ODESSA MUNICIPAL CODE

1977

A Codification of the General Ordinances

of the City of Odessa, Washington

Maintained since 2003 by

CODE PUBLISHING COMPANY

Seattle, Washington

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PUBLISHER'S NOTE

Beginning with the supplement dated January 2003, the Odessa Municipal Code, originally published by Book Publishing Company in 1977, is being maintained by Code Publishing Company.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Laurence Libsack, city attorney.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter, and section. Thus, Section 2.12.020 is Section .020, located in Chapter .12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subject, and where they appear in the codification.

Footnotes referring to applicable statutory provisions are located through the text. A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

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

CODE PUBLISHING COMPANY
Seattle, Washington
(206) 527-6831

How to Amend the Code

Code Structure and Organization

The code is organized using a 3-factor decimal numbering system which allows for additions between sections, chapters, and titles, without disturbing existing numbers.

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

Ordinances of a general or public nature, or one imposing a fine, penalty or forfeiture, are codifiable. Prior to enacting a codifiable ordinance, ascertain whether the code already contains provisions on the topic.

Additions

If the proposed ordinance will add material not contained in the code, the ordinance will specify an "addition"; that is, a new title, chapter, section, or subsection, will be added. For example:

Section 1. Chapter 5.20, Taxicab Licenses, is added to read as follows:

-or-

Section 1. A new title, Title 18, Zoning, is added to read as follows:

A specific subsection can also be added when appropriate:

Section 2. Subsection D is added to Section 5.05.070, to read as follows:

Amendments

If the ordinance amends existing code provisions, specify the affected section or chapter numbers in the ordinance. This kind of amendment typically adds a section to an existing chapter, or amends an existing section. Set out the entire section or subsection, not just the text (e.g., sentence) that was changed. For example:

Section 1. Section 5.05.030 is amended to read as follows:

-or-

Section 1. Section 5.05.035, Additional fees, is added to Chapter 5.05 to read as follows:

An ordinance can also amend a specific subsection of a code section:

Section 3. Subsection B of Section 5.05.070 is amended to read:

Repeals

Ordinances which repeal codified material should specify the code chapter, section, or subsection number. The chapter, section, or subsection numbers will be retained in the code, along with their title, as a record of ordinance activity (and as an explanation for gaps in the numbering sequence). The number of the repealed section or chapter number can be reused at a later time when desired. For example:

Section 2. Section 5.05.020, License, is repealed.

Renumbering

If the ordinance renumbers existing code provisions (either sections or subsections), identify how remaining sections or subsections should be renumbered (or relettered).

Codification Assistance

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

TABLE OF REVISED PAGES

The following table is included in this code as a guide for determining whether the code volume properly reflects the latest printing of each page. This table will be updated with the printing of each supplement.

Through usage and supplementation, pages in looseleaf publications can be inserted and removed in error when pages are replaced on a page-for-page substitution basis.

The "Page" column lists all page numbers in sequence. The "Revised Date" column reflects the latest revision date (e.g., "(Revised 1/00)") and printing of pages in the up-to-date volume. A "—" indicates that the page has not been revised since publication. This table reflects all changes to the code through Ordinance 727, passed December 12, 2022.

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Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION*

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1.01.030 Codification authority.
1.01.040 Ordinances passed prior to adoption of the code.
1.01.050 Reference applies to all amendments.
1.01.060 Title, chapter, and section headings.
1.01.070 Reference to specific ordinances.
1.01.080 Effect of code on past actions and obligations.
1.01.090 Effective date of codification.
1.01.100 Constitutionality.

1.01.010 Adoption. Pursuant to the provisions of RCW 35.21.500 through 35.21.570, there is adopted the Odessa Municipal Code, as compiled, edited, and published by Book Publishing Company, Seattle, Washington. (Ord. 364 §1, 1978).

1.01.020 Title--Citation--Reference. This code shall be known as the Odessa Municipal Code and it shall be sufficient to refer to said code as the Odessa Municipal Code in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting, or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Odessa Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Odessa Municipal Code and such references shall apply to that numberd title, chapter, section, or subsection as it appears in the code. (Ord. 364 §2, 1978).

* For statutory provisions authorizing municipalities to codify their ordinances, see RCW §§35.21.500--35.21.570.

1.01.030 Codification authority. This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the town of Odessa, Washington, codified pursuant to the provisions of RCW 35.21.500 through 35.21.570. (Ord. 364 §3, 1978).

1.01.040 Ordinances passed prior to adoption of the code. The last ordinance included in the initial code is Ordinance 357, passed June 20, 1977. The following ordinances, passed subsequent to Ordinance 357, but prior to adoption of this code, are adopted and made a part of this code: Ordinances 358, 359, 360, 361, 362 and 363. (Ord. 364 §4, 1978).

1.01.050 Reference applies to all amendments. Whenever a reference is made to this code as the Odessa Municipal Code or to any portion thereof, or to any ordinance of the town of Odessa, Washington, the reference shall apply to all amendments, corrections, and additions heretofore, now, or hereafter made. (Ord. 364 §5, 1978).

1.01.060 Title, chapter, and section headings. Title, chapter, and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, or section hereof. (Ord. 364 §6, 1978).

1.01.070 Reference to specific ordinances. The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with, ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 364 §7, 1978).

1.01.080 Effect of code on past actions and obligations. Neither the adoption of this code nor the repeal or amendment of any ordinance or part or portion of any ordinance of the town shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of the ordinance codified in this chapter, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 364 §8, 1978).

1.01.090 Effective date of codification. This code shall become effective on the date the ordinance adopting this code as the Odessa Municipal Code becomes effective, which shall be five days after passage, approval, and publication. (Ord. 364 §9, 1978).

1.01.100 Constitutionality. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, 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 code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 364 §10, 1978).

Chapter 1.04

GENERAL PROVISIONS

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1.04.010 Definitions.
1.04.020 Grammatical interpretation.
1.04.030 Interpretation of language.
1.04.040 Title of office.
1.04.050 Acts by agents.
1.04.060 Prohibited acts include causing and permitting.
1.04.070 Construction of provisions.
1.04.080 Computation of time.
1.04.090 Repeal shall not revive any ordinances.

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

A. "City" and "town" each mean the town of Odessa, Washington, or the area within the territorial limits of the town of Odessa, Washington, and such territory outside of the town over which the town has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Council" means the town council of the town of Odessa. "All its members" or "all councilmen" means the total number of councilmen holding office.

C. "County" means the county of Lincoln.

D. "Law" denotes applicable federal law, the Constitution and statutes of the state of Washington, the ordinances of the town of Odessa and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Month" means a calendar month.

G. "Must" and "shall" are each mandatory.

H. "Oath" includes an affirmation or declaration in all cases in which by law an affirmation may be substituted for an oath and in such cases words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

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

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

K. "Person" includes a natural person, joint venture,

joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer, or employee of any of them.

L. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

M. "Preceding" and "following" mean next before and next after, respectively.

N. "Property" includes real and personal property.

O. "Real property" includes lands, tenements and hereditaments.

P. "Sidewalk" means that portion of a street between the curbline and the adjacent property intended for the use of pedestrians.

Q. "State" means the state of Washington.

R. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the town of Odessa which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

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

T. "Written" includes printed, typewritten, mimeographed, multigraphed or otherwise reproduced in a permanent physical form.

U. "Year" means a calendar year. (Ord. 335 §1, 1977).

1.04.020 Grammatical interpretation. The following grammatical rules shall apply to the ordinances of the town of Odessa, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders unless manifestly indicated otherwise.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable. (Ord. 335 §4, 1977).

1.04.030 Interpretation of language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 335 §3, 1977).

1.04.040 Title of office. Use of the title of any office, employee, department, board or commission means that officer, employee, department, board or commission of the town of Odessa. (Ord. 335 §2, 1977).

1.04.050 Acts by agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 335 §5, 1977).

1.04.060 Prohibited acts include causing and permitting. Whenever in the ordinances of the town of Odessa, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 335 §6, 1977).

1.04.070 Construction of provisions. Provisions of the ordinances of the town of Odessa, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice. (Ord. 335 §8, 1977).

1.04.080 Computation of time. Except when otherwise provided, the time in which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 335 §7, 1977).

1.04.090 Repeal shall not revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 335 §9, 1977).

Chapter 1.08

TOWN SEAL*

Sections:

1.08.010 Town seal.

1.08.010 Town seal. The following imprint is the form and designation of the corporate seal of the town. (Ord. 30 §1, 1903).

* For statutory provisions authorizing towns to have and use a common seal, see RCW §35.27.010.

Chapter 1.12

RIGHT OF ENTRY

Sections:

1.12.010 Inspection authorized when--Procedures required.

1.12.010 Inspection authorized when--Procedures required. Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the town, any authorized official of the town may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or perform any duty imposed on him by ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event that the owner and/or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 334 §1, 1977).

Chapter 1.16

GENERAL PENALTY*

Sections:

1.16.010 Failure to comply deemed misdemeanor--Penalty.

1.16.010 Failure to comply deemed misdemeanor--Penalty. Unless otherwise specified by town ordinance or the Odessa Municipal Code, any person or persons who violates the provisions of any town of Odessa ordinances regulating, forbidding or prohibiting conduct shall be found punishable to the general penalty provisions set forth in this section.

A. Civil Penalty.

1. Unless otherwise provided, a violation of an ordinance or municipal code, which is designated a civil offense, shall be deemed a civil infraction pursuant to RCW 35.27.370(14) and Chapter 7.80 RCW. Civil infractions are noncriminal offenses, for which imprisonment or incarceration may not be imposed as a sanction and the punishment for a civil infraction should be a monetary penalty, which shall not exceed five hundred dollars per occurrence. Any person or persons who shall have been found to have committed an infraction shall be subject to the following penalty, plus those amounts a court is required to assess as costs: one hundred dollars plus state assessments for the first offense within a twelve-month period; one hundred and fifty dollars plus state assessments for the second offense within the same twelve-month period; and two hundred dollars plus state assessments for the third and each subsequent offense within the same twelve-month period.

2. The burden of proof applicable to a civil infraction is "a preponderance of the evidence."

B. Criminal Penalty.

1. Unless otherwise provided, the minimum criminal penalty is classified as a misdemeanor. Any person or persons found to have committed a misdemeanor shall be punishable by a fine not to exceed one thousand dollars or by imprisonment for a period not more than ninety days, or both such fine and imprisonment. Whenever the performance of any act is prohibited by any statute, and

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* For statutory provisions authorizing fourth-class cities to impose fines, penalties and forfeitures for any and all violations of ordinances and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both, providing no such fine shall exceed five hundred dollars, nor the term of imprisonment exceed six months, see RCW 35.27.370(14). For the statutory provision that the violation of any ordinance of a town shall be a misdemeanor, and may be prosecuted by the authorities thereof in the name of the people of the state or may be redressed by civil action, see RCW 35.27.320.

no penalty for the violation of such statute is imposed, the committing of such act shall be a misdemeanor.

2. A crime is a gross misdemeanor when so designated in the municipal code or by any ordinance of the town of Odessa. Any person found to have committed a gross misdemeanor and no specific punishment for a particular gross misdemeanor is prescribed by any other ordinance, a gross misdemeanor shall be punishable by a fine of not more than five thousand dollars or imprisonment for a period not more than one year, or both such fine and imprisonment.

3. A crime is a felony when so designated in the municipal code or by any ordinance of the town. Any person or persons found to have committed a felony shall be punishable in accordance with RCW Title 9A.

C. Separate Offense. When not otherwise provided by a particular code or ordinance, every person or persons violating any of the provisions of this code or failing to comply with any of the mandatory requirements of this code shall be found to have committed a separate offense for each and every day during any portion of which the violation is committed, continued or permitted by any such person or persons.

D. State Law Consistency. In the event any ordinance or code of the town of Odessa addresses conduct or actions which are also crimes as set forth in the RCW, the penalty provisions set forth in the RCW shall be controlling if the corresponding ordinance or code provides for a penalty which is different from the RCW, as mandated by RCW 35.21.163, as it now exists or is hereafter amended.

E. Prosecution. Any violation of a town ordinance may be prosecuted by the town attorney or designee in the name of the town to include demands for fines and forfeitures paid to the town or may be adjudicated by civil action or both.

F. Public Nuisance. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this code is a public nuisance and all remedies given by law for the prevention and abatement of nuisances shall apply regardless of any other remedy. (Ord. 605 §1, 2006: Ord. 333 §1, 1977).

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

2.04 Town Council
2.08 Town Attorney
2.12 Town Clerk
2.16 Town Treasurer
2.18 Town Clerk-Treasurer
2.20 Department of Public Works
2.24 Board of Park Commissioners
2.28 Elections
2.32 Personnel Policy
2.36 Pension, Relief, Disability and Retirement System
2.38 Leave Sharing Program
2.40 Volunteer Firemen's Relief and Pension Fund
2.44 Town Cemetery
2.48 Indemnification
2.56 Inspection of Public Records
2.60 Code of Conduct
2.64 Use of Excessive Force by Police During Lawful Civil Rights Demonstrations
2.68 Housing Authority
2.72 Public Development Authority
2.76 Identity Theft Prevention Program
2.80 Authorized Volunteers
2.84 Credit Card Policy

Chapter 2.04

TOWN COUNCIL*

Sections:

2.04.010 Place of council meeting.
2.04.020 Time of council meeting.
2.04.030 Change of time of council meeting by resolution.
2.04.040 Procedure for calling a special meeting.
2.04.045 Procedure for compelling the attendance of absent members.
2.04.050 Posting of preliminary agendas.

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* For statutory provisions on vacancies on town councils by reason of absence, see RCW 35.27.140; for provisions on town council meetings, see RCW 35.27.270 and 35.27.280.

2.04.010 Place of council meeting. All meetings of the council of the town of Odessa, Washington, shall be held in the Community Center building located at 21 East First Avenue, Odessa, Washington 99159. If by reason of fire, flood, earthquake or other emergency, it is unsafe to meet in the place designated, the meeting may be held for the duration of the emergency at such place as is designated by the presiding officer of the council. (Ord. 547 §1, 2000: Ord. 493 §1, 1995).

2.04.020 Time of council meeting. The time of regular meetings of said council shall be held at seven p.m. on the second and fourth Mondays of each and every month. Provided, if at any time any regular meeting falls on a holiday, such regular meeting is to be held on the next business day in accordance with RCW 42.30.070. (Res. 2009-4, 2009: Ord. 547 §2, 2000).

2.04.030 Change of time of council meeting by resolution. The Odessa town council is allowed to change the time of the regular meetings of said council by resolution. (Ord. 547 §3, 2000: Ord. 493 §3, 1995).

2.04.040 Procedure for calling a special meeting. A special meeting may be called at any time by the mayor or by a majority of the members of the town council by delivering personally or by mail, written notice to each member of the council and to the newspaper designated as the official newspaper for the town of Odessa. Said notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. (Ord. 547 §4, 2000: Ord. 493 §4, 1995).

2.04.045 Procedure for compelling the attendance of absent members. In accordance with RCW 35.27.140, if a member of the council is absent for three consecutive meetings, unless by permission by the council, his office shall be declared vacant by the council. A vacancy in the council shall be filled by a majority vote of the council. An appointee filling the vacancy in the council shall hold office only until the next general election at which time a person shall be elected to serve for the remainder of the unexpired term. (Ord. 547 §5, 2000: Ord. 493 §5, 1995).

2.04.050 Posting of preliminary agendas. The preliminary agendas shall be posted as follows:

A. Location.

1. The post office bulletin board;

2. The bulletin board in the entrance hall of the Community Center building.

B. Date of Posting. The preliminary agenda shall be posted at the above sites on the last working day before the day the meeting is scheduled.

C. Time of posting: the preliminary agenda shall be posted before closing time set for the clerk's office. (Res. 88-8, 1988).

Chapter 2.08

TOWN ATTORNEY*

Sections:

2.08.010 Office created--Powers and duties.

2.08.010 Office created--Powers and duties. There shall be appointed by the mayor a town attorney who shall hold office at the pleasure of the mayor. It shall be the duty of the town attorney to act as the legal advisor for the town council and, when so required, render in writing his opinion on any subject pertaining to the town or the official acts of the council. (Ord. 339 §1, 1997: Ord. 75 §1, 1907).

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* For statutory provisions on town officers, see RCW §35.27.070; for provisions on the duties of the town attorney, see RCW §35.27.250.

Chapter 2.12

TOWN CLERK*

Sections:

2.12.010 Powers and duties.
2.12.020 Duties as clerk for town treasurer.

2.12.010 Powers and duties. It shall be the duty of the town clerk to:

A. Attend all meetings of the council both regular and special;

B. Keep a full, accurate and true record of all the proceedings of the council;

C. File and safely keep all records and papers of whatsoever nature of the council;

D. Keep a book marked "Records of the Council" in which shall be kept a full record of all proceedings of the council;

E. Keep a book marked "Town Accounts" in which shall be entered all moneys from whatsoever source received and all orders drawn on the treasurer;

F. Keep a book marked "Register of Warrants" in which shall be kept a full and accurate account of all warrants issued by the town for the payment of money, on what fund issued, the number of the warrants and the amount of the same;

G. Keep a book marked "Record of Licenses" in which shall be entered the date of all licenses issued, to whom issued, date of expiration and amount of license fee;

H. Keep a book marked "Record of Ordinances" in which he shall enter and record all ordinances passed by the town council, adding thereto under the seal of the town his official certificate that the recorded copy is a full, accurate, true and correct copy of the original ordinance;

I. Keep a book marked "Demands and Warrants" in which he shall keep a record of all claims filed against the town, name of claimants, amount of claims, date of filing, disposition of claims, on what fund drawn, date of allowance, amount allowed, number of warrant drawn therefor, and on what fund drawn;

J. Be custodian of the seal of the town;

K. Make quarterly statements in writing showing the receipts and expenditures of the town for the preceding quarter and the amount of cash remaining in the treasury;

L. At the end of each fiscal year to make a full and

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* For statutory provisions on the duties of the town clerk, see RCW §§35.27.220, 35.27.230 and 35.27.310.

detailed statement of the receipts and expenditures of the preceding year and a full statement of the financial condition of the affairs of the town, which statement shall be published in a newspaper published in the town. (Ord. 7 §1, 1902).

2.12.020 Duties as clerk for town treasurer. The town clerk, in addition to all other duties now provided for by law or ordinance, shall serve as clerk for the town treasurer and in such capacity shall collect all revenues accruing to the town from the operation of its municipal water system, issue receipts for such revenues, and transmit all moneys so collected to the treasurer. (Ord. 186 §1, 1944).

Chapter 2.16

TOWN TREASURER*

Sections:

2.16.010 Duties.
2.16.020 Keeping of accounts.
2.16.030 Authority to invest funds.

2.16.010 Duties. The town treasurer shall:

A. Keep two books, one to be known as "Register of Warrants" and one as "General Accounts";

B. Receive and safely keep all moneys that shall come into his hands as treasurer, for each item of which he shall issue duplicate receipts, one of which shall be filed with the town clerk;

C. Pay out such money on warrants signed by the mayor and attested by the town clerk, and not otherwise;

D. Make quarterly settlements with the clerk and render account of such settlements to the council;

E. At the end of each fiscal year make a full financial statement of the condition of the town to the council. (Ord. 7 §8, 1902).

2.16.020 Keeping of accounts. The town treasurer, in his accounts with the town, shall keep two separate accounts, one to be known as the "general fund" and one known as the "street grade fund," and he shall keep such further funds as may from time to time be prescribed by ordinance. (Ord. 7 §7, 1902).

* For statutory provisions on the duties of the town treasurer, see RCW §35.27.170.

2.16.030 Authority to invest funds. Authority has been given to the treasurer to invest funds for the town of Odessa. (Ord. 411 §1, 1984).

Chapter 2.18

TOWN CLERK-TREASURER

Sections:

2.18.010 Offices combined--Statutory authority.
2.18.020 Clerk-treasurer office created.
2.18.030 Treasurer's position abolished.
2.18.040 Effective date.

2.18.010 Offices combined--Statutory authority. The office of treasurer shall be combined with that of the clerk, as provided for in RCW 35.27.180. (Ord. 419 §1, 1985).

2.18.020 Clerk-treasurer office created. The office of the clerk-treasurer shall be created by appointment by the mayor of the town, subject to confirmation by the town council. (Ord. 419 §2, 1985).

2.18.030 Treasurer's position abolished. The elected position of treasurer shall be abolished effective with the expiration of the present term of the treasurer which expires midnight, December 31, 1985. (Ord. 419 §3, 1985).

2.18.040 Effective date. The date upon which the combination of the offices of clerk and treasurer (creating the position of Clerk-Treasurer) shall be effective is January 1, 1986. (Ord. 419 §4, 1985).

Chapter 2.20

DEPARTMENT OF PUBLIC WORKS

Sections:

2.20.010 Department--Established.
2.20.020 Director--Term of office.
2.20.030 Director--Powers and duties.
2.20.040 Director--Duties assumed.
2.20.050 Director--Assistants or deputies.
2.20.060 Director--Salary.

2.20.010 Department--Established. There is created and established the department of public works in and for the town. (Ord. 336 §1, 1977).

2.20.020 Director--Term of office. There is created and established the office of director of public works, hereinafter in this chapter referred to as director, to which office the mayor shall appoint a competent person to act in such capacity. The director shall serve at the pleasure of the mayor. The mayor shall have the right to revoke the director's appointment and declare the office vacant for cause deemed sufficient, and it shall be the duty of the mayor to declare such vacancy whenever the services rendered by said officer shall be such that he is known to be incompetent and an improper person to hold such office. In case of a vacancy by resignation or otherwise, the appointment and removal of a successor shall be made in the same manner as provided in this section. (Ord. 336 §2, 1977).

2.20.030 Director--Powers and duties. It shall be the duty of the director to act subject to the direction of the town council, to maintain a careful supervision of repair, maintenance and upkeep of, and assist in the construction of all public works of the town, including but not limited to the water system, streets and alleys, public parks and other public areas, solid waste disposal, sewerage, buildings, cemeteries and public lighting. It shall be the duty of said officer to serve notices, to perform such other duties as may be prescribed by the town ordinances or laws of the state of Washington, to keep an accurate inventory of property to be reported to the town clerk annually and to keep an accurate account of man-hours and, as to the same, the person or persons rendering services for and on behalf of the department of public works. (Ord. 336 §3, 1977).

2.20.040 Director--Duties assumed. The offices of building and cemetery superintendent, superintendent of streets and alleys and the water superintendent and engineer are hereby abolished, and the director shall assume the duties of said offices. (Ord. 336 §5(part), 1977).

2.20.050 Director--Assistants or deputies. If the director finds that in order to comply with the provisions of this chapter and maintain the efficiency of the public works of the town he must have the assistance of a deputy or assistants, for a stated time or permanently, he shall report that fact to the mayor and request that he be allowed said assistance. When deemed necessary by the town council and mayor, and consistent with money allocations provided by the annual budget of the town for such purposes, the mayor shall appoint said deputies or assistants. The deputies or assistants shall serve at the pleasure of the mayor and shall be appointed and removed in the manner provided in Section 2.24.020 for the appointment and removal of the director. (Ord. 336 §4, 1977).

2.20.060 Director--Salary. The director and any deputies or assistants shall receive such salary as is provided for by the annual budget of the town, and said salary shall be allocated from various available public works funds designated therein. (Ord. 336 §6(part), 1977).

Chapter 2.24

BOARD OF PARK COMMISSIONERS*

Sections:

2.24.010 Created--Membership--Term of office.
2.24.020 Conditions for removal of commissioners.
2.24.030 Organization.
2.24.040 Powers and duties.
2.24.050 Meetings--Time and place.
2.24.060 Quorum.
2.24.070 Recordkeeping.
2.24.080 Violation--Penalty.

2.24.010 Created--Membership--Term of office. A board of park commissioners for the town is hereby created, to consist of three members to be appointed by the mayor with the

* For statutory provisions authorizing fourth-class cities to provide for a board of park commissioners, see RCW §35.23.170.

consent of the town council from the citizens of recognized fitness for such positions. No person shall be ineligible as a commissioner by reason of sex and no commissioner shall receive any compensation. The first commissioners shall determine by lot whose term of office shall expire each year and a new commissioner shall be appointed annually thereafter for a term of three years so that one term shall expire each year. (Ord. 156 §1, 1929).

2.24.020 Conditions for removal of commissioners. The mayor, with the consent of the council, may remove a commissioner for just cause and shall remove any commissioner who shall be absent from three successive meetings of the park board without a satisfactory excuse therefor. (Ord. 156 §2, 1929).

2.24.030 Organization. Immediately after the appointment of the board of park commissioners, the commission shall organize by electing a president and a vice-president from its members, and a secretary who may or may not be a member of the board, whose term of office shall be for the period of one year. (Ord. 156 §3, 1929).

2.24.040 Powers and duties. Such board of park commissioners shall have control and supervision of all parks belonging to the town and shall have power to prescribe rules and regulations for the government and management thereof, which rules and regulations shall be enforced by the town marshal. It is hereby made the duty of all persons to respect and comply with all lawful rules and regulations of such board. (Ord. 156 §7, 1929).

2.24.050 Meetings--Time and place. The board shall have regular meetings at least every month during May, June, July and August, and at such other times as they desire. The meetings shall be held at the city hall, which shall be the regular meeting place of the board and shall be public. (Ord. 156 §5, 1929).

2.24.060 Meetings--Quorum. Two members of the board shall constitute a quorum for the transaction of business, but if there are less than three members present, two affirmative votes shall be necessary to adopt or change any measure. (Ord. 156 §4, 1929).

2.24.070 Recordkeeping. The commission shall keep an accurate record of its transactions in a book kept and marked for that purpose, wherein all orders, measures and resolutions of such board must be duly recorded, signed by the presiding officer when approved and attested by the secretary. (Ord. 156 §6, 1929).

2.24.080 Violation--Penalty. Any person violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 353 §1(part), 1977: Ord. 156 §10, 1929).

Chapter 2.28

ELECTIONS*

Sections:

2.28.010 Candidacy--Declaration and affidavit required--Filing time.
2.28.020 Declaration and affidavit--Form.
2.28.030 Declaration and affidavit--Filing fee.
2.28.040 Filing for more than one office prohibited.
2.28.050 Withdrawal of candidacy.
2.28.060 Nominee list--Certification and filing.

2.28.010 Candidacy--Declaration and affidavit required--Filing time. Anyone desiring to become a candidate for any elected office for the town shall file a declaration of candidacy and affidavit which will substantially conform to the form set forth in RCW 29.18.030, and file the same with the town clerk not earlier than the last Monday of July nor later than the next succeeding Friday in the year such regular town elections are held, in accordance with RCW 29.21.060. (Ord. 355 §1, 1977: Ord. 235 §1, 1957).

2.28.020 Declaration and affidavit--Form. The declaration and affidavit of candidacy shall be in the following form:

* For statutory provisions on the conduct of town elections, see RCW §35.27.100; for provisions on nominations for town offices, see RCW §29.24.110; for provisions on declarations and affidavits of candidacy and withdrawals, see RCW §29.18.030; for provisions on notices of election, see RCW §29.27.030; for provisions on filing of lists of town office nominees, see RCW 29.27.040; for provisions on exemption of towns from provisions making county auditors the supervisors of elections, see RCW 29.04.020.

"STATE OF WASHINGTON)
)ss.
County of Lincoln)

"DECLARATION

"I,_____, declare upon honor that I am a registered voter residing at_____, Odessa, Lincoln County, State of Washington, and am legally qualified to assume office if elected; that I hereby declare myself a candidate for nomination to the office of_____ or position No._____for the office of_____to be made at the primary election to be held on the___day of _____, and hereby request that my name be printed on the official primary ballots, as provided by law, as a candidate of the_____party, and I accompany herewith the sum of_____dollars, the fee required by law of me for becoming a candidate.

"AFFIDAVIT

"FURTHER, I do solemnly swear that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

_____
(Please print name to assure correct spelling)

_____
(Signature of candidate as name is to appear upon ballot)

Subscribed and sworn to before me this____day of_____ 19__.

_____
(Signature of official)

_____
(Official title)"

(Ord. 355 §2, 1977: Ord. 235 §2, 1957).

2.28.030 Declaration and affidavit--Filing fee. Each declaration and affidavit of candidacy shall be accompanied by a filing fee of one percent of the annual salary of the office being filed for or ten dollars, whichever is the greater amount; provided, however, that no filing fee is required in the event that the office sought is without fixed annual compensation, or where the position pays only per diem compensation, or if the person filing for a salaried office cannot pay the fee by reason of indigency. (Ord. 355 §3, 1977: Ord. 235 §3, 1957).

2.28.040 Filing for more than one office prohibited. No person may file a declaration of candidacy for more than one office. (Ord. 235 §6, 1957).

2.28.050 Withdrawal of candidacy. Any person shall have the right to withdraw his declaration at any time up to and including the first Wednesday after the last day allowed for filing declarations of candidacy, by notifying in writing the officer who issues the certificate of candidacy. (Ord. 355 §4, 1977: Ord. 235 §4, 1957).

2.28.060 Nominee list--Certification and filing. The town clerk shall certify and file a list of nominees with the county auditor not less than thirty-five days before the date fixed for the primary election, in accordance with RCW 29.21.060. (Ord. 355 §5, 1977: Ord. 235 §5, 1957).

Chapter 2.32

PERSONNEL POLICY

Sections:

2.32.010 Document adopted by reference.
2.32.020 Scope of policy.
2.32.030 Changes to regulations.
2.32.040 Employees to receive and subscribe to policy.

2.32.010 Document adopted by reference. The updated employee personnel policy is adopted by the Odessa town council. (Res. 2007-3, 2007: Ord. 425 §1, 1986).

2.32.020 Scope of policy. The town of Odessa desires to develop general guidelines or policies on personnel matters and employee benefits. In order to provide guidance to town employees, managers, and elected officials, and to comply with federal and state laws, the town hereby adopts the following policies.

The policies contained in the resolution codified in this chapter are general guidelines for the town's current employment practices and procedures. They are not intended to be a contract, express or implied, or any type of promise or guarantee of specific treatment upon which employees may rely, or as a guarantee of employment of any specific duration. Because of the town's small size, exceptions may need to be made to these policies, as circumstances require. (Res. 2007-3, 2007: Ord. 425 §2, 1986).

2.32.030 Changes to regulations. Any major substantive amendments to the personnel policy shall require the approval of the town council, either by resolution or ordinance. (Res. 2007-3, 2007; Ord. 425 §3, 1986).

2.32.040 Employees to receive and subscribe to policy. Prior to their employment by the town, each employee shall be provided with a copy of the town's personnel policy, and shall

subscribe to and accept the provisions therein. (Res. 2007-3, 2007; Ord. 425 §5, 1986).

Chapter 2.36

PENSION, RELIEF, DISABILITY AND RETIREMENT SYSTEM

Sections:

2.36.010 Participation in state system.
2.36.020 Number of employees included.
2.36.030 Certified copy to Board of Trustees.
2.36.040 Basis for prior service credit.

2.36.010 Participation in state system. The town has elected and does hereby elect to participate in the statewide system for pension, relief, disability and retirement for town employees provided by Chapter 71, Laws of 1947, as amended. All employees and officers of the town shall be included in said system except members of the fire department; provided, that no official shall be included unless such official so elects and files a written notice of such election with the Board of Trustees of said pension system and with the town clerk. (Ord. 238 §1, 1958).

2.36.020 Number of employees included. The number of employees and officials aside from elective officials who shall be included as members of said pension system is approximately four. (Ord. 238 §2, 1958).

2.36.030 Certified copy to Board of Trustees. A certified copy of the ordinance codified in this chapter shall be transmitted to the Board of Trustees of the statewide system as evidence of the election of the town to join such pension system. (Ord. 238 §3, 1958).

2.36.040 Basis for prior service credit. The basis for prior service credit shall be 1.33 percent of final compensation, known as "full prior service credit." (Ord. 238 §4, 1958).

Chapter 2.38

LEAVE SHARING PROGRAM

Sections:

2.38.010 Established.
2.38.020 Conditions for receipt of shared leave.
2.38.030 Predetermination by department director.
2.38.040 Conditions for donation of shared leave.

Sections: (Continued)

2.38.050 Interdepartmental transfers of leave.
2.38.060 Employee status continued.
2.38.070 Transfer of leave is by cost.
2.38.080 Return of unused shared leave.
2.38.090 Responsibilities of city clerk.
2.38.100 Abuse of program.

2.38.010 Established. A leave sharing program is established for the purpose of permitting town employees, at no additional cost to the town other than the administrative costs of administering the program, to come to the aid of a fellow town employee. (Res. 2007-3, 2007; Ord. 517 §1, 1998).

2.38.020 Conditions for receipt of shared leave. An employee may be permitted to receive leave under the leave sharing program, if:

A. The employee suffers from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to: 1) go on leave without pay status, or 2) terminate town employment;

B. The employee's necessity for the leave and the time the employee can reasonably be expected to be absent due to the condition are documented by a qualified medical professional;

C. The employee has depleted or will shortly deplete his or her annual leave, compensatory time, holiday time, sick leave reserves and/or other paid leave; and

D. The employee has been eligible for sick leave and abided by town rules regarding sick leave use. (Res. 2007-3, 2007; Ord. 517 §2, 1998).

2.38.030 Predetermination by department director. The department director, with the concurrence of the mayor, shall determine the amount of shared leave, if any, which an employee may receive more than a total of one hundred forty days of shared leave throughout the employee's employment. (Res. 2007-3, 2007; Ord. 517 §3, 1998).

2.38.040 Conditions for donation of shared leave. Employees may request the transfer of specified amount of accrued sick leave, or accrued vacation leave to an employee who has been authorized to receive shared leave, subject to the following conditions:

A. Transfers shall be in increments of one day of leave;

B. To be eligible to donate vacation time, the donating employee must retain a total of more than ten days of accrued vacation leave, or have taken at least ten days of vacation leave within the calendar year or have a total of accrued and used vacation leave of greater than ten days for the calendar year, after the transfer of shared leave;

C. To be eligible to donate sick leave, the donating employee must retain forty-five days of their accrued sick leave after the transfer of shared leave;

D. The transfer of leave from a donating employee shall not exceed the amount specified by that employee;

E. All donations of shared leave shall be entirely voluntary. (Res. 2007-3, 2007; Ord. 517 §4, 1998).

2.38.050 Interdepartmental transfers of leave. Shared leave may be transferred without regard to the town department in which donating employees and donee employees may be assigned. (Res. 2007-3, 2007; Ord. 517 §5, 1998).

2.38.060 Employee status continued. While an employee is using shared leave, he or she shall continue to be classified as a town employee and shall receive the same treatment in respect to salary and employee benefits as he or she would normally receive if using accrued leave sick leave or vacation leave. All salary and benefits payments made to the employee on a shared leave shall be made by the department employing the person using the shared leave. The salary rate, total salary, and earned leave shall not change as a result of the employee being on shared leave, but shall continue as if the employee were using accrued sick leave or vacation leave. However, the total of the employee's salary and other benefits, including, but not limited to, state industrial insurance or any other benefit received as a result of payments by the town to an insurer, health care provider, or pension system, shall not, under any circumstances, exceed the total of salary and benefits which the employee would have received had he or she been in a regular pay status. (Res. 2007-3, 2007; Ord. 517 §6, 1998).

2.38.070 Transfer of leave is by cost. Vacation and sick leave shall be transferred on a dollar-for-dollar basis. The value of the leave shall be determined at the current hourly wage of the donating employee and the leave available to the donee employee shall be calculated at the receiving employee's wage. (Res. 2007-3, 2007; Ord. 517 §7, 1998).

2.38.080 Return of unused shared leave. The value of any leave transferred which remains unused shall be returned at its original value to the employee or employees who donated the leave. The department director shall determine when shared leave is no longer needed. To the extent administratively feasible, the unused leave shall be returned on a pro rata basis. (Res. 2007-3, 2007; Ord. 517 §8, 1998).

2.38.090 Responsibilities of city clerk. The city clerk shall be responsible for computing the values of donated leave and shared leave, and shall also be responsible for adjusting the accrued leave balances to show the transferred leave. The city clerk shall determine the appropriate fund transfers and budget amendments as needed for town council action. Records of all leave time transferred shall be maintained in the event any unused time

is returned at a later date. (Res. 2007-3, 2007; Ord. 517 §9, 1998).

2.38.100 Abuse of program. The city clerk shall monitor the use of shared leave to ensure equivalent treatment for all employees of the town. Inappropriate use or treatment of the shared leave provision may result in the cancellation of the donated leave or use of shared leave by council action. (Res. 2007-3, 2007; Ord. 517 §10, 1998).

Chapter 2.40

VOLUNTEER FIREMEN'S RELIEF AND PENSION FUND

Sections:

2.40.010 Conformance with state provisions.

Sections: (Continued)

2.40.020 Mandatory death and disability provisions adopted by reference.
2.40.030 Optional retirement benefits adopted by reference.
2.40.040 Board of trustees--Created--Membership--Term.
2.40.050 Board of trustees--Powers and duties--Act adopted by reference.
2.40.060 Fire department membership limitation.

2.40.010 Conformance with state provisions. The town now elects to conform with all the provisions of an act of the legislature of the state of Washington approved by the Governor on March 20, 1935, being Chapter 121 of the Session Laws of 1935, as the same is amended by Chapter 49 of the Session Laws of 1939, the same being "An act relating to and creating a fund in the State Treasury to be known as the Volunteer Firemen's Relief and Compensation Fund; designating the duties of certain officials; providing for relief and compensation for volunteer firemen; creating a Board of Trustees in each municipality for the maintenance and distribution of said fund; empowering municipalities to limit the membership of said volunteer fire departments and requiring medical and physical examinations for members of said fire department," in order that the town and the members of the regularly organized volunteer fire department maintained therein may participate in the benefits prescribed in the act. (Ord. 182 §1, 1943).

2.40.020 Mandatory death and disability provisions adopted by reference. All of the mandatory death and disability provisions of RCW Chapter 41.24 are adopted in their entirety as though fully set forth in this section. (Ord. 229 §2, 1956).

2.40.030 Optional retirement benefits adopted by reference. All the optional retirement provisions of RCW Chapter 41.24 are adopted in their entirety as though fully set forth in this section. (Ord. 229 §3, 1956).

2.40.040 Board of Trustees--Created--Membership--Term. Pursuant to the provisions of the act referred to in Section 2.40.010, there is created and established a board of trustees of the Volunteer Firemen's Relief and Compensation Fund to be known as "The Odessa Board of Trustees of the Volunteer Firemen's Relief and Compensation Fund." The Board shall consist of the mayor, town clerk, one councilman of the town, to be chosen by the town council, the chief of the fire department and one member of the fire department, which one member shall be elected by the members of the fire department for a term of one year and annually thereafter. (Ord. 182 §3, 1943).

2.40.050 Board of trustees--Powers and duties--Act adopted by reference. The board of trustees created in Section 2.04.040 shall have all of the powers and perform all the duties conferred and imposed upon it by the provisions of the act referred to in Section 2.40.010 and the act is by reference incorporated in this section and made a part of this chapter. (Ord. 182 §4, 1943).

2.40.060 Fire department membership limitation. The membership of the fire department shall be limited to not to exceed twenty-five firemen for each one thousand population or fraction thereof. (Ord. 229 §1, 1956).

Chapter 2.44

TOWN CEMETERY*

Sections:

2.44.010 Interment--Permit required--Application.
2.44.020 Fees and charges--Paid in advance.
2.44.030 Fees and charges--Schedule.
2.44.040 Fees and charges--Exhumations.
2.44.050 Times for interment or disinterment.
2.44.060 Number of burials per grave.
2.44.070 Monuments--Foundation specifications.
2.44.075 Columbarium regulations.
2.44.080 Lot or block markers.
2.44.090 Monuments--Installation flush with ground.
2.44.100 Tombs on top of ground prohibited.
2.44.110 Liner and vault requirements.
2.44.120 Planting restrictions.
2.44.130 Fences, structures and other improper items.
2.44.140 Dogs, firearms and driving speed restricted.

2.44.010 Interment--Permit required--Application. Application for interment shall be made with the cemetery superintendent or city clerk at least two days in advance of the burial. A burial permit must in all cases be filed with the city clerk within five working days following the burial. (Ord. 687 §5, 2017: Ord. 416 §4, 1985).

2.44.020 Fees and charges--Paid in advance. Unless prior arrangements are made, all fees and charges provided in this chapter shall be paid in advance. (Ord. 687 §1, 2017: Ord. 416 §1, 1985).

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* For statutory provisions authorizing a town council to operate, maintain and improve a town cemetery, see RCW 35.27.370 and 68.12.040.
Prior ordinance history: Ords. 242, 367, 381 and 385.

2.44.030 Fees and charges--Schedule. Cemetery charges for the town of Odessa, Washington, shall be as established by resolution. (Ord. 711 §1, 2020).

2.44.040 Fees and charges--Exhumations. The charges for exhuming bodies will be a minimum of two hundred dollars or such greater charge as shall be reasonable in view of the services required to be rendered in the particular case to be determined by the cemetery superintendent. (Ord. 687 §7, 2017: Ord. 416 §6, 1985).

2.44.050 Times for interment or disinterment. Interment or disinterment or removals will not be allowed on Sundays or legal holidays, nor on Saturday except in case of an emergency. The funeral services must be concluded by twelve noon on Saturday. (Ord. 687 §6, 2017: Ord. 416 §5, 1985).

2.44.060 Number of burials per grave. The following burials will be allowed in one burial lot:

A. No more than one vault burial in one cemetery lot;

B. Ashes from no more than two cremations shall be buried in any one cemetery lot. In this case only one monument will be allowed unless written approval is given by the cemetery superintendent and location of the second monument is under the supervision of the cemetery superintendent;

C. Ashes from one cremation shall be allowed to be buried on top of one vault burial. In this case only one monument will be allowed unless written approval is given by the cemetery superintendent and location of the second monument is under the supervision of the cemetery superintendent. (Ord. 687 §14, 2017: Ord. 503 §1, 1996: Ord. 416 §14, 1985).

2.44.070 Monuments--Foundation specifications. Foundations for all monuments shall be built under the supervision of the cemetery superintendent, at the expense of the person making arrangements for the monument. A fifteen-day notice must be given in advance of such construction. All foundations must be eight inches larger all around the base of the monument and said foundation must be flush with ground level. The charge of installing the foundation shall be determined by the installer. (Ord. 687 §10, 2017: Ord. 416 §9, 1985).

2.44.075 Columbarium regulations*. A. Fees and Charges. Fees and charges shall be as established by resolution.

B. Columbarium Specifications. Number of placements per columbarium niche. The following placements will be allowed in one columbarium niche:

1. Each niche drawer is ten inches wide by ten inches high by eleven inches deep.

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* Code reviser's note: Resolution 2016-6 adds the provisions of this section as Section 2.44.080. The section has been editorially renumbered to prevent duplication of numbering.

2. No more than two urns containing cremation ashes may be placed in each columbarium niche.

3. Under the circumstance that a single family member purchased a niche for a single urn placement, and at a later date another family member requests to purchase the remaining urn placement available in the niche, the latter said family member must present a letter showing evidence, by heir's signatures, that all remaining surviving heirs of original single placement purchaser agree to said purchase and urn placement. Said letter will be attached to niche ownership card on file. For the second urn placement to be permissible, there must be adequate room for said placement in niche.

C. Niche Name Plates. Upon the purchase, or at a time thereafter, of a columbarium niche, the purchaser will be given a niche name plate, supplied by the town, for inscription. The PWD/designee will remove the name plate from the chosen niche and deliver it to the clerk's office for the niche owner to obtain. A granite plaque, owned by the town, will be placed temporarily on the purchased niche site, until the inscribed name plate is returned. It is the responsibility of the niche owner to obtain and to have the name plate inscribed and also to return the inscribed name plate to the town for placement on the appropriate niche. One niche name plate is available for each niche purchased. The name plate, when given to the purchaser for inscription, must be returned to the clerk's office no later than one month (thirty days) from the date it was received by the purchaser. If the name plate is not returned in the allotted time frame, the purchaser will be charged one hundred dollars, or the cost of a replacement plate, if greater.

D. Urn Placement in Niche. The placing in niches of objects except human cremains is prohibited. The town reserves the right to refuse placement of urns in niches, that in its judgment, are not fitting. No perishable materials may be placed in the urns/niche. Niches shall be opened only under the direction of the PWD or his/her designee.

E. Inurnment or Disurnment. Times for inurnment or disurnment shall follow Section 2.44.050.

F. Decorations. There are no decoration or flower receptacles located on the columbarium or niches and no permanent decoration receptacles may be adhered to the columbarium or niches.

Decoration size must not infringe on the space of other niches. (Ord. 711 §2, 2020; Res. 2016-6, 2016).

2.44.080 Lot or block markers. Cement markers will be placed on each lot or block unless another type marker which meets the approval of the cemetery superintendent and/or town council is placed on the grave within one year after burial.

The Odessa Memorial Site section of the town cemetery will be used solely for the placement of memorial markers. The markers will be uniform in size and color, being of reddish brown marble granite, size being twelve inches by five inches by four inches. The Odessa public works department will maintain the Odessa Memo-

rial Site, with the markers being placed by the same. The town clerk's office will supply a Memorial Site application for marker placement.

Fees for the setting of a marker in the Odessa Memorial Site shall be as established by resolution*, paid in advance unless prior arrangements have been made. This fee shall be paid to the town. The party requesting said marker shall pay all charges for marker production, directly to the monument company. (Ord. 687 §13, 2017: Ord. 555 §2, 2001: Ord. 416 §13, 1985).

2.44.090 Monuments--Installation flush with ground. All new monuments installed after July 1, 1985, in any section of the Odessa Cemetery shall be flush with the ground, with the exception of the Odessa Memorial Site located to the west of the Cemetery Chapel. (Ord. 687 §11, 2017: Ord. 555 §1, 2001: Ord. 416 §10, 1985).

2.44.100 Tombs on top of ground prohibited. No tombs shall be erected on top of the ground. (Ord. 687 §9, 2017: Ord. 416 §8, 1985).

2.44.110 Liner and vault requirements. All interments except cremations must be made in cement liners, cement vaults, steel vaults, or other vaults which meet state guidelines. (Ord. 687 §8, 2017: Ord. 416 §7, 1985).

2.44.120 Planting restrictions. Planting of trees, flowers or shrubs in the cemetery shall not be allowed except with council approval. (Ord. 687 §12, 2017: Ord. 416 §11, 1985).

2.44.130 Fences, structures and other improper items. Fences, posts and chains and all structures about lots, blocks or graves are prohibited, and if any inscription, monument, effigy or structure which the cemetery superintendent and/or the town council deems improper or offensive be placed upon any lot or grave, the same shall be removed upon order of said cemetery superintendent with the approval of the mayor.

For the purpose of protecting the cemetery maintenance equipment, each year from April 1st to October 31st, with the exception

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* Code reviser's note: Ord. 555 provides a fee of twenty-five dollars. Subsequent to Ord. 555, the town has established that current fees are set by town resolution.

of the week before and after Memorial Day, only fresh flowers will be allowed to be placed on cemetery lots or graves. Any other structures, decorations, etc., will be removed and placed behind the chapel for owner pick up. Flowers will be disposed of as they become unsightly and vases will be placed behind the chapel for owner pick up. The town of Odessa is not responsible for any lost or damaged items.

Secured decorations/structures may be permitted as long as a family member maintains the area by keeping the grass trimmed at least one foot from and around the decorations/structure allowing the maintenance equipment to move freely without having to maneuver or come to a complete stop. If the area is not maintained then the secured decorations/structures will be placed behind the chapel for owner pick up. (Ord. 695 §1, 2018; Ord. 687 §3, 2017: Ord. 416 §12, 1985).

2.44.140 Dogs, firearms and driving speed restricted. Persons with dogs or firearms shall not be permitted to enter the grounds, except that this shall not apply to the use of firearms in any military services. Rapid driving within the cemetery is prohibited. (Ord. 687 §4, 2017: Ord. 416 §3, 1985).

Chapter 2.48

INDEMNIFICATION

Sections:

2.48.010 Indemnification of elected and appointed officials, employees and agents.

2.48.010 Indemnification of elected and appointed officials, employees and agents. The town does indemnify and hold personally harmless all of its elected and appointed officials, employees and agents for any action, claim, or proceeding instituted against said individual arising out of the performance, purported performance, or failure of performance, in good faith of the duties for, or the employment with, the town. The town holds said individuals harmless from any expenses connected with the defense, settlement, or monetary judgments from such actions, claims or proceedings. The purchase of insurance for this purpose for said individuals shall not be considered compensation for them. (Ord. 428 §1, 1986).

Chapter 2.56

INSPECTION OF PUBLIC RECORDS

Sections:

2.56.010 Procedure adopted.

2.56.010 Procedure adopted. The public records policy and procedure, attached to the ordinance codified in this chapter as Exhibit "A" and incorporated herein by this reference, is hereby adopted by the town of Odessa. (Ord. 679 §2, 2017).

Chapter 2.60

CODE OF CONDUCT

Sections:

2.60.010 Adoption.
2.60.020 Purpose.
2.60.030 Application.
2.60.040 Requirements.
2.60.050 Remedies.

2.60.010 Adoption. The code of conduct set out in this chapter is adopted by the town of Odessa. (Res. 95-2 (part), 1995).

2.60.020 Purpose. The purpose of the code of conduct is to ensure the efficient, fair and professional administration of federal grants in compliance with 24 CFR 85.36(b)(3) and other applicable federal and state standards, regulations and laws. (Res. 95-2 (part), 1995).

2.60.030 Application. This code of conduct applies to all elected officials, employees or agents of the town engaged in the award or administration of contracts supported by federal and state grant funds. (Res. 95-2 (part), 1995).

2.60.040 Requirements. No elected official, employee or agent of the town shall participate in the selection, award or administration of a contract supported by federal or state grant funds, if a conflict of interest, real or

apparent, would be involved. Such a conflict would arise when:

A. The employee, elected official, or agent;
B. Any member of his/her immediate family;
C. His/her partner; or
D. An organization which employs, or is about to employ any of the above:

has a financial or other interest in the firm selected for award.

The town's elected officials, employees or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors. (Res. 95-2 (part), 1995).

2.60.050 Remedies. To the extent permitted by federal, state or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the town's elected officials, employees or agents, or the contractors, potential contractors, subcontractors or their agents. (Res. 95-2 (part), 1995).

Chapter 2.64

USE OF EXCESSIVE FORCE BY POLICE DURING LAWFUL CIVIL RIGHTS DEMONSTRATIONS

Sections:

2.64.010 Policy established.
2.64.020 Enforcement of laws barring entrance/exit.
2.64.030 Implementation by police department.

2.64.010 Policy established. It is the policy of the town that excessive force by local law enforcement agencies shall not be used against individuals engaged in lawful and nonviolent civil rights demonstrations within the town boundaries. (Res. 94-2 §1, 1994).

2.64.020 Enforcement of laws barring entrance/exit. It is the policy of the town to enforce applicable state and local laws against the physical barring of an entrance to or exit from a facility or locations which is the subject of nonviolent civil rights demonstrations within its jurisdiction. (Res. 94-2 §2, 1994).

2.64.030 Implementation by police department. The Odessa town council directs the Odessa police marshal to implement this chapter by amending applicable police department procedures. (Res. 94-2 §3, 1994).

Chapter 2.68

HOUSING AUTHORITY

Sections:

2.68.010 Lincoln County housing authority enabled--Powers.

2.68.010 Lincoln County housing authority enabled--Powers. A. Based on the statutory authority and local findings of Ordinance 531, there is a need to enable the Lincoln County housing authority to function within the city limits of the town of Odessa.

B. The Lincoln County housing authority shall have all the powers as provided for in RCW 35.82.070 to operate within the town of Odessa until the ordinance codified in this section is withdrawn. (Ord. 531, 1999).

Chapter 2.72

PUBLIC DEVELOPMENT AUTHORITY

Sections:

2.72.010 Authority created--Town liability limited.
2.72.020 Name.
2.72.030 Definitions.
2.72.040 Powers--Generally.
2.72.050 Limitation of powers.
2.72.060 Charter.
2.72.070 Commencement of authority's existence--Compliance with charter.
2.72.080 Board of directors.
2.72.090 Organization meeting.
2.72.100 Board review and concurrence.
2.72.110 Proposing charter amendments.
2.72.120 Charter amendment.
2.72.130 Bylaws.
2.72.140 Corporate treasurer--Fidelity bond.
2.72.150 Code of ethics--Conflict of interest.
2.72.160 Equal employment opportunity.
2.72.170 Access to records.
2.72.180 Meetings of the board.
2.72.190 Quorum.
2.72.200 Deposit of public funds.
2.72.210 Establishment and maintenance of office and records.
2.72.220 Reports and information.
2.72.230 Audits and inspections.
2.72.240 Termination.
2.72.250 Dissolution--Statement.

Sections: (Continued)

2.72.260 Dissolution--Disposition of assets.
2.72.270 Insurance.
2.72.280 Unauthorized representation.
2.72.290 Ancillary authority.
2.72.300 Construction.
2.72.310 Effective date.

2.72.010 Authority created--Town liability limited. A. Authority Created. A public authority is hereby created to undertake, assist with and otherwise facilitate the acquisition, construction, development, equipping, leasing, operation and maintenance of economic development projects within the limits of the incorporated area of the town of Odessa and without said limits to the extent provided by RCW 35.21.740 as enacted or hereafter amended. Unless authorized by ordinance of the town, the authority shall have no purpose other than the development, operation and maintenance of economic development projects within or without the town as set forth above.

B. Town Liability Limited. The authority is an independent legal entity exclusively responsible for its own debts, obligations and liabilities. All liabilities incurred by the authority shall be satisfied exclusively from the assets and credit of the authority; no creditor or other person shall have any recourse to the assets, credit or services of the town on account of any debts, obligations, liabilities, acts, or omissions of the authority. (Ord. 628 §1, 2008; Ord. 546 §1, 2000).

2.72.020 Name. The name of the public authority shall be the Odessa public development authority. (Ord. 546 §2, 2000).

2.72.030 Definitions. As used herein, the term:

A. "Act" means Chapter 37, Laws of Washington, 1974, extraordinary session, as amended by Chapter 332, Laws of Washington, 1985, regular session and codified as RCW 35.31.730 through 35.21.757.

B. "Authority" means the Odessa public development authority created under this chapter.

C. "Board of directors" or "board" means the governing body vested with the management of the affairs of the authority.

D. "Bonds" means any bonds, promissory notes, interim certificates, debentures, certificates of indebtedness or other obligations issued by the authority pursuant to the Act, this chapter and the charter.

E. "Bylaws" means the rules adopted for the regulation or management or the affairs of the authority adopted by this chapter and all subsequent amendments thereto.

F. "Charter" means the articles of organization of the public authority adopted by this chapter and all subsequent amendments thereto.

G. "Town" means the town of Odessa, Washington.

H. "Town clerk" means the clerk of the town council or a person authorized to act on his or her behalf.

I. "Town council" means the legislative authority of the town.

J. "Director" means a member of the board.

K. "Open Public Meetings Act" means Chapter 42.30 RCW, as now or hereafter amended.

L. "Planning director" means the planning director of the town.

M. "State" means the state of Washington. (Ord. 546 §3, 2000).

2.72.040 Powers--Generally. Except as otherwise limited by the state constitution, state statute, ordinances of the town, this chapter, or the charter, the authority shall have and may exercise all lawful power necessary or convenient to effect the purposes for which the authority is organized and to perform authorized corporate functions, including, without limitation, the power to:

A. Own and sell real and personal property;

B. Contract for any purpose with the United States, the state and any political subdivision or agency of either, and with individuals, associates and corporations;

C. Sue and be sued in its name;

D. Lend and borrow funds;

E. Do anything a natural person may do;

F. Provide and implement such municipal and community services and functions as the town council may by ordinance direct;

G. Receive and administer federal, state, local or private funds, goods, or services for any lawful public purpose;

H. Purchase, lease, exchange, mortgage, encumber, improve, use or otherwise transfer or grant security interest in real or personal property or any interest therein; grant or acquire options on real and personal property; and contract regarding the income or receipts from real and personal property;

I. Issue bonds in conformity with applicable provisions of state law in such principal amounts as in the discretion of the authority shall be necessary or appropriate to provide sufficient funds for achieving any corporate purposes; provided, however, that all bonds or liabilities occurring thereunder shall be satisfied, exclusively from the assets, properties or credit of such authority, and no creditor or other person shall have any recourse to the assets, credit or services of the town thereby, unless the town council shall by resolution or ordinance expressly guarantee such bonds;

J. Contract for, lease and accept transfers, gifts or loans of funds or property from the United States, a state, and any municipality or political subdivision or agency of either, including property acquired by any such governmental unit through the exercise of its power of eminent domain, and from corporations, associations, individuals or any other source, and to comply with the terms and conditions therefor;

K. Manage, on behalf of the town, any property acquired by gift, purchase, construction, lease, assignment, default or exercise of the power of eminent domain;

L. Initiate, carry out and complete such improvements of benefit to the public consistent with its charter;

M. Lend its funds, property, credit or services for corporate purposes, or act as a surety or guarantor for corporate purposes;

N. Provide advisory, consultive, training, educational, and community services or advice to individuals, associations, corporations, or governmental agencies, with or without charge;

O. Control the use and disposition of corporate property, assets, and credit;

P. Invest and reinvest its funds;

Q. Fix and collect charges for services rendered or to be rendered, and establish the consideration (if any) for property transferred;

R. Maintain books and records as appropriate for the conduct of its affairs;

S. Conduct corporate affairs, carry on its operations, and use its property as allowed by law and consistent with the Act, this chapter, its charter and its bylaws; name corporate officials, designate agents, and engage employees, prescribing their duties, qualifications, and compensation; secure the services of consultants for professional services (including lawyers, accountants and others), technical assistance or advice;

T. Exercise and enjoy such other powers as may be authorized by law. (Ord. 546 §4, 2000).

2.72.050 Limitation of powers. The authority in all activities and transactions shall be limited in the following respects:

A. The authority shall have no power of eminent domain nor any power to levy taxes or special assessments.

B. The authority may not incur or create any liability that permits recourse by any party or member of the public to any assets, services, resources or credit of the town. All liabilities incurred by the authority shall be satisfied exclusively from the assets and credit of the authority; no creditor or other person shall have any recourse to the assets, credit or services of the town on account of any debts, obligations, liabilities, acts or omissions of the authority.

C. All funds, assets or credit of the authority shall be applied toward or expended upon services, projects and activities authorized by the charter. No part of the net earnings of the authority shall inure to the benefit of, or be distributable as such, to the directors, officers of the authority or other private persons, except that the authority is authorized and empowered to:

1. Compensate authority officials and others performing services for the authority, including legal counsel, a reasonable amount for services rendered, and reimburse reasonable expenses actually incurred in performing their duties;

2. Assist authority officials as members of a general class of persons to be assisted by an authority approved project or activity to the same extent as other members of the class as

long as no special privileges or treatment accrued to such corporate official by reason of his or her status or position in the authority;

3. Defend and indemnify any current or former board member or employee and their successors, spouses and marital communities against all costs, expenses, judgments and liabilities, including attorneys' fees, reasonable incurred by or imposed upon him or her in connection with or resulting from any claim, action or proceeding, civil or criminal, in which he or she is or may be made a party by reason of being or having been a corporate official, or by reason of any action alleged to have been taken or omitted by him or her as such official; provided, that he or she was acting in good faith on behalf of the authority and within the scope of duties imposed or authorized by law. This power of indemnification shall not be exclusive of other rights to which corporate officials may be entitled as a matter of law;

4. Purchase insurance to protect and hold personally harmless any of its officials (including its employees and agents) from any action, claim or proceeding instituted against the foregoing individuals arising out of the performance, in good faith, of duties for, or employment with, the authority and to hold these individuals harmless from any expenses connected with the defense, settlement, or monetary judgments from such actions, claims or proceedings. The purchase of such insurance and its policy limits shall be discretionary with the board, and such insurance shall not be considered to be compensation to the insured individuals. The powers conferred by this subsection shall not be exclusive of any other powers conferred by law to purchase liability insurance; and

5. Sell assets for a consideration greater than their reasonable market value or acquisition costs, charge more for services than the expense of providing them, or otherwise secure an increment in a transaction, or carry out any other transaction or activity, as long as such gain is not the principal object or purpose of the authority's transactions or activities and is applied to or expended upon services, projects and activities as aforesaid.

D. The authority shall not issue shares of stock, pay dividends, make private distribution of assets, make loans to its directors or employees or otherwise engage in business for private gain. (Ord. 546 §5, 2000).

2.72.060 Charter. The charter of the authority (the "charter"), attached to the ordinance codified in this chapter as Exhibit A and incorporated herein by this reference, is hereby approved. Upon the effective date of the ordinance codified in this chapter, the charter shall be issued in duplicate originals, each bearing the town seal attested by the town clerk. One original shall be retained by the town clerk and filed as a public record; a duplicate original shall be provided to the authority. The town clerk shall give notice of the issuance of the charter to the Secretary of State. (Ord. 546 §6, 2000).

2.72.070 Commencement of authority's existence--Compliance with charter. The authority shall commence its existence upon the

issuance of the charter. The authority shall conduct its affairs in accordance with the charter. (Ord. 546 §7, 2000).

2.72.080 Board of directors. A board of directors (the "board of directors" or "board") is hereby established to govern the affairs of the authority, and shall be composed as set forth in the charter. All corporate powers of the authority shall be exercised by or under the authority of the board of directors and the business, property and affairs of the authority shall be managed under the direction of the board of directors, except as may be otherwise provided for by law or in the charter. (Ord. 546 §8, 2000).

2.72.090 Organization meeting. The town council shall call an organizational meeting of the initial board members within thirty days of the effective date of the ordinance codified in this chapter, giving at least two days' advance written notice to each, unless waived in writing. At such meeting, the board shall organize itself. (Ord. 546 §9, 2000).

2.72.100 Board review and concurrence. A. At least once each year, the board shall review monthly statements of income and expenses which compare budgeted expenditures to actual expenditures. The board shall review all such information at its meetings, the minutes of which shall specifically note such reviews and include such information.

B. General or particular authorization or review and concurrence of the board by resolution shall be necessary for any of the following:

1. Adoption of an annual budget and a separate capital budget;

2. Transfer or conveyance of an interest in real estate other than release of a lien or satisfaction of a mortgage after payment has been received and the execution of a lease for a current term more than one year;

3. The contracting of debts, issuances of bonds, and the mortgaging or pledging of authority assets or credit to secure the same;

4. An action by the authority as a surety or guarantor;

5. All unbudgeted expenditures and all capital expenditures in excess of five thousand dollars, and all other transactions in which:

a. The consideration exchanged or received by the authority exceeds the greater of one percent of the previous year's operating budget or five thousand dollars;

b. The performance by the authority shall extend over a period exceeding one year from the date of execution of an agreement therefor; or

c. The authority assumed duties of, or assigned duties to, the town, the state, the United States or other governmental entity;

6. Certification of annual reports and statements to be filed with the town clerk as true and correct in the opinion of the board and of its members except as noted;

7. Proposed amendments to the charter and bylaws; and

8. Such other transactions, duties and responsibilities as the charter shall repose in the board or the board may reserve. (Ord. 546 §10, 2000).

2.72.110 Proposing charter amendments. A. The authority may propose to the town council that its charter be amended by resolution of its board passed by a procedure outlined in its charter at a regular or special meeting of which two days' advance written notice was given to board members.

B. Information regarding a proposed charter amendment shall be provided to members of the board two days prior to the meeting at which a vote shall be taken and shall include the proposed amendment and a statement of its purpose and effect. (Ord. 546 §11, 2000).

2.72.120 Charter amendment. After adoption of a proposed charter amendment by the board of directors, the authority shall file two complete copies of the charter with the town clerk. The charter may be amended only by ordinance of the town council. If the town council approves the proposed amendment, the revised charter shall be issued in duplicate originals, each bearing the town seal and attested by the town clerk. One original copy shall be retained by the town clerk as a public record and the other original shall be delivered to the authority. A charter amendment proposed by the authority shall take effect and become a part of the charter upon issuance of the revised charter by the town clerk. (Ord. 546 §12, 2000).

2.72.130 Bylaws. The initial bylaws (the "bylaws") of the authority, attached to the ordinance codified in this chapter as Exhibit B and incorporated herein by this reference, are hereby approved. The power to alter, amend or repeal the bylaws or adopt new ones shall be vested in the board unless otherwise provided in the charter or bylaws. (Ord. 546 §13, 2000).

2.72.140 Corporate treasurer--Fidelity bond. The treasurer shall file as soon as practicable with the authority a fidelity bond in an amount determined by the authority to be adequate and appropriate, and may hold the corporate office only as long as such bond continues in effect. (Ord. 546 §14, 2000).

2.72.150 Code of ethics--Conflict of interest. A. No member of the board or any officer or employee of the authority shall derive a personal profit, direct or indirect, from any contract or in the sale to the authority or to a contractor supplying the

authority of any land or rights or interests in any land, material, supplies, or services except as provided in Chapter 42.23 RCW.

B. The board may adopt additional conflict of interest and ethical rules it considers appropriate within its bylaws. (Ord. 546 §15, 2000).

2.72.160 Equal employment opportunity. The authority shall comply with all applicable federal, state and local laws, regulations, rules and standards relating to equal employment opportunity. (Ord. 546 §16, 2000).

2.72.170 Access to records. A. The authority shall keep an official journal containing the minutes of proceedings at all meetings of the board and the resolutions of the board.

B. Any person shall have access to records and information of the authority to the extent required by state law. (Ord. 546 §17, 2000).

2.72.180 Meetings of the board. A. The board shall meet at least one time each year; special meetings of the board may be called as provided by the charter, the bylaws and the Open Public Meetings Act.

B. The board shall be the governing body of a public agency as defined in the Open Public Meetings Act, and all meetings of the board shall be held and conducted in accordance with the Open Public Meetings Act.

C. All board meetings, including executive committee meetings, all other permanent and ad hoc committee meetings shall be open to the public to the extent required by the Open Public Meetings Act or otherwise by law. The board and committees may hold executive sessions to consider matters enumerated in the Open Public Meetings Act, or privileged matters recognized by law, and shall enter the cause therefor upon its official journal. (Ord. 546 §18, 2000).

2.72.190 Quorum. The charter or bylaws shall establish the requirements for a quorum. The act of a majority of the board present at a meeting at which a quorum is present shall be the act of the board; provided, however, that:

A. A quorum to commence a board meeting shall be no fewer than a majority of the board's total membership.

B. Any resolution authorizing or approving an action described in Section 2.72.100 shall require an affirmative vote of a majority of the board members voting on the issue. (Ord. 546 §19, 2000).

2.72.200 Deposit of public funds. All moneys belonging to or collected for the use of the authority, coming into the hands of any corporate official or officer thereof, shall be deposited in a qualified public depositary as determined by the Washington Public Deposit Protection Commission. Such moneys may be invested at the direction of the board, by resolution, in investments which

would be lawful for the investments of town funds. (Ord. 546 §20, 2000).

2.72.210 Establishment and maintenance of office and records. The authority shall:

A. Maintain a principal office at a location within the limits of the town;

B. File and maintain with the town clerk a current listing of all authority officials, their positions and their business numbers, the address of its principal office, and a current set of its bylaws. (Ord. 546 §21, 2000).

2.72.220 Reports and information. The authority shall, on or before July 1, 2000, and on or before January 31st of each year thereafter, beginning on or before January 31, 2001, file an annual report with the town clerk and the town council containing a certified statement of assets and liabilities, income and expenditures and changes in its financial position during the previous year; a summary of significant accomplishments; a list of depositories used; a projected operating budget for the current fiscal year; a summary of projects and activities to be undertaken during the current year; a list of authority officials and a list of officials bonded pursuant to Section 2.72.140. (Ord. 546 §22, 2000).

2.72.230 Audits and inspections. The authority shall, at any time during normal business hours and as often as the town council or the State Auditor may deem necessary, make available to the town council and the State Auditor for examination all of its financial records, and shall permit the town council and State Auditor to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all the aforesaid matters. The town council and State Auditor shall have no right, power or duty to supervise the daily operations of the authority, but shall oversee such operations only through their powers to audit, modify the charter and bylaws and to remove board members all as set forth in this chapter, all for the sole purpose of correcting any deficiency and assuring that the purposes of the authority are reasonably accomplished. (Ord. 546 §23, 2000).

2.72.240 Termination. If the town council makes an affirmative finding that termination is warranted for any reason, the existence of the authority may be terminated by ordinance of the town council at or after a public hearing, held with notice to the authority and affording it a reasonable opportunity to be heard and present testimony. (Ord. 546 §24, 2000).

2.72.250 Dissolution--Statement. Upon enactment of an ordinance by the town council for termination of the authority, the authority shall file a dissolution statement setting forth:

A. The name and principal office of the authority;

B. The debts, obligations and liabilities of the authority, including conditions of grants and donations, and the property and assets available to satisfy the same; the provisions to be made for satisfaction of outstanding liabilities and performance of executory contracts; and the estimated time for completion of its dissolution;

C. Any pending litigation or contingent liabilities; and

D. A list of persons to be notified upon completion of dissolution.

The town council shall review the statement filed and oversee the dissolution to protect the public interest, or if so authorized by law, authorize or initiate proceedings in the superior court for the appointment and supervision of a receiver for such purposes. Upon satisfactory completion of dissolution proceedings, the town council shall indicate such dissolution by inscription of "charter canceled" on the original charter of the authority, on file with the town clerk and, when available, on the duplicate original of the authority, and the existence of the authority shall cease. The town clerk shall give notice thereof to the Secretary of State and other persons requested by the authority in its dissolution statement. (Ord. 546 §25, 2000).

2.72.260 Dissolution--Disposition of assets. Upon dissolution of the authority and the winding up of its affairs, the town council may provide for the transfer of the rights, assets and property of the authority to a qualified entity or entities which will fulfill the purposes for which the authority was chartered. Otherwise, title to all remaining property or assets of the authority shall vest in the town upon the dissolution of the authority. (Ord. 546 §26, 2000).

2.72.270 Insurance. The authority shall maintain in full force and effect public liability insurance in an amount sufficient to cover potential claims for bodily injury, death or disability and for property damage, which may arise from or be related to projects and activities of the authority, naming the town as an additional insured; provided, however, the town may pursuant to a lease or contract with the authority agree to provide all or part of such insurance. (Ord. 546 §27, 2000).

2.72.280 Unauthorized representation. All persons who assume to act for the authority without actual authority to do so shall be liable for the debts and liabilities incurred or arising as a result thereof. (Ord. 546 §28, 2000).

2.72.290 Ancillary authority. The mayor, town council, appropriate town committees, and town clerk are granted all such power and authority as reasonably necessary or convenient to enable

them to administer this chapter efficiently and to perform the duties imposed in this chapter. (Ord. 546 §29, 2000).

2.72.300 Construction. This chapter shall be liberally construed so as to effectuate its purposes and the purposes of the Act. (Ord. 546 §30, 2000).

2.72.310 Effective date. The ordinance codified in this chapter shall be effective immediately upon its passage and publication by the town clerk of a summary hereof. (Ord. 546 §31, 2000).

Chapter 2.76

IDENTITY THEFT PREVENTION PROGRAM

Sections:

2.76.010 Adopted.

2.76.010 Adopted. The developed identity theft prevention program is adopted in accordance with the Fair and Accurate Credit Transactions Act, 2003, Pub. L. 108-159. (Res. 2008-13, 2008).

Chapter 2.80

AUTHORIZED VOLUNTEERS

Sections:

2.80.010 Volunteer list.
2.80.020 Supervision.
2.80.030 Authorized volunteers.
2.80.040 Volunteers not employees.
2.80.050 Medical coverage.

2.80.010 Volunteer list. The town shall maintain a written list of persons who are authorized to serve as town volunteers, and shall maintain, in writing, a description of the responsibilities and functions to be performed for the benefit of the town by each volunteer. Each town department head shall be responsible for providing the town of Odessa with an accurate and complete list of volunteers utilized by the department. (Res. 2011-6 §1, 2011).

2.80.020 Supervision. Each authorized volunteer shall be under the supervision and control of a town department head or a

department head's designee at all times while acting for the benefit of the town. (Res. 2011-6 §2, 2011).

2.80.030 Authorized volunteers. Each person on the list referred to in Section 2.80.010 shall be considered an "authorized volunteer" of the town within the meaning of the Governmental Immunity Act, C.R.S. §24-10-101 et seq., while actually engaged in the performance of the volunteer's functions, and shall be subject to the provisions of said Act for acts or omissions which occur during the performance of and within the scope of such functions, except for willful and wanton acts or omissions. Each such person shall also be considered an "assured" within the meaning of the town's liability coverages to the extent provided in such coverages. (Res. 2011-6 §3, 2011).

2.80.040 Volunteers not employees. Because no authorized volunteer shall receive any compensation from the town, no such volunteer, excepting any member of the volunteer fire department or any member of the police reserves, shall be considered an "employee." Each volunteer shall be afforded workers' compensation benefits. (Res. 2011-6 §4, 2011).

2.80.050 Medical coverage. Each authorized volunteer, excepting any member of the volunteer fire department or any member of the police reserves, shall be afforded volunteer accident medical coverage through CIRA, and the town shall pay the annual premium for such coverage. (Res. 2011-6 §5, 2011).

Chapter 2.84

CREDIT CARD POLICY

Sections:

2.84.010 Authorization to use credit cards for purchases.
2.84.020 Application.
2.84.030 Approved uses for credit card purchases.
2.84.040 Purchasing restrictions.
2.84.050 Reporting credit card charges.
2.84.060 Use of credit card for unauthorized charges.

2.84.010 Authorization to use credit cards for purchases. Departments of the town of Odessa, Washington, are authorized to use credit cards for official government purchases and acquisitions. (Res. 2012-7 (part), 2012).

2.84.020 Application. The mayor or his/her designee shall determine and approve assignment and use of credit cards to department heads or his/her designee. The credit limit for all cards will be ten thousand dollars with the credit limit on each card

being set at a determined amount deemed necessary for that department. (Res. 2012-7 (part), 2012).

2.84.030 Approved uses for credit card purchases. Approved uses for credit card purchases are fuel, continuing education/ training costs, supplies and equipment, and other items specifically authorized by the mayor or his/her designee. Charges shall not exceed five hundred dollars per item without the approval of the mayor or his/her designee. (Res. 2012-7 (part), 2012).

2.84.040 Purchasing restrictions. The following uses are not authorized credit card purchases or uses: cash advances of any kind, payment of invoices or statements, alcoholic drinks, tips. (Res. 2012-7 (part), 2012).

2.84.050 Reporting credit card charges. After using the credit card for an approved purchase, the department head will forward the receipt with any accompanying paperwork within three working days to the clerk-treasurer or deputy clerk, for review and approval by the Odessa town council, for payment on a monthly basis. (Res. 2012-7 (part), 2012).

2.84.060 Use of credit card for unauthorized charges. Any charges against the credit card not properly identified on the credit card invoice or not properly allowed following a review shall be paid by the employee in U.S. funds. If, for any reason, disallowed charges are not repaid before the credit card billing is due and payable, the town of Odessa shall have a prior lien against and a right to withhold any and all funds payable or to become payable to the official or employee up to an amount of the disallowed charges and interest at the same rate as charged by the company which issued the credit card. The town shall have unlimited authority to revoke use of any credit card issued, and, upon such revocation order being delivered to the credit card company, shall not be liable for any cost. (Res. 2012-7 (part), 2012).

Title 3

REVENUE AND FINANCE

Chapters:

3.04 Arterial Street Fund
3.06 Claims Fund
3.08 Cumulative Reserve Fund for Capital Expenditures
3.12 Cumulative Reserve Fund for Construction and Maintenance of Public Buildings
3.16 Federal Shared Revenue Fund
3.18 Library Endowment Trust Fund
3.20 Park Fund
3.22 Payrolls Fund
3.24 Performance Bonds
3.28 Local Improvement Procedure
3.32 Property Tax
3.36 Retail Sales and Use Tax
3.38 Additional Sales and Use Tax
3.40 Airport Rates
3.48 Solid Waste Management Fund
3.52 Leasehold Excise Tax
3.56 Bid Solicitation
3.58 Small Works Roster
3.60 Real Estate Excise Tax
3.64 Local Government Investment Pool
3.68 Transient Lodging Excise Tax
3.72 Imprest Fund for Undercover Police Operations
3.76 Utility Tax
3.80 Town Building Rental Fees
3.84 State Audits
3.88 Pool Recreation Facility Charges
3.92 Claims Payment
3.96 Returned Checks
3.100 Small and Attractive Asset Policy and Procedures

Chapter 3.04

ARTERIAL STREET FUND*

Sections:

3.04.010 Created.
3.04.020 Moneys--Source.
3.04.030 Moneys--Expenditure provisions.

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* For statutory provisions on allocation of motor vehicle fuel tax moneys, see RCW 82.36.020.

3.04.010 Created. There is created a fund to be known as the "arterial street fund," pursuant to RCW 82.36.020. (Ord. 340 §2, 1977: Ord. 247 §1, 1961).

3.04.020 Moneys--Source. The arterial street fund shall be credited with all applicable state gas tax allocated to the town, funds contributed by the town, and any other funds that may from time to time be authorized to be placed therein. (Ord. 247 §2, 1961).

3.04.030 Moneys--Expenditure provisions. The arterial street fund shall be used exclusively for the construction, improvement and repair of the arterial streets in the town, and all expenditures from the fund shall be made in accordance with the provisions of the laws of the state. (Ord. 247 §3, 1961).

Chapter 3.06

CLAIMS FUND

Sections:

3.06.010 Created--Source of funds.
3.06.020 Purpose of expenditures.
3.06.030 Operation.
3.06.040 Transfer--Authority.
3.06.050 Transfer--From insolvent funds.
3.06.060 Issuance of warrants.

3.06.010 Created--Source of funds. There is created a fund, known and designated as the claims fund, into which shall be paid and transferred from the various departments and offices an amount of money equal to the various claims against the town for any purpose. (Ord. 370 §1, 1978).

3.06.020 Purpose of expenditures. The claims fund shall be used and payments therefrom shall be made only for the purpose of paying any claims against the town. (Ord. 370 §3, 1978).

3.06.030 Operation. The operation of this fund shall be for purposes other than claims for salaries and wages. (Ord. 370 §5, 1978).

3.06.040 Transfer--Authority. Whenever it is deemed necessary, the city clerk is authorized, empowered and directed to transfer from the funds of the various departments and offices to the claims fund sufficient moneys to pay the claims against the various departments and offices of the town. (Ord. 370 §2, 1978).

3.06.050 Transfers--From insolvent funds. Transfers from an insolvent fund to the claims fund shall be by warrant. (Ord. 370 §4, 1978).*

3.06.060 Issuance of warrants. The city clerk is authorized, empowered and directed to issue warrants on and against the fund in payment of materials furnished, services rendered or expenses or liability incurred by the various departments and offices of the town. The warrant shall be issued only after there has been filed with the city clerk proper vouchers, approved by the town council, stating the nature of the claim, the amount due or owing and the

*Editor's Note: There are 2 sections numbered "4" in Ord. 370.

person, firm or corporation entitled thereto. All warrants issued on or against the fund shall be solely and only for the purposes herein set forth and shall be payable only out of and from the fund. Each warrant issued under the provisions of this section shall have on its face the words "Claims Fund." (Ord. 370 §4, 1978).

Chapter 3.08

CUMULATIVE RESERVE FUND FOR CAPITAL EXPENDITURES*

Sections:

3.08.010 Established--Source of moneys.
3.08.020 Moneys--Designated by annual budget.
3.08.030 Moneys--Separate accounts required.
3.08.040 Moneys--Appropriate accounts to be credited.
3.08.050 Moneys--Transfer authorized when.

3.08.010 Established--Source of moneys. Money shall be transferred from each fund involving employees to the cumulative reserve fund as established by Ordinance No. 327 and shall be held for the purpose of accumulating money for sick leave pay out as specified in the employee personnel manual regulations and for unemployment insurance payments. (Ord. 459 § 1, 1991: Ord. 327 § 1, 1976).

3.08.020 Moneys--Designated by annual budget. A. The town council in preparing the budget shall designate the amount that shall be placed in this fund for the ensuing year, and said funds shall be kept separate from the other funds in said cumulative reserve fund.

B. These moneys shall come from each fund that involves payment of wages to employees. (Ord. 459 §§2, 3, 1991: Ord. 327 §2, 1976).

3.08.030 Moneys--Separate accounts required. The moneys so budgeted shall be placed in the fund and it shall be the duty of the town clerk to keep separate and accurate accounts within the fund for each department. (Ord. 327 §3, 1976).

3.08.040 Moneys--Appropriate accounts to be credited. Moneys placed in this fund from the sale of fixed assets, interest earnings, rental of equipment and all other revenues shall be credited to the appropriate account within the fund. (Ord. 327 §4, 1976).

3.08.050 Moneys--Transfer authorized when. Upon approval by the town council, said moneys in this particular fund shall be transferred to the current expense fund for expenditures involving sick leave pay out and unemployment insurance payments. (Ord. 459 §4, 1991: Ord. 327 §5, 1976).

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* For statutory provisions authorizing towns to create cumulative reserve funds for a specified purpose, see RCW §35.21.070.

Chapter 3.12

CUMULATIVE RESERVE FUND FOR CONSTRUCTION AND MAINTENANCE OF PUBLIC BUILDINGS*

Sections:

3.12.010 Established--Use of moneys.
3.12.020 Moneys to accumulate annually.

3.12.010 Established--Use of moneys. There is established for the town a cumulative reserve fund which is hereby designated as "cumulative reserve fund for construction and maintenance of public buildings," and the moneys cumulated in said fund are to be used by the town for the construction and maintenance of public buildings. (Ord. 190 §1, 1945).

