erect any sign, board, billboard or similar device of any kind in any park.

B. To create, place, or erect any structure in any park.

SECTION 2: DISTRIBUTION OF HANDBILLS

It is unlawful to exhibit or distribute any handbills, circulars, or signs in any park in any manner that interferes with or obstructs the normal use of the park or the normal passage of people or vehicles within or through the park.

SECTION 3: STORAGE OF EQUIPMENT

Persons using parks should not expect storage space for equipment necessary for their activity. Any user desiring to store equipment, supplies, or material of any type or kind on a park site shall obtain the written approval of the Director in advance. If temporary storage is allowed with the permission of

the Director, the City shall not be responsible for loss or damage to the equipment or property stored.

SECTION 4: REMOVAL, ALTERATION, OR DESTRUCTION OF PARK PROPERTY PROHIBITED

4.1 It is unlawful to remove, destroy, mutilate or deface any structure, monument, wall, fence, railing, bench, shrub, tree, lawn, grass, plant, flower, lighting system, or sprinkling system, or any other property or thing lawfully in any park.

4.2 No physical alteration, whether in the form of additions, modifications, or removal, to the park or other facility covered under the provisions of this ordinance or any improvements located therein shall be done without the prior written approval of the City, acting by and through the Director of Public Works or such other official as may be designated by the Mayor.

4.3 No foreign matter of any sort (including without limitation such materials as sawdust or sand) may be added to any field for any reason without the prior written consent of the Director.

SECTION 5: PETS IN PARKS

5.1. Dogs, pets, or domestic animals are not permitted on any area covered by turf, whether natural or artificial, nor in or upon any picnic area, sport court, or inbounds play area in any park nor in any park structure unless specifically authorized

by posting or by special permission given in writing by the Director. This section shall apply to neither animal guides or service animals.

5.2. Dogs and other pets or domestic animals shall be kept on a leash and under control at all times unless otherwise posted.

5.3. Any person whose dog or other pet is in any park shall be responsible for the conduct of the animal and shall promptly remove and properly dispose of all animal waste deposited by such animal.

5.4. No person shall allow his or her dog or other pet or domesticated animal to commit any of the following acts:

A. to bite, disturb, or harass any park user, wildlife, or other animals.

B. to bark or make noise continuously or with such frequency or volume as to disturb the peace and tranquillity of the park.

C. to damage, destroy or remove park vegetation.

SECTION 6: HORSES PROHIBITED

Horses are not permitted in any park at any time except with the written permission of the Director or within areas specifically designated for such use.

SECTION 7: SELLING REFRESHMENTS OR MERCHANDISE PROHIBITED

It is unlawful to sell refreshments, merchandise, or any other thing in any park without the prior written consent of the Director or without a valid concession contract with the City and being the holder of such other licenses and permits required by any applicable state law or city ordinance.

SECTION 8: SOLICITING PROHIBITED

Except as may be specifically provided by law, no person shall solicit contributions for himself or others in any park.

SECTION 9: USE BY GROUPS OR ASSEMBLIES

Parks and associated facilities shall be available for any person, group, or assembly on a first come, first served basis, subject to priority use through a supplemental park permit issued by the Director or for classes, special events, public forums, or athletic programs as determined by the Director.

SECTION 10: VEHICLE AND ANIMAL USE RESTRICTED

10.1. It is unlawful to operate, ride, or drive any wheeled device, sled, vehicle, or animal over, across, or through any park, except along designated paths, drives, or streets, provided however, motorized devices are restricted solely to streets, parking lots, and drives.

10.2. It is unlawful to operate, ride, or drive any wheeled device, vehicle, or animal at a speed in excess of five (5) miles per hour in any park unless a different speed limit is posted.

10.3. It is unlawful to stand or park any vehicle except where so designated and posted. It is unlawful to use or operate vehicles in any portion of a park devoted to skateboards.

10.4. No device, referred to generically as "toy wheels", shall be utilized in an area in which their use is specifically prohibited. For purposes of this section, a "toy wheel" shall include, but is not limited to, skateboards, roller blades, roller skates, scooters, bicycles, and similar wheeled devices.