3.12.020 Moneys to accumulate annually. The moneys in the fund may be allowed to cumulate from year to year until the council shall determine to spend the moneys in the fund for the purposes stated in Section 3.12.010. (Ord. 190 §2, 1945).

Chapter 3.16

FEDERAL SHARED REVENUE FUND**

Sections:

3.16.010 Created.
3.16.020 Source of moneys.
3.16.030 Expenditure conditions.

3.16.010 Created. There is created s separate trust fund to be known as the "federal shared revenue fund," pursuant to the State and Local Fiscal Assistance Act of 1972. (Ord. 298 §1, 1972).

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* For statutory provisions on the creation of a cumulative reserve fund for the construction, alteration or repair of public buildings, see RCW §35.21.070.

** For statutory provisions on the power of towns to expend federal funds for lawful public purposes, see RCW §35.21.735.

3.16.020 Source of moneys. The federal shared revenue fund shall be credited with all applicable federal shared revenues received under Title 1 of the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512), in accordance with federal regulations published under 31 Code of Federal Regulations, Subtitle B, Part 51, Federal Assistance to State and Local Governments. (Ord. 298 §2, 1972).

3.16.030 Expenditure conditions. All expenditures of said federal shared revenue fund shall be in accordance with the regulations of the State and Local Fiscal Assistance Act of 1972. (Ord. 298 §3, 1972).

Chapter 3.18

LIBRARY ENDOWMENT TRUST FUND

Sections:

3.18.010 Created.

3.18.010 Created. A new fund known as the "library endowment trust fund" is established and said money is to be transferred to said fund and used by the library board at their discretion for the purchase of books as a memorial to Edward and Ella Koth. (Res. 87-10, 1987).

Chapter 3.20

PARK FUND*

Sections:

3.20.010 Established--Source of moneys--Expenditures.
3.20.020 Acceptance of grants and bequests--Management.

3.20.010 Established--Source of moneys--Expenditures. In order to maintain the parks and park system and to provide for the expenses authorized by this chapter, the council shall levy each year a tax not to exceed one mill on all taxable

* For statutory provisions on the power of towns to acquire parks, see RCW §35.27.400; for provisions on authority of towns to levy a tax and create a fund to acquire, maintain and improve parks, see RCW §35.23.510.

property in the town. The proceeds of such levy, as well as all moneys appropriated by the council or donated for park purposes, shall be paid into a special fund to be known as the "park fund" and shall be deemed appropriated and used exclusively for the purposes set forth in this chapter and shall be expended upon the order of the park board. All expenditures shall be by an order duly executed by the president and secretary of such board, and upon presentation to the town treasurer shall be paid out of the park fund, but not otherwise; provided, however, that the park board shall not create or incur any obligations in excess of the known income and no orders for the payments thereof shall be issued unless the money to pay the same is on deposit with the town treasurer. (Ord. 156 §8, 1929).

3.20.020 Acceptance of grants and bequests--Management. Real and personal property may be granted, bequeathed or devised to the town and accepted by the park board, with the consent of the town council, for park purposes as provided in this chapter. The management thereof is vested in the park board and all income or profits derived therefrom shall be paid into the park fund and shall be dispersed as provided in this chapter; provided, however, that all property acquired by the park board in any manner whatsoever shall be in the name of the town. (Ord. 156 §9, 1929).

Chapter 3.22

PAYROLLS FUND

Sections:

3.22.010 Created--Source of funds.
3.22.020 Purpose of expenditures.
3.22.030 Transfer--Authority.
3.22.040 Transfers--From insolvent funds.
3.22.050 Issuance of warrants.

3.22.010 Created--Source of funds. There is created a fund, known and designated as the payrolls fund, into which shall be paid and transferred from the various departments and offices an amount of money equal to the various salaries and wages and other compensations due town employees. (Ord. 369 §1, 1978).

3.22.020 Purpose of expenditures. The payrolls fund shall be used and payments therefrom shall be made only for the purpose of paying and compensating employees of the town for services rendered, and paying employee deductions to those persons, agencies and organizations and funds entitled to such payment. (Ord. 369 §3, 1978).

3.22.030 Transfer--Authority. Whenever it is deemed necessary, the city clerk is authorized, empowered and directed to transfer from the funds of the various departments and offices to the payrolls fund sufficient moneys to pay the salaries, wages and other compensations of the employees of the various departments and offices of the town. (Ord. 369 §2, 1978).

3.22.040 Transfers--From insolvent funds. Transfers from an insolvent fund to the payrolls fund shall be by warrant. (Ord. 369 §5, 1978).

3.22.050 Issuance of warrants. The city clerk is authorized, empowered and directed to issue warrants on and against the fund for payments authorized by Section 3.22.020. The warrants shall be issued only after there has been filed with the city clerk proper payrolls, due bills, or time certificates approved by the town council stating the nature of the services rendered, the amount due or owing and the person entitled thereto. All warrants issued on or against the fund shall be solely and for the purposes herein set forth and shall be payable only out of and from this fund. Each warrant issued under the provisions of the section shall have printed on its face the words "Payrolls Fund." (Ord. 369 §4, 1978).

Chapter 3.24

PERFORMANCE BONDS*

Sections:

3.24.010 Designated--Amount--Payable to town.
3.24.020 Authority.

3.24.010 Designated--Amount--Payable to town. The performance bond provided for in RCW 39.08.010 shall run to the town of Odessa, a municipal corporation of the state of Washington, and shall be in an amount as determined by the council, not less than twenty-five percent of the contract price of any work or improvement for which such bond is required and shall be payable to the town and not to the state of Washington. (Ord. 301 §1, 1973).

3.24.020 Authority. This chapter is passed pursuant to and under authority granted in RCW 39.08.030. (Ord. 301 §2, 1973).

* For statutory provisions on contractor's bonds, see RCW §39.08.010 *et seq*.

Chapter 3.28

LOCAL IMPROVEMENT PROCEDURE*

Sections:

3.28.010 Petition for improvements--Publication--Protest filing--Council action.
3.28.020 Improvement costs to become lien when.
3.28.030 Boundaries of local improvement districts--Numbering--Separate assessment district for each type of improvement.
3.28.040 Assessment roll--Preparation--Publication--Protest filing.
3.28.050 Assessment roll--Protest--Council action.
3.28.060 Assessment roll--Confirmation.

3.28.010 Petition for improvements--Publication--Protest filing--Council action. Whenever a majority of the people owning property fronting on any street, alley or other public place, or any part thereof, within the corporate limits of the town, petition for any improvements of such street, alley or other public place in any manner, notice of the petition shall be published in the minutes of the council proceedings, in a newspaper published at Odessa, Washington, and in one issue thereof. If there is no protest or objection filed against the petition or the granting thereof, the council may, at their option, grant the same. If any objection or protest is filed against the petition or the granting of the same, the council may nevertheless grant the petition if three members thereof vote in favor of granting it. All protests or objections to the petitions may be filed at any time after the introduction of the petition, but the protests must be filed with the town clerk prior to the next regular meeting of the council succeeding the publication of the notice of the petition as aforesaid. If such petition is granted, the council by ordinance shall provide for the performance of the acts, installation of the improvements or alterations requested in the petition and may, at their discretion, order the improvements and alterations to be made by the owners of the abutting property or that they be made at the expense of the town or, in case the property owners fail to conform to the requirements of the ordinance, that

* For statutory provisions on local improvement procedures, see RCW §35.43.010 *et seq.*; for provisions on assessments for local improvements, see RCW §35.44.010 *et seq.*; for provisions authorizing town councils to make certain improvements, see RCW §35.25.370.

an assessment be levied upon the property of the delinquent property owner according to the benefits received, or it may provide for an assessment as aforesaid in the first instance, or the council may take any other lawful ways and means of installing the improvements or alterations and paying or collecting payment for the same by assessment as aforesaid, which assessment shall be and constitute a lien upon the property benefited thereby according to the benefit derived therefrom. All such improvements shall be made in accordance with the ordinance which shall provide for or order the same to be installed and shall in all respects, while in the process of building and after being built, be under the supervision of and subject to the control of the committee on streets and public improvements, composed of members of the council, or any other committee appointed by the mayor. (Ord. 83 §1, 1909).

3.28.020 Improvement costs to become lien when. Whenever the town causes any street, alley or public place to be curbed, paved, graded or guttered, or any sidewalk or bridge to be constructed, repaired or altered on any street or alley or other public place of the town, the whole cost of the improvements shall become a lien upon the real estate fronting any such street or alley that may be within the local improvement district established by the ordinance authorizing and directing the improvements, if an assessment district is thereby created. (Ord. 83 §2, 1909).

3.28.030 Boundaries of local improvement districts--Numbering--Separate assessment district for each type of improvement. The property fronting upon the improvement district, and subject to assessment therefor, shall constitute a local improvement district to be given a number and shall include all lots and lands fronting thereon, each lot or portion of a lot being separately assessed for the full depth thereof in proportion to the benefits upon the property to be benefited sufficient to cover the total expenses of the work to the center of the street or alley on which it fronts. If the lots, lands, tracts or parcels or any part thereof are not platted, the boundary line of the assessment district shall extend one hundred fifty feet, as abovementioned, along the line of the improvement. When the improvements consist of different kinds, separate assessment districts may be created and assessed for each kind of improvement if deemed advisable by the council. (Ord. 83 §3, 1909).

3.28.040 Assessment roll--Preparation--Publication--Protest filing. At any time within thirty days or thereafter, if the council sees fit to extend it, and after the council has let the contract for such improvements or after the town has installed the improvements, the clerk shall prepare and

file an assessment roll covering the costs of such improvements showing each lot or other division of real estate in such district, and shall extend upon the roll the amount of assessment on each lot or other subdivision, which shall be open to public inspection, and shall cause to be published in a newspaper published in the town, and in three successive issues thereof, a notice to the effect that such assessment roll is on file in the town clerk's office, describing it, the date of the filing of the same, and that it is subject to inspection by any person owning the property described therein or any other person, and any person feeling aggrieved by such assessment may have the same modified at a meeting of the council, if by it deemed just, by filing a written protest with the clerk. The council meeting shall be designated in the notice and the council meeting shall be not less than thirty days after the first publication thereof. (Ord. 83 §4, 1909).

3.28.050 Assessment roll--Protest--Council action. At the time specified in the notice the coumcil shall consider all protests and objections that may have been filed as aforesaid against the assessment roll or any part thereof and may raise or lower the assessment upon any lot or parcel of real estate levied on the roll so as to make the assessment equal and uniform upon the property in the district in proportion to the benefits accruing to the property, so far as the same can be done. (Ord. 83 §5, 1909).

3.28.060 Assessment roll--Confirmation. If there is no protest filed as abovementioned against the assessment roll or if the same has been filed and has been considered by the council, the assessment roll shall be confirmed and the amounts due thereon collected as provided by law. (Ord. 83 §6, 1909).

Chapter 3.32

PROPERTY TAX*

Sections:

3.32.010 Tax levy determination by council--Certification to county treasurer.
3.32.020 County assessor and treasurer to perform town duties.
3.32.030 Description of town property on county tax rolls--Collection of taxes.

3.32.010 Tax levy determination by council--Certification to county treasurer. As soon as the auditor of Lincoln County shall notify the town clerk of the total assessed valuation of the properties situated in Odessa, as equalized by the State Board of Equalization, the council shall forthwith proceed to fix and determine the tax levy for municipal purposes for the town, which levy shall be immediately certified to the assessor of Lincoln County under the hand and seal of the town clerk. (Ord. 340 §1, 1977: Ord. 82 §1, 1908).

3.32.020 County assessor and treasurer to perform town duties. The county assessor shall be the assessor for the town and the county treasurer shall be the tax collector for the town. (Ord. 82 §2, 1908).

3.32.030 Description of town property on county tax rolls--Collection of taxes. The property of the town shall be listed and described in its proper order as to numerical arrangement on the rolls as the assessment is made and entered of the other property in the county and the assessor shall note on such rolls the fact that such property is situated in the town and the proceedings shall be had relative to the completion of the tax roll, the assessment, collection and equalization of the taxes as are prescribed by the existing laws of the state. (Ord. 82 §3, 1908).

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* For statutory provisions authorizing town councils to levy and collect annually a property tax, see RCW §35.27.370(8); for provisions on the certification of town tax levies, see RCW §84.52.070; for provisions on county assessors as ex officio assessors in certain cities and towns, see RCW §36.21.030; for provisions on the county treasurer as ex officio tax collector in certain cities and towns, see RCW §36.29.120; for provisions on listing of property generally, see RCW §84.40.020 *et seq*.

Chapter 3.36

RETAIL SALES AND USE TAX*

Sections:

3.36.010 Imposed--Authority.
3.36.020 Rate.
3.36.030 Administration and collection.
3.36.040 Inspection of records.
3.36.050 Contract with state--Town officers authorized.
3.36.060 Violation--Penalty.

3.36.010 Imposed--Authority. There is imposed a sales or use tax, as the case may be, upon every taxable event as defined in Section 3, Chapter 94, Laws of 1970, First Extraordinary Session, occurring within the town. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to Chapters 82.08 and 82.12 RCW. (Ord. 284 §1, 1970).

3.36.020 Rate. The rate of tax imposed by Section 3.36.010 shall be one-half of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales or use tax imposed by Lincoln County, the rate of tax imposed by this section shall be four hundred and twenty-five one thousandths of one percent. (Ord. 340 §3, 1977: Ord. 284 §2, 1970).

3.36.030 Administration and collection. The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of Section 6, Chapter 94, Laws of 1970, First Extraordinary Session. (Ord. 284 §3, 1970)

3.36.040 Inspection of records. The town hereby consents to the inspection of such records as are necessary to qualify the town for inspection of records by the Department of Revenue, pursuant to RCW 82.32.330. (Ord. 284 §4, 1970).

3.36.050 Contract with state--Town officers authorized. The mayor and clerk of the town, respectively, are authorized by and on behalf of the town to enter into a contract with the Department of Revenue for administration of the tax. (Ord. 284 §5, 1970).

3.36.060 Violation--Penalty. Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or bene-

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* For statutory provisions on local retail sales and use taxes, see Chapter 82.14 RCW; for provisions on inspection of tax records, see RCW 82.32.330.

fit, either direct or indirect, and any buyer who refuses to pay any tax under this chapter shall be found to have committed a misdemeanor and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(1), 2006: Ord. 284 §6, 1970).

Chapter 3.38

ADDITIONAL SALES AND USE TAX

Sections:

3.38.010 Imposition.
3.38.020 Rate.
3.38.030 Administration and collection.
3.38.040 Contract for administration.
3.38.050 Inspection of records.
3.38.060 Provisions subject to special referendum.
3.38.070 Violation--Penalty.

3.38.010 Imposition. There is imposed a sales or use tax, as the case may be as authorized by RCW 82.14.030(2), upon every taxable event, as defined in RCW 82.14.020, occurring within the town. The tax shall be imposed upon and collected from those persons from whom the state sales tax or use tax is collected pursuant to Chapters 82.08 and 82.12 RCW. (Ord. 423 §1, 1986).

3.38.020 Rate. The rate of the tax imposed by Section 3.38.010 shall be five-tenths of one percent of the selling price or value of the article used, as the case may be. (Ord. 423 §2, 1986).

3.38.030 Administration and collection. The administration and collection of the tax imposed by this chapter shall be in accordance with provisions of RCW 82.14.050. (Ord. 423 §3, 1986).

3.38.040 Contract for administration. The mayor and clerk are authorized to enter into a contract with the Department of Revenue for the administration of this tax. (Ord. 423 §5, 1986).

3.38.050 Inspection of records. The town consents to the inspection of such records as are necessary to qualify the town for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330. (Ord. 423 §4, 1986).

3.38.060 Provisions subject to special referendum. This chapter shall be subject to a special referendum, as provided in Sections 2 and 3 of Chapter 99, Laws of 1983, state of Washington. Any referendum petition must be filed within seven days following passage of the ordinance codified in this chapter. Within ten days, the city clerk shall confirm with the petitioner concerning

form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title shall be posed as a question so that an affirmative answer to the question and an affirmative vote on the measure results in the tax or tax rate increase being imposed, and a negative answer to the question and a negative vote on the measure results in a tax or tax rate increase not being imposed. The petitioner shall be notified of the identification number and ballot title within this ten-day period.

After this notification, the petitioner shall have thirty days in which to secure on petition forms the signatures of not less than fifteen percent of the registered voters of the town, and to file the signed petitions with the clerk. The city clerk shall verify the sufficiency of the signatures on the petitions. If sufficient ballot signatures are properly submitted, the city clerk shall submit the referendum measure to the city voters at a general or special election held on one of the dates provided in RCW 29.13.010, as determined by the town council, which election shall not take place later than one hundred twenty days after the signed petition has been filed with the filing officer. (Ord. 423 §6, 1986).

3.38.070 Violation--Penalty. Any seller who fails to collect the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be found to have committed a misdemeanor, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(2), 2006: Ord. 423 §7, 1986).

Chapter 3.40

AIRPORT RATES*

Sections:

3.40.010 Established--Commercial purpose defined.
3.40.015 Leasehold excise tax.
3.40.020 Commercial user fee.
3.40.030 License/commercial airport lease--Insurance.
3.40.035 Runway access fee.
3.40.040 Noncommercial use--Fee established.
3.40.045 Noncommercial user fee.
3.40.050 Noncommercial use--Insurance.
3.40.055 Automatic rental/user fee base fee increase.
3.40.060 Violation--Penalty.

3.40.010 Established--Commercial purpose defined. Commencing with the calendar year 1998, a rental fee shall be charged by the town of Odessa for use of its municipal airport for commercial purposes, a "commercial purpose" being defined to mean any use through which the user thereof expects to or does make a profit. (Ord. 514 (part), 1997).

3.40.015 Leasehold excise tax. A Washington State Department of Revenue leaseholder excise tax, based on the leasehold excise tax percentage established by the Washington State Department of Revenue, shall be added to the annual airport leaseholder/rental fees, for leaseholder/rental fees above an amount as established by resolution. (Ord. 711 §3, 2020).

3.40.020 Commercial user fee. The commercial user base fee for each commercial user shall be as established by resolution, plus the rental fee as established by resolution, per plane for each tie-down at the designated "commercial" sites, with no proration commencing, plus cost of bulk water. (Ord. 711 §4, 2020).

3.40.030 License/commercial airport lease--Insurance. Prior to the use of the municipal airport for commercial purposes, any person or party desiring to use same for commercial purposes shall make an application to the town clerk for a license/commercial airport lease to use said municipal airport, pay the applicable commercial user rental fee(s) as established by resolution to said town clerk for which a receipt shall be issued, which commercial user shall have available for exhibit to any designated

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* For statutory provisions on powers of towns with regard to airports, see RCW 14.07.010 et seq. and 14.08.010 et seq.; for statutory provisions authorizing municipalities to determine charges or rentals for use of airport property, see RCW 14.08.120(6).

municipal authority at all times. Said applicant must also provide proof of liability insurance in the amount of one million dollars per occurrence, and provide proof of pollution liability insurance in the amount of one million dollars per occurrence, two million dollars annual aggregate. The town of Odessa shall be named by endorsement as an additional insured on all such liability policies. The commercial user shall provide the town of Odessa with a certificate or certificates of such insurances, including the endorsements within ten days of the execution of agreement and within thirty days of the beginning of each consecutive year. (Ord. 711 §5, 2020).

3.40.035 Runway access fee. The runway access base fee for each plane owned and operated by a private party or commercial user, which has direct access to the airport property, shall be as established by resolution. (Ord. 711 §6, 2020).

3.40.040 Noncommercial use--Fee established. Commencing with the calendar year 1994, a rental fee shall be charged by the town for use of its municipal airport for noncommercial purposes. (Ord. 476 §4, 1993).

3.40.045 Noncommercial user fee. The noncommercial base fee for each noncommercial user shall be as established by resolution, per plane, for each tie-down, with no proration. (Ord. 711 §7, 2020).

3.40.050 Noncommercial use--Insurance. Prior to the use of the municipal airport for noncommercial purposes, any person or party desiring to use same for noncommercial purposes shall make an application to the town clerk to use said municipal airport by paying the applicable rental fee as established by resolution to said town clerk for which a receipt will be issued, which said noncommercial user shall have available for exhibit to any designated municipal authority at all times. Said applicant must also provide proof of liability insurance in the amount of three hundred thousand dollars per occurrence. The town of Odessa shall be named by endorsement as an additional insured on all such liability policies. The noncommercial user shall provide the town of Odessa with a certificate or certificates of such insurance(s), including the endorsement, within thirty days of the beginning of each consecutive year. (Ord. 711 §8, 2020).

3.40.055 Automatic rental/user fee base fee increase. There will be an automatic rental/user fee base fee increase of three percent per year on each base fee beginning January 1, 2016, and each year on January 1st thereafter. (Ord. 711 §9, 2020).

3.40.060 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(3), 2006: Ord. 476 §6, 1993).

Chapter 3.48

SOLID WASTE MANAGEMENT FUND

Sections:

3.48.010 Created.
3.48.020 Source of revenue.
3.48.030 Use.

3.48.010 Created. There is created a fund to be known as the solid waste management fund. (Ord. 377 §1, 1979).

3.48.020 Source of revenue. The solid waste management fund shall be credited with all applicable revenue from operating income, resource recovery income and nonoperating income, including all funds which are presently in the fund, and any other funds that may from time to time be authorized to be placed therein. (Ord. 377 §2, 1979).

3.48.030 Use. The solid waste management fund shall be used exclusively for purchase of fixed assets, collection services, nonexpenditure disbursements, and all expenditures from the fund shall be made in accordance with the provisions of the laws of the state. (Ord. 377 §3, 1979).

Chapter 3.52

LEASEHOLD EXCISE TAX

Sections:

3.52.010 Tax imposed--Taxable activities--Collection and remittance.
3.52.020 Rate.
3.52.030 Administration and collection--Statutory authority.
3.52.040 Administration and collection--Contract with state.
3.52.050 Consent to inspection of records.

3.52.010 Tax imposed--Taxable activities--Collection and remittance. There is hereby levied and shall be collected a leasehold excise tax, on and after January 1, 1986, upon the act or privilege of occupying or using publicly owned real or personal property within the town, through a leasehold interest, as defined by Section 2, Chapter 61, Laws of 1975-76, Second

Extraordinary Session (hereafter "the State Act"). The tax shall be paid, collected and remitted to the Department of Revenue of the state at the time and in the manner prescribed by Section 5 of the State Act. (Ord. 424 §1, 1986).

3.52.020 Rate. The rate of the tax imposed by Section 3.52.010 shall be four percent of the taxable rent (as defined by Section 2 of the State Act). (Ord. 424 §2, 1986).

3.52.030 Administration and collection--Statutory authority. The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of the State Act. (Ord. 424 §3, 1986).

3.52.040 Administration and collection--Contract with state. The mayor of the town is authorized to execute a contract with the State Department of Revenue for the administration and collection of the tax imposed by Section 3.52.010. (Ord. 424 §5, 1986).

3.52.050 Consent to inspection of records. The town hereby consents to the inspection of such records as are necessary to qualify the town for inspection of records of the Department of Revenue pursuant to RCW 82.32.330. (Ord. 424 §4, 1986).

Chapter 3.56

BID SOLICITATION

Sections:

3.56.010 Procedures.

3.56.010 Procedures. The city clerk may solicit for bids for the purchase of supplies, materials, equipment, or services, in the amounts from seven thousand five hundred dollars to fifteen thousand dollars in the following manner:

A. At least three vendors will be contacted for each bid;

B. Bids must be a lump sum or fixed unit price;

C. Telephone and/or written request shall specify:

1. item or items to be purchased,
2. Number of units, if applicable,
3. Tax,
4. Delivery time,
5. Freight costs,

6. Point of delivery,
7. Terms of payment;

D. Tabulation of bids shall be on forms supplied by the city clerk;

E. Bid will be accepted by approval of the town council from the lowest responsible bidder;

F. Written confirmation is not required but may be requested;

G. After the bid award is made, all bids are to be open to public inspection. (Res. 87-11 §1, 1987).

Chapter 3.58

SMALL WORKS ROSTER

Sections:

3.58.010 MRSC rosters.
3.58.020 Small public works roster.
3.58.030 Consulting services roster.

3.58.010 MRSC rosters. The town wishes to contract with the Municipal Research and Services Center of Washington (MRSC) to adopt for the town to use those state-wide electronic databases for small public works roster and consulting services developed and maintained by MRSC and authorizes the town mayor to sign that contract. In addition, paper and/or electronic rosters may be kept on file by appropriate town departments. (Res. 2009-6 §2, 2009: Res. 2009-1 §2, 2009).

3.58.020 Small public works roster. The town pursuant to RCW 39.04.155 establishes the following amendments for the use of the small works roster:

A. Cost. The town need not comply with formal sealed bidding procedures for the construction, building, renovation, remodeling, alteration, repair, or improvement of real property where the estimated cost does not exceed three hundred thousand dollars, which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the town may use the small public works roster procedures for public works projects as set forth herein. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.

B. Publication. At least once a year, on behalf of the town, MRSC shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to appropriate MRSC roster(s) at any time that they submit a written request and necessary

records. The town may require master contracts to be signed that become effective when a specific award is made using a small works roster.

C. Telephone or Written Quotations. The town shall obtain telephone, written or electronic quotations for public works contracts from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1) and may establish supplementary bidder criteria under RCW 39.04.350(2).

1. A contract awarded from a small works roster need not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation.

2. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. "Equitably distribute" means that the town may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

If the estimated cost of the work is from one hundred fifty thousand dollars to three hundred thousand dollars, the town may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The town has the sole option of determining whether this notice to the remaining contractors is made by:

a. Publishing notice in a legal newspaper in general circulation in the area where the work is to be done;

b. Mailing a notice to these contractors; or

c. Sending a notice to these contractors by facsimile or e-mail.

3. At the time bids are solicited, the town representative shall not inform a contractor of the terms or amount of any other contractor’s bid for the same project.

4. A written record shall be made by the town representative of each contractor’s bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

D. Limited Public Works Process. If a work, construction, alteration, repair, or improvement project is estimated to cost less than thirty-five thousand dollars, the town may award such a contract using the limited public works process provided under RCW 39.04.155(3). For a limited public works project, the town will solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award

the contract to the lowest responsible bidder as defined under RCW 39.04.010. After an award is made, the quotations shall be open to public inspection and available by electronic request.

For limited public works projects, the town may waive the payment and performance bond requirements of Chapter 39.08 RCW and the retainage requirements of Chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, material men, suppliers, and taxes imposed under RCW Title 82 that may be due from the contractor for the limited public works project. However, the town shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

The town shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded.

E. Determining Lowest Responsible Bidder. The Odessa town council shall award the contract for the public works project to the lowest responsible bidder; provided, that whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the governing body may call for new bids. A responsible bidder shall be a registered and/or licensed contractor who meets the mandatory bidder responsibility criteria established by Chapter 133, Laws of 2007 (SHB 2010) and who meets any supplementary bidder responsibility criteria established by the town.

F. Award. All of the telephone bids or quotations shall be collected and presented at the same time to the Odessa town council for consideration, determination of the lowest responsible bidder, and award of the contract.

G. Award. The mayor or his designee shall present all telephone quotations/bids and recommendation for award of the contract to the lowest responsible bidder to the Odessa town council. However, for public works projects under ten thousand dollars, the mayor shall have the authority to award public works contracts without the Odessa town council's approval; provided, that the Odessa town council shall ratify the mayor's approval at the next scheduled town council meeting by means of the consent agenda. For public works projects over ten thousand dollars, the Odessa town council shall award all public works contracts. (Res. 2009-6 §3, 2009: Res. 2009-1 §3, 2009).

3.58.030 Consulting services roster. A. Consulting Services. Consulting services are professional services that have a primarily intellectual output or product and include architectural and engineering services as defined in RCW 39.80.020.

B. Publication. At least once a year, on behalf of the town, MRSC shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the consulting services roster or rosters and solicit statements of qualifications from firms providing consulting services. Such advertisements will

include information on how to find the address and telephone number of a representative of the town who can provide further details as to the town's projected needs for consulting services. Firms or persons providing consulting services shall be added to appropriate MRSC roster or rosters at any time that they submit a written request and necessary records. The town may require master contracts to be signed that become effective when a specific award is made using a consulting services roster.

C. Professional Architectural and Engineering Services. The MRSC rosters will distinguish between professional architectural and engineering services as defined in RCW 39.80.020 and other consulting services and will announce generally to the public the town's projected requirements for any category or type of professional or other consulting services. The town reserves the right to publish an announcement on each occasion when professional services or other consulting services are required by the agency and to use paper and/or other electronic rosters that may be kept on file by appropriate town departments. (Res. 2009-6 §4, 2009: Res. 2009-1 §4, 2009).

Chapter 3.60

REAL ESTATE EXCISE TAX

Sections:

3.60.010 Imposition.
3.60.020 Authority.
3.60.030 Compliance with state provisions.
3.60.040 Distribution of proceeds.
3.60.050 Obligation of seller.
3.60.060 Specific lien.
3.60.070 County treasurer to perform town collection and administration duties.
3.60.080 Due and payable when--Penalty.
3.60.090 Refund.

3.60.010 Imposition. There is imposed a tax of one-quarter of one percent of the selling price on each sale of real property within the town. (Ord. 434 §1, 1987).

3.60.020 Authority. The tax imposed by this chapter shall be collected from persons who are taxable by the state under Chapter 82.45 RCW and Chapter 458-61 WAC upon the occurrence of any taxable event within the town. (Ord. 434 §2, 1987).

3.60.030 Compliance with state provisions. The tax imposed by this chapter shall comply with all applicable rules, regulations, laws and court decisions regarding real estate excise taxes as imposed by the state under Chapter 82.45 RCW and Chapter 458-61 WAC. The provisions of those chapters, to the extent they are not

inconsistent with this chapter, shall apply as though fully set forth herein. (Ord. 434 §3, 1987).

3.60.040 Distribution of proceeds. The Lincoln County treasurer shall place one percent of the proceeds of the tax imposed by this chapter in the county current expense fund to defray costs of collection. The remaining proceeds from

the tax imposed by this chapter shall be distributed to the town monthly and shall be placed in capital improvement funds, including those listed in RCW 35.43.040, the same to be used for capital improvement as required under the laws of the state. This section shall not limit the existing authority of the town to impose special assessments on property benefited thereby in the manner prescribed by law. (Ord. 434 §4, 1987).

3.60.050 Obligation of seller. Tax imposed by this chapter is the obligation of the seller and may be enforced through the action of debt against the seller in a manner prescribed for the foreclosure of mortgages. (Ord. 434 §5, 1987).

3.60.060 Specific lien. The tax imposed by this chapter and any interest or penalties thereon are a specific lien upon each piece of real property sold from the time of sale until tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other. (Ord. 434 §6, 1987).

3.60.070 County treasurer to perform town collection and administration duties. The tax imposed by this chapter shall be paid to and collected by the Lincoln County treasurer. The Lincoln County treasurer shall act as agent for this town for such purposes. The Lincoln County treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile homes sales. A receipt issued by the county treasurer for the payment of the tax imposed by this chapter shall be evidence of the satisfaction of the lien imposed in Section 3.60.060 of this chapter and may be recorded in the manner prescribed for recording satisfaction of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the county auditor for filing or recording until the tax is paid and the stamp affixed thereto. In case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the county treasurer. (Ord. 434 §7, 1987).

3.60.080 Due and payable when--Penalty. The tax imposed by this chapter shall become due and payable immediately at the time of sale and, if not paid within thirty days thereafter, shall bear interest at the rate of one percent per month from the time of sale until the date of payment. (Ord. 434 §8, 1987).

3.60.090 Refund. If upon written application by a taxpayer to the county treasurer for a refund, it appears the tax has been paid in excess of the amount actually due or upon a sale or other transfer declared to be exempt, such excess amount or improper payment shall be refunded by the county treasurer to the taxpayer; provided, that no refund shall be made unless the state has first authorized a refund of an excessive amount or an improper amount paid unless such improper amount was paid as a result of miscalculation. Any refund made shall be withheld from the next monthly distribution to the town. (Ord. 434 §9, 1987).

Chapter 3.64

LOCAL GOVERNMENT INVESTMENT POOL

Sections:

3.64.010 Contributions and withdrawals--Authorized.
3.64.015 Transaction authorization form.
3.64.020 Contributions and withdrawals--Authorized individuals.
3.64.030 Termination of authorized individuals.
3.64.040 Form--Effective when.
3.64.050 Prospectus.

3.64.010 Contributions and withdrawals--Authorized. The governing body does hereby authorize the contribution and withdrawal of governmental entity monies in the LGIP in the manner prescribed by law, rule, and prospectus. (Res. 2014-1 (part), 2014: Res. 90-9 (part), 1990).

3.64.015 Transaction authorization form. The governing body has approved the Local Government Investment Pool Transaction Authorization Form (form) as completed by the town of Odessa and incorporates said form into the resolution codified in this chapter by reference and does hereby attest to its accuracy. (Res. 2014-1 (part), 2014).

3.64.020 Contributions and withdrawals--Authorized individuals. The governmental entity designates the town of Odessa’s clerk-treasurer the "authorized individual" to authorize all amendments, changes, or alterations to the form or any other documentation including the designation of other individuals to make contributions and withdrawals on behalf of the governmental entity. (Res. 2014-1 (part), 2014: Res. 90-9 (part), 1990).

3.64.030 Termination of authorized individuals. This delegation ends upon the written notice, by any method set forth in the prospectus, of the governing body that the authorized individual has been terminated or that his or her delegation has been revoked. The Office of the State Treasurer will rely solely on the

governing body to provide notice of such revocation and is entitled to rely on the authorized individual's instructions until such time as said notice has been provided. (Res. 2014-1 (part), 2014).

3.64.040 Form--Effective when. The form as incorporated into this chapter or hereafter amended by delegated authority, or any other documentation signed or otherwise approved by the authorized individual shall remain in effect after revocation of the authorized individual's delegated authority, except to the extent that the authorized individual whose delegation has been terminated shall not be permitted to make further withdrawals or contributions to the LGIP on behalf of the governmental entity. No amendments, changes, or alterations shall be made to the form or any other documentation until the entity passes a new resolution naming a new authorized individual. (Res. 2014-1 (part), 2014).

3.64.050 Prospectus. The governing body acknowledges that it has received, read, and understood the prospectus as provided by the Office of the State Treasurer. In addition, the governing body agrees that a copy of the prospectus will be provided to any person delegated or otherwise authorized to make contributions or withdrawals into or out of the LGIP and that said individuals will be required to read the prospectus prior to making any withdrawals or contributions or any further withdrawals or contributions if authorizations are already in place. (Res. 2014-1 (part), 2014).

Chapter 3.68

TRANSIENT LODGING EXCISE TAX

Sections:

3.68.010 Imposition of tax.
3.68.020 Definitions.
3.68.030 Tax imposed in addition to others.
3.68.040 Special fund created.
3.68.050 Administration and collection of tax.
3.68.060 Violation--Penalty.

3.68.010 Imposition of tax. Pursuant to RCW 67.28.180, there is hereby levied a special excise tax of two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property; provided, that it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. (Ord. 470 §1, 1993).

3.68.020 Definitions. The definitions of "selling price," or "seller," "buyer," consumer" and all other definitions as are now contained in RCW 82.08.010 and subsequent amendments thereto are adopted as the definitions for the tax levied herein. (Ord. 470 §2, 1993).

3.68.030 Tax imposed in addition to others. The tax levied in this chapter shall be in addition to any license fee or any tax imposed or levied under any law or any other ordinance of the town; provided, however, that pursuant to RCW 67.28.190 such tax shall be deducted from the amount of tax the seller would otherwise be required to collect and to pay to the State Tax Commission under Chapter 82.08 RCW. (Ord. 470 §3, 1993).

3.68.040 Special fund created. There is created a special fund in the treasury of the town. All such taxes collected herein shall be placed in such fund for the purpose of paying all or any part of the cost of acquisitions, construction or operating of stadium facilities, convention center facilities, performing arts center facilities and/or visual arts center facilities, or to pay or secure the payment of all or any portion of general obligations bonds or revenue bonds issued for such purpose or purposes under the provisions of Chapter 67.28 RCW and amendments thereto, or to pay for advertising, publicizing or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion, or for such other uses as may from time to time

be authorized for such taxes pursuant to Chapter 67.28 RCW and amendments thereto. (Ord. 470 §4, 1993).

3.68.050 Administration and collection of tax. For the purpose of the tax levied herein:

A. The Department of Revenue of the state of Washington is designated as the agent of the town for the purpose of collection and administration.

B. The administrative provisions contained in RCW 82.08.050 through 82.08.070 and in Chapter 82.32 RCW shall apply with respect to administration and collection by the Department.

C. All rules and regulations adopted by the Department of Revenue for the administration of Chapter 82.08 RCW are adopted.

D. The Department is empowered on behalf of the procedure as the department may deem necessary. (Ord. 470 §5, 1993).

3.68.060 Violation--Penalty. Any person, persons, firm or corporation violating or failing to comply with the provisions of this chapter or any lawful rule or regulation adopted pursuant thereto shall be found to have committed a misdemeanor and thereof shall be subject to a fine of five hundred dollars, plus state assessments. Each day of the violation will be considered a separate offense. (Ord. 605 §2(4), 2006: Ord. 470 §6, 1993).

Chapter 3.72

IMPREST FUND FOR UNDERCOVER POLICE OPERATIONS

Sections:

3.72.010 Established.
3.72.020 Designated custodian.
3.72.030 Amount of fund.

3.72.010 Established. A petty cash fund designated as the "law enforcement undercover confidential fund" is hereby authorized. Said fund will be established as per all regulations and requirements as specified in "Budgeting Accounting Reports Systems" (BARS) Manual for Category II, Volume 1, Part 3, Chapter 12, page 15 (effective date 1-1-92), copies attached hereto, and page 16 (effective date 1-1-85), copies attached hereto, and Part 3, Chapter 3, Page 8 (effective date 1-1-96). (Res. 97-1 (part), 1997).

3.72.020 Designated custodian. The above noted BARS regulations shall be followed by the designated custodian of the funds. The Odessa police chief is the designated custodian of the imprest funds hereby designated in this resolution. The custodian shall render a receipt for the imprest amount to the clerk-treasurer from whom he/she receives said funds. The imprest amount will be established by treasurer's check. This fund designated as

the "law enforcement undercover confidential fund" shall be used for the sole purpose(s) as specified in BARS Manual, Category II, Volume 1, Part 3, Chapter 12, Page 15 (effective date 1-1-92), Item 7-Confidential Funds. (Res. 97-1 (part), 1997).

3.72.030 Amount of fund. The amount to be placed in this fund at the date of establishment is three thousand dollars. Funds may be replenished, increased or decreased by following requirements and regulations as specified in BARS Manual, Category II, Volume 1, Part 3, Chapter 3, Page 8 (effective date 1-1-96), Item 1 (Increase or Decrease), and Item 6 (Replenished). (Res. 2012-2, 2012; Res. 97-1 (part), 1997).

Chapter 3.76

UTILITY TAX

Sections:

Article I. Electricity and Natural Gas

3.76.010 Purpose.
3.76.020 Provisions.
3.76.030 Definitions.
3.76.040 Business license required.
3.76.050 Imposed amount.
3.76.060 Deductions.
3.76.070 Payments.
3.76.080 Delinquency penalty--Collections.
3.76.090 Overpayment.
3.76.100 Changes to town boundaries by annexation.
3.76.110 Recordkeeping--Inspection.
3.76.120 Rules and regulations.

Article II. Telephone Businesses

3.76.130 Purpose.
3.76.140 Provisions.
3.76.150 Definitions.
3.76.160 Business license required.
3.76.170 Imposed amount.
3.76.180 Deductions.
3.76.190 Payments.
3.76.200 Delinquency penalty--Collections.
3.76.210 Overpayment.
3.76.220 Changes to town boundaries by annexation.
3.76.230 Recordkeeping--Inspection.
3.76.240 Rules and regulations.

Article I. Electricity and Natural Gas

3.76.010 Purpose. An ordinance of the town of Odessa to impose a six percent utility tax on certain utilities. (Ord. 586 §1, 2004).

3.76.020 Provisions. The provisions of this chapter shall be deemed an exercise of the power of the town to collect revenue from the public utility tax. (Ord. 586 §2, 2004).

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

"Business" means and includes all activities engaged in with the object of gain, benefit or advantage to the taxpayer or to another person or class, directly or indirectly.

"Clerk-treasurer" means the clerk-treasurer of the town of Odessa.

"Gross income" means the value proceeding or accruing from the sale of tangible property or services, and receipts (including all sums earned or charged, whether received or not) by reason of the

investment of capital in the business engaged in, including rentals, royalties, fees or other emoluments, however designated (excluding receipts or proceeds from the use or sale or real property or any interest therein and proceeds from the sale of notes, bonds, mortgages, or other evidences of indebtedness, or stock or the like) and without any deduction on account of the property sold, the cost of materials used, labor costs, interest or discounts paid or any expense whatsoever, and without any deduction on account of losses.

"Person" or "persons" means all persons, firms, partnerships, corporations and other associations of natural persons, whether acting by themselves or by servants, agents or employees.

"Quarterly period" means a three-month period, beginning the first day of the following months: January, April, July and October.

"Taxpayer" means and includes any person, firm or corporation liable to the utility tax imposed by this chapter.

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

"Town" means the town of Odessa. (Ord. 586 §3, 2004).

3.76.040 Business license required. No person shall engage in or carry on any business, occupation, pursuit or privilege for which a tax is imposed by this chapter without first having obtained, and being the holder of a valid and subsisting license so to do, to be known as a "business license," hereinafter referred to as "license." (Ord. 586 §4, 2004).

3.76.050 Imposed amount. There is levied and there shall be collected from the local utility district providing electrical and natural gas to a person or persons within town of Odessa limits, a tax to be known as a "utility tax" in the amounts to be determined by the application of the rates herein stated against gross income as follows:

A. Upon every person, firm or corporation engaged in or carrying on a business of sale, delivery, or distribution of electricity or electrical energy, a tax equal to six percent of the total gross income derived from the sales of such electricity to ultimate users in the town; provided, that there shall not be any such tax levied upon installation charges for electrical units.

B. Upon every person, firm or corporation engaged in or carrying on the business of sale, delivery, distribution or furnishing of natural gas for domestic, business or industrial consumption, a tax equal to six percent of the total gross income derived from such sales to ultimate users in the town; provided, that there shall not be any such tax levied upon installation charges for gas energy units. (Ord. 586 §5, 2004).

3.76.060 Deductions. In computing the tax levied under this chapter, there shall be deducted from the gross income the following items:

A. Income derived from transactions in interstate or foreign commerce or from transactions from any business which the town is prohibited from taxing under the Constitution of the United States or the state of Washington.

B. The amount of credit losses and uncollectibles actually sustained by taxpayers whose regular books of account are kept upon an accrual basis.

C. Adjustments made to billing or to a customer account in order to reverse a billing or charge that had been made as a result of third-party fraud or other crime and was not properly a debt of a customer. (Ord. 586 §6, 2004).

3.76.070 Payments. The tax imposed by this chapter shall be due and payable in monthly installments. Remittance shall be made on or before the thirtieth day of the month next succeeding the end of the monthly period in which the tax accrued, that is, on the thirtieth of each month of the year. On or before the due date, the taxpayer shall file with the town clerk-treasurer a written return, upon such form and setting forth such information as the clerk-treasurer shall reasonably require, together with the payment of the amount of the tax. On the return, the taxpayer shall be required to swear or affirm that the information therein given is full and true and that the taxpayer knows the same to be so. (Ord. 598 §1, 2005: Ord. 586 §1, 2004).

3.76.080 Delinquency penalty--Collections. A. If payment of any tax due under this chapter is not received by the clerk-treasurer on or before the day it becomes due, there shall be added a penalty in interest as follows:

1. One to forty days' delinquency: ten percent with a minimum penalty of five dollars;

2. Forty-one to seventy days' delinquency: fifteen percent with a minimum penalty of ten dollars; and

3. Seventy-one or more days' delinquency: twenty percent with a minimum penalty of fifteen dollars.

B. Any tax due under this chapter and unpaid, and all penalties thereon, shall constitute a debt to the town and may be collected by court proceeding, which remedy shall be in addition to all other remedies. (Ord. 586 §8, 2004).

3.76.090 Overpayment. Any moneys paid to the town through error or otherwise not in payment of the tax imposed hereby or in excess of such tax shall, upon request of the taxpayer, be credited against any tax due or to become due from such taxpayer hereunder or, upon the taxpayer's ceasing to do business in the town, be refunded to the taxpayer. (Ord. 586 §9, 2004).

3.76.100 Changes to town boundaries by annexation. Whenever the boundaries of the town are extended by annexation, all persons, firms and corporations subject to the ordinance will be

provided copies of all annexation ordinances by the town. (Ord. 586 §10, 2004).

3.76.110 Recordkeeping--Inspection. It shall be the duty of every person, firm or corporation required to obtain a state business license by this article to keep and preserve, for a period of five years, such books and records as will accurately reflect the amount of gross income from which can be determined the amounts of any tax for which there may be liability under the provisions of this article. The term "books and records," as used in this section, includes the taxpayer's copies of federal excise tax returns, state of Washington excise tax returns and copies of excise tax audits made by the United States or state of Washington, and furnished to such person, firm or corporation, if any. The taxpayer's books and records shall be opened for examination at all reasonable times by the clerk-treasurer or a duly authorized representative. (Ord. 586 §11, 2004).

3.76.120 Rules and regulations. The town clerk-treasurer is authorized to adopt, publish and enforce, from time to time, such rules and regulations for the proper administration of this article as shall be necessary. (Ord. 586 §11, 2004).

Article II. Telephone Businesses

3.76.130 Purpose. An ordinance of the town of Odessa to impose a six percent utility tax on certain utilities. (Ord. 640 §1, 2010).

3.76.140 Provisions. The provisions of this article shall be deemed an exercise of the power of the town to collect revenue from the public utility tax. (Ord. 640 §2, 2010).

3.76.150 Definitions. In construing the provisions of this article, except when otherwise declared or clearly apparent from the context, the following definitions shall be applied:

"Business" means and includes all activities engaged in with the object of gain, benefit or advantage to the taxpayer or to another person or class, directly or indirectly.

"Cellular telephone service" means a two-way voice and data telephone/telecommunications system based in whole or substantially in part on wireless radio communications and which is not subject to regulation by the Washington Utilities and Transportation Commission (WUTC). This includes cellular mobile service. The definition of cellular mobile service includes other wireless radio communications services such as specialized mobile radio (SMR), personal communications services (PCS), and any other evolving wireless radio communications technology which accomplishes a purpose similar to cellular mobile service.

"Clerk-treasurer" means the clerk-treasurer of the town of Odessa.

"Competitive telephone service" means the providing by any person of telecommunications equipment or apparatus, or service related to that equipment or apparatus such as repair or maintenance service, if the equipment or apparatus is of a type which can be provided by persons that are not subject to regulation as telephone companies under RCW Title 80 and for which a separate charge is made.

"Gross income" means the value proceeding or accruing from the sale of tangible property or services, and receipts (including all sums earned or charged, whether received or not) by reason of the investment of capital in the business engaged in, including rentals, royalties, fees or other emoluments, however designated (excluding receipts or proceeds from the use or sale of real property or any interest therein and proceeds from the sale of notes, bonds, mortgages, or other evidences of indebtedness, or stock or the like) and without any deduction on account of the property sold, the cost of materials used, labor costs, interest or discount paid or any expense whatsoever, and without any deduction on account of losses.

"Person or persons" means all persons, firms, partnerships, corporations and other associations of natural persons, whether acting by themselves or by servants, agents or employees.

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

"Taxpayer" means and includes any person, firm or corporation liable to the utility tax imposed by this article.

"Telephone business" means the providing by any person of access to a telephone network, telephone network switching service, toll service, cellular telephone service, or coin telephone service, or the providing of telephonic, video, data, or similar communication or transmission for hire, via a telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. It includes cooperative or farmer line telephone companies or associations operating an exchange. It also includes the provision of transmission to and from the site of an Internet provider via a telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. Telephone business does not include the providing of competitive telephone service, the providing of cable television service, the providing of broadcast services by radio or television stations, nor the provision of Internet service as defined in RCW 82.04.297, including the reception of dial-in connection, provided at the site of the Internet service provider.

"Town" means the town of Odessa. (Ord. 642 §2, 2010; Ord. 640 §3, 2010).

3.76.160 Business license required. No person shall engage in or carry on any business, occupation, pursuit or privilege for which a tax is imposed by this article without first having

obtained, and being the holder of a valid and subsisting license so to do, to be known as a "business license," hereinafter referred to as "license." (Ord. 640 §4, 2010).

3.76.170 Imposed amount. Upon every person, firm or corporation engaged in or carrying on a telephone business, a tax equal to six percent of the total gross operating income, including income from intra-state tolls derived from the operation of such business within the town. (Ord. 642 §3, 2010: Ord. 640 §5, 2010).

3.76.180 Deductions. In computing the tax levied under this article, there shall be deducted from the gross income the following items:

A. Income derived from transactions in interstate or foreign commerce or from transactions from any business, which the town is prohibited from taxing under the Constitution of the United States or the state of Washington.

B. The amount of credit losses and uncollectible actually sustained by taxpayers whose regular books of account are kept upon an accrual basis.

C. Adjustments made to billing or to a customer account in order to reverse a billing or charge that had been made as a result of third-party fraud or other crime and was not properly a debt of a customer. (Ord. 640 §6, 2010).

3.76.190 Payments. The tax imposed by this article shall be due and payable in monthly installments. Remittance shall be made on or before the thirtieth day of the month on or before the due date, the taxpayer shall file with the town clerk-treasurer a written return, upon such form and setting forth such information as the clerk-treasurer shall reasonably require, together with the payment of the amount of the tax. On the return, the taxpayer shall be required to swear or affirm that the information therein given is full and true and that the taxpayer knows the same to be so. (Ord. 640 §7, 2010).

3.76.200 Delinquency penalty--Collections. A. If payment of any tax due under this article is not received by the clerk-treasurer on or before the day it becomes due, there shall be added a penalty in interest as follows:

1. One to forty days' delinquency, ten percent, with a minimum penalty of five dollars;

2. Forty-one to seventy days' delinquency, fifteen percent with a minimum penalty of ten dollars; and

3. Seventy-one or more days' delinquency, twenty percent with a minimum penalty of fifteen dollars.

B. Any tax due under this article and unpaid and all penalties thereon, shall constitute a debt to the town and may be collected by court proceeding, which remedy shall be in addition to all other remedies. (Ord. 640 §8, 2010).

3.76.210 Overpayment. Any moneys paid to the town through error or otherwise not in payment of the tax imposed hereby or in

excess of such tax shall, upon request of the taxpayer, be credited against any tax due or to become due from such taxpayer hereunder or, upon taxpayer's ceasing to do business in the town, be refunded to the taxpayer. (Ord. 640 §9, 2010).

3.76.220 Changes to town boundaries by annexation. Whenever the boundaries of the town are extended by annexation, all persons, firms and corporations subject to the ordinance will be provided copies of all annexation ordinances by the town. (Ord. 640 §10, 2010).

3.76.230 Recordkeeping--Inspection. It shall be the duty of every person, firm or corporation required to obtain a state business license by this article to keep and preserve for a period of five years, such books and records as will accurately reflect the amount of gross income from which can be determined the amounts of any tax which there may be liability under the provisions of this article. The term "books and records" as used in this section includes the taxpayer's copies of federal excise tax returns, state of Washington excise tax returns and copies of excise tax audits made by the United States or state of Washington, and furnished to such person, firm or corporation, if any. The taxpayer's books and records shall be opened for examination at all reasonable times by the clerk-treasurer or a duly authorized representative. (Ord. 640 §11, 2010).

3.76.240 Rules and regulations. The town clerk-treasurer is authorized to adopt, publish and enforce, from time to time, such rules and regulations for the proper administration of this article as shall be necessary. (Ord. 640 §11, 2010).

Chapter 3.80

TOWN BUILDING RENTAL FEES

Sections:

3.80.010 Established.

3.80.010 Established. Rental fees for organizations which work for the promotion and economic growth of the town of Odessa, or are affiliated with the town, shall have the rental fees waived. These organizations are limited to the Odessa volunteer fire department, Odessa Chamber of Commerce, Odessa public development authority, Friends of the Pool, Odessa Town Hall Rejuvenation Society and the Lincoln County Economical Development. It is the Odessa town council's decision to allow organizations or private parties to rent the Community Center building for a sum as established by resolution, per event rental date, with an additional amount as established by resolution per day for set-up prior to or after for the cleaning of area used.

The Old Town Hall building rental fee is to be a sum as established by resolution per event rental date, with an additional amount as established by resolution for parties or organizations also utilizing the kitchen, and an additional amount as established by resolution per day for set-up prior to or after for the cleaning of area used. A deposit in an amount as established by resolution for use of either building is to be made, which will be returned to the rental party if rental rules are followed. (Ord. 711 §10, 2020).

Chapter 3.84

STATE AUDITS

Sections:

3.84.010 Three-year cycle.

3.84.010 Three-year cycle. The town of Odessa financial and performance audits shall be completed on a three-year cycle by the Washington State Auditor's Office, unless a single audit is necessary within a three-year cycle. (Res. 2008-6, 2008).

Chapter 3.88

POOL RECREATION FACILITY CHARGES

Sections:

3.88.010 Established.

3.88.010 Established. Charges are as follows:

A. Daily admission for swimmer: as established by resolution.

B. Daily admission for non-swimmer: as established by resolution.

C. Season family pass: as established by resolution.

D. Season individual pass: as established by resolution.

E. Swim lesson session, per student: as established by resolution.

F. Pool rental, minimum two hours: as established by resolution, per hour, with a deposit as established by resolution, to be returned after lifeguards are paid by rental party.

G. Lifeguard fee for pool rental, minimum two guards: as established by resolution, per lifeguard, and to be paid to lifeguards by rental party. (Ord. 711 §11, 2020).

Chapter 3.92

CLAIMS PAYMENT

Sections:

3.92.010 Authorization of checks.
3.92.020 Payment of claims prior to council approval in December.

3.92.010 Authorization of checks. With the current account in place with the Wheatland Bank, the town will use checks for the payment of its payroll and claims against the town instead of through warrant claims clearing accounts. (Res. 2010-4, 2010).

3.92.020 Payment of claims prior to council approval in December. Payment of claims for goods and services provided to the town, received after the first regular scheduled council meeting in December, upon recommendation of the Odessa town council, the mayor/mayor pro tem is authorized to approve vouchers, either individually or collectively, for payment of said claims and the clerk-treasurer/deputy clerk to issue checks for payment of claims. (Res. 2015-14, 2015).

Chapter 3.96

RETURNED CHECKS

Sections:

3.96.010 Definition.
3.96.020 Policy.

3.96.010 Definition. A "returned check" is defined as any check, money order, cashier's or traveler's check that is dishonored and returned unpaid to the town. (Res. 2013-5 (part), 2013).

3.96.020 Policy.

A. It shall be the policy of the town of Odessa that any check returned unpaid through the town's bank will be considered a fair and owing debt to the town.

B. All returned checks will incur a thirty-dollar handling fee. This fee will cover the bank costs and processing fees associated with handling a returned check. Additionally, a returned item may be subject to collection fees and interest as prescribed by RCW 62A.3-515.

C. Returned checks will be held in the clerk's office for fifteen-day grace period, during which time the maker of the negotiable item may redeem the item, with guaranteed funds for the check face value plus the thirty dollar handling fee.

D. Payments for returned checks are to be made only to the clerk's office. Other departments are not to take payment for returned checks from any customer. It is the responsibility of the customer redeeming a returned check to inform the clerk's office if a payment is being made to redeem a returned item.

E. Once a check has been referred to the town police department for processing, the clerk's office may no longer accept payment for that item, and the check must be redeemed with the police department.

F. Once two returned checks have been received by the town from the same person or entity, all future payments must be made by cash, cashier's check or money order. (Res. 2013-5 (part), 2013).

Chapter 3.100

SMALL AND ATTRACTIVE ASSET POLICY AND PROCEDURES

Sections:

3.100.010 Small and attractive asset policy and procedures.
3.100.020 Purpose.
3.100.030 Policy.
3.100.040 Policy--General.
3.100.050 Policy--Responsibility of department heads.
3.100.060 Policy--Asset identification.
3.100.070 Procedures--Additions.
3.100.080 Procedures--Deletions.
3.100.090 Procedures--Transfers.
3.100.100 Procedures--Lost or stolen assets.
3.100.110 Procedures--Donated assets.
3.100.120 Procedures--Sale and disposal of assets.

3.100.010 Small and attractive asset policy and procedures. The following policy and procedure documents a small and attractive assets inventory system designed to ensure controls over items that may not be noticed immediately after their disappearance. The intent of the policy is to obtain accountability over items that do not meet the criteria of a fixed asset and would not be noticed immediately upon disappearance or replacement. (Res. 2015-1, 2015).

3.100.020 Purpose. A small and attractive items system gathers information allowing investigation of items missing that would otherwise not be noticed. The system should provide adequate stewardship over its resources through control accountability. (Res. 2015-1, 2015).

3.100.030 Policy. It is the policy of the town to maintain accountability over all tangible items that may have the likelihood of disappearing without being noticed. The departments shall

review and update records to be verified by a physical inventory at least annually and provide such list to the clerks' office for monitoring differences between years. (Res. 2015-1, 2015).

3.100.040 Policy--General. A small and attractive asset is an item that is priced under the five-thousand-dollar criteria for fixed assets and has a life expectancy of more than one year. This item also is not likely to be missed immediately upon disappearance and could be replaced without suspicion during audits. Examples include, but are not limited to: cameras, laptops, mobile public works power equipment, etc. This would not include more permanent fixtures, such as desks, tables and shelving and specifically excludes small tools and minor equipment in the public works shop such as shovels, hand tools, supplies, etc. (Res. 2015-1, 2015).

3.100.050 Policy--Responsibility of department heads. The clerks' office will prepare a list at least annually of the small and attractive items for distribution and review. The department heads or their designee will need to review, update, delete and add new items to the list within thirty days of distribution. Typically this review will occur in January of each year.

If an item is deleted, the department head will note the reason and means of disposal. (Res. 2015-1, 2015).

3.100.060 Policy--Asset identification. The list will contain the serial, model, or other identifying information.

Whenever feasible, each piece of property will be engraved or marked with the town's name. Such markings will be removed or obliterated only when the item is sold, scrapped, cannibalized, or otherwise disposed of. (Res. 2015-1, 2015).

3.100.070 Procedures--Additions. The town may acquire property via purchase, construction, donation, or lease. Regardless of how it is acquired, when the property is received, the department purchasing the item will add it to their small and attractive list, with the identifying information, for the annual update process. (Res. 2015-1, 2015).

3.100.080 Procedures--Deletions. Items previously acquired may eventually be disposed of and need to be deleted from the department's list. Deletion may be required due to a sale of the asset, scrapping, mysterious disappearance (lost or stolen), or involuntary conversion (fire, flood, etc.).

The department head controlling the item is the only one in position to trigger removal from their list.

Items disappearing mysteriously may require additional reports to the police department, mayor and insurance company. Deletions brought about as a result of natural disasters would require reporting to the insurance provider for an eventual reimbursement claim if deemed necessary. (Res. 2015-1, 2015).

3.100.090 Procedures--Transfers. Occasional transfers of property between departments will occur. The original controlling

department is accountable for all items and for initiating a notice of transfer.

Interdepartmental transfers involving a proprietary fund (water, garbage, and sewer) need to have a transfer of money. The sale price will be fair market value, which may result in a gain or a loss on sale of fixed assets.

Interdepartmental transfers or intergovernmental (i.e., town to county or state) do not require the town to declare the item surplus or to do a public notice. (Res. 2015-1, 2015).

3.100.100 Procedures--Lost or stolen assets. Whenever an item has mysteriously disappeared and all efforts have failed to recover it, the controlling department head shall notify the clerks' office in writing, at which time a copy will be given to the mayor. A police report and a report to the insurance company will be completed if necessary, with the asset list updated. (Res. 2015-1, 2015).

3.100.110 Procedures--Donated assets. Assets are sometimes donated to the town and should be added to the list of small and attractive assets if valued under five thousand dollars. If the donation is cash to be used in conjunction with the construction of a specific asset, the donation is reported as a revenue in the governmental funds; in proprietary funds, such donations are treated as contributed capital. (Res. 2015-1, 2015).

3.100.120 Procedures--Sale and disposal of assets. The sale of assets shall follow state guidelines.

Assets that are no longer usable or have been damaged beyond repair will be properly disposed of by the department head and the item will be removed from the inventory list. (Res. 2015-1, 2015).

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

5.04 Auctioneers, Peddlers and Showmen
5.08 Bowling Alleys, Shooting Galleries and Other Amusements
5.16 Junk Dealers
5.20 Temperance Halls
5.24 Water and Garbage
5.28 Alley Use Permits

Chapter 5.04

AUCTIONEERS, PEDDLERS AND SHOWMEN*

Sections:

5.04.010 Licensing requirements generally.
5.04.020 License--Application--Issuance.
5.04.030 Auctioneer's license--Fee--Restrictions.
5.04.040 Circus and show licenses--Fees--Restrictions.
5.04.050 Peddler's licenses--Fee--Restrictions.
5.04.060 Traveling businesses deemed peddlers--Licensing requirements--Exemptions.
5.04.070 Violation--Penalty.

5.04.010 Licensing requirements generally. No person or persons, firm or corporation shall engage in, prosecute or carry on any business, trade or profession or furnish any amusement within the corporate limits of the town for which a license is required as specified and set forth in this chapter without having obtained a license as provided in this chapter. (Ord. 6 §1, 1902).

5.04.020 License--Application--Issuance. Applications for licenses under this chapter shall be made to the town clerk. The application shall state the general nature of the articles to be sold and the proposed manner of sale. The seller shall be limited to the terms of his application in all sales and shall be no further protected. In case of application for licenses for shows, auctioneers and other

* For statutory provisions empowering town councils to license businesses and shows, see RCW 35.27.370(9).

subjects covered by this chapter, the application shall be made to the clerk and shall contain all the information necessary for the clerk to issue a license therefor. The application for the license shall in no way be protected further than the business mentioned in his application for license. When the application has been filed with the town clerk and the applicant has deposited with the town clerk the amount required as fee for his license, the clerk shall issue the license. (Ord. 6 §6, 1902).

5.04.030 Auctioneer's license--Fee--Restrictions. Every person who acts as an auctioneer within the corporate limits of the town shall pay to the town, as a license fee therefor, the sum of fifteen dollars. Every person is deemed to be an auctioneer within the meaning of this chapter whose business it is to offer and who does offer property for sale or gift by public outcry within the limits of the town. This section relative to auctioneers shall not apply to sales by executive officers based upon any lawful judgement of any court. (Ord. 6 §5, 1902).

5.04.040 Circus and show licenses--Fee--Restrictions. A. All circuses, exhibitions, performances and plays of any kind maintained or conducted for pay within the corporate limits of the town shall be licensed and taxed as follows:

1. Every show, exhibition, circus or menagerie and every concern, person, firm or partnership using the word "circus" in its advertising in any form whatsoever shall pay a license fee of fifty dollars per day.

2. Every other person, corporation or partnership engaging in any other show, exhibition or performance of any kind or nature whatsoever for profit shall pay a license fee at the rate of ten dollars each per day.

B. Nothing contained in this section shall be construed to include nonprofit organizations nor business solicited by the town. (Ord. 341 §2, 1977: Ord. 133 §1, 1920: Ord. 27, 1903: Ord. 6 §4, 1902).

5.04.050 Peddler's licenses--Fee--Restrictions. No person or persons, firm or corporation shall sell or give away any goods, wares, merchandise, articles or things, except newspapers or farm, garden or dairy produce offered for sale by the producers thereof, by hawkers, peddlers or public outcry within the corporate limits of the town without first obtaining a peddler's license so to do in the manner prescribed by this chapter and paying therefor into the town treasury the rate of one hundred and fifty dollars per year for each person and each representative for a firm or corporation; provided, however, that no license shall issue for a period of less than one year except at the rate of twenty

dollars per day for each person and for each representative of a firm or corporation. "Drummers" that solicit orders to be filled by shipment of goods in interstate commerce are exempted from the provisions of this chapter. (Ord. 341 §1, 1977: Ord. 249 §1, 1962: Ord. 6 §2, 1902).

5.04.060 Traveling businesses deemed peddlers--Licensing requirements--Exemptions. Every person or persons, firm or corporation conducting any traveling shop, store or photograph business in the streets of Odessa or in any temporary place of business he may occupy in the town shall be deemed to be within the scope of Section 5.04.050 and is required to take out a peddler's license as provided in this chapter. No license shall be required for the delivery of any article, the order for which was taken under the license provided for in Section 5.04.020; provided, however, that commercial travelers selling staple articles of merchandise shall not be deemed to be within the meaning of this chapter. (Ord. 6 §3, 1902).

5.04.070 Violation--Penalty. Any person or persons, firm or corporation violating any of the provisions of this chapter, Sections 5.04.010 through 5.05.040, shall be found to have committed an infraction, and thereof shall be subject to the general penalty provision of Chapter 1.16 of this code. Any person or persons, firm or corporation violating any provision of this chapter, Sections 5.04.050 and 5.04.060, shall be found to have committed a misdemeanor, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(5), 2006: Ord. 341 §3, 1977: Ord. 6 §7, 1902).

Chapter 5.08

BOWLING ALLEYS, SHOOTING GALLERIES AND OTHER AMUSEMENTS*

Sections:

5.08.010 License--Required--Application--Fee.
5.08.020 Violation--Penalty.

5.08.010 License--Required--Application--Fee. Any person, firm or corporation, either as owner, proprietor or employee, owning, conducting or operating within the corporate limits of the town any fortune wheel, bowling alley, cane rack, baby rack, knife rack, or any other device or thing exposed to the public and operated or conducted for hire or money, where projectiles or things are thrown or projected by hand or otherwise or where the devices or projectiles are operated by the force of gravity shall, before

* For statutory provisions authorizing town councils to license all shows, exhibitions or lawful games, see RCW 35.27.370.

operating or conducting the same, obtain a license therefor by applying to the town clerk, who shall thereupon issue a license to the applicant, if it is not in violation of the laws of the state or the ordinances of the town, upon the payment to the clerk, in advance, of the sum of twenty dollars per year for such time as the device or appliance is to be conducted or operated; provided, that no license shall be issued for less than one quarter. (Ord. 110 §1, 1914).

5.08.020 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(6), 2006: Ord. 353 §1, 1977: Ord. 110 §2, 1914).

Chapter 5.16

JUNK DEALERS*

Sections:

5.16.010 Definitions.
5.16.020 Permit--Required.
5.16.030 Permit--Requirements--Term--Denial--Appeal.
5.16.040 Permit--Exhibition.
5.16.050 Permit--Revocation.
5.16.060 Permit--Nontransferable--Recordkeeping.
5.16.070 Permit holder to allow inspection.
5.16.080 Written authority necessary for purchases from minors.
5.16.090 Holding permit required.
5.16.100 Sale of disfigured junk prohibited when.
5.16.110 Violation--Penalty.

5.16.010 Definitions. As used in this chapter:

A. "Junk" includes and means any of the following articles in an old or secondhand condition, namely; rope, iron, brass, copper, tin, lead, rags, empty bottles, paper, bags, bagging, plumbing fixtures, parts of machinery, scrap metals of all kinds and such wornout and discarded material and odds and ends as can be turned to some use, but shall not be deemed to include and mean furniture, house furnishing goods, clothing, machinery or tools that can be used again for the purpose for which they were originally intended. New or secondhand wheat or grain sacks are included under the term "junk," except when sold by a regular dealer in new grain sacks.

B. "Junk collector" means and includes any person who buys, picks up or collects junk in the town using a vehicle therefor.

C. "Junk dealer" includes any person who engages in the business of handling, buying or selling junk at a fixed location and place of business therefor. (Ord. 337 §1, 1977; Ord. 127 §1, 1919).

5.16.020 Permit--Required. It is unlawful for any person to collect, buy, trade for or receive from another any junk or engage in any manner in the business of junk dealer or junk collector in the town without a permit therefor as provided in this chapter. (Ord. 337 §2, 1977: Ord. 127 §2, 1919).

* For statutory provisions authorizing cities to license businesses, see RCW §35.27.370(9).

5.16.030 Permit--Requirements--Term--Denial--Appeal. It is declared to be essential to the public interest that no person shall be authorized or permitted to engage in the business of handling, dealing in, disposition and purchase of junk within the limits of the town unless such person shall be of the age of at least eighteen years and shall be an experienced, capable and competent person, able to carry on such business in an orderly and safe manner. The town clerk is hereby authorized to grant permits for a period of not less than one day; provided, that no permit shall be granted unless the preceding criteria are met. In the event that a permit is denied, an appeal may be made to the town council at any of its regular meetings. Any permit issued by the town clerk may be revoked by the council for failure to meet the preceding standards, after notice to the person holding the permit and after a hearing before the council. (Ord. 337 §3, 1977: Ord. 127 §3, 1919).

5.16.040 Permit--Exhibition. Every junk dealer or junk collector shall at all times, while engaged in such business, have in his possession the permit therefor, which shall be exhibited to any duly authorized agent or officer of the town upon request therefor. (Ord. 337 §4, 1977: Ord. 127 §4, 1919).

5.16.050 Permit--Revocation. Any permit granted according to the provisions of this chapter may be revoked by the town council when the permit holder has failed to comply with the standards set forth in Section 5.16.030, the regulations enumerated in this chapter, applicable building and fire codes, or any relevant state regulation or law, upon proper notice of and hearing upon such revocation. A notice mailed to the permit holder at the address furnished by the person at the time of his application for the permit shall be sufficient notice. (Ord. 337 §8, 1977: Ord. 127 §10, 1917).

5.16.060 Permit--Nontransferable--Recordkeeping. A. It is unlawful for any person, other than the holder of the permit, to use or have in his possession the permit provided for in this chapter or to use the same after the time the permit has expired.

B. Every junk dealer or junk collector shall provide and maintain a book in which shall be, at the time of every purchase, a full description of the article purchased, the name and residence of the person from whom such purchase was made and the day, date and hour of such purchase. Such book shall be open to inspection by the duly authorized officers and agents of the town during regular business hours. (Ord. 337 §5, 1977: Ord. 127 §5, 1919).

5.16.070 Permit holder to allow inspection. It is unlawful for any person who has been granted a permit, having junk in his possession or under his control, to refuse to allow a duly authorized agent or official of the town to inspect the same, whenever such officer, at reasonable times and during business hours, shall deem it necessary to do so. (Ord. 337 §6, 1977: Ord. 127 §8, 1919).

5.16.080 Written authority necessary for purchase from minors. It is unlawful for any person to purchase any junk except old rags and waste paper from any minor under the age of eighteen years without receiving from the minor written authority from the person owning such junk or from the person who furnished the minor such junk. The written authority shall be received and placed on file by the person receiving the junk and be made a part of the record of such transaction and subject to inspections as provided in this chapter. (Ord. 127 §6, 1919).

5.16.090 Holding period required. It is unlawful for any junk dealer to sell or expose for sale any junk within three days from the time of purchasing or receiving the junk, nor until the junk has been upon the premises of the junk dealer wherein the same is offered or exposed for sale for a period of at least three days. (Ord. 127 §7, 1919).

5.16.100 Sale of disfigured junk prohibited when. It is unlawful for any person to buy, sell, trade, give away or receive in the town any battered or hammered junk or any junk which has been disfigured or changed from its original condition, without first complying with any applicable state law or regulation. (Ord. 337 §7, 1977: Ord. 127 §9, 1919).

5.16.110 Violation--Penalty. Any person or persons found violating the provisions of this chapter shall be found to have committed a misdemeanor and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(7), 2006: Ord. 337 §9, 1977: Ord. 127 §12, 1919).

Chapter 5.20

TEMPERANCE HALLS

Sections:

5.20.010 Temperance hall defined.
5.20.020 License--Required.
5.20.030 License--Application--Council authority--Fee--Issuance.
5.20.040 License--Revocation conditions.

Sections: (Continued)

5.20.050 Violation--Penalty.

5.20.010 Temperance hall defined. For the purposes of this chapter, "temperance hall" means any place where candies, nuts, tobaccoes or soft drinks are sold in the same room or in a room adjacent to or opening into the room where billiards, pool, cards or other games of chance are played. (Ord. 10 §3, 1902).

5.20.020 License--Required. No person or persons, firm or corporation shall engage in, prosecute or carry on the business of conducting a temperance hall within the corporate limits of the town without first having obtained a license therefor from the town council as provided in this chapter. (Ord.10 §1, 1902).

5.20.030 License--Application--Council authority--Fee--Issuance. It shall be the duty of any person or persons, firm or corporation desiring to engage in the business regulated by this chapter in the town to apply for a license therefor to the town council at a regular meeting thereof. The application shall state the name, age, business address, form of business (whether individual, partnership or corporation), amount of experience in the business and a general description of the business premises showing its suitability for the purpose. Where applicable, the information shall be furnished for each partner, for each corporate officer and major shareholder of any corporation. It is declared to be essential to the public interest that no person shall be authorized or permitted to engage in the business described in this chapter within the corporate limits of the town unless such person is of the age of at least eighteen years and is a capable and competent person able to carry on said business in an orderly and safe manner. The town council shall have the authority to grant or deny the license; provided, that no license shall issue unless the person, firm or corporation meets the preceding standards. The person or persons, firm or corporation applying for such license shall, before receiving the same, deposit with the town clerk the sum of five dollars in payment therefor, which shall be the annual license fee for such business within the town. Upon approval by the town council, the town clerk shall issue a license to the applicant. (Ord. 346 §1, 1977: Ord. 304 §1, 1973: Ord. 29 §1, 1903: Ord. 10 §2, 1902).

5.20.040 License--Revocation conditions. The license of any person or persons conducting a temperance hall may be revoked by the council at any time for the violation, by the licensee or person in charge, of any of the laws of the state

or of the ordinances of the town relative to the playing of pool, billiards, cards or other games of chance by minors or for the violation of any law of the state or of any ordinance of the town. (Ord. 10 §5, 1902).

5.20.050 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(8), 2006: Ord. 346 §2, 1977: Ord. 10 §4, 1902).

Chapter 5.24

WATER AND GARBAGE

Sections:

5.24.010 Imposition--Rate.
5.24.020 Budget appropriation to current expense fund.

5.24.010 Imposition--Rate. The business and occupation tax is increased from twenty percent to twenty-five percent per month against the gross revenues received for charges for current services for customers of municipal water and garbage utilities, which amount shall be paid monthly by customer in addition to the current charge for water and garbage services. (Ord. 498 §1, 1995: Ord. 455 §1, 1991: Ord. 406 §2, 1984: Ord. 398 §1, 1983).

5.24.020 Budget appropriation to current expense fund. The sum of such taxes collected shall be paid monthly to the current expense fund. The utilization of such taxes collected shall be as designated by budget appropriation. (Ord. 498 §2, 1995: Ord. 455 §2, 1991: Ord. 398 §2, 1983).

Chapter 5.28

ALLEY USE PERMITS

Sections:

5.28.010 Application.

5.28.010 Application. An application for alley use permit, with the fee as established by resolution, has been developed and alley use permit applications will be addressed on an individual basis. (Ord. 711 §12, 2020).

Title 6

ANIMALS

Chapters:

6.04 Animal Control
6.08 Dogs
6.12 Keeping of Animals on a Commercial Basis
6.16 Beekeeping
6.20 Cats

Chapter 6.04

ANIMAL CONTROL*

Sections:

6.04.010 Definitions--Animals deemed at large when.
6.04.020 Certain animals running at large prohibited.
6.04.025 Destruction of public or private property unlawful--Owner responsible.
6.04.030 Keeping certain animals prohibited.
6.04.040 Violation--Penalty.

6.04.010 Definitions--Animals deemed at large when. All animals listed in Section 6.04.020 of this code found upon any of the public streets, highways or public places or upon private property owned or controlled by a person or persons other than the custodian of those animals within the corporate limits of the town shall be deemed to be "running loose" or to be "at large" within the meaning of this chapter. (Ord. 351 §3, 1977).

6.04.020 Certain animals running at large prohibited. It is unlawful for any person, firm, corporation, agent or officer thereof, being the owner or custodian of horses, cattle, sheep, swine, goats, chickens, rabbits or livestock of any manner whatsoever, to allow such animals or fowl to run at large within the corporate limits of the town. (Ord. 431 §1, 1987: Ord. 351 §2, 1977).

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* For statutory provisions authorizing town officials to regulate, restrain or prohibit the running at large of any domestic animals, see RCW 35.27.370(9).

6.04.025 Destruction of public or private property unlawful--Owner responsible. It is unlawful for any person, firm, corporation, agent or officer thereof being the owner or custodian of cats or any animal, to allow such animal to destroy or deface any private or public property within the corporate limits of the town. (Ord. 431 §2, 1987: Ord. 351 §2A, 1977).

6.04.030 Keeping certain animals prohibited. It is unlawful or any person, firm, corporation, officer or agent thereof to harbor or to keep livestock, horses, cattle, swine, mules, goats, sheep, rabbits or fowl of any kind within the corporate limits of the town. (Ord. 351 §1, 1977).

6.04.040 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(9), 2006: Ord. 351 §4, 1977).

Chapter 6.08

DOGS*

Sections:

6.08.010 License--Required.
6.08.020 License--Fee--Expiration--Tag issuance--Recordkeeping.
6.08.025 Maximum number of dogs.
6.08.030 Definitions.
6.08.040 Running loose prohibited when.
6.08.050 Impoundment--Authorized when.
6.08.055 Impoundment--Fine.
6.08.060 Impoundment--Recordkeeping--Redemption.
6.08.070 Impounded dogs--Disposition.
6.08.080 Pound authority designated.
6.08.090 Barking dogs declared a nuisance when.
6.08.100 Potentially dangerous dog--Dangerous dog.
6.08.110 Complaint response by designated authority--Confinement of biting dogs--Owner liability.
6.08.120 Enforcement.
6.08.130 Violation--Penalty.

6.08.010 License--Required. It shall be unlawful for any person or persons to own or harbor any dog over the age of six months within the corporate limits of the town of Odessa, unless

* For statutory provisions authorizing town councils to license dogs and prohibit dogs from running at large, see RCW 35.27.370(7).

such person or persons shall first procure a license therefor as hereinafter provided.

It is unlawful for any person or persons to have a potentially dangerous or dangerous dog within the town without first obtaining a license issued under this municipal code. This prohibition shall not apply to any police dog as defined in RCW 4.24.410, or to any facility processing or maintaining animals and which is owned, operated or maintained by the town, county, state or federal agency, nor to any licensed veterinary hospital in which an animal may be temporarily confined for treatment. (Ord. 604 §1, 2006: Ord. 322 §1, 1976).

6.08.020 License--Fee--Expiration--Tag issuance--Recordkeeping. It shall be unlawful for any person or persons to own or harbor any dog within the corporate limits of the town of Odessa, unless such person or persons shall first procure an ID therefor as hereinafter provided.

A. Licenses will be issued by the town. ID tags are valid for one year, January 1st to December 31st. The time fixed for the issuing of a license shall commence on the first day of January of each year, and no license shall be issued to expire at any other time than the above date.

B. Any dog reaching six months of age must be licensed.

C. The license fee shall be the sum of fifteen dollars for altered dogs and thirty dollars for unaltered dogs per year per dog. The fee shall be paid in full for any year or part thereof. Lost tags will be replaced by the town clerk upon payment of an additional fee of five dollars.

D. A late application penalty of twenty-five dollars shall be imposed on each dog if application for such license is made after sixty days from the date of renewal, and either:

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

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

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

E. Before a license is issued for any dog, the owner must prove, by a certificate of vaccination signed by a licensed veterinarian, that the dog has been vaccinated against rabies at the time of licensing.

F. A certificate by a licensed veterinarian is necessary to prove that a dog has been spayed/neutered.

G. The town clerk shall keep a record of the names of all persons to whom such licenses are issued with the number of licenses. (Ord. 722 §1, 2022; Ord. 590 §2, 2004: Ord. 322 §2, 1976).

6.08.025 Maximum number of dogs. No person, persons, or household shall keep more than three dogs that are over six months of age on any premises within the town of Odessa. This section shall not apply to kennels as defined by Section 17.08.110, which are legally operating in the proper zone in accordance with Section

17.36.010, Schedule of uses. The violation of this section shall be an infraction. (Ord. 722 §2, 2022).

6.08.030 Definitions. In construing the provisions as set out in this title, all words not otherwise given special definitions herein shall be given their common and ordinary meaning. In addition, the following definitions shall apply:

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

B. "Animal control authority" means an entity acting alone or in concert with other local governmental units for enforcement of the animal control laws of the town, city, county and state and the shelter and welfare of animals.

C. Animals Deemed At Large When. All dogs found upon any of the public streets, highways, public places or upon private property owned or controlled by a person or persons other than the custodian of the dog within the corporate limits of the town shall be

deemed to be "running loose" or to be "at large" within the meaning of this chapter, except such dogs as may be under control by means of a chain or leash or which may be secured within any vehicle.

D. "Dangerous animal" means any animal that, as determined by the animal control authority: (1) inflicts severe injury to a human being without provocation on public or private property; (2) kills a domestic animal without provocation while off the owner's property; (3) aggressively bites, attacks or threatens the life or safety of humans or domestic animals after having been previously found to be a potentially dangerous animal; or (4) is a lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, cougar, lynx, bobcat and any hybrid thereof or any similar feline animal, bear, hyena, wolf, coyote, wolf-dog or coyote-dog hybrid, any member of the crocodilian family, poisonous reptile, or any life-threatening reptile, or any other animal which is of feral nature.

E. "Dangerous dog" means any dog that (1) inflicts severe injury on a human being without provocation on public or private property, (2) inflicts severe injury or kills a domestic animal without provocation while the dog is off the owner's property, or (3) has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans.

F. "Domestic animal" means any animal which has been domesticated by man, so as to live and breed in a tame condition.

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

H. "Potentially dangerous dog" means any dog that when unprovoked: (1) inflicts bites on a human or a domestic animal either on public or private property, or (2) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

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

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

K. "Town" means the town of Odessa, Washington. (Ord. 697 §1, 2018; Ord. 604 §2, 2006: Ord. 322 §7, 1976).

6.08.040 Running loose prohibited when. It is unlawful for any person, firm or corporation being the owner or custodian of any dog to permit any dog to run loose or be at large upon any public street, highway or public place, or upon private property owned or

controlled by a person or persons other than the owner or custodian of the dog, within the corporate limits of the town. (Ord. 322 §6, 1976).

6.08.050 Impoundment--Authorized when. Any dog found running at large, contrary to the provisions of this chapter, within the corporate limits of the town of Odessa, shall also be subject to seizure by any police officer or any other town authority designated by the town of Odessa for the purpose of seizing such dogs. Any private persons shall have the right to seize any such dog and to immediately notify the town police authorities. (Ord. 544 §1(part), 1999: Ord. 437 §1(part), 1988: Ord. 322 §9-B(part), 1976).

6.08.055 Impoundment--Fine. Whenever any dog is found running at large as specified in this chapter, the owner shall have committed an infraction and shall be subject to a fine as specified in Section 6.08.130. (Ord. 604 §4, 2006: Ord. 552 §4, 2000; Ord. 544 §1(part), 1999: Ord. 437 §1(part), 1988: Ord. 322 §9-A, 1976).

6.08.060 Impoundment--Recordkeeping--Redemption. After any such seizure, a written record thereof shall be kept in a record book for that purpose at the Odessa town clerk's office, which record shall give a general description of such dog, and such dog so seized shall be held for a period of forty-eight hours from the time of impounding, exclusive of holidays, Saturdays and Sundays, during which time the owner of such dog may recover the same by procuring a license for such dog if none has been issued and paying the fines as stated in Section 6.08.130, and all owners of impounded dogs, licensed or unlicensed, shall pay the fine as specified in Section 6.08.130, together with a board fee in the sum of three dollars per day or any part thereof, which shall be paid to the Odessa town clerk's office. (Ord. 552 §4, 2000; Ord. 544 §1(part), 1999: Ord. 437 §1(part), 1988: Ord. 322 §9-B(part), 1976).

6.08.070 Impounded dogs--Disposition. If such dog is not claimed within forty-eight hours, exclusive of holidays, Saturdays and Sundays, from the time of impounding, said dog may be put to death in a humane manner, sold at auction under the direction of the designated police officer, or otherwise humanely disposed of as directed by the town of Odessa. Any funds received from the sale of said dogs, in addition to the cost of boarding said dogs, shall be placed in the current expense fund of the town. (Ord. 544 §1(part), 1999: Ord. 437 §1(part), 1988: Ord. 322 §9-B(part), 1976).

6.08.080 Pound authority designated. The designated police officer and/or animal control officer is authorized and empowered to secure and maintain a suitable pound for the purpose of carrying out the provisions of this chapter. (Ord. 322 §4, 1976).

6.08.090 Barking dogs declared a nuisance when. For any person(s) to harbor any dog(s) which by its barking, howling, crying, or making any other noise which by its volume or frequency unreasonably disturbs or interferes with the peace of any person(s) for more than fifteen minutes in any one-hour period of any day, and is documented by the complainant by three or more separate episodes of such noise in a sequential seven-day period and summarily turned in to the Odessa police department. The burden is upon the owner of such dog(s) to maintain quiet. Exceptions to this section are commercial facilities in compliance with Chapter 17.36, Schedule of Uses, or those who can substantiate that such dog barking was caused by an injury or illness of the dog(s) or by willful trespass, torment, or abuse of the dog(s) on its property by others. (Ord. 700 §1, 2018: Ord. 544 §2, 1999: Ord. 322 §10, 1976).

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

It shall be unlawful for the owner of a potentially dangerous dog:

1. To allow the dog outside a secure enclosure on the premises of the owner.

2. To suffer or permit the dog to leave the premises of the owner unless the dog is securely restrained by a substantial leash or other restraint under the control of a responsible person.

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

C. Confiscation of Dangerous Dog. Any dangerous dog shall be immediately confiscated by the animal control authority if the dog:

1. Is not validly registered under the terms of this chapter.

2. Is not maintained in the proper enclosure.

3. Is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person.

4. Of an owner, with a prior conviction under this chapter, attacks or bites a person or another domestic animal, the dangerous dog shall be immediately confiscated by the animal control authority, placed in quarantine for the proper length of time and thereafter destroyed in an expeditious and humane manner and the owner shall be guilty of a class C felony, punishable in accordance with RCW 9A.20.021, in accordance with RCW 16.08.100.

5. Of an owner, that aggressively attacks and causes severe injury or death of any human, whether or not the dog has previously been declared potentially dangerous or dangerous, be immediately confiscated by the animal control authority, quarantined, and upon conviction of the owner destroyed in an expeditious and humane manner and the owner shall be guilty of a class C felony, punishable in accordance with RCW 9A.20.021, in accordance with RCW 16.08.100.

The owner must pay the costs of confinement and control and the animal control authority will serve notice upon the dog owner in person or by regular and certified mail, specifying the reason for the confiscation of the dangerous dog, that the owner is responsible for payment of the costs of confinement and control, and that the dog will be destroyed in an expeditious and humane manner if the deficiencies for which the dog was confiscated are

not corrected within twenty days. The animal control authority shall destroy the confiscated dangerous dog in an expeditious and humane manner if any deficiencies required are not corrected within twenty days of notification.

D. Dangerous Dogs Declared--Appeal Process. Upon the animal control authority deeming the necessity to declare a dog dangerous, a dangerous dog declaration will be served upon the dog owner in person or by regular and certified mail, return receipt requested. The notice will state the statutory basis for the proposed action; the reasons the animal control authority considers the animal dangerous; a statement that the dog is subject to registration and controls required by this chapter, including a recitation of the controls in this section; and an explanation of the owner's rights and the proper procedure for appealing a decision finding the dog dangerous.

The owner may appeal the municipal court's final determination that the dog is dangerous to the district court. The owner must make such appeal within twenty days of receiving the determination. While the appeal is pending, the animal control authority may order that the dog be confined or controlled in compliance with RCW 16.08.100. If the dog is determined to be dangerous, the owner must pay all costs of confinement and control.

E. Certification of Registration of a Dangerous Dog Required. It shall be unlawful for an owner to have a dangerous dog in the town without a certificate of registration issued under this section. This shall not apply to police dogs as defined in RCW 4.24.410.

Following the declaration of dangerous dog, and the exhaustion of an appeal, the owner of a dangerous dog must obtain a certificate of registration for the dog with the licensing authority as provided in this section.

The licensing authority is authorized to issue a certificate of registration to the owner of a dangerous dog upon payment of two hundred dollars registration fee if the owner presents sufficient evidence of the following to the animal control authority:

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

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

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

Violation of any of the above provisions will result in the immediate confiscation of the dog by the animal control officer, and the dog owner will be subject to a gross misdemeanor, punishable by one year in jail and/or a five-thousand-dollar fine.

F. Term of Certificate of Registration. The term for a certificate of registration issued is one year from the date of issuance or until the dog is moved to another address, whichever is less. Renewal applications for the certificate of registration must contain sufficient evidence of the information required in this chapter, as well as payment of application fees.

G. Dog Fighting. Any person entering a dog in a fight is guilty of a class C felony punishable in accordance with RCW 9A.20.021. (Ord. 604 §3, 2006: Ord. 322 §8, 1976).

6.08.110 Complaint response by designated authority--Confinement of biting dogs--Owner liability. It shall be the duty of the police officer and/or animal control officer designated by the town to respond to all complaints received by them concerning any dog in the town running at large or any dog that has bitten or attacked any person or damaged property. Any dog which has bitten any person shall be confined for observation purposes for not less than fourteen days at such place and in such manner as directed by the police officer and/or animal control officer designated by the town. If the dog is impounded by a police officer and/or animal control officer of the town, the owner thereof shall be civilly liable for the impounding and board fees during the fourteen-day observation period. (Ord. 322 §5, 1976).

6.08.120 Enforcement. It shall be the duty of the police officers and/or an animal control officer designated by the town to enforce this chapter. The police officers and/or animal control officers designated by the town shall make reports as required by the council. (Ord. 322 §3, 1976).

6.08.130 Violation--Penalty. Violations of this chapter which constitute infractions shall be subject to the following penalties, plus those amounts a court is required to assess as costs, plus state assessments: one hundred dollars for the first offense within twelve months; one hundred fifty dollars for the second offense within twelve months; and two hundred dollars for the third and each subsequent offense within twelve months.

Violations of this chapter which constitute misdemeanors are punishable by imprisonment for a maximum term of not more than ninety days, or by a fine of not more than one thousand dollars (plus those amounts a court is required to assess as costs), or both, in accordance with RCW 9A.20.021.

Violations of this chapter which constitute class C felonies are punishable in accordance with RCW 9A.20.021. (Ord. 604 §5, 2006: Ord. 552 §4, 2000; Ord. 544 §3, 1999: Ord. 353 §1(part), 1977: Ord. 322 §11, 1976).

Chapter 6.12

KEEPING OF ANIMALS ON A COMMERCIAL BASIS*

Sections:

6.12.010 Commercial keeping of animals prohibited.
6.12.020 Violation--Penalty.

6.12.010 Commercial keeping of animals prohibited. The keeping of swine, cattle, horses, mules, sheep, goats, rabbits, fowl and all other animals and birds, where raised and maintained on a commercial basis within the corporate limits of the town, is forbidden. (Ord. 286 §2, 1971).

6.12.020 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(10), 2006: Ord. 353 §1(part), 1977: Ord. 286 §3, 1971).

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* For statutory provisions authorizing town councils to regulate the keeping of animals, see RCW 35.27.370(9).

Chapter 6.16

BEEKEEPING

Sections:

6.16.010 Allowing beekeeping as a hobby only.
6.16.020 Regulations.
6.16.030 Keeping of bees or apiary within one hundred feet of dwelling.
6.16.040 Consent of surrounding property owners.
6.16.050 Violation--Penalty.

6.16.010 Allowing beekeeping as a hobby only. It shall hereafter be unlawful for any person, or legal entity to establish, operate, or maintain any beehives or other form of apiary or beekeeping facility within the city limits of the town except as a hobby. Said "hobby" shall be limited to two hives per residence. (Ord. 471 §1, 1993).

6.16.020 Regulations. A. Two hives per residence are allowed.

B. Colonies shall be maintained in small movable frame hives.

C. Adequate space shall be maintained in the hive(s) to prevent overcrowding and swarming.

D. Colonies shall be re-queened with a young hybrid queen annually, or as often as necessary to prevent any swarming or aggressive behavior.

E. Colonies shall be registered with the Washington State Department of Agriculture in accordance with apiary law, RCW 15.60.030. (Ord. 471 §2, 1993).

6.16.030 Keeping of bees or apiary within one hundred feet of dwelling. It is unlawful for any person to operate or maintain an apiary or to keep bees within a distance of one hundred feet from the nearest portion of any residence, dwelling, hotel, apartment house, rooming house, any school, school playground, or public playground, now existing or hereafter constructed or owned by any other persons within the town, and the operation and maintenance of any apiary or the keeping of bees as mentioned in this section is declared to be a public nuisance. (Ord. 471 §3, 1993).

6.16.040 Consent of surrounding property owners. This section is not intended to prohibit the operation and maintenance of an apiary or the keeping of bees as set out in Section 6.16.030, provided that the consent to the operation and maintenance of the keeping thereof is in writing and signed by the owners of all the residences, dwellings, hotels, apartment houses, rooming houses, schools, school

playgrounds, or public playgrounds located within one hundred feet of the apiaries or hives. Such consent shall be filed with the city clerk. In the case of the operation and maintenance of an apiary or the keeping of bees at the time of the passage of the ordinance codified in this chapter, such consent shall be filed within thirty days. (Ord. 471 §4, 1993).

6.16.050 Violation--Penalty. Any person or persons, or legal entity, violating this chapter shall be found to have committed a misdemeanor, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code and, if it is determined by a court of competent jurisdiction that the owner or keeper of said bees is in violation of this chapter and is thereby creating a health or safety hazard, said court may order such bees and beekeeping facilities confiscated and impounded or destroyed. (Ord. 605 §2(11), 2006: Ord. 471 §5, 1993).

Chapter 6.20

CATS

Sections:

6.20.010 Definitions.
6.20.020 Cat licenses--Required.
6.20.030 Fees.
6.20.040 ID tag procedures--Receipts and tags.
6.20.050 ID tag procedures--Affixing tags.
6.20.060 ID tags not transferable.
6.20.070 Maximum number of cats.
6.20.080 Cats or cats running at large.
6.20.090 Disposal of wild, wild domestic and feral cats.
6.20.100 Removing lawfully ID tagged cats or concealing identity of cats.
6.20.110 Wild, wild domestic and feral cats inside the town limits--Illegal.
6.20.120 Violation--Penalty.
6.20.130 Rate changes.

6.20.010 Definitions. For the purposes of this chapter:

A. "Domestic cats" means any cat, excluding wild cats, that any resident of Odessa claims ownership of and provides facilities at their residence for said cat or cats and purchases a license for.

B. "Wild cats" means any feline that by nature is wild and not normally domesticated for the use as a pet.

C. "Wild domestic cats" or "feral cat" means any house or barn cat that no ownership has been determined to exist between cat and person and is living on its own, or the offspring of stray or other feral cats, and are not accustomed to human contact. (Ord. 682 §1, 2017).

6.20.020 Cat licenses--Required. It shall be unlawful for any person or persons to own or harbor any cat within the corporate limits of the town of Odessa, unless such person or persons shall first procure an ID therefor as hereinafter provided.

A. Licenses will be issued by the town. ID tags are valid for one year, January 1st to December 31st.

B. Any cat reaching six months of age must be licensed.

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

D. A late application penalty of ten dollars shall be imposed on each cat if application for such licenses is made after ninety days from the date of renewal, and either:

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

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

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

E. Before a license is issued for any cat, the owner must prove, by a certificate of vaccination signed by a licensed veterinarian, that the cat has been vaccinated against rabies at the time of licensing.

F. A certificate by a licensed veterinarian is necessary to prove that a cat has been spayed/neutered. (Ord. 682 §2, 2017).

6.20.030 Fees. The following fees are applicable as provided in this chapter:

A. Cat License.

1. Unaltered cat: thirty dollars.

2. Altered cat: five dollars.

B. Replacement tags: two dollars. (Ord. 682 §3, 2017).

6.20.040 ID tag procedures--Receipts and tags. Upon the payment of the license fee and fulfillment of the licensing requirements, a license tag as provided for in this chapter shall be delivered to the applicant. License information shall be retained by the city. Such licensing information shall include: name, address, phone number of the owner, type, name and sex of the cat, whether it is spayed or neutered, status of rabies, and expiration year of the rabies vaccine. (Ord. 682 §4, 2017).

6.20.050 ID tag procedures--Affixing tags. The owner shall cause a valid license tag to be permanently affixed to the collar of the cat so that such license tag is in such a position that it may be easily seen by the animal control officer. The owner shall

cause the tag to be worn by such animal at all times. (Ord. 682 §5, 2017).

6.20.060 ID tags not transferable. License tags shall not be transferable. No refund shall be made of a cat license fee for any reason. (Ord. 682 §6, 2017).

6.20.070 Maximum number of cats. No person, persons, or household shall keep more than three cats that are over four months of age on any premises in the town. (Ord. 710 §1, 2019: Ord. 682 §7, 2017).

6.20.080 Cats or cats running at large. Due to the nature of cats, it would be impracticable to try to control their movements. However, live traps may be used to catch cats that are creating a nuisance upon private or public property inside the town limits. Upon catching a cat with a valid town ID tag, the cat is to be immediately set free. Cats not wearing a valid ID tag are deemed to be wild cats, or wild domestic cats and are to be disposed of as set forth in this chapter. (Ord. 682 §8, 2017).

6.20.090 Disposal of wild, wild domestic and feral cats. Upon catching a wild, wild domestic, or feral cat that appears to be in good health and not a health hazard, the person may remove the cat to a suitable area outside of town, where the wild, wild domestic or feral cat may be released. If the person is unable to remove the wild, wild domestic cat to a suitable location, the animal control authority or their designee is to be notified to remove the cat to a suitable location, at their earliest opportunity.

Upon catching a wild or wild domestic cat that has or appears to have health problems, the animal control authority or their designee shall be notified immediately for the removal of the cat and its humane destruction, if it is determined by the animal control authority or their designee to have health problems, as not to infect any domestic cat or cats. (Ord. 682 §9, 2017).

6.20.100 Removing lawfully ID tagged cats or concealing identity of cats. It shall be illegal to try to conceal or to conceal the identity of a domestic cat or to dispose of a valid ID tagged domestic cat. (Ord. 682 §10, 2017).

6.20.110 Wild, wild domestic and feral cats inside the town limits--Illegal. It shall be illegal for any person or persons to harbor, conceal, feed, or care for any wild cat or wild domestic cats inside the town limits of Odessa. (Ord. 682 §11, 2017).

6.20.120 Violation--Penalty. Violation of any provisions of this chapter shall be a civil infraction and shall be subject to a fine at the rate as set forth in Chapter 1.16. (Ord. 682 §12, 2017).

6.20.130 Rate changes. The Odessa town council is hereby allowed to fix the rates and supplemental charges in this chapter by resolution. (Ord. 682 §14, 2017).

Title 7

(RESERVED)

Title 8

HEALTH AND SAFETY

Chapters:

8.04 Weeds and Debris
8.08 Garbage Collection and Removal
8.12 Privy Vaults and Sewer Connections
8.16 Burning Regulations
8.20 Flammables
8.24 Fireworks
8.28 Abatement of Junk Vehicles
8.32 Nuisances

Chapter 8.04

WEEDS AND DEBRIS*

Sections:

8.04.010 Authority.
8.04.020 Owner responsibility--Overhanging vegetation.
8.04.025 Noxious plants/weed prohibited.
8.04.030 Owner responsibility--Vegetation and debris on property.
8.04.040 Removal by town--Opportunity for hearing.
8.04.045 Removal by town--Fees.
8.04.050 Removal by town--Resolution required--Costs to become lien when.
8.04.060 Notice of lien.
8.04.070 Violation--Penalty.

8.04.010 Authority. The ordinance codified in this chapter is passed under the authority of RCW 35.21.310 (1969 Supp.). (Ord. 282 §8, 1970).

8.04.020 Owner responsibility--Overhanging vegetation. The town may require the owner of any property therein to remove or destroy all trees, plants, shrubs or vegetation or parts thereof which overhang any sidewalk or street or which grow thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public. (Ord. 282 §1, 1970).

8.04.025 Noxious plants/weed prohibited. It shall be unlawful for any owner, lessee, occupant, agent or other person having the care or charge of any lot, lots or parcel of land within

* For statutory provisions on weed control, see RCW 35.21.310.

the town limits of the town of Odessa to suffer or permit any noxious weeds to grow within and/or from the owner's property.

A. List of Noxious Weeds. The PWD/designee is authorized to prepare a list of noxious weeds, which may include utilizing a list of noxious weeds as set forth by the State Noxious Weed Control Board or from the Lincoln County weed board, with the list being revised as deemed necessary.

B. Inspection by Public Works Director or Designee--Notice to Abate.

1. It shall be the duty of the public works director (PWD) or his/her designee to inspect all lots and parcels of land and the streets, alleys and highways of the town of Odessa, and when said noxious weed(s) are found, either on private property or the bordering streets, alleys or highways, the PWD/designee shall cause notice to be given to the owner of such property, or abutting property, to destroy the same and specifying a time for such person to do so.

2. Whenever the PWD/designee becomes aware that noxious weeds are present upon property within the town limits notification to the property owner shall contain the following information:

a. The name of the noxious weed(s) growing on the property;

b. The location of the property;

c. The type of action necessary to control the noxious weed(s);

d. The time within which such action must be completed (ten days);

e. Signed and dated by the PWD/designee. (Ord. 667 §2, 2015).

8.04.030 Owner responsibility--Vegetation and debris on property. The town may require the owner of any property therein to remove or destroy all grass, weeds, shrubs, bushes, trees or vegetation growing or which has grown, or grown and died, and to remove or destroy all debris and junk, including any vehicle which does not bear a current license and/or upon which excise tax has not been paid, upon property owned or occupied by them and which is a fire hazard or menace to the public health, safety or welfare. (Ord. 282 §2, 1970).

8.04.040 Removal by town--Opportunity for hearing. Proceedings which carry out the provisions of Sections 8.04.020 and 8.04.030 shall be initiated by written notice to the owner or occupant, which shall describe the property involved in the hazardous condition and require the owner or occupant to make such removal or destruction after notice as required. The owner or occupant shall have ten days to file a request with the town clerk for a hearing before the town council. Upon request, the town shall fix a date, time, and place for the hearing of the appeal and provide written notice to appellant. (Ord. 669 §2, 2015: Ord. 667 §3, 2015: Ord. 282 §4, 1970).

8.04.045 Removal by town--Fees. Fees for removal or destruction, by the town, of all trees, plants, shrubs or vegetation, or parts thereof, which overhang any sidewalk or street or which grow thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public and the removal or destruction of all grass, weeds, shrubs, bushes, trees, or vegetation growing or which has grown, or grown and died, and to remove or destroy all debris and junk, including any vehicle which does not bear a current license and/or upon which excise tax has not been paid, upon property owned or occupied by the owner and which is a fire hazard or menace to the public health, safety or welfare shall be as established by resolution. (Ord. 711 §13, 2020).

8.04.050 Removal by town--Resolution required--Costs to become lien when. If such removal or destruction is not made by the owner and no request is made by the owner within ten days after receipt of such notice, then the town clerk will bring this matter before the town council, and request the town council to pass a resolution authorizing the town to cause the removal or destruction of the prohibited condition. The costs to the town including removal fees, labor, recording fees and attorneys' fees shall become a charge against the owner of the property and a lien against the property. (Ord. 669 §3, 2015: Ord. 667 §4, 2015: Ord. 282 §5, 1970).

8.04.060 Notice of lien. Notice of the lien authorized in this chapter shall be as nearly as practicable in substantially the same form, filed with the same office, within the same time and manner and enforced and foreclosed as provided by law for liens for labor and material. (Ord. 282 §6, 1970).

8.04.070 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(12), 2006: Ord. 353 §1(part), 1977: Ord. 282 §3, 1970).

Chapter 8.08

GARBAGE COLLECTION AND REMOVAL*

Sections:

8.08.010 Intent.
8.08.020 Definitions.
8.08.030 Jurisdiction.
8.08.040 Town authority--Scope of applicability.
8.08.050 Compliance required.
8.08.060 Unauthorized garbage disposal prohibited.
8.08.070 Sanitary service department established.
8.08.080 Sanitation inspector--Appointment--Duties.
8.08.090 Collection schedule and procedures--Collector of refuse duties.
8.08.100 Regulations generally.
8.08.110 Garbage cans--Required.
8.08.120 Garbage cans--Specifications.
8.08.130 Garbage cans--Accessibility.
8.08.140 Garbage cans--Cleanliness--Violation--Tag issuance.
8.08.150 Garbage cans--Weight limitation--Restraint for vicious dogs required when.
8.08.160 Large containers permitted where.
8.08.170 Outdoor burning receptacles prohibited.
8.08.190 Compost piles--Restrictions.
8.08.200 Disposal methods--Nuisance control required.
8.08.210 Dead animals--Removal required.
8.08.220 Charges--Billing--Suspension of service--Costs to become lien when.
8.08.230 Town to determine rules and regulations.
8.08.240 Rates.
8.08.250 Violation--Penalty.

8.08.010 Intent. It is the intent of this chapter to provide for the maintenance of the health and sanitation of the town and to make collection, removal and disposal of garbage, refuse and dead animals within the town universal. (Ord. 329 §2, 1977).

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* For statutory provisions on municipal garbage collection and disposal systems, see RCW 35.21.120 et seq.; for provisions authorizing town councils to prevent water pollution, see RCW 35.27.370.

8.08.020 Definitions. As used in this chapter:

A. "Ashes" means and includes the solid waste products of fuel, wood and other fuels used for heating and cooking, from all public and private establishments and from all residences.

B. "Collector of refuse" means the town official or employee of the town delegated and authorized to administer the provisions of this chapter.

C. "Garbage" means and includes all putrescible wastes, except sewage and body wastes, including vegetable wastes, animal offal and carcasses of dead animals, but not including recognized industrial byproducts. "Garbage" includes all such substances from all public and private establishments and residences.

D. "Health officer" means the city or county health officer as defined in Sections 70.05.010 and 70.05.050 through 70.05.055 of the Revised Code of Washington or their authorized representatives.

E. "Person" means every person, firm, partnership, association, institution and corporation. The term also means the company and/or the owner of the premises for which services mentioned in this chapter are rendered.

F. "Refuse" means and includes garbage, rubbish, ashes, swill and all other putrescible and nonputrescible wastes except sewage, from all public and private establishments and residences.

G. "Rubbish" means and includes all nonputrescible wastes except ashes, from all public and private establishments and residences.

H. "Swill" means and includes every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables, except coffee grounds. (Ord. 329 §3, 1977).

8.08.030 Jurisdiction. This chapter shall apply to all territory embraced within the corporate limits of the town. (Ord. 329 §1, 1977).

8.08.040 Town authority--Scope of applicability. The town is empowered to carry out all the terms and provisions of the chapter and to collect and dispose of refuse in the manner provided in this chapter. (Ord. 329 §13, 1977).

8.08.050 Compliance required. Every person shall dispose of all garbage promptly according to the terms of the rules and regulations codified in this chapter and no person shall perform any of the provisions of the contract referred to above except the collector of refuse. (Ord. 329 §10, 1977).

8.08.060 Unauthorized garbage disposal prohibited. It shall be unlawful for any person to collect, remove or in any other manner dispose of garbage, refuse or swill upon any streets, alleys, public or private property within the town of Odessa, otherwise than as provided in this chapter. (Ord. 532 §1(part), 1999: Ord. 329 §7(part), 1977).

8.08.070 Sanitary service department established. For the purpose of carrying into effect the provisions and aims of this chapter, there is created and established a department to be known as the "town sanitary service department." (Ord. 329 §4(part), 1977).

8.08.080 Sanitation inspector--Appointment--Duties. The mayor is empowered and authorized to appoint a suitable and qualified person as sanitation inspector, and this person shall have full charge and control of all work provided for and contemplated under this chapter and as may be provided for by rules and regulations subsequently adopted. He shall also have charge of all collections and the enforcement of all charges for services rendered. (Ord. 329 §4(part), 1977).

8.08.090 Collection schedule and procedures--Collector of refuse duties. The collector of refuse shall collect, remove and dispose of all garbage and refuse in the residential sections of the town at least once each week and the business and commercial zones of the town as required. Any and all hauling of garbage, wastepaper, boxes, rubbish or any other debris shall be in securely covered vehicles during hauling operations. This shall apply to the collector of refuse and any other persons who may be hauling such materials. (Ord. 329 §8, 1977).

8.08.100 Regulations generally. It shall be the duty of every person to cause such garbage and refuse to be removed and disposed of only by the collector of refuse. It shall be unlawful for any person to burn, deposit, throw, dump or place garbage, refuse or swill in any land, alley, street or other public place, or to dispose of same upon any private property, regardless of ownership. Swill shall be enclosed in containers approved by the sanitation inspector and which shall be perfectly watertight and have tight-fitting covers, which covers shall not be removed except when absolutely necessary for the depositing and removal of swill. Such containers shall be kept in the rear of the premises or in the basement, or other places authorized by the sanitation inspector, so as to be readily accessible for collection and shall not be kept upon the street, alley, sidewalk or public place. All containers shall be promptly delivered to the collector when called for and shall be returned by him without unnecessary delay, and no person, except for the purpose of collection (under license) shall in any

manner interfere with said containers, or with contents thereof. (Ord. 532 §1(part), 1999: Ord. 329 §7(part), 1977).

8.08.110 Garbage cans--Required. It shall be the duty of every person in possession, charge or control of any dwelling, flat, roominghouse, apartment house or eating place, or in possession, charge or control of any shop, place of business or manufacturing establishment at all times to keep or cause to be kept portable cans of approved size, type and construction, and to deposit or cause to be deposited refuse therein. (Ord. 329 §5(part), 1977).

8.08.120 Garbage cans--Specifications. Cans shall be constructed in such a manner as to be strong, watertight, not easily corrodible, rodentproof, insectproof and of not less than fifteen and not more than thirty-two gallons capacity, with two handles at the sides thereof, and with tight-fitting lids. Such lids shall not be removed except when necessary to place garbage and refuse in the cans or take the same therefrom. When garbage and refuse are placed therein or taken therefrom, the lids shall be replaced by the person placing the same therein or taking the same therefrom. Refuse or garbage cans shall not be filled with dishwater or other liquid or semiliquid kitchen wastes which are properly disposable in sanitary drains. The cans shall be kept in a sanitary condition with the outside clean and free from accumulative grease and decomposing material. (Ord. 329 §5(part), 1977).

8.08.130 Garbage cans--Accessibility. Every can, on the day designated for collection, shall be kept in a place accessible to the collector of garbage and refuse. Where alley access is available, all cans shall be placed at the alley line. (Ord. 329 §5(part), 1977).

8.08.140 Garbage cans--Cleanliness--Violation--Tag issuance. Each garbage can shall be kept clean inside and out, so that no odor nuisance shall exist, and the area around the cans shall be kept in a neat and sanitary condition. The garbage collector shall place tags on garbage cans found to be in violation of this section and notify the town clerk. The tag shall have a perforated stub with identification number and place for location and description. (Ord. 329 §6(part), 1977).

8.08.150 Garbage cans--Weight limitation--Restraint for vicious dogs required when. No garbage or refuse container when filled shall weigh over eighty pounds. The containers shall be light enough to permit one pickup man to lift the container to the pickup truck. Customers must restrain vicious dogs beyond the reach of the garbage cans and prevent any interference with pickup men on this account. (Ord. 329 §6(part), 1977).

8.08.160 Large containers permitted where. Large and suitable containers for collection of refuse may, with the approval of

the collector of refuse, be used in the business and commercial zones. (Ord. 329 §6(part), 1977).

8.08.170 Outdoor burning receptacles prohibited. It shall be unlawful for any person to maintain on their premises any receptacle for the disposal of waste combustible materials by outdoor burning from and after September 20, 1999, in accordance with RCW 70.94.775. (Ord. 532 §1(part), 1999: Ord. 329 §7(part), 1977).

8.08.190 Compost piles--Restrictions. No compost pile shall be kept or maintained unless sufficient appropriate material or substance, approved by the sanitation inspector, is used to prevent the presence of mice, insects, bugs, rodents, or other pests or menace to public health and welfare. (Ord. 532 §1(part), 1999: Ord. 329 §7(part), 1977).

8.08.200 Disposal methods--Nuisance control required. All disposal of refuse shall be by the sanitary fill method or methods specifically approved by the State Department of Health; provided, that the method or methods shall include the maximum practicable rodent, insect and nuisance control at the place of disposal. Animal offal and carcasses of dead animals shall be buried as directed by the sanitation inspector. (Ord. 329 §9, 1977).

8.08.210 Dead animals--Removal required. It shall be the duty of every person in possession, charge or control of any dead animal or upon whose premises the same may be located to forthwith cause the same to be removed. (Ord. 329 §6(part), 1977).

8.08.220 Charges--Billing--Suspension of service--Costs to become lien when. Charges for refuse collection and disposal shall be universal and shall be billed in conjunction and simultaneously with statements issued by the town for water and sewer charges. Billing shall be made in the name of the owner of the real estate served. The charges or accounts shall be paid at the Town Hall on or before the tenth day of the month following the date of billing and if not, service may be suspended for nonpayment of such refuse collection and disposal charges. Such suspension shall not relieve the person owing the account from the duty of complying with the provisions of this chapter, and the suspension shall render the premises where such service is suspended subject to condemnation for sanitary reasons. It shall be the responsibility of each person furnished garbage collection service to notify the sanitation inspector of any desired suspension of service. Upon failure to pay the charges for garbage collection and disposal, the amount thereof shall become a lien against the real estate as provided in RCW 35.21.130. (Ord. 329 §11, 1977).

8.08.230 Town to determine rules and regulations. The town shall have the power, from time to time, by resolution or after council consideration by motion duly made and passed, to set forth and determine rules and regulations, duties and responsibilities and necessary salaries, and such other matters as may be necessary

in the discretion of its town council for the proper execution of this chapter. (Ord. 414 §1(part), 1984: Ord. 404 §1(part), 1983: Ord. 358 §1(part), 1977: Ord. 329 §12(part), 1977).

8.08.240 Rates. The rates under this chapter are as follows:

A. Charges per month for collection of containers placed at curb or alley line are as established by resolution.

B. The foregoing fees shall be collected each month regardless of whether or not any garbage is picked up by the town, with the following exceptions:

1. Exception No. 1. If the property is unimproved or consists of improved property which is unfit for human habitation, then no fee shall be assessed.

2. Exception No. 2. If the property is improved and is fit for human habitation, but is currently vacant, then the owner of the property may pay a garbage service termination fee to the town in the amount as established by resolution after receipt of which no fee shall be assessed until the property is no longer vacant. When the property is no longer vacant, garbage service will be automatically resumed and a start-up fee as established by resolution will be assessed to the property owner. Thereafter the regular garbage fee will be assessed.

3. Exception No. 3. Home businesses are exempt if the combination of the residence and home business does not generate more than the minimum garbage allowed for a residence. If more than the minimum two thirty-two-gallon cans are generated, then the home business will be assessed the regular garbage fee on a separate account for that home business in addition to the fee for the residence.

C. In order for the exceptions to apply, the owner or his or her designated agent shall make application with the town clerk prior to the first day of the month that the exceptions are to apply.

D. Residential and commercial rates include state required solid waste and refuse tax that the town is obligated to collect and pay to the state of Washington. (Ord. 711 §14, 2020).

8.08.250 Violation deemed misdemeanor. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(13), 2006: Ord. 532 §2, 1999: Ord. 329 §15, 1977).

Chapter 8.12

PRIVY VAULTS AND SEWER CONNECTIONS*

Sections:

8.12.010 Privy vaults prohibited.
8.12.020 Flush toilet permit required when.
8.12.030 Violation--Penalty.

8.12.010 Privy vaults prohibited. It is unlawful to install, dig or construct, use or maintain a privy vault within the limits of the town after the first day of December, 1951, and all privy vaults in existence prior to that day must be replaced by a sanitary flush toilet drained to and connected with a cesspool or a public sewer before the first day of December, 1951, and all such privy vaults must be cleaned and filled prior to the first day of December, 1951. (Ord. 215 §1, 1951).

8.12.020 Flush toilet permit required when. No sanitary flush toilet drained to and connected with a cesspool or public sewer shall be installed in any building other than a dwelling

* For statutory provisions on municipal power to provide for sewerage and drainage, see RCW 35.21.210; for provisions authorizing towns to compel connection with municipal drains and sewers, see RCW 35.27.370(5); for provisions authorizing municipal sewerage systems, see Chapter 35.67 RCW; for provisions authorizing municipalities to maintain sewerage systems and charge for connection thereto, see RCW 35.92.020 and 35.92.025.

house in the town from and after the effective date of the ordinance codified in this chapter without first obtaining a permit for such installation from the council. (Ord. 215 §2, 1951).

8.12.030 Violation--Penalty. Any person or persons violating any of the provisions of this chapter shall be found to have committed an infraction and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(14), 2006: Ord. 353 §1(part), 1977: Ord. 215 §3, 1951).

Chapter 8.16

BURNING REGULATIONS

Sections:

8.16.010 Burning permitted when.
8.16.020 Burning prohibited when--Permit required.
8.16.030 Additional burning prohibitions.
8.16.040 Violation--Penalty.

8.16.010 Burning permitted when. From and after January 1, 1959, it is lawful for any person to make or cause to be made within the town a fire in an incinerator, barrel or other metal container for the burning of paper, leaves, weeds or twigs at any time if said incinerator, barrel or other metal container is covered with a metal screen with openings of not more than one inch in diameter; provided, however, that said incinerator, barrel or other metal container shall be located at a distance of not less than ten feet from any building. (Ord. 239 §1, 1958).

8.16.020 Burning prohibited when--Permit required. It is unlawful for any person or party to make or cause to be made within the town a fire for the burning of paper, leaves, weeds or twigs other than as provided in Section 8.16.010, unless the person or party burning same has first obtained, upon making application therefor, a written permit for such burning from the chief of the fire department of the town. (Ord. 239 §2, 1958).

8.16.030 Additional burning prohibitions. It is unlawful for any person at any time to make or cause to be made within the town a fire in an incinerator, barrel or other metal container, or on the ground, or at all, containing moist garbage or food or any other substance of a noncombustible nature. (Ord. 239 §3, 1958).

8.16.040 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(15), 2006: Ord. 353 §1(part), 1977: Ord. 239 §5, 1958).

Chapter 8.20

FLAMMABLES*

Sections:

8.20.010 Document--Adopted.
8.20.020 Document--Copies filed where.
8.20.030 Underground storage tank--Permit and installation requirements.
8.20.040 Compliance required when--Notice.
8.20.050 Violation--Penalty.

8.20.010 Document--Adopted. The Rules and Regulations for the Installation of Containers for Storing and Handling Flammable Liquids, as set forth in Pamphlet No. 30 and amendments thereto of the National Board of Fire Underwriters, are adopted as the rules and regulations for the installation of containers for storing and handling flammable liquids within the town. (Ord. 295 §1, 1972).

8.20.020 Document--Copies filed where. Three copies of the regulations as set forth in Pamphlet No. 30 and amendments thereto of the National Board of Fire Underwriters are required to be kept on file with the town clerk. (Ord. 295 §2, 1972).

8.20.030 Underground storage tank--Permit and installation requirements. A. Before any underground storage tank is installed, the owner shall present to the council a drawing showing the location of the tank. Upon approval by the council, the town clerk shall issue a permit for the installation of the tank.

B. The owner shall leave the installation open until inspection thereof is made by the council or its authorized agent. (Ord. 295 §3, 1972).

8.20.040 Compliance required when--Notice. Any person violating any of the rules and regulations set forth in this chapter, upon receiving written notice from the town, shall immediately make such alterations or repairs as may be necessary to comply with said rules and regulations. (Ord. 295 §4, 1972).

* For statutory provisions on adoption of certain technical codes by reference, see RCW §35.21.180.

8.20.050 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(16), 2006: Ord. 353 §1(part), 1977: Ord. 295 §5, 1972).

Chapter 8.24

FIREWORKS*

Sections:

8.24.010 Sale or disposal of fireworks--Permit required--Exceptions.
8.24.020 Ignition of fireworks--Permit required.
8.24.025 Use prohibited in city park and playground--Penalty.
8.24.030 Violation--Penalty.

8.24.010 Sale or disposal of fireworks--Permit required--Exceptions. It is unlawful for any person, firm or corporation to barter, sell, give away or otherwise dispose of any firecrackers, torpedoes, bombs, rockets or any other variety of fireworks or toys in which explosives are used without first obtaining a permit from the town clerk in the manner provided by RCW 70.77.260 et seq.; provided, however, this section shall not include toy pistols or the caps used therein which do not contain more than .25 grains of explosive mixture per cap. (Ord. 352 §1, 1977: Ord. 213 §1, 1951: Ord. 153 §1, 1928).

8.24.020 Ignition of fireworks--Permit required. It is unlawful for any party, person or corporation to fire, ignite, light or explode any of the articles mentioned or referred to in Section 8.24.010 at any time without first obtaining a permit from the town clerk in the manner provided by RCW 70.77.260 et seq. (Ord. 352 §2, 1977: Ord. 213 §2, 1951: Ord. 153 §1, 1928).

8.24.025 Use prohibited in city park and playground--Penalty. A. It is unlawful for any person to fire, ignite, light or explode any firecrackers, torpedoes, bombs, rockets or any other variety of fireworks or toys in which explosives are used in the city park and playground located in Block 22 and the North 1/2 of Block 23, Trantum and Schoonover's Addition to the town.

B. Subsection A of this section does not include any toy pistols where the caps used do not contain more than .35 grains of explosive mixture in each cap.

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* For statutory provisions on permits for use and sale of fireworks, see RCW 70.77.255 et seq.

C. Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction is subject to the general penalty provisions of Section 1.16.010. (Ord. 400 §§1, 2, 1983).

8.24.030 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(17), 2006: Ord. 353 §1(part), 1977: Ord. 352 §3, 1977: Ord. 213 §3, 1951: Ord. 153 §3, 1928).

Chapter 8.28

ABATEMENT OF JUNK VEHICLES

Sections:

8.28.010 Purpose.
8.28.020 Definitions.
8.28.030 Exemptions.
8.28.040 Abatement and removal of junk vehicles on private property.
8.28.050 Violation--Penalty.

8.28.010 Purpose. The purpose of this chapter is to preserve the character and safety of the town's neighborhoods by eliminating as nuisances, junk vehicles from private property, and to provide procedures for the removal of junk vehicles as authorized by RCW 46.55.240. (Ord. 486 §1, 1994).

8.28.020 Definitions. For the purpose of this chapter, the following words shall have the following meaning:

"Junk vehicle" means any vehicle substantially meeting at least three of the following requirements: [RCW 46.55.010(4)]

1. Is three years old or older;
2. Is extensively damaged, such damage including, but not limited to, any of the following: a broken window or windshield or missing wheels, tires, motor or transmission;
3. Is apparently inoperable;
4. Has an approximate fair market value equal only to the approximate value of the scrap in it.

"Enforcement officer" means the town mayor or any town official or employee designated by him.

"Landowner" means an owner of private property or a person in possession or control of private property. (Ord. 486 §2, 1994).

8.28.030 Exemptions. The provisions of this chapter shall not apply to:

A. A vehicle or part thereof which is completely enclosed within a building in a lawful manner, or where it is not visible from the street or other public or private property; or

B. A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to the provisions of RCW 46.80.130. (Ord. 486 §3, 1994).

8.28.040 Abatement and removal of junk vehicles on private property. A. The storage or retention of junk vehicles on private property is declared to constitute a public nuisance subject to abatement by removal and disposal. The enforcement officer shall inspect and investigate complaints relative to junk vehicles, or parts thereof, on private property. Upon discovery of such nuisance, the enforcement officer shall cause the police department to inspect said vehicle to determine if the same meets the requirements of RCW 46.55.010(4). If the inspection by the police department confirms that the vehicle in question meets the criteria of RCW 46.55.010(4), then the enforcement officer shall give notice in writing to the last registered owner of record of the junk vehicle and also to the property owner of record that a public hearing may be requested before the town council or other administrative officer as shall be designated by the town council, and that if no hearing is requested within ten days, the junk automobile will be removed. Costs of removal may be assessed against the last registered owner of the junk vehicle if the identity of such owner can be determined, or the costs may be assessed the landowner of the property on which the junk vehicle is stored.

B. If a request for a hearing is received, a notice giving the time, location and date of such hearing on the question of the abatement of the junk vehicle or part thereof as a public nuisance shall be mailed, by certified or registered mail with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll of the county assessor and to the last registered and legal owner of record of the junk vehicle unless the junk vehicle is in such condition that the identification numbers are not available to determine ownership.

C. The owner of the land on which the junk vehicle is located may appear in person at the hearing or present a

written statement in time for consideration at the hearing, and deny responsibility for the presence of the junk vehicle on the land, with his reasons for such denial. If it is determined at the hearing that the junk automobile was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the town council shall not assess costs of administration or removal of the junk vehicle against the property upon which the junk vehicle is located or otherwise move to collect such costs from the property owner.

D. After notice has been given of the intent of the town to dispose of the junk vehicle, and after a hearing, if requested, has been held, the junk vehicle, or part thereof, shall be removed at the request of a police officer, and disposed of by a registered tow truck operator with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.

E. The town shall, within thirty days after removal of the junk vehicle from private property, file or record with the county auditor a claim for lien for the costs of removal and disposal, which shall be in substance in accordance with the provisions covering mechanics, liens in Chapter 60.04 RCW, and said lien shall be foreclosed in the same manner as such liens. (Ord. 486 §4, 1994).

8.28.050 Violation--Penalty. In addition to the costs of abatement, any person or persons violating any portion of this chapter shall be found to have committed an infraction commencing upon the date that the enforcement officer or town council has specified for completion of abatement, whichever date is later, and shall be fined two hundred and fifty dollars, plus state assessments per violation, the first two hundred and fifty dollars of which shall not be suspended or deferred. A separate offense shall be deemed committed on each day during which a violation occurs or continues. (Ord. 605 §2(18), 2006: Ord. 486 §5, 1994).

Chapter 8.32

NUISANCES

Sections:

8.32.010 Definitions.
8.32.020 Public nuisance defined.
8.32.030 Nuisance defined.
8.32.040 Prohibited conduct.
8.32.050 Not applicable or properly zoned.
8.32.060 Notice of violation and order to correct.
8.32.070 Correction by owner or other responsible person.
8.32.080 Abatement by the town.
8.32.090 Immediate danger--Summary correction.

8.32.010 Definitions. The words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

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

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

"Code enforcement team" means a team consisting of the mayor, one council member, the Odessa police department, and one designee by the mayor.

"Correct" means to abate, repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such extent as the enforcement team, in their judgment, determines is necessary in the interest of the general health, safety and welfare of the community.

"Criminal street gang" is defined in RCW 9.94A.030(12).

"Junk" means all abandoned and disabled motor vehicles, all old discarded appliances, or parts thereof, all old iron or other metal, glass, paper, cardboard, old lumber, old wood, old mattresses, discarded furniture, and all other waste or discarded material.

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

"Pattern of criminal street gang activity" is defined in RCW 9.94A.030(37).

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

"Responsible person" means any agent, lessee, or other person occupying or having charge or control of any premises. (Ord. 696 §1, 2018).

8.32.020 Public nuisance defined. A public nuisance is any thing, act, failure to act, occupation or use of property which:

A. Annoys, injures, or endangers the safety, health, comfort, or repose of one or more persons.

B. Offends public decency.

C. Unlawfully interferes with, obstructs, tends to obstruct, or renders dangerous for passage a public park, street, sidewalk, alley, highway, or other public area.

D. In any way renders one or more persons insecure in life or the use of property.

E. In addition to being a violation of this chapter, the accumulation, keeping, or storage of junk on any privately owned property within the town is declared to be a public nuisance. (Ord. 696 §2, 2018).

8.32.030 Nuisance defined. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the code enforcement team determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the team may require or provide for the abatement thereof pursuant to this chapter.

A. The existence of any trash, dirt, filth, and carcass of any animal, waste shrubs, accumulation of lawn or yard trimmings or other offensive matter.

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

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

D. Accumulation of garbage, decaying vegetation, manure, dead animals, or other noxious things in a street or alley, or on public or private property to an extent injurious to the public health as determined by the Lincoln County health department.

E. All other acts, failure to act, occupations, or use of property which is determined by the Lincoln County health department to be a menace to the health of the public.

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

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

H. All explosives, flammable liquids, and other dangerous substances stored or used in any manner in violation of the State Fire Code.

I. The frequent, repetitive, or continuous sound made by any secured, unsecured, or deteriorated membrane or sheet metal, being moved by the wind or other source, which unreasonably interferes with the peace, comfort and repose of adjacent property owners or possessors.

J. Dumping, throwing, placing, leaving or causing or permitting to be dumped, thrown, placed or left any filth, paper, cans, glass, rubbish, trash, garbage, grass trimmings, shrub trimming, and shrubbery of any kind, in or upon any street, alley, sidewalk, ditch, or public or private property of another in the town.

K. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the town, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:

1. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, or whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal matter in any quantity;

but nothing herein shall prevent the temporary retention of waste in approved covered receptacles.

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

3. Any filthy, littered or trash-covered dwellings, cellars, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises.

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

5. Any noxious weeds, as defined by Chapter 8.04, Weeds and Debris, whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.

6. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in approved covered bins or galvanized iron receptacles.

7. Any trash, litter, rags, accumulations or empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard.

L. The permitting to remain outside any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling, or other structure, any abandoned, unattended, or discarded ice chest, refrigerator or other airtight container, which does not have the door, lid or other locking device removed.

M. Any pit, hole, basin or excavation which is unguarded or dangerous to life or has been abandoned, or is no longer used for the purpose constructed, or is maintained contrary to statutes, ordinances, or regulations.

N. Any well or storage tank permitted to remain on any public or private property without being securely closed or barring any entrance or trap door thereto, or without filling or capping any well.

O. The existence of any fence, other structure, or thing on private or public property abutting or fronting upon any public street, sidewalk, or place, which is sagging, leaning, fallen, decayed or is otherwise dilapidated and creating an unsafe condition.

P. The existence of any vine, shrub, or plant growing on, around, or in front of any fire hydrant, utility pole, utility box, or any other appliance or facility provided for fire protection, public or private utility purposes in such a way as to obscure from view or impair access thereto.

Q. The existence of any dead, diseased, infected, or dying tree, shrub, or other vegetation which may pose a danger to vegetation, crops, property, or persons.

R. The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard.

S. The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, parkway or other public place which is open to travel of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material.

T. The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property.

U. The depositing of any debris, vegetation, lawn clippings, lumber piles, wood piles, auto parts or bodies, garbage and the like, or storing of any material of any kind; provided, that in residential zones that shall include garbage cans or refuse containers in the alleys of the town, except on garbage pickup day.

V. The existence of graffiti, which is defined as a defacing, damaging, or destructive inscription, figure or design painted, drawn or the like, on the exterior of any building, fence, gate, or other structures or on rocks, bridges, trees, or other real or personal property.

W. The locating of automobiles, trucks, recreational vehicles, trailers, boats, or any other vehicles, vessels, or the like for the purpose of advertising its sale on property located in any commercial or industrial zone not owned by the seller, unless permission is given by the owner.

X. The permitting of any condition or situation where the soil has been disrupted, disturbed, or destabilized so as to allow blowing dust to exist.

Y. For any building the existence of any broken glass in windows or doors for more than thirty days.

Z. Buildings or portions thereof that have faulty weather protection, such as openings in walls and roofs. Faulty weather protection shall include temporary weather barriers, such as tarps, plastic or similar material, left in place for more than thirty days.

AA. Any building which has a window, door, or other exterior opening closed by extrinsic devices or some other manner, with material that has not been painted to match or complement the building's exterior or remains boarded up for more than sixty days.

BB. Any boarded-up building that remains boarded up for more than ninety days.

CC. Permitting any violation of RCW 59.18.510 in any rental dwelling unit.

DD. Criminal street gangs and any pattern of criminal street gang activity are each declared to be a public nuisance in violation of this chapter and other applicable code provisions, including but not limited to the Uniform Code for the Abatement of Dangerous Buildings and State Housing Code, subject to abatement through all available means. In addition thereto and without limitation, any pattern of criminal street gang activity upon, and the presence and use of, property by a criminal street gang, with the owner's knowledge or consent constitutes a public nuisance and grounds for revocation of any permit or license regulating or authorizing the use of such property. (Ord. 696 §3, 2018).

8.32.040 Prohibited conduct. A. It is unlawful for any responsible person or owner to permit, maintain, suffer, carry on, or allow, upon any premises or in any lake, river, stream, drainage way or wetlands, any of the acts or things declared by this chapter to be a public nuisance.

B. It is unlawful for any person to create, maintain, carry on or do any other acts or things declared by this chapter to be a public nuisance.

C. It is unlawful for any person to accumulate, keep, or store, or permit any other person to accumulate, keep, or store, any junk on any privately owned property within the town or to accumulate, keep, or store, any junk in a building that is not wholly enclosed, except for doors for ingress and egress. (Ord. 696 §4, 2018).

8.32.050 Not applicable or properly zoned. This chapter shall not apply to any business who in a proper zone has complied with all applicable zoning requirements as described in Table 17.36 (Chapter 17.36, Schedule of Uses), nor to material stored on premises of any manufacturing enterprise for use in connection with such enterprise so long as the enterprise is conducted in accordance with zoning and other ordinances. (Ord. 696 §5, 2018).

8.32.060 Notice of violation and order to correct. The code enforcement team, to be designated by the mayor, having determined that a public nuisance exists, shall proceed by written notice of violation to correct sent by return receipt mail to the owner, as such appears on the rolls of the county assessor, which shall describe the property involved in the nuisance violation and require the owner to make the removal or destruction of such condition. The owner shall have ten days from the mailing of the notice to correct the nuisance or to schedule with the town clerk to attend a town council meeting in person to present and discuss an abatement plan. The notice of violation and order to correct shall state that if such removal or destruction or a scheduled appearance at a town council meeting is not made by the owner at the end of the ten-day notice period, a notice of infraction shall be issued, which is a civil infraction, in the amount of three hun-

dred dollars. This penalty is for violation within the same twelve-month period. (Ord. 696 §6, 2018).

8.32.070 Correction by owner or other responsible person. If and when an owner or other responsible person shall undertake action to correct any condition described in this chapter whether by order of the code enforcement team, or otherwise, all necessary and legal conditions pertinent to the correction may be imposed by the code enforcement team. It is unlawful for the owner or other responsible person to fail to comply with such conditions. Nothing in this chapter shall relieve any owner or other responsible person of the obligation of obtaining any required permits or approvals to do any work incidental to the correction. (Ord. 696 §7, 2018).

8.32.080 Abatement by the town. A violation of this chapter shall be subject to abatement by the following means:

Notice to owner: In all cases where the code enforcement team has identified a nuisance, the notice of violation and order to correct by certified return receipt mail seeking voluntary compliance from the owner and given ten days from the date of mailing to comply and correct the nuisance or request a hearing before the town council.

Opportunity for hearing: If a hearing is requested and held, at said hearing the owner shall present, for town council approval, an abatement plan showing the work to be done in a progressive manner measurable by the week. Council will make it clear at this hearing that if at any time the owner does not maintain the planned progress, the violation shall be subject to the civil infraction, in the amount of three hundred dollars.

Resolution required: If after ten days of the mailing of the notice of violation and order to correct, the nuisance has not been corrected, and no hearing has been requested, a notice of infraction shall be issued, which is a civil infraction, in the amount of three hundred dollars. The town council may then, by resolution, direct the code enforcement team to petition the court for an abatement warrant allowing the town to proceed with the removal or destruction of the condition in violation of this chapter, to be accomplished by town forces or contractors. Alternatively, if the property has been vacated, and with written permission from the owner, council may forgo the warrant abatement process and allow the town, by resolution, to proceed with the removal or destruction of the condition in violation of this chapter, to be accomplished by town forces or contractors (RCW 7.48.260).

Fees and costs to become lien: All costs, direct and indirect, of such work shall be charged to the owner. The costs to the town including removal fees, labor, recording fees and attorney fees shall become a charge against the owner of the property and lien against the property.

Notice of lien: Notice of lien authorized in this section shall be as nearly as practicable in substantially the same form, filed with the same office, within the same time and manner enforced and foreclosed as provided by law for liens for labor and material. (Ord. 696 §8, 2018).

8.32.090 Immediate danger--Summary correction. Whenever any condition on or use of property causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public or significant portion thereof, the code enforcement team shall have the authority to summarily and without first giving notice to correct the same. The expense of such correction shall become a civil debt against the owner or other responsible party and be collectible in the same manner as any civil debt owing to the town. (Ord. 696 §9, 2018).

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.04 Disorderly Conduct and Loitering
9.12 Fair Housing
9.16 Public Disturbance Noise
9.20 Firearms and Other Dangerous Weapons

Chapter 9.04

DISORDERLY CONDUCT AND LOITERING

Sections:

9.04.010 Disorderly persons defined.
9.04.020 Loitering defined--Peace officer duties.
9.04.030 Violation--Penalty.

9.04.010 Disorderly persons defined. All persons who use any profane or abusive language inherently likely to provoke violent reaction, threaten another person, use any language or indulge in any conduct toward another inherently likely to produce a disturbance of the peace, or challenge another or agree with another to fight, within the limits of the town, are defined and classified as disorderly persons. (Ord. 349 §1, 1977).

9.04.020 Loitering defined--Peace officer duties. All persons who loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals, or under circumstances that warrant alarm for the safety of persons or property in the vicinity, or under circumstances exhibiting an intent to cause harm to another or violate any laws, shall be guilty of loitering. Among the circumstances that may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a police officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstance makes it impractical, a peace officer shall, prior to any arrest or offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence or conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm. (Ord. 349 §2, 1977).

9.04.030 Violation--Penalty. Any person or persons violating any provisions of this chapter shall be found to have committed a misdemeanor and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(19), 2006: Ord. 349 §3, 1977).

Chapter 9.12

FAIR HOUSING

Sections:

9.12.010 Fair housing program.

9.12.010 Fair housing program. A. Within available resources, the town will assist all persons who feel they have been discriminated against because of race, color, religion, sex, national origin, handicapped or familial status to seek equity under federal and state laws by filing a complaint with the Washington Human Rights Commission or the U.S. Department of Housing and Urban Development, Seattle, Regional Office Compliance Division.

B. The town shall publicize this resolution and through this publicity shall cause owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and any applicable state or local laws or ordinances.

C. Said program will at a minimum include, but not be limited to:

1. The printing and publicizing of this policy and other applicable fair housing information through local media and community contacts;

2. Distribution of posters, flyers and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing. (Res. 95-1, 1995).

Chapter 9.16

PUBLIC DISTURBANCE NOISE

Sections:

9.16.010 General prohibition.
9.16.020 Illustrative enumeration.
9.16.030 Public disturbance noise from portable or motor vehicle equipment.
9.16.040 Content of sound not considered.
9.16.050 Exclusion.
9.16.060 Violation--Penalty.

9.16.010 General prohibition. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise. (Ord. 564 §1, 2002).

9.16.020 Illustrative enumeration. The following sounds are public disturbance noises in violation of this chapter:

A. The frequent repetitive or continuous sounding of any horn or siren attached to a motor vehicle, expect as a warning of danger or as specifically permitted or required by law.

B. The creation of frequent repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property in residence.

C. The creation of frequent, repetitive or continuous sounds in connection with the revving of any motor vehicle with an internal combustion engine to such a volume that it can be clearly heard by the human ear at a distance of fifty feet from the source of the sound.

D. The creation of frequent, repetitive or continuous sounds which emanate from any yelling, shouting, whistling, or singing on or near the public streets, particularly between the hours of ten p.m. and eight a.m. or at any time and place as such a volume that it can be clearly heard by the human ear at a distance of fifty feet from the source of the sound.

E. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or residence which unreasonably disturbs or interferes with the peace of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions, or social gatherings.

F. The squealing, screeching or other such sounds from motor vehicle tires in contact with the ground or other roadway surface, because of rapid acceleration, braking or excessive speed around corners or because of such other reason; provided, that sounds which result from actions which are necessary to avoid danger shall be exempt from this section. (Ord. 564 §2, 2002).

9.16.030 Public disturbance noise from portable or motor vehicle equipment. While in park areas, residential areas, or areas where human care service facilities are in obvious proximity to the sources of the sound, it is unlawful for any person to cause, or make or allow to be made from audio equipment under such person's control or ownership the following:

A. Sound from portable audio equipment, such as a radio, tape player, compact disc player, or DVD player, which is operated at such a volume that it can be clearly heard by the human ear at a distance of fifty feet from the source of the sound.

B. Sound from motor vehicle audio sound systems, such as tape players, radios, compact disc players and DVD players, at such a volume that it can be clearly heard by the human ear at a distance of fifty feet from the source of the sound. (Ord. 563 §1, 2002).

9.16.040 Content of sound not considered. The content of sound will not be considered to determine a violation of this chapter. (Ord. 564 §3, 2002: Ord. 563 §2, 2002).

9.16.050 Exclusion. A. This chapter shall not apply to special events which is defined as an event for all members of the general public held for a civic purpose, such as regularly scheduled events at parks, baseball games, softball games, football games, track meets, tennis matches, basketball games, golf matches, approved park concerts, festivals and parades.

B. This chapter shall not apply to scheduled event(s) at the Town of Odessa Community Center and Old Town Hall.

C. This chapter shall not apply to the United States, state of Washington, Lincoln County, town of Odessa or any of their respective officers, employees or contractors, when engaged in snow removal, street cleaning, emergency repair to any street building or structure, fire suppression, or any other emergency for the preservation of life or property. (Ord. 564 §4, 2002).

9.16.060 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(21), 2006: Ord. 564 §5, 2002: Ord. 563 §3, 2002).

Chapter 9.20

FIREARMS AND OTHER DANGEROUS WEAPONS

Sections:

9.20.010 Aiming or discharging firearms, dangerous weapons within town limits unlawful.
9.20.020 Exemption.
9.20.030 Confiscation of weapon(s).
9.20.040 Violation--Penalty.
9.20.050 Nonliability.

9.20.010 Aiming or discharging firearms, dangerous weapons within town limits unlawful. It is unlawful for a person:

A. To aim or discharge any firearm, whether loaded or not, within the town of Odessa or town-owned property, with the exception of town property on which the Odessa Gun Club is located and for ceremonial use at the cemetery.

B. To aim, discharge, throw or launch any weapon or instrument, whether loaded or not, in any public place or in any place where there is reasonable likelihood that humans, domestic animals or property will be jeopardized within the town of Odessa or town-owned property, with the exception of town property on which the

Odessa Gun Club and cemetery are located. This includes, but is not limited to, missiles, cannons, or any propelled object that can or does cause bodily harm.

C. To, except as provided in RCW 9.41.185, set a so-called trap, spring pistol, rifle, or other dangerous weapon. (Ord. 660 §1, 2014; Ord. 613 §1, 2007).

9.20.020 Exemption. The jurisdiction of the town of Odessa is and shall be exempt from the prohibitions set forth in RCW 9.41.050(4) as presently enacted and as may be hereafter modified or recodified. This exemption is enacted pursuant to RCW 9.41.050(6). (Ord. 613 §2, 2007).

9.20.030 Confiscation of weapon(s). The firearm or weapon used in violation of this chapter shall be impounded by the police chief or his/her designee. (Ord. 660 §2, 2014: Ord. 613 §3, 2007).

9.20.040 Violation--Penalty. A. Any person in violation of Section 9.20.010, if no injury results, is guilty of a gross misdemeanor, punishable under Chapter 9A.20 RCW.

B. Any person in violation of Section 9.20.010, and an injury results, shall be subject to the applicable provisions of Chapters 9A.32 and 9A.36 RCW. (Ord. 613 §4, 2007).

9.20.050 Nonliability. Nothing contained in this chapter is intended to be, construed to create or form the basis for any liability on the part of the town or the animal control officer, authority, or their respective officers, employees or agents, for any injury or damage resulting from the failure of any person to comply with the terms of this chapter, or by reason or in consequence of any omission in connection with the implementation or enforcement of this chapter on the part of the town or the animal control authority and its officers, employees or agents. (Ord. 660 §3, 2014: Ord. 613 §5, 2007).

Title 10

VEHICLES AND TRAFFIC*

Chapters:

10.08 Speed Limits
10.12 U-turns
10.16 Tourist Park Parking Regulations
10.19 Parking Regulations
10.20 Residential Parking
10.24 Wheeled All-Terrain Vehicles
10.28 Off-Road Vehicles
10.32 Golf Cart Zone
10.34 Recreational Vehicle, Camper, Motor Home and Trailer Regulations
10.36 Truck Regulations

Chapter 10.08

SPEED LIMITS**

Sections:

10.08.010 State Route 28.
10.08.020 State Route 21.
10.08.025 All other arterials/residential streets.
10.08.030 Alleys.

10.08.010 State Route 28. On SR 28, or First Avenue, within the corporate boundaries of the town of Odessa the speed limit shall be thirty miles per hour. (Ord. 702 §1, 2018: Ord. 263 §§2, 3, 1966).

10.08.020 State Route 21. On SR 21 within the corporate boundaries of the town of Odessa the speed limit shall be twenty-five miles per hour. (Ord. 702 §2, 2018: Ord. 272 §2, 1968).

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* For statutory provisions giving state laws relating to vehicles precedence over local laws and authorizing local laws not in conflict with state law, see RCW 46.08.020.

** For statutory provisions on speed limits, see RCW 46.61.400--46.61.475.

10.08.025 All other arterials/residential streets. On all other arterials/residential streets of the town of Odessa the speed limit shall be twenty-five miles per hour. (Ord. 702 §3, 2018).

10.08.030 Alleys. A. The speed limit upon all alleys within the corporate town limits shall be ten miles per hour.

B. Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(38), 2006: Ord. 596 §§1, 2, 2005).

Chapter 10.12

U-TURNS

Sections:

10.12.010 Prohibited at certain intersections.
10.12.020 Sign erection.

10.12.010 Prohibited at certain intersections. Motor vehicles shall not be permitted to make a U-turn at the intersections of Alder Street and First Avenue and Division Street and First Avenue in the town. (Ord. 363 §1, 1978).

10.12.020 Sign erection. Appropriate signs shall be placed on the intersections of Alder Street and First Avenue and Division Street and First Avenue notifying motorists that U-turns are not permitted in said intersections. (Ord. 363 §2, 1978).

Chapter 10.16

TOURIST PARK PARKING REGULATIONS

Sections:

10.16.010 Overnight parking.

10.16.010 Overnight parking. The overnight parking at the Tourist Park is limited to three nights overnight parking unless special permission is obtained at the city clerk's office. (Res. 85-6, 1988).

Chapter 10.19

PARKING REGULATIONS

Sections:

10.19.010 Definitions.
10.19.020 Regulations.
10.19.030 Penalty.
10.19.040 Emergency vehicles.
10.19.050 Nonliability.

10.19.010 Definitions. "Alley" means a public highway not designated for general travel and used primarily as a means of access to the rear of the residence and business establishments.

"Highway" means the entire width between the boundary lines of every roadway publicly maintained by the State Department of Transportation or any county or city with funding from the motor vehicle fund. A highway is generally capable of travel by a conventional two-wheel-drive passenger automobile during most of the year and in use by such vehicles.

"Street" means the entire right-of-way width of any street, excluding the sidewalk and between the curb boundary lines and shoulder or swale of public property, when any part thereof is open to the use by the public for purposes of pedestrian, bicycle or vehicular travel including parking. (Ord. 675 §2, 2016).

10.19.020 Regulations. Drivers shall, at all times, conform to the following regulations with respect to the parking of vehicles:

A. It is unlawful for any person to park, or leave parked, a vehicle upon any street, highway, or alley within the town of Odessa unattended in such a position that it constitutes an obstruction to traffic (including emergency vehicles), blocks the use of a fire hydrant, interferes with the use of a driveway leading to property not under control of such person, or constitutes a danger to traffic.

B. A vehicle may stand backed to the curb within said area for purposes of loading or unloading; provided, that this shall be allowed only when such vehicle is being actually loaded or unloaded, and that said loading or unloading shall be continuous and completed as rapidly as possible.

C. Failure to perform any act required or the performance of any act prohibited in this chapter shall constitute a traffic infraction as defined under the laws of the state of Washington. (Ord. 675 §3, 2016).

10.19.030 Penalty. Any vehicle parked on any street, highway or alley within Odessa corporate town limits, in such a manner as to constitute an obstruction to traffic, shall be found punishable by a civil infraction according to the general penalty provisions set forth in Section 1.16.010(A)(1), and may be abated

by the town police department by having such vehicle towed away and impounded or by such other means at their disposal. The cost of such towing and impoundment shall be the responsibility of the owner or person so parking said vehicle. (Ord. 705 §1, 2019: Ord. 675 §4, 2016).

10.19.040 Emergency vehicles. Emergency vehicles shall be exempt from all provisions of this chapter, when in the performance of their duties. (Ord. 675 §5, 2016).

10.19.050 Nonliability. Nothing contained in this chapter is intended to be, construed to create or form the basis for any liability on the part of the town or their respective officers, employees or agents, for any injury or damage resulting from the failure of any person to comply with the terms of this chapter, or by reason or in consequence of any omission in connection with the implementation or enforcement of this chapter on the part of the town and its officers, employees or agents. (Ord. 675 §6, 2016).

Chapter 10.20

RESIDENTIAL PARKING

Sections:

10.20.010 Residential parking zone--Designated.

Sections: (Continued)

10.20.020 Residential parking zone--Infractions.
10.20.030 Violation--Penalty.

10.20.010 Residential parking zone--Designated. This area shall be known as a residential parking zone:

The area including the west side of Second Street, from Fourth Avenue, one hundred twenty feet south. The area also includes the south side of Fourth Avenue from Second Street west to one hundred fifty feet west of First Street. The residential parking zone area is for the residents and visitors of residents on the 100 and 200 block of Fourth Avenue and the 300 and 400 block of Second Street. (Ord. 685 §1, 2017: Ord. 648 §1, 2012: Ord. 562 §1, 2002).

10.20.020 Residential parking zone--Infractions. On and after April 14, 2002, it shall be a parking infraction to park between the hours of seven a.m. and three-thirty p.m., Monday through Friday, excluding holidays, in the above-noted residential parking zone. Only the resident and visitors to the residence shall be valid to park within the established residential parking zone during the above-noted hours. (Ord. 562 §2, 2002).

10.20.030 Violation--Penalty. The penalties for a parking infraction in the residential parking zone and the penalty on the failure to appear shall follow the below conditions and shall be as follows:

Proof that the particular vehicle described in the complaint was stopping, standing or parking in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such violation the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

The first violation shall constitute a written warning, written by the law enforcement officer to the violator.

After the written warning violation, any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(22), 2006: Ord. 562 §3, 2002).

Chapter 10.24

WHEELED ALL-TERRAIN VEHICLES

Sections:

10.24.010 Definitions.
10.24.020 Registrations and use permits.
10.24.030 Driver's license requirement.
10.24.040 Operations of wheeled all-terrain vehicle.
10.24.050 Equipment.
10.24.060 Street designation.
10.24.070 Joyriding.
10.24.080 Trespassing.
10.24.090 Civil liabilities.
10.24.100 Accident reports.
10.24.110 Violation--Penalty.

10.24.010 Definitions. In constructing the provisions of this chapter, except when otherwise declared or clearly apparent from the context, the following definitions shall be applied:

"Emergency management" means the carrying out of emergency functions related to responding and recovering from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological, or human caused, and to provide support for search and rescue operations from persons and property in distress.

"Highway" means the entire width between the boundary lines of every roadway publicly maintained by the State Department of Transportation or any county or city with funding from the motor vehicle fund. A highway is generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles.

"Nonhighway road" means any road owned or managed by a public agency, a primitive road, or any private road for which the owner has granted an easement for public use for which appropriations from the motor vehicle fund were not used for (1) original construction or reconstruction in the last twenty-five years; or (2) maintenance in the last four years.

"Nonhighway road recreation facilities" mean recreational facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonhighway road recreational users.

"Nonhighway vehicle" means any motorized vehicle including an ORV when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain. Nonhighway vehicles

do not include (1) any vehicle designed primarily for travel on, over, or in the water; (2) snowmobiles or any military vehicles; (3) any vehicle eligible for a motor vehicle fuel tax exemption or rebate under Chapter 82.38 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

"Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.

"Owner" means the person other than the lien holder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

"Person" means any individual, firm, partnership, association, or corporation.

"Rules of the road" mean all the rules that apply to vehicle or pedestrian traffic as set forth in Chapter 46.61 RCW.

"RCW" means Revised Code of Washington.

"Town" means the town of Odessa, within corporate limits.

"Wheeled all-terrain vehicle" means (1) any motorized nonhighway vehicle with handlebars that is fifty inches or less in width, has a seat height of at least twenty inches, weighs less than one thousand five hundred pounds, and has four tires having a diameter of thirty inches or less, or (2) a utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of twenty psi or less, has a maximum width less than seventy-four inches, has a maximum weight less than two thousand pounds, has a wheelbase of one hundred ten inches or less, and satisfies at least one of the following: (a) has a minimum width of fifty inches; (b) has a minimum weight of at least nine hundred pounds; or (c) has a wheelbase of over sixty-one inches. (Ord. 668 §1, 2015).

<u>10.24.020 Registrations and use permits</u>. Any wheeled all-terrain vehicle operated with this state must display a metal tag to be affixed to the rear of the wheeled all-terrain vehicle in accordance with current Washington State RCWs. (RCW 46.09.442.)

A person who operates a wheeled all-terrain vehicle upon a public roadway must have a current and proper on-road vehicle registration, with the appropriate, bright colored, on-road tab.

A person who operates a wheeled all-terrain vehicle must have a current and proper off-road vehicle registration, with the appropriate off-road tab.

A wheeled all-terrain vehicle may not be registered for commercial use. (Ord. 668 §2, 2015).

<u>10.24.030 Driver’s license requirement</u>. Subject to the restrictions and requirements set forth in this chapter, no person under the age of sixteen or without a valid, nonintermediate driver’s license shall operate a wheeled all-terrain vehicle within the corporate limits of the town of Odessa.

A person may not operate a wheeled all-terrain vehicle upon a public roadway of this state, not including nonhighway roads and trails, without (1) first obtaining a valid driver’s license issued to Washington residents in compliance with Chapter 46.20 RCW or (2)

possessing a valid driver's license issued by the state of the person's residence if the person is a nonresident. (Ord. 668 §3, 2015).

10.24.040 Operations of wheeled all-terrain vehicle. A person may operate a wheeled all-terrain vehicle upon any public roadway, not including nonhighways and trails, having a speed limit of thirty-five miles per hour or less, subject to the following restrictions and requirements:

A person may operate a wheeled all-terrain vehicle upon any public roadway, trail, nonhighway road, or highway within the state while being used under the authority or direction of an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency, as defined in RCW 16.52.011, within the scope of the agency's official duties.

Unless a police officer directs otherwise, a person operating a wheeled all-terrain vehicle must obey all rules of the road that apply to vehicle or pedestrian traffic and obey the instructions of official traffic control signals, signs or other control devices applicable to vehicles.

A person who operates a wheeled all-terrain vehicle under this section is granted all rights and is subject to all duties applicable to the operator of a motorcycle under RCW 46.37.530 and Chapter 46.61 RCW (Rules of the Road), unless otherwise stated in Chapter 23, Laws of 2013 2nd Sp. Sess., except that wheeled all-terrain vehicles may not be operated side-by-side in a single lane of traffic.

A person may not operate a wheeled all-terrain vehicle upon state highways that are listed in Chapter 47.17 RCW; however, a person may operate a wheeled all-terrain vehicle upon a segment of a state highway listed in Chapter 47.17 RCW, if the segment is within the limits of a city or town and the speed limit on the segment is thirty-five miles per hour or less. The state highways within the corporate limits of Odessa are SR 21 and SR 28, which are listed in Chapter 47.17 RCW.

A person operating a wheeled all-terrain vehicle may not cross a public roadway, not including nonhighway roads and trails, with a speed limit in excess of thirty-five miles per hour, unless the crossing begins and ends on a public roadway, not including nonhighway roads and trails, or an ORV trail, with a speed limit of thirty-five miles per hour or less and occurs at an intersection of approximately ninety degrees, except that the operator of a wheeled all-terrain vehicle may not cross at an uncontrolled intersection of a public highway listed under Chapter 47.17 RCW.

It shall be unlawful to travel on lands not owned by the operator or owner of the nonhighway vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety or others, regardless of ownership.

It shall be unlawful for a person to operate a wheeled all-terrain vehicle in such a manner as to endanger the property of another, or at a rate of speed greater than reasonable and prudent

under existing conditions or at a rate of speed greater than posted within the town of Odessa. Unposted speed limit within the corporate limits of the town of Odessa shall be twenty-five miles per hour.

It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk or other area where it is unlawful to operate a motor vehicle.

It is unlawful to operate a wheeled all-terrain in a park, bicycle trail, any walking path or in any marked bicycle lane.

It is a misdemeanor for any person to operate any nonhighway vehicles while under the influence of intoxicating liquor or a controlled substance.

Wheeled all-terrain vehicles are subject to Chapter 46.55 RCW (Towing and Impoundment). (Ord. 668 §4, 2015).

10.24.050 Equipment. Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion upon a highway;

One tail lamp meeting the requirements of RCW 46.37.525 and used at all times when the vehicle is in motion upon a highway; however, a utility-type vehicle, as described under RCW 46.09.310, must have two tail lamps meeting the requirements of RCW 46.37.070(1) and to be used at all times when the vehicle is in motion upon a highway;

A stop lamp meeting the requirements of RCW 46.37.200;

Reflectors meeting the requirements of RCW 46.37.060;

During the hours of darkness, as defined in RCW 04.200, turn signals must meet the requirements of RCW 46.37.200;

Outside of hours of darkness, turn signals must meet the requirements of RCW 46.37.200 or 46.61.310;

A mirror attached to either the right or left handlebar, which must be located to give the operator a complete view of the highway for a distance of at least two hundred feet to the rear of the vehicle; however, a utility-type vehicle, as described under RCW 46.09.310(19), must have two mirrors meeting the requirements of RCW 46.37.400;

A windshield meeting the requirements of RCW 46.37.430, unless the operator wears glasses, goggles, or a face shield while operating the vehicle, of a type conforming to rules adopted by the Washington State Patrol;

A horn or warning device meeting the requirement of RCW 46.37.380;

Brakes in working order;

A spark arrester and muffling device meeting the requirements of RCW 46.09.470; and

For utility-type vehicles, as described under RCW 46.09.310(19), seatbelts meeting the requirements of RCW 46.37.510;

Must have an individual seat, designed to seat a person, for each occupant.

Except for an off-road vehicle equipped with seatbelts and roll bars or an enclosed passenger compartment, it is a traffic infraction for any person to operate or ride an off-road vehi-

cle/wheeled all-terrain vehicle on a nonhighway road without wearing upon his or her head a motorcycle helmet fastened securely while in motion. For purposes of this section, "motorcycle helmet" has the same meaning as provided in RCW 46.37.530. (Ord. 668 §5, 2015).

10.24.060 Street designation. The following streets, within the corporate limits of the town of Odessa, are designated for wheeled all-terrain vehicle traffic:

A. SR 21 and SR 28 located only within the town corporate limits.

B. Public highways located only within the town corporate limits. (Ord. 668 §6, 2015).

10.24.070 Joyriding. Joyriding on any roads, streets, or highways within the corporate limits of the town of Odessa is prohibited. ORVs shall be operated in such a manner as to travel to and from the operator's intended point of destination on the designated streets within the town. (Ord. 668 §7, 2015).

10.24.080 Trespassing. Nothing in this chapter authorizes trespass on private property. (Ord. 668 §8, 2015).

10.24.090 Civil liabilities. In addition to the penalties provided in this chapter, the owner and/or operator of any nonhighway vehicle, traveling within the corporate limits of the town of Odessa, shall be liable for any damage to property. The owner of such property may recover from the person(s) responsible the amount of damage. (Ord. 668 §9, 2015).

10.24.100 Accident reports. The operator of any nonhighway vehicle involved in any accident resulting in injury to or death of any person or persons, or property damage to another, must file an accident report with the Odessa police department immediately. (Ord. 668 §10, 2015).

10.24.110 Violation--Penalty. Failure to perform any act required, or the performance of any act prohibited in this chapter, shall be designated as a traffic infraction, unless so otherwise stated, and any person found to have committed such traffic infraction shall be subject to penalties governed by the Revised Code of Washington; provided, that conduct that constitutes a criminal offense may be charged as such and is subject to the maximum penalties allowed for such offenses. (Ord. 668 §11, 2015).

Chapter 10.28

OFF-ROAD VEHICLES

Sections:

10.28.010 Definitions.
10.28.020 ORV use permit.
10.28.030 Use for the good of the community.
10.28.040 Operation of ORV.
10.28.050 Rescinding, amendments and changes to the chapter.
10.28.060 Towing.
10.28.070 Age/license requirement.
10.28.080 Trespassing.
10.28.090 Street designation and hours of operation.
10.28.100 Civil liabilities.
10.28.110 Accident reports.
10.28.120 Violation--Penalties.

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

"Designated street" means those streets selected by the town of Odessa town council for ORV travel.

"Highway roads" means the entire width between the boundary lines of every roadway publicly maintained when any part thereof is open to the use of the public for the purpose of vehicular travel.

"Nonhighway roads" means roads that are owned or managed by a public agency who has granted an easement for public use, and that do not receive funds from the Motor Vehicle Account.

"Nonhighway vehicle" means any motorized vehicle including an ORV when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain. Nonhighway vehicles do not include (A) any vehicle designed primarily for travel on, over, or in the water; (B) snowmobiles or any military vehicles; or (C) any vehicle eligible for a motor vehicle fuel tax exemption or rebate under Chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

"Off-road vehicle" or "ORV" means any non-street-licensed vehicle when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain. Such vehicles include, but are not limited to, all-terrain vehicles, motorcycles, four-wheel-drive vehicles, and dune buggies.

"Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.

"ORV recreational facility" includes, but is not limited to, ORV trails, campgrounds, ORV sports parks, and ORV use areas, designated for ORV use by the managing authority, that are intended primarily for ORV recreational users.