10.5. The restrictions imposed pursuant this section shall not apply to such wheeled items as carriages for infants, children's wagons, and similar items nor to snow sleds intended for individual use so long as such utilization does not harm park property.

SECTION 11: CAMPING PROHIBITED

It is unlawful to camp in any park except at places so designated and posted.

SECTION 12: GOLF PROHIBITED

Golf activities shall not be permitted in any park unless a supplemental park permit or the written consent of the Director is obtained prior to commencement of the activity.

SECTION 13: ENDANGERING PERSONS OR PROPERTY PROHIBITED

It is unlawful to knowingly hurl or propel any object or to take any physical action in any park which endangers or is likely to endanger any persons or property or interfere with park

purposes: PROVIDED THAT, this prohibition shall not apply if such action occurs as an anticipated element of any authorized event. This shall include baseball games, soccer games, and similar events.

SECTION 14: FIRES PROHIBITED

It is unlawful to build or have any fire in any park except where so designated and posted. Portable grills, barbecues, or hibachis are permitted so long as they do not otherwise violate any section of this ordinance or any chapter of the Municipal Code.

SECTION 15: FIREWORKS PROHIBITED

It is unlawful in any park to use, exhibit, display or possess any fireworks or common fireworks as those terms are defined in the Municipal Code unless authorized by the Director and so long as any necessary permit has been obtained from all governmental agencies having jurisdiction over such actions.

SECTION 16: SOUND-AMPLIFYING DEVICES

16.1. Except as authorized by a park use agreement or by the prior written permission of the Director, or except as necessary for the preservation of public peace or safety, it is unlawful to use any public address system, loudspeaker, or other sound amplifying device in any park other than in compliance with §16.2 of this Section.

16.2. Unless operated by a park user during the course of an activity of which the Director has authorized such use, no

person shall use, operate, or play in any park a radio, tape player, disc player, television, musical instrument, record player, or any other machine or device capable of producing sound (1) without the use of headphones or a similar personal listening device or (2) at a volume level where discernible noise can be heard more than ten feet from the device or (3) in such a manner as violates any other provision of the Municipal Code.

SECTION 17: INTOXICATING LIQUOR PROHIBITED

It is unlawful to possess a container of any alcoholic beverage, whether opened or unopened, while in any park or in any publicly owned parking area associated with a park. For purposes of this section, possession means having a container within one's immediate reach or control and not secured in a location such as a vehicle's trunk or storage compartment.

In addition to any other applicable penalty, any person violating this section is guilty of a misdemeanor and upon conviction shall be subject to punishment as provided in §1.08.010 of the Municipal Code.

SECTION 18: LITTERING -- TRASH DEPOSIT

It is unlawful to commit any of the following acts:

A. throw or deposit any refuse or other material in any park, including, but not limited to, any artificial surfaces, play fields, or picnic areas, except in designated receptacles;
or

B. to take garbage or refuse to a park for disposal;
or

C. to deposit garbage or refuse generated outside a park in a receptacle provided for deposit of trash by the public using the park or in any publicly owned parking area associated with a park.

SECTION 19: PARK HOURS, AREAS OF RESTRICTED OCCUPANCY,
& RIGHT TO PROHIBIT CONTINUED USE

19.1. Parks are open to the public daily from 6:30 a.m. to 10:00 p.m. unless other hours are posted at the entrances to a park.

19.2. The Director shall have the following authority:

A. To make and enforce special park closure hours for specific parks or areas within parks if the Director determines that such special park closure hours are necessary or appropriate to protect public property or public safety, to prevent public nuisances, or to prevent breaches of the peace.

B. In the Director's sole discretion, to permit special hours of utilization by written authorization in the course of utilization for special events, sport leagues, and tournaments so long as the applicant submits a written request no less than one week prior to the intended date or dates of utilization. The request shall contain such information as may be required by the Director. If the Director authorizes the utilization, it shall be the responsibility of the applicant to

provide written notice of such authorization to each residence which abuts the park to be utilized. If the residence is an apartment building, notification to the manager of the building shall be deemed adequate notice.

19.3. It is unlawful for any person to enter or remain in a closed park unless permitted and authorized in advance by the Director.