"ORV use permit" means a permit issued for operation of an off-road vehicle.

"Owner" means the person other than the lien holder having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

"Person" means any individual, firm, partnership, association or corporation.

"RCW" means Revised Code of Washington. (Ord. 681 §1, 2017).

10.28.020 ORV use permit. No person shall operate any off-road vehicle within the corporate limits of the town of Odessa, without a use permit decal, issued by the Department of Licensing and displaying a current ORV tag in accordance with current Washington State RCWs.

ORV use permits and ORV tags shall be required under the provisions of this chapter, except for the following exemptions:

A. ORVs owned and operated by the United States, another state, or political subdivision thereof;

B. ORVs owned and operated by this state, or by any municipality or political subdivision thereof;

C. ORVs owned by a resident of another state, which have a valid ORV permit or license issued in accordance with the laws of the other state. This exemption shall apply only to the extent that a similar exemption or privilege is granted under the laws of that state.

D. ORVs being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency. (Ord. 681 §2, 2017).

10.28.030 Use for the good of the community. The use of ORVs shall be permitted on town sidewalks for plowing snow or other approved operations as designated by the public works director. ORVs are allowed to plow snow in front of the owner's residences, or business, as well as other persons' residences, or businesses, upon request. At no time shall an owner of an ORV charge for such service or hire out for commercial snow plowing or other work involving the use of an ORV, on any public property or public property under the control of a private property owner. (Ord. 681 §3, 2017).

10.28.040 Operation of ORV. It shall be unlawful for a person to operate an ORV:

A. In such a manner as to endanger the property of another, or at a rate of speed greater than twenty-five miles per hour, or the posted speed limit, whichever is lower.

B. In violation of the rules of the road which apply to motor vehicles.

C. On lands not owned by the operator or owner of the nonhighway vehicle, without a lighted headlight and taillight from one-half hour after sunset to one-half hour before sunrise, or when otherwise required for the safety of others, regardless of ownership.

D. On lands not owned by the operator or owner of the nonhighway vehicle without adequate braking device, to include brake

light, or when otherwise required for the safety of others, regardless of ownership.

E. Without a spark arrester approved by the Department of Natural Resources.

F. Without muffler and other equipment that complies with RCW 46.09.120.

G. On lands not owned by the operator or owner of the nonhighway vehicle in any area, or in such a manner as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage or destroy trees, growing crops or other vegetation.

H. To operate a nonhighway vehicle abreast of another vehicle in any other manner, except single file on the right-hand side of the roadway.

I. While under the influence of intoxicating liquor and/or drug, which is a misdemeanor. (RCW 46.09.120(2).)

J. Except for an ORV equipped with seat belts and roll bars or an enclosed passenger compartment, without wearing upon his or her head a motorcycle helmet fastened securely while in motion. "Motorcycle helmet" has the same meaning as provided in RCW 46.37.530.

K. In a manner that may endanger human or animal life or property.

L. In violation of any state or local laws.

M. Except it shall be lawful to operate an ORV on lands not owned by the operator or owner of the ORV with written authorization to do so from the property owner or their authorized agent. (Ord. 681 §4, 2017).

10.28.050 Rescinding, amendments and changes to the chapter. The town council and mayor hold the right to rescind or make amendments or changes to this chapter as deemed necessary at any time in the future. (Ord. 681 §5, 2017).

10.28.060 Towing. ORV operators shall abide by the manufacturer's specifications when towing approved devices. It will be unlawful for any ORV to pull any sled, toboggan, trailer or any other device except by means of a rigid tow bar connecting the same to such device. No person shall be pulled in any fashion by an ORV. (Ord. 681 §6, 2017).

10.28.070 Age/license requirement. No person under the age of sixteen or without a valid driver's license shall operate an ORV within the corporate limits of the town of Odessa. (Ord. 681 §7, 2017).

10.28.080 Trespassing. Nothing in this chapter authorizes trespass on private property. (Ord. 681 §8, 2017).

10.28.090 Street designation and hours of operation. A. All streets within the corporate limits of the town of Odessa are open for use by ORVs as defined in this chapter.

B. No ORV shall be operated in the town of Odessa between sunset and sunrise, unless special circumstances warrant their use, as approved by the town of Odessa. (Ord. 681 §9, 2017).

10.28.100 Civil liabilities. In addition to the penalties provided in this chapter, the owner and/or operator of any nonhighway vehicle, traveling within the corporate limits of the town of Odessa, shall be liable for any damage to property. The owner of such property may recover from the person(s) responsible the amount of damage. (Ord. 681 §10, 2017).

10.28.110 Accident reports. The operator of any nonhighway vehicle involved in any accident resulting in injury to or death of any person or persons, or property damage to another, must file an accident report with the Odessa police department immediately. (Ord. 681 §11, 2017).

10.28.120 Violation--Penalties. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the following penalties, plus those amounts a court is required to assess as costs, plus state assessments: one hundred dollars for the first offense within twelve months; one hundred fifty dollars for the second offense within twelve months; and two hundred dollars for the third and each subsequent offense within twelve months as set forth in Chapter 1.16. (Ord. 681 §12, 2017).

Chapter 10.32

GOLF CART ZONE

Sections:

10.32.010 Establishment of Golf Cart Zone.
10.32.020 Definitions.
10.32.030 Signage.
10.32.040 Authorized golf carts.
10.32.050 Permitted areas of operation.
10.32.060 Hours of operation.
10.32.070 Minimum required equipment.
10.32.080 Golf cart operator.
10.32.090 Operating rules.
10.32.100 Violation--Penalty.
10.32.110 Nonliability.

10.32.010 Establishment of Golf Cart Zone. A Golf Cart Zone is hereby established over all streets, including SR 21, within the corporate limits of the town of Odessa, which have a speed limit of twenty-five miles per hour (mph) or less, including the portions of said streets where they cross State Route 28. The town shall designate such streets on a Golf Cart Zone Map. (Ord. 661 §2, 2014).

10.32.020 Definitions. "Golf cart" means, in accordance with RCW 46.04.1945, a gas-powered or electric-powered four-wheeled vehicle originally designed and manufactured for operation on a golf course for sporting purposes, which has a speed attainable in one mile of not more than twenty miles per hour (mph). A golf cart is not a non-highway vehicle or an off-road vehicle as defined by RCW 46.04.365. A golf cart is not considered a motor vehicle, except for the purpose of Chapter 46.61 RCW, regarding rules of the road.

"Golf Cart Zone" means any public street within the corporate limits of the town of Odessa designated in this chapter.

"Operator" means any person who drives or otherwise operates a golf cart. "Operator" shall not include town personnel or other persons authorized by the town of Odessa police chief to operate a golf cart on town streets.

"Street" means the entire right-of-way width of any street, excluding the sidewalk and between the curb boundary lines and shoulder or swale of public property, when any part thereof is open to the use by the public for purposes of pedestrian, bicycle or vehicular travel including parking. (Ord. 661 §3, 2014).

10.32.030 Signage. The Golf Cart Zone shall be clearly identified by the placement of signage, as designated by the Washington State Department of Transportation, at the beginning and the end of the Golf Cart Zone. (Ord. 661 §4, 2014).

10.32.040 Authorized golf carts. Golf carts allowed under this chapter are restricted to those that are electric or gas powered, which are capable of maintaining a speed of not more than nineteen miles per hour (mph) on level ground and which are not modified to allow the cart to exceed twenty miles per hour (mph). (Ord. 661 §5, 2014).

10.32.050 Permitted areas of operation. Authorized golf carts may be operated on any street within the designated Golf Cart Zone. An authorized golf cart shall be operated with the flow of vehicular traffic. An authorized golf cart shall be operated with flow of vehicular traffic. An authorized golf cart shall not be operated in a designated bicycle lane. An authorized golf cart may cross over a street within the golf cart zone when it is safe to do so and only at an intersection. (Ord. 661 §6, 2014).

10.32.060 Hours of operation. No authorized golf cart may be operated from one-half hour after sunset until one-half hour before sunrise, unless it is equipped with headlamps, tail lamps and turn signals which meet the minimum requirements established in Chapter 46.37 RCW. (Ord. 661 §7, 2014).

10.32.070 Minimum required equipment. Every golf cart operated in the Golf Cart Zone shall be equipped, at a minimum, with the following:

A. A total of eight three-inch reflectors shall be mounted on the golf cart, four amber reflectors which shall be placed on the front and the forward right and left sides of the cart and four red reflectors which shall be placed on the rear and the rear right and left sides of the golf cart.

B. Seatbelts, which shall be anchored to the frame for the driver and for each passenger.

C. Two rearview mirrors capable of reflecting for a distance of at least two hundred feet to the rear of the cart, which shall be mounted with one on the left hand side of the cart and one in the middle of the cart or on the right-hand side of the cart. (Ord. 661 §8, 2014).

10.32.080 Golf cart operator. Every golf cart operated shall be:

A. A person may not operate a golf cart upon a public roadway of this state, not including nonhighway roads and trails, without (1) first obtaining a valid driver's license issued to Washington residents in compliance with Chapter 46.20 RCW or (2) possessing a valid driver's license issued by the state of the person's residence if the person is a nonresident.

B. Any person operating a golf cart, in a Golf Cart Zone, shall have all the rights and shall be subject to all the duties applicable to the driver of a vehicle under Chapter 46.61 RCW. (Ord. 704 §§1, 2, 2019: Ord. 661 §9, 2014).

10.32.090 Operating rules. A. Every golf cart operator authorized under this chapter shall be familiar with and adhere to all rules of the road applicable to motor vehicles set forth in Chapter 46.61 RCW, Chapter 308-330 WAC and this title.

B. Any person operating a golf cart, as authorized under this chapter, shall not transport more passengers than the manufacturer's designed capacity. Every occupant shall be seated at all times during the operation of the golf cart and shall use a seat belt.

C. No items shall be placed or attached to the top of the golf cart. All items shall be carried inside the cart and secured in a manner so as to prevent the item from falling out of the golf cart when the cart is moving.

D. No person may operate a golf cart as authorized by this chapter without proof of insurance providing golf cart liability insurance coverage or the equivalent insurance coverage. (Ord. 661 §10, 2014).

10.32.100 Violation--Penalty. Any person who shall violate any of the provisions of this chapter shall be deemed to have committed a civil infraction, punishable by a fine as set forth in Chapter 1.16, General Penalty. (Ord. 661 §11, 2014).

10.32.110 Nonliability. Nothing contained in this chapter is intended to be, construed to create or form the basis for any liability on the part of the town or their respective officers, employees or agents, for any injury or damage resulting from the failure of any person to comply with the terms of this chapter, or by reason or in consequence of any omission in connection with the implantation or enforcement of this chapter on the part of the town and its officers, employees or agents. (Ord. 661 §12, 2014).

Chapter 10.34

RECREATIONAL VEHICLE, CAMPER, MOTOR HOME AND TRAILER REGULATIONS

Sections:

10.34.010 Definitions.
10.34.020 Occupying--Unlawful.
10.34.030 Parking--Unlawful.
10.34.040 Business practice--Unlawful.
10.34.050 Parking--Emergency or temporary.
10.34.060 Parking--Special permit.
10.34.070 Violation--Penalty.

10.34.010 Definitions. "Alley" means a public highway not designated for general travel and used primarily as a means of access to the rear of the residence and business establishments (Section 10.19.010).

"Camper" means a structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended but shall not include motor homes as defined in RCW 46.04.305.

"Highway" means the entire width between the boundary lines of every roadway publicly maintained by the State Department of Transportation or any county or city with funding from the motor vehicle fund. A highway is generally capable of travel by a conventional two-wheel-drive passenger automobile during most of the year and in use by such vehicles (Section 10.19.010).

"Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation, which include lodging and cooking or sewage disposal, and is enclosed within a solid body shell with the vehicle, but excludes a camper or like unit constructed separately and affixed to a motor vehicle (RCW 46.04.305).

"Recreational vehicle" means a vehicular-type unit designed for temporary living quarters for recreational camping or travel uses, with or without motive power. This definition includes campers and motor homes. A recreational vehicle is not a manufactured home (mobile home) (Section 17.08.180).

"Street" means the entire right-of-way width of any street, excluding the sidewalk and between the curb boundary lines and shoulder or swale of public property, when any part thereof is open to the use by the public for purposes of pedestrian, bicycle or vehicular travel including parking (Section 10.19.010).

"Trailer" includes every vehicle without motive power designed for being drawn by or used in conjunction with a motor vehicle constructed so that no appreciable part of its weight rests upon or is carried by such motor vehicle, but does not include a municipal transit vehicle, or any portion thereof. "Trailer" does not include a cargo extension (RCW 46.04.620).

"Travel trailer" means a trailer house or coach not more than eight feet in width or more than twenty-eight feet in length designed for travel and recreation uses (Section 17.08.200). (Ord. 692 §1, 2018).

10.34.020 Occupying--Unlawful. It is unlawful for any person to occupy a motor home, camper, trailer, travel trailer or recreational vehicle on public or private property for more than seven days in a six-month period.

In the event of an emergency, a person may occupy a motor home, camper, trailer, travel trailer or recreational vehicle for more than seven days after attending a council meeting in person and seeking permission from the council. (Ord. 692 §2, 2018).

10.34.030 Parking--Unlawful. It is unlawful for any person to park any motor home, camper, trailer, travel trailer or recreational vehicle on any street, alley, or highway or other public place within the town. (Ord. 692 §3, 2018).

10.34.040 Business practice--Unlawful. It is unlawful for any person to maintain or conduct any business practice in a travel trailer or recreational vehicle while the same is so parked or stored in accordance with this chapter. (Ord. 692 §4, 2018).

10.34.050 Parking--Emergency or temporary. Emergency or temporary stopping or parking is permitted on any street, alley or highway for no longer than forty-eight hours subject to any other prohibitions, regulations, or limitations imposed by the traffic and parking regulations, or ordinances for that street, alley, or highway. (Ord. 692 §5, 2018).

10.34.060 Parking--Special permit. A long-term street-parking special permit may be considered by the mayor and council after attending a council meeting in person to seek approval. No alleys will be considered. This special permit will be made on a case by case basis and the council reserves the right to deny the permit, or revoke permission for any reason. The permit will have

a time limit of six months at which point it may be reissued after attending a council meeting in person to seek approval. (Ord. 692 §6, 2018).

10.34.070 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction and shall be subject to the general penalty provisions of Chapter 1.16. (Ord. 692 §7, 2018).

Chapter 10.36

TRUCK REGULATIONS

Sections:

10.36.010 Definitions.
10.36.020 Heavy vehicle--Prohibited use--Designated.
10.36.030 Heavy vehicle--Prohibited use--Exceptions.
10.36.040 Compression brakes.
10.36.050 Heavy vehicle--Routes.
10.36.060 Long vehicle--Prohibited use--Designated.
10.36.070 Route posting.
10.36.080 Violation--Civil penalty.

10.36.010 Definitions. "Compression brakes" means a mechanical device that utilizes the compression of the vehicle's engine to retard the forward motion of a heavy vehicle. This definition includes, but is not limited to, the terms "exhaust brakes" or "jake brakes."

"Vehicle, heavy," as used in this chapter, means any vehicle, motor vehicle, truck, truck-tractor, trailer or semitrailer or a combination thereof, having a gross weight in excess of seventeen thousand pounds.

"Vehicle, long," as used in this chapter, means any vehicle, motor vehicle, truck, truck-tractor, trailer or semi-truck or combination thereof, having a total length in excess of twenty feet. (Ord. 684 §1, 2017).

10.36.020 Heavy vehicle--Prohibited use--Designated. From and after the effective date of the ordinance codified in this chapter, it is unlawful to operate, drive, move, tow, park, or in any way propel any heavy vehicle over, along, upon, or across any street in the city, except those streets designated in Section 10.36.050. No heavy vehicle resting on dollies shall be parked on

any street without pads at least twelve inches by twelve inches being placed under the dollies. (Ord. 684 §2, 2017).

10.36.030 Heavy vehicle--Prohibited use--Exceptions. The limitations set forth in Section 10.36.020 shall not apply to any vehicle while in the actual process of making deliveries to, or picking up from, points within the town limits not located upon such heavy vehicle route streets designated in Section 10.36.050. (Ord. 684 §3, 2017).

10.36.040 Compression brakes. A. No person shall operate a compression brake device on any heavy vehicle within the town limits.

B. It shall be an affirmative defense of prosecution under this section that the compression brakes were applied in an emergency and were necessary for the protection of persons and/or property.

C. This section shall not apply to emergency vehicles. (Ord. 684 §4, 2017).

10.36.050 Heavy vehicle--Routes. The following streets are designated as heavy vehicle routes within the town:

A. West First Avenue from the west town limit to Division Street.

B. East First Avenue from the east town limit to Division Street.

C. North Alder Street from the north town limits to West First Avenue.

D. South Alder Street from the south town limit to West First Avenue. (Ord. 684 §5, 2017).

10.36.060 Long vehicle--Prohibited use--Designated. From and after the effective date of the ordinance codified in this section, it shall be unlawful to park a long vehicle on any street in the town except on those streets designated in Section 10.36.050. (Ord. 684 §6, 2017).

10.36.070 Route posting. The streets designated as a heavy vehicle and long vehicle route shall be marked with signs in an appropriate manner. (Ord. 684 §7, 2017).

10.36.080 Violation--Civil penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the following penalties, plus those amounts a court is required to assess as costs, plus state assessments: one hundred dollars for the first offense within twelve months; one hundred fifty dollars for the second offense within twelve months; and two hundred dollars for the third and each subsequent offense within twelve months as set forth in Chapter 1.16. (Ord. 684 §8, 2017).

Title 11

ENVIRONMENT

Chapters:

11.04	SEPA Guidelines
11.08	Protection of Resource Lands and Critical Areas
11.12	Greenhouse Gas Reduction
11.16	Shoreline Master Program

Chapter 11.04

SEPA GUIDELINES

Sections:

11.04.010	Authority to adopt statutes.
11.04.020	Basic requirements--Adoption by reference.
11.04.030	Additional definitions.
11.04.040	Designation of responsible official.
11.04.050	Lead agency determination and responsibilities.
11.04.060	Additional consideration in time limits applicable to SEPA process.
11.04.070	Additional timing considerations.
11.04.080	EIS requirement determination--Adoption by reference.
11.04.090	Use of exemptions.
11.04.100	Environmental checklist.
11.04.110	Mitigated DNS.
11.04.120	Preparation of EIS--Adoption by reference.
11.04.130	Preparation of EIS--Additional considerations.
11.04.140	Commenting procedure--Adoption by reference.
11.04.150	Public notice.
11.04.160	Designation of official to perform consulted agency responsibilities.
11.04.170	Use of existing environmental documents--Adoption by reference.
11.04.180	Substantive authority--Appeals--Adoption by reference.
11.04.190	Substantive authority.
11.04.200	Definitions--Adoption by reference.
11.04.210	Categorical exemptions--Adoption by reference.
11.04.220	Agency compliance--Adoption by reference.
11.04.230	Fees.
11.04.240	Effective date.
11.04.250	Severability.
11.04.260	Forms--Adoption by reference.

11.04.010 Authority to adopt statutes. The town adopts this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and SEPA Rules, WAC 197-11-904. This chapter contains this town's SEPA procedures and policies. The SEPA Rules, WAC Chapter 197-11, must be used in conjunction with this chapter. (Ord. 482 §1(part), 1994; Ord. 408 §1, 1984).

11.04.020 Basic requirements--Adoption by reference. This section contains the basic requirements that apply to the SEPA process. The town adopts the following sections of Chapter 197-11 of the Washington Administrative Code by reference:

WAC 197-11-040 Definitions.
050 Lead agency.
055 Timing of the SEPA process.
060 Content of environmental review.
070 Limitations on actions during SEPA process.
080 Incomplete or unavailable information.
090 Supporting documents.
100 Information required of applicants.

(Ord. 482 §1(part), 1994; Ord. 408 §2, 1984).

11.04.030 Additional definitions. In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

A. "Department" means any division, subdivision or organizational unit of the town established by ordinance, rule, or order.

B. "Early notice" means the town's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal.

C. "Ordinance" means the ordinance, resolution, or other procedure used by the town to adopt regulatory requirements.

D. "SEPA rules" means WAC Chapter 197-11 adopted by the Department of Ecology. (Ord. 482 §1(part), 1994; Ord. 408 §3, 1984).

11.04.040 Designation of responsible official. A. For those proposals for which the town is the lead agency, the responsible official shall be the building inspector.

B. For all proposals for which the town is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "re-

sponsible official" by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.

C. The town shall retain all documents required by the SEPA rules (WAC Chapter 197-11) and make them available in accordance with RCW Chapter 42.17. (Ord. 482 §1(part), 1994; Ord. 408 §4, 1984).

11.04.050 Lead agency determination and responsibilities. A. The department within the town receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050 and 197-11-922 through 197-11-940; unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.

B. When the town is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements, if any EIS is necessary shall supervise preparation of the EIS.

C. When the town is not the lead agency for a proposal, all departments of the town shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decision on the proposal. No town department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the town may conduct supplemental environmental review under WAC 197-11-600.

D. If the town or any of its departments receives a lead agency determination made by another agency that appears inconsistent with criteria of WAC 197-11-022 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the town must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the town may be initiated by the building inspector.

E. Departments of the town are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approved the agreement.

F. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal. (Ord. 482 §1(part), 1994; Ord. 408 §5, 1984).

11.04.060 Additional consideration in time limits applicable to SEPA process. A. The following time limits (expressed in calendar days) shall apply when the town processes licenses for all private projects and those governmental proposals submitted to the town by other agencies.

B. Threshold determinations:

1. The town should request such further information within fifteen days of receiving an adequate application and completed environmental checklist;

2. The responsible official shall complete the threshold determination within fifteen days of receiving the requested information from the applicant or the consulted agency. (Ord. 482 §1(part), 1994; Ord. 408 §6, 1984).

11.04.070 Additional timing considerations. A. For nonexempt proposals, the draft for the proposal shall accompany the town's staff recommendation to any appropriate advisory body, such as the planning commission.

B. If the town's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the town conduct environmental review prior to submission of the detailed plans and specifications. (Ord. 482 §1(part), 1994; Ord. 408 §7, 1984).

11.04.080 EIS requirement determination--Adoption by reference. This part contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The town adopts the following sections by reference, as supplemented in this part:

WAC	197-11-300	Purpose of this part.
	305	Categorical exemptions.
	310	Threshold determination required.
	315	Environmental checklist.
	330	Threshold determination process.
	335	Additional information
	340	Determination of nonsignificance (DNS).
	350	Mitigated DNS.
	360	Determination of significance (DS)/ initiation of scoping.
	390	Effect of threshold determination.

(Ord. 482 §1(part), 1994; Ord. 408 §8, 1984).

11.04.090 Use of exemptions. A. Each department within the town that receives an application for a license or, in the case of governmental proposals, the department

initiating the proposal, shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The town shall not require completion of an environmental checklist for an exempt proposal.

B. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

C. If a proposal includes both exempt and nonexempt actions, the town may authorize exempt actions prior to compliance with the procedural requirements of this chapter except that:

1. The town shall not give authorization for:

a. Any nonexempt action,

b. Any action that would have an adverse environmental impact, or

c. Any action that would limit the choice of alternatives;

2. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and

3. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved. (Ord. 482 §1(part), 1994; Ord. 408 §9, 1984).

<u>11.04.100 Environmental checklist</u>. A. A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; except a checklist is not needed if the town and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The town shall use the environmental checklist to determine the lead agency and, if the town is the lead agency, for determining the responsible official and for making the threshold determination.

B. For private proposals, the town shall require the applicant to complete the environmental checklist, providing assistance as necessary. For town proposals, the department initiating the proposal shall complete the environmental checklist for that proposal. (Ord. 482 §1(part), 1994; Ord. 408 §10, 1984).

11.04.110 Mitigated DNS. A. As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

B. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

2. Precede the town's actual threshold determination for the proposal.

C. The responsible official should respond to the request for early notice within fifteen working days. The response shall:

1. Be written;

2. State whether the town considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is leading the town to consider a DS; and

3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

D. As much as possible, the town should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

E. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the town shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:

1. If the town indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the town shall issue and circulate a DNS under WAC 197-11-340(2).

2. If the town indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the town shall make the threshold determination, issuing a DNS or DS as appropriate.

3. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposal to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.

4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

F. A mitigated DNS is issued under WAC 197-11-340(2), requiring a fifteen day comment period and public notice.

G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the town.

H. If the town's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the town should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).

I. The town's written response under subsection B of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the town to consider the clarifications or changes in its threshold determination. (Ord. 482 §1(part), 1994; Ord. 408 §11, 1984).

11.04.120 Preparation of EIS--Adoption by reference. This part contains the rules for preparing environmental impact statements. The town adopts the following sections by reference, as supplemented by this part:

WAC 197-11-400		Purpose of EIS.
	402	General requirements.
	405	EIS types.
	406	EIS timing.
	408	Scoping.
	410	Expanded scoping (Optional).
	420	EIS preparation.
	425	Style and size.
	430	Format.
	435	Cover letter or memo.
	440	EIS contents.
	442	Contents of EIS on nonproject proposals.
	443	EIS contents when prior nonproject EIS.
	444	Elements of the environment.
	448	Relationship of EIS to other considerations.
	450	Cost-benefit analysis.
	455	Issuance of DEIS.
	460	Issuance of FEIS.

(Ord. 482 §1(part), 1994; Ord. 408 §12, 1984).

11.04.130 Preparation of EIS--Additional considerations. A. Preparation of draft and final EIS's (DEIS and FEIS) and draft and final supplemental EIS's (SEIS) is the responsibility of the building inspector under the direction of the responsible official. Before the town issues an EIS, the responsible official shall be satisfied that it complies with this chapter and WAC Chapter 197-11.

B. The DEIS and FEIS or draft and final SEIS shall be prepared by town staff, the applicant, or by a consultant selected by the town or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the town will prepare the EIS, their responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the town's procedure for EIS preparation including approval of the DEIS and FEIS prior to distribution.

C. The town may require an applicant to provide information the town does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (Ord. 482 §1(part), 1994; Ord. 408 §13, 1984).

11.04.140 Commenting procedure--Adoption by reference. This section contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The town adopts the following sections by reference, as supplemented in this part:

WAC 197-11-500		Purpose of this part.
	502	Inviting comment.
	504	Availability and cost of environmental documents.
	508	SEPA register.
	535	Public hearings and meetings.
	545	Effect of no comment.
	550	Specificity of comments.
	560	FEIS response to comments.
	570	Consulted agency costs to assist lead agency.

(Ord. 482 §1(part), 1994; Ord. 408 §14, 1984).

11.04.150 Public notice. A. Whenever the town issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the town shall give public notice as follows:

1. If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.

2. If no public notice is required for the permit or approval, the town shall give notice of the DNS or DS by posting the property, for site-specific proposals.

3. Whenever the town issues a DS under WAC 197-11-360(3), the town shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

B. Whenever the town issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

1. Indicating the availability of the DEIS in any public notice required for a nonexempt license; and

2. Posting the property, for site-specific proposals.

C. Whenever possible, the town shall integrate the public notice required under this section with existing notice procedures for the town's nonexempt permit(s) or approval(s) required for the proposal.

D. The town may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense. (Ord. 482 §1(part), 1994; Ord. 408 §15, 1984).

11.04.160 Designation of official to perform consulted agency responsibilities. A. The building inspector shall be responsible for preparation of written comments for the town in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

B. This person shall be responsible for the town's compliance with WAC 197-11-550 whenever the town is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the town. (Ord. 482 §1(part), 1994; Ord. 408 §16, 1984).

11.04.170 Use of existing environmental documents--Adoption by reference. This part contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the town's own environmental compliance. The town adopts the following sections by reference:

WAC 197-11-600	When to use existing environmental documents.
610	Use of NEPA documents.
620	Supplemental environmental impact statement--Procedures.
625	Addenda--Procedures.
630	Adoption--Procedures.
635	Incorporation by reference--Procedures.
640	Combining documents.

(Ord. 482 §1(part), 1994; Ord. 408 §17, 1984).

11.04.180 Substantive authority--Appeals--Adoption by reference. This section contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This section also contains procedures for appealing SEPA determinations to agencies or the courts. The town adopts the following sections by reference:

WAC 197-11-650 Purpose of this part.
655 Implementation.
660 Substantive authority and mitigation.
680 Appeals.

(Ord. 482 §1(part), 1994; Ord. 408 §18, 1984).

11.04.190 Substantive authority. A. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the town.

B. The town may attach conditions to a permit or approval for a proposal so long as:

1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this ordinance; and

2. Such conditions are in writing; and

3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

4. The town has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

5. Such conditions are based on one or more policies in subsection D of this section and cities in the license or other decision document.

C. The town may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter; and

2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

3. The denial is based on one or more policies identified in subsection D of this section and identified in writing in the decision document.

D. The town designates and adopts by reference the following policies as the basis for the town's exercise of authority pursuant to this section:

1. The town shall use all practicable means, consistent with other essential considerations of state policy, to improve, and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

b. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

d. Preserve important historic, cultural, and natural aspects of our national heritage;

e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

2. The town recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

E. Any appeal of the building commissioner's decision may be appealed to the planning commission on a de novo basis. (Ord. 482 §1(part), 1994; Ord. 408 §19, 1984).

11.04.200 Definitions--Adoption by reference. This part contains uniform usage and definitions of terms under SEPA. The town adopts the following sections by reference, as supplemented by WAC 173-806-040:

WAC 197-11-700 Definitions.
702 Act.
704 Action.
706 Addendum.
708 Adoption.
710 Affected tribe.
712 Affecting.
714 Agency.
716 Applicant.
718 Built environment.
720 Categorical exemption.
722 Consolidated appeal.
724 Consulted agency.
726 Cost-benefit analysis.
728 County/city.
730 Decision maker.
732 Department.
734 Determination of nonsignificance (DNS).
736 Determination of significance (DS).
738 EIS.

WAC 197-11-740 Environment.
742 Environmental checklist.
744 Environmental document.
746 Environmental review.
748 Environmentally sensitive area.
750 Expanded scoping.
752 Impacts.
754 Incorporation by reference.
756 Lands covered by water.
758 Lead agency.
760 License.
762 Local agency.
764 Major action.
766 Mitigated DNS.
768 Mitigation.
770 Natural Environment.
772 NEPA.
774 Nonproject.
776 Phased review.
778 Preparation.
780 Private project.
782 Probable.
784 Proposal.
786 Reasonable alternative.
788 Responsible official.
790 SEPA.
792 Scope.
793 Scoping.
794 Significant.
796 State Agency.
797 Threshold determination.
799 Underlying governmental action.

(Ord. 482 §1(part), 1994; Ord. 408 §20, 1984).

11.04.210 Categorical exemptions--Adoption by reference. The town adopts by reference the following rules for categorical exemptions, as supplemented in this chapter, including WAC 173-806-070 (Flexible thresholds), WAC 173-806-080 (Use of exemptions), and WAC 173-806-190 (Environmentally sensitive areas):

WAC 197-11-800 Categorical exemptions.
880 Emergencies.
890 Petitioning DOE to change exemptions.

(Ord. 482 §1(part), 1994; Ord. 408 §21, 1984).

11.04.220 Agency compliance--Adoption by reference. This part contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating environmentally sensitive areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The town adopts the following sections by reference, as

supplemented by WAC 173-806-045 through 173-806-053 and this part:

WAC 197-11-900		Purpose of this part.
	902	Agency SEPA policies.
	916	Application to ongoing actions.
	920	Agencies with environmental expertise.
	922	Lead agency rules.
	924	Determining the lead agency.
	926	Lead agency for governmental proposals.
	928	Lead agency for public and private proposals.
	930	Lead agency for private projects with one agency with jurisdiction.
	932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a town.
	934	Lead agency for private projects requiring licenses from a local agency, not a town, and one or more state agencies.
	936	Lead agency for private projects, requiring licenses from more than one state agency.
	938	Lead agencies for specific proposals.
	940	Transfer of lead agency status to a state agency.
	942	Agreements on lead agency status.
	944	Agreements on division of lead agency duties.
	946	DOE resolution of lead agency disputes.
	948	Assumption of lead agency status.

(Ord. 482 §1(part), 1994; Ord. 408 §22, 1984).

11.04.230 Fees. The town shall require the following fees for its activities in accordance with the provisions of this chapter:

A. Threshold Determination. For every environmental checklist, the town will receive when it is lead agency, the town shall collect a fee of fifty dollars from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee.

B. Environmental Impact Statement.

1. When the town is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the town, the town may charge and collect a reasonable fee from any applicant to cover costs incurred by the town in preparing

the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.

2. The responsible official may determine that the town will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the town and may bill such costs and expenses directly to the applicant. The town may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the town and applicant after a call for proposals.

3. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under (1) and (2) of this subsection which remain after incurred costs are paid.

C. The town may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.

D. The town shall not collect a fee for performing its duties as a consulted agency.

E. The town may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by RCW Chapter 42.17. (Ord. 482 §1(part), 1994; Ord. 408 §23, 1984).

11.04.240 Effective date. The effective date of this chapter is November 1, 1984. (Ord. 482 §1(part), 1994; Ord. 408 §24, 1984).

11.04.250 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected. (Ord. 482 §1(part), 1994; Ord. 408 §25, 1984).

11.04.260 Forms--Adoption by reference. The town adopts the following forms and sections by reference:

WAC 197-11-960		Environmental checklist.
	965	Adoption notice.
	970	Determination of nonsignificance (DNS).
	980	Determination of significance and scoping notice (DS).
	985	Notice of assumption of lead agency status.
	990	Notice of action.

(Ord. 482 §1(part), 1994; Ord. 408 §26, 1984).

Chapter 11.08

PROTECTION OF RESOURCE LANDS AND CRITICAL AREAS*

Sections:

11.08.010 Definitions.
11.08.020 Purpose, intent and applicability.
11.08.030 Permitted, conditional and prohibited uses.
11.08.040 Project review required.
11.08.050 Record of notice.
11.08.055 Performance bonds.
11.08.060 Wetlands.
11.08.070 Aquifer protection areas.
11.08.080 Critical wildlife habitat.
11.08.090 Frequently flooded areas.
11.08.095 Geologically hazardous areas.
11.08.100 List of resource lands.
11.08.110 Data maps.
11.08.120 Reasonable use.
11.08.150 Violation, penalties and enforcement.

11.08.010 Definitions. Where a term here duplicates a term already defined in Title 17, the definition in this chapter shall prevail:

"Advance mitigation" means mitigation of an anticipated critical area impact or hazard completed according to an approved critical area report and prior to site development.

"Agricultural lands" means those lands not already characterized by urban growth and that are of long-term significance for the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, and animal products, or the food and fiber for the consumption of livestock, or other products and processes normally associated with farming.

"Alteration, critical area" means any human-induced change in an existing condition of a critical area or its buffer. Alterations include but are not limited to grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation or any other activity that changes the character of the critical area.

"Applicant" means a person who files an application for permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a lessee of the land, the person who would actually control and direct the proposed activity or the authorized agent of such a person.

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* Code reviser's note: Ordinance 635 sets out the provisions of this chapter as Chapter 17.08. The chapter has been editorially renumbered to retain the chapter numbering originally given to the town's critical areas provisions.

"Aquifer, sole source" means an area designated by the U.S. Environmental Protection Agency under the Safe Drinking Water Act of 1974, Section 1424(e). The aquifer(s) must supply fifty percent or more of the drinking water for an area without a sufficient replacement available.

"Area of shallow flooding" means an area designated AO or AH Zone on the flood insurance map(s). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

"Base flood" means a flood event having a one percent chance of being equaled or exceeded in any given year, also referred to as the one-hundred-year flood. Designations of base flood areas on flood insurance map(s) always include the letter A or V.

"Best available science" means current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925 according to criteria set forth in Chapter 365-195 WAC. Sources of best available science are included in "Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas" published by the State Department of Commerce.

"Best management practices" means conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment; minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands; protect trees and vegetation designated to be retained during and following site construction; and provide standards for proper use of chemical herbicides within critical areas.

"Conservation easement" means a legal agreement that the property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property, therefore providing permanent or long-term protection.

"Critical aquifer recharge area" means an area with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge (WAC 365-190-030(3)).

Areas designated by WAC 365-190-080(2) that are determined to have a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2).

"Critical habitat" means habitat necessary for the survival of endangered, threatened, rare, sensitive or monitor species.

"Data maps" means that series of maps maintained by the town of Odessa or its referenced repository for the purpose of graphically depicting the boundaries of resource lands and critical areas.

"Developable area" means a site or portion of a site that may be utilized as the location of development.

"Development" means any activity upon the land consisting of construction or alteration of structures, earth movement, dredging, dumping, grading, filling, mining, removal of any sand, gravel, or minerals, driving of piles, drilling operations, bulkheading, clearing of vegetation, or other land disturbance. Development includes the storage or use of equipment or materials inconsistent with the existing use. Development also includes approvals issued by the town that bind land to specific patterns of use, including but not limited to subdivisions, short subdivisions, zone changes, conditional use permits, and binding site plans. Development activity does not include the following activities:

A. Interior building improvements.

B. Exterior structure maintenance activities, including painting and roofing.

C. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding.

D. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning); wells; individual utility service connections; and individual cemetery plots in established and approved cemeteries.

"Erosion hazard areas" means those areas containing soils which, according to the United States Department of Agriculture Natural Resources Conservation Service Soil Survey Program, may experience significant erosion. Erosion hazard areas also include channel migration zones.

"Fish and wildlife habitat conservation areas" means areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. These areas do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

"Flood insurance map" means the official map on which the Federal Insurance Administration has delineated the areas of special flood hazards and included the risk premium zones applicable to the community. Also known as "flood insurance rate map" or "FIRM."

"Flood plain" means the total land area adjoining a river, stream, watercourse or lake subject to inundation by the base flood.

"Forest lands" means those lands not already characterized by urban growth and that are of long-term significance for the commercial production of timber and other wood fiber normally associated with forestry practices.

"Frequently flooded areas" means lands in the flood plain subject to a one percent or greater chance of flooding in any given year or within areas subject to flooding due to high groundwater. These areas include, but are not limited to, streams, rivers, lakes, wetlands, and areas where high groundwater forms ponds on the ground surface. Frequently flooded areas, as described in WAC 365-190-110, perform important hydrologic functions and may present a risk to persons and property. Classifications of frequently flooded areas include, at a minimum, the one-hundred-year flood plain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

"Functions and values" means the beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, wave attenuation, protection from hazards, historical and archaeological and aesthetic value protection, and recreation. These beneficial roles are not listed in order of priority.

"Geologically hazardous areas" means areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

"Groundwater" means water in a saturated zone or stratum beneath the surface of land or a surface water body.

"Habitats of local importance" means those fish and wildlife habitat conservation areas found to be locally important by the town of Odessa or Lincoln County.

"Landslide hazard areas" means areas at risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

"Liquefaction potential areas" means areas underlain by noncohesive soils of low density, typically in association with a shallow groundwater table, that pose risk of soil settlement or liquefaction.

"Long-term commercial significance" means the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of the land.

"Mine hazard areas" means areas underlain by, adjacent to, or affected by mine workings such as adits, gangways, tunnels, drifts, or airshafts.

"Mineral resource lands" means those lands not already characterized by urban growth and are of long-term significance for the production or extraction of aggregate and other mineral substances, including: sand, gravel, and other valuable metals.

"Mitigation" means an action involving the avoidance, reduction or compensation for possible adverse impacts. In the following order of preference this includes:

A. Avoiding the impacts altogether by not taking action;

B. Reducing or eliminating impacts by preservation or maintenance;

C. Minimizing impacts by limiting degree or magnitude;

D. Rectifying impacts by repairing, rehabilitating or restoring;

E. Compensating for impacts by in-kind replacement; or

F. Monitoring impacts by a planned evaluation process.

"Monitoring" means evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems and assessing the performance of required mitigation measures throughout the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features, and includes gathering baseline data.

"Native vegetation" means plant species that are indigenous to the area in question.

"Off-site compensation" means to replace critical areas away from the site on which a critical area has been impacted.

"On-site compensation" means to replace critical areas at or adjacent to the site on which a critical area has been impacted.

"Permeability" means the capacity of an aquifer or confining bed to transmit water. It is a property of the aquifer or confining bed and is independent of the force causing movement.

"Porous soil types" means soils, as identified by the National Resources Conservation Service, U.S. Department of Agriculture, that contain voids, pores, interstices or other openings which allow the passing of water.

"Potable water" means water that is safe and palatable for human use.

"Priority habitat" means habitat type or elements with unique or significant value to one or more species as classified by the State Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. (WAC 173-26-020(340))

"Project area" means all areas within fifty feet of the area proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures.

"Qualified professional" means a person with experience and training in the applicable critical area. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or related field, and two years of related work experience.

A. A qualified professional for habitats or wetlands must have a degree in biology and professional experience related to the subject species.

B. A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wet-

lands using the federal manual and supplements, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.

C. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.

D. A qualified professional for critical aquifer recharge areas means a currently licensed Washington State geologist holding a current specialty license in hydrogeology.

"Restoration" means measures taken to restore an altered or damaged natural feature including:

A. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and

B. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

"Seismic hazard areas" means areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, or debris flows.

"SEPA" means the Washington State Environmental Policy Act, Chapter 43.21C RCW; together with corresponding administrative rules set forth in Chapter 197-11 WAC.

"Special flood hazard areas" means the land in the flood plain within an area subject to a one percent or greater chance of flooding in any given year. Designations of special flood hazard areas on flood insurance map(s) always include the letter A or V.

"Special protection areas" means aquifer recharge areas described in WAC 173-200-090 that require special consideration or increased protection because of unique characteristics, including, but not limited to:

A. Groundwaters that support an ecological system requiring more stringent criteria than drinking water standards;

B. Groundwater recharge areas and wellhead protection areas that are vulnerable to pollution because of hydrogeologic characteristics; and

C. Sole source aquifer status.

"Species, endangered" means any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.

"Species of local importance" means those species of local concern due to their population status or their sensitivity to habitat, or that are game species.

"Species, priority" means any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels as classified by the state Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

"Species, threatened" means any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Urban growth" means growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

"Volcanic hazard areas" means areas subject to pyroclastic flows, lava flows, and inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity.

"Water table" means that surface in an unconfined aquifer at which the pressure is atmospheric. It is defined by the levels at which water stands in wells that penetrate the aquifer just far enough to hold standing water.

"Wetland(s)" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

"Wetland, emergent" means a regulated wetland with at least thirty percent of the surface area covered by erect, rooted, herbaceous vegetation extending above the water surface as the uppermost vegetative strata.

"Wetlands, isolated" means those wetlands that are outside of and not contiguous to any one-hundred-year flood plain of a lake, river, or stream, and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

"Wetlands of high conservation value" means wetlands that represent rare plant communities or provide habitat for rare plants uncommon in eastern Washington, as identified by scientists from the State Department of Natural Resources Natural Heritage Program. (Ord. 706 §1, 2019: Ord. 635 §1(part), 2010).

11.08.020 Purpose, intent and applicability. The purpose of this chapter is to designate, classify and protect the functions and values of critical areas in a manner consistent with state law while allowing for reasonable use of private property. By adopting this chapter, the town of Odessa acknowledges that critical areas provide a variety of important biological and physical functions that benefit the community and its residents or may pose a threat to human safety or property. The purpose of this chapter is to designate, classify and protect the functions and values of critical areas in a manner consistent with state law while allowing for reasonable use of private property.

The critical area overlay zone consists of that area within two hundred feet of designated wetlands (as designated in the national wetlands inventory), aquifer recharge areas, critical wildlife habitat (as identified by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Washington Department of Fish and Wildlife, the Department of Natural Resources and the Washington Conservation Commission), frequently flooded areas (within Zone A as shown on National Flood Insurance Program maps) or geologically hazardous areas (as identified by the U.S. Geological Survey and the Department of Natural Resources). Any development proposed on a parcel of land within the critical area overlay zone shall be subject to project review as required in this section unless specifically exempted. (Ord. 635 §1(part), 2010).

11.08.030 Permitted, conditional and prohibited uses. Uses allowed by right or by conditional use permit or uses altogether prohibited in the critical areas overlay zone shall be the same as those listed in the underlying zoning district. (Ord. 635 §1(part), 2010).

11.08.040 Project review required. A. Land use or building permits for clearing or development activities within the critical areas overlay zone shall be subject to review under provisions of this chapter unless specifically exempted in subsection C of this section.

B. For those projects determined by the town clerk or designee likely to have an impact to the critical areas, the applicant shall submit a technical study identifying the precise limits of the critical area and its function and resource value as part of the application. The study shall be prepared by experts with demonstrated qualifications in the area of concern and shall apply best available science as part of its analysis.

C. The following activities shall be allowed in critical areas without a critical areas permit provided they are conducted using best management practices and at a time and in a manner designed to minimize adverse impacts to the critical area:

1. Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife;

2. Outdoor recreational activities which do not involve disturbance of the resource or site area, including fishing, hunting, bird watching, hiking, horseback riding and bicycling;

3. Harvesting wild crops in a manner that is not injurious to the natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops or alteration of the resource by changing existing topography, vegetation, water conditions or water sources;

4. Education, scientific research and use of nature trails;

5. Existing and ongoing agriculture activities, including farming, horticulture, aquaculture, irrigation, ranching or grazing of animals. Activities which bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area in which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conservation program;

6. Normal and routine maintenance of legally constructed irrigation and drainage ditches;

7. Normal and routine maintenance, repair or operation of existing serviceable structures, facilities or improved areas, not including expansion, change in character or scope or construction of a maintenance road;

8. Minor modification (such as construction of a patio, balcony or second story) of existing serviceable structures where the modification does not adversely impact the functions of the critical area.

D. The town requires applicants to demonstrate that development on a site determined to have critical areas will protect the resource by taking one of the following steps (listed in order of preference):

1. Avoid impacts to the resource altogether.

2. Minimize the impact by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.

3. Rectify the impact by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project.

4. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.

5. Compensate for the impact by replacing, enhancing or providing substitute resources or environments.

6. Monitoring the impact and taking appropriate corrective measures.

E. If a critical resource on the property that is being developed in the town crosses a jurisdictional line, the town of Odessa shall coordinate with Lincoln County in the review of the project.

F. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, shoreline substantial development permits, HPA permits, Army Corps of Engineers Section 404 permits, or NPDES permits). The applicant is responsible for complying with these requirements, apart from the process established in this chapter. Where applicable, the

designated official will encourage use of information such as permit applications to other agencies or special studies prepared in response to other regulatory requirements to support required documentation submitted for critical areas review. (Ord. 706 §2, 2019: Ord. 635 §1(part), 2010).

11.08.050 Record of notice. A. All critical areas, once identified, shall be recorded on all documents of title of record for all affected property.

B. Notification. Property owners with land adjacent to identified critical areas must be notified of critical area buffers on their lands.

C. Signing. The outer perimeter of identified critical areas shall be clearly marked throughout construction to ensure that no unauthorized intrusion will occur prior to the commencement of permitted activities. The administrative official may require permanent signs with specific and appropriate wording be installed along the boundary of a critical area as a condition of any permit or approval. (Ord. 635 §1(part), 2010).

11.08.055* Performance bonds. When a performance bond or other surety instrument is attached as a condition of approval to a development permit, or any mitigation associated with a development permit, the applicant shall be required to post a monetary amount determined to be acceptable by the town in addition to the following requirements:

A. The amount shall be one hundred twenty-five percent of the estimated cost of uncompleted actions or the estimated cost of restoring the functions and values of the critical area that is at risk, whichever is greater.

B. Depletion or collection of bond funds shall not discharge the applicant's or violator's obligation to complete any required mitigation, maintenance, monitoring, or restoration.

C. Public development proposals shall be exempt from this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.

D. Failure to satisfy any provisions attached to a development permit under the terms of this chapter shall constitute a default and authorize the town to demand payment of any financial guarantees.

Any funds recovered pursuant to this section shall be used to complete the required mitigation or other required actions. (Ord. 635 §1(part), 2010).

11.08.060 Wetlands. A. The existence of a wetland and the location of its boundary shall be determined by a qualified professional using the approved federal wetland delineation manual and applicable regional supplements. The permit applicant shall be

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* Code reviser's note: Ordinance 635 sets out the provisions of this section as Section 17.08.060. The section has been editorially renumbered to prevent duplication of numbering.

responsible for the cost of this work. All areas within the town meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this chapter.

B. A wetland containing features satisfying the criteria of more than one of the following categories shall be classified in the highest applicable category. A wetland can be classified into more than one category when distinct areas that clearly meet the criteria of separate categories exist. The following categories are consistent with the Washington State Rating System for Eastern Washington--2014 Update (Ecology Publication No. 14-06-030, October 2014) or as revised, determining wetland categories:

Wetland Category	Description
Category I	(1) alkali wetlands; (2) wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR as high quality wetlands; (3) bogs and calcareous fens; (4) mature and old-growth forested wetlands over 1/4 acre with slow-growing trees; (5) forests with stands of aspen; and (6) wetlands that perform many functions very well (scores 22 to 27). These wetlands are those that (1) represent a unique or rare wetland type; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of function.
Category II	(1) forested wetlands in the floodplains of rivers; (2) mature and old-growth forested wetlands over 1/4 acre with fast-growing trees; (3) vernal pools; and (4) wetlands that perform functions well (scores between 19 to 21 points). These wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection.

Wetland Category	Description
Category III	(1) wetlands with a moderate level of functions (scores between 16 to 18 points). These wetlands can be often adequately replaced with a well-planned mitigation project. Wetlands scoring between 16 to 18 points generally have been disturbed in some ways, and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
Category IV	Category IV wetlands have the lowest level of functions (scores less than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, and in some cases be able to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions and also need to be protected.

C. Development near wetlands shall observe the following setbacks from the edge of the wetland. No development or activity shall occur within the required setbacks unless the applicant can demonstrate that the proposed use or activity will not degrade the functions and values of the wetland and other critical areas according to the evaluation criteria from subsection E of this section. In no case shall any development or activity be permitted closer to the edge of the wetland than within one-half of the required setback. The buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or widened to ensure that adequate functions of the buffer are provided.

Wetland Category	Setback
Category I Wetland	250 feet
Category II Wetland	200 feet
Category III Wetland	150 feet
Category IV Wetland	50 feet

D. Buffer zones may be increased if the town council finds, on a case-by-case basis and based upon best available science, at least one of the following applies:

1. A larger buffer is necessary to maintain viable populations of existing species; or

2. The wetlands are used by species proposed or listed by the federal government or the state as endangered, threatened, rare, sensitive or being monitored as habitat for those species or has unusual nesting or resting sites; or

3. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; or

4. The adjacent land has minimal vegetative cover or slopes greater than twenty-five percent.

E. Buffer zones may be decreased if the town council finds, on a case-by-case basis using 8D.2.3 of Appendix 8-D: Guidance on Widths of Buffers and Ratios for Compensatory Mitigation for Use with the Eastern Washington Wetland Rating System and based upon best available science, that all of the following apply:

1. The critical area report provides a sound rationale for a reduced buffer; and

2. The existing buffer area is well-vegetated with native species and has less than ten percent slopes; and

3. No direct or indirect, short-term or long-term adverse impact to the wetland will result from the proposed activity.

F. Wetland buffer areas may be used for conservation and restoration activities, passive recreation (including trails, wildlife viewing structures and fishing access areas) and stormwater management facilities.

1. Pedestrian trails in wetlands or buffers shall be limited to permeable surfaces no more than five feet in width. Trails should not be permitted in wetlands except for minor crossings that minimize impact. They should be located only in the outer twenty-five percent of a wetland buffer and should be designed to avoid removal of significant trees.

2. Stormwater management facilities are not allowed in buffers of Category I or II wetlands.

3. Stormwater management facilities shall be limited to stormwater dispersion outfalls and bioswales. They may be allowed within the outer twenty-five percent of the buffer of Category III or IV wetlands only; provided, that:

a. No other location is feasible; and

b. The location of such facilities will not degrade the functions or values of the wetland.

G. If activities result in the loss or degradation of a regulated wetland or buffer, a mitigation or enhancement plan prepared by a qualified expert, using Ecology's guidance for the preparation of mitigation plans: Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance (Version 1, Ecology Publication No. 06-06-011a, March 2006) and Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans (Version 1, Ecology Publication No. 06-06-011b, March 2006), shall be submitted for review and approval by the town. Any mitigation or replacement wetland

shall be located in the same watershed as the impacted wetland(s) of the same category and shall comply with the following ratios (new wetland area to that impacted by the proposal):

Wetland Category	Mitigation Ratio
Category I Wetland	6:1
Category II Wetland	3:1
Category III Wetland	2:1
Category IV Wetland	1.5:1

(Ord. 706 §3, 2019: Ord. 635 §1(part), 2010).

11.08.070 Aquifer protection areas. A. A critical aquifer recharge area has prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of groundwater resources or contribute significantly to the replenishment of groundwater. These areas include the following:

1. Wellhead protection areas. Wellhead protection areas may be defined by the boundaries of the ten-year time of groundwater travel or boundaries established using alternate criteria approved by the State Department of Health in those settings where groundwater time of travel is not a reasonable delineation criterion, in accordance with WAC 246-290-135.

2. Sole source aquifers.

3. Susceptible groundwater management areas. Areas that have been designated as moderately or highly vulnerable or susceptible in an adopted groundwater management program developed pursuant to Chapter 173-100 WAC.

4. Special protection areas. Designated pursuant to WAC 173-200-090.

5. Moderately or highly vulnerable or highly susceptible aquifer recharge areas. Aquifer recharge areas that are moderately, highly vulnerable or highly susceptible to degradation or depletion due to hydrogeologic characteristics are those areas delineated by a hydrogeologic study prepared in accordance with the State Department of Ecology guidelines or meeting the criteria established by the Department of Ecology.

B. In areas designated as high susceptibility for aquifer contamination, all uses shall be connected to the town's sewer system. No new uses on a septic system are permitted in high susceptibility areas of critical aquifer recharge.

C. For uses locating within the critical aquifer recharge area and requiring site plan review, a disclosure form indicating activities and hazardous materials that will be used shall be provided for review and approval.

D. Impervious surfaces shall be minimized within the critical aquifer recharge areas.

E. Best management practices as defined by state and federal regulations shall be followed by commercial and industrial uses located in the critical aquifer recharge areas to ensure that potential contaminants do not reach the aquifer.

F. A spill prevention and emergency response plan shall be prepared and submitted for review and approval by the town and fire district.

G. The following uses shall be prohibited within critical aquifer recharge areas:

1. Landfills, including hazardous waste, municipal solid waste, special waste, wood waste, inert waste, and demolition waste.

2. Underground injection wells, except for Class V wells that have been determined to be free of contamination potential and which are designed and maintained in keeping with the latest version of the State Department of Ecology's Stormwater Management Manual for Eastern Washington.

3. Mining of metals and hard rock. Sand and gravel mining shall also be prohibited from critical aquifer recharge areas rated as highly susceptible or vulnerable.

4. Wood treatment facilities that allow any portion of the treatment process to occur over natural or manmade permeable surfaces.

5. Facilities that store, process, or dispose of radioactive substances.

6. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source.

7. Activities that would significantly reduce the recharge to aquifers that are a source of significant baseflow to a regulated stream.

8. Activities that are not connected to an available sanitary sewer system in areas associated with sole source aquifers. (Ord. 706 §4, 2019: Ord. 635 §1(part), 2010).

11.08.080 Critical wildlife habitat. A. All areas within Odessa meeting one or more of the following criteria, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter. Fish and wildlife habitat conservation areas shall include:

1. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association.

2. State priority habitats and areas associated with state priority species.

3. Habitats and species of local importance.

4. Naturally occurring ponds under twenty acres.

5. Waters of the state. Includes lakes, rivers, ponds, streams, inland waters, and all other surface waters and water-

courses within the state of Washington as classified in WAC 222-16-031.

6. Lakes, ponds, rivers, and streams planted with game fish by a government or tribal entity.

7. State natural area preserves and natural resource conservation areas. Land essential for preserving connections between habitat blocks and open spaces.

B. The applicant for development proposed in the critical areas overlay zone that may impact habitat conservation areas shall provide a habitat management plan, prepared by a qualified expert in the species in question, for evaluation by local, state and federal agencies.

C. The habitat management plan shall be based on best available science and best management practices and shall be designed to achieve specific habitat objectives and shall include, at a minimum:

1. A detailed description of vegetation on and adjacent to the project area;

2. Identification of any species of local importance, priority species, or endangered, threatened, sensitive or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;

3. A discussion of any federal, state or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;

4. A detailed discussion of the potential impact on habitat by the project, including potential impact to water quality;

5. A discussion of measures, including avoidance, minimization and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity;

6. A discussion of continuing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.

D. A habitat conservation area may be altered only if the proposed alteration of the habitat or the mitigation proposed does not degrade the functions and values of the habitat.

E. No plant, wildlife or fish species not indigenous to the region shall be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.

F. The habitat management plan shall address the project area of the proposed activity, all habitat conservation areas and recommended buffers within three hundred feet of the project area and all other critical areas within three hundred feet of the project area.

G. Specific Habitats. In addition to general performance standards required herein, the following standards shall be required for specific habitat conservation areas:

1. Endangered, threatened, and sensitive species.

2. No development shall be allowed within a habitat conservation area or buffer with which state or federally endangered, threatened, or sensitive species have a primary association.

3. Approval for alteration of land adjacent to a habitat conservation area or its buffer where endangered, threatened, and sensitive species have a primary association shall not occur prior to consultation with the state Department of Fish and Wildlife and the appropriate federal agency.

4. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules, WAC 232-12-292, and any activity proposed within eight hundred feet, or within two thousand six hundred forty feet and in a shoreline foraging area, of a verified nest territory or communal roost shall include a habitat management plan developed by a qualified professional. The habitat management plan shall be approved by the state Department of Fish and Wildlife prior to any final permit approvals.

H. Anadromous Fish. All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall, at a minimum, adhere to the following standards:

1. Activities shall be timed to occur only during the allowable work window as designated by the state Department of Fish and Wildlife for the applicable species.

2. Alternative alignments or location for the activity is determined to be nonfeasible.

3. The activity is designed so that it does not degrade the functions and values of the fish habitat or other critical areas. Any impacts to the functions and values of the habitat conservation area shall be mitigated in accordance with an approved critical areas report mitigation plan. (Ord. 635 §1(part), 2010).

11.08.090 Frequently flooded areas. Applicants for development within frequently flooded areas shall comply with provisions of Chapter 15.20. Frequently flooded areas shall include the following:

A. Areas of Special Flood Hazard. Areas identified by the Federal Insurance Administration Flood Insurance Study for Lincoln County, Washington and Incorporated Areas and accompanying maps, including Federal Emergency Management Agency Flood Insurance Rate Maps.

B. Areas Identified by the Administrative Official. Areas of special flood hazard identified by the administrative official based on review of base flood elevation and floodway data available from federal, state, local agency, or other valid sources when base flood elevation data has not been provided by the Federal Insurance Administration. (Ord. 706 §5, 2019: Ord. 635 §1(part), 2010).

11.08.095 Geologically hazardous areas. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, mine hazard areas, liquefaction potential areas, seismic hazard areas, and volcanic hazard areas as defined herein. At the time of adoption of the ordinance codified in this chapter, the town is aware of no geologically hazardous areas within the town limits.

If geologically hazardous areas are identified in the future, they shall be considered to be "designated" for the purpose of critical areas review; and applications for development in such areas shall comply with the geologically hazardous areas provisions found in Section 18.16.620 of the Lincoln County Code, which are adopted by reference for that purpose as though fully set forth herein. (Ord. 706 §6, 2019).

11.08.100 List of resource lands. The town of Odessa hereby declares that within the incorporated area of the town, there are no identified or designated resource lands such as agricultural lands, forest lands, or mineral lands. (Ord. 635 §1(part), 2010).

11.08.110 Data maps. A. Resource lands and critical areas are hereby designated on a series of data maps maintained at the town of Odessa, as well as state agency resource maps which may be utilized by the town to identify critical areas. These maps contain the best available graphic depiction of resource lands and critical areas and will be continuously updated as reliable data becomes available. These maps are for information and illustrative purposes only and are not regulatory in nature. The presence of critical areas or associated buffers on a parcel triggers the requirements of this chapter, regardless of whether or not a critical area or buffer is depicted on a data map.

B. The resource lands and critical areas data maps are intended to alert the development community, appraisers, and current or prospective property owners of a potential encounter with a use, or development limiting factor based on the natural systems. The presence of a critical area or resource designation on the data maps is sufficient foundation for the town clerk/designee to order an analysis of the factor(s) identified prior to acceptance of a development application as being complete and ready for processing under the town's applicable development regulations.

C. Interpretation of Data Maps.

1. The town clerk/designee is hereby declared the administrator of this chapter for the purpose of interpreting data maps. An affected property owner or other party with standing has a right to appeal the administrative determination to the town hearing examiner using the same procedure for zoning appeals found in the town zoning ordinance, platting and subdivision ordinance and the short plat and short subdivision ordinance, as applicable to the project.

2. The data maps are to be used as a general guide to the location and extent of resource lands and critical areas. Resource lands and critical areas indicated on the data maps are presumed to exist in the locations shown and are protected under all the provisions of this chapter. The exact location of resource lands and critical areas shall be determined as a result of field investigations performed by qualified professionals using the definitions found in this chapter. The permit applicant shall be responsible for the cost of this work. All development applications are required to show the boundary(s) of all resource lands

and critical areas on a scaled drawing prior to the development application being considered "complete" for processing purposes.

D. Application of Data Maps. The conclusion by the town clerk/designee that a parcel of land or a part of parcel of land that is the subject of a proposed development application is within the boundary(s) of one or more critical areas or resource lands as shown on the data maps shall serve as cause for additional investigation and analysis to be conducted by the applicant. The site-specific analysis shall be limited to those resource lands and critical areas indicated on the data maps. In the event of multiple designations, each subject matter will be addressed independently and collectively for the purpose of determining development limitations and appropriate mitigating measures by the town of Odessa. (Ord. 706 §7, 2019: Ord. 635 §1(part), 2010).

11.08.120 Reasonable use. "Reasonable use" means the minimum use to which a property owner is entitled under applicable state and federal constitutional provisions, including takings and substantive due process. Reasonable use shall be liberally construed to protect the constitutional property rights of the applicant. A reasonable use exemption may only be secured by using the town's conditional use process. If application of the requirements in this chapter would deny all reasonable economic use of the lot, development will be permitted if the applicant demonstrates all of the following to the satisfaction of the town:

A. There is no other reasonable use or feasible alternative to the proposed development with less impact on the critical area.

B. The proposed development does not pose a threat to the public health, safety and welfare on or off of the subject property.

C. Any alterations permitted to the requirements of this section shall be the minimum necessary to allow for reasonable use of the property.

D. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line and creating the undevelopable condition after the effective date of this section.

E. The proposal mitigates the impact on the critical area to the maximum extent possible. (Ord. 706 §8, 2019: Ord. 635 §1(part), 2010).

11.08.150 Violation, penalties and enforcement. A. The town shall have the authority to issue a stop work order ceasing any unauthorized critical area alterations in violation of this chapter and order restoration, rehabilitation, or replacement measures at the responsible party's expense to compensate for all violations. All development work shall remain stopped until a restoration plan is prepared and approved by the town. Such a plan shall be prepared by a qualified professional and shall describe how the proposed actions meet the minimum requirements of this chapter. The administrative official shall, at the violator's expense, seek expert advice in determining the adequacy of the

plan. Plans determined to be inadequate shall be returned to the applicant or violator for revision and re-submission.

B. Violation of any provision of this chapter shall be subject to a maximum monetary penalty of five hundred dollars. Each day a violation continues beyond any date issued by the town for abatement of a violation may be considered a new and separate violation. The administrative official shall have the authority to enforce the provisions of this chapter. (Ord. 635 §1(part), 2010).

Chapter 11.12

GREENHOUSE GAS REDUCTION

Sections:

11.12.010 Greenhouse gas reduction policy adopted.
11.12.020 Annual report.

11.12.010 Greenhouse gas reduction policy adopted. The policies and/or procedures attached to the resolution codified in this chapter as Exhibit "A" are adopted as the town of Odessa's greenhouse gas reduction policy to satisfy funding agency requirements and to recognize that the policies will benefit the town of Odessa and will help in reducing greenhouse gases. (Res. 2011-9 §1, 2011).

11.12.020 Annual report. Progress on the implementation of the policies and/or procedures will be documented in an annual report. (Res. 2011-9 §2, 2011).

Chapter 11.16

SHORELINE MASTER PROGRAM

Sections:

11.16.010 Adoption.

11.16.010 Adoption. The town council of Odessa hereby adopts the Lincoln County Coalition Shoreline Master Program, as set forth in Exhibit F to the ordinance codified in this chapter. (Ord. 674 §1, 2015).

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

12.04 Sidewalk Construction Standards
12.08 Parking Construction
12.12 Sidewalk Maintenance and Repair
12.16 Street Construction and Repair Agreement
12.20 Toys on Sidewalks
12.24 Bicycles on Sidewalks
12.28 Overhanging Vegetation
12.32 Street Numbering and Naming
12.36 Comprehensive Park Plan
12.40 State Highway Access Management

Chapter 12.04

SIDEWALK CONSTRUCTION STANDARDS*

Sections:

12.04.010 Concrete sidewalks required.
12.04.020 Duty of property owners to install walks--Costs to become lien when.
12.04.030 Wooden sidewalks--Council condemnation authority.
12.04.040 Uniform widths.
12.04.050 Slope.
12.04.060 Grade and subsoil requirements.
12.04.070 Construction requirements generally--Forms.
12.04.080 Cement specifications.
12.04.090 Sand specifications.
12.04.100 Gravel specifications.
12.04.110 Concrete specifications for bottom course and wearing course.
12.04.120 Wearing course requirements.
12.04.130 Surface treatment required.
12.04.140 Grooving required.
12.04.150 Sprinkling required.

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* For statutory provisions authorizing town councils to establish, lay out and maintain streets and sidewalks, see RCW 35.27.370(4); for provisions on the responsibility for meeting the burden and expense of constructing sidewalks in towns, see RCW 35.70.030 and 35.70.090.

Sections: (Continued)

12.04.160 Walks to be laid in short sections--Retempering prohibited--Replacement of poorly set concrete required.
12.04.170 Iron trapdoors--Council permission required--Specifications.
12.04.180 Violation--Penalty.

12.04.010 Concrete sidewalks required. It is unlawful for any person, persons, firm or corporation to construct, within the corporate limits of the town and its additions, any sidewalk other than concrete, upon the streets and alleys thereof, according to the plat thereof as shown by the records and files of the auditor's office of Lincoln County, or to replace an existing sidewalk with other than a concrete walk constructed in accordance with the provisions of this chapter. (Ord. 93 §1, 1910).

12.04.020 Duty of property owners to install walks--Costs to become lien when. All concrete walks when ordered by an ordinance shall be installed by the property owners. On failure of the property owners to do so, the walk will be installed by the town and the property adjacent thereto shall be assessed as by law required and the cost thereof shall be a lien upon the real estate adjacent thereto as by law provided. (Ord. 93 §15, 1910).

12.04.030 Wooden sidewalks--Council condemnation authority. The town council has the right, upon reasonable grounds therefor, to condemn any wooden sidewalk within the corporate limits and order the same replaced with a concrete walk. The council may, for reasons enumerated in this chapter, condemn any concrete walk which, on account of its improper construction or for other reasons, is not acceptable to it. (Ord. 93 §15, 1910).

12.04.040 Uniform widths. A. The uniform width of concrete sidewalks shall be four and one-half feet except as specially provided in this chapter. All ten-foot sidewalks shall be constructed from the property line toward the center of the street. Nothing but ten-foot concrete walks shall be constructed on:

1. First Avenue from Second Street to Fifth Street;
2. Fourth Street from the Great Northern right-of-way to Second Avenue;
3. Third Street from Railroad Avenue to Second Avenue.

B. Nothing but six-foot concrete walks shall be constructed on:

1. Second Street from Railroad Avenue to Second Avenue;

2. Third Street from Second Avenue to the proposed concrete bridge across Crab Creek on said street;

3. First Avenue from Fifth Street to Crab Creek;

4. First Avenue from Second Street to First Street.

C. Nothing but five-foot concrete walks shall be constructed on:

1. Third Street south from the proposed concrete bridge across Crab Creek on said street to the end of said street. (Ord. 116 §2, 1916: Ord. 93 §2, 1910).

12.04.050 Slope. All sidewalks shall be one-fourth-inch slope to the foot from the margin next to the property line to the margin toward the center of the street. (Ord. 93 §3, 1910).

12.04.060 Grade and subsoil requirements. No concrete sidewalks shall be constructed upon any embankment unless the same is sufficiently settled to afford a stable foundation. Each and all of said walks shall conform accurately to the grades of the street where now established or hereafter established by the town council.

The walks shall be constructed as follows: The subsoil shall be excavated to a depth of at least six inches below the grade and thoroughly settled and compressed by wetting and tamping. If any filling is necessary, it shall be done in the manner specified in this chapter for embankments under concrete walks. (Ord. 93 §4, 1910).

12.04.070 Construction requirements generally--Forms. All concrete walks shall be built in the latest approved manner with proper forms which shall be of surfaced lumber and shall be thoroughly wetted before placing the mortar. After the forms are set according to the grades and slopes given, the foundation shall be brought to the exact subgrade required and well wetted and smoothed down just before placing the mortar. (Ord. 93 §5, 1910).

12.04.080 Cement specifications. The cement used shall be of the best quality of portland cement of a well-established brand, which has been used on important engineering work and proved satisfactory, and subject to the approval of the committee on streets and public improvements composed of members of the town council. It shall be dry and free from lumps and foreign material, delivered on the ground in the original packages, in good condition, properly labeled and well protected from rain and dampness. (Ord. 93 §7, 1910).

12.04.090 Sand specifications. The sand used shall be clean, coarse and sharp. It shall be thoroughly washed, if necessary, until free from loam, clay or earthy particles. (Ord. 93 §8, 1910).

12.04.100 Gravel specifications. The gravel used shall be thoroughly washed, if necessary, until free from loam, clay or earthy particles. It shall range in size from one-fourth inch to one-and-one-half inches in diameter. (Ord. 93 §9, 1910).

12.04.110 Concrete specifications for bottom course and wearing course. Concrete walks shall consist of two courses:

A. A bottom course of concrete three-and-one-half inches thick, composed of one part portland cement, three parts sand, and six parts gravel and broken stone;

B. A finishing or wearing course of cement mortar one-half inch thick, composed of one part cement and two parts sand. (Ord. 93 §6, 1910).

12.04.120 Wearing course requirements. When the bottom course has been completed and before the concrete has begun to set, the finishing or wearing course shall be laid down. This course shall be mixed wet and floated on. No troweling of the surface shall be allowed. (Ord. 93 §10, 1910).

12.04.130 Surface treatment required. The surface of all walks, especially those on inclines, shall be properly treated in order that the surface may be safe for pedestrians when the walks have been covered with snow or rain, and for the purpose of preventing slipping by people walking upon the same. (Ord. 93 §11, 1910).

12.04.140 Grooving required. U-shaped grooves, one-fourth of an inch in depth, shall be made with a suitable tool dividing the walk into appropriate blocks. (Ord. 93 §12, 1910).

12.04.150 Sprinkling required. When the sidewalk is completed it shall be kept moist by sprinkling for at least one week. (Ord. 93 §13, 1910).

12.04.160 Walks to be laid in short sections--Retempering prohibited--Replacement of poorly set concrete required. All concrete shall be laid in short sections and immediately covered with the wearing surface. Retempering of concrete or mortar will not be permitted. Any concrete or mortar that fails to set to the satisfaction of the committee on streets and public improvements shall be taken out and replaced by the town or the property owner with new concrete and mortar of proper quality. Re-laying of the top course only will not be permitted. (Ord. 93 §14, 1910).

12.04.170 Iron trapdoors--Council permission required--Specifications. When necessary for the convenient use of the adjoining premises, and with the permission of the council,

iron trapdoors swinging upward, set in an iron frame, may be inserted in the walks. The doors shall be at least one-fourth inch thick and shall be studded or corrugated on the upper surface in order that the same may be safe for pedestrians during stormy or snowy weather. For the purpose of affording ventilation and light to adjacent basements or cellars, iron grating of a reasonable size may be installed adjoining the property line with permission as set forth in this section. (Ord. 93 §17, 1910).

12.04.180 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(24), 2006: Ord. 353 §1(part), 1977: Ord. 93 §18, 1910).

Chapter 12.08

PARKING CONSTRUCTION

Sections:

12.08.010 Construction specifications generally--Adjacent property owner to bear costs.
12.08.020 Prohibited within fire limits.
12.08.030 Compliance required.
12.08.040 Violation--Penalty.

12.08.010 Construction specifications generally--Adjacent property owner to bear costs. Outside the fire limits of the town, all parking shall be installed between the center of the street and the outer edge of the sidewalk bordering the premises along which the parking is installed. The parking shall abut the outer edge of the sidewalk and extend toward the center of the street. The parking shall be of a width of five feet and one inch, measured from the outer edge of the sidewalk toward the center of the street. Along the outer edge of the parking there shall be constructed a concrete curb at least five inches in thickness at the top and seven inches at the base. The curbing shall be level with the outer edge of the sidewalk and shall extend to such depth in the street as will afford it a solid foundation and shall be two inches higher than the level of the parking. The inside edge of the parking shall be level with the outer edge of the sidewalk along which it is constructed and shall be five feet one inch in width measured from the outer edge of the sidewalk toward the center of the street. The parking shall be sown with grasses suitable for lawn, or flowers, or both, and shall at all times be kept clean of weeds. All parking so installed shall be kept irrigated or sprinkled in such a manner as to cause the grass, flowers or trees located thereon to be in first-class growing condition. All

expense of installing and maintenance of the parking shall be borne by the owner of the adjacent property. (Ord. 117 §2, 1916).

12.08.020 Prohibited within fire limits. It is unlawful to install any parking upon the streets of Odessa within the fire limits of the town. (Ord. 117 §1, 1916).

12.08.030 Compliance required. It is unlawful to install or construct any parking within the limits of the town otherwise than as specified in this chapter. (Ord. 117 §3, 1916).

12.08.040 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(25), 2006: Ord. 353 §1(part), 1977: Ord. 117 §4, 1916).

Chapter 12.12

SIDEWALK MAINTENANCE AND REPAIR*

Sections:

12.12.010 Duty of property owner to keep sidewalk safe.
12.12.020 Duty of property owner to maintain sidewalk.
12.12.030 Unsafe sidewalks--Notice to abutting property owner--Costs of repair.

12.12.010 Duty of property owner to keep sidewalk safe. It shall be the duty of all property owners or occupants of real estate within the town to keep the sidewalks adjacent to or abutting on such real estate and located on the public streets or thoroughfares of the town in a safe and convenient condition for the use of pedestrians. (Ord. 240 §2, 1959).

12.12.020 Duty of property owner to maintain sidewalk. When any street, lane, square, place or alley within the town has been improved by the construction of a sidewalk or

* For provisions authorizing town councils to improve, repair, manage and control sidewalks, see RCW 35.27.370(4); for provisions authorizing local governments to construct, reconstruct or repair sidewalks and charge the cost thereof to the abutting property owner, see RCW 35.68.010.

sidewalks along either or both sides thereof, the duty, burden and expense of maintenance, repair and renewal or cleaning of such sidewalk or sidewalks shall devolve upon the property directly abutting upon that side of the street along which the sidewalk has been constructed as provided in this chapter. (Ord. 54B §1, 1905).

12.12.030 Unsafe sidewalks--Notice to abutting property owner--Costs of repair. Whenever in the judgement of the director of public works the condition of any sidewalk is such as to render the same unfit or unsafe for purposes of public travel, the said officer shall serve a notice on the owner of the property immediately abutting upon such portion of the sidewalk, instructing the owner to clear, repair or clean such portion of the sidewalk. The notice shall be deemed sufficiently served if delivered in person to the owner of the property or his authorized agent, or by leaving a copy of such notice at the home of the owner or authorized agent, or if the owner is a nonresident, by mailing a copy to his last known address by certified mail. If the owner of the property is unknown or if his address is unknown, then such notice shall be published in the official newspaper of the town. The notice shall specify a reasonable time in which such cleaning, repairing or renewals shall be executed by the owner, and shall state that in case the owner fails to do such cleaning, repairs or renewals within the time specified, then said officer will proceed to clean the sidewalk or to make such renewals or repairs forthwith. The cost of such reconstruction, repair or cleaning shall be charged to the abutting property owner in accordance with RCW 35.68.010. (Ord. 354 §1, 1977: Ord. 54B §2, 1905).

Chapter 12.16

STREET CONSTRUCTION AND REPAIR AGREEMENT*

Sections:

12.16.010 Agreement with county authorized--Scope.
12.16.020 Construction standards.
12.16.030 Engineering and administrative services.
12.16.040 Town authority.
12.16.050 Statutory authority and effective date.

* For statutory provisions authorizing towns to enter into an agreement with the county to perform all or any part of the construction, repair or maintenance of streets, see RCW 35.77.020.

12.16.010 Agreement with county authorized--Scope. The town does authorize and approve an agreement with Lincoln County, being the county in which it is located, to perform all or any part of the construction, repair and maintenance of streets or the performance of other construction work in the town, or on property of the town at such cost as shall be mutually agreed upon by the town council and Lincoln County. (Ord. 292 §1, 1972).

12.16.020 Construction standards. The agreement shall include a provision that Lincoln County shall perform all or a specified part of the construction, repair or maintenance of the town streets and bridges, or such other projects as may be designated by the town, to the same standards provided by the county in unincorporated areas or to increase standards as shall be specified, which may include construction, repair or maintenance of drainage facilities, including storm sewers, sidewalks and curbings, street lighting and traffic-control devices. (Ord. 292 §2, 1972).

12.16.030 Engineering and administrative services. The agreement shall include a provision that the county may provide engineering and administrative services necessary for the planning, establishment, construction and maintenance of the streets of the town or other projects designated by the town, including engineering and clerical services necessary for the establishment of local improvement districts. In providing such services the county engineer may exercise all of the powers and perform all of the duties vested by law or by ordinance in the town engineer or other officer or department charged with street administration, or the administration of such other projects as may be designated by the town. (Ord. 292 §3, 1972).

12.16.040 Town authority. The agreement between the town and the county may provide that the town shall enact such rules, regulations, resolutions and ordinances for the administration, establishment, construction, repair, maintenance, regulation and protection of its streets or other construction projects as may be necessary to authorize the county to lawfully carry out the terms of the agreement with the town. (Ord. 292 §4, 1972).

12.16.050 Statutory authority and effective date. The ordinance codified in this chapter is made pursuant to RCW section 35.77.020 and shall be effective July 25, 1972. (Ord. 292 §5, 1972).

Chapter 12.20

TOYS ON SIDEWALKS*

Sections:

12.20.010 Leaving of toys on sidewalks prohibited when.
12.20.020 Custodian of minor liable--Penalty.

12.20.010 Leaving of toys on sidewalks prohibited when. It is unlawful for any person, party or child to leave unattended, for any purpose, any sled, toy, wagon, tricycle, roller skates or other appliance used by children, upon any sidewalk of the town in such a manner as to obstruct or impair the free and full use of the sidewalk or otherwise create a danger to persons or property. It shall not be unlawful for any person or child to park a bicycle where the free and full use of the sidewalk by the public is not obstructed or impaired, or where said bicycle is parked in a bicycle rack as may be provided by the town. (Ord. 342 §1, 1977).

12.20.020 Custodian of minor liable--Penalty. Any person or persons having the care, custody or control of any minor and who willfully permits the minor to do any act prohibited by this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(26), 2006: Ord. 342 §2, 1977).

Chapter 12.24

BICYCLES ON SIDEWALKS**

Sections:

12.24.010 Bicycle riding on sidewalks prohibited.
12.24.020 Violation--Penalty.

12.24.010 Bicycle riding on sidewalks prohibited. It is unlawful for anyone to ride a bicycle upon the sidewalks in the corporate limits of Odessa. (Ord. 36 §1, 1903).

12.24.020 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(27), 2006).

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* For provisions authorizing local governments to regulate the use of sidewalks, see RCW 32.21.220.

** For statutory provisions authorizing local governments to regulate the riding of bicycles, see RCW 35.75.010.

Chapter 12.28

OVERHANGING VEGETATION*

Sections:

12.28.010 Vegetation removal required when.
12.28.020 Failure to comply--Notice--Council action--Costs to become lien when.
12.28.030 Violation--Penalty.

12.28.010 Vegetation removal required when. All occupants or owners of any lands or premises within the corporate limits of the town, or their agents, are hereby required to remove, destroy or trim all trees, plants, shrubs or vegetation, or parts thereof, growing on such premises or on any street or alley bordering thereon within a radius of four feet of any street light or with a clearance of less than eight feet above any street or alley in the town, or which are growing thereon in such a manner as to obstruct or impair the free and full use of the sidewalk or street by the public. All occupants or owners of property or their agents are further required to remove or destroy all grass, weeds, shrubs, bushes, trees or vegetation growing, or which has grown and died, and to remove or destroy all debris upon property owned or occupied by them, whch items are a fire hazard or a menace to public health, safety or welfare. (Ord. 350 §1, 1977).

12.28.020 Failure to comply--Notice--Council action--Costs to become lien when. Upon failure to comply with the provisions of Section 12.28.010, notice will be delivered to the owner, describing the property involved and the hazardous condition. Five days subsequent to said notice, proceedings may be initiated by a resolution of the town council. The resolution shall describe the property involved and the hazardous conditions, and require the owner to make such removal or destruction after notice given as required by this chapter. If such removal or destruction is not made by the owner after notice given as required by this section in any of the cases enumerated in Section 12.28.010, the town will cause the removal or destruction thereof, and the cost to the town shall become a charge against the owner of the property

* For statutory provisions authorizing local ordinances requiring owners of property to remove vegetation overhanging streets or sidewalks, see RCW 35.21.310; for provisions authorizing towns to declare, prevent and abate nuisances, see RCW 35.27.410.

as a lien against the property. Notice of the lien authorized in this chapter shall as nearly as practicable be in substantially the same form, filed with the same officer within the same time and manner, and enforced and foreclosed as is provided by law for liens for labor and materials. (Ord. 350 §2, 1977).

12.28.030 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(28), 2006: Ord. 350 §3, 1977).

Chapter 12.32

STREET NUMBERING AND NAMING*

Sections:

12.32.010 North designated.
12.32.020 South designated.
12.32.030 Fourth Street redesignated Division Street.
12.32.040 East designated.
12.32.050 West designated.
12.32.060 Streets and avenues designated.
12.32.070 Block numbering system.
12.32.080 House number assignment authority.
12.32.090 Street name changes--Certain names retained.

12.32.010 North designated. All of that portion of the town lying and being north of Marjorie Avenue and Marjorie Avenue as extended shall be determined north. (Ord. 256 §1 (part), 1965).

12.32.020 South designated. All of that portion of the town lying and being south of Marjorie Avenue and Marjorie Avenue as extended shall be determined south. (Ord. 256 §1(part), 1965).

12.32.030 Fourth Street redesignated Division Street. Fourth Street as designated in the present recorded plat of the town shall be designated Division Street. (Ord. 256 §1 (part), 1965).

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* For statutory provisions authorizing town councils to establish and lay out streets, see RCW 35.27.370(4).

12.32.040 East designated. All of that portion of the town lying and being east of Division Street shall be determined as east. (Ord. 256 §1(part), 1965).

12.32.050 West designated. All of that portion of the town lying and being west of Division Street shall be determined as west. (Ord. 256 §1(part), 1965).

12.32.060 Streets and avenues designated. All thoroughfares running north and south, as those directions are indicated in Sections 12.32.010 through 12.32.050, shall be designated "streets," and those running east and west shall be designated as "avenues." (Ord. 256 §1(part), 1965).

12.32.070 Block numbering system. Blocks within the town shall be numbered as follows:

A. Marjorie Avenue and Marjorie Avenue as extended shall be used as a baseline for numbering structures on streets, and Division Street shall be used as a baseline for numbering structures on avenues. Blocks shall be numbered consecutively in each direction from the baselines.

B. Even numbers shall be used to designate buildings and lots on the west side of all streets south of Marjorie Avenue and Marjorie Avenue as extended and all buildings and lots on the east side of all streets north of Marjorie Avenue and Marjorie Avenue as extended.

C. Odd numbers shall be used to designate buildings and lots on the east side of all streets south of Marjorie Avenue and Marjorie Avenue as extended and shall be used to designate buildings and lots on the west side of all streets north of Marjorie Avenue and Marjorie Avenue as extended.

D. Even numbers shall be used to designate buildings and lots on the south side of all avenues east of Division Street and all buildings and lots on the north side of all avenues west of Division Street.

E. Odd numbers shall be used to designate buildings and lots on the north side of all avenues east of Division Street and shall be used to designate buildings and lots on the south side of all avenues west of Division Street. (Ord. 256 §1(part), 1965).

12.32.080 House number assignment authority. The assigning of numbers to houses shall be made by some competent person appointed by the town. After all buildings now in the town are numbered, buildings erected in the future shall receive their numbers under the direction of the chairman of the streets committee. (Ord. 256 §1(part), 1965).

12.32.090 Street name changes--Certain names retained. A. From and after the passage and taking effect of the ordinance codified in this chapter, the names of the streets

of the town shall be changed, transposed and fixed as follows:

> Fourth Street shall be known and designated as Division Street; Fifth Street shall be known and designated as First Street; Sixth Street and the county road shall be known and designated as Second Street; Seventh Street shall be known and designated as Third Street; Eighth Street shall be known and designated as Fourth Street; Ninth Street shall be known and designated as Fifth Street; Tenth Street shall be known and designated as Sixth Street; Eleventh Street shall be known and designated as Seventh Street; Twelfth Street shall be known and designated as Eighth Street; Third Street shall be known and designated as Alder Street; Second Street shall be known and designated as Birch Street; First Street shall be known and designated as Cedar Street; Washington Avenue shall be known and designated as Douglas Street; Lincoln Avenue shall be known and designated as Elm Street; Marble Avenue shall be known and designated as Fairway Street; Railroad Avenue shall be known and designated as Railroad Avenue South; and that certain thoroughfare located between the north line of the Great Northern Railway and the south line of that portion of Trantum and Schoonover's Addition to the town, lying and being north of the Great Northern Railway, shall be known as Railroad Avenue North.

B. The names of all avenues not changed in the foregoing paragraph shall retain their present names and shall not be changed by the ordinance codified in this chapter. (Ord. 256 §2, 1965).

Chapter 12.36

COMPREHENSIVE PARK PLAN

Sections:

12.36.010 Adopted.

12.36.010 Adopted. The new Odessa comprehensive recreation plan as introduced to the Odessa town council, is adopted as the comprehensive park plan for the town, and a certified copy of this resolution and the comprehensive park plan shall be filed with and kept on file by the city clerk. (Res. 89-8, 1989).

Chapter 12.40

STATE HIGHWAY ACCESS MANAGEMENT

Sections:

12.40.010 State highways as determined by WSDOT.
12.40.020 Purpose.
12.40.030 Adoption by reference.
12.40.040 Nonliability.

12.40.010 State highways as determined by WSDOT.

State Route	Beginning Mile Post	Ending Mile Post	Current Access Classification	Planned Access Classification	Established Access Classification	WSDOT Region
21	55.22	55.90	M2			Eastern
21	55.90	56.31	M5			Eastern
28	93.90	94.41	M5			Eastern

(Ord. 617 §1, 2007).

12.40.020 Purpose. This chapter is adopted to implement Chapter 47.50 RCW, for the regulation and control of vehicular access and connection points of ingress to, and egress from, the state highways within the incorporated limits of the town of Odessa. (Ord. 617 §3, 2007).

12.40.030 Adoption by reference. Pursuant to the requirements and authority of Chapter 47.50 RCW, there is hereby adopted by reference the provisions of Chapters 468-51 and 468-52 WAC, together with all future amendments, in order to implement the requirements of Chapter 47.50 RCW. (Ord. 617 §4, 2007).

12.40.040 Nonliability. Nothing contained in this chapter is intended to be, construed to create or form the basis for any liability on the part of the town authority, or their respective officers, employees or agents, for any injury or damage resulting from the failure of any person to comply with the terms of this chapter, or by reason or in consequence of any omission in connection with the implementation or enforcement of this chapter on the part of the town and its officers, employees or agents. (Ord. 617 §5, 2007).

Title 13

WATER AND SEWERS

Chapters:

13.04 Water Service Regulations
13.06 Cross-Connection Control
13.08 Sewerage System
13.12 Utility Billing and Collection Procedures

Chapter 13.04

WATER SERVICE REGULATIONS*

Sections:

13.04.010 Application for use.
13.04.020 Town to bear costs of installation when--Applicant responsibility.
13.04.025 Connection costs.
13.04.030 Water main extensions--Council authority.
13.04.040 Water meters.
13.04.050 Unauthorized use of water.
13.04.060 Permit required.
13.04.070 Council approval required.
13.04.080 Town control of service pipes and connections.
13.04.090 Turning water off and on at municipal pipeline--Permit required.
13.04.100 Irrigation prohibited when.
13.04.110 Use of fire hydrants--Permit required when.
13.04.120 Supplying more than one party unlawful.
13.04.130 Injection of foreign substances into water system --Council approval required--Cost of restoration.
13.04.140 Conformance to Uniform Plumbing Code required.
13.04.150 Discontinuance of service--Procedures generally.

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* For statutory provisions authorizing towns to provide for, control, regulate and manage a water supply system, see RCW 35.21.210; for provisions authorizing town councils to acquire, construct, repair and manage a water supply works, see RCW 35.27.370(3) and 35.92.010; for provisions authorizing towns to make charges for connecting to the water system, see RCW 35.92.025; for provisions giving towns owning their own waterworks a lien for unpaid and past due charges, see RCW 35.21.290 and 35.21.300; for provisions authorizing towns to set the price for use of city water supplies, see RCW 35.92.010.

Sections: (Continued)

13.04.160 Discontinuance of service--Emergencies.
13.04.170 Discontinuance of service for violation.
13.04.175 Charges for changing billing name.
13.04.180 Water rates--Designated.
13.04.190 Bulk water rates--Annual aerial applicator fee.
13.04.200 Fee payment due date.
13.04.205 Delinquency penalty.
13.04.210 Violation--Penalty.

13.04.010 Application for use. Application for connection with the water system and use of water therefrom within the corporate limits of the town shall be submitted to the town clerk in writing on forms provided by the town clerk and must be accompanied by a payment of twenty-five dollars which shall be considered a part of the connection fee. Application for connection with the water system and the use of the water therefrom from outside the corporate limits of the town shall be submitted in writing as provided in this section for applications within the corporate limits and a payment of thirty dollars shall accompany the application to cover the cost of administration. This fee shall not be refunded, nor will it be applied to the cost of connection. The application for service outside the corporate limits of the town shall be submitted to the town council for their consideration. The town council shall have complete discretion to either enter or decline to enter into a contract providing for service outside the corporate limits of the town upon receipt of the application pursuant to RCW 35.92.200. No provision contained herein relating to installation within the corporate limits of the town shall govern the terms of any contract for services outside the corporate limits. (Ord. 344 §1, 1977).

13.04.020 Town to bear costs of installation when--Applicant responsibility. The town will install the service from the main to the property line of the applicant for service within the corporate limits, and the installation shall include the tap, service line, meter with box and shutoff valve. The costs incurred for such work shall be borne by the applicant; provided, that in no event shall the fee and costs for installation be less than two hundred dollars for a one-inch line or two hundred fifty dollars for a one-and-one-half-inch line. If the cost of connection will be more than as stated in this section, the director of public works shall submit in writing to the applicant the estimated cost and shall receive approval from the applicant before installation work commences. The connection and installation fee shall be due and payable to the town upon completion of the work. The installation of water service lines from the property line to the user's outlet shall be made by the user and any and all installations so made shall conform to the Uniform Plumbing Code, 1973 Edition. (Ord. 344 §2, 1977).

13.04.025 Connection costs. The costs incurred for connections to the Odessa water system within and outside the corporate limits of the town shall be borne by the property owner at the rate established by resolution. (Ord. 711 §15, 2020).

13.04.030 Water main extensions--Council authority. A. All extensions of water mains to areas not presently served by the water system of the town shall be subject to approval by the town council prior to any construction. The town council, at its discretion, may:

1. Order the whole or any portion of such extension to be constructed, reconstructed, repaired or renewed;

2. Order any and all work to be done necessary for completion thereof; and

3. Levy and collect special assessments on properties specially benefited thereby to pay the whole or any part of the expense thereof pursuant to the provisions of RCW 35.43.040, et seq.

B. As an alternative, the town council may at its discretion contract with owners of real estate for the construction of water facilities and provide for a period not to exceed fifteen years for the reimbursement of such owners and their assigns by any owners of real estate who did not contribute to the original cost of such facility and who subsequently tap into or use the same pursuant to the provisions of RCW 35.91.020. (Ord. 344 §3, 1977).

13.04.040 Water meters. All new water service connections shall have a meter incorporated therein, which shall be furnished, owned and maintained by the town. The town council may order the installation of meters on any existing service that is not metered and the cost of installation shall be borne by the user or property owner. (Ord. 344 §4, 1977).

13.04.050 Unauthorized use of water. Sections 13.04.060 through 13.04.140 shall govern the unauthorized use of water from the water system of the town. (Ord. 344 §5 (part), 1977).

13.04.060 Permit required. No person, party, firm or corporation shall use water from the municipal water supply system of the town without first obtaining authority to do so in the form of a permit, receipt or other document evidencing such authorization. (Ord. 344 §5(A), 1977).

13.04.070 Council approval required. No connections shall be made with or fittings applied to the water mains of the town, nor shall any repairing of the mains be done by any person, firm or corporation, without the approval of the town council. (Ord. 344 §5(B), 1977).

13.04.080 Town control of service pipes and connections. The service pipes and connections from the main, to and including a service cock and the service box with meter, shall be wihin the exclusive control of the town, and no person shall tamper or interfere with such connections or meters for any purpose. In the event the connections or meters require repair, it shall be the duty of the owner or occupier of the premises to submit written notification to the director of public works. (Ord. 344 §5(C), 1977).

13.04.090 Turning water off and on at municipal pipeline--Permit required. It is unlawful for any person, party, firm or corporation (except duly authorized agents of the town) to turn on or turn off the water from the municipal pipelines of the town at any point in the streets, avenues, alleys or public highways of the town without permission in writing from the clerk thereof. Any person desiring to turn the water on or off at any of the places enumerated in this subsection shall apply to the town clerk and the clerk is authorized to issue a permit in writing to the person applying therefor, upon approval by the town council. The permit as provided in this section shall expire sixty days after the issuance thereof and shall not be transferable or assignable; provided, the permit shall be revocable by the town council at any time after lawful notice is given to the holder thereof. (Ord. 344 §5(D), 1977).

13.04.100 Irrigation prohibited when. It is unlawful for any person, party, firm or corporation to use water from the municipal water system for irrigation purposes during an emergency such as drought, shortage of water or any other such cause or reason, after proclamation thereof has been issued by the mayor prohibiting the use of water from the system for the purpose of irrigation. (Ord. 344 §5(E), 1977).

13.04.110 Use of fire hydrants--Permit required when. It is unlawful for any person, party, firm or corporation to withdraw water from the fire hydrants within the corporate limits of the town without first obtaining a permit which shall be issued by the town clerk upon approval by the town council as provided in Section 13.04.080. The town council may further require that all bulk water obtained from fire hydrants pursuant to this subsection be metered; provided, however, the provisions of this subsection shall not apply to the duly authorized agents and employees of the town nor to fire department personnel acting within the scope of their duties. (Ord. 344 §5(F), 1977).

13.04.120 Supplying more than one party unlawful. It is unlawful for any person, party, firm or corporation supplied with water from the municipal water system in compliance

with this chapter to supply, in any way, other persons, parties, firms or corporations occupying neighboring property who have not applied for and received permission to use water from the town water system as required by Section 13.04.010 of this chapter. (Ord. 344 §5(G), 1977).

13.04.130 Injection of foreign substances into water system--Council approval required--Cost of restoration. No person, party, firm or corporation shall pump or inject water or any other substance into the water system without first obtaining authority to do so from the town council. The cost of purging, disinfection and restoration of the system to normal use shall be borne by the person, party, firm or corporation who contaminated the system or caused the system to be contaminated. (Ord. 344 §5(H), 1977).

13.04.140 Conformance to Uniform Plumbing Code required. All persons using water from the municipal water system shall comply with the requirements of the Uniform Plumbing Code, 1973 Edition, as adopted by Ordinance 317 of the town. (Ord. 344 §5(I), 1977).

13.04.150 Discontinuance of service--Procedures generally. Upon notice in writing to the town clerk and payment in full of all arrearages, if there are any, a person, firm or corporation may discontinue receipt of service from the municipal water system. When such notice is submitted, water service will be terminated and will be turned on only after an application is made pursuant to Section 13.04.010 of this chapter. No charge will be levied for discontinuance under this section, nor for reapplication. A reduction in fees for water used shall be allowed for all metered services when discontinuance is requested more than fifteen days prior to the first day of the month following receipt of notification from the user requesting discontinuance. In all cases, no reduction of water rate fees will be made for a period of less than one month or without notice as provided in this section. (Ord. 344 §6, 1977).

13.04.160 Discontinuance of service--Emergencies. In the event of an emergency such as system damage or failure requiring immediate repair or reconstruction, or where other such cause or reason creates an emergency, the supply of water from the municipal water system may be discontinued for such time as may be reasonably required to eliminate the cause of the emergency. In no event shall the town be liable for any damages caused as a result of any discontinuance of service under this section. (Ord. 344 §7, 1977).

13.04.170 Discontinuance of service for violation. In addition to the delinquency penalty set forth in Section 13.04.205, if the water rate fee is not paid within fifteen days after the due date, water service will be discontinued in accordance with WAC 480-110-071, until said payment is made with the full amount due. A charge as established by resolution will be levied for the expense of turning the water off and a charge as established by resolution will be levied for turning the water back on as a result of discontinuance of water service for violations of this chapter. (Ord. 711 §16, 2020).

13.04.175 Charges for changing billing name. Each time a new utility account is created there shall be a charge as established by resolution that shall be paid to defray administrative cost. (Ord. 711 §17, 2020).

13.04.180 Water rates--Designated. A. The monthly water rate schedule and charges of the town of Odessa, Washington, shall be as established by resolution.

B. Monthly rental for each water meter owned by the town of Odessa shall be as established by resolution.

C. Additional charges are as follows:

1. For each meter located outside the corporate limits of the town of Odessa--surcharge: as established by resolution.

2. For each time that an individual requests that the property's water be turned on or turned off, for other than repair: as established by resolution.

3. Discontinuance of service notification delivery: as established by resolution.

4. Discontinuance of service for violation. In addition to the delinquency penalty set forth in Section 13.04.205, service charge for water turned on or turned off: as established by resolution.

5. Connection to the water system within corporate town limits shall be borne by the property owner; provided, that in no event shall the fee and costs for the installation be less than the amount as established by resolution.

6. Connection to the water system outside corporate town limits shall be borne by the property owner, plus cost of labor and materials: as established by resolution.

7. Bulk water per gallon: as established by resolution.

The charges hereinabove set forth are to be made for each calendar month or fraction thereof. (Ord. 711 §18, 2020).

13.04.190 Bulk water rates--Annual aerial applicator fee. Effective July 1, 1988, the charge for all bulk water in quantities of each one thousand gallons or any fraction thereof shall be five dollars per thousand gallons. (Ord. 439 §1, 1988).

13.04.200 Fee payment due date. The water rate fee as may be prescribed by the town council from time to time for all users of the municipal water system shall be due and payable at the office of the town clerk on the first day of each month following the month in which the water is used. (Ord. 494 §1, 1995)

13.04.205 Delinquency penalty. If the water rate fee is not paid within fifteen days after the due date, an additional charge of five percent per month will be added each and every month on past due amounts until the charges are paid in full. (Ord. 494 §2, 1995)

13.04.210 Violation--Penalty. Any person or persons violating the provisions of Sections 13.04.050 through 13.04.140 of this chapter shall be found to have committed a misdemeanor, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(29), 2006: Ord. 344 §10, 1977).

Chapter 13.06

CROSS-CONNECTION CONTROL

Sections:

13.06.010 Definitions.
13.06.020 Inspection and regulation.
13.06.030 Hazards and backflow prevention devices required.
13.06.040 Backflow prevention device installation requirements.
13.06.050 Annual inspection and testing requirements.
13.06.060 Noncompliance.
13.06.070 Enforcement.

13.06.010 Definitions. A. "Air gap (A.G.)" means a physical vertical separation through the free atmosphere measured from the end of the lowest portion of the potable water system and the beginning of the flood level rim of the receiving vessel, tank, plumbing fixture or other apparatus. This physical separation must be at least two times the inside diameter and in no case less than one inch.

B. "Auxiliary supply" means any water source or system other than the town of Odessa public potable water system, which may be available to, in the building, or on the premises.

C. "Backflow" means the flow of water or other liquids, gases, or substances back into the distribution system of the public water supply system. Backflow consists of back pressure and/or back siphonage.

D. "Back pressure" means backflow caused by a pump, elevated piping, elevated tank, boiler or other means which could create pressure greater than supply pressure.

E. "Backflow prevention device" means a device which prohibits the backflow of water into the water system.

F. "Back siphonage" means backflow due to a negative or subatmospheric condition in the water system.

G. "Contamination" means a physical or toxic hazard which could be detrimental to health.

H. "Cross-connection" means a point in the piping system where the potable water is connected directly or the possibility exists of being connected to a source of contamination, pollution, or other nonpotable substance.

I. "Double check valve assembly (D.C.V.A.)" means a state-approved backflow preventer consisting of two independently acting check valves, either spring-loaded or internally weighted, installed as a unit between two tightly closing shutoff valves and having suitable connections for testing.

J. "Pollution" means a hazard which could cause aesthetic problems or have a detrimental effect on the quality of water in the potable system.

K. "Potable water" means water which is safe for human consumption, as described by the public health authority having jurisdiction.

L. "Pressure vacuum breaker assembly (P.V.B.A.)" means a state-approved backflow preventer consisting of a spring-loaded check valve, an independently acting air inlet valve installed as a unit between two tightly closing shutoff valves and having suitable connections for testing.

M. "Reduced pressure backflow assembly (R.P.B.A.)" means a state-approved backflow preventer consisting of a spring-loaded differential pressure relief valve which is installed as a unit between two tightly closing shutoff valves and having suitable connections for testing. (Ord. 578 §2, 2003).

<u>13.06.020 Inspection and regulation</u>. A. Inspection and regulation of all actual and potential cross-connections between potable and nonpotable systems is required in order to minimize the danger of contamination and pollution of the potable drinking water, accomplished by removing the cross-connection or the installation of an approved backflow preventer.

B. Any and all persons or businesses wanting to use water from the town of Odessa are required to comply with this regulation. The owner of the property in which a cross-connection occurs is fully responsible for any and all damages incurred. (Ord. 578 §3, 2003).

<u>13.06.030 Hazards and backflow prevention devices required</u>. Prior to the installation of irrigation systems (fire sprinkler

systems) and backflow prevention assemblies, the customer shall obtain a permit from the town for such installations. All approved backflow prevention devices shall be installed at the service connection or within the following facilities under the direction of the director of public works or cross-connection control specialist commensurate with the degree of hazard, including but not limited to:

A. Premises having an auxiliary water supply.

B. Premises having internal cross-connections or intricate plumbing arrangements which make it impractical to ascertain whether or not a cross-connection exists.

C. Premises where entry is restricted so that inspections for cross-connections cannot be made.

D. Premises having a history of repeated cross-connections.

E. Premises on which any substance is handled under pressure and/or piped so as to permit entry into the public potable water system.

F. Process waters or cooling towers.

G. Toxic or hazardous chemicals.

H. Hospitals, mortuaries, and clinics.

I. Laboratories.

J. Sewage treatment plans and lift stations.

K. Food and beverage processing plants.

L. Chemical plants.

M. Metal plating plants.

N. Petroleum processing plants or storage tanks.

O. Car washes.

P. Fire sprinkler systems.

Q. Irrigation systems.

R. Others specified by the director of public works. (Ord. 578 §4, 2003).

<u>13.06.040 Backflow prevention device installation requirements</u>. State-approved backflow prevention devices required by this chapter shall be installed and tested to make certain they are operational under the direction of the director of public works and/or under the supervision of the cross-connection specialist per the town of Odessa standards.

Backflow prevention assemblies in service, but not included on Washington State's current list of approved devices, shall remain in service provided they were on the Washington State-approved cross-connection control assembly list at the time of installation.

The backflow device must never be subject to flooding, corrosive fumes, damage, or freezing and shall be installed as follows:

A. A.G.: a vertical physical separation between the end of the potable water system of not less than one inch and two times the inside diameter of the potable pipe, whichever is greater, measured from the flood level rim of the receiving vessel, tank fixture, or plumbing apparatus.

B. R.P.B.A.: twelve inches plus diameter of the backflow prevention device from the finished grade or floor to the bottom of the backflow prevention device and not more than five feet without an approved working platform.

C. D.C.V.A.: twelve inches from the finished grade or floor to the bottom of the backflow prevention device and not more than five feet without an approved working platform.

D. P.V.B.A.: twelve inches above all downstream piping and sprinkler heads and not more than five feet. (Ord. 578 §5, 2003).

13.06.050 Annual inspection and testing requirements. All R.P.B.A.s, D.C.V.A.s, and P.V.B.A.s are required to be tested at least annually and all air gaps installed in lieu of a backflow prevention device shall be inspected at least annually. The test reports shall be returned to the town of Odessa public works department within thirty days after receipt of the yearly test notification. Tests and inspections may be required on a more frequent basis at the discretion of the director of public works. (Ord. 578 §6, 2003).

13.06.060 Noncompliance. If a customer fails to comply with any of the rules and regulations in force, the department of public works shall give notice of such failure. If the customer does not comply as the rules provide and within a reasonable time, the department shall have the right to shut off the water and collect the scheduled charge for restoration of service or to remove any water meter and make the same charge for resetting as if the meter was removed at the customer's request. The town of Odessa public works director or city council reserves the right to terminate water service to the premises for continued failure of the customer to cooperate with this chapter. (Ord. 578 §7, 2003).

13.06.070 Enforcement. A. The director of public works will administer the provisions of this chapter. The director may delegate responsibilities to a certified cross-connection control specialist. The provisions of this chapter may supersede Chapter 246-290 WAC, but in no case shall it be less stringent. The water utility and the director of public works must approve all approved standards. All backflow prevention devices required by this chapter shall be preapproved by the director of public works or cross-connection control specialist.

B. The town of Odessa strictly prohibits the connection to any fire hydrant, standpipe, or blow-off. All connections to the above shall be considered a cross-connection and will be terminated immediately. The following are exceptions:

1. The fire department for fire protection and training;

2. The water department for service and maintenance of system;

3. The cross-connection control specialist may make exceptions with the use of an approved backflow assembly. (Ord. 578 §8, 2003).

Chapter 13.08

SEWERAGE SYSTEM

Sections:

13.08.010 Introduction.
13.08.020 Purpose and policy.
13.08.030 Wastewater treatment requirements.
13.08.040 Services provided.
13.08.050 Liability and indemnity.
13.08.060 Administration.
13.08.070 Notification required.
13.08.080 Authorization to discharge wastewater required.
13.08.090 Prohibited and restricted discharges to sanitary sewer.
13.08.100 Construction standards.
13.08.110 Ownership.
13.08.120 Maintenance responsibilities.
13.08.130 Authority to collect information.
13.08.140 Authority to conduct inspections of facilities and records.
13.08.150 Fees and costs.
13.08.160 Severability and conflict.
13.08.170 Adoption.

13.08.010 Introduction. This chapter sets forth uniform requirements for all users of the town of Odessa sewerage system. This chapter includes conditions necessary to satisfy the require-

ments of the Federal Water Pollution Control Act and the State Water Pollution Control law (Chapter 90.48 RCW).

This chapter establishes requirements to use the sewerage system, restrictions on materials which may be discharged to the sewerage system, reporting and notification requirements for users of the sewerage system, fees and other charges necessary to provide for the operation, maintenance and replacement of the facilities, and inspection and enforcement mechanisms to ensure implementation of the other conditions. (Ord. 537 §1, 1999).

13.08.020 Purpose and policy. To obtain the greatest protection of the citizens and the environment consistent with maintaining a vigorous economy for the community.

A. Specific Objectives.

1. Providing a more healthy environment for the general public;

2. Providing a needed service for the town of Odessa;

3. Protecting the quality of the waters of the state, this including groundwater and surface water;

4. Maintaining the POTW so that it is capable of treating the wastewater as designed;

5. Protecting the POTW from damage in excess of normally expected wear;

6. Ensuring that the solids removed during the treatment of the wastewater do not become a disposal problem and may be used beneficially where appropriate;

7. Protecting PTWO personnel who work with the sewer system in the course of their employment;

8. Complying with all applicable local, state and federal laws, including the Clean Water Act (33 USC 1251 et seq.), the State of Washington Water Pollution Control Act (Chapter 90.48 RCW) and the State of Washington Growth Management Act (Chapter 36.70A RCW).

B. Methods to Achieve Objectives. In order to achieve these objectives, this chapter requires proper disposal of wastes and wastewater; defines certain prohibited discharges; sets limits for the discharge of potentially toxic substances and of conventional pollutants in sufficient quantity to cause operational problems to the sewerage system, authorized monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting for significant discharges; establishes the basis for user charges and fees, and provides for the recovery of damages and collection of penalties.

C. Authority. The town is authorized under the town's charter and state law establishing the allowable forms of city government; under requirements Chapters 90.48 and 90.52 RCW, Water Pollution Control and Pollution Disclosure Act of 1971, and the regulations which implement Chapter 90.48 RCW, such as Chapters 173-200, 173-201Q, 173-216 and 173-220 WAC; the Federal Clean Water Act and the regulations implementing it, in particular, part 122, establishing the NPDES permit program, and part 403, establishing the pretreatment requirements, in Title 40 CFR.

The town as authorized in Chapters 35.67 and 35.92 RCW for cities; RCW 36.92.140 for counties, owns and operates a sewerage system. These chapters authorize the town to require connection to and use of the sewerage system, to set rates for usage and to condition usage; the town may also refuse to accept wastewater which is incompatible with the facilities, its permit, or in excess of the approved capacity. Operation of the sewerage system and discharge of treated wastewater from the system is regulated under a NPDES permit issued to the town. The permit requires that the town implement selected portions of the Federal Pretreatment Program (Chapter 403 of Title 40 of the Code of Federal Regulations, 40 CFR 403), including prohibition of some kinds of discharges and collecting and forwarding information on nondomestic discharges. The permit also sets performance standards for the treatment facilities and limits the type and quality of wastewater which may be accepted for treatment.

D. Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings as defined below:

"Abandonment of a building" is temporary if unoccupied for three months or longer, permanent if closed by order of the building inspector or fire marshal.

"Application fee" means the fee paid to cover costs of inspection and accounting plus any miscellaneous expenses.

"Authorized representative of the town" means the mayor or duly delegated subordinate, who shall be the town's representative for purposes of sewage collection or sewage treatment. The treatment plant operator is the authorized representative of the town for signing reports for fulfillment of permit conditions, except for those reports requiring the signature of a professional engineer or other registered professional.

"Authorized representative of the user" means an individual with the authority to sign wastewater discharge applications and related documents. Federal, 40 CFR 122.22, and state regulations, WAC 173-216-070, define this as:

1. If the user is a corporation: the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;

3. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

4. The individuals described in subsections 1 through 3 of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the town.

"Best management practices (BMPs)" are actions to be taken by a discharger to minimize the discharge of wastewater and the pollutants contained in the wastewater; these include both physical facilities (for example, grease traps, grit traps) and actions (for example, scraping or sweeping prior to washing equipment on floors); includes preventing and managing spills to minimize potential impact on POTW; may require development of a manual and training of employees.

"Biochemical oxygen demand (BOD)" means a standard measure of the organic pollutant concentration in wastewater. It measures the oxygen required during degradation under controlled conditions, which is called the BOD5 value.

"Building sewer" means the part of the wastewater conveyance system on private property and/or city right-of-way and owned by the property owner from the building to the publicly owned collection system. In grinder pump connections, the publicly owned collection system begins at, and includes, the grinder pump. In gravity connections, the publicly owned collection system begins at the sewer mainline.

"Business" means any activity generating wastewater which does not meet the definition for sanitary wastewater and includes both commercial and industrial activities.

"Bypass" means the unauthorized circumvention of approved connections and/or processes.

Clean Water Act. See "Federal Water Pollution Control Act."

"Collection system" means the collection portion of a sewerage system, often called the sewer system; is owned by the town and on public rights-of-way or on private property under the terms of an easement.

"Commercial wastewater" means wastewater which does not result from manufacturing and is not domestic wastewater.

"Connection fees" means fees paid to connect to the sewerage system and to cover the cost of labor and materials to install a lateral service from the sewer main to the building sewer of the applicant, said cost to include the cost of a grinder pump and grinder pump connections if required.

"Contaminated" means containing a pollutant(s) at a significant concentration, as defined by applicable state and federal law.

"Cooling water" means water discharged, for example from the reservoir for a cooling tower, in order to limit the accumulation of pollutants; it is considered industrial wastewater.

"Domestic wastewater" means wastewater containing urine or feces or from activities such as dishwashing and bathing in residential structures.

"Ecology" means the Washington State Department of Ecology.

"Engineer" means a person licensed in the state of Washington as a professional engineer.

Equivalent Residential Unit (ERU). For purposes of determining a base rate, the term "equivalent residential unit (ERU)" shall be used. An ERU shall be based on one single-family residence with a medium water usage of five hundred twenty-six cubic feet per month.

"Fats, oils and greases (FOG)" are organic compounds which are generally insoluble in water, although they can be emulsified; for purposes of regulation, they are measured using an EPA approved test procedure [Method 1664] and reported as milligrams per liter; being insoluble in water they tend to accumulate on the walls of the sewers, the surface in lift stations, etc., and are difficult to transport and treat for these reasons; stable emulsions do not cause the same degree of difficulty in transport and treatment as floatable or separable FOG; floatable FOG is measured using standard methods, separable FOG is measured following the procedures for floatable FOG except for making the pH adjustment before allowing the floatables to rise; FOG may also be subdivided into polar (typically derived from petroleum) subcategories with the nonpolar category being more likely to cause interference with or pass through of the treatment processes and to qualify as a toxic pollutant.

"Federal Water Pollution Control Act" means 33 USC 1251 et seq., as amended, also known as the Clean Water Act.

"GMA" means the Growth Management Act, Chapter 36.70A RCW, Growth Management--Planning by Selected Counties and Cities.

"Grinder pump (residential pump station)" means a manufactured storage and pump unit which grinds up sewage prior to moving it from one point to another through a small diameter pressure line to the main sewer line.

"Groundwater" means water in the saturated zone. If there is a saturated zone at the surface separated from a saturated zone at a greater depth by a zone at less than field capacity, the upper zone is not considered groundwater.

"Hauled wastes" means wastes conveyed to the POTW by other than a direct connection to the sewer; this includes septage.

"Health" means the Washington State Department of Health.

"Health district" means the Lincoln County health district.

"Industrial wastewater" means wastewater generated from manufacturing activities. This includes food processing and commercial laundries as well as more traditional industrial activities such as electroplating, metal fabrication, and painting large numbers of identical objects. Contact cooling water, that is water which comes into contact with the object to be cooled rather than a heat exchanger, is considered industrial wastewater. Chemically treated cooling water has been modified by addition of chemicals to control scale, slime growth, etc., and it is considered industrial wastewater.

"Infiltration" means groundwater entering the sewerage systems through leaks.

"Inflow" means water which enters the sewerage system as a result of precipitation events; examples: water from roof drains, water entering manhole covers.

Inspections. There are three types of activities called "inspections" in this chapter: (1) inspections of the installation of facilities, (2) inspections of the collection system (e.g., smoke testing and TV inspections), and (3) inspections of operating facilities.

"Interference" is used specifically for interfering with normal operation of the sewage treatment system (includes the collection system), especially a discharge which alone or in conjunction with a discharge or discharges from other sources, both (1) inhibits or disrupts the POTW, its treatment processes or operations (this includes obstruction of flow in the collection system) or inhibits or disrupts its sludge treatment processes; and (2) is a cause of a violation of the town's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act. Slug loads of otherwise treatable waste which are discharged at rates greater than the treatment plant can successfully treat (this includes sudden increases in discharges which are faster than the treatment plant can respond, even if it could ultimately treat the load) can cause interference.

"Latecomers' fee" means a fee paid to connect to the sewerage system and to reimburse the town for a portion of the sewerage system constructed to provide service.

"Lateral sewer" means the smallest branch of the sewerage system owned by the town, typically the sewer to which building sewers are connected through a service stub.

"Noncontact cooling water" means cooling water which does not come into contact with the material being cooled and which has not been chemically treated.

"Owner" means the owner of the property; for connection purposes, notification of the tenant or owner's agent al the property address shall be equivalent to notifying the owner, unless the owner has provided the town with a written notification of the address at which the owner is to be contacted. (Also see "User.")

"Owner's agent" shall be considered as any person who has the care, custody, control or management of any premises or buildings, or who collects rentals from the property.

"pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed as moles per liter (the mass of hydrogen ions per liter divided by 1.008).

"Pollutant" means any substance (including heat) which may interfere with the collection, conveyance or treatment of the wastewater.

POTW. See "Publicly owned treatment works."

"Pretreatment" means the treatment of wastewater prior to discharge to the sewerage system.

"Pretreatment categorical industry or activity" means an industry or industrial activity for which pretreatment of wastewater is required by the U.S. EPA in accordance with Sections 307(b)

and (c) of the Clean Water Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

"Private sewage disposal system" means typically a septic tank and drainfield, includes any other system approved by the jurisdictional health district to treat domestic wastewater from a single property or group of properties, which discharges to groundwater.

"Publicly owned treatment works (POTW)" means a treatment works as defined by Section 212 of the Act, which is owned by a state or municipality (as defined by Section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of wastewater. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Sewer" means a pipe for conveying wastewater, other than plumbing within a building.

"Sewer user fees" means the periodic rates, fees and charges of the town for regulation of the town sewage and sewage system including the collection, conveyance, and treatment of wastewater.

"Sewerage system" means all facilities required to collect, convey, and treat wastewater.

"Significant industrial user (SIU)" means any user of the sewer system meeting one of the following criteria: discharges wastewater from a process identified by EPA as a pretreatment categorical activity; the monthly average discharge (peak month) is greater than twenty four and one-half pounds of BOD per day, twenty four and one-half pounds of TTS per day, or nine thousand eight hundred fifty gallons per day; or is believed to have a reasonable potential to discharge wastewater which could pass through untreated, be toxic, or regulated pollutants, or cause interference with the proper operation of the treatment works.

"Slug loads" means loads of exceptional strength or quantity, especially those with the potential to cause interference, including large volumes of unpolluted water which could exceed the capacity of the collection system.

"Storm sewer system" means the portion of the town's sewer system installed to convey storm water to surface water discharges, infiltration basins or dry wells, and which are prohibited discharge to the sewerage system, i.e., trailer dump, septic tank pumper.

"Storm water" means water generated by a precipitation event, this includes rainfall and melting snow.

"Surface water" means water in streams, lakes, wetlands, rivers and ditches.

"Town" means the town of Odessa.

"Toxic" means compounds included in tables II through V of appendix D of title 40, part 122 of the Code of Federal Regulations or which would exhibit measurable toxicity in a whole effluent toxicity test.

"User" means the occupant of the building who is responsible for generation of the wastewater and for billing purposes, responsible for payment of all sewer service charges.

"Wastewater" means water discharged after use, includes commercial, industrial, residential and sanitary wastewater, contact and noncontact cooling water, blowdown and condensate. (Ord. 537 §2, 1999).

13.08.030 Wastewater treatment requirements. All wastewater generated within the area covered by this chapter shall be managed in accord with the requirements of this chapter.

A. Sewer Connections Required.

1. Sewerage Service Available. For any property within two hundred feet of a functioning sewerage system, use of the sewerage system for disposal of wastewater is required, except for uncontaminated wastewater, i.e., cooling water from heat exchangers. When the nearest sewer has been installed but not connected to the POTW (drylined), sewer connections are not to be made until the sewer is functional.

2. Sewerage Service Unavailable. Buildings which discharge wastewater shall connect the drain to a private sewage disposal system approved by Lincoln County health officials, wherever sewerage service is not currently available.

B. Private Sewage Disposal Systems. The use of a private sewage disposal system is not allowed for any property within the sewerage service area except when farther than two hundred feet from an existing, functioning sewer. When a private system is used, the following conditions must be met:

1. A permit from the Lincoln County health district is required.

2. Septic tanks, which are no longer used, shall be closed in accordance with state/county/town requirements.

3. Septic tanks shall be maintained according to the requirements of the Lincoln County health district. This includes checking sludge accumulations every three years, pumping and use of an authorized septic pumper licensed by Lincoln County.

C. Use of Portable Toilets. Portable toilets may be used within the area served by sewers, under the following conditions:

1. Construction Sites. Portable toilets may be used on construction sites until the connection to the sewer is completed. Building permits required.

2. Special Events. Portable toilets may be used for special events.

3. Maintenance. Portable toilets must be maintained by a contractor licensed by the Lincoln County health district.

D. Prohibited Disposal Methods.

1. Pit toilets;

2. Cesspools;

3. Privy or privy vault;

4. Dumping of wastewater on the ground. This includes leaving animal feces on the ground since the definition of domestic waste does not distinguish between human and other feces and urine;

5. Dumping of waste or wastewater into manholes or storm sewer catch basins;

6. Discharge to a drywell or other injection well of pollutants is prohibited. See Chapter 173-218 WAC for definitions. (Ord. 537 §3, 1999).

13.08.040 Services provided. A. Current Service Area. The town incorporated limits is the present service area.

B. Conveyance of wastewater to the POTW shall be through the sewerage system.

C. Storm sewers are not part of the sewerage system.

D. Treatment of Wastewater.

1. Domestic wastewater will be accepted for treatment upon payment of the necessary fees and proper completion and acceptance of connections.

2. Nondomestic discharges will be accepted only if the discharge is considered treatable and compatible with the satisfactory operation of the collection and treatment systems. The town will consider the following factors in making the decision on whether to accept nondomestic discharges: the prohibited discharge conditions, the ability to comply with the conditions in the wastewater discharge permit for the treatment plant, and the potential for pass through or interference. The town will require a contract, before accepting nondomestic wastewater, and may impose other reasonable conditions such as requiring insurance or a deposit to cover reasonable contingencies and monitoring facilities. See 40 CFR 403.8(f).

E. Maintenance of sewer collection and sewer treatment system shall be by forces of the town of Odessa.

F. Replacement of sewers shall be by authority of the town of Odessa.

G. Building Sewers.

1. Extensions of Sewers. All extensions of sewers to areas not presently served by the sewerage system of the town of Odessa shall be subject to approval by the town prior to any construction. The town at its discretion may order the whole or any portion of such extension to be constructed, inspected, approved and accepted; may require any and all work to be done necessary for completion thereof, and may levy and collect special assessments on properties especially benefited thereby to pay the whole or any part of the expense thereof pursuant to the provisions of RCW 35.43.040. As an alternative, the town may at its discretion contract with owners of real estate for the construction of sewerage facilities any may provide for a period for the reimbursement of such owners and their assigns by any owners of real estate who did not contribute to the original cost of such facility and who subsequently tap into or use the same pursuant to the provisions of RCW 35.91.020.

2. Sewer Service Main to Property Line. Subject to the costs and fees set forth in Section 13.08.150, the town will provide the service from the main to the property line of the owner or user applicant for service within the corporate limits of the town of Odessa and said installation shall include the main line

tap, service line, and grinder pump. If required, the owner will provide easement to the town for the grinder pump.

H. Exceptions.

1. Lack of Available Capacity. Requests for new connections or increased discharges from existing connections will be denied if there is insufficient treatment capacity available.

2. Emergency. Service may be suspended due to emergencies such as flood, earthquake, fire or power outages; in the case of reduced treatment capacity, commercial and industrial discharges may be required to reduce or cease discharge. In the event of an emergency such as system damage or failure requiring immediate repair or reconstruction, or where other such cause or reason creates an emergency, the sewerage system may be discontinued for such time as may be reasonably required to eliminate the cause of said emergency. In no event shall the town be liable for any damages caused as a result of any discontinuance of service under this section.

I. Other. Sewage sludge will be properly managed and disposed of in accordance with applicable DOE regulations by the town. (Ord. 537 §4, 1999).

13.08.050 Liability and indemnity. A. Illegal Discharges. The discharger shall be responsible for all costs associated with illegal discharges. This shall include, but not be limited to, damages to sewers, lift stations, other property owners, or the treatment plant. The discharger shall be responsible for fines levied as a result of interference, pass through, or other permit violations caused by an illegal discharge.

B. Vandalism and Tampering. The party(s) responsible for tampering or vandalism shall be responsible for all costs associated with the damage. This shall include, but not be limited to, damages to sewers, lift stations, other property owners, or the treatment plant. The said party(s) shall be responsible for fines levied as a result or bypasses or other permit violations caused by the tampering or vandalism.

C. Building Sewer Not Meeting Requirements. The town shall not be liable for damages that would have been avoided by construction of the building sewer to the standards in effect at the time of construction. The town may require modifications of building sewers built to outdated standards to meet the current requirements.

D. Failure To Provide Service. The town is not liable for failure to provide service to areas that have not built approved collection systems.

E. Routine Maintenance. The town will provide all routine maintenance for the main line and residential pump stations.

F. Inspections. All connections to the town sewer system must be inspected by an authorized agent of the town. (Ord. 537 §5, 1999).

13.08.060 Administration. A. The town council will provide all regulations of the sewerage system and establish such administration, rates, funding, collections, enforcement, and

authorizations as necessary to operate the system and achieve the regulatory objectives of this chapter.

B. Sewer Account(s). A separate sewer fund (account) shall be established separate from all other town funds and used exclusively to collect, administer, and disperse funds for operation of the sewerage system.

C. Authority to Enter into Contracts for Treatment of Commercial and Industrial Wastewater. The town is authorized to enter into contracts with commercial and industrial users.

D. Public Notice of Proposed Actions. Prior to adoption, changes to this chapter shall be noticed to the public.

E. Enforcement Remedies. In addition to the general provisions above, the mayor or the mayor's designee is specifically authorized and empowered to use any of the enforcement remedies listed below, not by way of limitation, or any other emergency or enforcement action against a user or violator, including civil or criminal prosecution. Failure of an affected party to respond in a timely manner or to abide by the result of any administrative proceeding initiated under this section is deemed a waiver of the affected party's right to exhaust available administrative remedies, consent to entry of an adverse determination, and a violation of this chapter.

1. Causes for taking enforcement action include, but are not limited to:

a. Falsification of data or deliberately submitting incorrect or incomplete data.

b. Failure to submit timely notification.

c. Failure to obtain required authorization.

d. Discharge of prohibited materials.

e. Discharge endangering public health.

f. Discharge endangering treatment plant worker(s).

g. Discharge causing damages to sewer system.

h. Discharge contributing to permit violation.

i. Vandalism and tampering.

j. Failure to allow entry, including interference with sampling by town.

k. Failure to pay required fees or penalties.

l. Failure to comply with order.

m. Failure to correct deficiency.

n. Failure to respond to request for information.

o. Failure to complete forms.

2. Actions the Town May Take.

a. Notice of Violation. Where the mayor or the mayor's designee finds a person or entity subject to this chapter has violated any provision hereof, the mayor or the mayor's designee may issue a notice of violation, requiring the recipient to explain the violation and submit a remedial plan to correct the same within ten days of receipt of the notice or other time set forth therein.

b. Consent Order. The mayor or the mayor's designee may enter an administrative or judicially sanctioned consent order establishing agreement with any user or other person regulated under the authority of this chapter. Such order states any specific action agreed upon between the parties, the costs and respon-

sibilities, a time period for compliance and any specific penalties, forfeitures of bond or other security required to be posted or other consequences. Such orders may contain a provision of not contest to the entry of a judgment or forfeiture or other appropriate relief in the event of violation of the consent order.

c. Show Cause Order. Whenever the mayor or the mayor's designee determines that there is or may be a violation of any provision of this chapter, including regulations and orders made hereunder, the mayor or the mayor's designee may require any person, upon ten days' notice or in such other time as is deemed proper, to show cause why sewer service and discharge permit privileges should not be suspended, conditioned, or revoked, or other enforcement consequences occur on account of circumstances appearing to the mayor or the mayor's designee. The order, further, may require a person to establish proof of compliance. The show cause order is served personally or by certified mail upon the party affected.

d. Public Nuisance. Violation of any requirement imposed under the authority of this chapter is, in addition, a public nuisance and subject to summary abatement or the commencement of a judicial proceeding to abate the same, all the violating party's sole expense and liability.

e. Emergency Action.

i. The mayor or the mayor's designee may immediately, with or without such notice and hearing as deemed expedient or proper, suspend a user's discharge to prevent or avoid danger to the environment or to the public health and safety, including the continued safe and efficient operation of the POTW and the safety of POTW personnel.

ii. To accomplish the suspension, the mayor or the mayor's designee may take all due and necessary action, including severance or obstruction of any sewer connection, whether on public or private property, until the mayor or the mayor's designee is satisfied the danger is removed.

f. Civil or Criminal Prosecution. The mayor or the mayor's designee may request the city attorney to initiate any civil or criminal prosecution, including seeking of a permanent or temporary injunction to retrain or compel the performance of any action or duty as required under the authority of this chapter.

g. Pass through of penalties.

h. Use of Collection Agency. The town shall be authorized to use the services of a collection agency when needed.

i. Liens against Property. In the event any rate, charge, fee, penalty or fine of any kind are not paid, upon delinquency, the amount thereof shall become a lien against the premises receiving sewer service as provided in RCW 35.67.200 et seq., and may further be enforced as provided in the applicable laws. All additional lien enforcement rights by statute and at common law are reserved by the town.

j. Termination of water and/or wastewater service.

k. Remove or plug building sewer.

l. Installation of Building Sewer. If the owner of a property does not make the connection of the building sewer to the town sewer within the time allowed in an administrative order, the

town may make the connection or contract to have the work done. The property owner will be billed for the work done at cost plus a reasonable administrative fee.

m. Repair of Faulty Building Sewer. If the owner of a property does not repair a faulty building sewer within the time allowed in an administrative order, the town may repair or replace the building sewer or contract to have the work done. The property owner will be billed for the work done at cost plus a reasonable administrative fee.

3. Appeals. Appeals from the mayor or the mayor's designee's decision respecting any enforcement action shall be to the superior court of Lincoln County, state of Washington, not later than thirty days from the issuance date given by the mayor or the mayor's designee. Failure to file and serve a timely appeal in proper form waives the right to seek appeal and the affected party(s) shall be deemed to have accepted the mayor or the mayor's designee's decision.

F. Abatement of Public Nuisance.

1. Notwithstanding any other provision of this chapter and in addition thereto, the maintenance of any condition inimical to the public health and safety, or creating or tending to create a risk to the public health or safety, specifically including accumulations of raw or treated sewage or sludge or any nature, or danger or possibility thereof, or contamination of any public or domestic water supply system or well, or a danger or possibility thereof, constitutes a public nuisance and, in the discretion of the mayor or the mayor's designee is subject to immediate abatement by the town at the premises owner's and/or other responsible person's expense and liability.

2. Abatement of any nuisance as above defined may be billable as a utility service furnished to the premises wherein the condition arose or exists.

3. This section does not limit the premises owner's or other party's rights to seek recovery against other responsible persons.

4. Specifically, any violation of the town's wastewater pretreatment program, including the regulations and orders made pursuant to its authority, is a public nuisance and is subject to abatement, including summary abatement, by the mayor or the mayor's designee, or county health officer, or the State Department of Ecology, all at the expense of the responsible party.

G. Equipment--Projects.

1. To the maximum extent permitted by state law, the town may acquire such equipment, engage in projects, enter into contracts, and perform such functions as may enable it to carry out wastewater collection and treatment responsibilities and such other purposes as the town council may direct. These powers are broadly construed to accomplish their intended purpose.

2. The town council approves departmental expenditures of funds for equipment and projects, which may be funded by the respective department fund, by grant, or by appropriation from federal, state, or local resources as the town council may authorize.

H. Responsibility for Nonpublic Sewers--No Duty.

1. The town assumes no responsibility whatsoever for any side sewers, special side sewers, private sewers, or other nonpublic sewers or other such pipes, fixtures or appurtenances. The town's lack of responsibility includes costs of construction, repair, and/or maintenance and liability for losses, claims, damages, or injuries arising directly or indirectly from the use or existence of all such nonpublic pipes and fixtures.

2. Except as required by the general laws of this state, the town assumes no responsibilities for utility service or wastewater disposal or treatment or for the construction, repair, or maintenance of public sewers. This code shall not be construed to add to or expand any municipal duty to any particular person, class, or entity. Any duty nonetheless deemed created is to be strictly construed as a duty to the general public.

I. Penalty.

1. Any person who violates or fails to comply with any of the provisions of this chapter, or who counsels, aids, or abets any such violation or failure to comply is subject to penalty as provided herein in addition to any other remedy provided in this chapter.

2. Noncompliance after expiration of a time specified in any notice authorized in this chapter is a separate violation for each notice. Each day of a continuing violation constitutes a separate and additional violation.

3. For violations of the requirements of the wastewater pretreatment program, the mayor or the mayor's designee has authority to assess a civil penalty of up to one thousand dollars per day in addition to any other remedy specified in this chapter.

4. Willful violations of Section 13.08.050(B) relating to vandalism and tampering, Section 13.08.070(J) relating to bypass, and Section 13.08.090 relating to prohibited and restricted discharges or of the terms and conditions of a wastewater connection permit or applicable pretreatment standard, is a misdemeanor punishable by a fine of up to one thousand dollars, or imprisonment for ninety days, or by both such fine and imprisonment.

J. In all cases of violation of the wastewater pretreatment program, whether civil or criminal, restitution of damages, cost and expense is required. (Ord. 537 §6, 1999).

13.08.070 Notification required. The town shall be given not less than sixty days' notice of any of the activities listed in subsections A through M of this section. Each of said activities shall require an application for a permit from the owner and none of the listed activities are authorized unless such permit has been granted by the town of Odessa.

A. Application Forms. Application for permits shall be done on forms provided by the town and must be accompanied by the requisite fees to be accepted. Applications for discharges from residential properties must be signed by the owner of the property or the authorized agent for the owner. Applications for discharges from commercial or industrial facilities must be signed by the authorized representative of the user.

B. New Construction--Residential. A connection permit must be obtained by the owner.

C. New Construction--Commercial. A connection permit must be obtained by the owner and will be subject to all applicable notification requirements of the Department of Ecology and or SEPA requirements and/or other legal notification requirements.

D. Substantial Remodeling or New Building on Site of Previous Building. Connection permits must be obtained by the owner and are subject to the same notification requirements as set forth in subsection C of this section.

E. Change in Ownership of Industrial Facility. Connection permits must be obtained by the owner and are subject to the same notification requirements as set forth in subsection C of this section.

F. Plans to Substantially Increase Industrial or Commercial Discharge. Connection permits must be obtained by the owner and are subject to the same notification requirements as set forth in subsection C of this section.

G. Plans to Substantially Change Nature of Industrial or Commercial Discharge. Connection permits must be obtained by the owner and are subject to the same notification requirements as set forth in subsection C of this section.

H. Change in Pretreatment Categorical Classification. Connection permits must be obtained by the owner and are subject to the same notification requirements as set forth in subsection C of this section.

I. Abandonment of building.

J. Bypass.

1. Immediate notification to town in case of unanticipated bypass or any required pretreatment process.

2. Corrective actions shall be implemented immediately.

3. Notification and authorization when bypass of any required pretreatment process is anticipated. The town shall be notified at least thirty days in advance, shall review the request and approve the request if the bypass will not adversely affect the POTW or is needed to prevent greater damage. Authorization to bypass will not be given as an alternative to halting "production" if the bypass would result in a permit violation.

K. Slug Discharge of Regulated Materials.

1. Notification of Anticipated Changes in Discharge Rate or Quality. When significant changes in discharge are anticipated, the town shall be notified and authorization for the change requested.

2. Notification of Unanticipated Changes in Discharge Rate or Quality. When significant changes in discharge, rate or quality, or when unanticipated slug discharges occur, the town shall be notified as soon as possible and every effort made to return the discharge to the normal rate and composition.

L. Accidental Discharge of Pollutants and/or Toxics (Spills).

1. The responsible party shall immediately notify the town of the event.

2. The responsible party shall take corrective actions immediately as per the town's direction and/or approval.

3. Any report required to be sent to the Department of Ecology shall be the obligation of the responsible party.

M. Other Construction Activities. At least three days before any construction is begun, which has the potential to interfere with the proper operation of the sewer system, the locations of utilities shall be determined and if the sewer system crosses or is within ten horizontal feet of the proposed construction, the town shall be notified and authorization to proceed obtained. The town shall require reasonable measures to insure that the integrity of the sewer is maintained. Any and all costs incurred to insure the integrity of the sewer, including the town engineer's review or inspection, shall be the sole responsibility of the owner of the property undergoing the construction. (Ord. 537 §7, 1999).

13.08.080 Authorization to discharge wastewater required. A. Domestic Wastewater to Sewers. The applicant shall be responsible for payment of application, connection, and user fees.

B. Domestic Wastewater to Septic Systems. Health district and town permit are required.

C. Commercial to Sewers. Commercial discharges of domestic wastewater are governed by Section 13.08.070.

For nondomestic, commercial discharges, a contract for capacity is required and the applicants shall be responsible for the payment of the application, connection, and user fee plus any other required charges. There will be a sixty-day waiting period required for Ecology to review the proposed commercial discharge.

D. Industrial to Sewers.

1. A contract for capacity is required.

2. Sixty days waiting period required for Ecology to review proposed discharge.

3. Permit required from Ecology before discharge from SIU allowed.

4. The applicant shall be responsible for payment of application, connection, and user fee.

E. Hauled Wastes and Recreational Vehicle Discharges to Sewers. See Section 13.08.090(D).

F. Wastewater to Surface Waters. Discharges of wastewater to surface waters are allowed only under the terms of an NPDES permit issued by the Department of Ecology.

G. Wastewater to Storm Sewers.

1. Sanitary wastewater shall not be discharged to a storm sewer.

2. Unpolluted Water. Discharge of uncontaminated water (e.g., noncontact cooling water) to storm sewers which discharge to groundwater is allowed. An NPDES permit is required if the storm sewer discharges to surface water.

3. Polluted Water. Discharges of contaminated wastewater to storm sewers are not allowed.

H. Wastewater to Land or to Groundwater.

1. Unpolluted Water. Discharge of uncontaminated water (e.g., noncontact cooling water which has not been chemically

treated) to land or groundwater is allowed, except where it interferes with the use of an adjoining property or creates a public health threat or nuisance.

2. Polluted Water. Discharge of wastewater to land or groundwater, except for domestic wastewater discharged under the terms of a permit for a septic tank from the health district, must be done according to the conditions of a permit from the Department of Ecology.

I. Injection wells are prohibited. (Ord. 537 §8, 1999).

13.08.090 Prohibited and restricted discharges to sanitary sewer. A. General Prohibitions. Discharge of any pollutant(s) into the sewerage system which may cause pass through or interference, including interference with the use or disposal of sludges produced by the treatment plant, is strictly prohibited. Discharge of any pollutant which, singly or in combination with other discharges, is incompatible with the POTW is strictly prohibited. These general prohibitions and the specific prohibitions in subsections B through E of this section apply to each user introducing pollutants into a POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.

B. Specific Prohibitions. Pursuant to 40 CFR 403.5, as now enacted or hereinafter amended, the following specific pollutants shall not be introduced into a POTW:

1. Pollutants which may create a fire or explosion hazard in the POTW including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit or sixty degrees centigrade using the test methods specified in 40 CFR 261.21.

2. Pollutants which will cause corrosive structural damage to the sewerage system. In no case shall discharges with pH lower than 5.0, or discharges with a pH greater than 11.0 be permitted.

3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.

4. Any pollutant, including oxygen demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

5. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

7. Pollutants which are harmful or toxic to the POTW biological process.

8. Heat in amounts which could inhibit biological activity in the POTW resulting in interference or violation of the POTW discharge permit.

C. Wastewater which could interfere with the routine maintenance of the sewerage system are prohibited.

D. Hauled Wastes and RV Holding Tanks. Hauled wastes and recreational vehicle holding tanks may be discharged only at times and places specified by the town.

1. Contract Required. Hauled wastes must be discharged under the terms of a contract with the town.

2. Denial of Permission. Discharges from the holding tanks of recreational vehicles may be denied for just cause such as the discharge of pollutants and toxics.

E. Odors. Pretreatment may be required of discharges which create obnoxious odors, either singly or by interaction with other discharges.

F. High Strength Discharge. High strength discharges shall result in increased fees and charges pursuant to the fee structure set forth in Resolution No. 99-40. The following discharges are authorized only under the terms of a contract for such discharge:

1. Wastewater with concentrations of BOD5 or TSS in excess of three hundred milligrams/liter.

2. Wastewater containing high concentrations (one hundred milligrams/liter) of dissolved salts or sulfur.

G. Pretreatment and BMPs Required. Pretreatment or implementation of best management practices is required of any commercial or industrial discharger with the potential to cause interference or pass through.

1. Specific Commercial Activities. The following categories of dischargers are required to institute the corresponding pretreatment or BMP activities:

a. Commercial or industrial establishments serving food: grease traps and BMPs for managing food wastes as solid waste.

b. Car washes: oil water separators and grit traps and BMPs to prohibit discharge of pesticides and cleaning of automobile engines.

c. Laundromats: grit traps and screens.

d. Dentists: traps to remove amalgam.

2. Swimming Pools. The rate of discharge of water from a swimming pool to the sewerage system must be approved by the town.

3. Demonstrated Need. Commercial and minor industrial dischargers not falling under one of the preceding categories may be required to develop and provide pretreatment or BMPs if the town determines that they have a potential to adversely impact operation of the collection system or treatment plant.

H. Garbage Grinders. Garbage grinders of more than three-quarter horsepower must be approved by the town.

I. Solid Waste. Solid waste may not be introduced into the sewer for disposal except with the approval of the town.

J. Chemical Treatment of Sewer System. Chemical sewer cleaners, root killers and other chemical treatments of the sewer system, including building drains and sewers, may not be used without prior approval by the town.

K. Hazardous Waste. Hazardous waste may not be discharged to the sewer, except with a wastewater discharge permit or other authorization from Ecology.

L. Radioactive materials are prohibited.

M. Cooling Water.

1. Noncontact Cooling Water. Discharge of noncontact cooling water must be approved by the town, with the concurrence of Ecology. State regulations severely restrict the ability to discharge uncontaminated water to the sewer system.

2. Contaminated Cooling Water and Blowdown. Discharge of cooling water which comes in contact with the product or which contains chemicals added for control of scaling or fouling or resulting from evaporative concentration must be approved or permitted by Ecology before being accepted by the town.

N. Excessive Leakage (Infiltration). When sources of excessive leakage are identified, the property owner will be notified and required to correct the condition at owner's expense.

O. Inflow.

1. New Sources. New sources of inflow will not be accepted.

2. Existing Sources. Existing discharges from roof drains and other sources of inflow to the sewerage system are required to be connected to the storm sewer system. Where storm sewers are not available then discharge to land is required.

P. Illegal Connections. It shall be unlawful for any person, party, firm or corporation connected to the sewerage system in compliance with this chapter to connect, in any way, other persons, parties, firms, or corporations occupying neighboring property, who have not applied for and received permission to use sewer from the town sewer system. (Ord. 537 §9, 1999).

13.08.100 Construction standards. In addition to the application requirements in Section 13.08.070, the following construction standards apply:

A. Safety. All construction shall be done following applicable regulations regarding safety of the workers and the general public, including the use of appropriate barricades and warning devices.

B. On Public Property. No person, party, firm or corporation shall connect, repair or apply fittings to the sewer mains in the public sewer system of the town of Odessa without first obtaining authority to do so in the form of a permit.

C. Services of Licensed Contractor Required. All work on building sewers shall be done by a licensed general contractor and/or a licensed plumbing contractor and/or the property owner with such insurance types and amounts required by the state for such work. Said work on the building sewers shall be inspected and approved by the town of Odessa. All work on the public collection system shall be performed by a licensed general contractor and/or licensed plumbing contractor approved by the town or shall be done by town forces. All work performed whether on building sewers or the public collection system shall be prior approved by town forces which may include the town of Odessa engineer.

D. Collection System Sewers.

1. Construction Standards. Collection system sewers are to be constructed in accordance with the requirements in the Uniform Plumbing Code, town's building code and WPCA standards.

2. Extensions to the existing collection system shall be the responsibility of the owner or developer.

3. Extensions to the collection system, following inspections, acceptance, and permitting by the town, shall be deeded to the town free of all debts and encumbrances before lacing in service.

4. Extensions Constructed in Advance of the Collection System. Extensions to the collection system which have been constructed in advance of connection to the sewerage system shall be capped so that they do not collect water (drylined).

5. Replacement. Replacement of existing collection system sewers is the responsibility of the town and shall be done according to the same standards as new construction to the extent possible.

6. Grinder Pump or Gravity Connection. The town shall be responsible for determining whether any given connection to the collection shall be by grinder pump or gravity connection. The town shall approve the type of grinder pump to be used in grinder pump connections.

E. Connection of New Sewer to Existing Sewer. New sewers shall not be connected to existing sewers until tested and approved, or the sewer shall be plugged at the connection until tested, approved, accepted, deeded, and permitted.

F. Testing of Completed Sewer. Prior to acceptance of the completed sewer by the town, the construction shall be tested in accord with the procedures established by the town. The town shall be notified twenty-four hours prior to testing and a signed written report of the results shall be provided to the town.

G. Industrial Facilities.

1. Compliance with the Uniform Plumbing Code shall be required.

2. The responsible party shall submit engineering reports on wastewater facilities to the town and to the Department of Ecology for approval prior to construction.

3. Sampling locations are required for industrial dischargers.

4. Pretreatment shall be required as set forth in the connection permit.

H. Commercial Buildings.

1. Compliance with the building code and Uniform Plumbing Code shall be required.

2. Grit Traps, Grease Traps and Other Pretreatment Facilities. If this business category has been identified as requiring specific BMPs, they must be installed at the time the facility is built or remodeled; the town will establish a timing schedule for installation of the required facilities at existing businesses.

3. Sampling locations may be required for commercial dischargers with the potential to adversely affect the POTW.

I. Residential Building Plumbing. Shall be completed in compliance with the most recently adopted Uniform Plumbing Code and building code; remodeling shall be done according to the current requirements except, with the approval of the town, historic buildings may be restored using period techniques and standards.

J. Residential Building Drain and Sewers.

1. Must meet Uniform Building Codes and Uniform Plumbing Codes.

2. Minimum Elevation Requirement. If the building drain does not meet minimum grade per UPC, a grinder pump, with back flow prevention device shall be required.

3. New Construction within Service Area. Buildings constructed within areas planned for sewer service and outside of the current sewer service area shall be provided with a building sewer which can be readily connected to the collection system once sewer service is available.

K. Multiple Tenancy--Residential.

1. Existing buildings which provide residences for multiple residents shall have one connection per septic tank connection.

2. New buildings which provide residences for multiple residents shall have connection per water meter.

3. Buildings on multiple lots (row houses, condominiums, mobile home parks, etc.) shall have separate building sewers for each water meter.

L. Multiple Tenancy--Commercial and Industrial. A building may have one building sewer and connection to the collection system but there must be a sampling point for each tenant.

M. Mobile Home and RV Parks. The sewer system for mobile home and RV parks must meet the requirements for residential buildings and collection systems as appropriate.

N. Buildings on Floodplains. Building sewers for existing facilities on floodplains designated by FEMA shall be equipped so that floodwaters do not enter the sewer connections.

O. Substantial remodeling or new buildings on site of previous building must comply with new building sewer connections.

P. Repair of Existing Building Sewers. Repairs to building or side sewers which have been identified as a source of excessive infiltration shall be made in conformance with the current construction standards. Exception to this may be allowed by the town following review by an engineer and evaluation of the cost effectiveness of making the required repairs.

Q. Termination and Closure of Unused Connections. Before a building is abandoned or demolished, the connections to the sewer shall be removed and the stub capped. If the building is destroyed, the connection to the sewer shall be removed and the stub capped within thirty days. All actions required within this subsection Q shall be at the sole cost of the property owner. (Ord. 537 §10, 1999).

13.08.110 Ownership. A. Building Sewer. The building sewer is owned by the property owner.

B. Sewerage System. The town shall own the sewerage system, except for extensions which have not been completed to the satisfaction of the town and except for building sewers. The town shall own the grinder pump and be provided an access and repair easement.

C. Extensions to the Sewerage System. The town shall take ownership of extensions to the system upon approval of the construction and receipt of an instrument of conveyance.

D. Mobile Home Parks. Where the park is owned as a single lot, the collection system and buildings sewers shall be owned by the owner of the property. When the property is subdivided and each home is on a separate lot, ownership will be the same as for other residential lots.

E. Easements. Where a sewer extension is built on property which is not owned by the town, the town shall be given an easement which allows an unrestricted access to the sewer of not less the fifteen feet in width. (Ord. 537 §11, 1999).

13.08.120 Maintenance responsibilities. Regardless of who shall be responsible for the cost of the repairs and maintenance as set forth below, said repairs and maintenance shall conform to the requirements of Section 13.08.100(C) and other requirements contained elsewhere in this chapter.

A. Sewerage System. The town shall be responsible for both the cost and labor for ordinary maintenance of the public sewerage system. In grinder pump connections, the grinder pump, located on the easement given by the owner to the town, shall be the property of the town and the property owner is only responsible for the cost of repair and maintenance of the sewer line from the building to the grinder pump.

B. Building Sewers.

1. Responsibility of Owner. The property owner shall be responsible for the cost of repair and maintenance of the building sewer to the main line connection in gravity connections, and from the building to the grinder pump in grinder pump connections. The property owner can appeal the requirements of this subsection by making written application to the town council requesting a review of the facts and circumstances surrounding these costs. Such written request shall, where necessary, provide the facts and circumstances indicating that said costs should not be charged to the property owner. The town council shall determine if said request is substantiated or not, or may recommend further study of the matter by the town's engineer, or other registered professional engineer. If the property owner's request is determined not to be substantiated, the property owner shall pay the costs and the expenses incurred in investigating the request, if any. If the request is determined to be substantiated, the property owner shall not be required to pay said costs or expenses of investigation.

2. Cleaning of building sewers must be done by licensed sewer service company at the owner's expense.

3. Maintenance and replacement of grinder pumps shall be performed by the town at the town's cost.

4. BMPs are required when cleaning building sewer and any debris must be captured at the first manhole downstream.

5. Chemical treatments are prohibited.

6. Pretreatment facilities are responsibility of owner.

C. Recordkeeping. Any facility required to institute BMPs or to operate pretreatment facilities shall keep records of any maintenance activities. (Ord. 537 §12, 1999).

13.08.130 Authority to collect information. The town may collect and file the following information data:

A. Number of bedrooms in residential units, fixtures in commercial facilities, and garbage grinders.

B. Questionnaires on water usage and wastewater discharges.

C. Applications for discharge of nondomestic wastewater.

D. Annual report for nondomestic discharges.

E. Water usage from sources other than town.

F. Notification of clearing blockages from building sewers and identification of causes.

G. Change in ownership or occupancy for billing purposes.

H. Change in nature of business for billing and permit.

I. Notification of plans for significant changes in commercial and industrial discharges for billing and permit.

J. Source and composition of hauled wastes or recreational vehicle holding tank chemicals.

K. Flow measurements made using properly calibrated devices.

L. Analyses of wastewater done by accredited laboratory.

M. Copies of all submittals to Ecology shall be sent to the town at the same time. (Ord. 537 §13, 1999).

13.08.140 Authority to conduct inspections of facilities and records. The town, upon proper identification, shall be permitted to enter all properties, at reasonable hours, or at any time if circumstances so require, for the following purposes:

A. Businesses.

1. Wastewater facilities inspection, including pretreatment, flow measurement and sampling equipment.

2. Operations and maintenance records of pretreatment facilities.

3. Flow measurements and analyses of wastewater sampling.

4. Use of Cleanout. The town may use the cleanout to inspect the building sewer at reasonable time, if plantings or other obstacles prevent access to the cleanout, the town may require that the obstruction be removed within five working days.

5. Inside Building. If inspection of the building sewer or collection system immediately downstream of the building sewer connection indicates a discharge which is not permitted, the town may inspect the building sewer at reasonable times, normally this would be during regular business hours but may be at other times if the unauthorized discharge does not occur during regular business hours.

B. Smoke Testing. If questions of where connections are coming from are raised, smoke testing may be used. (Ord. 537 §14, 1999).

13.08.150 Fees and costs. All fees, costs and charges shall be as provided for time to time by resolution.

A. Construction Costs.

1. On Private Property. The cost of construction on private property and the connection to the sewer main shall be the responsibility of the property owner after initial construction.

2. On Public Property. The town shall pay for construction of laterals on public property or within easements granted to the town and may recover the costs of construction through connection fees and service fees or agreements. The town of Odessa will install the service and said installation shall include the tap, and service line (see sewer rate schedule). The latecomer's fee and connection fee shall be due and payable to the town of Odessa upon application for the service. The installation of sewer service lines from the property line to the user's outlet or building shall be made and any and all installations so made shall conform to the most recent Uniform Plumbing Code. The costs of collection system extensions constructed as part of a development are the developer's responsibility.

3. Cost of Relocation of Lateral Sewer and Stub. The cost of relocation of a lateral sewer or stub shall be the town's if the relocation is a result of repair or replacement or for the convenience of the town. If the relocation is made for the convenience of the property owner, the town shall be reimbursed for the cost of the relocation. The cost of relocating or replacing the building sewer is the property owner's responsibility in all cases.

B. Monthly User Charges for Residential, Commercial and Industrial. The minimum monthly user charge shall be based upon the number of ERUs or equivalent ERUs established for the discharge.

C. Monthly Surcharges--Commercial. Surcharges shall be imposed on discharges to the sewerage system for wastewater exceeding the limits established for residential ERUs.

D. Monthly Surcharges--Industrial. Surcharges shall be imposed on discharges to the sewerage system for wastewater exceeding the limits established for residential ERUs.

E. Monthly Surcharges--Cooling Water. Surcharges shall be imposed on the basis of discharge quantity for uncontaminated water.

F. Connection Fees. Connection fee shall be in two parts. The "connection fee" represents the cost of labor and materials to install a lateral service from the sewer main to the building sewer of the applicant and the "latecomer's fee" shall represent a portion of the cost of the sewerage system.

G. Sampling Fees. Cost to provide sampling of commercial and industrial discharges.

H. Excessive Maintenance. Reserved.

I. Deferred Payments. Reserved.

J. Billing Periods. The sewer user charge as may be prescribed by the town council for all users of the sewerage system shall be due and payable at the office of the town clerk on the first of each month following the usage period.

K. Late Payments. If the user charge is not paid within fifteen days after the due date, an additional charge of five percent per month will be added each and every month on past due amounts until the charges are paid in full.

L. Discontinuance of Service for Violation. In addition to the delinquency penalty set forth in Section 13.08.140, if the sewer service charge is not paid within thirty days after the due date, water service will be discontinued, until said payment is made with the full amount due. A disconnect charge will be levied for the expense of turning the water off and a reconnection charge will be levied for turning the water back on as a result of discontinuance of water service for violations of this chapter.

M. Change in the Billing Name. Each time a new utility account is created there shall be a charge of ten dollars that shall be paid to defray administrative cost. The fee may be changed from time to time by resolution. (Ord. 693 §2, 2018; Ord. 537 §15, 1999).

13.08.160 Severability and conflict. A. Conflict.

1. With Other Ordinances. Any and all other ordinances or parts thereof in conflict herewith are hereby repealed.

2. With State and Federal Regulations, Directives and Orders, Including Health Department's, Health District's, EPA and WQ. If state or federal regulations are more stringent, they take precedence over those conditions in this chapter

B. Overlap. Reserved.

C. Severability. If any section, subsection, or other portion of this chapter is, for any reason, held invalid or unconstitutional by any court or competent jurisdiction, such section, subsection, or portion shall be deemed a separate portion of this ordinance and such holding shall not affect the validity of the remaining sections of this chapter. (Ord. 537 §16, 1999).

13.08.170 Adoption. The ordinance codified in this chapter shall be in full force and effect after its passage, approval, and publication. (Ord. 537 §17, 1999).

Chapter 13.12

UTILITY BILLING AND COLLECTION PROCEDURES

Sections:

13.12.010 Purpose.
13.12.020 Definitions.
13.12.030 Billing and payment procedures.
13.12.040 Liens.

13.12.010 Purpose. A chapter to standardize utility billing and collection procedures to simplify customer and administrative response to the process involved.

This chapter shall apply to the water, sewer, and solid waste utilities. (Ord. 654 §1, 2013).

13.12.020 Definitions. A. "Utility" refers to any of the town of Odessa utilities which include sewer utility (rates and regulations which are codified in this title), water utility (rate and regulations which are codified in this title), and solid waste utility (rates and regulations which are codified in Title 8).

B. "Lien" is the lien for utilities authorized by state law. For the water utility, the lien statutes are RCW 35.21.290 and 35.21.300. For solid waste utility lien, the lien statutes are RCW 35.21.140 and 35.21.150. For sewer utility, the lien statutes are RCW 35.67.200 through 35.67.290.

C. "PWD" means the public works director or his/her designee. (Ord. 654 §2, 2013).

13.12.030 Billing and payment procedures. A. Payment--Owner Responsibility. The owner of the premises/property to which the utility service is attached shall be responsible for the payment of all connections, shut off/turn on fees, service charges and liens. Accounts shall be established and remain in the owner's name and bills shall be sent to the owner.

B. Billing Cycle. Billings will be on a monthly basis, and bills shall be due and payable to the clerk's office on the first day of each month following the month in which the utilities are used. Bills are mailed on the last working day of the month, unless unforeseen circumstances prevent the mailing on this day.

C. Meter Reading Unavailable.

1. For billing of water use at a property which the water meter or read out is not functioning and there is no usage history available, the water usage will be billed at the minimum usage rate for said water meter size at the said property.

2. For billing of water use at a property which the water meter or read out is not functioning and there is a usage history available, water usage will be billed at a usage rate equal to each corresponding month of the last known water usage history.

D. Water Leak. Excess water usage due to broken lines or leaks. If requested by the customer, the PWD may adjust a customer's utility bill for excess water usage when a water leak has been verified. The customer is required to make a written request within fifteen days of mailing of the bill showing excess usage. If the overage is due to a leak, the customer is to provide proof of repair of the leak. The PWD is authorized to waive up to what is typically billed to the customer based on review of the customer's account history. No late fees shall be incurred by the customer making such request until the customer has been notified of a revised bill.

The town shall not be held liable for damages caused because of any leakage, frozen pipes or breaks.

E. Rates and Fees. Water rates and assorted fees are designated in O.M.C. and Sections 13.04.175 and 13.04.180.

F. Delinquency. If the account is not paid when due, the town shall assess a delinquency as set forth in Section 13.04.205. In addition:

1. A date for water turn-off will be set for not less than seven days after giving of delinquent/shut-off notice; and

2. Service will be shut off unless payment in full is made to the town within seven days; and

3. A hearing may be requested by contacting the clerk's office prior to the scheduled date for water turn-off; and

4. An additional charge as set forth in Section 13.04.180 will be added to the bill if a delinquent/shut-off notice is physically delivered.

G. Hearing Prior to Utility Service Turn-Off. Upon customer request of the clerk-treasurer or his/her designee, the customer shall be given the opportunity to explain why the utility service should not be turned off. Service will not be shut off while this hearing is pending. The clerk-treasurer or his/her designee shall set the hearing date to be held within three days of the customer's request for a hearing.

H. Payment Request--Water Service Unpaid. If the water service has been disconnected because the water or sewer bill has not been paid, the water service shall not be turned on until the charges have been paid. (Res. 2013-1, 2013; Ord. 654 §3, 2013).

13.12.040 Liens. A. Water Lien. As a means of enforcement, the lien for water services supplied by the town may shut off and refuse to supply water to the premises which were furnished with the water services after the charges have become delinquent and unpaid; provided, that the lien may not be for more than four months of water services.

B. Sewer Lien. As an alternative method to enforce the lien for nonpayment of sewer, the town may cut off water service and refuse to provide water service to premises which were furnished water after the charges have become delinquent and unpaid; provided, that unless the lien is filed with the Lincoln County auditor, the lien shall not be for more than six months' service. (Ord. 654 §4, 2013).

Title 14

MOBILE HOME AND RECREATIONAL VEHICLE PARKS

Chapters:

14.04 General Provisions
14.08 Development Procedures
14.12 Design and Engineering Standards
14.16 Certificate of Development--Placement Permit
14.20 Operation--Compliance

Chapter 14.04

GENERAL PROVISIONS

Sections:

14.04.010 Applicability of provisions.
14.04.020 Definitions.

14.04.010 Applicability of provisions. This title shall apply within the corporate limits of the town to:

A. The development of new mobile home and recreational vehicle parks;

B. The development of new mobile home and recreational parks; provided, that minor alterations to utilities or community facilities in existing parks not involving construction of additional facilities shall be exempt from the requirements of this title;

C. The operation of existing mobile home parks. (Ord. 485 §1.01.010, 1994).

14.04.020 Definitions. "Accessory structure" means any awning, cabana, ramada, storage structure, carport, fence, windbreak or porch located on a mobile home lot, but not a part of the premanufactured mobile home unit.

"Community facilities" means any development located within a mobile home park which provides toilet, lavatory, bathing, laundry, recreation, storage or circulation and access or other facilities to residents of the mobile home park as a group.

"Developer" means any person, firm, corporation, partnership, or association desiring to, or having received, approval to construct a mobile home park.

"Dwelling" means a structure designed exclusively for residential purposes, including one, two or three multiple units, but excluding hotel or motel units.

"Health officer" means the designated head of the county health department or his authorized representative.

"Lot area" means the total amount of land in designated mobile home lot, exclusive of roads, walkways or common areas.

"Minimum yard requirements" are the distances established by this title from designated lot line within which no mobile home or accessory structure, or portion thereof, may be placed or constructed; also may be called "setbacks."

"Mobile home" means a structure transportable in one or more sections which is eight body feet or more in width and thirty-two feet or more in length and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without permanent foundation when connected to the required utilities.

"Mobile home lot" means that area of a mobile home park designated for location of a single mobile home, having fixed boundaries and including all the necessary utility hookups and installation appurtenances.