19.4. No person except an authorized City employee or other person duly authorized pursuant to law shall enter or go upon or into any park area which has been posted as a "No Admittance" or "No Trespassing" area, or at a time a park is closed to the public.

19.5. The misuse of a park facility, the failure to conform with any of the provisions of this ordinance, or the failure or refusal to comply with the directions of City employees shall be good cause for requiring the individual to exit the park and to prohibit the individual from reentering the park in the future.

19.6. Any person violating this section is guilty of a misdemeanor and upon conviction shall be subject to punishment as provided in Section 21 of this ordinance.

SECTION 20: SKATEBOARD PARK AREAS

To the extent that any area of a park is now or may hereafter be devoted to skateboards, its use shall be governed by rules promulgated by the Director, and as may be posted at the

entrance to the skateboard area. A violation of any such rules, whether or not posted, shall be a violation of this chapter.

SECTION 21: USER'S FAILURE TO FOLLOW PARK RULES - PENALTIES & PROHIBITION FROM REENTRY

21.1. Fiscal Penalties: Any violation of or any failure to comply with any of the provisions of this ordinance which is not defined as a criminal law violation by the municipal code or state law and for which no penalty is otherwise specified by the municipal code or state law shall constitute a civil infraction as contemplated by RCW 7.80.120. Any person found to have committed such a violation may be punished by a civil fine or forfeiture in any sum not exceeding \$250.00. The following penalties shall apply:

A. Initial Infraction within any twenty-four calendar month period: Monetary penalty of Fifty Dollars (\$50.00);

B. Second Infraction within any twenty-four calendar month period: Monetary penalty of One Hundred Dollars (\$100.00);

C. Third Infraction within any twenty-four calendar month period: Monetary penalty of One Hundred Fifty Dollars (\$150.00);

D. Fourth & subsequent violation within any twenty-four calendar month period: Monetary penalty of Two Hundred Fifty Dollars (\$250.00).

21.2. Prohibition From Reentry:

A. Any person who is either sentenced pursuant to 21.1.D of this section or who, regardless of the violator's prior history, is found by the Director to have committed an act or acts which created or resulted in an unreasonable risk to safety of persons or property may be forbidden from reentering the premises of a park or its associated public parking areas. The written order prohibiting reentry shall set forth in reasonable detail the reasons for the prohibition and may be for such period as the Director deems appropriate and shall be served upon the violator. In the event that attempts to serve the order are unsuccessful, a record of the efforts shall be maintained in the records of the City and the name of the individual may be posted at the entry of the City's parks upon a document setting forth a listing of any individual subject to such order.

B. Any person who is the subject of an order issued pursuant to §§21.2 shall have the right to appeal that order to the City Council in writing within ten (10) calendar days of the service of the order upon the person. The notice of appeal shall be filed in the Office of the Clerk-treasurer and set forth the name and contact information for the appellant, as well the grounds for the appeal. The Council, after giving written notice to the individual at the address provided in the notice of appeal, shall set a date upon which the appeal shall be heard. The Council may hear such testimony and accept such exhibits as

its deems appropriate and issue a written decision with findings. That decision shall be final.

By written resolution, the Council may delegate the duty and authority it possesses under this sub-paragraph to the Hearing Examiner.

SECTION 22: The Director shall be and is hereby authorized to promulgate such written rules and regulations as may be deemed reasonably necessary and appropriate to implement and administer the provisions of this ordinance. Prior to its effectiveness, any proposed rule or regulation shall be submitted to the City Council and Mayor for review. To the extent not disapproved, such rule or regulation shall go into effect upon the thirtieth day following the first Council Meeting at which they are presented to the Mayor and Council in a written form: PROVIDED that the Council specifically reserves to itself the right (a) to suspend such proposed rule or regulation, (b) authorize its immediate effectiveness, or (c) reject, modify, or supplement such proposed regulations.

SECTION 23: REPEALS AND CODIFICATION:

A. Sections 1 through 22 of this ordinance shall constitute a new chapter in Title 13 of the McCleary Municipal Code.

B. Section 2.36.010 and Section 2.36.020 of the Municipal Code shall be and are hereby repealed.

SECTION 24: SEVERABILITY:

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 25: EFFECTIVE DATE:

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

PASSED THIS _____ DAY OF _____,
2011, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of _____,
2011.

CITY OF McCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

ORDINANCE -A- 14
04/15/2011
DG/le

CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

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 _____, 2011, by WENDY COLLINS.

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

ORDINANCE NO. _____

AN ORDINANCE RELATING TO PUBLIC HEALTH; UPDATING THE PROVISIONS OF THE MUNICIPAL CODE RELATING TO THE PROGRAM OF MANDATORY SOLID WASTE COLLECTION; SETTING FORTH GUIDELINES FOR THE COLLECTION AND RECYCLING OF SOLID WASTE MATERIALS; DEFINING VIOLATIONS; ADDING A NEW CHAPTER TO TITLE 8 OF THE McCLEARY MUNICIPAL CODE, & ESTABLISHING PENALTIES FOR VIOLATION OF ITS PROVISIONS.

R E C I T A L S:

1. Since 1948, through the adoption of Ordinance 57 the City has had in place a program requiring mandatory solid waste collection. The necessity was and is based upon fundamental protection of the health and safety of the public. Previously, the City has adopted the Grays Harbor County Comprehensive Solid Waste Management Plan and is responsible for implementing solid waste programs meeting that Plan's requirements.

2. The Grays Harbor County Comprehensive Solid Waste Management Plan and RCW Chapter 70.95 have established waste reduction and source separating recycling as fundamental strategies of solid waste management.

3. RCW 70.95.090 and the Recycling Program adopted by the Grays Harbor County Solid Waste Advisory Committee establish source separation strategies that include the collection of

source separated recyclables from residential dwellings; source separated yard waste collection programs where local markets exist; and programs that educate and promote the concepts of waste reduction and recycling.

4. The City wishes to encourage rate structures that provide incentives for waste reduction and recycling, and supports reduced garbage and recycling collection rates for those who produce less garbage.

5. As has been recognized, state law authorizes the City to enter into a franchise agreement with a qualified hauler to provide the solid waste collection, recycling, and education services anticipated by this Ordinance. It has done so and through the adoption of this updating of its solid waste collection provisions, does not intend to in any way affect the existing contract.

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

SECTION I: Purpose of Chapter: The Council reaffirms its finding in 1948 that the requirement of mandatory solid waste collection is necessary for protection of the public health and safety. In light of that finding, the Council intends to take the following steps:

A. Encourage the management of solid waste according to the priorities defined in RCW 70.95.010 and the Grays Harbor County Comprehensive Solid Waste Management Plan.

B. Set minimum solid waste and recycling collection service levels for solid waste haulers.

C. Define solid waste collection rate objectives that provide incentive for waste reduction and recycling.

D. Set standards for the provisions of recycling opportunities to the citizens of the City.

E. Establish mandatory solid waste provisions for all locations within the corporate limits.

SECTION II: Definitions: The following definitions shall apply to this chapter:

2.1: General Principals of Interpretation -

A. Words in this chapter used in the present tense shall include the future tense, and in the singular shall include the plural and in the plural shall include the singular, and the masculine shall include the feminine gender.

B. To the extent a specific definition is not provided, the generally accepted meaning of a word or term shall be applicable.

2.2: Specific Definitions -

A. City - shall mean the City of McCleary.

B. Contamination - shall mean non-recyclable solid waste mixed with recyclable solid waste.

C. Generator - shall mean the person responsible for collecting, separating, and/or depositing solid waste in approved containers.

D. Hauler - shall mean any certified solid waste hauler authorized to collect solid waste within the corporate limits of the City.

E. Multi-Family Residence - shall mean a building designed exclusively for residential purposes for occupancy by two or more families living separately from each other.

F. Person - shall mean every natural person, firm, copartnership, limited liability company, association or corporation.

G. Premises - shall mean any dwelling, flat, apartment, rooming house, hotel, restaurant, boardinghouse, eating place, shop, place of business, or any other building or structure.

H. Recyclable Plastic Containers - shall mean all plastic containers that can be collected and recycled without undue expense as determined by the City. These plastics may include, but are not limited to, polyethylene terephthalate (PET) and high-density polyethylene (HDPE) containers.