"Mobile home park" means any site, lot, field or tract of land under the ownership or management of one person, firm or corporation, which is divided into mobile home and/or recreation vehicle lots, as defined by this title, for the purpose of locating two or more mobile homes or recreation vehicles or combination thereof for dwelling or sleeping purposes; provided, that the lots are leased or rented and not sold to the occupant.

"Person" means any person, firm, corporation, partnership or association.

"Placement" means the installation of a mobile home or recreation vehicle on a designated site, including blocking, anchoring, hookup to utilities, installation of skirting, steps and other accessories; provided, that parking of a unit on a designated site without beginning the installation procedure shall not constitute placement.

"Planning commission" means the planning commission of the town.

"Recreation vehicle (R.V.)" means vehicular or portable unit which is either self-propelled or towed, or is carried by a motor vehicle, and which is intended for temporary human occupancy and is designed for recreational or vacation purposes.

1. "Dependent R.V." means an R.V. containing sanitary facilities and/or devices for connecting said facilities to a community waste disposal system.

2. "Independent R.V." means an R.V. containing sanitary facilities and devices.

"Recreation vehicle lot" means a designated and defined parcel of land within a mobile or recreation vehicle park intended for temporary location of a recreational vehicle as a dwelling unit.

1. "Dependent R.V. lot" means a lot at which there is no sanitary sewage connection provision.

2. "Independent R.V. lot" means a lot at which sewer and water services are provided for connection to a recreation vehicle.

"Recreation vehicle park" means a mobile home park or portion thereof designated for exclusive occupancy by recreational vehicles.

"Residential park" means a type of mobile home park in which mobile homes are installed and occupied on a permanent basis; provided, this shall not be construed to restrict the removal and replacement of a mobile home in accordance with the requirements of this title.

"Town" means the town of Odessa.

"Town council" means the legislative body of the town of Odessa. (Ord. 485 §§1.01.020--1.01.200, 1994).

Chapter 14.08

DEVELOPMENT PROCEDURES

Sections:

14.08.010 Application.
14.08.020 Fees.
14.08.030 Public hearing.
14.08.040 Project review and hearing.
14.08.050 Rejection of a proposed development.
14.08.060 Conditional approval of proposed development.
14.08.070 Approval of a proposed development.

14.08.010 Application. A. Any person desiring to develop a mobile home park or enlarge an existing park shall submit an application to the town clerk containing the following information:

1. The area and dimensions of the tract of land;

2. The number, location and size of all mobile home and/or recreational vehicle spaces or lots;

3. The location and width of roadways and walkways;

4. The location of solid waste disposal facilities;

5. The location of service, recreation and other permanent facilities;

6. Plan of water, sewer and other utility services;

7. Plans and specifications for all community facilities and permanent lot improvements;

8. An area map showing the general location of the proposed facility including information such as the width of adjacent streets and the proximity of shopping and other services.

B. All maps and plot plans shall be drawn to an appropriate scale to insure full detail on eighteen-inch by twenty-four-inch sheets. Ten copies and one sepia or other reproducible copy of each map or plan shall be submitted; in addition, one eight-and-one-half inch by eleven-inch reproduction of each map or plan shall be submitted. (Ord. 485 §1.02.010, 1994).

14.08.020 Fees. Fees will be established by council resolution for each application for approval of a new or expansion of an existing mobile home park and shall be paid to the town clerk. (Ord. 485 §1.02.020, 1994).

14.08.030 Public hearing. Upon determination by the planning commission that an adequate application has been received, a date for public hearing before the planning commission shall be set. The town clerk shall notify the developer of the date of the public hearing and shall further notify the public not less than fourteen days prior to the hearing by the following means:

A. Property owners of record at the county assessor's office owning property within four hundred feet of the external boundaries of the land area to be considered shall be notified by mail.

B. A notice of public hearing shall be published in a newspaper of general circulation in the town.

C. A notice of public hearing shall be posted at the town hall and/or other appropriate public places. (Ord. 485 §1.02.030, 1994).

14.08.040 Project review and hearing. A. The planning commission shall review the proposal and hear statements from the public concerning the proposal at the scheduled public hearing.

B. Planning commission review shall include, but not be limited to, the following:

1. Compliance with the standards and criteria established by this title;

2. Compliance with other applicable development standards established for the town;

3. Consideration of the impact of the proposal on surrounding land, including existing and future development and the natural environment;

4. Consideration of the impact of the proposal on town services and other utilities.

C. Subsequent to consideration of the above, the planning commission shall take one of the following actions:

1. Recommend approval of the project to the town council;

2. Recommend approval, with conditions, to the town council;

3. Recommend denial to the town council;

4. Postpone decision for the purpose of obtaining further information from the staff, applicant, or interested citizen or group; provided, that postponement be for a period not to exceed one hundred days, and that no one proposal be postponed more than twice.

D. The proposal and the recommendations of the planning commission shall then be considered at the first possible public meeting of the town council. (Ord. 485 §1.02.040, 1994).

14.08.050 Rejection of a proposed development. A. If it is the finding of the planning commission or the town council that the proposal fails to meet the established standards and criteria or serve the public good, the town council shall be informed as to the specific reasons. The town council shall then inform the developer of the necessary changes, in writing, not more than fifteen days subsequent to town council action.

B. The developer may then resubmit the proposal within sixty days of town council action for reconsideration by the planning commission and the town council under the procedures stated above. Failure of the developer to resubmit within sixty days, or rejection by the council after second consideration shall prohibit submission of a proposal to develop a mobile home park on those lands involved for a period of one year, unless stated otherwise by council. (Ord. 485 §1.02.050, 1994).

14.08.060 Conditional approval of proposed development. If it is the finding of the planning commission, with concurrence of the council, that the proposal is generally acceptable, but that changes in certain aspects are necessary, the council may place conditions on its approval. It shall make all such conditions a portion of the motion of approval. The developer shall submit plans for compliance with the conditions to the town council. (Ord. 485 §1.02.060, 1994).

14.08.070 Approval of a proposed development. If it is the finding of the agency, with the concurrence of the council, that the proposal complies with the established criteria and standards, the council shall authorize the

town clerk to issue a certificate of development approval. If conditions were attached to the approval, the certificate shall not be issued until satisfactory plans for compliance have been submitted. (Ord. 485 §1.02.070, 1994).

Chapter 14.12

DESIGN AND ENGINEERING STANDARDS

Sections:

14.12.010 Design standards table--Interpretation.
14.12.020 Design--Community facilities--Streets.
14.12.030 Design--Community facilities--Utilities.
14.12.040 Design--Community facilities--Parking.
14.12.050 Design--Community facilities--Toilet, lavatory and bathing.
14.12.060 Design--Mobile home lots.
14.12.070 Design--Recreational vehicle lots.
14.12.080 Engineering standards--Community facilities.
14.12.090 Engineering standards--Recreational vehicle lots.

14.12.010 Design standards table--Interpretation. The table below is intended to establish minimum standards for the development of mobile home/recreational vehicle parks. The appropriateness of developing a particular type of facility (Column 1) or a combination of types, on a given site is a decision of the town council. Variance from the standards established in the table may be allowed for any one or all of the categories by specific action of the town council.

Design Standards

General Requirements

Utilities: Water, sewer, electricity
Optional utilities: Gas, telephone
All utilities underground

Services: Garbage and refuse

Parking: One designated off-street space on each mobile home or recreational vehicle lot plus .33 1/3 designated off-street space per home lot reserved for parking of resident owner recreational vehicle.

Improvements: Paved streets, landscaping, street lights, fire hydrants, street signs.

Type Facility	Street Access	Minimum Lot Sizes (In Feet)		Yard Minimum Requirements (In Feet)		Minimum Street Widths (In Feet)	
		Length	Width	Side	Rear	Collector	Minor Cul-de-sac*
Residential Park Double	Main access to designated arterials only	100	60	10	10	60	30 (turn-around 35 radius)
Residential Park Single	Access to designated arterials only	100	40	5	10	60	30 (turn-around 35 radius)
Recreational Vehicle	Main access Major arterials or highways	50	20	5	10	60	30 turn-around 35 radius)

* Cul-de-sac streets shall not serve more than eight lots.

Single wide	40 ft. street access
Double wide	50 ft. street access

(Ord. 485 §1.03.010, 1994).

14.12.020 Design--Community facilities--Streets. Street layout within a mobile home park shall be designed to provide:

A. Adequate access to all lots;

B. Safe vehicle circulation, including ingress and egress of mobile homes and adequate access to all areas by emergency and service vehicles;

C. A minimum of two access and egress ways to a dedicated public street. (Ord. 485 §1.03.020, 1994).

14.12.030 Design--Community facilities--Utilities.

A. All utilities shall be placed underground.

B. Easements for utilities shall be provided. The location and size of the easements shall be according to the requirements established by the town council working in conjunction with the developer to meet the needs of the town.

C. Fire hydrants shall be provided as required by the town engineer. (Ord. 485 §1.03.030, 1994).

14.12.040 Design--Community facilities--Parking. Off-street parking within a mobile home or recreational vehicle park shall conform to the appropriate set of standards established below:

A. Visitor and Extra Vehicle Parking (Not on Mobile Home or Recreational Vehicle Lot). The following standards shall apply:

1. Parking surface shall be of dust-free composition and be properly drained.

2. Each space shall have adequate access to allow safe and convenient ingress and egress.

3. There shall be one designated off-street parking space on each mobile home or recreational vehicle lot.

B. Recreational Vehicle Storage Parking (Not on Mobile Home or Recreational Vehicle Lot). The following standards shall apply:

1. Parking for recreational vehicles shall be provided in a designated area.

2. A minimum of two hundred fifty square feet per designated space shall be provided, not including driveways.

3. There shall be .33 1/3 designated off-street space per mobile home or R.V. lot reserved for parking of the resident owner. (Ord. 485 §1.03.040, 1994).

14.12.050 Design--Community facilities--Toilet, lavatory and bathing. A. Toilet, lavatory and bathing facilities, separate for each sex, shall be provided in all mobile home parks containing one or more dependent recreational vehicle lots.

1. Mobile home parks containing between one and ten dependent recreational vehicle lots shall have a minimum of one toilet, one shower, and one lavatory for each sex.

2. Mobile home parks containing between ten and twenty-five dependent recreational vehicle lots shall have a minimum of two toilets, two showers, and two lavatories for each sex.

3. Mobile home parks containing more than twenty-five dependent recreational vehicle lots shall have toilet, lavatory and bathing facilities in the ratio of at least one additional toilet, shower and lavatory for each sex for every fifteen additional dependent recreational vehicle lots.

B. Mobile home parks containing dependent recreational vehicle lots shall locate all dependent recreational vehicle lots within two hundred feet of toilet, lavatory and bathing facilities.

C. Toilet rooms shall be provided with toilet paper.

D. Hand washing facilities shall be provided with soap and single service towels, or other approved drying methods and equipment.

E. All exterior openings from toilet rooms shall be covered with screen during fly season. Toilet rooms shall be provided with self-closing doors.

F. Toilet rooms and shower rooms shall be well-lighted at all times. There shall be at least one operable window within each such room, or other mechanical device to provide adequate ventilation.

G. Floors of toilet rooms and shower rooms shall be of water-impervious material and shall be sloped to floor drains connected to the sewer system. Such facilities shall be maintained in a clean and sanitary condition.

H. Construction and Maintenance of Community and Recreational Facilities.

1. The interiors of community and recreational facilities shall be of moisture-resistant material, which will withstand frequent washing and cleaning.

2. The floors of community and recreational facilities shall be easily cleanable. Such facilities shall be maintained in a clean condition at all times.

3. A community and/or recreational facility shall contain heating equipment which is in a safe and workable condition, and which is capable of maintaining a comfortable air temperature within the facility. (Ord. 485 §1.03.050, 1994).

14.12.060 Design--Mobile home lots. Each mobile home lot shall be provided with the following:

A. A mobile home stand capable of providing safe installation to the mobile home and meeting federal, state and town requirements;

B. Approved utility connections for electric, sewer and water. Telephone and gas may also be provided;

C. Safe and convenient access to a park street connected to a public street or directly to a public street approved or required by the council; provided, that where access is directly to a public street, lot corners shall be marked. (Ord. 485 §1.03.060, 1994).

14.12.070 Design--Recreational vehicle lots. Each recreational vehicle lot shall be provided with the following:

A. Defined and marked boundaries;

B. An assigned lot or lot and block number;

C. Safe and convenient ingress and egress from a park street connected to a public street. (Ord. 485 §1.03.070, 1994).

14.12.080 Engineering standards--Community facilities. A. Streets. Streets within a mobile home park shall be constructed and maintained by the owner and/or developer and shall not be dedicated as a public right-of-way. Unless otherwise approved or required by the town

council, all streets shall be constructed to conform with town standards. Adequate drainage shall be provided, acceptable to the town engineer. The mobile home park street shall be connected to a public street with a standard driveway apron and curb and gutter.

B. Parking. The recreation vehicle storage parking shall be enclosed with a minimum fence height of six feet, using cyclone-type fencing. The area shall be surfaced to conform to the town standards.

C. Utilities. The owner shall apply and make payment to the town water division for the necessary master water meters and water services to serve the mobile home park in compliance with the Odessa municipal ordinances. (Ord. 485 §1.03.080, 1994).

14.12.090 Engineering standards--Recreational vehicle lots. Recreational vehicle lots shall have a backflow prevention device installed in the waterline serving each individual lot. Each lot shall be provided with individual water connections. Individual sanitary sewer connections shall be provided on those lots offering sanitary sewer connections. (Ord. 485 §1.03.090, 1994).

Chapter 14.16

CERTIFICATE OF DEVELOPMENT--PLACEMENT PERMIT

Sections:

14.16.010 Certificate of development approval.
14.16.020 Placement permit.
14.16.030 Placement requirements.
14.16.040 Obtaining placement permit--Conformance with standards.
14.16.050 Occupancy of recreational vehicle lot.
14.16.060 Inspection.
14.16.070 Transfer of placement permit.

14.16.010 Certificate of development approval. No building or construction permits shall be issued, and no construction of any kind may be initiated, until a certificate of development approval has been issued by the town clerk. The certificate shall be issued upon approval of the proposed development by the town council, with the following conditions:

A. All construction, pursuant to the certificate, shall be in conformance with the approved development plans;

B. Construction, pursuant to the certificate, shall commence within one year of issuance. Failure to commence construction within one year shall void the certificate;

C. Construction, pursuant to the certificate, shall not be suspended for a period in excess of one hundred eighty days. Suspension in excess of the above limits void the certificate;

D. The certificate shall be nontransferable to any person, firm, or corporation, without the approval of the town council. (Ord. 485 §1.04.010, 1994).

14.16.020 Placement permit. Within a mobile home park, for each mobile home intended for placement on a designated mobile home lot and for occupancy as a dwelling unit, a placement permit shall be obtained from the building inspection department of the town prior to placement of the mobile home, and shall conform to the standards contained in this title. (Ord. 485 §1.04.020, 1994).

14.16.030 Placement requirements. Each mobile home shall:

A. Be placed on a designated mobile home stand;

B. Be securely tied down per manufacturer's recommendations or in accordance with Part 4, Mobile Home Facilities, "Standards for the Installation of Mobile Homes," N.F.P.A. No. 501A, A.N.S.I.A. 119.3. Such standards for the installation of mobile homes, together with all amendments and additions to such standards when printed and filed with the town clerk, are adopted by reference as the standards for the installation of mobile homes of the town;

C. Have adequate steps attached to all exits;

D. Have appropriate skirting installed around the entire perimeter of the mobile home within ninety days;

E. Be properly connected to sewer, water and utility hookups, and have convenient access to such hookups for inspection purposes. (Ord. 485 §1.04.030, 1994).

14.16.040 Obtaining placement permit--Conformance with standards. Within a mobile home park, for each recreational vehicle intended for placement on a mobile home or dependent recreational vehicle lot and for occupancy as a dwelling unit for a period in excess of ninety days, a placement permit shall be obtained prior to the placement of the unit, from the building inspection office of the town, and shall conform to the standards established. (Ord. 485 §1.04.040, 1994).

14.16.050 Occupancy of recreational vehicle lot. Occupancy of a recreational vehicle as a dwelling unit on an independent recreational vehicle lot shall be limited to a period of less than ninety days. (Ord. 485 §1.04.050, 1994).

14.16.060 Inspection. Each mobile home or recreational vehicle required to obtain a placement permit shall have the following inspections:

A. Tie-down and utility inspection prior to installation of skirting;

B. Skirting and steps inspection. (Ord. 485 §1.04.060, 1994).

14.16.070 Transfer of placement permit. The placement permit shall specify the location (by identifying the mobile home park and the specific lot for which placement is proposed) and the owner of the mobile home, and shall not be transferable. (Ord. 485 §1.04.070, 1994).

Chapter 14.20

OPERATION--COMPLIANCE

Sections:

14.20.010 Responsibility of person owning mobile home park.
14.20.020 Compliance with other codes and regulations.

14.20.010 Responsibility of person owning mobile home park. The person owning a mobile home park shall be responsible for the following:

A. Maintenance of all community facilities in a clean, safe and functional condition;

B. Maintenance of all landscaping not on designated mobile home lots;

C. Prevention of any condition which may be a detriment to public health, safety, and welfare;

D. Maintenance of all grounds and facilities within the park; provided, that the operator may require that individual mobile home lots be maintained by the occupant;

E. Maintenance of a log of the occupants of the mobile home park, including record of the date of installation of each mobile home installed after the effective date of the ordinance codified in this title. This log shall be available to the building inspector or his designee and the health officer or his designee at all reasonable hours. (Ord. 485 §1.05.010, 1994).

14.20.020 Compliance with other codes and regulations. Compliance with this title shall not exempt the park owner, developer or manager from compliance with other applicable local, state and federal codes and regulations. (Ord. 485 §1.05.020, 1994).

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

15.04 Building Code
15.08 Electrical Code
15.12 Gas System Construction Regulations
15.16 Gas System Installation and Maintenance Regulations
15.20 Flood Hazard Protection
15.24 Unfit Dwellings and Buildings
15.28 Satellite Receiving Stations
15.32 Aboveground Storage Facilities for Class I Combustible and Flammable Materials

Chapter 15.04

BUILDING CODE*

Sections:

15.04.010 Short title.
15.04.020 Technical building codes adopted by reference.
15.04.030 Administration and enforcement.
15.04.040 Building official--Building committee chairman powers and duties.
15.04.050 Building permit fees.
15.04.051 Building permit--Required.
15.04.052 Permit--Application.
15.04.053 Building permit committee--Members.
15.04.054 Applications--To building inspector.
15.04.055 Appeal of building inspector decision--To building permit committee.
15.04.056 Appeal of building permit committee decision--To town council.

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* For statutory provisions adopting certain technical building codes for all cities, towns and counties, authorizing local amendments thereof and superseding local building regulations, see RCW Ch. 19.27; for provisions authorizing local governments to adopt technical codes by reference, see RCW §35.21.180; for provisions authorizing towns to adopt fire limits, see RCW §35.27.400.
Prior ordinance history: Ord. 317.

Sections: (Continued)

15.04.057 Issue of permit--Who to sign.
15.04.058 Construction without permit--Condemnation and removal of building or structure.
15.04.059 Construction without permit--Penalties.
15.04.060 Fire district established.
15.04.070 Unlawful acts designated.
15.04.080 Violation--Penalty.

15.04.010 Short title. The ordinance codified in this chapter shall be known as the "Building Code of the Town of Odessa." (Ord. 422 §1, 1986).

15.04.020 Technical building codes adopted by reference. Pursuant to the State Building Code Act, Ch. 144, Laws of 1985, Regular Session, enacted by the Washington State Legislature, the following codes are hereby adopted.

A. Uniform Building Code and Uniform Building Code Standards, 1985 Edition, published by the International Conference of Building Officials;

B. Uniform Mechanical Code, 1985 Edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials;

C. The Uniform Fire Code and Uniform Fire Code Standards, 1985 Edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association;

D. The Uniform Plumbing Code and Uniform Plumbing Code Standards, 1985 Edition, published by the International Association of Plumbing and Mechanical Officials, provided that Chapters 11 and 12 of such code are not adopted;

E. The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons, as provided for in RCW 70.92.100 through 70.92.160; and

F. The 1991 Washington State Energy Code, as written by the Washington State Building Code Council and filed as Chapter 51-11 Washington Administrative Code, and the 1991 Ventilation and Indoor Air Quality Code, filed as Chapter 51-13 Washington Administrative Code, are adopted. (Ord. 457 §3, 1991; Ord. 422 §2, 1986).

15.04.030 Administration and enforcement. The building code of the town shall be administered and enforced by the chairman of the building committee of the town. (Ord. 422 §3, 1986).

15.04.040 Building official--Building committee chairman powers and duties. The chairman of the building committee shall be deemed to be the building official. The building chairman shall also be deemed to be the "chief" or "chief of the fire department" for purposes of enforcing and administering all provisions of the Uniform Fire Code. The chairman of the building committee shall also be deemed the "Administrative Authority," as such term is defined in Section 102(c) of the Uniform Plumbing Code, for purposes of enforcing and administering the provisions of the Uniform Plumbing Code. The building chairman shall also enforce and administer the standards set forth in the American National Standard Specifications for Making Buildings and Facilities Accessible To, and Usable By, the Physically Handicapped. The building chairman may upon notice and hearing promulgate such rules and regulations as he deems

necessary for the enforcement of the building code of the town. (Ord. 422 §4, 1986).

15.04.050 Building permit fees. A. Beginning on January 1, 2005, the 1997 Building Code Building Permit Fee Schedule is hereby adopted to cover all applications for permits submitted on and after January 1, 2005, under the building code of the town of Odessa. The fees for building permits are as follows:

1. For amounts between one dollar to five hundred dollars, the fee is twenty-three dollars and fifty cents.

2. For amounts from five hundred one dollars to two thousand dollars, the fee is twenty-three dollars and fifty cents for the first five hundred dollars, plus three dollars and five cents for each additional one hundred dollars, or fraction thereof, to and including two thousand dollars.

3. For amounts from two thousand one dollars to twenty-five thousand dollars, the fee is sixty-nine dollars and twenty-five cents for the first two thousand dollars, plus fourteen dollars for each additional one thousand dollars, or fraction thereof, to and including twenty-five thousand dollars.

4. For amounts from twenty-five thousand one dollars to fifty thousand dollars, the fee is three hundred ninety-one dollars and seventy-five cents for the first twenty-five thousand dollars, plus ten dollars and ten cents for each additional one thousand dollars, or fraction thereof, to and including fifty thousand dollars.

5. For amounts from fifty thousand one dollars to one hundred thousand dollars, the fee is six hundred forty-three dollars and seventy-five cents for the first fifty thousand dollars, plus seven dollars for each additional one thousand dollars, or fraction thereof, to and including one hundred thousand dollars.

6. For amounts from one hundred thousand one dollars to five hundred thousand dollars, the fee is nine hundred ninety-three dollars and seventy-five cents for the first one hundred thousand dollars, plus five dollars and sixty cents for each additional one thousand dollars, or fraction thereof, to and including five hundred thousand dollars.

7. For amounts from five hundred thousand one dollars to one million dollars, the fee is three thousand two hundred thirty-three dollars and seventy-five cents for the first five hundred thousand dollars, plus four dollars and seventy-five cents for each additional one thousand dollars, or fraction thereof, to and including one million dollars.

8. For amounts from one million one dollars and up, the fee is five thousand six hundred eight dollars and seventy-five cents for the first one million dollars, plus three dollars and sixty-five cents for each additional one thousand dollars, or fraction thereof.

Said fee is to be paid prior to the issuance of the building permit.

The current state building permit mill fee shall also be added to the cost of the town building permit fee.

B. Beginning on May 3, 1999, as per council-approved motion, the building permit fee schedule as adopted in Ordinance No. 509, Section 1, is amended to include a separate fee charge for mobile homes as follows:

For all manufactured home/mobile home (as defined in Section 17.08.315) permits, the charge will be seventy-five dollars per section. This fee is in lieu of the other local permit fees in subsection A of this section.

Said fee is to be paid prior to the issuance of the building permit. (Ord. 591 §1, 2004; Ord. 529 §1, 1999).

15.04.051 Building permit--Required. Any person or persons, firm or corporation desiring to construct any building or structure of any kind, nature or description, as required under the Uniform Building Code or under the town ordinance, will be required first to obtain a building permit before commencing construction work. (Ord. 520 §1, 1998).

15.04.052 Permit--Application. Any person or persons, firm or corporation desiring to construct within the city limits a building or structure of any kind, nature or description will be required to make application for a building permit with the town clerk, upon such form as the town clerk shall provide. (Ord. 520 §2, 1998).

15.04.053 Building permit committee--Members. The mayor shall appoint a building permit committee consisting of two members of the town council and the mayor. In the event of a vacancy, the mayor is authorized to appoint such additional members of the town council to act pro tem upon the committee, so that the entire committee shall consist of three members. (Ord. 520 §3, 1998).

15.04.054 Application--To building inspector. The town clerk shall forthwith deliver the application for building permit to the building inspector, who shall inspect and approve or not approve the application. (Ord. 520 §4, 1998).

15.04.055 Appeal of building inspector decision--To building permit committee. In the event the building inspector has denied an application, the applicant may appeal to the building permit committee. Said appeal shall be in writing and shall be filed with the town clerk within thirty days of denial by the building inspector. (Ord. 520 §5, 1998).

15.04.056 Appeal of building permit committee decision--To town council. In the event the application is denied by the building permit committee, the applicant may appeal that decision to the town council. Said appeal shall be in writing and shall be filed with the town clerk within thirty days of denial by the permit committee. A hearing upon said appeal shall be scheduled to be held within thirty days of filing of written appeal. (Ord. 520 §6, 1998).

15.04.057 Issue of permit--Who to sign. In the event the application of a building permit is granted by the building permit committee, a permit shall be issued by the town clerk and shall be signed by all members of the building permit committee. In the event the permit is granted by the town council, the permit shall be signed by a majority of the town council. (Ord. 520 §7, 1998).

15.04.058 Construction without permit--Condemnation and removal of building or structure. Any person, persons, firms or corporations constructing any building or structure within the town limits of the town of Odessa without first obtaining a building permit so to do, shall be punished as hereinafter set out to the chapter, and in addition thereto, the town council may condemn the said building or structure so constructed and remove said building or structure from the premises or destroy the same. (Ord. 520 §8, 1998).

15.04.059 Construction without permit--Penalties. Any persons or persons, firms or corporations who shall construct any building or structure of any kind, nature or description within the town limits of the town of Odessa, without having first obtained a building permit so to do, shall be guilty of a gross misdemeanor, and upon conviction shall be punished by paying a fine of not to exceed five hundred dollars, or by imprisonment in jail for not to exceed thirty days, or both such fine and imprisonment. (Ord. 520 §9, 1998).

15.04.060 Fire district established. For the purpose of this chapter and the interpretation and enforcement of the applicable provisions thereof, the entire town is declared to be and is established as a fire district, and such fire district shall be known as "Fire Zone No. 3" throughout the entire corporate limits of the town. (Ord. 422 §5, 1986).

15.04.070 Unlawful acts designated. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy or maintain any building or structure in

the town, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter. (Ord. 422 §7, 1986).

15.04.080 Violation--Penalty. Notwithstanding the provisions of Section 205 of the Uniform Building Code and Section 202 of the Uniform Mechanical Code, any person, firm or corporation violating any of the provisions of this chapter shall be deemed to have committed a separate infraction for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted and shall be subject to a fine of five hundred dollars, plus state assessments, for each separate infraction. (Ord. 605 §2(31), 2006: Ord. 422 §8, 1986).

Chapter 15.08

ELECTRICAL CODE*

Sections:

15.08.010 Conformance to National Electrical Code required.
15.08.020 Inspection of wiring--Power company notification--Certificate issuance.
15.08.030 Violation--Penalty.

15.08.010 Conformance to National Electrical Code required. All wires, equipment and the installation thereof to convey electric current and the installation of apparatus to be operated by said current, in, on or about buildings or structures, except for telephone, telegraph, radio and television wires and equipment and television antenna installations, shall be in strict conformity with the rules and regulations set forth in the National Electrical Code, 1975 Edition, as approved by the American Standards Association and as duly modified or supplemented by the rules and regulations issued by the Department of Labor and Industries in furtherance of safety to life and property under authority of RCW 19.28.060. (Ord. 343 §1, 1977: Ord. 100 §1, 1911).

15.08.020 Inspection of wiring--Power company notification--Certificate issuance. Upon completion of the roughing-in and the finished wiring in any building it shall be the duty of the corporation, copartnership or individual doing same to notify the local representative of the light and power company or plant intending to service such property, whose duty it shall be to at once have the work inspected and, if found in conformity with the code, to issue a certificate of satisfactory inspection, which shall contain the date of such inspection and an outline of the result of such examination; no current shall be turned on for such installation until such certificate is issued. No changes, alteration or extension shall be made in the wiring of any building, now or hereafter erected, after inspection without notifying the local representative and securing additional certificates. (Ord. 100 §2, 1911).

* For statutory provisions establishing the National Electrical Code as the uniform statewide standard for approved methods of construction, see RCW 19.28.010; for provisions authorizing local governments to adopt certain technical codes by reference, see RCW §35.21.180.

15.08.030 Violation--Penalty. Any person, persons, firm, corporation, or partnership who fails, neglects or refuses to comply with the provisions of this chapter shall be found to have committed a misdemeanor and thereof shall be subject to the general penalty of Chapter 1.16 of this code. (Ord. 605 §2(32), 2006: Ord. 343 §2, 1977: Ord. 100 §3, 1911).

Chapter 15.12

GAS SYSTEM CONSTRUCTION REGULATIONS*

Sections:

15.12.010 Definitions.
15.12.020 Documents adopted by reference--Additions and amendments.
15.12.030 Insurance for permittee required.
15.12.040 Property lines and easements--Permittee responsibility.
15.12.050 Property protection.
15.12.060 Protection and removal of utilities.
15.12.070 Interference with fire equipment and passageways prohibited.
15.12.080 Monument preservation.
15.12.090 Damage to existing improvement.
15.12.100 Location of pipes.
15.12.110 Location of service shutoffs.
15.12.120 Breaking through pavement.
15.12.130 Trench and manhole requirements.
15.12.140 Water prohibited in trenches.
15.12.150 Tunnels prohibited without town approval--Requirement.
15.12.160 Provision for watercourses.
15.12.170 Care of excavated material.
15.12.180 Backfilling requirements--Compacting requirements.
15.12.190 Routing and maintenance of traffic during construction.
15.12.200 Gas distribution systems--Inspection.
15.12.210 Gas distribution systems--Testing.
15.12.220 Violation--Penalty.

* For statutory provisions authorizing local governments to adopt certain technical codes by reference, see RCW 35.21.180; for provisions authorizing town councils to grant permits to use and occupy the underground of streets, alleys and other public ways, see RCW 35.27.370(12).

15.12.010 Definitions. For the purposes of this chapter, the words set out in this section shall have the following meanings:

A. "Distribution system" means any system of mains, pipes, service lines, regulators, meters, fixtures, connections and attachments used in the distribution of gas.

B. "Gas" means natural, manufactured or mixed gas suitable for domestic or industrial fuel.

C. "Permittee" means any person holding a franchise to distribute gas in the town.

D. "Person" means any person, firm, corporation or association.

E. "Public properties" means any street, alley, roadway, sidewalk, viaduct, highway, bridge, park drive or public ground open as a matter of right to public travel.

F. "Service line" means any pipe, regulator and meter which conveys gas from a main or other distribution or transmission line to and on a consumer's premises.

G. "Transmission system" means a system of pipelines installed to transmit gas from a source or sources of supply to one or more distribution centers or a pipe installed to interconnect sources of supply. (Ord. 280 §§1--8, 1970).

15.12.020 Documents adopted by reference--Additions and amendments. A. The "Rules and Regulations Pertaining to Matters of Public Safety in the Construction and Operation of Facilities for the Transmission and Distribution of Gas" of the Public Service Commission of the state, "Appendix 'A' to Order in Consolidated Cause Nos. U-8799 and U-8800," adopted June 28, 1955, and the provisions of the "USA Standard Code for Pressure Pipline Gas Transmission and Distribution Piping Systems," U.S.A.S. B31.8, dated 1968, on file in the office of the town clerk, are each hereby adopted by reference as standards for gas installation in the town; provided, that in the event any of the provisions of the rules and regulations of the ASA Code should conflict with any of the provisions of this chapter, the chapter and the state rules and regulations shall govern and be observed.

B. All amendments and additions to the rules and regulations and the ASA Code, when printed and filed with the town clerk, shall thereupon become amendments and additions thereto if not in conflict with the provisions of this chapter. (Ord. 280 §9, 1970).

15.12.030 Insurance for permittee required. The permittee shall have and maintain in force adequate public liability and property damage insurance, which insurance may contain a self-insured deductible amount as shall be approved by the town council. (Ord. 280 §28, 1970).

15.12.040 Property lines and easements--Permittee responsibility. Property lines and limits of easements shall be indicated on the plans and it shall be the permittee's responsibility to confine its construction activities within these limits. Any damage resulting from trespassing beyond these limits shall be the sole responsibility of the permittee. (Ord. 280 §23, 1970).

15.12.050 Property protection. A. The permittee shall, at its own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the construction or maintenance work and shall be responsible for all damage to public or private property. Wherever it may be necessary for the permittee to trench through any lawn area, the sod shall be carefully cut and rolled and replaced after ditches have been backfilled, and the area restored as nearly as possible to its original condition.

B. The permittee shall not remove, even temporarily, any trees or shrubs which exist in the parking-strip areas or easements across private property without first having notified the property owner, or in the case of public parks, the town park department. (Ord. 280 §20, 1970).

15.12.060 Protection and removal of utilities. A. The permittee shall inform itself as to the existence and location of any underground utilities and protect the same against damage.

B. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipe, sewer, gas pipe, electric conduit or other utility.

C. The permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the construction or maintenance work, and do everything necessary to support, sustain and protect the same under, over, along or across such work. In case any of the pipes, conduits, poles, wires or apparatus should be damaged, they shall be repaired by the authorities having control of the same and the expense of such repairs shall be charged to the permittee.

D. If it should be necessary to move an existing utility, the work shall be done by the owner of such utility. Whenever the permittee's utility interferes with the actual construction of any public improvement, such utility shall be moved by the permittee. No utility, either publicly or privately owned, shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. (Ord. 280 §14, 1970).

15.12.070 Interference with fire equipment and passageways prohibited. The work shall be conducted so as not to interfere with access to fire stations or fire hydrants. Materials or obstructions shall not be placed within fifteen feet of fire hydrants. Passageways leading to fire escapes or firefighting equipment shall be kept free of material piles or other obstructions. (Ord. 280 §25, 1970).

15.12.080 Monument preservation. The permittee shall not disturb any surface monuments or hubs found on the line of the improvements unless authorized by the town. (Ord. 280 §21, 1970).

15.12.090 Damage to existing improvements. All damage done to existing improvements during the progress of construction or maintenance work shall be repaired by the permittee. Materials for such repair shall conform to the requirements of applicable ordinances. If, upon being ordered, the permittee fails to furnish the necessary labor and materials for such repairs, the town may cause such necessary labor and materials to be furnished by other parties and the cost thereof charged against the permittee. (Ord. 280 §22, 1970).

15.12.100 Location of pipes. All mains shall be laid in alleys or easements whenever possible, or at locations generally on the south and west sides of streets and alleys. Mains shall have a lateral clearance not less than four feet from water mains and twelve inches from any other subsurface structure; provided, that under exceptional circumstances, the town may authorize less clearance. Mains shall have a vertical clearance of twelve inches when crossing another pipe. Mains shall be laid with a cover not less than thirty inches, except under unusual circumstances less coverage may be used. Where the trench is in rock, the cover may be twenty-four inches if the main is properly cushioned as required in Section 15.12.130 of this chapter. If the trench is in a parking strip, the cover may be eighteen inches. In the event interference with other subsurface structures makes it impractical to maintain the above depths, the town may permit gas pipelines and mains to be constructed so as to avoid such subsurface structures. Minimum depth of service lines shall be twelve inches at the service terminal and the lines shall normally slope to the required depth at the main. No person shall install a gas service line on the consumer's premises in the same ditch as the water service line without written approval by the town. (Ord. 280 §13, 1970).

15.12.110 Location of service shutoffs. Service shutoffs shall be installed on all new services, including replacements, at the curb or property line for each service or at an easily accessible place on the outside of the building served. If the latter method is used, such service shall not enter a building directly without coming aboveground. (Ord. 280 §12, 1970).

15.12.120 Breaking through pavement. Whenever it is necessary to break through existing pavement for the purpose of constructing gas service facilities, and where trenches are to be four feet or over in depth, the pavement and the base shall be removed to at least six inches beyond the outer limits of the subgrade that is to be disturbed in order to prevent settlement, and a six-inch shoulder of undisturbed material shall be provided on each side of the excavated trench. The face of the remaining pavement shall be approximately vertical. (Ord. 280 §17, 1970).

15.12.130 Trench and manhole requirements. A. Trenches shall not be excavated more than three hundred feet in advance of pipelaying, nor left unfilled for more than seven hundred feet where pipe has been laid, except by permission from the town. The length of the trench that may be opened at any time shall not be greater than the length of pipe and the necessary accessories which are available to the site ready to put in place. The completed trench shall be kept not less than thirty feet ahead of the pipelayers. Trenches shall be at least six inches wider on each side or a total width of twelve inches more than the exterior diameter of the pipe, except where pipes are four inches or less in diameter. Wherever excavation is made in rock, a minimum of six inches of noncorrosive soil, sands or fines of existing soils shall be used as a padding beneath the pipe and an additional six inches above the pipe.

B. Excavation for manholes and other structures shall be sufficient to leave at least twelve inches between their outer surfaces and the sides of the excavation. (Ord. 280 §15, 1970).

15.12.140 Water prohibited in trenches. The permittee shall pump, bail or otherwise remove any water which accumulates in trenches. Dewatering trenches may be accomplished in any manner approved by the town. Water shall not be permitted in trenches at any time during construction, nor until backfilling over the top of the pipe has been completed unless otherwise specifically permitted by the town. The groundwater level in trenches shall not be permitted to rise above an elevation of six inches below the pipe. The permittee shall perform all work necessary to keep the trenches clear of water while the foundations and masonry are being constructed or the pipe laid. (Ord. 280 §16, 1970).

15.12.150 Tunnels prohibited without town approval--Requirements. Tunnels under pavement shall not be permitted except by permission of the town and, if permitted, shall be adequately supported by timbering and backfilling under the direction of the gas inspector. (Ord. 280 §18, 1970).

15.12.160 Provision for watercourses. A. The permittee shall provide for the flow of all watercourses, sewers or drains intercepted during the progress of the work and shall replace the same in as good condition as it found them or shall make final provisions for them as the town may direct. The permittee shall not obstruct the gutter of any street, but shall use all proper measures to provide for the free passage of surface water.

B. The permittee shall make provisions to take care of all surplus water, mud, silt or other runoff pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure so to provide. (Ord. 280 §26, 1970).

15.12.170 Care of excavated material. All material excavated from trenches, and piles adjacent to the trench or in highways shall be piled and maintained in such a manner that the toe of the slope of the excavated material is at least eighteen inches from the edge of the trench. When the confines of the area through which the gas pipes are to be laid are too narrow to permit the piling of excavated material beside the trench, the permittee may be required to haul excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all storage and disposal sites required. (Ord. 280 §24, 1970).

15.12.180 Backfilling requirements--Compacting requirements. Backfilling in all public streets and improved areas, both public and private, shall be completed to a degree equivalent to that of the undisturbed ground in which the trench was dug. Compacting shall be done by mechanical tampers or vibrators, or by rolling in layers as required by the soil in question. (Ord. 280 §19, 1970).

15.12.190 Routing and maintenance of traffic during construction. A. During construction, traffic shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of abutting property and to the general public; provided, that the town may permit the closing of public properties to all traffic for a designated period of time if necessary. Before any public property may be closed or restricted to traffic, the permittee must obtain the approval of the town and notify the chief of the fire

department and the chief of the police department. The permittee shall route and control all traffic, including its own vehicles, as directed by the chief of the police department. Upon completion of construction work, the chief of the police department and the chief of the fire department shall again be notified before traffic is returned to its normal route. Where flagmen are deemed necessary by the chief of the police department, they shall be furnished by the permittee at its expense.

B. Through traffic shall be maintained without detours, if possible. When it is necessary to construct a detour, the permittee shall construct same at its expense. The permittee will be responsible for any unnecessary damage caused to any public properties by the operation of its equipment.

C. The permittee shall erect and maintain suitable timber barriers to confine earth from trenches or other excavations in order to minimize encroachment upon highways. It shall construct and maintain adequate and safe crossings over excavations and across highways during construction to accommodate vehicular and pedestrian traffic at all street intersections under the supervision of the town. Decking shall not be less than four inches thick and shall be securely fastened together with heavy wire and staples. Pedestrian crossings shall consist of planking three inches thick, twelve inches wide and of the length required, together with necessary blocking. The walk shall not be less than four feet wide and shall be provided with a railing if required by the town. (Ord. 280 §27, 1970).

15.12.200 Gas distribution systems--Inspection. All construction of a gas distribution or transmission system shall be inspected by the gas inspector for the permittee. (Ord. 280 §28, 1970).

15.12.210 Gas distribution systems--Testing. Before any newly constructed distribution or transmission system is placed in service, it shall be tested by the permittee in conformity with the codes adopted by this chapter. (Ord. 280 §11, 1970).

15.12.220 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(33), 2006: Ord. 353 §1(part), 1977: Ord. 280 §29, 1970).

Chapter 15.16

GAS SYSTEM INSTALLATION AND MAINTENANCE REGULATIONS*

Sections:

15.16.010 Definitions.
15.16.020 Documents adopted by reference--Additions and amendments.
15.16.030 License required--Exception.
15.16.040 Permit required--Fee.
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15.16.010 Definitions. For the purpose of this chapter, the following words, terms and phrases are defined and shall have the meaning given to them in this section:

A. "Consumer" means any person using gas, including residential, commercial and industrial users;

B. "Gas" means natural, manufactured or mixed gas;

C. "Gas appliances" means any appliance or device used for burning gas;

D. "Gas company" means any person or persons holding and exercising a franchise to distribute gas within the corporate limits of the town;

E. "Gasfitter" means any person who does gasfitting work on any gas system or gas appliance;

F. "Gasfitting system" means all gas piping, ductwork, appliances and accessories installed or used in connection with consumption of gas on consumer's premises;

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* For statutory provisions authorizing local governments to adopt certain technical codes by reference, see RCW §35.21.180; for provisions authorizing town councils to license businesses for regulation and revenue, see RCW §35.27.370(9).

G. "Gasfitting work" means the installation, alteration, extension, repair or maintenance, from the outlet of the gas meter, of gas piping, venting and appliances;

H. "Gas installer" means any person who is licensed and who engages or employs licensed gasfitters, servicemen and/or apprentices to install gas equipment and accessories in the town or county of Lincoln acceptable to the town council and may be licensed by the town only;

I. "Gas piping system" means all gas piping from the outlet of the gas meter installed or used in connection with consumption of gas on a consumer's premises;

J. "Person" means any person, firm, association, corporation or municipal corporation;

K. "Premises" means the property of the consumer up to the property line and including any buildings or structures thereon;

L. "Used gas appliances" means a gas appliance which has been previously sold, installed or used. (Ord. 279 §1.1, 1972).

15.16.020 Documents adopted by reference--Additions and amendments. A. The provisions of the "Inland Empire Natural Gas Association Standards for the Installation of Gas Appliances and Gas Piping, Domestic Gas Conversion Burners and Gas Equipment in excess of 400,000 B.T.U.'s Per Hour Input," Second Edition, 1965; NBFU No. 58, "Storage and Handling of Liquefied Petroleum Gasses," dated 1967; and NBFU No. 59, "Storage and Handling of Liquefied Petroleum Gasses at Utility Gas Plants," dated 1963, all on file in the office of the town clerk, are adopted by reference as to installation, conversion, maintenance, operation and safety standards of the town. In the event any provisions of this standard conflict with any of the provisions of this chapter, the provisions of this chapter shall govern and be observed.

B. All amendments and additions to the "Inland Empire Natural Gas Association Standards for the Installation of Gas Appliances and Gas Pipeline, Domestic Gas Conversion Burners and Gas Equipment in Excess of 400,000 B.T.U.'s Per Hour Input," Second Edition, 1965, when printed and filed with the town clerk, shall thereupon become amendments and additions hereto, if not in conflict with the provisions of this chapter. (Ord. 279 §1.2, 1972).

15.16.030 License required--Exception. Before starting an installation, a gas installer shall have in his possession an up-to-date and valid gasfitter's license issued by the city of Spokane, Spokane County or by the town, indicating that the gas installer has successfully passed a gasfitter's examination; provided, however, that the owner of any single-family dwelling occupied by him shall not be required to have a gasfitter's license or procure the bond and

insurance provided in this chapter to do gasfitting work on said premises if the work is to be done by the owner or a member of his immediate family. In such case the owner shall obtain the necessary permit and perform the works and tests in accordance with other provisions of this chapter, subject to the approval of the designated enforcement officer; provided, however, that an owner shall not be permitted to do gasfitting work in any building which is used as a place of business, apartment house, rental unit or a house to be offered for sale. (Ord. 279 §2.1, 1972).

15.16.040 Permit required--Fee. No person shall do gasfitting work without first obtaining a permit from the town clerk. Such permit shall indicate the licensed gas installer or homeowner personally responsible for performing the work. The town clerk shall collect a fee of three dollars for each gas installation permit. (Ord. 294 §1, 1972: Ord. 279 §2.3, 1970).

15.16.050 Gas installer--Bond and insurance requirements. A. Before any installation work is started, the gas installer shall have a bond in the sum of two thousand dollars executed by the applicant as principal and a surety company authorized to do business in the state of Washington, running to the town, conditioned that the licensee, his agents and servants shall fully comply with all provisions of law and ordinances of the town relating to gasfitting work and that any person injured by failure of the principal to comply with such laws and ordinances, or with any of the provisions thereof, shall have a right of action against the principal and surety of his own name. The liability of any surety upon the bond required to be given by the gas installer as herein provided shall be limited to the amount specified in the bond, and in case of recoveries had by two or more persons for violation of the conditions of such bond in excess of the amount of the bond, such recoveries shall be prorated and the total recovery against the surety shall not exceed the amount of the bond. Any person wishing to avail himself of the benefits of the bond shall commence action thereon within one year after the date of completion of the work alleged to have been improperly done.

B. The gas installer shall also have a general liability insurance policy or a written certificate of the same, issued by an insurance carrier authorized to do business in the state, with bodily injury limits in the amount of one hundred thousand dollars per person, two hundred thousand dollars per accident, two hundred thousand dollars aggregate and property damage limits of one hundred thousand dollars per accident with an aggregate of one hundred thousand dollars. An applicant may qualify as self-insured in lieu of furnishing the general liability insurance prescribed in this section

to the extent of ten percent of his net assets as established by a current financial statement signed by a certified public accountant and placed on file with the town council.

C. The bond and insurance shall be presented in a manner and form acceptable to the corporation counsel of the town. The right of a gas installer or fitter to do gasfitting work in Washington may be revoked by the town council upon his failure to faithfully perform and adhere to the terms and conditions of this chapter.

D. Bonds, insurance and self-insurance shall be renewed annually. Insurance provided for in this section shall continue in force until the gasfitting work has been completed. The United States Government, the state, the county, School District No. 105 and the town shall not be required to furnish a bond under this section. (Ord. 279 §2.2, 1970).

15.16.060 Gas installer--Responsibility. The gas installer shall have full responsibility for all gas appliances or parts thereof. (Ord. 279 §3.1, 1970).

15.16.070 Rough gas piping test. The rough gas piping test shall be made by the installer after all piping authorized by a permit has been installed and before such piping has been covered or concealed or any fixture or gas appliance has been attached thereto. (Ord. 279 §2.4, 1970).

15.16.080 Final piping test to include pressure tests--Installer to authorize gas service. The final test of piping shall include pressure tests. After the installer determines that such piping has been installed in conformity with this chapter, he shall advise the gas company and authorize it to grant gas service. (Ord. 279 §2.5, 1970).

15.16.090 Gas company notification required--Request for final inspection. It is unlawful for any person to turn gas into any appliance for which gas service has been authorized until the gas company is notified. This notice shall serve as a request for a final inspection on the appliance, and the installer shall cause said appliance to be tested within a reasonable time. (Ord. 279 §2.7, 1970).

15.16.100 New permit required when. A new permit shall be required for a consumer's premises that has already been piped for gas but where no gas has been used for a period of twelve consecutive months or more. (Ord. 279 §2.6, 1970).

15.16.110 Service discontinuance--Notice to occupant--Correction of dangerous conditions required. The gas company is authorized to discontinue or refuse to supply gas for any gas pipe, fixture or appliance which it may find to be defective, leaking or in such condition as to endanger life

or property. In such case the gas company shall immediately give notice of discontinuance or refusal of service to the occupant of the consumer's premises where such gas supply is discontinued or refused. The installer shall immediately correct the conditions reported by the gas company, and it shall be unlawful for any person to reconnect the gas piping, fixture or appliance until authorized by the gas company. (Ord. 279 §2.9, 1970).

15.16.120 Unapproved materials and defective workmanship--Replacement required--Reinspection. If an inspection indicates that unapproved materials have been used or defective workmanship has been performed in the installation, alteration, repair or extension of any gas piping, fixture or appliance in or on any consumer's premises, such defective materials or work shall be replaced by the installer within three days, and another inspection shall be made. (Ord. 279 §2.8, 1970).

15.16.130 Town liability. This chapter shall not be construed as imposing upon the town any liability or responsibility for damages resulting from defective gas piping or appliances or the installation thereof, nor shall the town or any official or employee thereof be held as assuming any such liability or responsibility by reason of inspections. (Ord. 279 §3.2, 1970).

15.16.140 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(34), 2006: Ord. 353 §1(part), 1977: Ord. 279 §3.4, 1970).

Chapter 15.20

FLOOD HAZARD PROTECTION

Sections:

15.20.010 Statutory authorization.
15.20.020 Findings of fact.
15.20.030 Statement of purpose.
15.20.040 Methods of reducing flood losses.
15.20.050 Definitions.
15.20.060 Lands to which this chapter applies.
15.20.070 Basis for establishing the areas of special flood hazard.
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15.20.090 Abrogation and greater restrictions.
15.20.100 Interpretation.
15.20.110 Warning and disclaimer of liability.
15.20.120 Development permit required.
15.20.130 Application for development permit.
15.20.140 Designation of the local administrator.
15.20.150 Duties and responsibilities of the local administrator.
15.20.160 Variance procedures.
15.20.170 Provisions for flood hazard reduction--General standards.
15.20.180 Specific standards.
15.20.185 Exception--Accessory structures.
15.20.190 Floodways.
15.20.180 Encroachments.
15.20.210 Critical facility.

15.20.010 Statutory authorization. The Legislature of the state of Washington has delegated the responsibility to local governmental units to adopt regulations designated to promote the public health, safety, and general welfare of its citizenry. Therefore, the town of Odessa does ordain as follows in this chapter. (Ord. 516 §1.1, 1998).

15.20.020 Findings of fact. A. In the flood hazard areas of Odessa, there is statistical potential for periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise pro-

tected from flood damage also contribute to the flood loss. (Ord. 516 §1.2, 1998).

15.20.030 Statement of purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health;

B. To minimize expenditure of public money and costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 516 §1.3, 1998).

15.20.040 Methods of reducing flood losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas. (Ord. 516 §1.4, 1998).

15.20.050 Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in com-

mon usage and to give this ordinance its most reasonable application.

"Accessory structures" means nonresidential structures, such as garages, sheds, garden buildings, pole buildings, grain bins and barns.

"Appeal" means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

"Area of shallow flooding" means a designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one-hundred-year flood." Designation on maps always includes the letters A or V.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, 9+- hospitals, police, fire and emergency response installation, installations which produce, use or store hazardous materials or hazardous waste.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to grading, paving, excavation or drilling operations, or storage of equipment or materials, located within the area of special flood hazard.

"Elevated building" means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings or columns.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found at Section 15.20.180(A)(21).

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;

2. Four hundred square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Start of construction" includes substantial improvement, and means the date of the building permit was issued, provided the actual start of construction, repair, reconstruction, placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the

installation of streets and/or walkways nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation of the property or accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvements, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvements" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary or safety code specifications which have been previously identified by the local code enforcement official and which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historical Places.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of this intrinsic nature of its operations. (Ord. 688 §1, 2017; Ord. 636 §1, 2010; Ord. 571 §1, 2002; Ord. 516 §2.0, 1998).

15.20.060 Lands to which this chapter applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the town of Odessa. (Ord. 516 §3.1, 1998).

15.20.070 Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Lincoln County, Washington and Incorporated Areas," dated September 30, 1988, as amended, with an accompanying Flood Insurance Map (FIRM), as amended, are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the city clerk's office, 21 E. First Avenue, Odessa, Washington. The best available information for flood hazard area identification as outlined in Section 15.20.150B shall be the basis for regulation until a new FIRM is issued which incorporated the date utilized under Section 15.20.150B. (Ord. 516 §3.2, 1998).

15.20.080 Penalties for noncompliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions) shall constitute a misdemeanor. Any person or persons violating the provisions of this chapter shall be found to have committed a misdemeanor, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the town of Odessa from taking such other lawful action as is necessary to prevent or remedy any violations. (Ord. 605 §2(35), 2006: Ord. 516 §3.3, 1998).

15.20.090 Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 516 §3.4, 1998).

15.20.100 Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit or repeal any other powers granted under state statutes. (Ord. 516 §3.5, 1998).

15.20.110 Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based

on scientific and engineering considerations supplied by the Federal Emergency Management Agency in the "Flood Insurance Study for Lincoln County, Washington, and Incorporated Areas," dated September 30, 1988, and as amended. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town of Odessa, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder. (Ord. 516 §3.6, 1998).

15.20.120 Development permit required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the definitions, and for all development including fill and other activities, also as set forth in the definitions. (Ord. 516 §4.1-1, 1998).

15.20.130 Application for development permit. Application for a development permit shall be made on forms furnished by the town of Odessa and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 15.20.180B; and
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. (Ord. 516 §4.1-2, 1998).

15.20.140 Designation of the local administrator. The town of Odessa building inspector is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 516 §4.2, 1998).

15.20.150 Duties and responsibilities of the local administrator. Duties of the town of Odessa building inspector shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.

2. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 15.20.190(A) are met.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.20.070, the town of Odessa building inspector shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 15.20.180 and 15.20.190.

C. Information to Be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in subsection B of this section, obtain and record the actual as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection B of this section:

a. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and

b. Maintain the floodproofing certifications required in Section 15.20.130(3).

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses.

1. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

E. Interpretations of FIRM Boundaries. Make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.20.160. (Ord. 703 §1 (part), 2019; Ord. 636 §2, 2010; Ord. 516 §4.3, 1998).

15.20.160 Variance procedure. A. Appeal Board.

1. The town council shall hear and decide appeals and requests for variances from the requirements of this chapter.

2. In passing such application, the town council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location, where applicable;

f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

g. The compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

3. Upon consideration of the factors of subsection (A)(2) of this section and the purposes of this chapter, the town council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

4. The town clerk shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

B. Conditions for Variance.

1. Generally, the only condition under which a variance from the elevation standard may be issued is for

new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsection (A)(2) of this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (A)(2) of this section, or conflict with existing local laws or ordinances.

6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (A)(2) of this section, and otherwise complies with Sections 5.1-1 and 5.1-2 of the GENERAL STANDARDS.

8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 516 §4.4, 1998).

15.20.170 Provisions for flood hazard reduction--General standards. In all areas of special flood hazards, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to the ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

4. Water wells shall be located on high ground that is not in the floodway.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).

E. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 4.3-2), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates. (Ord. 603 §1, 2006; Ord. 516 §5.0, 1998).

15.20.180 Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.20.070 or Section 15.20.150(B), the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot above the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 15.20.150(C)(2);

4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A)(2) of this section;

5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g.: a building floodproofed to the base flood level will be rated as one foot below).

C. Manufactured Homes.

1. All manufactured homes, in the flood plain, to be placed or substantially improved on sites:

a. Outside of a manufactured home park or subdivision,

b. In a new manufactured home park or subdivision,

c. In an expansion to an existing manufactured home park or subdivision,

d. Shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to a securely anchored foundation system to resist flotation, collapse and lateral movement.

2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:

a. The lowest floor of the manufactured home is elevated one foot above the base flood elevation, or

b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

D. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

1. Be on the site for fewer than one hundred eighty consecutive days,

2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices, and has no permanently attached additions; or

3. Meet the requirements of subsection C of this section and the elevation and anchoring requirements for manufactured homes. (Ord. 636 §3, 2010; Ord. 603 §2, 2006; Ord. 516 §5.2, 1998).

<u>15.20.185 Exception--Accessory structures</u>. Accessory structures, which do not represent significant investments, should be treated differently in regard to the application of flood plain management measures. The minor initial investment in such structures would be greatly increased by the necessity to either elevate or dry floodproof the accessory structure. Such measures may provide an excessive degree of protection for these types of struc-

tures. These structures shall not be used for human habitation. (Ord. 571 §2, 2002; Ord. 516 §5.2-2.5, 1998).

15.20.190 Floodways. Located within areas of special flood hazard established in Section 15.20.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. Construction or reconstruction of residential structures is prohibited in designated floodways, except for (1) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (2) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either (a) before the repair or reconstruction is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, shall not be included in the fifty percent.

C. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 15.20.170. (Ord. 703 §1 (part), 2019; Ord. 636 §4, 2010; Ord. 516 §5.3, 1998).

15.20.200 Encroachments. The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. (Ord. 516 §5.4, 1998).

15.20.210 Critical facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (one-hundred-year flood plain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the five-hundred-year flood, whichever is higher. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood ele-

vation shall be provided to all critical facilities to the extent possible. (Ord. 636 §5, 2010: Ord. 516 §5.5, 1998).

Chapter 15.24

UNFIT DWELLINGS AND BUILDINGS

Sections:

15.24.010 Statutory provisions adopted.
15.24.020 Intent.
15.24.030 Definitions.
15.24.040 Improvement board.
15.24.050 Conditions for determination.
15.24.060 Repair in lieu of demolition.
15.24.070 Service of complaint--Hearing procedures.
15.24.080 Remedial actions required.
15.24.090 Appeal.
15.24.100 Appeals commission procedures.
15.24.110 Action by town.
15.24.120 Assessment--Procedures.
15.24.130 Sale of demolished building--Crediting of proceeds.
15.24.140 Assessment--Lien.
15.24.150 Petition for injunction.

15.24.010 Statutory provisions adopted. Chapter 35.80 RCW as amended, pertaining to unfit dwellings, buildings and structures, and their disposition, is adopted as an ordinance of the town, insofar as it is within the jurisdiction of a fourth class town to enforce, control and regulate. (Ord. 402 §1, 1983).

15.24.020 Intent. The town further establishes procedures for the removal of dwellings which are unfit for human habitation and buildings and structures which are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents or other calamities, inadequate ventilation and uncleanliness, inadequate lights or sanitary facilities, inadequate drainage, overcrowding, or due to other conditions which are inimical to the health and welfare of the residents of the town. (Ord. 402 §2, 1983).

15.24.030 Definitions. As used in this chapter:

A. "Board" means the improvement board as provided in RCW 35.80.030(1)(a).

B. "Local governing body" means the town council.
C. "Municipality" means the town of Odessa.
D. "Public officer" means the building inspector. (Ord. 402 §3, 1983).

15.24.040 Improvement board. The fire chief, the building inspector, and the chairman of the permits committee are appointed as the improvement board for the town. (Ord. 402 §4, 1983).

15.24.050 Conditions for determination. The board may determine that a dwelling, building or structure is unfit for human habitation or other use if it finds that conditions exist in the dwelling, building or structure which are dangerous or injurious to the health or safety of the occupants of the dwelling, building or structure, the occupants of the neighboring dwellings, or other residents of the town. The conditions may include the following, without limitations:
A. Foundation of building is broken and will not adequately support the building;
B. Floor of building is in such a condition that it will not adequately support traffic that would normally be in the building;
C. Roof is in a state of disrepair that will not keep the elements out of the building and is in such a condition that a strong wind could remove a portion of the building presenting a hazard;
D. One or more doors of the building are broken and cannot be secured;
E. Broken windows that present a problem;
F. The exterior of the building is in such a condition that it presents a problem to adjoining property owners;
G. Lot contains uncovered cesspools, cellars or any other hole or obstruction that could pose a problem to people using the property;
H. Inadequate plumbing that would result in a health hazard;
I. Inadequate wiring that presents a fire hazard and also inadequate wiring which has resulted in the power company refusing to furnish service. (Ord. 402 §6, 1983).

15.24.060 Repair in lieu of demolition. The board shall determine whether the estimated cost of repairs is more than the value of the dwelling, building or structure, then the building may be demolished. If the cost of making repairs would be less than what the value will be when the building is completed, then the board may order that the building be repaired. (Ord. 402 §7, 1983).

15.24.070 Service of complaint--Hearing procedures. A. If after a preliminary investigation of any dwelling, building or structure, the board finds that it is unfit for

human habitation or other use, the board shall call to be served either personally or by certified mail with return receipt requested, upon all persons having any interest therein as shown upon the records of the auditor's office of the county in which the property is located, a complaint stating in what respect the dwelling, building or structure is unfit for human habitation or other use. If the whereabouts of those persons is unknown and cannot be ascertained by the board in the exercise of reasonable diligence, the board makes an affidavit to that effect, then the serving of the complaint or order upon those persons may be made by publishing it once each week for two consecutive weeks in the Odessa Record, the official newspaper of the town.

B. The complaint shall contain a notice that a hearing will be held before the board at a place therein fixed, not less than ten days or more than thirty days after the serving of the complaint, or in the event of publication, not less than fifteen days or more than thirty days from the date of the first publication.

C. All parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise, and to give testimony at the time and place fixed in the complaint.

D. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the board.

E. A copy of the complaint shall also be filed with the Lincoln County auditor and the filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (Ord. 402 §5, 1983).

15.24.080 Remedial actions required. A. After the board determines that a dwelling is unfit for human habitation, or a building or structure is unfit for other use, the board shall state its findings of fact in writing in support of the determination, and the board shall then issue and call it to be served upon the owner or party in interest thereof, as provided in Section 15.24.070, and shall post in a conspicuous place on the property an order which (1) requires the owner or party in interest, within the time specified in the order, to repair, alter or improve the dwelling or structure to render it fit for human habitation or for other use, or to vacate and close the dwelling, building or structure, if such course of action is deemed proper on the basis of the standards set forth as required in this chapter; or (2) the board may require the owner or party in interest, within the time specified in the order, to remove or demolish the dwelling, building or structure, if this course of action is deemed proper on the basis of the standards set by this chapter.

B. If no appeal is filed, a copy of the order shall be filed with the Lincoln County auditor. (Ord. 402 §8, 1983).

15.24.090 Appeal. The owner or any party in interest, within thirty days from the date of service upon the owner and posting of an order issued by the board under the provisions of this chapter, may file an appeal with the appeals commission. (Ord. 402 §9, 1983).

15.24.100 Appeals commission procedures. A. The appeals commission shall consist of the planning commission of the town.

B. All matters submitted to the appeals commission must be resolved by the planning commission within sixty days from the date of filing, and a transcript of the findings of fact of the planning commission shall be made available to the owner or party in interest upon demand.

C. The findings of the planning commission shall be reported in the same manner and shall bear the same legal consequences as if issued by the board, and shall be subject to review only in the manner and to the extent provided in this chapter. (Ord. 402 §10, 1983).

15.24.110 Action by town. If the owner or party in interest, following exhaustion of his rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove or demolish the building, dwelling or structure, the board may direct or cause such dwelling, building or structure to be repaired, altered, improved, vacated, and closed, removed or demolished. (Ord. 402 §11, 1983).

15.24.120 Assessment--Procedures. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the board, shall be assessed against the real property upon which the costs were incurred unless the amount is previously paid. Upon certification to him by the treasurer of the town, the county treasurer shall enter the amount of the assessment upon the tax rolls against the property for the current year and it shall become a part of the general taxes for that year to be collected at the same time and with interest at the rates and the manner provided for in RCW 84.56.020 as amended as of or after the adoption of the ordinance codified in this chapter, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the town. (Ord. 402 §12(part), 1983).

15.24.130 Sale of demolished building--Crediting of proceeds. If the dwelling, building or structure is removed or demolished by the board, the board shall, if possible, sell the materials for such dwelling, building or structure in accordance with procedures set forth in this chapter, and shall credit the proceeds of the sale against the removal

or demolition. If there is any balance remaining, it shall be paid to the parties entitled thereto, as determined by the board, after deducting the costs incidental thereto. (Ord. 402 §12(part), 1983).

15.24.140 Assessment--Lien. The demolition assessment shall constitute a lien against the property of equal rank with state, county and municipal taxes. (Ord. 402 §13, 1983).

15.24.150 Petition for injunction. Any person affected by an order issued by the appeals commission pursuant to this chapter may, within thirty days after the posting and service of the order, petition to the superior court for an injunction restraining the members of the board from carrying out the provisions of the order. (Ord. 402 §14, 1983).

Chapter 15.28

SATELLITE RECEIVING STATIONS

Sections:

15.28.010 Defined.
15.28.020 Purpose.
15.28.030 Building permit required.
15.28.040 Construction requirements.

15.28.010 Defined. Satellite receiving stations mean electronic equipment used for the reception of television waves. (Ord. 426 §1, 1986).

15.28.020 Purpose. The purpose of this section is to minimize the adverse visual and physical impacts of satellite receiving systems (antennas) in the community without disrupting signal reception for the user. All other antennas are exempt from this section but may be covered by other provisions of other ordinances or other applicable codes. (Ord. 426 §2, 1986).

15.28.030 Building permit required. A building permit shall be required for the installation of any satellite receiving system. Applicants for a building permit shall follow the procedures set forth in Chapter 15.04. The building official shall utilize the regulations set forth in Chapter 17.08 and Chapter 15.04 in reviewing the permit. Any proposed plans which require a variance shall be referred to the Planning Commission for their review according to the procedures and criteria set forth in Chapter 17.08. (Ord. 426 §3, 1986).

15.28.040 Construction requirements. All satellite receiving stations shall comply with the following requirements:

A. If painted, antennas shall blend with their backgrounds. Antennas causing objectionable reflections must be painted to reduce glare;

B. Antennas shall be no greater than twelve feet in diameter;

C. Ground-mounted antennas, including their bases, shall be no higher than fifteen feet, at their highest point, above the existing grade;

D. Installations shall meet all applicable construction codes;

E. If guy wires are used, they shall be confined within a fenced area;

F. Antennas shall comply with all applicable federal or state statutes and regulations. The town assumes no responsibility to administer these regulations;

G. In residential areas, antennas greater than thirty-six inches in any dimension shall not be roof-mounted unless the antenna will not be visible from any streets or surrounding properties within five hundred feet;

H. Antennas shall not be located in the front yard of any residential property;

I. Antennas shall be located at least five feet from any property line and shall not be located on any easement. The setback shall be measured from the part of the antenna or its base nearest the property line. (Ord. 426 §4, 1986).

Chapter 15.32

ABOVEGROUND STORAGE FACILITIES FOR CLASS I COMBUSTIBLE AND FLAMMABLE MATERIALS

Sections:

15.32.010 Restricted--Temporary permits.
15.32.020 Temporary permits--Termination.

15.32.010 Restricted--Temporary permits. No permits will be issued for aboveground storage facilities for Class I combustible and flammable materials, except temporary permits may be issued by the town council on a case-by-case situation in industrial and commercial areas only; provided, that all construction will conform to state, federal

and county regulations as they exist at the time that the temporary permit is issued, and in addition to those regulations and guidelines established by the town building inspector and town fire chief at the time that the temporary permit is given; provided, further, that no temporary permits will be granted for sites that are within three hundred feet of an existing residence or within three hundred feet of an area zoned as residential. (Res. 91-1 (part), 1991).

15.32.020 Temporary permits--Termination. Temporary permits may be terminated by giving of a sixty-day written notice; provided, that in the event of an emergency the temporary permits may be revoked immediately by the city council. (Res. 91-1 (part), 1991).

Title 16

SUBDIVISIONS

Chapters:

16.04 General Provisions
16.08 Definitions
16.12 Procedure
16.16 Principles of Design--Layout Requirements
16.20 Preliminary Plat Requirements
16.24 Improvements
16.28 Final Plat Requirements
16.32 Variances
16.36 Exemptions

Chapter 16.04

GENERAL PROVISIONS

Sections:

16.04.010 Purpose--Citation.
16.04.020 Enforcing authority.

16.04.010 Purpose--Citation. The purpose of this title is to prescribe rules and regulations for the municipal approval of plats, subdivisions or dedications; prescribe standards for the design, layout and development thereof; provide procedure for municipal approval or disapproval thereof; provide for the granting of variations and exceptions thereto; to be known as the subdivision title; and to provide a penalty for the violation thereof. (Ord. 505 §1.01.010, 1996).

16.04.020 Enforcing authority. The planning commission is designated and assigned the administrative and coordinating responsibilities contained in this title, pursuant to the laws of the state, Chapter 58.17 RCW, for the approval or disapproval of plats, subdivisions or dedications subject to final approval by the town council. (Ord. 505 §1.01.020, 1996).

Chapter 16.08

DEFINITIONS

Sections:

16.08.010 Plat.
16.08.020 Preliminary plat.
16.08.030 Subdivision.

16.08.010 Plat. "Plat" means a map or representation of a subdivision showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications. (Ord. 505 §1.02.010, 1996).

16.08.020 Preliminary plat. "Preliminary plat" means a near and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants to be applicable to the subdivision, and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision. (Ord. 505 §1.02.020, 1996).

16.08.030 Subdivision. "Subdivision" means the division of land into two or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease and shall include all resubdivisions of land. (Ord. 505 §1.02.030, 1996).

Chapter 16.12

PROCEDURE

Sections:

16.12.010 Compliance required.
16.12.020 Consultation with planning commission.
16.12.030 Preliminary plat approval--Expiration.
16.12.040 Preliminary plat approval--Required for final plat.
16.12.050 Preliminary plat approval--Filing for record.
16.12.060 Preliminary plat approval--Application--Fee.
16.12.070 Preliminary plat--Copy filing.
16.12.080 Preliminary plat--Recommendations of department heads.

Sections: (Continued)

16.12.090 Preliminary plat--Conformance to official plan.
16.12.100 Preliminary plat--Public hearing.
16.12.110 Preliminary plat--Approval or disapproval procedure.
16.12.120 Approved preliminary plat--Written statement of improvements.
16.12.130 Improvement approval--Final plat submission.
16.12.140 Final plat approval--Copy filing.
16.12.150 Final plat authorization.
16.12.160 Completion of improvements--Release of security.
16.12.170 Appeals.
16.12.180 Permit issuance for nonconforming property.
16.12.190 Violation--Penalty.

16.12.010 Compliance required. No person, firm or corporation proposing to make or having made a plat or subdivision of land containing two or more lots, plots or tracts, or proposing to make or having made a plat or subdivision containing a contract for the sale of, shall offer to sell said subdivision or plat, or any part thereof, or shall proceed with any construction work on the proposed subdivision, including grading and excavation relating thereto, until he or it has obtained the final approval of the proposed plat, subdivision or dedication in accordance with the prescribed rules and regulations contained in this title. (Ord. 505 §1.03.010, 1996).

16.12.020 Consultation with planning commission. The subdivider, his engineer, or land surveyor, while the proposed subdivision or dedication is prepared, shall consult with the planning commission for the purpose of ascertaining the requirements of the official plat or any portions thereof, and obtaining any explanation of the rules and regulations herein contained as may be necessary and related to the proposed plat, subdivision or dedication. (Ord. 505 §1.03.020, 1996).

16.12.030 Preliminary plat approval--Expiration. The preliminary approval of the preliminary plat shall be effective for two years, unless extended by the town council for a period not to exceed two additional years. The town council shall have the authority to grant indefinite extensions of not to exceed two years each. (Ord. 505 §1.03.030, 1996).

16.12.040 Preliminary plat approval--Required for final plat. A final plat may be presented for final ap-

proval for any portion of a subdivision when the proposed plat thereof has previously received preliminary approval by the planning commission; provided, however, the town council shall have final power in approving any such final plat presented for final approval for any portion of any subdivision. (Ord. 505 §1.03.040, 1996).

16.12.050 Preliminary plat approval--Filing for record. When the planning commission has ascertained that the public use and interest will be served and advanced by the proposed plat, subdivision or dedication in accordance with rules herein contained, the planning commission shall execute its written approval which shall be suitably inscribed on the final plat, subdivision or dedication. Thereafter, the final plat, subdivision or dedication may be presented for final approval by the town council and for filing for record to the county auditor and after it has been filed for record, it shall be known as an authorized plat, subdivision or dedication of land. (Ord. 505 §1.03.050, 1996).

16.12.060 Preliminary plat approval--Application--Fee. The proposed plat, subdivision or dedication, and application for preliminary approval thereof shall be prepared by the developer, his engineer or land surveyor in accordance with the requirements for the proposed plat, subdivision or dedication as set forth in Chapter 16.20, and the proposed plat, subdivision or dedication, and the application shall be submitted to the town clerk, who shall affix thereto a file number and the date it is received, and the application submitted shall be accompanied by a fee which shall be set by resolution of the town council. (Ord. 505 §1.03.060, 1996).

16.12.070 Preliminary plat--Copy filing. Where applicable, the mayor shall transmit two copies of the preliminary plat to the town council, one copy to the county health officer, town council and one copy to each interested town department head for their respective recommendations regarding the preliminary plat, subdivision or dedication. The mayor shall submit four copies to the members of the planning commission. (Ord. 505 §1.03.070, 1996).

16.12.080 Preliminary plat--Recommendations of department heads. Where applicable, and if requested by the planning commission, the county health officer, town council, and other department heads, within the scope of their municipal functions, shall make their respective recommendations regarding the preliminary plat, subdivision or dedications in report form to the planning commission within a period of twenty working days from the day the town

clerk received the application for its approval. (Ord. 505 §1.03.080, 1996).

16.12.090 Preliminary plat--Conformance to official plan. The planning commission shall examine the preliminary plat, subdivision or dedication to ascertain whether it conforms to the requirements of the official comprehensive plan or any portion thereof. (Ord. 505 §1.03.090, 1996).

16.12.100 Preliminary plat--Public hearing. Notice of public hearing on the preliminary plat, subdivision or dedication shall consist of at least one copy of the notice of the hearing, posted in a conspicuous place, on or adjacent to the land proposed to be platted or subdivided, in which the time and place of such hearing is clearly indicated, which shall be posted not less than ten days prior to the hearing and the announcement of public hearing shall be submitted by registered mail at least two weeks prior to the time of the public hearing to the owners of all contiguous properties within a distance of three hundred feet from any line of the preliminary plat, subdivision or dedication. Notice of each such public hearing shall be given in accordance with RCW 58.17.090. (Ord. 505 §1.03.100, 1996).

16.12.110 Preliminary plat--Approval or disapproval procedure. The planning commission will either approve or withhold approval of the preliminary plat, subdivision or dedication within a period of forty-five days after the town clerk has received the application, and the preliminary plat, subdivision or dedication; and if approval is withheld, a copy of the preliminary plat, subdivision or dedication, together with a list of suggested modification, prepared in accordance with the provisions therein contained, shall be retained in the files of the planning commission withholding approval, and shall be forwarded within fourteen days following such action to each of the municipal officers that received a copy of the preliminary plat, subdivision or dedication, including the town council.

If an environmental impact statement is required as provided in RCW 43.21.080, the forty-five-day period shall not include the time spent preparing and circulating the environmental impact statement.

Upon receipt of the recommendation on any preliminary plat, subdivision or dedication the town council shall thereupon act to adopt or reject the recommendations of the planning commission.

If, after considering the matter, the town council deems a change in the planning commission's recommendation approving or disapproving any preliminary plat is neces-

sary, the town council shall adopt its own recommendations or approve or disapprove the preliminary plat.

A record of all public meetings and public hearings shall be kept by the town and shall be opened to public inspection. Sole authority to approve final plats and to adopt or amend platting ordinances shall reside in the town council. In any event, the preliminary plat shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from date of filing unless the applicant consents to an extension of such time. (Ord. 505 §1.03.110, 1996).

16.12.120 Approved preliminary plat--Written statement of improvements. If the preliminary plat is approved by the planning commission, the subdivider, before requesting final approval of the final plat, shall elect by a written statement, with final approval of the town council, to carry out minimum improvements in accordance with Chapter 16.24 by any of the following methods:

A. By furnishing the town with a subdivision bond, in which assurance is given the town that the installation of the minimum improvements will be carried out as provided in Chapter 16.24, and in accordance with the installation requirements, and under the supervision of the town council. The amount of the subdivision bond shall be one hundred and twenty five percent of the estimated cost of the specified improvements;

B. By actually installing the minimum improvements in accordance with the provisions of Chapter 16.24 as provided by the local improvement district laws of the state and the council of the town, and in accordance with the installation requirements and under the supervision of the town council;

C. By actual installation of improvements in accordance with the provisions of Chapter 16.24, and in accordance with the installation requirements and under the supervision of the town council;

D. By furnishing the town with a copy of the contract signed by a contractor, and the developer of the proposed plat, subdivision or dedication in which the contractor has agreed to install the minimum improvements in accordance with the provisions of Chapter 16.24, and in accordance with the installation requirements, and under the supervision of the town council; in addition the developer shall furnish the town with a copy of the performance bond signed by the contractor and provided by the contractor to the developer of the proposed plat, subdivision or dedication, in which assurance is given that the contractor will install the minimum improvements, in accordance with the provisions;

E. By any other secure method providing for the securing to the town the actual construction and installation of such improvement within a period specified by the town;

F. Combination of these methods;

G. With regard to improvements pertaining to streets, and/or water, and/or sewer, and regardless of whatever method for providing for such improvements as ultimately determined by and between the subdivider and the town council, the subdivider shall nevertheless provide an expressed warranty as to the suitability of said improvements for the uses and purposes intended for a period of two years from and after date of completion of said improvement(s); provided, however, nothing in this subsection to the contrary shall negate any other expressed and/or implied warranty extended and provided for by contract and/or operation of law. (Ord. 505 §1.03.120, 1996).

16.12.130 Improvement approval--Final plat submission. The subdivider, upon obtaining final approval from the town council as to the manner of carrying out the minimum improvements in accordance with Chapter 16.24, may submit the final plat, consisting of the original and five copies prepared in accordance with the provisions per Chapter 16.28.

The final plat shall be transmitted to the mayor who in turn shall transmit it to the planning commission, and the planning commission shall either approve the plat or subdivision within ten working days of the date of filing said plat with the town clerk or return said plat or subdivision to the applicant for modification or correction, unless the applicant in the meantime shall have filed written consent for a longer period within which the planning commission is to act thereon. (Ord. 505 §1.03.130, 1996).

16.12.140 Final plat approval--Copy filing. After final approval, the planning commission shall transmit to the town clerk a certificate of its final approval; and thereafter the town council shall at a regular meeting either approve or disapprove the final plat. Such approval or disapproval shall be given within twenty days after receipt of the planning commission's certificate, unless the applicant in the meantime shall have filed unilateral consent for a longer period within which the council is to act thereon.

After approval, the original and five copies of the final plat shall be transmitted to the following officials and officers by the town clerk:

A. The original to the county auditor;

B. One copy to the county assessor;

C. One reproducible copy to the town council;

D. One copy to the county health officer, where applicable;

E. Two copies shall be retained by the planning commission. (Ord. 505 §1.03.140, 1996).

16.12.150 Final plat authorization. After the county auditor has received and filed for record the final plat it shall be known as an authorized plat, subdivision or dedication of the land as provided in Chapter 58.17 RCW et seq. (Ord. 505 §1.03.150, 1996).

16.12.160 Completion of improvements--Release of security. The town council, upon being satisfied as to the satisfactory completion of the improvements of the required installations in accordance with the provisions of Chapter 16.24, with installation standards of the town and with the requirements of Chapter 58.17 RCW et seq., shall thereupon release the bond or other security provided for herein. (Ord. 505 §1.03.160, 1996).

16.12.170 Appeals. Except as otherwise provided in this title, an interested property owner or his agent may appeal a final administrative order or decision made under authority of this title to the town council; provided, that no such appeal shall be available with regard to decisions having the form or substance of a recommendation to or by the planning commission. Both parties shall present their cases to the council in writing seven days prior to the date set by the council for hearing the case. Judicial review of a decision approving or disapproving a plat may then be sought as set forth in RCW 58.17.180. (Ord. 505 §1.03.170, 1996).

16.12.180 Permit issuance for nonconforming property. A. No permits shall be issued by the town for construction, modification or use of any property divided in violation of this title or state law without prior approval of the town council, which approval shall only be given following a public meeting at which the applicant shall demonstrate to the town council that:

1. The applicant purchased the property as an innocent purchaser for value without actual notice that the property was divided in violation of law; or

2. The public interest will not be adversely affected by granting of the permit.

B. A determination of the public interest by the town council under this section shall be based on substantially the same criteria considered upon a preliminary plat application under this title.

C. A purchaser or transferee of property sold or transferred in violation of this title or state law shall have those rights, obligations, and remedies set forth in RCW 58.17.210. (Ord. 505 §1.03.180, 1996).