I. Recyclable Materials - shall mean those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan, under RCW 70.95.030.

J. Recycling - shall mean transforming or remanufacturing waste materials into useable or marketable

materials for use other than landfill disposal or incineration.

K. Single-Family Residence - shall mean a detached building designed exclusively for occupancy by one family and containing one dwelling unit.

L. Solid Waste or Solid Wastes - shall mean all putrescible and non-putrescible solid and semi-solid waste including, but not limited to, garbage, rubbish, ashes, industrial waste, swill, demolition and construction waste, abandoned vehicles or parts thereof, and recyclable materials.

M. Solid Waste Management - shall mean the management of storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes, or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

SECTION III: Mandatory Solid Waste Collection & Contracting Authority:

3.1. A. Every owner or occupant of real property, whether improved or unimproved, including specifically all premises within the City boundaries, which generates solid waste on a regular or irregular basis, must provide for the disposal of that solid waste by subscribing with a hauler for collection service.

B. The duty set forth in sub-paragraph A shall be a non-delegable duty for which the owner of the real property shall be directly responsible in terms of compliance, whether as to obtaining and maintaining such service or for payment of any obligations incurred for such service. These non-delegable duties shall exist even in the event that the owner allows an occupant the authority to contract and pay for such services.

3.2. Pursuant to applicable law, the City of McCleary reaffirms its exercise of the authority to gather and collect solid waste and to regulate and manage the disposal of solid waste within the city. Therefore, as has been true since 1948, it is unlawful for any person to collect or gather solid waste, except the contents of any septic tanks within the city, or to deposit or dump the same or cause the same to be dumped or deposited upon any lot of land or in any water or waterways within the corporate limits of the City, except as provided in this chapter.

3.3. The City Council may enter into a contract with a qualified hauler conveying the exclusive rights to collect, remove, and dispose of all solid waste consistent with the provisions of this Chapter. No contract for such services shall be for a term greater than five years, but may provide for mutually agreed upon extensions. However, the City may, at its option, handle the collection and disposal of solid waste under municipal ownership by creation of a garbage utility.

3.4. A. All charges for service to be rendered in accordance with this chapter shall be billed upon such schedule and be payable upon such terms and conditions as may be provided by the terms of any applicable resolution of the City.

B. Upon failure to pay such charges and upon delinquency, to the extent allowed by law,

1. the amount thereof shall become a lien against the premises from which the solid waste collection service shall have been rendered. Such liens shall be made effective by filing a notice thereof specifying the charges, the period covered by the charges, and giving the legal description of the premises to which the service was rendered. Such liens shall be filed in the manner required by law, specifically RCW 35.21.120 through 35.21.150, as now existing or hereafter amended or succeeded.

2. To the extent allowed by applicable law and ordinance, upon such failure, other utilities provided by the City may be terminated to the premises.

C. Service to any premises may be suspended for nonpayment of moneys owing for services rendered. Such suspension shall not relieve the person owing such account of the duty of complying with the provisions of this chapter. Such suspension shall render the premises where such service is suspended subject to enforcement action for sanitary reasons.

SECTION IV: Solid Waste Management Standards: The following provisions shall apply to the application of this Chapter.

4.1. Recycling:

A. To the extent that such services are a part of the mandatory solid waste collection program established by the City, generators of solid waste within the City of McCleary shall comply with recycling programs. Upon request collection containers shall be provided for each premises from which recyclable materials are generated to facilitate the collection of newspapers, mixed wastepaper, cardboard, tin and aluminum cans, recyclable plastic containers, and other recyclable materials. The recycling of glass shall be pursuant to standards and procedures authorized by the City in recognition of the impact of the inclusion of glass in a unified container.

B. The owner or manager of a premises may choose to either self-haul such recyclables or utilize the provided recycling collection services: PROVIDED THAT, the decision to not utilize the provided service shall not constitute a justification for not paying any charge or fee necessary to provide that service within the corporate limits.

C. The owner or manager of each multi-family residence shall be responsible for providing City supplied waste reduction/recycling promotional materials to each existing or incoming resident.

4.2. Accessibility of Containers: On the day of collection, it shall be the duty of each garbage customer to place all garbage cans, excess garbage containers, recycling bins, and yard waste collection containers in an accessible place abutting the street or alley used by the garbage hauler to serve the subject property. The approved cans, containers, or bins shall be situated at the edge of the public right-of-way or at the curb line if such exists. Arrangements may be made for special collection sites for handicapped persons and multi-family complexes. Customers not complying with the collection site requirements shall be charged an additional fee or passed over without collection at the option of the hauler. Failure to comply with this provision shall not relieve the customer of the obligation to pay the collection fee for that day.

4.3. Litter Around Cans: It is the duty of each customer to keep the area around its garbage and refuse receptacles free from litter. The hauler shall not be obligated to clean up litter around receptacles and shall only be required to dump such garbage and refuse as may be in the container at the time of collection.

SECTION V: General Collection Service Levels Established:

5.1 The following service levels shall be complied with by any hauler engaged in the business of hauling or

transporting solid waste or recyclables for compensation picked up from sites within the city limits:

A. No person, partnership, or corporation shall engage in the business of hauling or transporting residential garbage, refuse, or recyclables for compensation within the City without complying with the requirements of this Ordinance and possessing proper operating authority as determined by the City.

B. The authorized hauler will provide adequate office facilities and phone operators to conveniently handle customer sign-ups, service charges, billings, and complaints. Customer service will be the sole responsibility of the hauler. Hauler will also assist the City with the development of a program of promotion and public education activities.

C. Prior to initiating collection services, the hauler must enter into a binding contractual agreement with the City.

D. The following service levels are established for garbage and recyclables.

1. Garbage collection shall be offered upon such schedule as may be approved by the City.

2. Recyclable collection shall be offered upon such conditions and schedule as are approved by the City. Collected recyclables may include newspaper, glass containers, tin and aluminum cans, and such other materials as may be authorized by the City. They shall be separated in the manner required by such program as may then be authorized by the City.

3. Garbage and recyclables shall be separated and deposited in such manner as is approved by the City.

4. So long as a recycling program is approved by the City, a Hauler must recycle collected materials unless prior approval is obtained from City.

5. So long as a recycling program is approved by the City, a Hauler shall deliver recycling containers to households that request the recycling collection service. Containers must be of sufficient number and design to be capable of holding all approved recyclable materials.

6. Containers that have obvious contamination of recyclables with garbage may be tagged by the hauler with instructions for proper separation and may not be collected. If the uncollected materials are not properly separated on the following collection cycle, they will be collected as garbage and the customer will be billed for the additional volume.

7. Non-resident lot owners shall secure services in one of two manners:

a. Dwelling units shall be serviced and billed as regular residential service.

b. To the extent that they are made available by the hauler, non-dwelling units (recreational vehicles, etc.) shall pay a per-season rate (60 days) to purchase bags from the City to be collected by the hauler. These bags will be issued when the owner secures the 60-day occupancy permit.

8. All collection services shall be offered to each account on a consistent day of the week in a coordinated manner whenever economically feasible.

9. Materials will be collected within such time periods as may be established by the contract entered into with a private contractor: PROVIDED THAT, in the absence of any contractual provisions materials will be collected between 6:30 a.m. and 5 p.m., Monday through Friday.

10. Materials may be collected on legal holidays or, at the hauler's discretion, alternate arrangements may be temporarily made as long as materials are collected within two days of each account's regular collection day.

11. If collections are missed due to hazardous weather conditions, materials may be collected, at no additional charge, during that customer's next regular collection cycle unless the contract for service between the Hauler and the City provides differently.

12. Special arrangements on an individual account basis shall be made to allow disabled single-family residential customers full access to all collection services.

E. The rate structure adopted by written resolution of the City or as later amended pursuant to action of the City Council shall be the rate structure imposed for the services rendered by hauler. Among other things, the rate structure shall

take into consideration the request of the hauler and such other information as is deemed appropriate.

F. Upon written request from the City, a written report shall be delivered by hauler to the City containing such data as may be requested for both residential and commercial accounts. The request may include the following items and shall be made no more frequently than one time per twelve month period.