16.12.190 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 605 §2(36), 2006: Ord. 505 §1.03.190, 1996).

Chapter 16.16

PRINCIPLES OF DESIGN--LAYOUT REQUIREMENTS

Sections:

16.16.010 Conformance with this title required.
16.16.020 Comprehensive plan provision.
16.16.030 Street and block layout.
16.16.040 Lot requirements.

16.16.010 Conformance with this title required. In the planning of a plat, subdivision or dedication, the subdivider shall prepare his proposed plat in conformance with the provisions of this title. (Ord. 505 §1.04.010, 1996).

16.16.020 Comprehensive plan provision. A. Land which the planning commission has found to be unsuitable for subdivisions due to flooding, bad drainage, steep slopes, rock formations, or other features likely to be harmful to the safety, welfare, and general health of the future residents, and which the planning commission considers inappropriate for subdivision, shall not be subdivided, unless adequate methods are formulated by the developer and approved by the town council.

B. Those areas of the town where topographical slopes are ten percent or more shall be subdivided in conformance with any additional requirements which the planning commission shall provide to any subdivider within ten days after receipt of his request, which shall be accompanied by a sketch map showing location of preliminary plat, subdivision or dedication.

C. The proposed subdivision shall provide for such requirements contained in the official plans or portions thereof and development plans for the town.

D. The subdivider may be required to deed such lands in the area to be subdivided as are designated by the town council for parks, playgrounds and public buildings. (Ord. 505 §1.04.020, 1996).

16.16.030 Street and block layout. A. Street and block layout shall conform to the most advantageous development of adjoining areas, and the entire neighborhood, and shall provide for the following:

1. Streets continuing to boundaries of tract;
2. Streets generally following contour lines;
3. Streets intersecting at right angles or as nearly as possible;
4. Street jogs at intersections shall be avoided whenever possible;
5. Alleys in business district shall be at least twenty feet wide.

B. Blocks shall meet the following requirements:

1. The width of blocks shall ordinarily be sufficient to allow for two tiers of lots of depths consistent with the type of allowed use proposed and zoning district involved. Said lots shall in any event have a minimum depth of one hundred feet.
2. In general, blocks shall be as long as is reasonably consistent with the topography and the needs for convenient access, circulation, control and safety of street traffic, and type of land use proposed; provided, that lots shall have a minimum width of fifty feet where an alley is provided, and minimum width of seventy-five feet where no alley is provided. (Ord. 505 §1.04.030, 1996).

16.16.040 Lot requirements. A. The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated.

B. Excessive depth in relation to width shall be avoided.

C. Every lot shall abut on a street.

D. Lots, except corner lots, having frontage on two streets shall be avoided.

E. Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot faces.

F. Corner lots for residential use shall be platted wider than interior lots, and shall conform to the front yard requirements on the side street as prescribed by the zoning ordinance.

G. Proposed plats, subdivisions or dedications which include lot layout to be used for commercial or retail purposes shall be designed to provide for reasonable off-street parking, and the building area parking areas shall be clearly indicated thereon, and upon approval by the planning commission, made a part of the final plat. (Ord. 505 §1.04.040, 1996).

Chapter 16.20

PRELIMINARY PLAT REQUIREMENTS

Sections:

16.20.010 Preparation--Application.
16.20.020 Vicinity sketch.
16.20.030 Horizontal scale.
16.20.040 Information requested by planning commission.

16.20.010 Preparation--Application. The proposed plat and sight blueprints thereof shall be prepared by a registered professional engineer or land surveyor, to which shall be attached a written application addressed to the planning commission requesting tentative approval of the preliminary plat. (Ord. 505 §1.05.010, 1996).

16.20.020 Vicinity sketch. A vicinity sketch in the scale of not less than four hundred feet to the inch and not more than eight hundred feet to the inch shall accompany the preliminary plat. The vicinity sketch map shall show all adjacent subdivisions, streets and tract lines of acreage parcels, with the names of owners of record of such parcels. It shall show how the streets and alleys in the preliminary subdivision may connect with existing and preliminary streets and alleys in neighboring subdivisions or unplatted property to produce the most advantageous development of the entire neighborhood. (Ord. 505 §1.05.020, 1996).

16.20.030 Horizontal scale. Horizontal scale of the preliminary plat shall be two hundred feet or less to the inch. (Ord. 505 §1.05.030, 1996).

16.20.040 Information requested by planning commission. A. The preliminary plat, subdivision or dedication shall contain the following if requested by the planning commission:

1. All maps shall indicate the name of the preliminary plat, subdivision or dedication;
2. All maps shall show the names of the subdivider and surveyor or engineer;
3. A map showing the tract designation of the preliminary plat subdivision or dedication as shown in the files and records of the county auditor;
4. A map showing the names and addresses of the owners of record of property contiguous to the proposed subdivision and within three hundred feet of the property lines of the land covered by the proposed subdivisions;

5. A map showing the boundary lines, accurate and to scale, of the tract to be subdivided;

6. A map showing the location, width and names of all existing or platted streets or other public ways within or adjacent to the proposed development and other important features, such as permanent buildings, water courses, power lines, telephone lines, railroad lines, municipal boundaries, township lines and section lines;

7. A map showing location, pipe sizes and grades of all existing sewers, water mains, culverts, electrical conduits, and other underground installations within the tract and immediately adjacent thereto;

8. A map shall be prepared showing contours with intervals of five feet or less referenced to either the United States Coast and Geodetic Survey datum, the plan coordinating system for the state, or such datum acceptable to the town council. This map shall also show the location of existing natural features, such as streams, rivers, wetlands, shorelines, drainage ways, ravines and steep slopes;

9. A map shall be prepared showing the zoning boundary lines, if any, indicating proposed uses of property, and including front yard, rear yard, and side yard requirements, of the zoning ordinance;

10. A map shall be prepared showing all parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for the common use of property owners of the subdivision with the purpose, condition or limitations of such reservations clearly indicated;

11. All maps shall show the date, scale and the north point;

12. The preliminary subdivision shall have attached to it copies of any private restrictions proposed to be included in the deeds.

B. The subdivider, his agent, surveyor or engineer are permitted to combine any of the above maps and drawings so as to show the proposed development clearly and to expedite the planning of the preliminary plat, subdivision or dedication. (Ord. 505 §1.05.040, 1996).

Chapter 16.24

IMPROVEMENTS

Sections:

16.24.010 Preparation of minimum standards.
16.24.020 Streets.
16.24.030 Curbs.

Sections: (Continued)

16.24.040 Sidewalks.
16.24.050 Water distribution system.
16.24.060 Sewer system.
16.24.070 Storm drainage system.
16.24.080 Utility easements--Street lights.

16.24.010 Preparation of minimum standards. The town council shall prepare minimum installation materials, design, and construction standards appropriate to the locality, topography, soil conditions and geology of the area in which the preliminary plat, subdivision or dedication is to be developed and improved. Said standards, if prepared, shall be made available to all subdividers, or their surveyors and engineers, ten days prior to hearing of the preliminary plat, subdivision or dedication. Minimum improvements shall include the following improvements enumerated in this chapter. (Ord. 505 §1.06.010, 1996).

16.24.020 Streets. Streets shall be constructed in accordance with the current applicable provisions of this code or other regulations adopted by the town, and under the supervision of the town council. Streets shall be a minimum of two-inch asphalt paving with adequate ballast and constructed to standards of the American Public Works Association. (Ord. 505 §1.06.020, 1996).

16.24.030 Curbs. Curbs, if required, shall be installed in accordance with the current applicable provisions of the standards of this code and under the supervision of the town council. Curbs and gutters shall be constructed to the minimum standards of the American Public Works Association. (Ord. 505 §1.06.030, 1996).

16.24.040 Sidewalks. Sidewalks, if required, shall be constructed in accordance with the then current applicable provisions of this code and under the supervision of the town council. Sidewalks shall be a minimum of four feet wide and constructed to the American Public Works Association standards. (Ord. 505 §1.06.040, 1996).

16.24.050 Water distribution system. The water distribution system shall be designed in accordance with the then current applicable provisions of this code, or other applicable codes and installed under the supervision of the town council. Connections shall be provided for each lot. The size, quality and locations of fire hydrants shall be the determination of the town council. (Ord. 505 §1.06.050, 1996).

16.24.060 Sewer system. The subdivision shall be provided with a complete sanitary sewer system and shall be designed and installed in accordance with the then current applicable provisions of this code or other applicable codes and under the supervision of the town council, and/or the health officer.

If a complete sanitary sewer system is deemed not reasonable under the circumstances by the town council, the following shall be considered in lieu of a collection system. In a proposed subdivision, where the lot size is satisfactory or acceptable by the following listed authorities, and where the conditions have been found satisfactory by the town council and the county health office, or the appropriate state agency, approved septic tanks or other methods of handling wastes shall be installed in accordance with the standards and under the supervision of the town council and the county health officer or the appropriate state agency. (Ord. 505 §1.06.060, 1996).

16.24.070 Storm drainage system. A subdivision shall be provided with a complete storm or drainage system for removal of surface water and shall be designed and installed in accordance with the current applicable provisions of this code and other applicable codes and installed under the supervision of the town council and health officer. (Ord. 505 §1.06.070, 1996).

16.24.080 Utility easements--Street lights. Utility easements shall be at least ten feet wide and underground utilities will be utilized wherever possible, including, but not limited to electric, telephone and cable TV. Street lights will be provided that are consistent with those currently existing within the town. (Ord. 505 §1.06.080, 1996).

Chapter 16.28

FINAL PLAT REQUIREMENTS

Sections:

16.28.010 Form of final plat.

16.28.010 Form of final plat. The map of the final plat, subdivision or dedication shall be submitted to the planning commission in the form herewith prescribed.

A. All documents, maps and survey notes shall contain the name of the subdivision or be clearly referenced to it;

B. All documents, maps and survey notes shall contain the name and address of the subdivider and his surveyor(s) or engineer(s), or be clearly referenced to it;

C. The map shall show the north point, scale and date (true and magnetic north);

D. The map shall provide suitable space for the inscription of the mayor of the town indicating the approval of the final plat by the town council, in which the following shall appear:

> The Town Council of the Town of Odessa meeting in regular session on _____ day of _____, ____, did find that the (Name of Plat) _____ plat serves the public use and interest and has authorized its Mayor to execute its written approval hereon.
>
> _____
> Signature of Mayor
>
> ATTEST:
>
> _____
> Signature of Clerk

E. The map shall show the layout of all utility mains, street rights-of-lot, lot lines, alley and easement lines, and the boundary lines with accurate distances and bearings; and the location and width of all existing previously recorded public highways approaching and intersecting the boundaries of the subdivision shall be shown on the map and referenced to the United States Coast and Geodetic Survey datum or the plan coordinate system for the state and/or acceptable data prescribed by the town council;

F. The map shall accurately show the boundary lines of all parks and playgrounds and the rights-of-way of all public highways and roads contained in the plat, subdivision or dedication, and shall contain thereon, suitably inscribed and described, a statement of dedication of those rights-of-way, playgrounds, parks and other necessary areas;

G. The map shall show the length of all arcs and radii;

H. The map shall show all turning angles, points of curvature, and length of tangents shall be so indicated;

I. The map shall show the location of all monuments on which their sizes, shape and location are indicated;

J. The error of closure of any and all traverses shall not exceed one foot in ten thousand feet;

K. Complete field and computation notes showing original or reestablished corners, with description of the same; showing true bearings; and distances to established street lines and monuments, turning angles, points of curvature, length of tangents, and the actual traverse showing error of enclosure and method of balancing with

sketches showing all distances, angles and calculations required to determine corners and distances of the plat, subdivision or dedication;

L. A certification from the proper officers in charge of tax collections that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged;

M. A map shall be prepared showing the plan of street lighting;

N. A map shall be prepared showing the profile and tentative grade of each street;

O. A drawing shall be prepared showing the cross-section of each proposed street, width of the pavement, the location and width of sidewalks, and the location and size of utility main;

P. Drawings shall be prepared showing the plans and profiles, grades and sizes of proposed sanitary sewers, the methods of disposal, or a sewer plan in lieu of such sewer system;

Q. A plan shall be prepared showing the proposed water distribution system, type, sizes and their grades and the location of valves and fire hydrants, or another plan in lieu of a water distribution system plan;

R. A statement of approval from a town licensed road engineer or by a licensed engineer on behalf of the town as to the survey data, the layout of streets, alleys and other structures. (Ord. 505 §1.07.010, 1996).

Chapter 16.32

VARIANCES

Sections:

16.32.010 Modification of variations.

16.32.010 Modification of variations. The following procedure shall govern for modifying or varying the regulations herein contained: Any subdivider can make application to the town council in which a request is contained for a variation or modification of any provisions herein contained due to preexisting topographic or other physical conditions characteristic of the land the preliminary plat, subdivision or dedication includes.

Such application shall include any and all details, as the subdivider deems necessary, to support his application properly and also shall include a request for modification or variation of the provisions herein contained.

The town council shall make a decision on each such request for a modification or variation, provided the council ascertains all of the facts regarding the request, which shall include a complete engineering statement prepared by the engineer selected by the council in reference to the request; provided, that the application and request are received concurrently with the preliminary plat, subdivision or dedication; and provided further, that the hearing held thereon shall be open to the public and notice of such hearing included with the notice prescribed in Chapter 16.12.

The town council, therefor, shall postpone the time of approval of the preliminary plat, subdivision or dedication by not less than fifteen days, nor more than thirty days.

The town council shall advise the subdivider of the decision of the council, and the council shall not take further action on the approval of the preliminary plat, subdivision or dedication until the subdivider requests further action in accordance with the provisions of the council's final decision on the subdivider's request for a variation or modification of the regulations herein contained. (Ord. 505 §1.08.010, 1996).

Chapter 16.36

EXEMPTIONS

Sections:

16.36.010 Exemptions.

16.36.010 Exemptions. This title shall apply to all divisions of land within the corporate limits of the town as defined herein except that the following shall be exempt:

A. Cemetery and other burial plots while used for that purpose;

B. Subdivisions made by testamentary provisions or laws of descent;

C. Assessors' plats pursuant to state law;

D. Boundary line adjustments where access is not affected, no new building lot is created, and no lot is reduced so as to be substandard in size. Boundary line adjustments shall not be used to change the general design of lots in an approved short plat, preliminary plat or final plat;

E. Contiguous parcels of land in the same ownership, if previously platted or under separate deed from one another, may be sold separately without constituting a subdivision, providing each lot sold separately meets the di-

mensional requirements of the zoning regulations. Where such contiguous parcels in the same ownership are further subdivided or divided differently, the entire ownership shall be included in the subdivision. (Ord. 505 §1.11.010, 1996).

Title 17

ZONING*

Chapters:

17.02 Comprehensive Plan
17.04 Preamble
17.08 Definitions
17.12 Zone Maps and Boundaries
17.16 Lot Requirements
17.20 Residential Use Zone I
17.24 Residential Use Zone II
17.28 Commercial Use Zone
17.32 Industrial Use Zone
17.36 Schedule of Uses
17.40 Requirements Exceptions
17.44 Conditional Uses
17.48 Nonconforming Uses
17.52 Supplementary Zoning Regulations and Uses--Unlisted and Unclassified Uses
17.56 Specific Standards
17.58 Fences
17.60 Environmental Standards
17.64 Aesthetic Standards
17.68 Child Day Care Facilities
17.72 Building Permits and Occupancy Permits
17.76 Administration
17.80 Clear Vision Areas
17.84 Variances
17.88 Amendments
17.92 Annexation
17.96 Enforcement
17.100 Validity

Chapter 17.02

COMPREHENSIVE PLAN

Sections:

17.02.010 Acceptance.
17.02.020 Long-range land use map.

17.02.010 Acceptance. The council of the town accepts the comprehensive plan, consisting of a population

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* For statutory provisions on adoption of a comprehensive plan see Chapter 35.63 RCW.

projection chart, circulation map and land use map, as prepared by the planning commission for the town and filed in the office of the town clerk on October 4, 1971. (Ord. 287 §1, 1971).

17.02.020 Long-range land use map. The council of the town accepts the amended long-range land use map, as prepared by the planning commission for the town. Said map was filed in the office of the town clerk on March 19, 1979. (Ord. 373 §1, 1979).

Chapter 17.04

PREAMBLE

Sections:

17.04.010 Purpose.
17.04.020 Short title.
17.04.030 Compliance.
17.04.040 Maintenance of minimum requirements.
17.04.050 Authorization of similar uses.
17.04.060 Interpretation.
17.04.070 Scope of terms.
17.04.080 Commission review of ordinance.
17.04.090 Use of the word "town."
17.04.100 Fees.
17.04.110 Interpretation of application.
17.04.120 Validity and saving clause.

17.04.010 Purpose. The purpose of this title includes the following:

A. To promote orderly town growth;
B. To conserve the value of property;
C. To encourage the most appropriate use of land;
D. To establish standards for population density;
E. To protect adequate open space and recreation areas;
F. To facilitate fire and police protection;
G. To plan for adequate traffic flow;
H. To provide guidelines for the protection of the public health, safety, convenience, and general welfare. (Ord. 519 (part), 1998).

17.04.020 Short title. This chapter shall be known as the zoning ordinance of the town. (Ord. 519 (part), 1998).

17.04.030 Compliance. A lot may be used and a structure or part of a structure may be constructed, recon-

structed, altered, occupied, or used only as this ordinance permits. (Ord. 519 (part), 1998).

17.04.040 Maintenance of minimum requirements. No lot, area, yard, or off-street parking area existing on or after July 6, 1998, shall be reduced below the minimum requirements of this chapter. (Ord. 519 (part), 1998).

17.04.050 Authorization of similar uses. The town council may rule that a use not specifically permitted in a zone shall be permitted if it is similar to permitted uses and if its effect on adjacent properties is substantially the same as the permitted use. (Ord. 519 (part), 1998).

17.04.060 Interpretation. If the conditions imposed by this ordinance are less restrictive than any other ordinance of the town, the provision of which is more restrictive shall apply. (Ord. 519 (part), 1998).

17.04.070 Scope of terms. The word "may" as used is permissive as indicating a use of discretion in making a decision; the word "shall" as used is mandatory. (Ord. 519 (part), 1998).

17.04.080 Commission review of ordinance. It shall be the responsibility of the planning commission to review and update the ordinance codified in this title every five years; however, changes and/or additions shall be made whenever it is deemed necessary. Recommendations for change/addition shall be made per Chapter 17.88. (Ord. 519 (part), 1998).

17.04.090 Use of the word "town". The word "town" refers to the town of Odessa. (Ord. 519 (part), 1998).

17.04.100 Fees. Fees shall be established by resolution of the town council and shall be posted at the town clerk's office. A fee for action under this ordinance shall be paid by the applicant at the time of application. Applicant shall also be responsible for payment of all direct costs of hearing notifications incurred by the town as a result of his/her application. (Ord. 519 (part), 1998).

17.04.110 Interpretation of application. In their interpretations and application, the provisions of this chapter shall be held to be minimum requirements adopted for the public health, safety or general welfare.

Whenever the requirements of this ordinance differ with requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or those

imposing the highest standards shall govern. (Ord. 519 (part), 1998).

17.04.120 Validity and saving clause. If any section, subsection or paragraph of this chapter is for any reason held to be unconstitutional or invalid, such portion shall not affect the validity of the remaining portion or portions of this chapter. (Ord. 519 (part), 1998).

Chapter 17.08

DEFINITIONS*

Sections:

17.08.010 "A" definitions.
17.08.020 "B" definitions.
17.08.030 "C" definitions.
17.08.040 "D" definitions.
17.08.050 "E" definitions.
17.08.060 "F" definitions.
17.08.070 "G" definitions.
17.08.080 "H" definitions.
17.08.090 "I" definitions.
17.08.100 "J" definitions.
17.08.110 "K" definitions.
17.08.120 "L" definitions.
17.08.130 "M" definitions.
17.08.140 "N" definitions.
17.08.150 "O" definitions.
17.08.160 "P" definitions.
17.08.170 "Q" definitions.
17.08.180 "R" definitions.
17.08.190 "S" definitions.
17.08.200 "T" definitions.
17.08.210 "U" definitions.
17.08.220 "V" definitions.
17.08.230 "W" definitions.
17.08.240 "X" definitions.
17.08.250 "Y" definitions.
17.08.260 "Z" definitions.

17.08.010 "A" definitions. "Accessory apartment" means a small apartment utilizing surplus space within an existing single-family residence.

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* Code reviser's note: With the codification of Ordinance 594, Chapter 17.08 was renumbered into twenty-six sections to simplify future updates.
For critical areas definitions, see Chapter 11.08.

"Accessory use" means a structure or use incidental and subordinate to the principal use and located on the same lot as the principal use.

"Alley" means a street which affords only a secondary means of vehicular access to property.

"Alterations" means a change or rearrangement of the structural parts or exit facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another. In buildings for commercial or industrial use, the installation or rearrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration.

"Amendment" means a change in the text of this title or a change in the zone boundaries of the zoning map of this title (see also "Rezone").

"Animal shelter" means a lot or building where one or more horses, cows, sheep, goats or other similar outside domestic animals are kept, or where three or more rabbits, chinchillas or similar small outside domestic animals are kept.

"Apartment" means a room or suite of two or more rooms in a multifamily dwelling having its own kitchen and bathroom facilities.

"Apartment house" means a building designed for occupancy by families living independently of each other in three or more dwelling units.

Apartment, Walk-Up. "Walk-up apartment" means an apartment located on the second or third floor of a commercial building.

Area, Site. "Site area" means the total horizontal area within the property lines excluding external streets.

"Arterial" means any street which has been designed to carry large volumes of traffic and designated as an arterial in the comprehensive plan or in the six-year transportation program.

"Automobile wrecking yard" means any property where two or more vehicles not in running condition, or the parts thereof, are wrecked, dismantled, disassembled, substantially altered, or stored in the open, and are not to be restored to operation. (Ord. 635 §1(part), 2010; Ord. 519 (part), 1998).

17.08.020 "B" definitions. "Boardinghouse or roominghouse or bed and breakfast" means a building where lodging, with or without meals, is provided for not less than five nor more than fifteen persons in addition to members of the family occupying the building.

"Buffer" means a space, generally running along property lines, which is intended to reduce the impacts of a proposed use on adjacent property or natural features. Buffers are required to maintain existing trees or vegetation, to block or reduce noise, glare, or emissions or to maintain privacy. Fencing or plantings may be required in this space.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Building height" means the vertical distance from the highest adjoining surface, within five feet of the exterior wall, to the highest point of the roof.

Building, Main. "Main building" means the principal building or other structure on a lot which is designed or used to accommodate the primary use to which the premises are devoted.

"Business or commerce" means the purchase, sale, offering for sale, or other transactions involving the handling, disposition of any article, service, substance or commodity for livelihood purposes. (Ord. 635 §1(part), 2010; Ord. 519 (part), 1998).

17.08.030 "C" definitions. "Cemetery" means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

"Church" means an establishment, the principal purpose of which is religious worship, and including structures, including Sunday school rooms and religious education classrooms, assembly halls, kitchen, library room or reading room, recreational hall, a one-family dwelling unit and residences on the site for nuns or clergy, but excluding facilities for training of religious order.

"Clear vision area" means an area maintained at the corners of street intersections or driveways which has no obstructions to vision from thirty inches to ninety-six inches above the curb for a distance of thirty feet from the corner, to allow approaching vehicles to see each other.

Club, Private. "Private club" means a nonprofit social organization whose premises are restricted to its members and their guests.

"Conditional use" means a use listed among those classified in any given zone but permitted only after a public hearing by the town council and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same district.

"Conditional use permit" means a permit given after a review process has been completed, authorizing a use, subject to conditions attached, within a stated zone.

"Conforming use" means a use or activity which is permitted in a zone because it is consistent with or compatible with other permitted uses. (Ord. 635 §1(part), 2010; Ord. 519 (part), 1998).

17.08.040 "D" definitions. "Dangerous or wild animal" means any animal domesticated that presents itself as a threat to the safety or well-being of people, property or other animals.

"Day care facilities" means a group child day care facility, including nurseries, nursery schools, privately conducted kindergartens, and programs providing after-school care for children.

"Dwelling" means a building designed exclusively for residential purposes.

Dwelling, One-Family or Single-Family. "One-family or single-family dwelling" means a detached building designed exclusively for occupancy by one family.

Dwelling, Multifamily or Apartment House. "Multifamily dwelling or apartment house" means a building designed exclusively for occupancy by three or more families living independently of each other and containing three or more dwelling units.

Dwelling, Two-Family or Duplex. "Two-family dwelling or duplex" means a detached building designed exclusively for occupancy by two or more families living independently of each other, and containing two dwelling units.

"Dwelling unit" means one or more rooms occupied by one family containing kitchen facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. (Ord. 635 §1(part), 2010; Ord. 519 (part), 1998).

17.08.050 "E" definitions. Reserved. (Ord. 635 §1(part), 2010).

17.08.060 "F" definitions. "Family" means an individual or two or more persons related by blood or marriage, or a group of not more than five persons who are not related by blood or marriage.

"Fence" means a wall or barrier for the purpose of enclosing space or separating lots or parcels of land.

"Flock" means four or more chickens, ducks, geese or other fowl.

"Floor area" means the sum of the gross areas of the several floors of a building, measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings, but not including:

A. Attic space not used as living area providing headroom of less than seven feet;

B. Basement, if the floor above is less than six feet above grade;

C. Uncovered steps or fire escapes. (Ord. 635 §1(part), 2010; Ord. 519 (part), 1998).

17.08.070 "G" definitions. Garage, Commercial. "Commercial garage" means a building used for the care, repair or storage of automobiles or where such vehicles are kept for remuneration, hire or sale.

Garage, Private. "Private garage" means an accessory building or an accessory portion of the main building, designed and used only for the shelter or storage of vehicles owned by or operated only by the occupants of the main building or buildings.

"Grade" means the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

"Grade (ground level)" means the average of the finished ground level at the centers of all walls of the building. (Ord. 635 §1(part), 2010; Ord. 519 (part), 1998).

17.08.080 "H" definitions. "Height of building" means the vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof.

"Home occupation" means a business, occupation or profession which is carried on in a dwelling and one in which that use of the premises is secondary to the main use as a residence, and which occupation is carried on by a member of the family residing within the dwelling.

"Hospital" means an institution specializing in providing clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state law to provide facilities and services.

Hospital or Clinic, Small Animal. "Small animal hospital or clinic" means an establishment in which veterinary medical services and grooming services are rendered to dogs, cats and other small animals and pets.

"Hotel" means a building in which there are five or more guest rooms where lodging, with or without meals, is provided for a compensation, and where no provision is made for cooking in any individual room or suite, and in which building may be included one apartment for use of the resident manager, but shall not include buildings where human beings are housed or detained under legal restraint. (Ord. 519 (part), 1998).

17.08.090 "I" definitions. Reserved.

17.08.100 "J" definitions. "Junk yard" means any premises devoted wholly or in part to the storage, buying or selling or otherwise handling or dealing in old rags, sacks, bottles, cans, metal, papers, rubber or other articles commonly known as junk. (Ord. 519 (part), 1998).

17.08.110 "K" definitions. "Kennel" means a lot or building in which four or more dogs or cats at least four months of age are kept. (Ord. 519 (part), 1998).

17.08.120 "L" definitions. "Livestock" means horse, cows, emus, sheep, goats, swine, donkeys, mules or similar animals.

"Loading space" means a space on the same site with the use served, which provides for the temporary parking of a vehicle while loading or unloading merchandise, materials, or passengers.

"Lot" means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimensions to meet minimum zoning requirements for width and area. The term shall include tracts or parcels abutting a public street. (A lot is identified and/or numbered on an approved plat map.)

"Lot area" means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads and easements of access to other property.

Lot, Corner. "Corner lot" means a lot abutting on two or more streets other than an alley at their intersection.

"Lot coverage" means the area covered by all buildings, including accessory buildings, but excluding open parking spaces or recreational areas.

"Lot depth" means the average dimensions of lot measured from the front lot line to the rear lot line.

"Lot front line" is a line separating the street from the narrow portion of the lot on a plat map, unless the wide portion of the lot is the only portion abutting the street.

Lot, Interior. "Interior lot" means a lot other than a corner lot.

Lot Line, Side. "Side lot line" means a lot line which is not parallel to front lot lines or rear lot lines.

"Lot rear line" means a lot line most distant and opposite from the lot front line.

Lot, Through. "Through lot" means an interior lot having frontage on two streets.

"Lot width" means the distance between the lot side lines at the front building setback line. (Ord. 635 §1(part), 2010; Ord. 519 (part), 1998).

17.08.130 "M" definitions. "Main use" means the specific purpose for which land and/or building is designed, arranged, intended, or for which it is or may be occupied or maintained.

"Manufactured home (mobile home)" means a residential unit on one or more chassis for towing to the point of use and designed to be used with a foundation as a dwelling unit on a year-round basis, and which bears an insignia issued by a state or federal regulatory commission indicating that the manufactured home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development definitions of a manufactured home.

"Manufactured home (mobile home) park" means a tract of land under single ownership or control upon which manufactured homes (mobile homes) are occupied as dwellings may be located.

"Manufactured home (mobile home) site" means a lot of ground within a manufactured home park designed to accommodate one manufactured home.

Marijuana Processor. Processes, packages and labels marijuana/marijuana infused products for sale at wholesale to marijuana retailers and allows for processing, packaging, possession, delivery, distribution.

Marijuana Producer. Produces marijuana for sale at wholesale to marijuana processors and allows for production, possession, delivery, distribution.

Marijuana Retailer. Allows for sale and usable marijuana/marijuana infused products at retail outlets regulated by the Washington State Liquor Control Board (WSLCB).

"Mini-storage warehouse" means storage units to be rented to the public.

"Modular home (factory built)" means a structure constructed in a factory of factory-assembled parts and transported to the building site, in whole or in units, which meets the requirements

of the Uniform Building Code (UBC). The completed structure is not a manufactured home (mobile home) and shall be considered a single-family dwelling.

"Motel" means a group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, and are available to the public for rental. (Ord. 657 §2, 2013; Ord. 635 §1(part), 2010; Ord. 519 (part), 1998).

17.08.140 "N" definitions. "Nonconforming building" means a building, or portion thereof, which was lawfully erected and

maintained prior to this title, but which does not conform to the regulations in this title.

"Nonconforming use" means a use which was lawfully established and maintained prior to this title, but which does not conform to the regulations in this title. (Ord. 635 §1(part), 2010; Ord. 519 (part), 1998).

17.08.150 "O" definitions. Reserved. (Ord. 635 §1(part), 2010).

17.08.160 "P" definitions. "Parcel" means a tract or plot of land of any size which may or may not be subdivided or improved.

Parking Area, Private. "Private parking area" means an open area other than a street, alley or other public property limited to the parking of automobiles of occupants, employees, or customers.

Parking Area, Public. "Public parking area" means an open area other than a street or alley whether publicly or privately owned, which is used for the parking of automobiles and is available to the general public.

"Parking space" means an area which is improved, maintained and used for the sole purpose of accommodating a motor vehicle.

"Permitted use" means a main use authorized by action of the town council. The term shall not be deemed to include any nonconforming use.

"Person" means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust receiver, syndicate, branch of government or any other group or combination acting as a unit.

"Principal use or main use" means the primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

"Public use" means a structure or use intended or used for a public purpose by a town, a school district, the county, the state, or by any other public commission, or by a public utility.

"Public utility" means a private business organization such as a public service corporation performing some public service and subject to special governmental regulations, or a governmental commission performing similar public services. The services by either are paid for directly by the recipients. Therefore, such services shall include, but are not limited to, water supply, electrical power, gas, and transportation for persons and freight. (Ord. 635 §1(part), 2010; Ord. 519 (part), 1998).

17.08.170 "Q" definitions. Reserved. (Ord. 635 §1(part), 2010).

17.08.180 "R" definitions. "Recreational vehicle" means a vehicular-type unit designed for temporary living quarters for recreational camping or travel uses, with or without motive power. This definition includes campers and motor homes. A recreational vehicle is not a manufactured home (mobile home).

"Recreational vehicle park" means a tract of land under single ownership or control designed to provide safe and sanitary temporary parking for a recreational vehicle, but not intended for use as a manufactured home (mobile home) park.

"Residence" means a building or portion thereof, which is designed for and used to provide a home for people.

"Rest home, convalescent home, guest home, or home for the aged" means a home operated similarly to a boarding house but not restricted to any number of guests or guest rooms and the operator of which is licensed by the state or county to give nursing, dietary and other personal services furnished to convalescents, invalids and aged persons, but in which are kept no persons suffering from mental illness, mental disease, disorder or ailment, or from a contagious or communicable disease, and in which homes are performed no surgery, maternity or other primary treatments such as customarily are performed in sanitariums or hospitals.

"Rezone" means a change or amendment to the boundaries of a zone qualification, which requires going through a review and approval process.

"Roof" means a structural covering over any portion of a building or structure, including the projections beyond the walls or supports of the building or structure. (Ord. 635 §1(part), 2010; Ord. 519 (part), 1998).

17.08.190 "S" definitions. "Schools" means institutions of learning offering instruction in the several branches of learning and study required by the educational code of the state of Washington to be taught in public or private schools.

"Screen" means a vertical barrier located in a limited space intended to provide a buffering effect, particularly for noise reduction or visual separation. Screens may consist of existing or planted vegetation, attractive sight-obscuring fencing, hedges, walls or earth berms, or similar techniques.

"Semipublic use" means a structure or use intended or used for a semipublic purpose by a church, lodge, club, or any other nonprofit organization.

"Sign" means a device which directs attention to a product, place, activity, person, institution or business.

Each display surface of a sign, other than two surfaces separated by not more than twenty inches of supporting structure, constitutes a sign.

Storage, Private. "Private storage" means storage for private owner use only.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between the floor and the next ceiling above it shall be considered a story. If the finished floor level next above the basement or cellar is more than six feet above grade, then such basement or cellar shall be considered a story.

"Street" means the entire width between the right-of-way lines of a public way and includes the terms "road," "highway," "avenue,"

"alley," and other similar designations. The term means public way whether constructed or not.

"Structural alterations" means any change in the supporting members of a building or structure.

"Structure" means something constructed or built and having a fixed base on or fixed connection to the ground or another structure. (Ord. 635 §1(part), 2010; Ord. 519 (part), 1998).

17.08.200 "T" definitions. "Temporary hardship unit" means a manufactured home, temporarily installed on a lot, to provide housing of a family member in need of daily care, supervision or guardianship.

"Travel trailer" means a trailer house or coach not more than eight feet in width or more than twenty-eight feet in length designed for travel and recreation uses. (Ord. 519 (part), 1998).

17.08.210 "U" definitions. "Unclassified or unlisted uses" means uses which are not specifically named as a permitted or conditional use in any use classification contained within this title.

"Use" means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained. (Ord. 635 §1(part), 2010; Ord. 519 (part), 1998).

17.08.220 "V" definitions. "Variance" means an adjustment in the specific regulations of this title regarding a particular piece of property because it is deprived of the privileges commonly enjoyed by other properties in the same vicinity. This adjustment remedies disparity in privileges. (Ord. 519 (part), 1998).

17.08.230 "W" definitions. Reserved. (Ord. 635 §1(part), 2010).

17.08.240 "X" definitions. Reserved.

17.08.250 "Y" definitions. "Yard" means an open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this chapter.

Yard, Front. "Front yard" means the narrow portion of the lot facing the street on the official plat map. In the case of an irregular front lot line, the front yard shall be on the average depth of two corners, etc., one-half way.

Yard, Junk. For a definition of "junk yard" see Section 17.08.100 of this chapter.

Yard, Rear. "Rear yard" means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.

Yard, Side. "Side yard" means a yard between the front and rear yard from the side lot line to the nearest point of a building. (Ord. 519 (part), 1998).

17.08.260 "Z" definitions. "Zone" means an area defined as to boundaries and location of an official map (zoning map) and

within which only certain types of land use are permitted, other land uses being excluded because of incompatibility or intensity of land use. (Ord. 519 (part), 1998).

Chapter 17.12

ZONE MAPS AND BOUNDARIES

Sections:

17.12.010 Establishment of zones.
17.12.020 Zoning maps.
17.12.030 Zone boundaries.
17.12.040 Principal land use zones.

17.12.010 Establishment of zones. For the purpose of this chapter, the following zones are established:

ZONE	Color or Other Designations on Zoning Map.
Residential Zone I	Yellow or unshaded
Residential Zone II	Orange or bordered, thus: ooo
Commercial Zone	Pink or dotted, thus: :::::
Industrial Zone	Blue or crosshatched, thus: XXXX

(Ord. 519 (part), 1998).

17.12.020 Zoning maps. The zones established by this chapter are indicated on a map entitled "Zone Map of the Town of Odessa, Washington," which is adopted, being marked Exhibit "A," attached to this ordinance, and by this reference made a part of this chapter. Zone boundaries may be changed by zoning map amendments which may be adopted by reference. The zoning map or zoning map amendments shall be dated with the effective date of the chapter that adopts the map or map amendments. A certified print of the adopted map or map amendments shall be kept in the city clerk's office. (Ord. 519 (part), 1998).

17.12.030 Zone boundaries. Unless otherwise indicated on the zoning map, zone boundaries are section lines, subdivision lines, lot lines, or the centerline of streets or railroad rights-of-way, or such lines extended. (Ord. 519 (part), 1998).

17.12.040 Principal land use zones. This section gives a general description of the land uses and zones permitted uses within the boundaries of the town of Odessa.

Refer to Table 17.16.010 for permitted and conditional and uses. Following are the meanings of the codes:

X = Permitted outright.
C = Conditional use.
N = Not permitted.

All proposed uses require the submittal of a land use application (Section 17.76.070 and 17.76.080) and shall meet the general provisions and specific standards (Section 17.16.060). A use permitted only as a conditional use must also apply for, and receive a conditional use permit (Section 17.44.040). A manufactured home park and recreational vehicle park, having spaces for rent or lease, must also submit and have approved a binding site plan.

Unlisted or unclassified uses may be added with prior approval of the town council. (Ord. 519 (part), 1998).

Chapter 17.16

LOT REQUIREMENTS

Sections:

17.16.010 Chart for lot requirements.

17.16.010 Chart for lot requirements. Lot requirements are as set out in the following chart.

Table 17.16.010 Chart of Lot Requirements				
REQUIREMENTS	R-1	R-2	COM	IND
Minimum Lot Size (Square feet)	7,500	6,000		
Density (number of units) per acre	N/A	N/A	N/A	N/A
Maximum Lot Coverage (% of lot)	50%	50%	90%	90%
Minimum Size (Manufactured homes only)	24×40	14×60		
Minimum Square Footage per residence	960	720		
Maximum Building Height (2 stories)	30′	30′	35′	35′
Minimum Lot Width (feet)	75′	50′		
Rear Yard Setback (garage)	10′	10′	0′	10′
Front yard Setback (minimum	20′	20′		
Side Yard Setback (minimum)	15′	10′		
Rear Yard Setback	20′	20′	0′	10′
Corner Yard Setback	15′	15′		
Main Living Unit (including porch)	20′	20′		
Main Living Unit - Rear	15′	15′		

This chart lists the various minimum requirements for lots within the various zones. To modify any of these requirements requires the application for a variance. (Chapter 17.84) Ord. 519 (part), 1998).

Chapter 17.20

RESIDENTIAL USE ZONE I

Sections:

17.20.010 Purpose.
17.20.020 Permitted uses.
17.20.030 Conditional uses.
17.20.040 Lot size.
17.20.050 Specific standards.
17.20.060 Signs.

17.20.010 Purpose. The principal objective of this classification is to improve and maintain a low density residential development of single-family dwellings on individual lots. (Ord. 519 (part), 1998).

17.20.020 Permitted uses. Refer to Table 17.36.010 for permitted and conditional uses (Section 17.36.610) for all uses permitted outright in this low density zone and allowed by this section. These permitted uses shall be subject to the general provisions (Chapter 17.36).

The following uses and their accessory uses are permitted, outright:

A. Single-family dwellings; site built, manufactured or modular not in excess of five years of age from date of original construction to date of requested placement;

B. Double-wide mobile homes that conform to the following requirements:

1. Be a single-family mobile home manufactured within five years of the date of request for placement on a lot,

2. Must comply with the United States Department of Housing and Urban Development regulations governing construction specifications and standards for all new mobile homes and which bears the insignia issued by HUD indicating that the mobile home complies with HUD regulations, (RCW Chapter 43.22),

3. Be in accordance with all of the town zoning requirements,

4. Be placed on permanent foundation or footings and piers and meet all manufacturer's specifications for support,

5. Be securely tied down by a minimum of eight tie downs, one on each corner, with one in the middle of each side and the end. The tie down in the middle of the end shall be connected to both units. The tie downs shall be securely affixed to the frame on the mobile home and anchored into perimeter footings and have the tongue removed,

6. Before a used mobile home is placed on site, the following will occur:

a. The owner will submit five photographs of mobile home showing all views and an overview of home, copy of title or bill of sale and a copy of inspection signed by the building official stating that the mobile home is in compliance with state, federal and local standards,

7. Maintain minimum of eighteen inches crawl space under the entire mobile home,

8. Have permanent steps fixed to all exits,

9. Have a permanent reinforced concrete footing around the perimeter of the mobile home. A basement is permitted but only so long as it conforms with the Uniform Building Code,

10. Have securely attached exterior material extending around the entire mobile home between the footing and the bottom portion of the dwelling. The material shall resemble the foundations of traditional homes, thereby eliminating the common skirting appearance of mobile homes,

11. Have roofing material which complies with the Uniform Building Code and is either composition or wood shingles, or shakes made from wood, metal or other man-made materials,

12. The permittee shall give the town building inspector notice when the premises are ready for inspection and shall not proceed further until approval has been given by the official pursuant to each section. (Ord. 519 (part), 1998).

17.20.030 Conditional uses. Refer to Table 17.36.010 for permitted and conditional uses (Section 17.36.010) for a list of conditional uses in this zone for which a conditional use permit may be granted. Section 17.72.040 outlines the procedure for applying for a conditional use permit. Approved conditional uses are subject to the general provisions (Chapter 17.36), plus any conditions placed by the town council (Chapter 17.72) in granting the conditional use permit. (Ord. 519 (part), 1998).

17.20.040 Lot size. In a residential zone, the minimum lot size shall be as follows:

A. For a single-family dwelling, the minimum lot area shall be seven thousand, five hundred square feet;

B. Lot width shall be a minimum of one hundred feet;

C. Lot depth shall be a minimum of one hundred feet. (Ord. 519 (part), 1998).

17.20.050 Specific standards. Specific standards for land uses are referred to by number on the last column of the chart for permitted and conditional uses (Section 17.36.010). These specific standards are in addition to

any general provisions that may apply to land use. (Ord. 519 (part), 1998).

17.20.060 Signs. In a residential zone, the following signs are permitted:

A. One nameplate or home occupations sign for each dwelling unit is permitted not more than eight square feet.

B. One temporary sign advertising the sale, lease or rental of the property on which it is located is permitted. The sign shall not be more than six square feet in area, and shall not be illuminated.

C. One temporary sign advertising the sale of a tract of land or subdivision or of lots in a subdivision is permitted. The sign shall not be more than forty-two square feet in area, shall not be illuminated and shall be back at least ten feet from a property line. (Ord. 519 (part), 1998).

Chapter 17.24

RESIDENTIAL USE ZONE II

Sections:

17.24.010 Purpose.
17.24.020 Permitted uses.
17.24.030 Conditional uses.
17.24.040 Lot size.
17.24.050 Signs.

17.24.010 Purpose. The principal objective of this classification is to improve and maintain a medium density residential development of single-family dwellings, manufactured homes, duplexes and town houses. Manufactured (mobile) homes may be located on individual lots or in manufactured (mobile) home parks. (Ord. 519 (part), 1998).

17.24.020 Permitted uses. Refer to Table 17.36.010 for permitted and conditional uses (Section 17.36.010) for all uses permitted outright in the medium density zone and allowed by this section. These permitted uses shall be subject to the general provisions in Chapter 17.36.

A. In a residential zone the following uses and their accessory uses are permitted outright:

1. Single-family dwellings;
2. Two-family dwellings;
3. Mobile home dwellings both single and double wide units which conform to Chapter 17.20.

B. Refer to Chapter 17.36 of this ordinance for uses permitted outright. (Ord. 519 (part), 1998).

17.24.030 Conditional uses. Refer to Table 17.36.010 for permitted and conditional uses. (Ord. 519 (part), 1998).

17.24.040 Lot size. In a residential zone, the minimum lot size shall be as follows:

A. For a single-family dwelling, the minimum lot area shall be six thousand square feet.

B. For a two-family dwelling the minimum lot shall be six thousand square feet.

C. Yards. See Table 17.16.010 for lot requirements. (Ord. 519 (part), 1998).

17.24.050 Signs. In a residential zone the following signs are permitted:

A. One name plate or home occupation sign shall not be more than eight square feet in area.

B. One temporary sign advertising the sale, lease or rental of the property on which it is located is permitted. The sign shall not be more than six square feet in area, and shall not be illuminated.

C. One temporary sign advertising the sale of a tract of land or subdivision or of lots in a subdivision is permitted. The sign shall not be more than forty-two square feet in area, shall not be illuminated, and shall be back at least ten feet from a property line. (Ord. 519 (part), 1998).

Chapter 17.28

COMMERCIAL USE ZONE

Sections:

17.28.010 Purpose.
17.28.020 Permitted uses.
17.28.030 Conditional uses.
17.28.040 Lot requirements.
17.28.050 Specific standards.
17.28.060 General standards.
17.28.070 Limitations on use.

17.28.010 Purpose. The principal objective of this classification is to group business uses which are necessary for the livelihood of the community but which are generally incompatible with residential uses because of noise, lighting, parking and traffic requirements, and hours of operations. This also allows different standards to be applied to these uses, to prevent degradation of the

environment, and to help maintain a viable business community. (Ord. 519 (part), 1998).

17.28.020 Permitted uses. Refer to the chart for permitted and conditional uses for all uses permitted outright in this commercial zone. These permitted uses shall be subject to the general provisions. (Ord. 519 (part), 1998).

17.28.030 Conditional uses. Refer to Table 17.36.010, permitted and conditional uses, for a list of conditional uses in this zone for which a conditional use permit may be granted. Section 17.72.040 outlines the procedure for applying for a conditional use permit. Approved conditional use are subject to the general conditions plus any conditions placed by the town council in granting a conditional use permit. (Ord. 519 (part), 1998).

17.28.040 Lot requirements. Refer to the lot requirements chart for general requirements. To modify any of these requirements requires the application for a variance and its approval. (Ord. 519 (part), 1998).

17.28.050 Specific standards. Specific standards for land uses are referred to by number on the last column of the chart for permitted and conditional uses, Section 17.36.010 and are listed by number in the text. These specific standards are in addition to any general provisions that may apply to a land use. (Ord. 519 (part), 1998).

17.28.060 General standards. All commercial uses shall comply with the following general standards and any specific standards with that use.

A. Commercial uses requiring larger land areas or capable of generating high traffic volumes including auto service stations, car lots, lumber yards, farm equipment sales, grain storage, manufactured home sales or large retail outlets are often compatible with primary commercial uses, and thus shall be located on arterial streets. Access shall be designed to provide entrances and exits on nonresidential streets.

B. All apartment structures should appear compatible with the surrounding neighborhood in that they do not dominate adjacent houses, are visually harmonious with the site, existing trees are retained where possible, and there are proper buffers.

C. All parking areas shall be located in an unobtrusive location, landscaped and separated into no more than ten spaces per bay, and shall be buffered from surrounding residential uses or other low intensity uses. (Ord. 519 (part), 1998).

17.28.070 Limitations on use. In a commercial zone, the limitations shall apply:

A. Any use that creates a nuisance as determined by the planning commission because of noise, smoke, odor, dust or gas is prohibited.

B. Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.

C. All services, processing and storage on property abutting or facing a residential zone shall be within an enclosed building or screened from view from the residential zone by a permanently maintained, sight-obstructing fence at least six feet high.

D. Access from a public street to properties in a commercial zone shall be so located as to minimize traffic congestion and avoid directing commercial traffic on to residential streets.

E. Building entrances or other openings adjacent to a residential or commercial zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect the use or value of the adjacent property.

F. Signs shall comply with Section 17.36.010. (Ord. 519 (part), 1998).

Chapter 17.32

INDUSTRIAL USE ZONE

Sections:

17.32.010 Purpose.
17.32.020 Permitted uses.
17.32.030 Conditional uses.
17.32.040 Limitations on uses.

17.32.010 Purpose. Industrial uses are considered to be high impact uses, as such, particular care shall be given to possible impacts these uses can create and the effects of these impacts on adjacent uses and areas. (Ord. 519 (part), 1998).

17.32.020 Permitted uses. The following uses are permitted outright in this zone: heavy industrial enterprises including railroads, grain elevators and stockyards. Refer to Chapter 17.36 for uses permitted outright. (Ord. 519 (part), 1998).

17.32.030 Conditional uses. Refer to Chapter 17.08 ordinance for conditional uses when authorized. (Ord. 519 (part), 1998).

17.32.040 Limitations on uses. In an industrial zone the following limitations shall apply:

A. Any use that creates a nuisance as determined by the planning commission because of noise, smoke, odor, dust or gas is prohibited.

B. Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.

C. All services, processing and storage on property abutting or facing a residential zone shall be within an enclosed building or screened from view from the residential zone by a permanently maintained, sight-obstructing fence at lease six feet high.

D. Access from a public street to properties in an industrial zone shall be so located as to minimize traffic congestion and avoid directing industrial traffic onto residential streets.

E. Building entrances or other openings adjacent to a residential or commercial zone shall be prohibited if they cause glare, excessive noise or otherwise adversely affect the use or value of the adjacent property.

F. Signs shall comply with Section 17.36.010. (Ord. 519 (part), 1998).

Chapter 17.36

SCHEDULE OF USES

Sections:

17.36.010 Schedule of uses.

17.36.010 Schedule of uses. Any conditional use of land which is described in this chapter, together with any other not mentioned, may be permitted when authorized pursuant to Chapter 17.44.

Table 17.36

Legend:

Permitted Outright = Y
Conditional Use = C
Prohibited = N

R-1 = Residential Zone I
R-2 = Residential Zone II
COM = Commercial Zone
IND = Industrial Zone

PERMITTED AND CONDITIONAL USES	R-1	R-2	COM	IND
Accessory uses and structures incidental to any permitted residential use, such as servant's quarters, garages, greenhouses or workshops, provided that none shall be rented or occupied for gain, that no accessory building be used for living quarters shall be constructed upon a plot until the construction of the main building has commenced.	Y	Y	N	N
Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.	C	C	Y	Y
Agencies as follows: rendering specialized services not involving retail trade with the general public nor maintenance of a stock of goods for sale (real estate, insurance, advertising, brokerage).	C	C	Y	C
Airports and landing fields.	N	N	C	C
Alcoholic beverage packaged retail sale.	N	N	Y	Y
Amateur radio tower or antenna.	Y	Y	Y	Y
Amusement enterprise similar to billiards, pool, bowling, shooting gallery, roller rink, dance hall, but not including theater.	N	N	Y	C
Amusement park or zoo.	N	N	C	C

Table 17.36 (Continued)				
PERMITTED AND CONDITIONAL USES	R-1	R-2	COM	IND
Animal livestock auctions on a commercial scale.	N	N	C	Y
Animal shelter.	N	N	C	C
Animal hospital.	N	N	Y	C
Antique and gift retail sales.	C	C	C	C
Apartment house.	C	C	C	C
Apartment accessory.	C	C	C	C
Art galleries.	C	C	Y	C
Art supply retail sales.	C	C	Y	C
Asphalt manufacturing or refining.	N	N	N	C
Assembly halls, coliseums, stadiums.	C	C	C	C
Assembly of machines and appliances from previously prepared parts.	N	N	C	Y
Automobiles (new and used) and accessory sales.	N	N	Y	Y
Automobile parking operated in conjunction with permitted uses and in accordance with the requirements of Chapter 17.08 of this ordinance.	Y	Y	Y	Y
Automobile repair garages.	N	N	Y	Y
Bakeries or baking plants.	N	N	Y	Y
Bakery shops or confectioneries.	C	C	Y	Y
Banks.	N	N	Y	C
Barber, beauty, and other personal services.	C	C	Y	C
Bed and breakfast.	C	C	C	C
Bicycle sale and repair.	C	C	Y	C

Table 17.36 (Continued)				
PERMITTED AND CONDITIONAL USES	R-1	R-2	COM	IND
Blueprinting and photostating establishment.	C	C	Y	C
Boat building and repair.	N	N	C	Y
Boat sales, new and used.	N	N	Y	C
Book bindery.	C	C	Y	Y
Book and stationary stores.	C	C	Y	C
Bottling works for soft drinks.	N	N	C	Y
Bus passenger stations.	C	C	Y	C
Bus repair and storage terminals.	N	N	C	Y
Canvas and burlap products manufacture, sale and storage.	N	N	C	Y
Carpet cleaning establishments.	C	C	Y	Y
Catering establishments.	C	C	Y	Y
Catering establishments conducted as an incidental home occupation, except that not more than five temporary employees may be employed on these premises.	Y	Y	N	N
Cemeteries, mausoleums, crematories.	C	C	C	N
Incidental home occupation, except that not more than five temporary employees may be employed on these premises.	Y	Y	N	N
Cemeteries, mausoleums, crematories.	C	C	C	N
Churches and other places of worship including parish houses and Sunday school building.	C	C	C	C
Clinics.	C	C	C	C

Table 17.36 (Continued)				
PERMITTED AND CONDITIONAL USES	R-1	R-2	COM	IND
Clothing manufacture.	C	C	Y	Y
Clothing sales.	C	C	Y	C
Clubs and other places of entertainment operated as commercial enterprises.	N	N	C	C
Cold storage plants.	N	N	C	Y
Colleges, business colleges, trade schools, music conservatories, dancing schools and similar organizations, all without students in residence, offering training in specific fields.	C	C	C	C
Contractors' plants or storage yards.	C	C	C	Y
Convalescent and nursing homes and homes for the care of children or the aged.	C	C	N	N
Convalescent nursing and foster homes conducted within the principle building as an incidental home occupation	Y	Y	N	N
Correctional (institutions).	N	N	N	N
Crop or tree farming, greenhouses and truck gardening, including the sale of products raised on the premises.	C	C	C	N
Dairy products processing, bottling and distribution, ice cream manufacture, all on a wholesale basis.	N	N	C	Y
Dairy bars and ice cream manufacture for retail sale on the premises only.	N	N	Y	N
Dangerous animals: NOT PERMITTED IN ANY ZONE.	N	N	N	N

Table 17.36 (Continued)				
PERMITTED AND CONDITIONAL USES	R-1	R-2	COM	IND
Day care, licensed home day care.	Y	Y	C	N
Department and variety stores.	N	N	Y	C
Drive-in theaters.	N	N	C	N
Drugstores.	N	N	Y	N
Dry cleaning pickup stations.	N	N	Y	N
Dry cleaning, pressing and dyeing plants operated in conjunction with retail service counter.	N	N	Y	N
Dwellings, multifamily attached row without common interior halls or entrances.	C	C	C	N
Dwellings, other multifamily.	C	C	C	N
Dwellings, single-family.	Y	Y	N	N
Dwellings, two-family.	C	Y	N	N
Eating and drinking establishments.	N	C	Y	C
Electric light or power distribution stations.	N	N	Y	N
Excavation, other than simple foundation.	C	C	C	C
Farm machinery assembly, repair and sales.	N	N	Y	Y
Farm feed and seed retail sales.	N	N	C	Y
Farm fertilizer retail sales.	N	N	C	Y
Farm seed and feed processing.	N	N	C	Y
Finance and loan companies.	N	N	Y	N
Flocks, chickens, or fowl.	N	N	C	C
Florists, retail.	C	C	Y	C

Table 17.36 (Continued)				
PERMITTED AND CONDITIONAL USES	R-1	R-2	COM	IND
Food processing in wholesale quantities.	N	N	C	C
Food processing for sale at retail on the premises, but excluding the killing and dressing of any flesh or fowl.	N	N	C	C
Food stores (retail only): grocery, delicatessen, meat and fish, but excluding the killing and dressing of any flesh or fowl.	N	N	Y	N
Forging plants.	N	N	N	Y
Foundries or metal fabrication plants using plate and structural shapes.	N	N	N	Y
Frozen food lockers.	N	N	C	C
Fuel oil, gasoline and petroleum products in unpressurized tanks of fifteen thousand gallon or less capacity, storage and sales.	N	N	C	C
Fuel oil and kerosene for domestic heating purposes in ground containers not exceeding seven hundred fifty gallon capacity.	Y	Y	Y	Y
Fuel oil and kerosene: the incidental sale at retail of same in cans of not over five gallon capacity.	N	N	Y	Y
Funeral homes.	N	N	Y	C
Furniture retail sales.	N	N	Y	N
Garage, commercial.	N	N	Y	Y
Garage, private.	Y	Y	C	C
Garage, public.	N	N	Y	Y

Table 17.36 (Continued)				
PERMITTED AND CONDITIONAL USES	R-1	R-2	COM	IND
Gases or liquefied petroleum gases in approved metal cylinders for storage and sales.	N	N	C	C
Gasoline station with at least fifteen off-street parking spaces with no gasoline or oil pump or appliance located within twelve feet of any street line unless within a building.	N	N	C	C
Grounds for games or sports parks, country clubs, recreational and community center buildings, gymnasiums and other similar activities not operated for profit.	Y	Y	Y	Y
Guest house (as accessory use to main residence).	Y	Y	N	N
Hardware, appliances and electrical items, retail sale.	N	N	Y	C
Home occupations as regulated in Chapter 17.04.	C	C	C	N
Home, retirement.	C	C	N	N
Hospitals.	C	C	C	N
Hotels, motels and inns.	Y	Y	Y	N
Insulation material manufacture and sales.	N	N	N	Y
Junkyards and auto wrecking.	N	N	N	Y
Kennel.	N	N	C	Y
Kennels, commercial.	N	N	C	C
Laboratories for research and testing.	N	N	C	C
Laundromat service: where individual family-size laundry equipment is rented for use by the customer.	C	C	Y	C

Table 17.36 (Continued)				
PERMITTED AND CONDITIONAL USES	R-1	R-2	COM	IND
Laundry pickup stations.	C	Y	Y	Y
Leather goods, manufacture.	N	N	C	C
Libraries, museums, and art galleries.	C	C	C	N
Light manufacturing or processing.	N	N	C	C
Locksmiths and gunsmiths.	C	C	Y	Y
Lodges, fraternal and social organizations.	C	C	C	N
Lumberyards, building materials, storage and sales.	N	N	C	C
Machine shops.	N	N	C	Y
Machine tool manufacture.	N	N	C	Y
Marijuana processor.	N	N	C	C
Marijuana producer.	N	N	C	C
Marijuana retailer.	N	N	C	C
Marquee as permitted by building code with sign or signs.	N	N	C	C
Microbreweries.	N	N	Y	Y
Microwave relay stations.	N	N	C	Y
Mini-storage warehouses.	N	N	C	Y
Mixing plants for concrete or paving materials and manufacture of concrete products.	N	N	N	C
Mobile homes, single wide.	N	Y	N	N
Mobile homes, double wide.	Y	Y	N	N
Mobile home parks.	C	C	C	C
Motorcycle sales and repair.	N	N	C	C
Music stores.	C	C	Y	N
Newsstands.	N	N	Y	N
Nursery, licensed child care or day-care center.	C	C	C	C

Table 17.36 (Continued)				
PERMITTED AND CONDITIONAL USES	R-1	R-2	COM	IND
Nursery, landscaping materials.	C	C	C	C
Office building.	C	C	C	C
Office equipment and supplies sales and services.	C	C	C	C
Offices operated as an incidental home occupation where no contact is made with the general public, and subject to Chapter 17.08 of this title.	C	C	C	C
Office and secretarial service establishment.	C	C	Y	C
Optical and scientific instrument, jewelry and clock, musical instrument manufacturing.	N	N	C	Y
Opticians and optical supplies sales.	N	N	C	C
Orphanage and charitable institutions.	C	C	C	N
Paint retail and sale.	N	N	Y	C
Pawnshops or second hand stores.	C	C	C	C
Pet shops, bird stores, taxidermists.	C	C	Y	C
Pharmaceutical products manufacture.	N	N	C	C
Photographic studios and camera supply stores.	C	C	Y	C
Physical culture establishments.	C	C	C	C
Planing mills or saw mills.	N	N	N	C
Plastics manufacture.	N	N	N	C
Plumbing shop and yard.	N	N	C	Y

Table 17.36 (Continued)				
PERMITTED AND CONDITIONAL USES	R-1	R-2	COM	IND
Poultry dressing.	N	N	N	C
Preschool, private.	C	C	C	N
Printing, publishing and reproduction establishment.	N	N	C	C
Printing, publishing and reproduction establishment operated by three persons or fewer.	C	C	Y	C
Produce stands.	N	N	Y	N
Public schools and private schools having curricula approximately the same as ordinarily given in public schools, including gymnasiums and assembly halls in conjunction therewith.	C	C	C	C
Public or private college and universities.	C	C	C	C
Public transportation shelter stations.	C	C	C	C
Public utility installations.	C	C	C	C
Public utility service and storage yards.	N	N	C	C
Radio, television, retail sales and service.	C	C	Y	C
Radio and television stations and masts, commercial and professional.	N	N	C	C
Railroad rights-of-way.	C	C	C	C
Repair and servicing of office and household equipment.	C	C	Y	C

Table 17.36 (Continued)				
PERMITTED AND CONDITIONAL USES	R-1	R-2	COM	IND
Residential uses, nonconforming: any permitted residential use carried on within the commercial or industrial zone provided: (1) That the residential use existed when the commercial or industrial districts affecting it were established; or (2) That the residential use is carried on in a building designed for such use, which building existed when the commercial or industrial districts affected were established.	N	N	C	C
Retail stores not otherwise named on this list including those conducting incidental light manufacturing or processing of goods above the first floor or in the basement to be sold exclusively on the premises and employing not more than ten operatives.	C	C	C	C
Retail stores similar to those otherwise named in this section.	C	C	C	C
Retirement homes.	C	C	N	N
Schools (see public schools).	C	C	N	N
Scrap paper or rag storage, sorting or baling, when conducted within a building.	N	N	C	Y
Sheet metal shops.	N	N	C	Y
Shoe repair.	C	C	Y	C
Signs illuminated or otherwise, as regulated in Chapter 17.08 of ordinance, but not billboards and church reader boards.	C	C	Y	Y

Table 17.36 (Continued)				
PERMITTED AND CONDITIONAL USES	R-1	R-2	COM	IND
Signs: a small professional or announcement sign, illuminated, not over three square feet in area, mounted flat to the main wall of the building, and an unilluminated real estate sign not over six square feet in area, mounted or displayed behind the building set-back line.	Y	Y	Y	Y
Signs: marquee as permitted by building code with sign or signs.	N	N	Y	N
Sign manufacture, painting, and maintenance.	N	N	C	Y
Sign painting, exclusive of manufacture.	N	N	C	Y
Sporting goods sale.	N	N	Y	C
Stone cutting monument manufacture and sales.	N	N	C	Y
Storage, private.	Y	Y	C	C
Swimming pools: private, single-family residence.	Y	Y	N	N
Swimming pools: public, semi-public, all others.	C	C	C	N
Tailors, dressmakers, milliners.	C	C	C	C
Taxi stands.	N	N	C	C
Temporary buildings or structures.	C	C	C	C
Textile manufacturing.	N	N	N	Y
Theaters, coliseums and assembly halls housed in a permanent indoor structure.	C	C	C	C
Tire recapping and retreading.	N	N	C	Y

Table 17.36 (Continued)				
PERMITTED AND CONDITIONAL USES	R-1	R-2	COM	IND
Trail park, pursuant to town ordinance.	C	C	C	N
Trailer sales areas.	N	N	C	C
Truck terminals, repair shops, hauls and storage yards.	N	N	C	Y
Upholstery, paperhanging and decorator shops.	C	C	Y	Y
Wholesale and jobbing establishments including incidental retail outlets for only such merchandise as is handled at wholesale.	C	C	C	Y
Woodworking shops, millwork.	N	N	C	Y

(Ord. 657 §3, 2013; Ord. 583 §1, 2004; Ord. 554 §1, 2001; Ord. 519 (part), 1998).

Chapter 17.40

REQUIREMENTS EXCEPTIONS

Sections:

17.40.010 Projections from buildings.
17.40.020 Exceptions to lot size requirements.
17.40.030 Exceptions to front yard requirements.
17.40.040 Exception to building height limitations.

17.40.010 Projections from buildings. Cornices, eaves, canopies, gutters, chimneys, flues, and other similar architectural features shall not project more than forty-eight inches into a required yard. (Ord. 519 (part), 1998).

17.40.020 Exceptions to lot size requirements. If a lot or the aggregate of contiguous lots or parcels platted prior to the time this chapter was adopted has an area or dimension that does not meet the requirements of this chapter, the lot or aggregate holdings may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located, except that a resi-

dential use shall be limited to a single-family dwelling. (Ord. 519 (part), 1998).

17.40.030 Exceptions to front yard requirements. The following exceptions to the front yard requirements are authorized for a lot in any zone:

1. If there is a dwelling on both abutting lots with front yards of less than the required depth for the one, the front yard of the lot need not exceed the average front yard of the abutting lots.

2. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the zone, the front yard of the lot need not exceed a depth one-half way between the depth of the front yard of the abutting lot and the required front yard depth. (Ord. 519 (part), 1998).

17.40.040 Exception to building height limitations. The following types of structures or structural parts are not subject to the building height limitations of this title: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, masts, aerials, cooling towers, elevator shafts, grain elevators, and other similar projections. (Ord. 519 (part), 1998).

Chapter 17.44

CONDITIONAL USES

Sections:

17.44.010 Authorization required.
17.44.020 Criteria and application.
17.44.030 Purpose.
17.44.040 Uses requiring a conditional use permit.
17.44.050 Application procedure for a conditional use.

17.44.010 Authorization required. Any conditional use of land which is described in this chapter, together with any others not mentioned, may be permitted when authorized pursuant to Chapter 17.08 of this chapter.

Permitted and Conditional Uses. In residential Zone I and II, accessory uses and structures incidental to any permitted residential use, such as servants quarters, garages, greenhouses or workshops; provided that none shall be rented or occupied for gain, that no accessory building to be used for living quarters shall be constructed upon a plot until the construction of the main building has commenced. (Ord. 519 (part), 1998).

17.44.020 Criteria and application. In creating use zones, consideration is given to uses which are comparable, compatible, or similar. It is not possible to list and classify every use to which land may be devoted, whether now or in the future. The planning commission may recommend appropriate zoning or rezoning under the procedure outlined in the procedure chart for conditional and unclassified uses, Section 17.72.040, when:

1. A use is not listed as a permitted or conditional use in any zone;

2. Any use has come into existence by reason of technical development;

3. Any use already listed in a zone, because of changes, needs to operate under performance standards more or less restrictive than those of the current zone. (Ord. 519 (part), 1998).

17.44.030 Purpose. The purpose of this chapter is to provide the community the opportunity to add conditions or requirements (Section 17.36.010 and 17.72.040) so that a proposed use becomes more compatible with other existing or adjoining uses within that zone classification. This permit may not be used to reduce zoning requirements on a use, but a variance must then be requested. (Ord. 519 (part), 1998).

17.44.040 Uses requiring a conditional use permit. A listing of uses requiring a conditional use permit is found on the chart for permitted and conditions uses, Section 17.36.010. (Ord. 519 (part), 1998).

17.44.050 Application procedure for a conditional use. The procedure for applying for a conditional use permit is found on the chart for conditional and unclassified uses, Section 17.72.040.

1. A property owner may initiate a request for a conditional use or the modification of an existing conditional use by filing an application with the zoning administrator using forms prescribed in Section 17.72.040 of this ordinance.

2. Detailed plans of any items of information may be required by the board of adjustment, subsequent to preliminary approval of a conditional use.

3. Final approval of a conditional use must be in the best interest of public health, safety and general welfare. No construction related to any conditional use application may be started without first obtaining final approval from the planning commission. (Ord. 519 (part), 1998).

Chapter 17.48

NONCONFORMING USES

Sections:

17.48.010 Purpose.
17.48.020 Continuation.
17.48.030 Discontinuation.
17.48.040 Improvement of certain nonconforming uses.
17.48.050 Destruction of a nonconforming structure or use.
17.48.060 Change of a nonconforming structure.
17.48.070 Change of a nonconforming use.
17.48.080 Nonconforming agriculture uses.

17.48.010 Purpose. Invariably, at the time the zoning title is adopted or amended, certain uses which existed prior to the adoption or amendment will not conform to the regulations of the title. These are known as "nonconforming uses," and in order to feasibly adopt the title and so as not to cause undue economic hardship on owners of nonconforming uses, these uses are allowed to continue under special conditions as outlined in the following sections. (Ord. 519 (part), 1998).

17.48.020 Continuation. A nonconforming use or structure may be continued and maintained in reasonable repair but shall not be altered or extended. An exception may be granted to allow extension of a portion of a structure that was provided prior to the time the title was adopted. A structure conforming with respect to use but nonconforming with respect to height, setback or coverage may be altered or extended, if the alteration or extension does not further deviate from the standards of this title. (Ord. 519 (part), 1998).

17.48.030 Discontinuation. A. If a nonconforming use involving a structure is discontinued from use for a period of one year, further use of the property shall conform to this ordinance.

B. If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall conform to this title. (Ord. 519 (part), 1998).

17.48.040 Improvement of certain nonconforming uses. A use which is nonconforming with respect to provision for screening shall provide screening (Section 17.08.430) within a period of three years from the effective date of this ordinance. (Ord. 519 (part), 1998).

17.48.050 Destruction of a nonconforming structure or use. If a nonconforming use structure or a structure containing a nonconforming use is destroyed by any cause, or suffers damage exceeding fifty percent of its assessed value, and is not returned to use or repaired within six months, a future structure or use on the site shall conform to this ordinance having lost it nonconforming. (Ord. 519 (part), 1998).

17.48.060 Change of a nonconforming structure. Except for signs, a structure conforming as to use, but nonconforming as to height or lot coverage, may be altered or extended; provided the alteration or extension does not exceed the area, height or coverage requirements of this title. (Ord. 519 (part), 1998).

17.48.070 Change of a nonconforming use. The following shall apply:

A. If a nonconforming use not involving a structure is replaced by another use, the new use shall conform to this title.

B. If a nonconforming use involving a structure is replaced by another use, the new use shall conform to this title unless the planning commission determines that such structure is suitable only for another nonconforming use no more detrimental to surrounding properties than the one to be replaced. (Ord. 519 (part), 1998).

17.48.080 Nonconforming agriculture uses. Agricultural uses of property which existed prior to this ordinance shall be allowed to continue provided they meet other town ordinances that may apply. (Ord. 519 (part), 1998).

Chapter 17.52

SUPPLEMENTARY ZONING REGULATIONS AND USES--UNLISTED AND UNCLASSIFIED USES

Sections:

17.52.010 Criteria and application.

17.52.010 Criteria and application. In creating use zones, consideration is given to uses which are comparable, compatible or similar. It is not possible to list and classify every use to which land may be devoted, whether now or in the future. Therefore, the planning commission may recommend appropriate zoning or rezoning under the procedure outlined in Section 17.72.040, procedure chart for conditional and unclassified uses, when:

1. Any use is not listed as a permitted or conditional use in any zone; or

2. Any use has come into existence by reason of technical development; or

3. Any use already listed in a zone, because of changes, needs to operate under performance standards either more or less restrictive than the current zoning. (Ord. 519 (part), 1998).

Chapter 17.56

SPECIFIC STANDARDS

Sections:

17.56.010 Application.
17.56.020 Apartments.
17.56.030 Manufactured homes on individual lots.
17.56.040 Outdoor storage or sales space.
17.56.050 Automobile service stations.
17.56.060 Churches, meeting, and assembly halls.
17.56.070 Commercial parking lots.
17.56.080 Drive-in restaurants.
17.56.090 Veterinary clinics, kennels and animal hospitals.
17.56.100 Daycare facilities.
17.56.110 Home occupations.
17.56.120 Public utility structures.
17.56.130 Parks.
17.56.140 Temporary hardship units.
17.56.150 Walk-up apartments.
17.56.160 Accessory apartments.
17.56.170 Livestock/animals/fowl--Excluding household pets.
17.56.180 Accessory buildings and uses.
17.56.190 Submittal of plans.
17.56.200 Ingress and egress standards.
17.56.210 Grading and surfacing standards.
17.56.220 Loading and service space requirements.
17.56.230 Access to a lot.

17.56.010 Application. The following are specific standards that will apply to one or more land uses. Refer to the chart for permitted and conditional land uses Section 17.36.010. Uses shall meet any specific standards that are so designated. (Ord. 519 (part), 1998).

17.56.020 Apartments. Each apartment or complex of buildings shall provide a minimum of five percent of building area as common use space. Where the total required

recreation area is three thousand square feet or less, common use space shall be a continuous piece of land. No part of the area may be used for driveway, parking. (Ord. 519 (part), 1998).

17.56.030 Manufactured homes on individual lots. A. Single-wide (mobile homes) when placed on individual lots shall conform to the following conditions:

1. Conform to all requirements for a single-family residence as defined by this title;

2. Conform to Chapter 17.20.020C of this title specifically relating to manufactured homes.

3. Be provided with a foundation base which shall be improved to provide adequate support for the placement of a manufactured home in accordance with the Department of Housing and Urban Development standards. A copy of the approved foundation plans shall be submitted at the time of permit application;

4. Have the space between the home and the ground fully enclosed with a foundation facia (skirting) which is aesthetically harmonious and compatible with the home, which provides adequate ventilation and access, and which is properly maintained.

5. Meet the provisions of Section 17.24.020.

B. Multi-width units shall be:

1. Assembled on the site in accordance with Department of Housing and Urban Development standards;

2. Be permanently connected to water, power, and sewer utilities. All utilities shall be underground if possible;

3. Manufactured homes shall meet the minimum width requirements (Section 17.16.010) in the residential, medium density (R-2).

4. Meet the provisions of Section 17.20.020. (Ord. 519 (part), 1998).

17.56.040 Outdoor storage or sales space. All outdoor storage or sales space shall:

A. Be adequately landscaped, screened and buffered to reduce visual impacts of stored materials including vehicles and vehicle parts on adjacent properties;

B. All outdoor lighting on such areas shall not be projected onto adjoining properties. (Ord. 519 (part), 1998).

17.56.050 Automobile service stations. All automobile service stations shall:

A. Have the leading edge of the base of any pump island no closer than fifteen feet from any property boundary line;

B. Be adequately landscaped, screened and buffered to reduce visual impacts of stored materials or vehicles on adjacent properties. (Ord. 519 (part), 1998).

17.56.060 Churches, meeting, and assembly halls. A. When such uses are located within residential areas, the hours of operations of these use shall be controlled so as not to disrupt surrounding residential areas.

B. All eating and drinking facilities located within these uses shall be incidental to the primary use of the facility. (Ord. 519 (part), 1998).

17.56.070 Commercial parking lots. A. Any party developing an off-street parking area shall submit a plan of the proposed parking area showing adjacent streets and structures, proposed traffic circulations, drainage, lighting, landscaping, fencing and screening to the planning commission to review for compliance with this title.

B. All entrances and exits to the parking lot or area must be arranged so that no vehicle shall back into a public street or otherwise cause or create unsafe or hazardous conditions for traffic on adjacent streets or roads. All vehicles exiting a parking lot or area shall have clear vision of all traffic.

C. Off-street parking areas shall be graded and surfaced to a standard comparable to the street or road which services the parking area. Such standards shall be determined by the planning commission. (Ord. 519 (part), 1998).

17.56.080 Drive-in restaurants. All drive-in restaurants shall:

A. Be located on arterial streets;

B. Be so designed as to insure that all automobiles waiting for service are contained within the property boundaries. (Ord. 519 (part), 1998).

17.56.090 Veterinary clinics, kennels and animal hospitals. All uses that provide short-term or long-term lodging for animals shall be designed such that all noises, odors and other obstructive impacts are buffered or screened from adjoining or neighboring properties. (Ord. 519 (part), 1998).

17.56.100 Daycare facilities. All day care facilities shall:

A. Provide at least one hundred square feet of outdoor recreation space per child, and such space shall be maintained in an orderly fashion;

B. Provide sight-obscuring buffer or screen between play areas and adjacent uses. (Ord. 519 (part), 1998).

17.56.110 Home occupations. Home occupations shall:

A. Occupy no more than twenty-five percent of the residential structure;

B. Not create traffic to and from the residential structure that is disruptive to the residential area in which it is located;

C. Have no more than one sign, no larger than eight square feet. If lighted, it will be with shielded lighting of moderate intensity, and shall not interfere with pedestrian or vehicular traffic.

D. Have no occupation which creates a nuisance because of noise, smoke, odor, dust or gas. (Ord. 519 (part), 1998).

17.56.120 Public utility structures. A. The proposed site is best located when it serves the intended area with a minimal effect on surrounding property.

B. Structures such as towers, tanks, poles, overhead wires, pumping structures and similar equipments shall not be located as to degrade scenic views from a street or private property.

C. All equipment storage or material shall be buffered, screened or fenced, or kept within a structure.

D. Where it is possible, public utilities shall be located underground. (Ord. 519 (part), 1998).

17.56.130 Parks. A. All outdoor lighting on buildings or recreational areas shall not project onto adjoining properties.

B. Any building or structure shall maintain a distance not less than fifty feet from any common property line with a residential zoned area. (Ord. 519 (part), 1998).

17.56.140 Temporary hardship units. A manufactured home may be used:

A. As a temporary residence during construction of a dwelling on the same lot for a period not to exceed twelve months. A temporary permit shall not be issued until a building permit for the new dwelling issued.

B. As a temporary use, in addition to the permitted dwelling unit, in a hardship situation. The following conditions must then be met.

1. A temporary use permit shall be issued by the planning commission for no more than six months, which may be renewed upon showing good cause;

2. The units shall not be permanently installed, but shall have temporary connections to the utilities;

3. Minimum setbacks and lot coverages for the use classification shall be met;

4. Occupancy may be only by the owner of the lot or a family member;

C. Manufactured home shall be removed from the lot upon expiration of the temporary use permit, occupancy of the permanent dwelling, or daily care is no longer needed, whichever comes first. (Ord. 519 (part), 1998).

17.56.150 Walk-up apartments. Walk-up apartments may be allowed on the second and third floor of commercial buildings provided that:

A. There is a separate entrance/exit to the floors having apartments;

B. Parking requirements in Section 17.56.070 are met;

C. Such apartments shall not be allowed on the first or ground floor. (Ord. 519 (part), 1998).

17.56.160 Accessory apartments. The purpose of this use is to make possible an increase in small living units by utilizing surplus space in single-family residence. These small apartments meet a demand of young couples just getting started, couples without children, and senior citizens. In addition they provide the owner with the additional income so they may continue to meet the cost of keeping a home or of the security of additional occupants, both these being a concern of the so-called "empty nesters." This section is not be used for the conversion of single-family homes to duplexes or apartments by absentee landlords. Accessory apartments may be allowed, provided that:

A. They are owner-occupied residences only;

B. The outside appearance of the residence must continue to look like a single-family residence;

C. The lot must conform with the current minimum lot size and to all setbacks;

D. On-site parking for three cars must be provided;

E. Only one additional living unit may be added. (Ord. 519 (part), 1998).

17.56.170 Livestock/animals/fowl--Excluding household pets. Livestock, animals, and fowl excluding household pets shall only be permitted outside of the zone defined on the attached map, exhibit B, and outside of that zone these animals/livestock and foul shall be subject to the following:

A. Their keeping shall not constitute a nuisance or hazard to the health, peace, safety and welfare of the neighborhood;

B. Adult livestock may be kept on one acre of property. Each additional head of adult livestock shall require an additional one-half acre. (Ord. 519 (part), 1998).

17.56.180 Accessory buildings and uses. The following accessory buildings and uses are permitted within the

various residential zones (Chapter 17.20--17.24) and are subject to the general provisions of this title.

A. Accessory living quarters;

B. Noncommercial greenhouses;

C. Swimming pools, tennis courts and other recreational facilities solely for the use of the occupants of the residence and their guests;

D. Amateur and citizen band radio and television towers, antennas and dish antennas;

E. Dog house(s) and run(s) for up to two adult dogs when kept on the same lot as the owner's residence. (Ord. 519 (part), 1998).

17.56.190 Submittal of plans. Any party developing an off-street parking area shall submit a plan of the proposed parking area showing adjacent street and structures and propose traffic circulations, drainage, lighting, landscaping, fencing and screening to the planning commission to review for compliance with this title. (Ord. 519 (part), 1998).

17.56.200 Ingress and egress standards. All entrances and exits to a parking lot or area, except at a single-family residence, manufactured home or duplex, shall be arranged such that no vehicle shall back into a public street or otherwise cause or create unsafe of hazardous conditions for traffic and adjacent streets and roads. All vehicles exiting a parking lot or area shall have clear vision of all traffic. (Ord. 519 (part), 1998).

17.56.210 Grading and surfacing standards. All required of street parking areas shall be graded and surfaced to a standard comparable to the street or road which services that parking area. Such standards shall be determined by the planning commission. (Ord. 519 (part), 1998).

17.56.220 Loading and service space requirements. Each business building requiring service vehicles for deliveries or shipment shall have an off-street loading space with access to a public street. The size of the space shall be large enough to accommodate all servicing vehicles. No servicing vehicles shall extend into the public street when using the loading space. (Ord. 519 (part), 1998).