1. Total garbage and recycling collection accounts.
2. Total sign-ups for recycling and yard waste collection.
3. Average number of pick-ups made for each service.
4. Separate totals for quarterly tonnage collected for garbage and recycling.
5. A log of customer compliments and complaints, whether oral or written, including date, time, subject, and resolution.

5.2. Any provision set forth in Sub-section 5.1 shall be subject to modification by the terms of any written contract entered into between the City and its designated Hauler.

SECTION VI: Violations & Penalties

6.1 Specific Violations:

A. Unlawful Accumulations: It is unlawful for any occupant or owner of any building, lot, or premises in the City to allow or permit any refuse to collect or remain upon such premises in such a manner or quantity as to constitute a fire or

health hazard. Any such accumulation is deemed a nuisance and as such may be abated by the City pursuant to the applicable provisions of the Municipal Code. Further, any person found to have committed a violation of this section shall be subject to punishment as provided in §6.2.

B. Theft of Service: Utilization of garbage or recycling collection services without the establishment of an active account with the appropriate hauler shall be a misdemeanor offense as that crime is described by the McCleary Municipal Code.

C. Unlawful Dumping: It is unlawful to dump or deposit any garbage or refuse upon any street or alley or on any public or private property except in a receptacle intended for that purpose and with the implied or expressed consent of the owner of said receptacle. Any person found to have committed a violation of this section shall be subject to punishment as provided in §6.2.

D. Anti-scavenging: Materials placed in recycling containers shall remain the property of the generator until such materials are delivered by the hauler to a recycling facility. No person shall remove any such materials from these containers without the permission of the generator using the container. Any person found to have committed a violation of this section shall be subject to punishment as provided in §6.2.

E. Failure to Utilize Service: It is unlawful for any occupant or owner of any building, lot, or premises in the City to fail to comply with the provisions of Section 3.1. Such failure shall be deemed a nuisance and as such may be abated by the City pursuant to the applicable provisions of the Municipal Code. Further, any person found to have committed a violation of this section shall be subject to punishment as provided in §6.2.

6.2. Penalty:

Any person found to have violated §6.1 A, C, or D of this ordinance or any other provision of this ordinance for which no specific penalty is established shall, upon a finding of committed or guilty, be subject to punishment as follows:

A. The first two violations found to have been committed by a person within any twenty-four month consecutive period shall constitute infractions and be so cited and heard. Upon finding a violation has been committed, the violator shall be subject to a fiscal penalty of up to \$250.00 and such further order of the Court as will correct the violation.

B. A third violation found to have been committed by a party within any twenty-four consecutive month period shall constitute a criminal offense. Upon conviction, the person shall be subject to punishment as follows: a fine up to \$1,000.00 and incarceration up to ninety (90) days for each offense. Each day that a violation is knowingly permitted to exist shall constitute a separate offense.

SECTION VII: Severability:

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

SECTION VIII: Codification:

Sections I through VII of this ordinance shall constitute a new chapter in Title 8 of the Municipal Code.

SECTION IX: Repeal & Savings Clause:

9.1: Any provision of the existing ordinances or sections of the municipal code of the City in conflict with the provisions of Sections I through VII of this ordinance shall be deemed repealed to the extent that such conflict exists. This shall include the provisions of Ordinance 57, said ordinance not having been codified.

9.2: The repeal of the existing provisions shall be interpreted as prospective. Thus, provisions relating to repeal set forth in Subsection 9.1 shall not abate nor affect any prosecution under any such ordinance which was commenced prior to the effective date of this ordinance nor prevent the issuance of process and the liability of and prosecution of individuals under these repealed sections as to acts committed prior to the date of repeal.

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

PASSED THIS _____ DAY OF _____, 2011, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of _____, 2011.

CITY OF McCLEARY:

D. GARY DENT, 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

ORDINANCE -A- 17
05/12/2011
DG/le

CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

SIGNED AND SWORN to before me this _____ day of _____, 2011, by WENDY COLLINS.

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

ORDINANCE NO. _____

AN ORDINANCE RELATING TO GOVERNMENTAL OPERATIONS, AMENDING SECTION I, ORDINANCE 748, AND SECTION 2.52.050 OF THE MUNICIPAL CODE; AND PROVIDING AN EFFECTIVE DATE.