17.56.230 Access to a lot. All buildings hereafter erected or moved shall be on a lot adjacent to a public street, except within a manufactured (mobile) home park or recreation vehicle park. All buildings shall also be located on the lot to provide safe and convenient access for servicing, fire protection and required off-street parking. (Ord. 519 (part), 1998).

Chapter 17.58

FENCES

Sections:

17.58.010 Definition.
17.58.020 Construction.
17.58.030 Maximum fence heights.
17.58.040 Maintenance and repair.
17.58.050 Application and permits.
17.58.060 Variance application.
17.58.070 Violation--Penalty.
17.58.080 Nonliability.

17.58.010 Definition. A. A “fence(s)” shall be any barrier that is naturally grown or constructed for purposes of confinement, means of protection or use as a boundary.

B. Exceptions to this “fence(s)” definition include temporary landscaping supports or safety barricades.

C. All other “fence(s)” variations are to be addressed through the variance process. (Res. 2013-7 (part), 2013: Ord. 618 §1, 2007).

17.58.020 Construction. A. All fences shall be of a conventional type, constructed of chain link, masonry, mortar, wrought iron, wood or composite material. All supporting posts and fences shall be inside the property of the person who erects, constructs, or causes to have constructed the fence.

B. Old or used materials shall not be permitted to constitute any portion of a fence unless such materials shall be reasonably sound in the judgment of the building inspector.

C. All component materials of a fence, with the exception of bolts, screws, nails and other such hardware, shall be of identical or similar type, or of such other materials as are, in the judgment of the building inspector, reasonably compatible.

D. No fence shall extend onto, be upon, or overhang any town right-of-way.

E. Razor wire shall be prohibited in all zone districts of the town.

F. Fences shall not interfere with underground utilities or compromise public safety by restricting the ability of sidewalk users to avoid conflicts with competing users of the sidewalk.

G. No electrical wire fence may be maintained in any zone, except within the areas which are continuing with agricultural use when they do not border residential zones. Electric fences shall be for the confinement of animals and shall conform to the Washington State and Rules and Regulations for electrical wiring, Chapter 19.28 RCW, as to voltage, amperage, and safety factors, and shall be energized only with Underwriters Laboratories approved

equipment. Electric fences shall be marked with warning signs spaced every one hundred feet along the fence. (Ord. 618 §2, 2007).

17.58.030 Maximum fence heights. A. Fences located within a yard in a residential zoning district shall not exceed the following height limits:

1. Front yard equal forty-two inches.
2. Side yard equals six feet (seventy-two inches).
3. Back yard equals six feet (seventy-two inches).
4. Abutting the intersection of an alley with a street shall not exceed a height of forty-two inches within the applicable street setback.
5. At intersections, corners, and driveways, Chapter 17.80, Clear Vision Areas, shall govern.

B. Fences located within a commercial or industrial zoning district shall not exceed eight feet. Only that portion over six feet in height may be of a barbed wire strand. All residential uses that exist in zones other than residential shall be required to conform to the specifications set forth in this chapter for residential zones.

C. Fence pillars or posts may project a maximum of one foot above maximum fence height.

D. Fence height is measured from the ground level where placed or from a retaining wall to the top of the fence, excluding posts. On sloping properties where a fence is constructed of sections, which are terraced to match the terrain, fence height shall be the average of the high and low points of each fence section. In such instances, portions of the fence may exceed the maximum allowable height; provided, that the average height of the fence section does not exceed the maximum height. (Ord. 618 §3, 2007).

17.58.040 Maintenance and repair. Any person, firm, or corporation that owns or leases property upon which a fence is located shall be responsible for the repair, upkeep, maintenance and reconstruction of any fence and any area adjacent thereto. If ownership of a fence located upon a property line is joint or cannot be determined, then each party owning or leasing property adjacent to the fence shall be responsible for its care, upkeep and maintenance. (Ord. 618 §4, 2007).

17.58.050 Application and permits. Fence permits are required for all “fences,” and building permits are required for all “fences” with a dimension larger than twelve feet by twelve feet. The fee for such building permit shall be in accordance with fees specified in the Uniform Building Code fee schedule or as revised by the town. (Res. 2013-7 (part), 2013: Ord. 618 §5, 2007).

17.58.060 Variance application. Variations from the provisions of this chapter shall require a variance, following the procedure of Chapter 17.84 of this code. (Ord. 618 §6, 2007).

17.58.070 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be found to have committed an infraction, and thereof shall be subject to the general penalty provisions of Chapter 1.16 of this code. (Ord. 618 §7, 2007).

17.58.080 Nonliability. Nothing contained in this chapter is intended to be, construed to create or form the basis for any liability on the part of the town authority, or their respective officers, employees or agents, for any injury or damage resulting from the failure of any person to comply with the terms of this chapter, or by reason or in consequence of any omission in connection with the implementation or enforcement of this chapter on the part of the town and its officers, employees or agents. (Ord. 618 §8, 2007).

Chapter 17.60

ENVIRONMENTAL STANDARDS

Sections:

17.60.010 Air quality environmental standards.
17.60.020 Noise level standards
17.60.030 Flood hazard zone standards.
17.60.040 Light and glare standards.
17.60.050 Nuclear radiation standards.
17.60.060 Toxic chemical storage standards hazardous waste.

17.60.010 Air quality environmental standards. The emission of any of the following air pollutants by any use shall be subject to the National Ambient Air Quality Standards:

A. Smoke and gas;
B. Dust, dirt, or fly ash;
C. Noxious, hazardous or odorous matter. (Ord. 519 (part), 1998).

17.60.020 Noise level standards. The intensity of sounds emitted by any use shall not exceed the levels prescribed by the Washington State Department of Ecology (WAC173.60 and WAC174.62). (Ord. 519 (part), 1998).

17.60.030 Flood hazard zone standards. All uses shall comply with flood hazard standards prescribed in any local ordinances in force. (Ord. 519 (part), 1998).

17.60.040 Light and glare standards. Any intensive glare of light associated with a land use shall be screened to obscure the view of this glare or light from any point along the property line of the use except during periods of construction. (Ord. 519 (part), 1998).

17.60.050 Nuclear radiation standards. The use, storage, transportation and disposal of all radioactive materials and radiation machines shall be subject to the provision contained in Rules and Regulations for Radiation Protect issued by the Radiation Control Commission of the Washington State Department of Health. (Ord. 519 (part), 1998).

17.60.060 Toxic chemical storage standards hazardous waste. Any toxic chemical shall be stored in containers and at locations which prevent leakage and spillage and are not hazardous to adjacent or nearby property or persons. Companies shall take immediate action to clear up spills,

leakage, or release of fumes which may be hazardous to health. The storage of any hazardous waste will comply with RCW 7.105.21 and any additional federal and state laws and regulations. Hazardous waste will not be allowed in any residential zones (R-1 and R-2). Failure to do this shall subject the firm or individual to a minimum fine of three hundred dollars per day plus any legal cost or expenses incurred by the town. (Ord. 519 (part), 1998).

Chapter 17.62 CRITICAL AREAS (Ord. 594) §2, 2005

Chapter 17.64

AESTHETIC STANDARDS

Sections:

17.64.010 Sign standards.
17.64.020 Prohibited signs.
17.64.030 On-premises commercial signs or signs placed in or on a building.
17.64.040 Real estate signs.
17.64.050 Political campaign signs on public property.
17.64.060 Historic property standards.
17.64.070 Buffer zones and screens.
17.64.080 Landscape standards.
17.64.090 Junk and abandoned buildings.
17.64.100 Unlicensed vehicles.

17.64.010 Sign standards. The following provisions are instituted to protect the public health, safety and welfare by regulating the use of signs and displays, thus promoting traffic safety, protection of property values, and preservation of natural and aesthetic community assets. In a commercial and industrial zone, the location, design, materials and color of a proposed sign shall be approved by the planning commission. The applicant shall fill out a land use application and submit a sketch to the planning commission for review. The planning commission will act upon the application at the next regular meeting following submittal of the completed application. (Ord. 519 (part), 1998).

17.64.020 Prohibited signs. The following signs shall be prohibited:

A. Signs which in the opinion of the police department interfere with the view of traffic signs, signals or devices and approaching or merging traffic;

B. Signs containing flashing, moving, intermittent or intense lights;

C. Signs with animated parts;

D. Signs erected, maintained, or painted upon trees, rocks or other natural features;

E. Unsafe or obsolete (business discontinued, etc.) signs;

F. Signs which obstruct a view from any adjoining or nearby private property. (Ord. 519 (part), 1998).

17.64.030 On-premises commercial signs or signs placed in or on a building. An on-premises commercial sign shall mean any exterior sign or device conveying a message advertising or attracting the attention of prospective patrons and which either is attached, lettered on a structure, or erected freestanding on a property on which the advertised activity is located. Such signs shall conform to the following standards:

A. The maximum size of any on-premises sign for any individual use shall not exceed thirty-six square feet. In the case of the two-sided sign, only one side shall be used in calculating the area.

B. Signs shall not project more than six feet from the side of a building or be placed on the top of a building. These signs shall not interfere with pedestrian or vehicular traffic.

C. The maximum height limit of signs placed on separate poles or supports shall be thirty feet and the sign area shall be limited to eighty-four square feet.

D. Home occupations shall have no more than one sign, no larger than eight square feet, with shielded lighting of moderate intensity, and shall not interfere with pedestrian or vehicular traffic.

E. The number of on-premises commercial signs shall not exceed one sign per each street frontage; thus, a corner building would then be allowed two signs; one on each street.

F. The maximum size of commercial signs which protrude from the building shall be thirty-six square feet.

G. Signs printed on awnings are permitted if the awning meets the requirements of Section 17.40.010. (Ord. 519 (part), 1998).

17.64.040 Real estate signs. The area of real estate signs which advertise the sale or lease of property on which they are located shall not exceed eight square feet. (Ord. 519 (part), 1998).

17.64.050 Political campaign signs on public property. Political campaign signs may be displayed thirty days prior to an election and must be removed not later than seven days after the election. For a successful candidate in a primary election, the sign may remain between the primary and final election. The candidates for which the

sign is displayed are responsible for its removal. (Ord. 519 (part), 1998).

17.64.060 Historic property standards. Any property, structure, object, or district that has been designated as historic by being placed on a local, state, or national register of historic places shall be subject to the following provisions.

A. All permits for remodeling or demolition of historic properties shall be reviewed by the planning commission.

B. Any remodeling of the exterior appearance of an historic property shall be so constructed as to maintain the style of architecture represented by the original building.

C. No historic property shall be demolished without a concerted effort by the owner and the planning commission to secure an alternative owner at fair market value for the property who would agree to maintain the historic character of the property. If after forty days no such prospective buyer is located, a demolition permit may be issued. (Ord. 519 (part), 1998).

17.64.070 Buffer zones and screens. A. This ordinance allows uses which may create impacts upon adjacent uses. To reduce these impacts the planning commission may require buffers and/or screens between adjacent uses. Buffers or screens shall be required where the planning commission finds that the proposed use creates impacts which could be mitigated by these features.

B. The planning commission shall require buffers and screens only in locations and dimensions necessary to perform a stated function. The width of buffers may be adjusted to account for natural features, traffic volumes, proposed setbacks in design, or other factors. The general criteria is the more intensive the proposed use and its potential for impact, the greater the buffer or screen requirement.

C. Buffers and screens may be required along the boundary line between residential uses and commercial, industrial or public uses. The planning commission shall determine the requirements on an individual basis.

D. Any planted screens shall be sufficient to obscure the proposed use within two years. Walls, fences or earth berms shall be required where noise or glare reduction is necessary. All screens shall be of sufficient height to insure that the impacts of the proposed use are mitigated. (Ord. 519 (part), 1998).

17.64.080 Landscape standards. Plans for all proposed uses except single-family residences shall include areas that are designed for landscaping using natural mate-

rials. All parking lots incidental to the use shall include a landscaped area adjoining the sidewalks and adjacent properties. All landscaping shall be of natural materials indigenous to the local environment and shall be continuously maintained. No planting shall be allowed that may restrict clear vision at intersection or entrances and exits of parking areas. (Ord. 519 (part), 1998).

17.64.090 Junk and abandoned buildings. In no zone will there be permitted a collection of junk, scrap, unlicensed cars or parts of cars, unlicensed recreational vehicles, or travel trailers, equipment, abandoned or unsafe sheds or buildings which are a menace to the health, safety and general welfare of the neighborhood, except where specific provisions are made concerning such items in this title. This does not apply to an automobile which is being actively repaired or worked on by the owner or where properly screened or indoor storage is provided. (Ord. 519 (part), 1998).

17.64.100 Unlicensed vehicles. Automobiles, recreational vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any street, right-of-way or alley. (Ord. 519 (part), 1998).

Chapter 17.68

CHILD DAY CARE FACILITIES

Sections:

17.68.010 Purpose.
17.68.020 Definitions.
17.68.030 Family day care home.
17.68.040 Child mini-day care center.
17.68.050 Child day care center.
17.68.060 Registration.
17.68.070 Contradictions.

17.68.010 Purpose. The council finds that affordable, good quality, and licensed child day care within the town is critical to the well-being of parents and children in the community and is a needed community service. Further, it is the purpose of this chapter to facilitate the siting of licensed child day care facilities in the town of Odessa in a manner which simplifies the review and approval process while ensuring conformance with the surrounding land uses. (Ord. 519 (part), 1998).

17.68.020 Definitions. For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

A. "Child day care" means the provision of supplemental parental care and supervision:

1. For a nonrelated child or children;
2. On a regular basis;
3. For less than twenty-four hours a day; and
4. Under license by the Washington State Department of Social and Health Services.

As used in this chapter, the term is not intended to include baby-sitting services of a casual, nonrecurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocative child care by a group of parents in their respective homes.

B. "Child day care facility" means a building or structure in which a commission, person, or persons regularly provide care for a group of children for periods of less than twenty-four hours a day. Child day care facilities include family day care homes, out-of-home child mini-day care centers, and child day care centers regulated by the Washington State Department of Social and Health Services, as presently defined and hereafter amended (RCW 74.15, WAC 388-73-422). (Ord. 519 (part), 1998).

17.68.030 Family day care home. A family day care home shall be permitted by right in all zoning districts permitting residences and shall be subject to the following requirements:

A. Meet Washington State child day care licensing requirements;

B. Comply with all building, fire safety, health code and business licensing requirements;

C. Lot size, building size setbacks, and lot coverage conform to the standards of the zoning district except if the structure is a legal nonconforming structure;

D. A safe passenger loading area must be provided;

E. Signage, if any, will conform to Chapter 17.60;

F. Filing of a child day care registration form with the town as provided for in Section 17.64.060;

G. No structural or decorative alteration which will alter the single-family character of an existing or proposed residential structure or be incompatible with surrounding residences is permitted. (Ord. 519 (part), 1998).

17.68.040 Child mini-day care center. A child mini-day care center not located in residence of the care provider is allowed in the designated zoning districts as follows:

A. Zoning Districts R-1 and R-2. A child mini-day care center not located in the residence of the care provider shall be permitted by the planning commission.

1. Notice. Notice of the proposal shall be given as provided below:

a. Notices shall be posted on site and in two other conspicuous locations in the vicinity of the site at least ten calendar days prior to final action on the application;

b. The notice shall include a description of the proposal, site location, deadline for submitting written comments, and the address and phone number of the planning department of the town;

2. Administrative Review Requirements. The planning commission shall review applications for a mini-day care center not located in the residence of the care provider in a zone which allows for single-family and two-family residential structures and may approve, modify or deny the application subject to the following requirements:

a. Meet Washington State child care licensing requirements;

b. Comply with all building, fire, safety, health code, and business licensing requirements;

c. Signage, if any, will conform to the requirements of Chapter 17.64 of this chapter;

d. Filing of child day care registration form with the town as provided for in Section 17.68.060;

e. Parking requirements shall conform to the zoning code of the town;

f. The site must be landscaped in a manner compatible with adjacent residence;

g. No structural or decorative alteration which will alter the residential character of an existing residential structure used for a child mini-day care center is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood;

h. Comply with all building, fire, safety, health;

i. The child mini-day care center shall not be located within three hundred feet of another child mini-day care center or child day care center. Any child day care center which is an accessory use pursuant to Section 17.68.050(D) shall be excluded;

j. The planning commission may attach conditions to the permit in order to reduce conflicts between the child mini-day care center and surrounding neighborhood; i.e., noise, attenuation, special parking needs, and hours of operation;

k. If the planning commission finds that there is just cause for a public hearing, final approval shall be determined through the conditional use permit process and

shall be subject to the requirements of Section 17.68.050 (A)(1) and Chapter 17.72 of this title.

B. All Other Zoning Districts. A child mini-day care center met located in the residence of the care provider is permitted by right in all other zoning districts provided the condition set forth in subsection (A)(2), parts (a) through (g) of this section are met. (Ord. 519 (part), 1998).

17.68.050 Child day care center. A child day care center may be allowed in the designated zoning districts as follows:

A. Zoning Districts R-1 and R-2. A child day care center may be allowed in these zoning districts only upon issuance of a conditional use permit pursuant to Section 17.72.040 of this title.

1. Conditional Use Permit Requirements.

a. Meet Washington state child day care licensing requirements;

b. Comply with all building, fire safety, health code, and business licensing requirements;

c. Lot size, building size, setbacks and lot coverage conform to those applicable to the zoning district;

d. Signage, if any will conform to the requirements for the applicable zoning district;

e. Filing of a chid day care registration form with the town as provided for in Section 17.68.660;

f. Parking requirements shall conform to the Odessa municipal code;

g. A fence at least four feet high must be installed around the play yard;

h. The site must be landscaped in a manner compatible with adjacent residences;

i. No structural or decorative alteration which will alter the residential character of an existing residential structure used for a child day care center is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood;

j. The child day care center shall not be located within three hundred feet of another child day care center or child mini-day care center, excluding any child day care center which is an accessory use pursuant to subsection (D) of this section.

B. All Other Zoning Districts. A child day care center is permitted by right in all other zoning districts subject to the following requirements:

1. Meet Washington State child day care licensing requirements;

2. Comply with all building, fire safety, traffic safety, health code and business licensing requirements;

3. Setbacks, screening, landscaping, lot size, building size and lot coverage shall conform to the pertinent portions of the zoning code;

4. Parking requirements shall conform to the Odessa Municipal code;

5. Filing of a child day care registration form with the town as provided for in Section 17.68.060.

C. Limitation in Use of a Family Residence. No child day care center shall be located in a private family residence unless the portion of the residence where the children have access is used exclusively for the children during the hours the center is in operation, or is separate from the usual living quarters of the family.

D. Accessory Use. A child day care center, if sited on the premises of an operating community service facility shall be considered accessory to the principal use of the property concerned. (Ord. 519 (part), 1998).

17.68.060 Registration. Each child day care service provider must register with the town planning commission by completing a child day care registration form as provided by the department prior to initiation of the use. Upon registration, the child day care provider must be able to demonstrate compliance with the applicable conditions of this chapter. (Ord. 519 (part), 1998).

17.68.070 Contradictions. In the event of conflict between this chapter and any other ordinance or zoning provision of this town, the most restrictive provision shall apply. (Ord. 519 (part), 1998).

Chapter 17.72

BUILDING PERMITS AND OCCUPANCY PERMITS

Sections:

17.72.010 Building permits.
17.72.020 Occupancy permit.
17.72.030 Mitigation of impacts.
17.72.040 Procedural chart for conditional and unclassified uses.

17.72.010 Building permits. No manufactured home (on an individual lot or in a manufactured home park), building or other structure shall be erected, moved, added to, wired or rewired, or structurally altered without a permit issued by the building official. Construction shall meet with all of the requirements of the town's uniform building code and other applicable ordinance. (Ord. 519 (part), 1998).

17.72.020 Occupancy permit. No one may permanently occupy a building, manufactured home or structure for which a building permit has been issued, unless all required inspections are made and signed off by the building official per the town's building code. Upon completion of construction, and after final inspections are completed, signing off by the building official shall constitute an occupancy permit, at which time permanent occupancy shall be permitted. This provision does not apply to permits issued for repair or remodeling which does not impair the living spaces in the remainder of the dwelling. (Ord. 519 (part), 1998).

17.72.030 Mitigation of impacts. The planning commission may recommend, and the town council may require, the mitigation of any of the following impacts which could result from a proposed use:

A. Erosion potential;
B. Excessive water runoff;
C. Environmental hazards and/or pollution;
D. Fiscal impacts upon the town;
E. Traffic hazards and/or congestion;
F. Sight and sound impacts;
G. Visual blight;
H. Any other unusual impacts associated with the proposed use. (Ord. 519 (part), 1998).

17.72.040 Procedural chart for conditional and unclassified uses. The procedural chart for conditional and unclassified uses is as set forth in Table 17.72.040.

Table 17.72.040 PROCEDURAL CHART FOR CONDITIONAL AND UNCLASSIFIED USES	
Application made to the city clerk	Applicant provides: 1. Application, filled out; 2. Payment of fee; 3. Required Information.
Application review for completeness	
Date for public hearing set. City clerk handles public notification	
Public hearing held by city council	Public input received
City council reviews application, planning commission recommendations, public input, unclassified use criteria: Section 17.52.010	
City council issues conditional use permit	Permit issued to applicant action terminated
City council rejects conditional use permit	Permit not issued. Applicant may appeal to superior court.
If building permit is not applied for within six months, the conditional use permit is revoked	Permit may be renewed for up to one year by action of the city council

(Ord. 519 (part), 1998).

Chapter 17.76

ADMINISTRATION

Sections:

I. GENERAL ADMINISTRATION, RESPONSIBILITIES AND ENFORCEMENT.

17.76.010 Town clerk's responsibility.
17.76.020 Building official's responsibility.
17.76.030 Planning commission's responsibility.
17.76.040 Town council's responsibility.
17.76.050 Town attorney's responsibility.

II. LAND USE APPLICATION--PURPOSE AND REQUIREMENTS.

17.76.060 Purpose.
17.76.070 Land use application form.
17.76.080 Information required for land use application.

III. LAND USE APPLICATION PROCESS.

17.76.090 Authority.
17.76.100 Application procedure.
17.76.110 Planning commission review and action.
17.76.120 Town council review and action.
17.76.130 Time limits.
17.76.140 Land use application procedure chart.

I. GENERAL ADMINISTRATION, RESPONSIBILITIES AND ENFORCEMENT.

17.76.010 Town clerk's responsibility. The town clerk is responsible for accepting land use applications; to insure that all information is present from the applicant; to schedule public hearings; and to make all required notifications of proposed action and public hearings. (Ord. 519 (part), 1998).

17.76.020 Building official's responsibility. The zoning inspector and building inspector will add their input where necessary and transmit pertinent information to the planning agency. They shall also issue building permits per ordinance to verify all work performed per permit is in compliance to applicable codes and maintain surveillance of the town to assure that building activity is not being done without a permit. (Ord. 519 (part), 1998).

17.76.030 Planning commission's responsibility. The planning commission will:

A. Conduct public hearings, when required, which may be scheduled on the date of a regular planning commission meeting;

B. Review applications, at regular public meetings take testimony, discuss and make recommendations for action and conditions to the town council;

C. Periodically review the zoning ordinance and comprehensive plan for correctness and timeliness and to recommend appropriate changes to the town council. (Ord. 519 (part), 1998).

17.76.040 Town council's responsibility. The town council, upon recommendation of the planning commission, shall be responsible for making all final decisions and establishing conditions on any land use application or other application under this title. (Ord. 519 (part), 1998).

17.76.050 Town attorney's responsibility. The town attorney shall be responsible for taking any action necessary to enforce this title at the direction of the town council. He/she should also advise on the legality of planning commission or town council actions as appropriate. (Ord. 519 (part), 1998).

II. LAND USE APPLICATION--PURPOSE AND REQUIREMENTS.

17.76.060 Purpose. The purpose of this article is to provide a standardized application form for proposed land uses and other requests and to set the information requirements necessary for the planning commission and the town council to evaluate a proposed request and to take necessary action. (Ord. 519 (part), 1998).

17.76.070 Land use application form. A. The land use application form shall contain the following information:

1. Name, address and phone number of the applicant;

2. Legal owner of the lot or parcel on which the use is proposed;

3. Assessor's parcel number(s) of the lot parcel(s);

4. A written description of the proposed use;

5. The nature of the proposed request (i.e. permitted use, conditional use, variance, amendment to the ordinance, rezone, etc.)

B. A land use application form shall be available from the town clerk. (Ord. 519 (part), 1998).

17.76.080 Information required for land use application. A. This land use application form shall be used to

apply for land use projects or requests. It is the applicant's responsibility to provide such additional mapped and written information as is necessary to evaluate a proposed project or request. Such information requirements will generally be stated in the sections or ordinances shown under "reference" below. The applicant may also request a preliminary discussion with the planning commission to determine exactly what information shall be required with the application.

B. A land use application form shall be used to apply for:

1. All permitted/conditional land uses, Chapter 17.36;
2. Accessory building and uses, Section 17.56.180;
3. Building permits;
4. Building permit ordinance;
5. Variances, Chapter 17.84;
6. Amendments and rezones, Chapter 17.92;
7. Binding site plans, subdivision ordinance;
8. Annexation request, RCW 35.13;
9. Short subdivision, subdivision ordinance;
10. Subdivision ordinance. (Ord. 519 (part), 1998).

III. LAND USE APPLICATION PROCESS.

17.76.090 Authority. The town clerk is responsible for receiving the land use application, ensuring that all required information is present and transmitting the application and appended information to the planning commission.

The planning commission is responsible for reviewing land use application, approving certain applications (Section 17.76.140), holding public hearings where required, and making recommendations to the town council.

The town council is responsible for making final decision on land use permits (except see Chapter 17.36). (Ord. 519 (part), 1998).

17.76.100 Application procedure. The applicant shall present a completed land use application together with necessary information to the town clerk. The application will be reviewed for completeness and will be forwarded to the planning commission.

The town clerk shall also review the SEPA checklist (if applicable) and make a threshold determination according to the guidelines of the local SEPA ordinance. "SEPA" is the State Environmental Protection Commission. (Ord. 519 (part), 1998).

17.76.110 Planning commission review and action. The planning commission will review all land use applications. If the application is for a permitted use, either an indi-

vidual single-family dwelling unit, manufactured home, duplex or an apartment building with four or less dwelling units, the planning commission shall review the application for compliance with this chapter and any other applicable ordinances.

If the planning commission finds that the application is in compliance with this chapter, the planning commission shall then authorize the issuance of a building permit to the applicant. If the planning commission finds that the proposed use is not in compliance with this chapter, the application is returned to the applicant with a written explanation of the reason for denying the permit. An applicant may resubmit the proposal if the proposed use is modified to insure compliance with this title.

If the application is for a permitted use other than a single-family dwelling unit, a manufactured home, a duplex or apartment with four or less dwelling units, or if the application is for a variance, amendment, a conditional use or other use requested, the planning commission shall transmit the application along with their recommendations to the town council for a final decision. (Ord. 519 (part), 1998).

17.76.120 Town council review and action. The town council shall at public meeting review all land use applications forwarded by the planning commission, accept additional public input and shall make a final decision. Written findings of fact shall be prepared for each decision. (Ord. 519 (part), 1998).

17.76.130 Time limits. If substantial construction of such use is not started within one year from the date of issuance of the permit, the applicant must submit a request for a maximum one year extension of the permit. See Chapter 17.36 for requirements for a building permit and occupancy permit. (Ord. 519 (part), 1998).

17.76.140 Land use application procedure chart. The land use application procedure chart, Table 17.76.140, illustrates the proper procedures for an application to follow on a request for a permitted use.

TABLE 17.76.140 LAND USE APPLICATION PROCEDURE CHART--PERMITTED USES	
Land use application is given to city clerk, review for completeness	Applicant provides: 1. Completed application; 2. Payment of fee; 3. Necessary Information.
Planning commission reviews proposed use for compliance with zoning ordinance. Yes No	Returned to applicant with written explanation. Applicant may resubmit after notification
Other permitted use	Single family residence, duplex, manufacture home, or apartment with up to four units
Planning commission makes recommendation to town council	Planning commission authorized issuance of building permit and other requested permits
City clerk sets public hearing and handles public notification	
City council reviews planning commission recommendation and obtains public input via public hearing process. City council approves/disapproves with or without conditions Yes No	Returned to applicant with written explanation. Applicant may 1) resubmit after modifying request, or 2) appeal the decision to the Superior Court
Building permit and/or other required permits issued	

(Ord. 519 (part), 1998).

Chapter 17.80

CLEAR VISION AREAS

Sections:

17.80.010 Requirement.

17.80.010 Requirement. A clear vision area shall be maintained at the corners of street intersections or driveways which has no obstructions to vision from thirty inches to ninety-six inches above the curb for a distance of thirty feet from the corner, to allow approaching vehicles to see each other. (Ord. 519 (part), 1998).

Chapter 17.84

VARIANCES

Sections:

17.84.010 Purpose.
17.84.020 Criteria.
17.84.030 Prohibited variances.
17.84.040 Conditions or restrictions.
17.84.050 Variance procedures.
17.84.060 Public hearing.
17.84.070 Notification of action.
17.84.080 Variance procedure chart.

17.84.010 Purpose. A. The purpose of a variance is to provide relief only when a strict application of the zoning requirements would impose unusual difficulties and unnecessary hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape or dimensions of a site or the location of existing structures thereon; from geographic, topographic or other conditions on the site or in the immediate vicinity.

B. In granting a variance, the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purpose of this chapter. (Ord. 519 (part), 1998).

17.84.020 Criteria. Variances to a requirement of this chapter with respect to lot area, lot coverage, height of structures, vision clearance, buffering, screening and other quantitative requirements may be granted only if, on the basis of application investigation and evidence submitted by the applicant, all of the following are shown:

A. That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter; and

B. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zone; and

C. The conditions or situations giving rise to the variance application have not been created or caused by the applicant or recent owner of the subject property; and

D. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity; and

E. The granting of the variance would support goals and policies contained within the comprehensive plan; and

F. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free and safe flow of traffic on the streets and walks. (Ord. 519 (part), 1998).

17.84.030 Prohibited variances. Under no circumstances shall the town council grant a variance to allow a use not generally or conditionally permitted in the zone, or any use expressly or by implication would constitute a grant of special privilege to the subject property. (Ord. 519 (part), 1998).

17.84.040 Conditions or restrictions. Reasonable conditions (Section 17.84.020) may be imposed in connection with a variance as deemed necessary to protect the best interest of the surrounding property or neighborhood and otherwise secure the purpose and requirements of this title. Guarantees and evidence may be required that such conditions will be and are being carried out. (Ord. 519 (part), 1998).

17.84.050 Variance procedures. A. The applicant shall present a completed land use application and other information together with the fee (Section 17.84.020) to the town clerk. The application shall be forwarded to the zoning administrator, who shall review the application, make sure it is complete, add his input, and shall then forward it to the planning commission together with his written comments.

B. Upon receipt of an application for a variance from the zoning administrator, the planning commission shall set a date for the public hearing on the application following the statutory requirement for public notifications. At

this hearing the planning commission shall review the application and take public testimony.

C. At a later public meeting the planning commission shall issue its written recommendation on the application. In making its recommendation, the planning commission shall base its recommendation on written findings of fact guided by the criteria in Section 17.84.020. The recommendation shall then be forwarded to the town council.

D. Upon receipt of the recommendation from the planning commission, the town council shall set a date for the public meeting at which they will consider the variance application. At this meeting, the town council shall review the application and recommendation of the planning commission, take any further public testimony, and issue a decision for acceptance or denial of this application. The decision shall be based upon the criteria (Section 17.84-.020) and written findings of fact shall accompany the decision. The planning commission shall provide the applicant with written notice within five days.

E. Upon denial of a variance request by the planning commission, the town clerk shall return the application to the applicant. All decisions may be appealed to the town council.

F. If the town council approved the variance request, the town clerk shall be directed to issue a variance. The town council in directing the issuance of a permit may attach any condition(s) to the permit which it deems necessary to reduce possible impacts created by the proposed use (Section 17.84.020). (Ord. 519 (part), 1998).

17.84.060 Public hearing. Before the planning commission may act on a request for a variance, it shall hold a public hearing in accordance with the provisions of Section 17.76.140. (Ord. 519 (part), 1998).

17.84.070 Notification of action. Within five working days after a decision has been rendered on a request for a variance, the town clerk shall provide the applicant with written notice of the town's action. (Ord. 519 (part), 1998).

17.84.080 Variance procedure chart. The variance procedure chart set out in Table 17.84.080 is made a part of this section.

TABLE 17.84.080 VARIANCE PROCEDURE CHART	
Application made to city clerk	Applicant provides: 1. Application; 2. Payment of fee; 3. Pertinent information.
Zoning inspector reviews application, provides input	
Planning commission reviews application, holds a public hearing and provides input in writing to council	
City council sets public hearing	City clerk handles public notification
City council reviews all input and issues a decision with written findings of fact Yes No	Public input Applicant notified of decision by city clerk
Council sets conditions	
Zoning inspector approves variances and permit to the applicant	Appeal of denial to superior court
City clerk issues permit to applicant	

(Ord. 519 (part), 1998).

Chapter 17.88

AMENDMENTS

Sections:

17.88.010 Purpose.
17.88.020 Initiation of an amendment.
17.88.030 Application by landowner(s).
17.88.040 Public notification.
17.88.050 Criteria.
17.88.060 Planning commission review.
17.88.070 Town council review.
17.88.080 Resubmittal of application.
17.88.090 Appeal.
17.88.100 Fees.
17.88.110 Invalidation of an amendment.
17.88.120 Procedure chart.

17.88.010 Purpose. Whenever public necessity, convenience, and general welfare require, the boundaries of the zone established on the map of the zoning ordinance may be amended as follows:

A. By the adoption of an amendment (rezone) to the existing zoning map; or

B. By amending the text of this title. (Ord. 519 (part), 1998).

17.88.020 Initiation of an amendment. Amendments to this title and zoning map may be initiated by:

A. The verified application of one or more owners of property within the corporate boundaries of Odessa; or

B. The adoption of a motion of the town council requesting the planning commission to set the matter for hearing and recommendations; or

C. A motion of the planning commission. (Ord. 519 (part), 1998).

17.88.030 Application by landowner(s). Application for an amendment or rezone by a landowner(s) shall be made on a land use application form (Section 17.76.140). Written and mapped information, which explains the petition, shall be submitted by the applicant. This shall include a list of names and addresses of all property owners of record within three hundred feet of the property for use by the town clerk for required notification. (Ord. 519 (part), 1998).

17.88.040 Public notification. An amendment of change in use, zone boundaries or a reclassification of

property shall require public hearings. Public notification shall include:

A. All property owners of record within three hundred feet of the property; and

B. Notice of time and place of public hearings by publication in the local newspaper at least seven days in advance of the public hearings; and

C. A posting of a notice on the property at least seven days in advance of the public hearing. Notice shall include the nature of the petition and the date, time and place of the public hearings;

D. The applicant shall bear the cost of public notification. (Ord. 519 (part), 1998).

17.88.050 Criteria. The planning commission and the town council shall be guided by the following in granting an amendment:

A. The amendment requested shall be in conformance with the comprehensive plan;

B. The provisions of this chapter; and

C. The public interest. (Ord. 519 (part), 1998).

17.88.060 Planning commission review. Upon receipt of an application of motion for amendment, the planning commission shall set the date, time and place for a public hearing on the action. Prior to the hearing the planning commission shall conduct an investigation on the matters involved in the amendment.

At the public hearing, the planning commission shall review the proposed amendment and take public testimony; and then at the public meeting prepare written recommendations with findings of fact on the proposed amendment. These recommendations shall be forwarded to the council within sixty days after receipt of the application by the town clerk. (Ord. 519 (part), 1998).

17.88.070 Town council review. Upon receipt of the planning commission's recommendations, the town council shall set a date, time and place for a public meeting on the amendment. At the public meeting the town council shall review the proposed amendment and planning commission recommendations decision. The town council may decide to:

A. Deny the amendment; or

B. Refer the matter back to the planning commission for further review to be returned to the town council within sixty days; or

C. Approve by making a motion to adopt the amendment or rezone. (Ord. 519 (part), 1998).

17.88.080 Resubmittal of application. An application which has been disapproved by the town council cannot be resubmitted to the planning commission for a period of six

months from the date of disapproval. (Ord. 519 (part), 1998).

17.88.090 Appeal. An applicant whose amendment application has been disapproved by the town council may appeal to the superior court. (Ord. 519 (part), 1998).

17.88.100 Fees. Fees shall be established by action of the town council and shall be posted at the town clerk's office. A fee for action under this chapter shall be paid by the applicant at the time of application. Applicant shall also be responsible for payment of all direct costs of hearing notifications incurred by the town as a result of his/her application. (Ord. 519 (part), 1998).

17.88.110 Invalidation of an amendment. In the event that a rezone has been granted, the rezone shall be declared invalid unless substantial progress, as judged by the planning commission, toward implementing the proposed development within one year of the effective date of the amendment is shown. A one year extension may be granted by the planning commission upon written application citing reasons for the delay. (Ord. 519 (part), 1998).

17.88.120 Procedure chart. The procedure chart for an amendment (including a rezone request) to the zoning ordinance (Table 17.88.120) is made a part of this section. (Ord. 519 (part), 1998).

TABLE 17.88.120 PROCEDURE CHART FOR AN AMENDMENT	
Initiation of amendment by: 1. Motion of city council; 2. Motion of the planning commission; 3. Application by property owners.	Amendment may be: 1. Change in text of zoning ordinance; 2. Change in zoning map (rezone).
Public hearing date set. City clerk handles public notification	Property owner provides: 1. Application filled out; 2. Payment of fee; 3. Necessary information.
Public hearing held by planning commission	Public input
Planning commission reviews application, makes written recommendation including restrictions and conditions to city council	
City council reviews recommendations and holds public hearing Yes No	Public input
Amendment or rezone adopted	Appeal to the superior court

(Note: In case of a rezoning, the land use map of the comprehensive plan must be changed first, by council action.)

Chapter 17.92

ANNEXATION

Sections:

17.92.010 Annexation zoning.

17.92.010 Annexation zoning. All lands which may hereafter be annexed to the town shall follow the procedure

for an amendment to the zoning ordinance, Chapter 17.88. (Ord. 519 (part), 1998).

Chapter 17.96

ENFORCEMENT

Sections:

17.96.010 Zoning inspector--Appointment--Salary--Powers and duties.
17.96.020 Violation--Complaint filing and investigation.
17.96.030 Violation--Notice to owner--Effect of failure to comply.
17.96.040 Violation--Penalty.

17.96.010 Zoning inspector--Appointment--Salary--Powers and duties. The position of zoning inspector shall be appointed by the mayor with the recommendation from the town council and planning commission. His/her salary shall be set forth by the town council through the process of budget. (Ord. 519 (part), 1998).

17.96.020 Violation--Complaint filing and investigation. Whenever a violation of this title occurs, any person may file a complaint. All zoning complaints shall be in writing to the zoning inspector, who shall investigate the complaint with the parties involved and seek a solution. If no remedy of the complaint can be achieved, the zoning inspector shall forward their findings to the planning commission and the town council. (Ord. 519 (part), 1998).

17.96.030 Violation--Notice to owner--Effect of failure to comply. The zoning inspector shall notify the property owner/violator of the violation and fix a time for the violator to meet the requirements of this title. A copy of the penalty clause shall accompany the notification. If the violation is not corrected within the time allotted, the zoning inspector shall refer the violation to the planning commission/town council. After review of the findings, the town council shall refer the violation to the town attorney for legal action. (Ord. 519 (part), 1998).

17.96.040 Violation--Penalty. Violation of the provision of this title or failure to comply with any of the requirements shall be deemed an infraction and result in a fine of three hundred dollars, plus state assessments for the violator, who shall also pay costs and expenses in the case. Each day such violation continues shall be considered a separate offense. In cases where the fines are not paid after thirty days from billing, the town reserves the

right to place a lien on the property to recover the costs associated with the violator. (Ord. 605 §2(37), 2006: Ord. 519 (part), 1998).

Chapter 17.100

VALIDITY

Sections:

17.100.010 Validity.

17.100.010 Validity. If any section, subsection, or other portion of this title is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, or portion shall be deemed a separate portion of this title and such holding shall not affect the validity of the remaining sections of this title. (Ord. 519 (part), 1998).

LIST OF CODIFIED RESOLUTIONS

Resolution Number	Subject
85-6	Overnight parking at the tourist park (10.16)
87-10	Establishes library endowment trust fund (3.18)
87-11	Bid solicitation procedure (3.56)
88-8	Posting of preliminary agenda for council meetings (2.04)
89-8	Adopts comprehensive park plan (12.36)
90-9	Authorizes investment of town moneys in local government investment pool (3.64)
91-1	Aboveground storage facilities for Class I combustible and flammable materials (15.32)
94-2	Policy to protect individuals engaged in nonviolent civil rights demonstrations (2.64)
95-1	Fair housing program (9.12)
95-2	Code of conduct for elected officials and town employees (2.60)
97-1	Creates petty cash fund for police department undercover operations (3.72)
2007-3	Personnel policy (2.32, 2.38)
2008-6	State audits (3.84)
2008-13	Identity theft prevention program (2.76)
2009-1	Small works roster (3.58)
2009-4	Council meetings (2.04)
2009-6	Amends Res. 2009-1, small works roster (3.58)
2010-4	Payment of claims (3.92)
2011-6	Authorized volunteers (2.80)
2011-9	Greenhouse gas reduction (11.12)
2012-2	Increases fund for police department undercover operations (3.72)
2012-7	Credit card policy (2.84)
2013-1	Amends Ord. 654 §3(3), meter reading unavailable (13.12)
2013-5	Returned checks (3.96)
2013-7	Amends §§17.58.010 and 17.58.050, fences (17.58)
2014-1	Investment of town monies in local government investment pool (3.64)
2015-1	Small, attractive asset policy and procedures (3.100)
2015-14	Payment of claims prior to council approval during December (3.92)
2016-6	Adds §2.44.080 [2.44.075], columbarium regulations (2.44)

ORDINANCE LIST AND DISPOSITION TABLE
FOR ODESSA, WASHINGTON

Ordinance Number	Subject
1	Council meetings (Repealed by 338)
2	Animals at large (Repealed by 104)
3	Livery licensing (Repealed by 348)
4	Miscellaneous offenses (Repealed by 348)
5	Dogs (Repealed by 348)
6	Business licensing (5.04)
7	Town officers' duties (2.12, 2.16)
8	Chimneys (Repealed by 348)
9	Minors in saloons, gambling and prostitution houses (Repealed by 348)
10	Temperance hall licensing (5.20)
11	Amends §2 of Ord. 3, livery licensing (Repealed by 348)
12	Gambling (Repealed by 348)
13	Prostitution (Repealed by 348)
14	Refuse (Repealed by 348)
15	Sidewalk construction (Special)
16	Street improvement and assessment procedure (Repealed by 83)
17	Street grades (Special)
18	Street grades (Special)
19	Street grades (Special)
20	Street grades (Special)
21	Railway crossings (Repealed by 348)
22	Sidewalk construction (Special)
23	Sidewalk construction (Special)
24	Sidewalk construction (Special)
25	Sidewalk construction (Special)
26	Telephone franchise (Special)
27	Amends §4 of Ord. 6, business licenses (5.04)
28	Poll tax (Repealed by 108)
29	Amends §2 of Ord. 10, temperance halls (5.20)
30	Corporate seal (1.08)
31	Amends §1 of Ord. 1, council meetings (Repealed by 338)
32	Liquor sales (Repealed by 348)
33	Bond issue (Special)
34	Board of health (Repealed by 106)
35	Horseracing (Repealed by 348)
36	Bicycles on sidewalks (12.24)
37	Curfew for minors (Repealed by 349)
38	Fire regulations and limits (Repealed by 62)
39	Amends §2 of Ord. 7, town officers (Repealed by 338)

Ordinance Number	Subject
40	None
41	Waterworks regulations and rates (Repealed by 69)
42	Swine (Repealed by 228)
43	Fowl (Repealed by 228)
44	Amends §1 of Ord. 31, council meetings (Repealed by 338)
45	Deputy marshal's salary (Repealed by 348)
46	Amends §1 of Ord. 34, board of health (Repealed by 106)
47	Amends §3 of Ord. 32, liquor sales (Repealed by 348)
48	Sidewalk construction (Special)
49	Sidewalk construction (Special)
50	Sidewalk construction (Special)
51	Amends §1 of Ord 43, fowl (Repealed by 228)
52	Sidewalk construction (Special)
53	Sidewalk construction (Special)
54A	Amends §10 of Ord. 46, water rates (Repealed by 69)
54B	Sidewalk maintenance (12.12)
55	Amends §1 of Ord. 23, poll tax (Repealed by 109)
56	Amends §1 of Ord. 38, fire regulations (Repealed by 62)
57	Water superintendent and engineer (Repealed by 336)
58	Sidewalk construction (Special)
59	Electrical franchise (Special)
60	Sidewalk construction (Special)
61	Opera house licensing (Repealed by 348)
62	Fire regulations and limits; repeals Ords. 38 and 56 (Repealed by 112, 209)
63	Building permits (Repealed by 348)
64	Sidewalk construction (Special)
65	Disorderly persons (Repealed by 349)
66	Disorderly conduct (Repealed by 349)
67	Intoxicated persons (Repealed by 349)
68	Vagrancy (Repealed by 349)
69	Waterworks regulations and rates; repeals Ords. 41 and 54A (Repealed by 344)
70	Sidewalk construction (Special)
71	Amends Rule 10 of Ord. 69, waterworks regulations (Repealed by 344)
72	Amends §5 of Ord. 57, water superintendent and engineer (Repealed by 155)
73	Election (Special)
74	Bond issue (Repealed by 78, 89)
75	Town attorney (Not codified)

Ordinance Number	Subject
76	Amends §2 of Ord. 39, town officers (Repealed by 348)
77	Sidewalk construction (Special)
78	Bond issue; repeals Ord. 74 (Special)
79	Milk regulations (Repealed by 348)
80	Fire limits (Repealed by 112, 209)
81	Sidewalk construction and street improvement (Special)
82	Tax and levy assessment procedure (3.32)
83	Local improvement procedure; repeals Ord. 16 (3.28)
84	Sidewalk construction (Special)
85	General fund warrants (Special)
86	Election (Special)
87	Council meetings (Repealed by 338)
88	Amends §2 of Ord. 69, water rates (Repealed by 344)
89	Repeals Ord. 74 (Repealer)
90	Election (Special)
91	Electrical franchise (Special)
92	Bond issue (Special)
93	Sidewalk specifications (12.04)
94	Amends §2 of Ord. 51, fowl (Repealed by 228)
95	Sidewalk construction (Special)
96	Irrigation regulations (Repealed by 348)
97	Police officers (Repealed by 348)
98	Bid procedure (Repealed by 340)
99	Duties and salary of water superintendent and marshal (Repealed by 348)
100	Electrical regulations (15.08)
101	Telegraph and telephone franchise (Special)
102	Temperance hall and cardroom regulations (Repealed by 346)
103	Hitching racks (Repealed by 348)
104	Animals at large; repeals Ord. 2 (Repealed by 351)
105	Temperance hall hours and regulations; repeals §2 of Ord. 32 and §1 of Ord. 102 (Repealed by 348)
106	Public health; repeals Ord. 34 (Repealed by 348)
107	Amends §2(d) of Ord. 88, water rates (Repealed by 344)
108	Fowl (Repealed by 228)
109	Repeals Ords. 28 and 55 (Repealer)
110	Gaming device regulations (5.08)
111	Retail liquor licenses (Repealed by 348)
112	Fire regulations and limits; repeals Ords. 62 and 80 (Repealed by 348)

Ordinance Number	Subject
113	Vehicles and toys on sidewalks (Repealed by 342)
114	Street vacation (Special)
115	Grants Standard Oil Company building permission (Special)
116	Amends §2 of Ord. 93, sidewalk specifications (12.04)
117	Parking strips (12.08)
118	Amends §7 of Ord. 106, public health (Repealed by 348)
119	Amends §1 of Ord. 118, public health (Repealed by 348)
120	Traffic (Repealed by 347)
121	Amends Rule 1 of Ord. 69, water rates (Repealed by 344)
122	Amends §2 of Ord. 99, water superintendent (Repealed by 216)
123	Amends §3 of Ord. 99, marshal (Repealed by 348)
124	Amends §1 of Ord. 122, water superintendent (Repealed by 216)
125	Parking strip construction (Special)
126	Amends §1 of Ord. 112, fire limits (Repealed by 348)
127	Junk dealer licensing (5.16)
128	Traffic (Repealed by 347)
129	Weeds (Repealed by 348)
130	Marshal (Repealed by 348)
131	Water and street superintendents' salaries (Repealed by 348)
132	Clerk's salary (Repealed by 348)
133	Amends Ord. 27, business licenses (5.04)
134	Council meetings (Repealed by 338)
135	Water fund (Repealed by 348)
136	Marshal (Repealed by 348)
137	Water and street superintendent's salary (Repealed by 336)
138	Sidewalk maintenance (Repealed by 240)
139	Curfew for minors (Repealed by 349)
140	Election (Special)
141	Bond issue (Special)
142	Water regulations (Repealed by 344)
143	Liquor prohibition (Repealed by 348)
144	Building permits (Repealed by 348)
145	Easement (Special)
146	Grants Union Oil Company building permission (Special)
147	Alley vacation (Special)
148	Alley vacation (Special)

Ordinance Number	Subject
149	Block vacation (Special)
150	Contagious diseases (Repealed by 348)
151	Flammable liquids (Repealed by 348)
152	Election (Special)
153	Fireworks (8.24)
154	Traffic (Repealed by 347)
155	Water superintendent and engineer; repeals Ord. 72 (Repealed by 336)
156	Board of park commissioners and park fund (2.24, 3.20)
157	Treasurer's salary (Repealed by 348)
158	Milk regulations (Repealed by 348)
159	Town officers' salaries (Repealed by 348)
160	Animals (Repealed by 351)
161	Sidewalk construction (Special)
162	Amends §7 of Ord. 158, milk regulations (Repealed by 348)
163	Street vacation (Special)
164	Open burning (Repealed by 348)
165	Bond issue (Special)
166	Liquor regulations (Repealed by 348)
167	Amends §7 of Ord. 166; repeals §§ 2, 5 and 8 of Ord. 166, liquor regulations (Repealed by 348)
168	Treasurer's salary (Repealed by 348)
169	Water superintendent and engineer's salary (Repealed by 336)
170	Telephone franchise (Special)
171	Loitering (Repealed by 349)
172	Amends §4 of Ord. 5, dogs (Repealed by 348)
173	Street vacation (Special)
174	Land sale (Special)
175	Parking; repeals §12 of Ord. 120, traffic (Repealed by 347)
176	Amends §1 of Ord. 11, business licenses (Repealed by 348)
177	Town officers' salaries (Repealed by 348)
178	Marshal's salary (Repealed by 181)
179	Amends §1 of Ord. 169, water superintendent and engineer's salary (Repealed by 336)
180	Amends §1 of Ord. 179, water superintendent and engineer's salary (Repealed by 336)
181	Marshal's salary; repeals Ord. 178 (Repealed by 348)
182	Firemen's relief fund (2.40)
183	Amends §1 of Ord. 180, water superintendent and engineer's salary (Repealed by 336)
184	Marshal's salary (Repealed by 348)
185	Treasurer's salary (Repealed by 348)

Ordinance Number	Subject
186	Clerk's duties and salary (2.12)
187	Election procedure (Repealed by 235)
188	Improvement expenditure (Special)
189	Airport cumulative reserve fund (Not codified)
190	Building and maintenance cumulative reserve fund (3.12)
191	Amends §3 and repeals §4 of Ord. 187, election procedure (Repealed by 235)
192	Street vacation (Special)
192A	Amends §1 of Ord. 184, marshal's salary (Repealed by 348)
193	Town attorney's salary (Repealed by 339)
194	Amends §2 of Ord. 184, clerk's salary (Repealed by 348)
195	Amends §1 of Ord. 183, water superintendent and engineer's salary (Repealed by 336)
196	Amends §1 of Ord. 194, clerk's salary (Repealed by 348)
197	Amends §1 of Ord. 192A, marshal's salary (Repealed by 348)
198	Amends §2 of Ord. 191, election procedure (Repealed by 235)
199	Amends §2 of Ord. 177, §1 of Ord. 185, §1 of Ord. 193, §1 of Ord. 195, §1 of Ord. 196, and §1 of Ord. 197, salaries (Repealed by 348)
200	Election (Special)
201	Amends §§1, 2 and 3 of Ord. 199, salaries (Repealed by 348)
202	Emergency expenditure (Special)
203	Street vacation (Special)
204	Bond issue (Special)
205	Street vacation (Special)
206	Land sale (Special)
207	Amends §§ 1, 2 and 3 of Ord. 201 and §4 of Ord. 199, salaries (Repealed by 348)
208	Weeds (Repealed by 350)
209	Amends §11 of Ord. 112, fire limits and regulations (Repealed by 295)
210	Alley vacation (Special)
211	Land sale (Special)
212	Land sale (Special)
213	Amends §§1, 2 and 3 of Ord. 153, fireworks (8.24)
214	Street vacation (Special)
215	Privies (8.12)

Ordinance Number	Subject
216	Office of superintendent of streets and alleys created; repeals §§ 1 and 2 of Ord. 99 (Repealed by 336)
217	Amends §§ 2 and 3 of Ord. 207, salaries (Repealed by 348)
218	Slot machine tax (Repealed by 340)
219	Annexation (Special)
220	Amends §§ 1 and 2 of Ord. 217, salaries (Repealed by 348)
221	Street vacation (Special)
222	State pension system adoption (Repealed by 223)
223	State pension system adoption; repeals Ord. 222 (Repealed by 238)
224	Emergency expenditure (Special)
225	Amends §§1 and 2 of Ord. 220, salaries (Repealed by 348)
226	None
227	Street vacation (Special)
228	Animals; repeals Ords. 42, 43, 51, 94 and 108 (Repealed by 286)
229	Firemen's relief fund (2.40)
230	Speed limits (Repealed by 347)
231	Disaster assistance request (Special)
232	Land sale (Special)
233	Street vacation (Special)
234	Emergency expenditure (Special)
235	Election procedure; repeals Ords. 187, 191 and 198 (2.28)
236	Amends §1 of Ord. 207, §2 of Ord. 216 and §§1 and 2 of Ord. 225, salaries (Repealed by 348)
237	Land sale (Special)
238	State retirement system adoption; repeals Ord. 223 (2.36)
239	Burning regulations (8.16)
240	Sidewalk maintenance; repeals Ord. 138 (12.12)
241	Electricity franchise (Special)
242	Cemetery regulations (2.44)
243	Election (Special)
244	Election (Special)
245	Election (Special)
246	Electricity franchise (Special)
247	Arterial street fund (3.04)
248	Amends §§1, 2, 3 and 4 of Ord. 236, salaries (Repealed by 348)
249	Amends §2 of Ord. 6, business licenses (5.04)

Ordinance Number	Subject
250	Amends §1 of Ord. 248, clerk's salary (Repealed by 348)
251	Amends §5 of Ord. 199, §4 of Ord. 207 and §§3 and 4 of Ord. 248 (Repealed by 348)
252	Street vacation (Special)
253	Water rates (Repealed by 711)
254	Electricity franchise (Special)
255	Amends §2 of Ord. 248, marshal's salary (Repealed by 348)
256	Street naming and numbering (12.32)
257	Building and cemetery superintendent (Repealed by 336)
258	Employee vacations (Repealed by 425)
259	Amends §2 of Ord. 257, building and cemetery superintendent (Repealed by 336)
260	Street vacation (Special)
261	Street vacation (Special)
262	None
263	Speed limits (10.08)
264	Cabaret regulations (Repealed by 465)
265	None
266	Amends §1 of Ord. 250, §1 of Ord. 251 and §1 of Ord. 259, salaries (Repealed by 348)
267	Airport rental fees (Repealed by 399)
268	Amends §1 of Ord. 255; amends §3 of Ord. 266, salaries (Repealed by 348)
269	Bridge construction (Special)
270	Alley vacation (Special)
271	Amends §§1 and 2 of Ord. 266 and §1 of Ord. 268, salaries (Repealed by 348)
272	Speed limits (10.08)
273	Election (Special)
274	Amends §2 of Ord. 268, marshal's salary (Repealed by 348)
275	Local improvement district (Special)
276	Amends §1 of Ord. 253, water rates (Repealed by 711)
277	Amends §2 of Ord. 251, §§1, 2 and 3 of Ord. 271 and 1 of Ord. 274, salaries (Repealed by 348)
278	Gas franchise (Special)
279	Gas system construction regulations (15.12)
280	Gas system installation regulations (15.16)
281	Amends §2 of Ord. 277, water superintendent's salary (Repealed by 336)
282	Vegetation, vehicles and junk (8.04)
283	Tax levy (Special)
284	Sales tax (3.36)
284A	Budget (Special)
285	Amends §§1, 3 and 4 of Ord. 277, salaries (Repealed by 348)
286	Animals; repeals Ord. 228 (6.12)
287	Comprehensive zoning plan (17.02)
288	Tax levy (Special)
289	Budget (Special)
290	Amends §1 of Ord. 281, salaries (Repealed by 348)

Ordinance Number	Subject
291	Amends §2 of Ord. 264, cabaret regulations (Repealed by 465)
292	Street maintenance and construction agreement with county (12.16)
293	Amends §4 of Ord. 277, §2 of Ord. 258 and §1 of Ord. 290, salaries (Repealed by 336)
294	Amends §2.3 of Ord. 279, gas system construction regulations (15.16)
295	Flammable liquids; repeals Ord. 209 (8.20)
296	Tax levy (Special) 297 Budget (Special)
298	Federal shared revenue fund (3.16)
299	Amends §§2 and 3 of Ord. 293, salaries (Repealed by 336)
300	Bond issue (Special)
301	Performance bonds (3.24)
302	Street vacation (Special)
303	Amends §1 of Ord. 276, water rates (Repealed by 711)
304	Amends §1 of Ord. 29, temperance halls (5.20)
305	Tax levy (Special)
306	Amends §4 of Ord. 251, §§1 and 3 of Ord. 285, §1 of Ord. 293, and §§1 and 2 of Ord. 299, salaries (Repealed by 348)
307	Budget (Special)
308	Tax levy (Special)
309	Amends §§2, 4, 5 and 6 of Ord. 306, salaries (Repealed by 348)
310	Budget (Special)
311	Cemetery rates (3.44)
312	Bulk water rates (13.04)
313	Employees' sick leave, holidays and overtime (Repealed by 425)
314	(Not passed)
315	Amends §3 of Ord. 251, attorney's salary (Repealed by 348)
316	Tax levy (Special)
317	Building code (15.08)
318	Budget (Special)
319	Street vacation (Special)
320	Annexation (Special)
321	Annexation (Special)

Ordinance Number	Subject
322	Dogs (6.08)
323	Tax levy (Special)
324	Adopts Washington Model Traffic Ordinance (Repealed by 456)
325	Adopts SEPA guidelines (Repealed by 408)
326	Employees' holidays; amends §2 of Ord. 313, employees' sick leave, holidays and overtime (Repealed by 425)
327	Cumulative reserve fund (3.08)
328	Budget (Special)
329	Garbage (8.08)
330	Bond issue (Special)
331	Amends §1 of Ord. 303, water rates (Repealed by 382)
332	(Number not used)
333	General penalty (1.16)
334	Right of entry for official inspections (1.12)
335	General provisions (1.04)
336	Creates department of public works; repeals Ords. 57, 131, 137, 155, 169, 179, 180, 183, 195, §3 of 199, §3 of 201, §3 of 207, 216, §2 of 217, §2 of 220, §2 of 225, §§3 and 4 of 236, §§3 and 4 of 248, §§1 and 2 of 251, 257, 259, §2 of 266, §1 of 268, §§2 and 3 of 271, §§2, 3 and 4 of 277, 281, §2 of 285, 290, 293, 299, §§4, 5 and 6 of 306, and §§2, 3 and 4 of 309 (2.20)
337	Amends §§1, 2, 3, 4, 5, 8, 9, 10 and 12 of Ord. 127, junk dealer license (5.16)
338	Council meetings; repeals Ords. 1, 31, 44, 87 and 134 (Repealed by 493)
339	Amends §1 of Ord. 75, city attorney; repeals §3 of Ord. 75, 193, §4 of Ord. 199, §4 of Ord. 207 and §3 of Ord. 251 (2.08)
340	Amends §1 of Ord. 82, §1 of Ord. 247, §2 of Ord. 284, and §4 of Ord. 298; repeals Ords. 98 and 218 (3.04, 3.16, 3.32, 3.36)
341	Amends §1 of Ord. 249, §1 of Ord. 133 and §7 of Ord. 6, business licenses (5.04)
342	Toys on sidewalks; repeals Ord. 113 (12.20)
343	Amends §§1 and 3 of Ord. 100, electrical regulations (15.08)
344	Water regulations; repeals Ords. 69, 71, 88, 107, 121 and 142 (13.04)
345	Amends §2, 4 and 7 of Ord. 264, cabaret regulations (Repealed by 465)
346	Amends §1 of Ord. 304, and §4 of Ord. 10, temperance halls; repeals Ord. 102 (5.20)

Ordinance Number	Subject
347	Amends §1 of Ord. 272, speed limits; repeals Ords. 120, 128, 154, 175 and 230 (10.08)
348	Repeals Ords. 3, 4, 5, §§2, 3, 4, 5, 6, 9 and 10 of Ord. 7, 8, 9, 11, 12, 13, 14, 21, 32 and 35, §2 of Ord. 36, 39, 45, 47, 61, 63, 76, 79, §§7 and 8 of Ord. 83, 96, 97, 99, 103, 105, 106, 111, 112, 118, 119, 123, 126, 129, 130, 132, 135, 136, 143, 144, 150, 151, 157, 158, 159, 162, 164, 166, 167, 168, 172, 176, 177, 181, 184 and 185, §2 of Ord. 186, 192A, 194, 196, 197, 199, 201, 207, 217, 220, 225 and 236, §4 of 239, 248, 250, 251, 255, 266, 268, 271, 274, 277, 285, 306 and 309 (Repealer)
349	Disorderly conduct; repeals Ords. 37, 65, 66, 67, 68, 139 and 171 (9.04)
350	Trimming vegetation; repeals Ord. 208 (12.28)
351	Livestock regulations; repeals Ords. 104 and 160 (6.04)
352	Amends §§1, 2 and 3 of Ord. 213, fireworks (8.24)
353	Amends §18 of Ord. 93, §2 of Ord. 110, §4 of Ord. 117, §10 of Ord. 156, §3 of Ord. 213, §3 of Ord. 215, §5 of Ord. 239, §4 of Ord. 267, §3.4 of Ord. 279, §29 of Ord. 280, §3 of Ord. 282, §3 of Ord. 286, §5 of Ord. 295, §11 of Ord. 322 and §3 of Ord. 324 (2.28, 3.40, 5.08, 6.08, 6.12, 8.04, 8.12, 8.16, 8.20, 8.24, 12.04, 12.08, 15.12, 15.16)
354	Amends §2 of Ord. 54B, sidewalk maintenance (12.12)
355	Amends §§1, 2, 3, 4 and 5 of Ord. 235, candidacy declarations (2.28)
356	Bond issue (Special)
357	Amends §12 of Ord. 329, garbage rates (Repealed by 711)
358	Amends §12 of Ord. 329, garbage collection rates (8.08)
359	1978 tax levy (Special)
360	1978 budget (Special)
361	Emergency expenditure (Special)
362	Street vacation (Special)
363	U-turn restriction (10.12)
364	Code adoption (1.01)
365	Employee vacations; repeals §1 of Ord. 258 (Repealed by 425)
366	Tax levy (Special)
367	Cemetery fees and charges (2.44)
368	Water rates (Repealed by 439)
369	Payrolls fund (3.22)
370	Claims fund (3.06)
371	1979 budget (Special)
372	Mayor’s and treasurer’s compensation (Not codified)
373	Long-range land use map adoption (17.02)
374	1980 tax levy (Special)
375	Emergency expenditure (Special)
376	Zoning regulations (Repealed by 519)
377	Solid waste management fund (3.48)
378	1980 budget (Special)
379	Treasurer’s compensation (Not codified)

Ordinance Number	Subject
380	Emergency expenditure (Special)
381	Cemetery fees and charges (2.44)
382	Water rates; repeals Ord. 331 (Repealed by 453)
383	Emergency declared as a result of eruption of Mt. St. Helens (Special)
384	1981 tax levy (Special)
385	Cemetery fees (2.44)
386	1981 budget (Special)
387	Treasurer's compensation (Special)
388	Flood hazard protection (Repealed by 516)
389	Water correction charges (Repealed by 711)
390	Bonds issuance (Special)
391	Street and alley vacation (Special)
392	1982 budget (Special)
393	1982 tax levy (Special)
394	Grants CATV franchise to Community Antenna System (Special)
395	Fixes 1983 tax levy (Special)
396	Amends Ord. 313, employee sick leave (Repealed by 425)
397	1983 budget (Special)
398	Water and garbage business and occupation tax (5.24)
399	Airport rental fees; repeals Ord. 267 (Repealed by 413)
400	Prohibits and provides penalty for fireworks use in city park and playground (8.24)
401	Fixes 1984 tax levy (Special)
402	Unfit dwellings and buildings (15.24)
403	1984 budget (Special)
404	Amends §12 of Ord. 329, §1 of Ord. 357 and §1 of Ord. 358, garbage rates (8.08)
405	Water service fees and charges; amends §8 of Ord. 344 (Repealed by 711)
406	Amends Ord. 398, water and garbage services business and occupation tax increase (5.24)
407	Additional sales and use tax (Repealed by 423)

Ordinance Number	Subject
408	SEPA guidelines; repeals Ord. 325 (11.04)
409	1985 tax levy (Special)
410	Grants franchise to Washington Water Power Company (Special)
411	Fund investment power to treasurer (2.16)
412	Amends 1984 budget (Special)
413	Airport commercial purpose rental fee; repeals Ord. 399 (Repealed by 476)
414	Amends §12 of Ord. 329, §1 of Ord. 357, §1 of Ord. 358 and §1 of Ord. 404, garbage rates (8.08)
415	1875 budget (Special)
416	Cemetery rules and regulations (2.44)
417	Amends §1 of Ord. 326, holidays for city employees (Repealed by 425)
418	Amends §9 of Ord. 416, cemetery regulations (2.44)
419	Combines offices of clerk and treasurer (2.18)
420	Budget (Special)
421	Tax levy for 1986 (Special)
422	Building code (15.04)
423	Sales and use tax (3.38)
424	Leasehold excise tax (3.52)
425	Personnel policy (2.32)
426	Satellite receiving station (15.28)
427	Tax levy (Special)
428	Indemnification of public officials (2.48)
429	Budget (Special)
430	Alley vacation (Special)
431	Adds §2A and amends §2 of Ord. 351, animals (6.04)
432	Number not used
433	Tax levy (Special)
434	Real estate excise tax (3.60)
435	Amends 1987 budget (Special)
436	Adopts 1988 budget (Special)
437	Amends §9 of Ord. 322, dogs (6.08)
438	1989 tax levy (Special)
439	Water rates; repeals Ord. 368 (13.04)
440	Amends §2 of Ord. 413, airport water rates (Repealed by 476)
441	Budget (Special)
442	Budget (Special)
443	General obligation bonds (Special)
444	Street vacation (Special)
445	Budget (Special)
446	Tax levy (Special)
447	Budget (Special)
448	General obligation bond issuance (Special)

Ordinance Number	Subject
449	Amends 1 and 15 of Ord. 448, general obligation bonds (Special)
450	Budget (Special)
451	Budget (Special)
452	Budget (Special)
453	Water rates and charges; repeals Ord. 382 (Repealed by 460)
454	Municipal airport user fee (Repealed by 376)
455	Garbage business and occupation tax (5.24)
456	Repeals Ord. 324 (Repealer)
457	Adopts 1991 Washington State Energy Code and 1991 Ventilation and Indoor Air Quality Code; repeals portion of Ord. 422 (15.04)
458	Budget (Special)
459	Amends Ord. 327, cumulative reserve fund for capital expenditures (3.08)
460	Water rates and charges; repeals Ord. 453 (Repealed by 478)
461	Budget (Special)
462	Budget (Special)
463	Building permit fee schedule; repeals 9 of Ord. 422 (Repealed by 509)
464	Garbage business and occupation tax; amends Ords. 406 and 455 (Repealed by 477)
465	Repeals Ords. 284, 291 and 345 (Repealer)
466	Budget (Special)
467	Amends 27 of Ord. 394, franchise grant (Special)
468	Budget (Special)
469	Budget (Special)
470	Excise tax on transient lodging (3.68)
471	Keeping of bees (6.16)
472	Landfill post-closure cost assurances (Special)
473	(Special)
474	(Special)
475	(Special)
476	Airport fees for commercial and noncommercial users; repeals Ords. 413, 440 and 454 (3.40)
477	Water and garbage business and occupation tax; repeals Ord. 464 (Repealed by 498)
478	Water rate schedule and supplemental charges; repeals Ord 460 (Repealed by 487)
479	Garbage rates (Repealed by 711)
480	Protection for resource lands and critical areas (Repealed by 594)
481	Compensation of mayor and city council members (Not codified)
482	Amends Ord. 408, SEPA guidelines (11.04)
483	Curfew for minors (Not codified)
484	(Special)
485	Mobile home and recreational vehicle parks (14.04, 14.08, 14.12, 14.16, 14.20)

Ordinance Number	Subject
486	Abatement of junk vehicles (8.28)
487	Water rate schedule and supplemental charges; repeals Ord. 478 (Repealed by 499)
488	Amends 1994 budget (Special)
489	1995 budget (Special)
490	Grants franchise to Washington Water Power Co. for natural gas facilities (Special)
491	Adds a chapter to T. 9, curfew for minors (Repealed by 614)
492	Repeals and replaces §3 of Ord. 479, garbage rates (Repealed by 711)
493	Council meetings; repeals Ord. 338 (2.04)
494	Water service; repeals §9 of Ord. 344 and §3 of Ord. 405 (13.04)
495	Tax levy (Special)
496	Amends 1995 budget (Special)
497	Amends §2 of Ord. 416, town cemetery (Repealed by 711)
498	Water and garbage business and occupation tax; repeals Ord. 477 (5.24)
499	Water rates; repeals Ord. 487 (Repealed by 527)
500	Adopts 1996 budget (Special)
501	Special election for capital improvements (Special)
502	Civil service system for the police department (Repealed by 524, 534)
503	Amends §14 of Ord. 416, town cemetery (2.44)
504	Tax levy (Special)
505	Subdivisions (16.04, 16.08, 16.12, 16.16, 16.20, 16.24, 16.28, 16.32, 16.36)
506	Adopts 1997 budget (Special)
507	Amends 1996 budget (Special)
508	Amends §3 of Ord. 492, garbage rates (Repealed by 711)
509	Amends §2 of Ord. 463, building permit fee schedule; repeals §1 of Ord. 463 (Repealed by 591)
511	Repeals Ord. 321, annexation (Special)
512	Amends 1997 budget (Special)
513	Adopts 1998 budget (Special)
514	Airport fees for commercial and noncommercial users; repeals §§1 and 2 of Ord. 476 (3.40)
515	Amends Ord. 479, garbage rates (Repealed by 540)
516	Flood hazard prevention; repeals Ord. 388 (15.20)
517	Town employee shared leave program (2.38)
518	Bond issuance (Special)
519	Repeals and replaces Ord. 376, zoning regulations (17.04, 17.08, 17.12, 17.16, 17.20, 17.24, 17.28, 17.32, 17.36, 17.40, 17.44, 17.48, 17.52, 17.56, 17.60, 17.64, 17.68, 17.72, 17.76, 17.80, 17.84, 17.88, 17.92, 17.96, 17.100)
520	Building permits and approval procedures (15.04)
521	Creates fund 420, sewer planning, design and construction (Special)
522	Bond issuance (Special)
523	Tax levy (Special)

Ordinance Number	Subject
524	Terminates police civil service; repeals Ord. 502 (Repealed by 534)
525	Adopts budget (Special)
526	Amends budget (Special)
527	Water rate schedule; repeals Ord. 499 (Repealed by 539)
528	Decreases business and occupation tax; repeals Ord. 49 (Special)
529	Amends Ord. 509 §1, building permit fees (15.04)
530	Amends 1999 budget (Special)
531	Lincoln County Housing Authority (2.68)
532	Amends Ord. 329, health and sanitation (8.08)
533	Sewer revenue bond issuance (Special)
534	Repeals Ords. 502 and 524, civil service commission (Repealer)
535	Amends Ord. 533, sewer revenue bonds (Special)
536	2000 tax levy (Special)
537	Sewer system (13.08)
538	Amends Ord. 497, cemetery (Repealed by 711)
539	Water rates; repeals Ord. 527 (Repealed by 574)
540	Garbage rates; rescinds Ord. 515 (Repealed by 560)
541	Number not used
542	Amends 1999 budget (Special)
543	Adopts 2000 budget (Special)
544	Amends Ords. 322 and 437, dogs (6.08)
545	Runway access fee (Repealed by 711)
546	Odessa public development authority (2.72)
547	Amends Ord. 493, council meeting time (2.04)
548	Annexation (Special)
549	2001 tax levy (Special)
550	Amends 2000 budget (Special)
551	Adopts 2001 budget (Special)
552	Reenacts, confirms, ratifies and approves fees adopted by Ords. 538, 539, 540, 544 and 545 (6.08)
553	Reenacts, confirms and ratifies Ord. 536, 2000 tax levy (Special)
554	Amends Ord. 519, zoning (17.36)
555	Amends Ord. 416, cemetery (2.44)
556	2002 tax levy (Special)
557	Number not used
558	Amends Ord. 481, councilmember salaries (Not codified)
559	Amends 2001 budget (Special)
560	Garbage rates; rescinds Ord. 540 (Repealed by 593)
561	Adopts 2002 budget (Special)
562	Residential parking (10.20)
563	Noise control, portable/motor vehicle audio equipment (9.16)
564	Public disturbance noise (9.20)
565	Street vacation (Special)
566	Street vacation (Special)
567	Amends 2002 budget (Special)
568	Creates LID NO. 2002-L1 (Special)

Ordinance Number	Subject
569	Amends Ords. 394 and 467, cable franchise (Special)
570	2003 tax levy (Special)
571	Amends Ord. 516, flood hazard prevention (15.20)
572	Approves and confirms assessments, LID NO. 2002-L1 (Special)
573	Amends 2002 budget (Special)
574	Water rates; repeals Ord. 539 (Repealed by 711)
575	Adopts 2003 budget (Special)
576	Bonds issuance, LID NO. 2002-L1 (Special)
577	Amends Ord. 485, §§1.06.010 and 1.06.020(B), occupation of mobile home, trailer or recreational vehicle (Repealed by 692)
578	Amends Ord. 344, water regulations (13.06)
579	2004 tax levy (Special)
580	Adopts 2004 budget (Special)
581	Amends 2003 budget (Special)
582	Sewer revenue bonds (Special)
583	Amends Ord. 519, §1.09.010, eating and drinking establishments (17.36)
584	Sewer revenue bonds (Special)
585	2005 tax levy (Special)
586	Utility tax (3.76)
587	Amends 2004 budget (Special)
588	(Not adopted)
589	Amends Ord. 538, cemetery (Repealed by 711)
590	Amends Ord. 322, §2, dogs (6.08)
591	Building permit fee schedule; repeals §1 of Ord. 509 (15.04)
592	Adopts 2005 budget (Special)
593	Garbage rates; rescinds Ord. 560 (Repealed by 711)
594	Critical areas; repeals Ord. 480 (Repealed by 635)
595	Amends 2005 budget (Special)
596	Speed limits upon alleys (10.08)
597	Helmet safety (Repealed by 637)
598	Amends Ord. 586, utility tax (3.76)
599	Amends 2005 budget (Special)
600	2006 tax levy (Special)
601	Amends 2005 budget (Special)
602	Adopts 2006 budget (Special)
603	Amends Ord. 516, flood hazard prevention (15.20)
604	Amends §§6.08.010, 6.08.030, 6.08.055, 6.08.100 and 6.08.130, dogs (6.08)
605	Adds section to Ch. 12.24; amends §§1.16.010, 3.36.060, 3.38.070, 3.40.060, 3.68.060, 5.04.070, 5.08.020, 5.16.110, 5.20.050, 6.04.040, 6.12.020, 6.16.050, 8.04.070, 8.08.250, 8.12.030, 8.16.040, 8.20.050, 8.24.030, 8.28.050, 9.04.030, 9.08.060, 9.16.060, 10.20.030, 11.08.160, 12.04.180, 12.08.040, 12.20.020, 12.28.030, 13.04.210, 14.24.040, 15.04.080, 15.08.030, 15.12.220, 15.16.140, 15.20.080, 16.12.190, 17.96.040 and Ords. 596 and 597, general penalty (1.16, 3.36, 3.38,

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606	Amends 2006 budget (Special)
607	Property acquisition (Special)
608	2007 tax levy (Special)
609	Amends 2006 budget (Special)
610	Garbage rates; rescinds §1 of Ord. 593 (Repealed by 711)
611	Off-road vehicles (Expired)
612	Adopts 2007 budget (Special)
613	Adds chapter to Title 9, firearms and dangerous weapons (9.20)
614	Repeals Ords. 491 and 605, curfew for minors (Repealer)
615	Amends 2007 budget (Special)
616	2008 tax levy (Special)
617	Adds chapter to Title 12, state highway access management (12.40)
618	Fences (17.58)
619	Amends §10.28.080, off-road vehicles (Expired)
620	Truck parking in residential areas (Repealed by 694)
621	Amends 2007 budget (Special)
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623	Garbage rates; rescinds §1 of Ord. 610 (Repealed by 711)
624	Amends 2008 budget (Special)
625	Amends 2008 budget (Special)
626	2009 tax levy (Special)
627	Garbage rates; rescinds §1 of Ord. 623 (Repealed by 711)
628	Amends §1 of Ord. 546, public development authority, and Article IV of development authority charter (2.72)
629	Adopts 2009 budget (Special)
630	Feeding of feral cats (Repealed by 682)
631	2010 tax levy (Special)
632	Amends 2009 budget (Special)
633	Adopts 2010 budget (Special)
634	Amends Ch. 10.28, off-road vehicles (Expired)
635	Repeals and replaces Ord. 594, critical areas (11.08, 17.08)
636	Amends §§2.0, 4.3 and 5 of Ord. 516 and §2 of Ord. 603, flood hazard reduction (15.20)
637	Repeals Ord. 597 and §2(39) of Ord. 605, helmet safety (Repealer)
638	Amends 2010 budget (Special)
639	2010 tax levy (Special)
640	Telephone business public utility tax (3.76)
641	Adopts 2011 budget (Special)
642	Amends Ord. 640, telephone business public utility tax (3.76)
643	Amends §8.08.240; repeals Ord. 627 §1, garbage collection charges (Repealed by 711)
644	Telecommunications franchise (Special)

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645	2011 tax levy (Special)
646	Amends §8.08.240; repeals Ord. 643 §1, garbage collection charges (Repealed by 711)
647	Adopts 2012 budget (Special)
648	Amends §10.20.010 and §1 of Ord. 562, residential parking (10.20)
649	Amends 2012 budget (Special)
650	Amends §1 of Ord. 558, councilmember salaries (Not codified)
651	2013 tax levy (Special)
652	Amends §8.08.240 and repeals §1 of Ord. 646, garbage collection fees (Repealed by 658)
653	Amends budget (Special)
654	Utility billing and collection (13.12)
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657	Amends §§17.08.130 and 17.36.010, marijuana processing, production and retailing (17.08, 17.36)
658	Amends §8.08.240; repeals Ord. 652, garbage collection rates (Repealed by 711)
659	Adopts 2014 budget (Special)
660	Amends Ord. 613 and §§9.20.010 and 9.20.030, firearms and dangerous weapons (9.20)
661	Adds chapter to Title 10, golf cart zone (10.32)
662	Amends 2014 budget (Special)
663	2015 tax levy (Special)
664	Amends 2014 budget (Special)
665	Amends §8.08.240 and repeals §1 of Ord. 658, garbage collection rates (Repealed by 711)
666	Adopts 2015 budget (Special)
667	Adds §8.04.025; amends §§8.04.040 and 8.04.050, noxious plants, weeds (8.04)
668	Wheeled all-terrain vehicles (10.24)
669	Amends §§8.04.040 and 8.04.050, weeds and debris (8.04)
670	Amends 2015 budget (Special)
671	Amends 2015 budget (Special)
672	Amends §8.08.240 and repeals §1 of Ord. 665, garbage collection rates (Repealed by 711)
673	2016 tax levy (Special)
674	Adopts shoreline master program (11.16)
675	Adds Ch. 10.19, parking regulations (10.19)
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679	Adopts public records policy and procedure; repeals Res. 93-5 (2.56)
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687	Cemetery rules and regulations (2.44)
688	Amends §15.20.050, flood zones (15.20)
689	Amends 2017 budget (Special)
690	Garbage collection rates; repeals §1 of Ord. 665 (Repealed by 711)
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692	Adds Ch. 10.34; repeals Ch. 14.24, recreational vehicle, camper, motor home and trailer regulations (10.34)
693	Amends §§13.04.175 and 13.08.150(M), new utility account charges (13.04, 13.08)
694	Repeals §10.20.025, truck parking (Repealer)
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696	Adds Ch. 8.32, nuisances (8.32)
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