R E C I T A L S:

1. Pursuant to Ordinance 748 and subsequent resolutions, fees for the funding of emergency medical services to the citizens of the City have been authorized and implemented.

2. Based upon a number of factors, including fiscal information provided by City Staff, the Council has been informed of the appropriateness of clarifying the exemption from the payment of the charge of those utility service accounts in the name of the City.

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

SECTION I: Section I, Ordinance 648 and Section 2.52.050 MMC are each amended to read as follows:

For purposes of this ordinance and all other purposes in relation to the provision of and charging for emergency medical service, including ambulance service as is established by the City under the Ordinances currently or hereafter codified in its Municipal Code, adopted by resolution, or pursuant to the

provisions of a contract with another entity for provision of such services, terms shall have such meaning as may be provided therein or within this section:

(1) "Ambulance service" means any time an ambulance operated by the City or its authorized designee responds to a request for service, whether it is:

(A) Of an emergency nature;

(B) Pursuant to a scheduled request for a transfer; or

(C) Of some other nature.

(2) "Excise tax", "fee", or "charge" means a fee, utility service charge, excise tax or charge which has been or may be imposed within this Code or any resolution adopted pursuant to authority granted under this Code pursuant to the provisions of RCW 35.21.766, RCW 35.21.768, or any other applicable authority.

(3) "Population Count" when utilized in relation to a governmental correctional facility, in the event that any such facility might be located within the corporate limits in the future, shall be deemed to mean the average daily usage of the facility as established for the prior calendar year. In calculating such determination, if an individual is held in custody for such a period as to trigger the ability of the governmental entity to charge a daily custodial charge to any municipality contracting for correctional services with that entity, he or she shall be counted. In carrying forth this

calculation, all individuals held in custody shall be included, whether under federal, state, county, tribal, or city charges, serving a sentence pursuant to judgment of any court, or any order of any court.

(4) "Equivalent Dwelling Unit" (EDU) is a measure where one unit is equivalent to the occupancy rate of an average single family home within the City. The figure representing an EDU is determined by taking the average of the number of occupancies within the City and dividing that number by the total population of the City, as determined by the most recent population figure issued by the Office of Financial Management, State of Washington.

(5) "Utility Customer or Account", when utilized in determining whether the charge authorized by these provisions is to be imposed, shall not include a account or service in the name of a municipal corporation organized under the provisions of RCW 35A.

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

PASSED THIS _____ DAY OF _____, 2011, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of _____, 2011.

CITY OF McCLEARY:

D. GARY DENT, 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

ORDINANCE -A- 4
3/2011
DC/le

CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

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 _____, 2011, by WENDY COLLINS.

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

RESOLUTION NO. _____

**A RESOLUTION DECLARING VEHICLE TO BE SURPLUS
AND PROVIDING FOR THE DISPOSITION THEREOF.**

R E C I T A L S:

1. A certain vehicle has been reported to the McCleary City Council by the Chief of Police as being surplus to the present and anticipated future needs of the City. The identification information is as follows:

Police Vehicle Number 6, 1999 Ford Crown Victoria
Plate #29565D; VIN: 2FAFP71W3XX171277

2. The Chief has noted the vehicle has been basically inoperative for over a year as a result of damage to the engine which would cost approximately \$1,800 to repair. Further, that the benefit of any such repair would not, in the long term, be cost effective for the City.

3. It is the desire and the intent of the Council to declare this vehicle surplus and to provide for the disposition thereof as recommended by Staff.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY, THE MAYOR SIGNING IN AUTHENTICATION THEREOF:

SECTION I: That certain vehicle described above is hereby declared surplus to the present and future needs of the City.

SECTION II: The vehicle so declared surplus shall be disposed of through utilization of the policies set out in the applicable resolution.

SECTION III: Prior to its transfer, all equipment related specifically to its use as a police vehicle shall be removed and retained by the City.

PASSED THIS _____ DAY OF _____, 2011, by the City Council of the City of McCleary, and signed in authentication thereof this _____ day of _____, 2011.

CITY OF McCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney