

COULEE CITY CODE

**A Codification of the General Ordinances
of the Town of Coulee City, Washington**

**Codified, Indexed, and Published by
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1995

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PREFACE

Citation to the Coulee City Code: This code should be cited as CCC; i.e., “see CCC 3.08.010.” A CCC title should be cited CCC Title 3. A CCC chapter should be cited Chapter 3.08 CCC. A CCC section should be cited CCC 3.08.010. Through references should be made as CCC 3.08.010 through 3.08.040. Series of sections should be cited as CCC 3.08.010, 3.08.020, and 3.08.030.

Numbering system: The number of each section of this code consists of three parts, in sequence as follows: Number of title; number of chapter within the title; number of section within the chapter. Thus CCC 3.08.020 is Title 3, chapter 8, section 20. The section part of the number (.020) initially consists of three digits. This provides a facility for numbering new sections to be inserted between existing sections already consecutively numbered. In most chapters of the CCC, sections have been numbered by tens (.010, .020, .030, .040, etc.), leaving nine vacant numbers between original sections so that for a time new sections may be inserted without extension of the section number beyond three digits.

Legislation: The legislative source of each section is enclosed in parentheses at the end of the section. References to ordinances are abbreviated; thus “(Ord. 398 § 1, 1992; Ord. 305 § 2, 1984)” refers to section 1 of Ordinance No. 398 and section 2 of Ordinance No. 305. “Formerly” followed by a CCC citation preserves the record of original codification. A semicolon between ordinance citations indicates an amendment of the earlier section.

Codification tables: To convert an ordinance citation to its CCC number consult the codification tables.

Index: CCC Titles 1 through 18 are indexed in the CCC Index. The index includes complete cross-referencing and is keyed to the section numbers described above.

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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 4/98)”) and printing of pages in the up-to-date volume. A “—” indicates that the page has not been revised since the 1995 publication. This table reflects all changes to the code through Ordinance 730, passed November 20, 2024.

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Title 1

GENERAL PROVISIONS

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- 1.01 Code Adoption**
- 1.04 General Provisions**
- 1.08 Imprisonment in County Jail**
- 1.10 Town Seal and Logo**
- 1.12 General Penalty**
- 1.14 Administrative Enforcement**
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Chapter 1.01

Chapter 1.04

CODE ADOPTION

GENERAL PROVISIONS

(Reserved)

Sections:

1.04.010 Town Hall office hours.

1.04.010 Town Hall office hours.

The town of Coulee City business office located at Town Hall shall be open to the public from 9:00 a.m. to 1:00 p.m., Monday through Friday, except holidays and emergencies. (Ord. 717 § 1, 2022).

Chapter 1.08**IMPRISONMENT IN COUNTY JAIL**

Sections:

1.08.010 Transfers authorized.

1.08.010 Transfers authorized.

The police chief of the town of Coulee City may, at his discretion, transfer any person sentenced to imprisonment for the violation of an ordinance of the town of Coulee City to the Grant County Jail during the term of such imprisonment and the cost of imprisonment shall be paid to Grant County by the town of Coulee City on demand. (Ord. 221 § 1, 1963).

Chapter 1.10**TOWN SEAL AND LOGO**

Sections:

1.10.010 Form of town seal.

1.10.020 Form of official town logo.

1.10.030 Policy on use of town seal and official logo.

1.10.040 Use for official purposes.

1.10.050 Restrictions on use.

1.10.060 Violation.

1.10.010 Form of town seal.

The corporate seal of the city shall be a metallic, circular device on which shall be engraved and embossed the words “Town of Coulee City, Washington” encircling the words “Seal,” which device shall be capable of making an impression of the words on paper. (Ord. 650 § 1, 2014).

1.10.020 Form of official town logo.

The official town logo depicted above is a stylized portrayal of a western horse and rider on basalt rock terrain. The words “Coulee City, Washington,” “Oldest Town in Grant County,” and “Est. 1890” are integrated into the design. This town logo shall be used by the town of Coulee City and its departments only in their official capacity and shall not be used by others except as permitted by the town council. (Ord. 650 § 1, 2014).

1.10.030 Policy on use of town seal and official logo.

The town council finds that the official logo and seal of the town, as set forth hereinabove, are symbols of the authority and jurisdiction of the town, and as such, are valuable assets of the town and its citizens. The town council

desires to ensure that only appropriate uses are made of the town's official logo and seal. (Ord. 650 § 1, 2014).

1.10.040 Use for official purposes.

The town logo and seal shall be used for official purposes only, or as authorized by the town council. (Ord. 650 § 1, 2014).

1.10.050 Restrictions on use.

Use of the town logo and seal shall be restricted as follows:

A. The official town logo is a trademarked property of the town. Except as authorized by the town council or as otherwise provided by law, the town logo and seal shall not be used on or in connection with any advertisement or promotion for any product, business, organization, service or article, whether offered for sale, for profit or offered without charge.

B. No persons shall use a symbol that imitates the town logo or seal or that is deceptively similar in appearance to the town logo or seal. (Ord. 650 § 1, 2014).

1.10.060 Violation.

Any person who violates this chapter is deemed to have committed a civil infraction as set forth in Chapter 1.12 CCC and shall be punishable by a penalty of up to \$5,000 for each violation. Each day a violation continues shall be deemed to be a separate violation. The town's right to prosecute under this section shall not affect its rights to pursue civil or injunctive relief under federal or state laws, or any other relief available under the law. (Ord. 650 § 1, 2014).

Chapter 1.12

GENERAL PENALTY

Sections:

- 1.12.010 Violation – Penalty.
- 1.12.020 Penalties for civil violations – Generally.
- 1.12.030 Penalties for civil violations – Designated.
- 1.12.040 Specific penalties – Additional assessment.

1.12.010 Violation – Penalty.

A. Any person, firm or corporation violating any requirements of this code is deemed to have committed a civil infraction unless otherwise expressly provided by an ordinance of the town. Every person, firm or corporation found by the court to have committed a civil infraction under this code shall be subject to a penalty of up to \$5,000; provided further, that minimum monetary penalties may be established pursuant to CCC 1.12.020.

B. In cases where an ordinance of the town provides for administrative enforcement of a violation of that ordinance, any person, firm or corporation determined to have violated that ordinance shall be subject to a penalty not to exceed \$5,000.

C. In cases where an ordinance of the town provides a violation of that ordinance shall be a misdemeanor, any person, firm or corporation convicted of a misdemeanor under this code shall be punished by a fine not to exceed \$5,000 or by imprisonment not to exceed one year, or by both such fine and imprisonment.

D. Each person, firm or corporation is deemed to have committed a separate civil infraction for each and every day during any portion of which any violation of any provision of this code is committed, continued, or permitted by such person, firm or corporation, and such person, firm or corporation is subject to paying penalties accordingly.

E. Each person, firm or corporation is deemed to have committed a separate violation subject to administrative enforcement for each and every day during any portion of which any violation of any provision of this code is com-

mitted, continued, or permitted by any such person, firm or corporation and such person, firm or corporation is subject to penalties accordingly.

F. Each person, firm or corporation is guilty of a separate misdemeanor for each and every day during any portion of which any misdemeanor violation of any provision of this code is committed, continued, or permitted by any such person, firm or corporation, and such person, firm or corporation is punishable accordingly. (Ord. 579 § 2, 2009).

1.12.020 Penalties for civil violations – Generally.

Civil penalties for violations of any section or sections of this code where specific provision is made in the section or sections to establish a minimum penalty to be imposed, such minimum penalty shall not be suspended, deferred, or forgiven by the court, nor shall the court defer to continue a determination the defendant shall have committed the infraction under any condition that allows the suspending, deferring, or forgiving of any minimum penalty. (Ord. 579 § 2, 2009).

1.12.030 Penalties for civil violations – Designated.

The following specific, nondeferrable, non-suspendable civil penalties may be adopted by categorical reference in other sections of this code as a specific penalty to be imposed for a civil violation of the sections specified:

Category	Penalty
C-1	Not less than \$1,000
C-2	Not less than \$760.00
C-3	Not less than \$610.00
C-4	Not less than \$510.00
C-5	Not less than \$410.00
C-6	Not less than \$310.00
C-7	Not less than \$260.00
C-8	Not less than \$210.00
C-9	Not less than \$185.00
C-10	Not less than \$160.00

Category	Penalty
C-11	Not less than \$135.00
C-12	Not less than \$110.00
C-13	Not less than \$85.00
C-14	Not less than \$80.00
C-15	Not less than \$70.00
C-16	Not less than \$60.00
C-17	Not less than \$50.00
C-18	Not less than \$35.00
C-20	Not less than \$15.00

(Ord. 579 § 2, 2009).

1.12.040 Specific penalties – Additional assessment.

Whenever there shall have been established by any action of the town council a specific nondeferrable, nonsuspendable penalty for violation of any section of this code, the designated representative of the town, who shall issue a notice of infraction or a citation for the commission of a crime as defined by CCC 1.12.010 where a specific penalty is provided, shall add to the penalty provided by this code the cost of all court filing fees as established by this code together with any assessments or penalties required to be imposed by state law. (Ord. 579 § 2, 2009).

Chapter 1.14**ADMINISTRATIVE ENFORCEMENT**

Sections:

- 1.14.010 Purpose.
- 1.14.020 Duties of officials.
- 1.14.030 Right of entry.
- 1.14.040 Violations.
- 1.14.050 Enforcement and penalties.

1.14.010 Purpose.

The purpose of this chapter is to establish provisions pertaining to the administrative enforcement of the provisions of this code when so indicated. It is the intent of this chapter that all questions of interpretation and enforcement shall first be presented to the responsible official for resolution prior to seeking enforcement through litigation. (Ord. 577 § 1, 2009).

1.14.020 Duties of officials.

A. The code enforcement officer, planner, town clerk, public works superintendent, police chief or other designated town official, or that official's designee or any other person designated by the mayor, orally or in writing, to engage in administrative enforcement is responsible for the administration, interpretation and enforcement of any provision so delegated to that position.

B. General Duty. None of the provisions of this title are intended to create a cause of action or provide the basis for a claim against the town, its officials, or employees for the performance or failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public. (Ord. 577 § 1, 2009).

1.14.030 Right of entry.

A. Application Constitutes Permission for Entry. Application for any permit, license, permission, or approval constitutes permission for representatives of the town to enter on the property involved in order to make inspections necessary to permit review.

B. Investigation of Potential Violations. The town personnel may enter upon private property to investigate potential violations enforced under CCC 1.14.020 if they have a good faith belief that a violation exists on the property. Before entering upon private property, the town personnel shall present credentials to the owner or person in possession or charge of the property and request entry. If entry is refused, the town personnel may use any lawful means to obtain entry. (Ord. 577 § 1, 2009).

1.14.040 Violations.

A. It is unlawful for any person to do or cause any act to be done contrary to or in violation of the provisions enforced under CCC 1.14.020, and for any property owner to permit any act to be done contrary to or in violation of those provisions.

B. It is also unlawful for any applicant or permittee to fail to perform any activity or obligation required by the provisions enforced under CCC 1.14.020. (Ord. 577 § 1, 2009).

1.14.050 Enforcement and penalties.

When the appropriate town official determines that a violation of any chapter they are charged with enforcement under CCC 1.14.020 exists, he or she may proceed against that violation using the procedures provided in this chapter.

A. Initiation of Review. A review under this subsection may be initiated by: the town official; a motion of the town council; any aggrieved person believing that a violation or violations of any chapter enforced through this process is occurring by making a written complaint to the appropriate town official.

B. Review Procedure.

1. The town official shall within 60 days after the receipt of such written allegations or motion of the town council complete an investigation of the alleged violation(s) to determine the merits thereof.

2. Within 14 days after the town official has completed the investigation, he or she shall take the following action:

a. If the town official determines that no violation as alleged or otherwise is occur-

ring, then notification of that decision shall be given to the complaining person or a spokesperson for the complaining person, or in a written report to the town council.

b. If the town official determines that a violation is occurring or has occurred as alleged, a notice of violation and order to correct or cease activity shall be sent as specified in subsection C of this section.

3. If the town official determines that the way to correct a violation is for the property owner or violator to cease the activity, or for the town to impose new or changed conditions on a permit or license that has been issued or approved, the town official shall refer the matter to the town agency which issued that permit or approval.

4. If the violation is of a condition which was imposed by staff and staff finds that the violation can be reasonably resolved by imposing new or changed conditions on the permit or plan, conditions may be changed by staff.

5. If the staff determines that the way to correct a violation is for the permittee to cease the violation and the permittee fails or refuses to cease the violation, the staff may revoke the permit or approval and may order activity allowed by the permit or approval to cease.

C. Notice of Violation and Order to Correct or Cease Activity.

1. General. If the appropriate town official determines that a violation of any chapter they are charged with enforcement under CCC 1.14.020 exists, he or she may issue a notice of violation and order to correct or cease activity. This notice will specifically indicate the following:

a. The name and address of the person(s) charged with the violation;

b. What provision of this code is being violated;

c. The street address and a brief legal description of the site on which the violation has been determined to exist;

d. What is necessary to correct the violation;

e. The time by which the violation is to be corrected or activity ceased; and

f. A statement that the civil penalties established in subsection E of this section shall be assessed against the person(s) cited if the violation is not corrected within the specified time period.

2. Notice to Occupant and Owner. The town official shall deliver or cause to be delivered the notice of violation and order to correct or cease activity by U.S. postal mail, or certified mail return receipt requested, or personal service to: the occupant or person in charge of the property if the occupant or person in charge of the property is the violator; or, the owner of the property if the owner of the property is the violator.

A copy of the notice of violation and order to correct or cease activity shall be sent to the complaining person or a spokesperson for complaining person.

D. Appeals. Any notice of violation and order to correct or cease activity issued by the town official shall be appealable to the hearing examiner under Chapter 14.11 CCC.

E. Penalties.

1. Any violation for which a notice of violation and order to correct or cease activity has been issued but which has not been corrected within the time specified shall incur a civil penalty of \$250.00 per day up to a sum of \$5,000, beginning on the day the correction was to be completed. The cumulative penalty provided for in this subsection shall not accrue while an appeal is pending, nor shall the penalty preclude the initiation of appropriate legal action to correct the violation.

2. If a penalty has been assessed pursuant to subsection (E)(1) of this section, a court shall assess that penalty and any additional penalty the court considers appropriate plus court costs and attorney's fees.

F. If the town official determines that the property owner or violator could reasonably correct the violation, but fails to do so within the time specified in the notice of violation and order to correct or cease activity, the town official may refer the matter to the town attorney for civil enforcement by injunction or other appropriate action.

G. Compromise, Settlement, and Disposition of Disputes or Litigation. The town official who issued the notice of violation and order to correct or cease activity and the town attorney may negotiate a settlement or compromise, or otherwise dispose of a dispute or litigation when to do so would be in the best interests of the town. (Ord. 577 § 1, 2009).

Chapter 1.16

ENFORCEMENT

Sections:

1.16.010 References to police to be to town marshal.

1.16.010 References to police to be to town marshal.

Any reference to a police department, police officer, or chief of police shall be understood in the code, resolutions, or policy to be the town marshal or any other officer appointed by the mayor to serve in law enforcement capacity. (Ord. 526 § 1, 2004).

Chapter 1.18**VOLUNTARY COMPLIANCE
AGREEMENTS**

Sections:

- 1.18.010 Voluntary compliance agreement – Authority.
- 1.18.020 Voluntary compliance agreement – Contents.
- 1.18.030 Failure to meet terms of voluntary compliance agreement.

1.18.010 Voluntary compliance agreement – Authority.

A. Whenever the town determines that a code violation has occurred or is occurring, the town shall make reasonable efforts to secure voluntary compliance from the person responsible for the code violation. Upon contacting the person responsible for the code violation, the town may enter into a voluntary compliance agreement as provided for in this chapter. The town is under no obligation to enter into a voluntary compliance agreement. It is the responsibility of the person responsible for the violation to correct the violation within the time specified in the warning notice, notice and order and/or stop work order.

B. A voluntary compliance agreement may be entered into at any time after issuance of a verbal warning, warning notice, a notice and order, or a stop work order and before an appeal is decided. If an administrative appeal has already been filed, then the voluntary compliance agreement shall require the signature of the applicable department director for approval of the terms of the agreement.

C. Upon entering into a voluntary compliance agreement, a person responsible for a code violation waives the right to administratively appeal, and thereby admits that the violations described in the voluntary compliance agreement existed and constituted a code violation.

D. The voluntary compliance agreement shall incorporate the shortest reasonable time period for compliance, as determined by the applicable department director. An extension of the time limit for compliance or a modifica-

tion of the required corrective action may be granted by the applicable department director. Any such extension or modification must be in writing and signed by the applicable department director and person who signed the original voluntary compliance agreement.

E. The voluntary compliance agreement is not a settlement agreement. (Ord. 647 § 1, 2013).

1.18.020 Voluntary compliance agreement – Contents.

The voluntary compliance agreement is a written, signed commitment by the person responsible for a code violation in which such person agrees to abate the violation, remediate the site, mitigate the impacts of the violation and/or remedy a code violation to achieve code compliance. The voluntary compliance agreement shall include the following:

A. The name and address of the person responsible for the code violation;

B. The address or other identification of the location of the violation, if applicable;

C. A description of the violation and a reference to the provision(s) of the resolution or regulation which has been violated;

D. A description of the necessary corrective action to be taken and identification of the date or time by which compliance must be completed;

E. The amount of the civil penalty that will be imposed if the voluntary compliance agreement is not satisfied;

F. An acknowledgment that if the town determines that the terms of the voluntary compliance agreement are not met, the town may, without issuing a notice and order or stop work order, impose any remedy authorized by this chapter or other applicable code section(s), enter the real property and perform abatement of the violation by the town (when applicable), assess the costs incurred by the town to pursue code compliance and/or to abate the violation, including reasonable legal fees and costs, and the suspension, revocation or limitation of a development permit obtained or to be sought by the person responsible for the code violation;

G. An acknowledgment that if a penalty is assessed, and if any assessed penalty, fee or cost is not paid, the town may charge the unpaid amount as a lien against the property where the code violation occurred, when applicable, and that the unpaid amount may be a joint and several personal obligation of all persons responsible for the violation;

H. An acknowledgment that by entering into the voluntary compliance agreement, the person responsible for the code violation thereby admits that the conditions or factors described in the voluntary compliance agreement existed and constituted a code violation; and

I. An acknowledgment that the person responsible for the code violation understands that he or she has the right to be served with a notice and order or stop work order for any violation identified in the voluntary compliance agreement, has the right to administratively appeal any such notice and order or stop work order, and that he or she is knowingly and intelligently waiving those rights. (Ord. 647 § 1, 2013).

filed or from the date the voluntary compliance agreement was entered into if there was not a preceding notice and order or stop work order.

B. The town may issue a notice and order or stop work order or proceed with any other legal remedy authorized by law for failure to meet the terms of a voluntary compliance agreement. (Ord. 647 § 1, 2013).

1.18.030 Failure to meet terms of voluntary compliance agreement.

A. If the terms of the voluntary compliance agreement are not completely met, and an extension of time has not been granted, the authorized representatives of the town may take whatever reasonable steps are necessary to gain compliance, including but not limited to entering onto the real property and abating the violation without seeking a judicial abatement order. The person responsible for the violation may, without being issued a notice and order or stop work order, be assessed a civil penalty as set forth by this chapter, plus all costs incurred by the town to pursue code compliance, including abating the violation, and may be subject to other remedies authorized by this chapter and/or other applicable code section(s). Penalties imposed when a voluntary compliance agreement is not met accrue from the date that an appeal of any preceding notice and order or stop work order was to have been

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04 Fire Department**
- 2.08 Council Meetings**
- 2.12 Ambulance Service**
- 2.16 Municipal Elections**
- 2.20 Fire Control Services**
- 2.24 Treasurer and Clerk**
- 2.28 Public Records**
- 2.32 Mayor**
- 2.50 Planning Commission**
- 2.60 Hearing Examiner**
- 2.62 Rules of Procedure for Proceedings Before the Hearing Examiner**

Chapter 2.04**FIRE DEPARTMENT**

Sections:

- 2.04.010 Established.
- 2.04.020 Board of trustees.
- 2.04.030 Enrollment of firefighters – Death, disability, retirement benefits.
- 2.04.040 Collection and payment of death, disability and retirement benefits.
- 2.04.050 Volunteer firefighters compensation.
- 2.04.060 Members.
- 2.04.070 Fire chief – Appointment and term.
- 2.04.080 Fire chief – Powers and duties.
- 2.04.090 Removal – Filling vacancies.
- 2.04.100 Bylaws and rules.
- 2.04.101 Obstructing firefighters prohibited – Penalty.
- 2.04.102 Retirement program – Contributions.

2.04.010 Established.

There is maintained in the town of Coulee City a regularly organized volunteer fire department as defined by Chapter 121 of the 1935 Session Laws of the state of Washington and as further amended and codified in Chapter 41.24 RCW, entitled “Volunteer Firefighters Relief and Pensions”. (Ord. 474 § 1, 1998).

2.04.020 Board of trustees.

There is hereby created and established a board of trustees which shall consist of the mayor, town clerk, one council member, the fire chief and one member of the fire department to be elected by the members of the fire department for a term of one year and annually thereafter.

A. Officers of the Board. The mayor shall be the chair and the town clerk shall be the secretary-treasurer of the board of trustees.

B. Duties of the Board. The duties of the board shall be as set forth in Chapter 41.24 RCW.

C. Board Meetings. The board shall set a regular monthly meeting date. The board of trustees shall meet on the call of the chair on the set regular monthly meeting date when there is

business to come before it. The chair shall be required to call a meeting on any regular meeting date at the request of any member of the fire department or their beneficiary claiming any relief, compensation or pension therefrom.

D. Board Compensation. No compensation or emoluments shall be paid to any member of the board of trustees in the performance of their duties or responsibilities required by law, ordinance or resolution.

E. Quorum. A majority of the board of trustees shall constitute a quorum. No claim shall be allowed where a majority of the board has not voted favorably on the claim.

F. Employment of Examining Physician. The board shall make provisions for the employment of a regularly licensed practicing physician for the purpose of examining new applicants for membership. The board appointed physician shall be paid his or her fees for services rendered by the State Board for Volunteer Firefighters. (Ord. 474 § 1, 1998).

2.04.030 Enrollment of firefighters – Death, disability, retirement benefits.

A. The town council, by passage of the ordinance codified in this chapter, retroactively ratifies past membership enrollment and authorizes the future enrollment of all firefighters to the Coulee City volunteer fire department under the relief and compensation provisions of the laws of Chapter 41.24 RCW, as amended, for the purpose of providing protection for all of its firefighters and their families from death or disability arising in the performance of their duties as volunteer firefighters.

B. The town council, by passage of the ordinance codified in this chapter, retroactively ratifies past membership enrollment and authorizes the future enrollment of those members of the Coulee City volunteer fire department who elected or will elect to avail themselves of the retirement provisions of Chapter 41.24 RCW, as amended. (Ord. 474 § 1, 1998).

2.04.040 Collection and payment of death, disability and retirement benefits.

Annually, as directed by the State Board for

Volunteer Firefighters, the town clerk shall pay such amount as shall be due from town funds, together with the amounts collected from the enrolled firefighter members of the Coulee City volunteer fire department to the State Board for Volunteer Firefighters. (Ord. 474 § 1, 1998).

2.04.050 Volunteer firefighters compensation.

There is hereby established a compensation and reimbursement policy for members of the Coulee City volunteer fire department as follows:

A. The sum of \$10.00, or an amount specified by current resolution, per each firefighter in attendance at each individual emergency call.

B. Monthly, the fire chief or designee shall make available to the town clerk names of members attending emergency calls. (Ord. 474 § 1, 1998).

2.04.060 Members.

The fire department shall consist of a fire chief, one assistant chief, and as many other officer positions and firefighter positions as are or may be approved the town council. All members of the fire department shall be at least 18 years of age. (Ord. 474 § 1, 1998).

2.04.070 Fire chief – Appointment and term.

The fire chief shall be appointed by the mayor, and shall serve at the discretion of the mayor. (Ord. 474 § 1, 1998).

2.04.080 Fire chief – Powers and duties.

The fire chief, under the direction of the mayor, is head of the fire department and is responsible for the planning, organizing and directing an emergency organization specifically concerned with minimizing the loss of life and property caused by fire or medical emergencies. This includes the planning, directing, and coordinating personnel engaged in emergency operations.

The fire chief shall investigate or cause to be investigated all fires to determine the cause and to report all fires of criminal, suspected, or

undetermined origin to the State Fire Marshal. (Ord. 474 § 1, 1998).

2.04.090 Removal – Filling vacancies.

A. Any firefighter may be removed by the mayor, with the written approval of the fire chief, for failure to properly perform assigned duties, or such other reasons as may be sufficient.

B. Vacancies shall be filled by the fire chief with the approval of the majority of the firefighters present at a regular meeting. (Ord. 474 § 1, 1998).

2.04.100 Bylaws and rules.

The volunteer fire department shall adopt bylaws and rules for the department. Such bylaws and rules shall not be in conflict with the laws of the state of Washington or the ordinances of the town of Coulee City. These bylaws and rules shall be effective when approved by the town council and a copy filed with the town clerk. (Ord. 474 § 1, 1998).

2.04.101 Obstructing firefighters prohibited – Penalty.

No person shall at any time obstruct any member of the volunteer fire department or any vehicle in use by the department while attending to their duties as firefighters. Any violation of any of the provisions of this chapter shall, on conviction thereof, be punished by a fine not exceeding \$100.00. (Ord. 474 § 1, 1998).

2.04.102 Retirement program – Contributions.

The retirement provisions of Chapter 41.24 RCW shall be available to the members of the volunteer fire department. The annual fee for each member of the fire department shall be paid at the current rate established by the State Board for Volunteer Firefighters. (Ord. 474 § 1, 1998).

Chapter 2.08

COUNCIL MEETINGS

Sections:

2.08.010 Council meetings.

2.08.010 Council meetings.

The regular monthly meetings of the town council will be scheduled for the second and fourth Wednesdays of each month. Regular meetings will commence at 6:30 p.m. (Ord. 633 § 1, 2013; Ord. 610 § 1, 2012; Ord. 465 § 1, 1998).

Chapter 2.12

AMBULANCE SERVICE

Sections:

2.12.010 Rates and charges.

2.12.010 Rates and charges.

All ambulance rates and charges shall be set by resolution of the town council. (Ord. 376, 1990).

Chapter 2.16

MUNICIPAL ELECTIONS

Sections:

2.16.010 Caucus system abolished.

2.16.020 Declarations of candidacy required.

2.16.010 Caucus system abolished.

The system of town caucus and/or caucuses as a method of nominating candidates for elective municipal offices is abolished. (Ord. 242 § 1, 1969).

2.16.020 Declarations of candidacy required.

From and after the effective date of the ordinance codified in this chapter, names of candidates for elective municipal offices shall appear upon the ballot as a result of the candidates filing declarations of candidacy for the respective offices and positions concerned in the form, place, and manner as provided by the applicable statutes contained in RCW Title 29, as they now exist or may hereafter be amended. (Ord. 242 § 3, 1969).

Chapter 2.20**FIRE CONTROL SERVICES**

Sections:

2.20.010 Contracts.

2.20.010 Contracts.

A. The town is authorized to contract with property owners residing outside the town who desire fire protection services.

B. A separate contract will be signed with each such property owner.

C. The charge to the property owner will be \$1.05 per \$1,000 of assessed valuation payable in advance annually on a calendar year basis, with the first year being prorated if necessary. Persons so contracting with the town will not be charged for individual fire calls to their property listed in the contract.

D. The town will purchase no additional equipment or facilities and will only provide services to the extent reasonably possible.

E. The contract is to provide that the town shall not be liable for injuries to any persons on the premises. (Ord. 718 § 1, 2022; Ord. 408, 1991).

Chapter 2.24**TREASURER AND CLERK**

Sections:

2.24.010 Offices combined.

2.24.010 Offices combined.

Pursuant to RCW 35.27.180, the office of town treasurer shall be combined with the office of town clerk and, after consolidation of the offices, the town clerk shall exercise all the powers and perform all the duties required by statute or ordinance to be exercised by or performed by the treasurer. The ordinance codified in this chapter shall go into effect on March 31, 1998, and the consolidation of the office of town treasurer with the office of town clerk shall take place on January 1, 1999. (Ord. 462, 1998).

Chapter 2.28**PUBLIC RECORDS**

Sections:

- 2.28.010 Definitions.
- 2.28.020 Inspection and copying requests.
- 2.28.030 Response to requests for inspection and copying.
- 2.28.040 Limitations.
- 2.28.050 Exemptions – Deletion of exempt portions.
- 2.28.060 Costs and expenses for inspection and copying.

2.28.010 Definitions.

A. “Public record” means any writing containing information relating to the conduct of government, or the performance of any governmental or proprietary function prepared, owned, used, or retained by the town regardless of form or characteristics.

B. “Nonpublic record” means any writing containing information not relating to the conduct of government, and not relating to the performance of any governmental or proprietary function, retained or in the possession of the town regardless of form or characteristics.

C. “Writing” means handwriting, typewriting, printing, photostating, photographing, and every other means or recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated. (Ord. 473, 1998).

2.28.020 Inspection and copying requests.

A. Public records possessed by the town shall be available for inspection and copying between the hours of 9:00 a.m. and 4:00 p.m. daily except for Saturdays, Sundays and holidays.

B. All requests to inspect and copy public records shall be in writing, on forms prescribed by the town clerk and shall identify the public records sought for such inspection and copying.

C. All requests to inspect and copy public records, except as otherwise provided herein, shall be submitted to the town clerk or his/her designee. (Ord. 473, 1998).

2.28.030 Response to requests for inspection and copying.

A. Responses to requests for inspection and copying of public records shall be made promptly.

1. If the request is for public records maintained by the town clerk, such request shall be granted or denied within five business days thereafter. If granted, the requesting party shall be provided with necessary assistance in performing the inspection, and copying equipment shall be made available. Such copying equipment shall include that which is possessed by the town to either copy such public records on the same format (i.e., printed or written to be photocopied; electronic tape to electronic tape; computer-stored information to diskette) or converted to a readable format (i.e., computer-stored information printed on paper), at the option of the requester.

2. If the request is for public records maintained by a department or office of the town other than that of the town clerk, the request shall be promptly forwarded to the department or office of the town possessing such public records, and the appropriate department head or his/her designee shall grant or deny such request within four business days after receipt thereof by such department or office. If granted, the requesting party shall be provided with necessary assistance in performing inspection, and copying equipment shall be made available. Such copying equipment shall include that which is possessed by the town to either copy such public records on the same format (i.e., printed or written to be photocopied; electronic tape to electronic tape; computer-stored information to diskette) or converted to a readable format (i.e., computer-

stored information printed on paper), at the option of the requester.

3. If the town does not possess equipment to copy the requested public records in a manner or format sought by the requester, and if such equipment is available commercially, the person responding to such request shall determine the cost of such copying and notify the requester that the town does not possess the equipment to make the requested copies and the estimated cost of commercial copying.

B. Requests for inspection and copying of identifiable public records, received by mail, shall be honored if doing so does not require an excessive amount of research or retrieval time of town employees, does not excessively interfere with essential governmental functions, and if payment therefor is made in advance.

C. The town clerk, upon requests for inspection and copying shall respond thereto by:

1. Providing the requested public record; or

2. Acknowledging that the request has been received and advising the requester of the estimated time necessary to provide the requested information; or

3. Denying the request.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the requester may be asked to clarify what information is sought. If the requester fails to clarify the request, further response to the request shall not be made.

Denials of requests must be accompanied by a written statement of the specific reasons therefor.

Whenever a request for inspection and copying has been denied in whole or in part, the requester may present the matter to the town attorney for review; such review shall be conducted as promptly as reasonably possible, and shall constitute final action for the purposes of judicial review. (Ord. 473, 1998).

2.28.040 Limitations.

Written requests for inspection and copying of public records shall not be honored if such requests require town employees to compile information, perform research, require reformatting of data, if the public records sought by the requester are not sufficiently identified, or if the information requested to be inspected and copied consists of nonpublic records. (Ord. 473, 1998).

2.28.050 Exemptions – Deletion of exempt portions.

Public records described in RCW 42.17.310, 42.17.318, 42.17.31901 and any other public records exempt from public inspection and copying by the laws of the state of Washington, shall not be available for public inspection and copying; provided, however, when exempt portions of public records can be erased, excised or deleted, the remainder thereof shall be open to public inspection and copying. (Ord. 473, 1998).

2.28.060 Costs and expenses for inspection and copying.

The town shall impose no charge for the services of town employees who assist in inspection and copying of public records; provided, however, that if a town employee performs research other than information and/or data retrieval, a charge equal to the hourly wages of such employee shall be paid by the person requesting the performance of such research.

Copies of printed material shall be limited to one copy per page, per request. The first 10 copies are at no charge. Each additional copy will be charged at the rate of \$0.15 per page if performed on town-possessed copying equipment. More than 20 pages (8-1/2-inch x 11-inch) shall not be copied on town-possessed equipment in response to any single request for inspection and copying; such copies must be performed by a commercial copy-maker at the expense of the requester. The town will arrange for such copies to be made; however, payment to the town by the requester shall be made in advance. If it is necessary to have copies made commercially due to size or configuration of the information sought to be copied,

the requester shall pay the town in advance the cost thereof.

The cost of video tapes or reproductions, magnetic tapes, diskettes, photographs, pictures, and other communication media material necessary to make copies of public records shall be at the cost of the requester, payable in advance before copies are made. (Ord. 473, 1998).

Chapter 2.32

MAYOR

Sections:

2.32.010 Police officer appointment.

2.32.020 Salary.

2.32.010 Police officer appointment.

Pursuant to RCW 35.27.070, the mayor shall appoint, by contract or otherwise, a marshal to be known as the town of Coulee City police chief and may appoint such other additional police officers and law enforcement employees as may be provided for by ordinance. The police chief shall receive compensation as the town council shall direct in the annual budget. (Ord. 630 § 1, 2013; Ord. 504, 2002).

2.32.020 Salary.

Beginning on January 1, 2006, the salary paid to the mayor of the town of Coulee City shall be increased to \$200.00 per month. (Ord. 550 § 1, 2005).

Chapter 2.50**PLANNING COMMISSION**

Sections:

- 2.50.010 Creation – Membership – Compensation.
- 2.50.020 Term of office.
- 2.50.030 Compensation – Removal.
- 2.50.040 Secretary designated.
- 2.50.050 Quorum.
- 2.50.060 Powers and duties – Generally.
- 2.50.070 Duties – Recommendations and reports.
- 2.50.080 Organization – Meetings.

2.50.010 Creation – Membership – Compensation.

In accordance with Washington law, there is created a town planning commission consisting of three members whose positions shall be designated numerically Positions 1 through 3, respectively. Following November 17, 2003, the mayor shall appoint members of the planning commission to Positions 1 through 3, with confirmation by the town council. The initial terms of the three planning commission members shall expire on April 1st of the year indicated:

- Position 1 – 2005
- Position 2 – 2006
- Position 3 – 2007

Members of the Coulee City planning commission shall be registered voters of Grant County residing within the corporate limits of Coulee City or living outside the town who own or operate a business within the town. The mayor may appoint an alternate member to serve in the place of any member who informs the mayor in writing that such member has a conflict on business coming before the commission. Such alternate member shall serve only so long as the member with a conflict is unable to serve. Such appointment shall not require confirmation by the town council. Members of the planning commission shall serve without compensation. (Ord. 522 § 1, 2003).

2.50.020 Term of office.

Following the expiration of the initial term of each position on the planning commission, terms of office shall be for six years. Replacement members shall be selected by the mayor, with confirmation by the town council, without respect to political affiliations and they shall serve without compensation. (Ord. 522 § 1, 2003).

2.50.030 Compensation – Removal.

Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term. Members may be removed, after a public hearing, by the mayor, with the approval of the town council, for inefficiency, neglect of duty or malfeasance in office. Replacement members shall be selected by the mayor, with confirmation by the town council, without respect to political affiliations and they shall serve without compensation. (Ord. 522 § 1, 2003).

2.50.040 Secretary designated.

The planning commission may designate one of its members to act as secretary, or if requested by the commission, the mayor may designate a member of the paid staff of the town to serve as secretary. (Ord. 522 § 1, 2003).

2.50.050 Quorum.

A majority of the membership of the planning commission shall constitute a quorum for the transaction of business. Any action taken by a majority of those present when those present constitute a quorum, at any regular or special meeting of the planning commission, shall be deemed and taken as the action of the commission. (Ord. 522 § 1, 2003).

2.50.060 Powers and duties – Generally.

The planning commission shall have all of the powers and perform each and all of the duties specified by Chapter 35.63 RCW, together with any other duties or authority which may hereafter be conferred upon them by the laws of the state of Washington, the performance of such duties and the exercise of

such authority to be subject to each and all the limitations expressed in such legislative enactment or enactments. (Ord. 522 § 1, 2003).

2.50.070 Duties – Recommendations and reports.

The town council may refer to the planning commission, for its recommendation and report, any ordinance, resolution or other proposal relating to any of the matters and subjects referred to in Chapter 35.63 RCW and any other laws of the state of Washington, and the commission shall promptly report to the council thereon, making such recommendations and giving such counsel as it may deem proper in the premises. (Ord. 522 § 1, 2003).

2.50.080 Organization – Meetings.

Pursuant to RCW 35.63.040, the commission shall organize itself, create its own offices and adopt rules for the transaction of its business. The commission shall hold at least one regular meeting in each month for not less than nine months in each year. The commission shall keep a written record of its meetings, resolutions, transactions, findings, and determinations, which record shall be a public record. (Ord. 522 § 1, 2003).

Chapter 2.60

HEARING EXAMINER

Sections:

- 2.60.010 Purpose.
- 2.60.020 Hearing examiner – Creation.
- 2.60.030 Appointment of hearing examiner.
- 2.60.040 Hearing examiner – Qualifications.
- 2.60.050 Hearing examiner pro tem – Qualifications and duties.
- 2.60.060 Hearing examiner – Conflict of interest and freedom from improper influence.
- 2.60.070 Hearing examiner – Authority and duties.
- 2.60.080 Applications.
- 2.60.090 Report by town staff.
- 2.60.100 Public hearing.
- 2.60.110 Hearing examiner’s decision and recommendation – Findings required.
- 2.60.120 Reconsideration.
- 2.60.130 Appeal of hearing examiner’s decision.
- 2.60.140 Hearing examiner’s report.

2.60.010 Purpose.

The purpose of this chapter is to provide an administrative land use regulatory system which will separate the town’s land use regulatory function from its land use planning function; ensure and expand the principles of fairness and due process in public hearings; and to provide an efficient and effective land use regulatory system which integrates the public hearing and decision-making processes for land use matters. (Ord. 536 § 1, 2005).

2.60.020 Hearing examiner – Creation.

The office of the hearing examiner is created by the town council. The hearing examiner shall interpret, review and implement land use regulations, hear appeals from orders, recommendations, permits, decisions or determinations made by a town official as set forth in this chapter, and review and hear other matters as provided for in this code and other ordi-

nances. The term “hearing examiner” shall likewise include the hearing examiner pro tem. (Ord. 536 § 1, 2005).

2.60.030 Appointment of hearing examiner.

The hearing examiner shall be appointed by and serve at the pleasure of the mayor, with confirmation by the town council. This position will be a contracted position, reimbursement for which will be prescribed by the contract between the town and the hearing examiner. (Ord. 536 § 1, 2005).

2.60.040 Hearing examiner – Qualifications.

The hearing examiner shall be appointed solely with regard to qualifications for the duties of such office and shall have such training or experience as will qualify the hearing examiner to conduct administrative or quasi-judicial hearings utilizing land use regulatory codes. The hearing examiner must have expertise and experience in planning, and should have knowledge or experience in at least one of the following areas: environmental sciences, law, architecture, economics or engineering. (Ord. 536 § 1, 2005).

2.60.050 Hearing examiner pro tem – Qualifications and duties.

The hearing examiner pro tem shall, in the event of the absence or the inability of the examiner to act, have all the duties and powers of the hearing examiner. The hearing examiner pro tem shall have such training or experience as to satisfy CCC 2.60.040. (Ord. 536 § 1, 2005).

2.60.060 Hearing examiner – Conflict of interest and freedom from improper influence.

A. The hearing examiner shall not conduct or participate in any hearing or decision in which the hearing examiner has a direct or indirect personal interest that might exert such influence upon the hearing examiner that might interfere with his or her decision-making process.

Any actual or potential interest shall be disclosed to the parties immediately upon discovery of such conflict.

B. Participants in the land use regulatory process have the right, insofar as possible, to have the hearing examiner free from personal interest or pre-hearing contacts on land use regulatory matters considered by him or her. It is recognized that there is a countervailing public right to free access to public officials on any matter. Therefore, the hearing examiner shall reveal any substantial interest or pre-hearing contact made with him or her concerning the proceeding, at the commencement of such proceeding. If such interest or contact impairs the hearing examiner’s ability to act on the matter, such person shall so state and shall abstain therefrom to the end that the proceeding is fair and has the appearance of fairness.

C. Immediately after the announcement of any interest or pre-hearing contact, any person who objects to said interest or pre-hearing contact shall state the objection and any reasons supporting the objection. The failure to state such an objection at the time of announcement is deemed to be a waiver of said objection. Therefore, this objection cannot be raised for the first time at any subsequent time.

D. The hearing examiner, upon hearing an objection, shall personally decide whether the interest or contact will impair his or her ability to be fair and impartial, and shall hear the case or abstain accordingly.

E. No town council member, town official or any other person shall interfere with or attempt to influence the hearing examiner in the performance of his or her designated duties; provided, that a town official or employee may, in the performance of his/her own official duties, provide information for the hearing examiner or process a town case before the hearing examiner, when such actions take place or are disclosed in the hearing examiner’s hearing or meeting. (Ord. 536 § 1, 2005).

2.60.070 Hearing examiner – Authority and duties.

A. The hearing examiner shall receive and examine available relevant information, including environmental documents, conduct public hearings, cause preparation of a record thereof, prepare and enter findings and conclusions based on these facts for the following:

1. Preliminary subdivisions;
2. Planned developments;
3. Rezones which are not of general applicability;
4. Applications for variances, conditional use permits;
5. Amendments and/or alterations to plats;
6. Petitions for plat vacations;
7. Appeals alleging an error in a decision of a town official in the interpretation or the enforcement of the zoning code or any other development regulation;
8. Appeals alleging an error in a decision of a town official in taking an action on a short plat or binding site plan;
9. Appeals alleging an error in administrative decisions or determinations pursuant to Chapter 43.21C RCW;
10. Any other matters as specifically assigned to the hearing examiner by the town council or as prescribed by the town code.

B. The decision of the hearing examiner on all matters is final and conclusive, unless appealed pursuant to Chapter 14.11 CCC.

C. The hearing examiner's decision shall be based upon the policies of the comprehensive planning documents of the town, the standards set forth in the various development regulations of the town or any other applicable program adopted by the town council. When acting upon any of the above applications or appeals, the hearing examiner may grant or deny the application, or may attach reasonable conditions, modifications and restrictions found necessary to make the project compatible with its location and to carry out the goals and policies of the applicable comprehensive plan, or other applicable plans or programs adopted by the town council.

D. The hearing examiner shall conduct public hearings pursuant to CCC Titles 14, 16, 17, and 18, and conduct such other hearings or meetings as the town council may from time to time deem appropriate. (Ord. 536 § 1, 2005).

2.60.080 Applications.

Applications for all matters to be heard by the hearing examiner shall be presented to the town staff to be processed according to the applicable provisions of the Coulee City Code, including without limitation CCC Title 14, Development Code Administration. The town staff shall be responsible for assigning a date for the public hearing for each application as required. The hearing examiner may consider two or more applications relating to a single project concurrently, and the findings of fact, conclusions and decision on each application may be covered in one written decision. (Ord. 536 § 1, 2005).

2.60.090 Report by town staff.

Town staff shall coordinate and assemble the comments and recommendations of other applicable town officials and governmental agencies having an interest in the application, and shall prepare a report summarizing the factors involved, including recommendations and suggested findings and conclusions. At least seven calendar days prior to the scheduled hearing, the report shall be filed with the hearing examiner and copies thereof shall be mailed to the applicant and shall be made available to any interested party at the cost of reproduction. (Ord. 536 § 1, 2005).

2.60.100 Public hearing.

A. Before rendering a decision on any application, the hearing examiner shall hold at least one public hearing thereon. Notice of the time and place of the public hearing shall be given as provided in the applicable town code governing the application.

B. The hearing examiner shall have the authority to prescribe rules and regulations for the conduct of hearings before the hearing examiner, and also to administer oaths and to preserve order. (Ord. 536 § 1, 2005).

2.60.110 Hearing examiner's decision and recommendation – Findings required.

A. When the hearing examiner renders a decision or recommendation, he or she shall make and enter written findings from the record and conclusions thereof, which support such decision. The findings and conclusions shall set forth and demonstrate the manner in which the decision carries out and helps to implement the goals and policies of the comprehensive plan and the standards set forth in the various land use regulatory codes.

B. At the conclusion of oral testimony at a public hearing, the hearing examiner may establish the date and time at which the public record will close. The public record may be extended beyond the public hearing for the purpose of allowing written testimony to be submitted. The extension shall not exceed 10 working days after the conclusion of oral testimony. All decisions of the hearing examiner shall be rendered within 10 working days after the date the public record closes.

C. Upon issuance of the hearing examiner's decision, the staff shall transmit a copy of the decision by certified mail to the applicant and send a notice of the decision by first class mail to other interested parties requesting the same. (Ord. 536 § 1, 2005).

2.60.120 Reconsideration.

An applicant or party of record to a hearing examiner's public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the town clerk within 10 days of the final decision. The request shall comply with CCC 14.11.030(B). The hearing examiner shall consider the request at the next regularly scheduled meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final as of the date of the decision on the request for reconsideration. If the request is granted, the hearing examiner may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has

occurred or a material factual issue has been overlooked that would change the previous decision. (Ord. 536 § 1, 2005).

2.60.130 Appeal of hearing examiner's decision.

The final decision by the hearing examiner on any matter within his/her jurisdiction may be appealed in accordance with Chapter 14.11 CCC. (Ord. 536 § 1, 2005).

2.60.140 Hearing examiner's report.

A. The hearing examiner shall meet at least once per calendar year with the town council and the planning commission for the purpose of reviewing the goals and policies contained in the comprehensive plans and the administration of these policies.

B. The hearing examiner shall briefly summarize the hearing examiner's decisions and recommendations for each calendar year. (Ord. 536 § 1, 2005).

Chapter 2.62**RULES OF PROCEDURE FOR
PROCEEDINGS BEFORE
THE HEARING EXAMINER**

Sections:

- 2.62.010 Application of these rules.
- 2.62.020 Definitions.
- 2.62.030 Nature of proceedings.
- 2.62.040 Rights and responsibilities of the parties.
- 2.62.050 Authority of the hearing examiner.
- 2.62.060 Presence of legal counsel.
- 2.62.070 Prehearing conference.
- 2.62.080 Oath or affirmation.
- 2.62.090 Content of record.
- 2.62.100 Conduct of the hearing.
- 2.62.110 Continuances of hearings.
- 2.62.120 Evidence.
- 2.62.130 Withdrawal of application or petition.
- 2.62.140 Decisions.
- 2.62.150 Procedure for reconsideration and reopening hearing.
- 2.62.160 Consistency with laws.

2.62.010 Application of these rules.

These rules apply to all official activities and acts that the hearing examiner has authority to conduct pursuant to the authority of Chapter 2.60 CCC. (Ord. 563 § 1.10, 2007).

2.62.020 Definitions.

“Appellant” means a person, organization, association or similar group who files a complete and timely appeal of a decision that provides for an appeal.

“Applicant” means a person who is the owner of the subject property or the authorized agent of the owner of the subject property and who has filed a complete application for a land use or development permit.

“City” means town of Coulee City, Washington.

“City staff” means the town of Coulee City mayor or his planning designee.

“Comprehensive plan” means any map, plan, or policy statement pertaining to the development of land use, streets and roads, or

public utilities and facilities, for all or any portion of the incorporated town of Coulee City which has been officially adopted by the town of Coulee City.

“Hearing examiner” means the duly appointed hearing examiner for the town of Coulee City or hearing examiner pro tempore.

“Interested person” means any individual, partnership, corporation, association, or public or private organization that may be affected by the proceedings before the hearing examiner and shall include any party in a contested case.

“Motion” means a written request made to the hearing examiner for an order or other ruling.

“Party of record” means:

1. A person who testifies at a public hearing;
2. The applicant;
3. Anyone who submits written testimony specific to a matter pending before the hearing examiner.

“Public hearing” (hereinafter “hearing” or “hearings”) means the proceeding at which testimony and exhibits are presented to the hearing examiner. (Ord. 563 § 1.11, 2007).

2.62.030 Nature of proceedings.

A. Expedient Proceedings. It is the policy of the town of Coulee City that, to the extent practicable and consistent with the requirements of law, hearings shall be conducted expeditiously. In the conduct of such proceedings, the hearing examiner, city staff and all parties and their agents shall make every effort at each stage of a proceeding to avoid delay.

B. Hearing Schedule. Regular hearings are not regularly scheduled but will be scheduled on an as needed basis at times mutually convenient to the city and the hearing examiner. The hearing examiner may, from time to time, schedule a special meeting in order to accommodate special circumstances, hardships, or to more efficiently process large volumes of applications. The hearing examiner shall have sole discretion to set the special meeting calendar.

C. Hearing Format. The format for hearings will be of an informal nature designed in such a way that facts relevant to a particular pro-

ceeding will be available to the hearing examiner and easily ascertainable to a reviewing body on appeal. The format will allow and facilitate development of a record.

D. Site Visits. When necessary, the hearing examiner may inspect a project site prior or subsequent to the hearing. The site visit is not part of the record. Failure to conduct a site visit will not render the hearing examiner decision void. The hearing examiner shall have sole discretion to determine if a site visit is warranted or necessary.

E. Record of Hearing.

1. Hearings shall be electronically recorded and such recordings shall be a part of the official case record. Copies of the electronic recordings or transcripts thereof shall be made available to the public upon request. The party making the request shall pay the reasonable cost of such copying or transcribing. No written minutes of the hearing will be produced.

2. Copies of any written materials and other exhibits in the record may be obtained by any interested person who shall be responsible for paying the cost of reproducing such material. (Ord. 563 § 1.12, 2007).

2.62.040 Rights and responsibilities of the parties.

A. Rights of the City. The city staff shall have the right to prepare and present evidence and testimony, object, cross examine, make motions, offer arguments and recommendations and all other rights essential to a fair hearing.

B. Rights of the Applicant. Every applicant or appellant shall have the right of notice, cross-examination, presentation of evidence, objection, motion, argument, and all other rights essential to a fair hearing. The applicant shall also have the right to timely access to the city staff report.

C. The hearing examiner may impose limitations on the number of witnesses and the length and nature of their testimony. Cross-examination of only expert witnesses is permitted by the city and applicant as necessary for a full disclosure of the facts, but the hearing

examiner shall control the amount and style of cross-examination. Cross-examination of other witnesses and city staff is not allowed.

D. Rights of Parties of Record. Every party of record shall have the right to present evidence and testimony at hearings. The right of parties of record to cross-examine, object, submit motions and arguments shall be at the discretion of the hearing examiner. The hearing examiner may impose limitations on the number of witnesses heard and the nature and length of their testimony.

E. Responsibilities of City Staff. The city staff shall provide a staff report to the hearing examiner, applicant, and have them available for public inspection at least 10 days prior to the hearing, provide public notice of hearings, present materials at hearings, provide the hearing examiner with the documents relevant to each case, and provide revised plans if received within 15 days of the hearing.

F. Responsibilities of Applicant. Whenever possible, prior to the hearing the applicant shall provide the hearing examiner with material that supports the application and be prepared to answer questions by the hearing examiner.

G. Responsibilities of Parties of Record and All Others. Parties, witnesses and observers shall conduct themselves with civility and deal courteously with all involved in the proceedings. Failure to do so will result in removal from the hearing. (Ord. 563 § 1.13, 2007).

2.62.050 Authority of the hearing examiner.

A. Hearings will be presided over by the hearing examiner.

B. The hearing examiner shall not be subject to removal or disqualification from presiding over and rendering a decision in any matter before him/her by means of an affidavit of prejudice or similar legal mechanism. Disqualification of the hearing examiner shall be controlled by the Appearance of Fairness Doctrine, Chapter 42.36 RCW et seq.

C. The hearing examiner shall have all of the authority and duties as granted in state statutes, the Town of Coulee City Code and other

city rules and resolutions. Included in these duties are the following: to conduct fair and impartial hearings; to take all necessary action to avoid delay in the disposition of cases; and to maintain order. The hearing examiner shall have all powers necessary to that end, including but not limited to the following:

1. To administer oaths and affirmations;
2. To issue subpoenas;
3. To rule upon offers of proof and receive evidence;
4. To regulate the course of hearings and the conduct of the parties and their agents;
5. To question any party presenting testimony at the hearings;
6. To hold conferences for settlement, simplification of the issues, or any other proper purpose;
7. To require briefs on legal issues;
8. To consider and rule upon procedural and other motions appropriate to the proceedings; and
9. To make and file decisions.

D. In the performance of adjudicative functions, the hearing examiner shall not be subject to the supervision or direction of any elected official, officer, employee or agent of the town of Coulee City. (Ord. 563 § 1.14, 2007).

2.62.060 Presence of legal counsel.

A. Although representation by legal counsel is not required, all parties participating in the hearings may be represented by legal counsel of their choice.

B. The hearing examiner shall have the authority to seek legal authority on issues raised at the hearing from the city attorney.

C. All forms of legal authority including briefs and other legal memoranda upon which a party of record will be relying or presenting at the hearing must be submitted to the hearing examiner at least one week in advance of the scheduled hearing date. The above-mentioned documents shall be available to the public in advance of the scheduled hearing date. (Ord. 563 § 1.15, 2007).

2.62.070 Prehearing conference.

A. The hearing examiner may hold a conference prior to the hearing to structure the scope of the hearing. The hearing examiner may use the conference for:

1. Identification, clarification and simplification of the issues;
2. Disclosure of witnesses to be called and exhibits to be presented;
3. Arguments of motions based on law;
4. Other matters deemed by the hearing examiner to be appropriate for the orderly and expeditious disposition of the proceedings.

B. Prehearing conferences may be held by telephone conference call.

C. The hearing examiner shall give reasonable notice to the parties of any prehearing conference. Notice may be written or oral.

D. All parties shall be represented at any prehearing conference unless they waive the right to be present or represented.

E. Following the prehearing conference, the hearing examiner may issue an order reciting the actions taken or ruling on motions made at the conference.

F. The hearing examiner shall prepare a summary of the prehearing conference, to be included as part of the record, which shall include, without limitation: the date and time, parties present, purpose, positions of the parties, and result. (Ord. 563 § 1.16, 2007).

2.62.080 Oath or affirmation.

All testimony before the hearing examiner shall be given under oath or affirmation to tell the truth. The hearing examiner shall administer the oath or affirmation. (Ord. 563 § 1.17, 2007).

2.62.090 Content of record.

The record of hearing conducted by the hearing examiner shall include, but not be limited to, the following materials:

- A. The application or petition;
- B. The city staff reports and report on hearing conference, if any;
- C. All evidence received which shall include oral testimony given at the hearing, all exhibits and other materials admitted as evidence;

D. A statement of all matters officially noticed;

E. A decision containing the findings of fact and conclusions of law upon which the decision was based;

F. Tape recordings made on electronic equipment; and

G. An environmental determination made pursuant to the State Environmental Policy Act of 1971 (SEPA), as amended (if applicable). (Ord. 563 § 1.18, 2007).

2.62.100 Conduct of the hearing.

Hearing will usually include, but not be limited to, the following elements: A brief introductory statement by the hearing examiner on the hearing procedures that will be followed; a report by the city staff that shall include an introduction of the official file, reference to any visual aids, and a summary of the recommendations of the city staff; testimony by the applicant or petitioner and cross-examination of these witnesses; testimony in support; testimony of opposing parties; opportunity for cross-examination and rebuttal; and opportunity for questions by the hearing examiner. (Ord. 563 § 1.19, 2007).

2.62.110 Continuances of hearings.

A. Hearing Examiner. If the hearing examiner determines that more information is necessary in order to make a decision, or the hearing examiner is unable to hear all the public comments or study exhibits, the hearing may be continued to a date and time certain. If continued to a specific time and place, no further notice of that continued hearing need be given.

B. At the Request of a Party. Any party of record may request continuance of a hearing. The request, if made prior to the hearing, must be in writing and state reasonable grounds for a continuance. If the request is made orally at the hearing, it must be based on reasonable grounds. The hearing examiner shall have sole discretion to grant or deny the request for continuance. (Ord. 563 § 1.20, 2007).

2.62.120 Evidence.

A. Burden of Proof. The applicant or appellant shall have the burden of showing the project permit complies with the applicable laws and regulations of Washington State and town of Coulee City.

B. Admissibility. The hearing generally will not be conducted according to strict legal rules relating to evidence and procedure. Any relevant evidence shall be admitted if it is the type that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The rules of privilege shall be effective to the extent recognized by law. The hearing examiner shall have discretion on the admissibility of all evidence.

C. Copies. Documentary evidence may be received in the form of copies of excerpts if the original document is not readily available. Upon request, parties shall be given the opportunity to compare the copy to the original. It is advisable to provide an extra copy of all documents to the hearing examiner as a working copy.

D. Judicial Notice. The hearing examiner may take judicial notice of judicially cognizable facts and in addition may take notice of general, technical or scientific facts within his or her specialized knowledge. The hearing examiner shall not take notice of disputed adjudicative facts that are at the center of a particular proceeding.

E. Late Filing of Documents. The hearing examiner may request a document to be filed after the close of public testimony. Only those documents referred to at the hearing may be submitted and only when specifically requested by the hearing examiner.

F. Additional Evidence. Additional evidence may be submitted upon a request for reconsideration based on new evidence not available at the time of the hearing. If additional evidence is submitted with a request for reconsideration, it will be considered only upon a showing of significant relevance to the case and good cause for the delay in its submission. All parties of record will be given notice, either in writing or orally, of the consideration of such evidence and granted an opportunity to review such evidence and file

rebuttal arguments. The hearing examiner shall have sole discretion in the admissibility of additional evidence.

G. Record of Evidence. All parties will be allowed the opportunity to make a record of evidence admitted or denied during the course of the hearing. This record shall include offers of proof. (Ord. 563 § 1.21, 2007).

2.62.130 Withdrawal of application or petition.

A. Withdrawal Prior to Service of Notice. If a withdrawal request is made in writing to the city staff before the official notice of hearing is given, the withdrawal shall be automatically allowed.

B. Withdrawal Requested After Service of Notice. If a withdrawal request is made after official notice of the hearing is given, the hearing examiner has full and sole discretion in allowing or disallowing the request. (Ord. 563 § 1.22, 2007).

2.62.140 Decisions.

A. Written Decisions. The hearing examiner shall issue written decisions supported by findings of fact and conclusions of law on all matters brought before the hearing examiner for adjudication. Such written decisions will be issued within 10 working days of the close of the hearing unless an extension of time is agreed to by the applicant, and copies will be delivered to all parties of record. The decision will also contain the procedure available to file an appeal to the hearing examiner's decision.

B. Content of Decision. The decision shall include a statement of:

1. The nature and background of the proceeding.

2. The findings of fact shall be based exclusively on the evidence presented at the hearing and those matters officially noticed. The findings of fact shall consist of a concise statement of each fact found upon each contested issue of fact.

3. Whenever practicable, the conclusions shall be referenced to specific provisions of the law and regulations or both, together with reasons and precedents relied upon to support the same. The conclusions shall make

reference to the effect of the decision with reference to carrying out and conforming to the comprehensive plan and development regulations adopted by the city.

4. The appropriate ruling, order or relief. The decision shall be based upon a consideration of the whole record and be supported by reliable, probative and substantial evidence. All decisions may include conditions of approval. (Ord. 563 § 1.23, 2007).

2.62.150 Procedure for reconsideration and reopening hearing.

A. Reopening the Hearing. If within five days after the hearing any party of record petitions the hearing examiner for a reopening of the hearing, the hearing examiner shall have discretion to reopen the hearing to consider new testimony or new evidence that was unavailable at the time of the hearing. All parties of record who participated at the hearing shall be given notice, either written or oral, of the consideration of such additional evidence and be granted an opportunity to review such evidence and file rebuttal arguments.

B. Reconsideration.

1. Any party of record may file a written request for reconsideration with city staff. The request must be filed within 10 days of the decision. The request shall specifically set forth alleged errors of fact, law or procedure as set forth in the hearing examiner's written decision. The request may also include direction to a specific issue that was inadvertently omitted from the hearing examiner's decision.

2. The hearing examiner shall act within five working days after the date of filing of the request for reconsideration by either denying or approving the request.

3. If the hearing examiner approves the request for reconsideration, the original decision shall be corrected or amended, or, the hearing examiner can set the matter for a continued hearing to correct the record or any deficiencies of the original decision. If a continued hearing is required, the notice of said hearing shall be mailed to all parties of record not less than five days before the hearing. (Ord. 563 § 1.24, 2007).

2.62.160 Consistency with laws.

The laws of the state of Washington and the Town of Coulee City Code shall govern to the extent of any inconsistency with this chapter. (Ord. 563 § 1.25, 2007).

Title 3

REVENUE AND FINANCE

Chapters:

- 3.04 Sales and Use Tax**
- 3.08 Real Estate Excise Tax**
- 3.12 Lodging Excise Tax**
- 3.14 Utility Occupational Tax**
- 3.16 *Repealed***
- 3.18 *Repealed***
- 3.20 Funds**
- 3.24 Payments to Grant County**
- 3.28 Gambling Tax**
- 3.32 Admissions Tax**
- 3.36 Purchasing Policy**
- 3.40 Payment of Claims or Obligations**

Chapter 3.04**SALES AND USE TAX**

Sections:

- 3.04.010 Imposed.
- 3.04.020 Rate.
- 3.04.030 Administration and collection.
- 3.04.040 Inspection of records.
- 3.04.050 Contract with state.
- 3.04.060 Violation – Penalty.

3.04.010 Imposed.

In addition to taxes previously imposed under authority of RCW 82.14.030(1), the town council of the town of Coulee City imposes additional sales and use tax as authorized by RCW 82.14.030(2). The additional tax shall be collected upon the same taxable events which are set out in RCW 82.14.030(1) and prior ordinances. (Ord. 342 § 1, 1985).

3.04.020 Rate.

The rate of the additional tax shall be one-half of one percent of the selling price (in the case of sales tax) or the value of the article used (in the case of use tax); provided, however, that in the event Grant County shall impose a sales tax or use tax as per RCW 82.14.030(2) at a rate equal to or greater than the rate expressed in this section, Grant County shall be entitled to receive 15 percent of the town's tax revenue under this chapter; provided further, however, that in the event Grant County shall impose sales tax or use tax as per RCW 82.14.030(2) at a rate which is less than the rate expressed in this chapter, Grant County shall be entitled to receive that amount of the town's tax revenue under this chapter which shall constitute 15 percent of the rate of tax imposed by Grant County. (Ord. 342 § 2, 1985).

3.04.030 Administration and collection.

The administration and collection of the tax imposed by this chapter shall occur in accordance with the provisions of RCW 82.14.050. (Ord. 342 § 3, 1985).

3.04.040 Inspection of records.

The town of Coulee City consents to the inspection of such of its records as are necessary to qualify the town for inspection of the records of the Department of Revenue pursuant to RCW 82.32.330. (Ord. 342 § 4, 1985).

3.04.050 Contract with state.

The mayor and the town clerk are authorized to enter into a contract with the Department of Revenue for the administration of the tax created in this chapter. (Ord. 342 § 5, 1985).

3.04.060 Violation – Penalty.

Any seller who fails or refuses to collect the taxes required in this chapter 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 guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. (Ord. 342 § 7, 1985).

Chapter 3.08**REAL ESTATE EXCISE TAX**

Sections:

3.08.010 Imposed.

3.08.010 Imposed.

Pursuant to RCW 82.46.010, there is imposed an excise tax of one-quarter of one percent of the selling price on each sale of real property within the corporate limits of the town. (Ord. 397, 1992).

Chapter 3.12**LODGING EXCISE TAX**

Sections:

3.12.010 Levied.

3.12.020 Fund for deposit of taxes.

3.12.030 Use of funds.

3.12.010 Levied.

For the purposes permitted by state law, there is hereby imposed and levied a special excise tax of four percent on the sale of or charge made for the furnishing of lodging that is subject to tax under Chapter 67.28 RCW, including, but not limited to, the furnishing of lodging by a hotel, roominghouse, tourist court, motel, trailer camp, and granting of any similar license to use real property, as distinguished from renting or leasing of real property, in the town of Coulee City; 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 to enjoy the same; provided, however, that if, as finally determined by a court of competent jurisdiction, the provisions of RCW 67.28.181 lawfully place a limitation on the rate of tax which can be so levied by the town of Coulee City, which limitation is less than four percent, the tax imposed by this section shall be deemed levied at such lesser rate. (Ord. 480 § 1, 1999; Ord. 347, 1986).

3.12.020 Fund for deposit of taxes.

All taxes levied and collected under this chapter shall be deposited in a special fund of the town treasury. (Ord. 347, 1986).

3.12.030 Use of funds.

All taxes levied and collected under this chapter shall be used for the purpose of paying for advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion to the town of Coulee City. (Ord. 347, 1986).

Chapter 3.14**UTILITY OCCUPATIONAL TAX**

Sections:

- 3.14.010 Exercise of taxing authority.
- 3.14.020 Definitions.
- 3.14.030 Occupations subject to tax – Amount.
- 3.14.040 Exceptions and deductions.
- 3.14.050 Payment of tax.
- 3.14.060 Sale or transfer of business.
- 3.14.070 Taxpayer to keep books and records – Returns confidential.
- 3.14.080 Cost of audit.
- 3.14.090 Overpayment or underpayment of tax.
- 3.14.100 Remedy for nonpayment of tax.
- 3.14.110 Appeals to town council.
- 3.14.120 False returns.
- 3.14.130 Notification of annexation.
- 3.14.140 Rules.
- 3.14.150 Penalty.

3.14.010 Exercise of taxing authority.

Provisions of this chapter shall be deemed an exercise of the authority of the town to tax for revenue. (Ord. 616 § 3, 2012).

3.14.020 Definitions.

In construing the provisions of this chapter, save when otherwise plainly declared or clearly apparent from the context, the following definitions shall be applied:

A. “Competitive telephone service” means the providing by any person of telephone equipment, apparatus, or service, other than toll service, which 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.

B. “Gross operating income” means the value proceeding or accruing from the sale of tangible property or service, installation fees, and receipts 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 notes, bonds,

mortgages, or other evidences of indebtedness, or stock and the like) and without any deduction on account of the cost of the property sold, the cost of materials used, labor costs, interest or discount paid or any expense whatsoever.

C. “Person” or “persons” means persons of either sex, firms, co-partnerships, corporations and other associations of natural persons, whether acting by themselves or by servants, agents or employees.

D. “Taxpayer” means any person liable for the license fee or tax imposed by this chapter.

E. “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 to use the same as the tax period.

F. “Telephone” means every primary station and shall exclude extensions.

G. “Telephone business” means the business of providing access to a local telephone network, local telephone network switching service, toll service, or coin telephone services, or providing telephonic, video, data, or similar communication or transmission for hire, via a local telephone network, toll line, or channel, or similar communication or transmission system. It includes cooperative or farmer line telephone companies or associations operating an exchange. The term does not include the providing of competitive telephone service, nor the providing of cable television service. (Ord. 616 § 3, 2012).

3.14.030 Occupations subject to tax – Amount.

There is hereby levied upon, and there shall be collected from, every person engaged in carrying on the following businesses for hire or for the sale of a commodity or service within or partly within the corporate limits of the town the tax for the privilege of so doing business as hereinafter defined, as follows:

A. Upon every person engaged in or carrying on the business of selling, furnishing, delivering, or distributing any telephone service for residential, commercial, or industrial use a tax equal to six percent of total annual gross operating revenue of sales of telephone

service to each customer within the limits of the town. Gross operating income for this purpose shall not include charges which are passed on to the subscribers by a telephone company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by this chapter.

B. Upon every person engaged in or carrying on the business of selling, furnishing, delivering, or distributing electric light and power or electrical energy service for residential, commercial, or industrial use a tax equal to six percent of annual total gross operating revenue from distributing electric light and power or electrical energy to each customer within the limits of the town.

C. Upon every person engaged in or carrying on the business of selling or furnishing water service for residential, commercial, or industrial use a tax equal to 18.5 percent of total annual gross operating revenue for selling or furnishing water service to each customer within the limits of the town.

D. Upon every person engaged in or carrying on the business of selling or furnishing sewer service for residential, commercial, or industrial use a tax equal to 10 percent of total annual gross operating revenue for selling or furnishing sewer service to each customer within the limits of the town.

E. Upon every person engaged in or carrying on the business of selling or furnishing garbage facilities and/or service for domestic or industrial use within the town there shall be levied a tax equal to 10 percent of the total annual gross operating revenue.

F. Upon every person engaged in or carrying on the business of furnishing competitive telephone service, including but not limited to cellular telephone service within the town, there shall be levied a tax equal to eight percent of the total annual gross operating revenue.

G. Total annual gross operating revenue shall be calculated on a calendar year basis beginning January 1st of any year and ending on December 31st of the same year. (Ord. 616 § 3, 2012).

3.14.040 Exceptions and deductions.

In computing said tax, there shall be deducted from said gross operating income the following items:

A. The amount of credit losses and uncollectibles actually sustained by the taxpayer;

B. Amounts derived from interstate or foreign commerce or from any business which the town is prohibited from taxing under the Constitutions of the United States or the State of Washington;

C. Amounts derived by the taxpayer from the town of Coulee City. Any person subject to payments of a license fee or tax under the provisions of any ordinance of the town, other than this chapter, on account of engaging in any activity for which he is liable to tax under this chapter, may deduct the amount of such fee or tax imposed by this chapter on account of such activity except when the taxes imposed in this chapter are paid by the customer, but such person shall nevertheless, in the manner provided for in this chapter, apply for and procure an occupation license. (Ord. 616 § 3, 2012).

3.14.050 Payment of tax.

The tax imposed by this chapter shall be due and payable in quarterly installments and remittance shall be made on or before the thirtieth day of the month next succeeding the end of the quarterly period for which the tax accrued unless the prior year's annual tax is \$200.00 or less, then payment may be made on the same basis as the fourth quarter. Such quarterly periods are as follows:

First quarter – January, February, March.

Second quarter – April, May, June.

Third quarter – July, August, September.

Fourth quarter – October, November, December.

On or before said due date the taxpayer shall file with the town clerk a written return, upon such form and setting forth such information as the town clerk shall reasonably require, together with the payment of the amount of the tax. (Ord. 616 § 3, 2012).

3.14.060 Sale or transfer of business.

Upon the sale or transfer during any tax year of a business on account of which a fee or tax is required, the purchaser or transferee shall, if the fee or tax has not been paid in full for the year, be responsible for its payment for that portion of the year during which he carried on such business. (Ord. 616 § 3, 2012).

3.14.070 Taxpayer to keep books and records – Returns confidential.

It shall be the duty of each taxpayer taxed upon his gross income to keep and enter in a proper book or set of books or records an account which shall accurately reflect the amount of his gross income which account shall always be open to the inspection of the town clerk or his duly authorized agent, and from which the officer or his agent may verify the return made by the taxpayer. The applications, statements or returns made to the town clerk pursuant to this chapter shall not be made public nor shall they be subject to the inspection of any person except the mayor, the town attorney, the town clerk or his authorized agent, and members of the town council. (Ord. 616 § 3, 2012).

3.14.080 Cost of audit.

Upon the failure or refusal of the taxpayer to furnish the information called for by the town clerk or if the books and records of the taxpayer are complicated, or do not readily disclose the information required for making a complete or satisfactory return without the assistance of a skilled accountant, then the town clerk may in her discretion employ a skilled accountant, and such clerical assistance as is necessary, to make an audit of the books and records of the taxpayer and such expenses shall be collected from the taxpayer in the manner provided for the collection of the license or tax. (Ord. 616 § 3, 2012).

3.14.090 Overpayment or underpayment of tax.

If the town clerk upon investigation or upon checking returns finds that the fee or tax paid is more than the amount required of the taxpayer, she shall, upon request of the taxpayer,

refund the amount overpaid by warrant upon the general fund, or credit the amount against any tax due or to become due from such taxpayer hereunder. If the town clerk finds that the fee or tax paid is less than required, she shall send a statement to the taxpayer showing the balance due, who shall within 10 days of the receipt of the statement pay the amount shown thereon. (Ord. 616 § 3, 2012).

3.14.100 Remedy for nonpayment of tax.

If any taxpayer fails to apply for a license or make his return, or to pay the fee or tax therefor, or the cost of any audit required by the town clerk or any part thereof by the due date referred to in CCC 3.14.050, the town clerk shall ascertain the amount of the fee or tax or installment thereof and/or cost of audit due, and shall add to such amount interest which shall be assessed at 12 percent per annum figured on a daily basis and a penalty of 15 percent of the total amount past due, and shall notify such taxpayer therefor, who shall be liable therefor in any suit or action by the town for collection thereof. The penalty which is assessed shall not be considered as interest. The town clerk shall also notify the town attorney in writing of the name of such delinquent taxpayer and the amount due from him and the town attorney shall with the assistance of the town clerk collect the same by any appropriate means or by any suit or action in the name of the town of Coulee City. (Ord. 616 § 3, 2012).

3.14.110 Appeals to town council.

All taxpayers aggrieved by the amount of the fee or tax found by the town clerk to be required under the provisions of this chapter may appeal to the town council from such finding by filing a written notice of appeal with the town clerk within five days from the time such taxpayer was given notice of such amount. The town clerk shall, as soon as practicable, fix a time and place for the hearing of such appeal, which time shall be not later than the next scheduled regular town council meeting more than six days after the filing of the notice of appeal, and he shall cause a notice of the time and place thereof to be delivered or mailed to the appellant. At such hearing, the taxpayer

shall be entitled to be heard and to introduce evidence in his own behalf. The town council shall thereupon ascertain the correct amount of the fee or tax by resolution and the town clerk shall immediately notify the appellant thereof, which amount, together with costs of appeal, if appellant is unsuccessful therein, must be paid within three days after such notice is given. (Ord. 616 § 3, 2012).

3.14.120 False returns.

It is unlawful for any person liable to tax under this chapter to fail or refuse to make application for return for license or to pay the fee or tax or installment thereof when due, or for any person to make any false or fraudulent application or return or any false statement or representation, in, or in connection with, any such application or return, or to aid or abet another in any attempt to evade payment of the fee or tax, or any part thereof, or for any person to fail to appear and/or testify in response to subpoena issued pursuant hereto, or to testify falsely upon an investigation of the correctness of a return, or upon the hearing of any appeal, or in any manner to hinder or delay the town or any of its officers or auditors in carrying out the provisions of this chapter. (Ord. 616 § 3, 2012).

3.14.130 Notification of annexation.

Whenever the boundaries of said town are extended by annexation, all persons subject to this chapter shall be provided copies of all annexation ordinances by the town. (Ord. 616 § 3, 2012).

3.14.140 Rules.

The town clerk is hereby authorized to adopt, publish, and enforce, from time to time, such rules and regulations for the proper administration of this chapter as shall be necessary, and it shall be a violation of this chapter to violate or fail to comply with any such rule or regulation lawfully promulgated hereunder. (Ord. 616 § 3, 2012).

3.14.150 Penalty.

Any person who violates any of the provisions of this chapter shall be punishable as defined in Chapter 1.12 CCC by a penalty of up to \$5,000 together with all penalties and assessments imposed by law for each violation. (Ord. 616 § 3, 2012).

Chapter 3.16

ELECTRIC UTILITY TAX

(Repealed by Ord. 616)

Chapter 3.18

**WATER AND SEWERAGE SERVICE
BUSINESS TAX**

(Repealed by Ord. 616)

Chapter 3.20

FUNDS

Sections:

- 3.20.010 Claims clearing fund.
- 3.20.020 Ambulance reserve fund.
- 3.20.030 Police vehicle replacement fund.
- 3.20.040 TV reflector fund.
- 3.20.050 Stadium fund.
- 3.20.060 Capital improvement fund.
- 3.20.070 Fire reserve fund.
- 3.20.080 Fire and ambulance Fackenthall fund.
- 3.20.090 Equipment reserve fund.
- 3.20.100 Sewer reserve fund.
- 3.20.110 Park reserve fund.
- 3.20.120 Water operations fund.
- 3.20.130 Sewer operations fund.
- 3.20.140 Drinking water state revolving fund (DWSRF).
- 3.20.150 Rodeo fund.
- 3.20.160 Library fund.
- 3.20.170 Emergency services fund.

3.20.010 Claims clearing fund.

A. Created. There is created a fund, known and designated as the claims clearing fund, into which shall be paid and transferred from the various departments an amount of money equal to the various claims against the town for any purpose.

B. Transfer of Funds. Whenever it is deemed necessary, the town treasurer is authorized, empowered and directed to transfer from the funds of the various departments to the claims clearing fund sufficient monies to pay the claims against the various departments of the town.

C. Use of Funds. The claims clearing fund shall be used and payments therefrom shall be made only for the purpose of paying any claims against the town.

D. Warrants Issuance. The town clerk is authorized, empowered and directed to issue warrants on and against the fund in payment of materials furnished, services rendered or expense 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 town clerk proper vouchers, approved by the town council, stating the nature of the claim, the amount due or owing and the person, firm or corporation entitled thereto. All warrants issued on or against the fund shall be solely and only for the purposes set forth in this chapter 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 clearing fund.” (Ord. 372 §§ 1 – 4, 1990).

3.20.020 Ambulance reserve fund.

There is hereby established a fund, No. 105, designated as the ambulance reserve fund within the town’s budget into which will be deposited 20 percent of all fees or charges received from ambulance service billings, and for receipt of all 367.60 ambulance donation monies.

All ambulance donation monies currently being held in the current fund are hereby authorized to be transferred into the ambulance reserve fund No. 105.

This fund is to be used for major repairs or replacement of the ambulance department vehicles and equipment. (Ord. 716 § 1, 2022; Ord. 698 § 1, 2018; Ord. 454, 1997).

3.20.030 Police vehicle replacement fund.

There is established a “police vehicle replacement fund” within the town budget for the receipt of all funds received from the Washington State Criminal Justice Program, the fund to be used exclusively for the replacement of police vehicles. (Ord. 375, 1990).

3.20.040 TV reflector fund.

There is established a “TV reflector fund” within the town budget for the receipt of all funds received from the household tax, the fund to be used exclusively for the maintenance and operation of the TV equipment. (Ord. 398, 1992).

3.20.050 Stadium fund.

There is established a “stadium fund” within the town budget for the receipt of all funds received from hotel-motel monies, the fund to be used exclusively for tourism. (Ord. 399, 1992).

3.20.060 Capital improvement fund.

There is established a “#301 capital improvement fund” within the town budget for the receipt of all funds received from the 317.34 real estate excise tax monies, the fund to be used exclusively for capital improvements of the town as required by RCW 35.43.040. The town council of the town of Coulee City will appropriate and designate these funds at their discretion. (Ord. 407, 1992).

3.20.070 Fire reserve fund.

There is hereby established a fund, No. 108, designated as the fire reserve fund within the town’s budget for the receipt of all funds received from the 338.22 intergovernmental fire protection services monies.

This fund is to be used for major repairs or replacement of the fire department vehicles and equipment. (Ord. 698 § 1, 2018; Ord. 428, 1994).

3.20.080 Fire and ambulance Fackenthall fund.

There is hereby established a fund, No. 109, designated as the fire and ambulance Fackenthall fund within the town’s budget into which will be deposited annual Fackenthall foundation payments received from the Community Foundation of North Central Washington, responsible for distribution of funds from the Estate of Herb Fackenthall per his last will and testament.

This fund is to be used for the Coulee City ambulance and fire department’s building and equipment maintenance, repairs, or replacement. (Ord. 698 § 1, 2018; Ord. 457, 1997).

3.20.090 Equipment reserve fund.

A. There is hereby established a fund, #110, the “equipment reserve fund” within the town’s budget for the receipt of monies, the amount of which shall be established each year by the town council.

B. The town council will allocate monies from the street, park and water fund each year for the purpose of accumulating revenue for

the replacement and purchase of new or used equipment within each of these departments. (Ord. 458, 1997).

3.20.100 Sewer reserve fund.

A. There is hereby established a fund, #461, designated as the “sewer reserve fund” within the town’s budget for the reserve requirement for both the original loan and subsequent loans from the United States Department of Agriculture Rural Development.

B. The reserve requirement for the original loan of \$1,340,410 is \$72,570 and the subsequent loan of \$84,800 is \$4,592, and will be accumulated at the rate of not less than \$3,639 per six-month period for the original loan and not less than \$230.00 per six-month period for the subsequent loan. Funding of the reserves for both loans will begin by December 18, 1997, and said funding shall be transferred out of the sewer improvement fund. (Ord. 459, 1997).

3.20.110 Park reserve fund.

A. The town council hereby establishes the 111 park reserve fund.

B. The town council hereby authorizes the transfer of 10 percent of the annual revenue generated by the Coulee City Community Park from the 103 park fund to the 111 park reserve fund beginning with the 2008 annual revenues. The transfer of funds will take place on December 31st of each year until the maximum allowed amount has been reached. The balance of the 111 park reserve fund is not to exceed the five-year average revenue of the 103 park fund.

C. The 111 park reserve fund will provide funding for future expenditures for emergency repairs and planned improvements to the Coulee City Community Park. (Ord. 573 §§ 1, 2, 3, 2008).

3.20.120 Water operations fund.

There is hereby established a 401 water operations fund within the town’s budget with a beginning balance of \$21,382.47 for the receipt of monies from the operation of the water utility, said fund to be used for the operation of the water utility. The town council will appropriate and designate these funds at their discretion. (Ord. 637 § 1, 2013).

3.20.130 Sewer operations fund.

There is hereby established a 410 sewer operations fund within the town’s budget with a beginning balance of \$24,000 for the receipt of monies from the operation of the sewer utility, said fund to be used for the operation of said sewer utility. The town council will appropriate and designate these funds at their discretion. (Ord. 637 § 2, 2013).

3.20.140 Drinking water state revolving fund (DWSRF).

There is hereby established a 406 DWSRF loan fund within the town’s budget for the receipt of revenue from the water rate increases adopted in CCC 13.04.075 for the repayment of the DWSRF loan. Monies in this fund shall be used only for the repayment of principal and interest on the DWSRF loan. (Ord. 642 § 1, 2013).

3.20.150 Rodeo fund.

There is hereby established a fund, No. 107, designated as the rodeo fund within the town’s budget into which will be deposited all fees or charges received from implemented admissions fees established for the rodeo association.

Because the establishment of this fund was directed by council at the April 1, 1992, regular council meeting, and no ordinance was subsequently adopted, all monies deposited into the previous rodeo fund No. 107 created by staff will remain in the fund and shall be used as established in this section.

This fund is to be used for improvement of the town-owned property known as the rodeo grounds. (Ord. 714 § 1, 2021).

3.20.160 Library fund.

There is hereby established a fund, No. 112, designated as the library fund within the town’s budget for the receipt of all funds received from North Central Regional Library, grant funds, and donations related to the library.

This fund is to be used for expenditures, construction, and repairs of the Coulee City Library. (Ord. 714 § 1, 2021).

3.20.170 Emergency services fund.

There is hereby established a fund, No. 113, designated as the emergency services fund within the town's budget for funds related to the town's volunteer fire and ambulance departments.

All revenue and expenditure line items currently allocated to these departments will be transferred into the newly established fund, and all monies deposited will remain in the fund and shall be used as established in this section.

This fund is to be used for the costs of maintenance and operation of the fire and ambulance departments, referred to as the Coulee City fire department. (Ord. 722 § 1, 2023).

Chapter 3.24**PAYMENTS TO GRANT COUNTY**

Sections:

3.24.010 Revenues from sale of alcoholic beverages.

3.24.010 Revenues from sale of alcoholic beverages.

In order to preserve the town's right to receive certain municipal revenues from the sale of alcoholic beverages in the state of Washington, two percent of the amounts received shall be paid to the Grant County council on alcoholism and such amounts shall be forwarded to that organization as amounts are received from the state. (Ord. 262 § 1, 1972).

Chapter 3.28**GAMBLING TAX**

Sections:

3.28.010 Definitions.
 3.28.020 Taxes imposed – Amounts.
 3.28.030 Quarterly payments – Exceptions.
 3.28.040 Administration and collection of tax.
 3.28.050 Method of payment.
 3.28.060 Failure to make timely payments of tax or fee.
 3.28.070 Intention to engage in activity to be filed.
 3.28.080 Records required.
 3.28.090 Failure to make return.
 3.28.100 Taxes and fees constitute debt to municipality.
 3.28.110 Revenue.

3.28.010 Definitions.

For the purposes of this chapter, the words and terms used shall have the same meaning as each has under Chapter 28, Laws of 1973, 1st Ex. Session and Chapter 9.46 RCW, each as amended, and under the rules of the Washington State Gambling Commission, WAC Title 230, unless otherwise specifically provided or the context in which they are used in this chapter clearly indicates that they be given some other meaning. (Ord. 404 § 1, 1992).

3.28.020 Taxes imposed – Amounts.

There is levied a tax upon all persons, associations and organizations who conduct or operate gambling activities within the town of Coulee City, and who have been duly licensed by the Washington State Gambling Commission to conduct or operate such gambling activities, which tax shall be paid on the following gambling activities in the following respective amounts:

A. Punch Board or Pull-tab. For any punch board or pull-tab, a tax computed at the rate of two percent of the gross receipts received from the conduct of such activity. (Ord. 404 § 2, 1992).

3.28.030 Quarterly payments – Exceptions.

Each of the various taxes imposed by this chapter shall be computed on the basis of activity during each calendar quarter year. They shall be due and payable in quarterly installments, and the remittance, together with return forms, shall be made to the town of Coulee City, Washington. This shall be done on or before the last day of the month next succeeding the quarterly period in which the tax is accrued, that is, on January 31st, April 30th, July 31st and October 31st, of each year. The following exceptions to this payment schedule shall be allowed or required:

A. Whenever any person, association or organization taxable hereunder, conducting or operating a taxable activity on a regular basis discontinues operation for a period of more than four consecutive weeks, or quits business, sells out or otherwise disposes of the business, or terminates the business, any tax due shall become payable, and such taxpayer shall within 10 days make a return and pay the tax.

B. Whenever it appears to the town clerk that the collection of taxes from any person, association or organization may be in jeopardy, the town clerk after not less than 15 days' notice to the taxpayer, may require that taxpayer to remit taxes and returns at whatever intervals the town clerk shall deem appropriate under the circumstances.

C. Whenever reports required by the State Gambling Commission under provisions of Chapter 9.46 RCW are required on less than a quarterly basis any person, association or organization taxable hereunder shall report to the town on the same basis. (Ord. 404 § 3, 1992).

3.28.040 Administration and collection of tax.

A. Administration and collection of the various taxes imposed herein shall be the responsibility of the town clerk of the town of Coulee City. Remittance of the amount due shall be accompanied by a completed return form prescribed and provided by the town clerk. The taxpayer shall be required to swear and affirm that the information given in the return is true, accurate and complete. The town

clerk is authorized but not required to mail to taxpayers the necessary forms. Failure of the taxpayers to receive such a form shall not excuse them from making the return and timely paying all taxes due. The town clerk shall make forms available to the public during regular business hours.

B. In addition to the return form, a copy of the taxpayer's quarterly report to the Washington State Gambling Commission required by Chapter 230-08 WAC for the period in which the tax accrued shall accompany remittance of the tax. (Ord. 404 § 4, 1992).

3.28.050 Method of payment.

Taxes payable shall be remitted to the town clerk on or before the time required by bank draft, certified check, cashier's check, personal check, money order or in cash. (Ord. 404 § 4, 1992).

3.28.060 Failure to make timely payments of tax or fee.

A. If full payment of any tax or fee due is not received by the town clerk on or before the date due, there shall be added to the amount due an additional charge as follows:

1. One to 10 days late: six percent of tax due;
2. Eleven to 20 days late: eight percent of tax due;
3. Twenty-one to 31 days late: 10 percent of tax due;
4. Thirty-two to 60 days late: 12 percent of tax due,

but in no event shall the amount be less than \$5.00. In addition, the town clerk may charge the taxpayer interest of one percent of all taxes and fees due for each 30-day period, or portion thereof, which amounts are past due.

B. Failure to make payment in full of all taxes and penalties within 60 days following the day the tax amount initially became due, shall be both a civil and criminal violation of this section. (Ord. 404 § 4, 1992).

3.28.070 Intention to engage in activity to be filed.

A. In order that the town of Coulee City may identify those persons who are subject to

taxation under these provisions, each person, association or organization shall file with the town clerk a form "declaration of intent" to conduct an activity taxable as provided in this chapter. The declaration of intent shall be in a form to be prescribed by the town clerk and shall be submitted with a copy of the license issued by the Washington State Gambling Commission.

B. The filing shall be made not later than 10 days prior to conducting or operating a taxable activity or 20 days after the effective date of the ordinance codified in this chapter if the activity is being conducted prior to its adoption.

C. No fee shall be charged for such filing, which is not for the purpose of regulation of this activity.

D. Failure to timely file shall not excuse any person, association or organization from any tax liability. (Ord. 404 § 5, 1992).

3.28.080 Records required.

Each person, association or organization engaging in any activity taxable under these provisions shall maintain records respecting that activity which truly, completely and accurately disclose all information necessary to determine the tax liability during each base tax period. Such records shall be kept and maintained for a period of not less than three years. In addition, all information and items required by the Washington State Gambling Commission under Chapter 230-08 WAC, and the United State Internal Revenue Service respecting taxation shall be kept and maintained for the periods required by those agencies. (Ord. 404 § 6, 1992).

3.28.090 Failure to make return.

If any taxpayer fails, neglects or refuses to make and file his return as and when required under these provisions, the town clerk is authorized to determine the amount of tax payable, together with any other charges and/or interest assessed. The taxpayer shall then be notified by mail of the amount which shall become immediately due and payable. (Ord. 404 § 7, 1992).

3.28.100 Taxes and fees constitute debt to municipality.

Any tax due and unpaid under these provisions and all other charges or fees shall constitute a debt to the town of Coulee City, a municipal corporation, and may be collected by court proceedings the same as any other debt in like amount, but shall be in addition to all other existing remedies. (Ord. 404 § 8, 1992).

3.28.110 Revenue.

Any revenue collected from such tax shall be used primarily by the town of Coulee City for the purpose of the enforcement of the provisions of Chapter 9.46 RCW, the rules and regulations of the Washington State Gambling Commission, and this chapter. (Ord. 404 § 9, 1992).

Chapter 3.32**ADMISSIONS TAX**

Sections:

- 3.32.010 Imposition.
- 3.32.020 Exemptions.
- 3.32.030 Tickets.
- 3.32.040 Collection and payment.
- 3.32.050 Penalty for late payment.

3.32.010 Imposition.

A. There is levied and imposed upon any person (including children, without regard to age) who pays an admission charge to any place, including persons who are admitted at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations, a tax which shall be in the amount of five percent of the admission charge.

B. No admissions tax shall be levied on any person who is admitted free of charge and from whom no compensating payment is obtained. The tax on reduced admission charges shall be charged on such reduced charge and not on the regular admission charge. (Ord. 410 § 1, 1992).

3.32.020 Exemptions.

A. Any nonprofit organization, exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1954 as amended, that promotes and produces its own public performance and collects an admissions charge to attend is exempt from collecting an admissions tax from persons paying the admissions charge.

B. The admissions tax imposed by this chapter shall not apply to any person paying an admission to any event sponsored or conducted by an elementary or secondary school.

C. For purposes of greater ease and economy in the administration, collection and enforcement of the admissions tax, all participatory athletic or sporting events are exempted from this chapter. This exemption shall apply but is not limited to participants of archers, trap and gun club shoots, canoe races, fun runs, batting cages, billiards, bowling, golf and swimming. This exemption does not apply to

spectators at athletic or sporting events who pay an admissions charge. (Ord. 410 § 2, 1992).

3.32.030 Tickets.

Whenever a charge is made for admission to any place, a serially numbered or reserved seat ticket shall be furnished to the person paying such charge unless written approval has been obtained from the town to use a turnstile or other counting device which will accurately count the number of paid admissions. When a charge is made for admission, a sign must be posted in a conspicuous place on the entrance or ticket office which breaks down the admission charge as follows:

Admissions Charge	_____
City Admissions Tax	_____
Total Price	_____

(Ord. 410 § 3, 1992).

3.32.040 Collection and payment.

A. Any person who receives any payment for admissions on which a tax is levied under this chapter shall collect the amount of the tax imposed from the person making the admission payment and shall remit the same as provided for in this section. The tax imposed shall be collected at the time the admission charge is paid by the person seeking admission and shall be reported and remitted by the person receiving the tax to the town treasurer within 24 hours after the conclusion of the performance or exhibition or at such other time as the town shall determine.

B. The books, records and accounts of every person collecting a tax levied in this chapter shall, as to admission charges and tax collection, be subject to examination and audit by the town at all reasonable times. (Ord. 410 § 4, 1992).

3.32.050 Penalty for late payment.

If payment of any tax due under this chapter is not received by the town as required above, there shall be added to such tax a penalty of 15 percent of the tax due. (Ord. 410 § 5, 1992).

Chapter 3.36**PURCHASING POLICY**

Sections:

- 3.36.010 Established – Authority.
- 3.36.020 Payment of legal debt.
- 3.36.030 Emergency issue of warrants.

3.36.010 Established – Authority.

There is hereby established a policy for the purchase of goods and services on behalf of the town of Coulee City. This policy is to utilize a system of purchasing authority to order goods and services, vouchers to match its purchases, and issuance of warrants based on the documented vouchers.

A. Purchasing Authority. There shall be established levels of purchasing authority for departments, departments in conjunction with the mayor and departments only with approval of the town council. Purchasing levels shall be established for budgeted and nonbudgeted purchases, as follows:

1. Budgeted Purchases. For the actual purchase of goods or services already approved within the current year budget, the following level of purchasing authority shall be followed:

\$0	– \$5,000.00	Department head and finance department
\$5,000.01	– \$10,000.00	Department head, mayor and finance department
\$10,000.01	– and over	Council approval of department request

2. Nonbudgeted Purchases. For the purchase of goods or services to provide for a need not known at time of budget adoption, and therefore not already provided for in the current year budget, the following level of purchasing authority shall be followed:

\$0	– \$ 500.00	Department head and finance department
\$ 500.01	– \$1,000.00	Department head, mayor and finance department

\$1,000.01 – and over Council approval of department request

a. Grant Applications. Approval is required at the time of application for the grant as follows:

\$0	– \$5,000.00	Approval by mayor
\$5,000.01	– and over	Approval by council

Authorization for purchase of nonbudgeted goods and services may also require a budgetary amendment, if the purchase is substantial, or if such purchase may displace a budgeted purchase. Departmental requests to make nonbudgeted purchases over \$1,000 must include information about the proposal's impact on the budget, whether a budgeted expense will be replaced by the proposal, whether a budget amendment will be required, and whether necessary revenues are available to provide for the proposed purchase without displacing budgeted expenditures.

B. Documentation.

1. Vendor Bills. Vendor invoices shall be matched to the appropriate voucher.

2. Vouchers. Vouchers shall be prepared for each debt to be paid.

3. Warrants. The town of Coulee City issues warrants to pay its vendor bills, upon verification of the validity of such charges by voucher. Warrants are redeemed for the town's bank on a regular basis via treasurer's checks. (Ord. 694 § 1, 2018; Ord. 611 § 1, 2012; Ord. 487 § 1, 2000).

3.36.020 Payment of legal debt.

A. Once financial obligations of the town have been determined to be valid and legitimate charges to be paid by the town, accounts payable personnel will prepare vouchers for all such debt and provide the vouchers to the town council for review. At the same time, a recap of vouchers will be prepared, with total amount of all vouchers, and provided to the town council for approval of payment.

B. Upon approval of the vouchers by the town council, warrants will be issued. Warrants will be signed by the mayor and the clerk/treasurer and will be mailed to vendors. (Ord. 487 § 2, 2000).

3.36.030 Emergency issue of warrants.

When the town must expend funds within a timeline that does not allow for a council meeting prior to the due date, or to provide necessary funds in an emergency, the clerk/treasurer may issue a warrant between meetings, provided the warrant is authorized by the mayor and one councilmember. These items are referred to as “hand issue” warrants, and will be duly noted and highlighted to the town council for the next regular council meeting. (Ord. 487 § 3, 2000).

Chapter 3.40

**PAYMENT OF CLAIMS OR
OBLIGATIONS**

Sections:

3.40.010 Payment by check.

3.40.010 Payment by check.

Effective January 21, 2013, pursuant to RCW 35.27.345, payment of claims or obligations of the town shall be by check. The qualified public depository whereon such checks are to be drawn shall be North Cascades National Bank located at 608 Midway, Grand Coulee, Washington, with the town officers authorized to sign checks being the mayor, the clerk/treasurer and the mayor pro tem, with two of the previous three signatures required. (Ord. 629 § 1, 2013).

Title 4
(Reserved)

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 5.04** *Repealed*
- 5.08** **Solicitors, Peddlers and Transient Vendors**
- 5.10** **Special Events**
- 5.12** **Mobile Homes and Mobile Home Parks**
- 5.16** **Land Surveyors**

Chapter 5.04

PUBLIC DANCE HALL PERMITS

(Repealed by Ord. 618)

Chapter 5.08

**SOLICITORS, PEDDLERS AND
TRANSIENT VENDORS**

Sections:

5.08.010 License required – Fee.

5.08.020 Violation – Penalty.

5.08.010 License required – Fee.

A. It is unlawful to go in and upon private residences in the town of Coulee City by solicitors, peddlers and transient vendors, not having been requested or invited to do so by the owner or owners, occupant or occupants, of the private residence, or place of business, for the purpose of soliciting orders for the sale of goods, wares and merchandise without first having purchased a license from the town clerk's office.

B. The fee for the license is \$100.00 and the duration of the license is for one year from the date of its issuance. (Ord. 401 § 1, 1992).

5.08.020 Violation – Penalty.

Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a civil infraction and shall be subject to a C-6 fine. Each day or portion of a day in which a violation is committed constitutes a separate offense. (Ord. 618 § 2, 2012; Ord. 401 § 2, 1992).

Chapter 5.10**SPECIAL EVENTS**

Sections:

- 5.10.010 Purpose and policy.
- 5.10.020 Intent.
- 5.10.030 Definitions.
- 5.10.040 Exemptions.
- 5.10.050 Administration.
- 5.10.060 Permit required.
- 5.10.070 Permit fee and deposit.
- 5.10.080 Exemptions from permit fee.
- 5.10.090 Permit application.
- 5.10.100 Permit requirements.
- 5.10.110 Permit conditions.
- 5.10.120 Denial of application.
- 5.10.130 Indemnification.
- 5.10.140 Insurance required.
- 5.10.150 Revocation or suspension.
- 5.10.160 Penalty for violation.
- 5.10.170 Severability.

5.10.010 Purpose and policy.

Special events are of infrequent occurrence and temporary nature and may be associated with promotions, holidays, festivals, and the like. Special events shall be allowed by a special events permit granted by the city council. (Ord. 594 § 1, 2010).

5.10.020 Intent.

It is the specific intent to place the obligation of complying with the requirements of this chapter upon the applicant or sponsor, and nothing contained in this chapter is intended to be construed to create or form the basis for liability on the part of the city, or its officers, employees or agents for any injury or damage resulting from the failure of the applicant or sponsor to comply with the provisions stated herein. (Ord. 594 § 1, 2010).

5.10.030 Definitions.

For the purpose of this chapter, words and phrases used herein are as follows:

“Applicant” shall mean any person or organization who seeks a special event permit to conduct or sponsor an event governed by this chapter.

“Athletic event” shall mean an occasion in which a group of persons collect to engage in or watch a sport or form of exercise on private or public property and/or on a city street, sidewalk, alley, or other street right-of-way, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws or controls. Athletic events include, but are not limited to, bicycle and foot races.

“Block party” shall mean a festive gathering on a private property or a street which may or may not require the closure of a street, or a portion thereof, to vehicular traffic, and/or use of the street for the festivity including barbecues, picnics, music or games.

“Parade,” “assembly” and “procession” shall mean a march, parade, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display or gathering consisting of any number of persons, animals, or vehicles, or a combination thereof, in or on any city street, sidewalk, alley, or other right-of-way, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls or which would significantly impact the need for city-provided emergency services.

“Parades,” “assemblies” and “processions,” as referenced herein, shall include, but are not limited to, traditional parades, fun runs, road-way foot races, fundraising walks or runs, auctions, bikeathons, parades, carnivals, shows or exhibitions, filming/movie events, circuses, block parties and street fairs.

“Permit application fee” shall mean the fee to be paid by the special event permit applicant at the time the application is filed with the city clerk. Such fee shall be set by the city council.

“Permittee” shall mean any person or organization who has been issued a special events permit by the city administrator or appointed designee. The permittee shall have authority, subject to approval by the city, to determine participation in commercial activities during a special event.

“Refundable deposit” shall mean the amount of money required of a permittee by the city council in order to assure adequate cleanup of the special event site. The deposit

shall be returned to the permittee upon the completion of the event and approval of the public works department.

“Special events permit” shall mean the permit issued by the city council after the applicant has met all applicable reviews and requirements set forth in this chapter. (Ord. 594 § 1, 2010).

5.10.040 Exemptions.

The provisions of this chapter shall not apply to:

- A. Funeral processions;
- B. Groups required by law to be so assembled;
- C. Pedestrian processions along a route that is restricted to sidewalks and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls;
- D. Activities and events deemed by the city council to not require a special events permit; and
- E. Activities of state and federal governmental agencies, including military units, which are performed within the scope of such agency’s duties and functions. (Ord. 594 § 1, 2010).

5.10.050 Administration.

The city council shall, after consultation with appropriate departments and agencies, have discretionary authority regarding special event permits. The city council may approve, modify, or condition an application for a special events permit. (Ord. 594 § 1, 2010).

5.10.060 Permit required.

A. Any person desiring to conduct or sponsor a special event on private or public property, and/or which will necessitate the use of the public right-of-way, shall first obtain a special events permit.

B. When such an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, or Article I, Sections 3, 4, 5, or 11 of the Washington State Constitution, the application shall be processed promptly, without charging a fee for political or religious activities or imposing terms or conditions that infringe

upon constitutional freedoms, and in a manner that respects the liberties of applicants and the public.

C. Any event subject to the provisions of this chapter that is staged without complying with all conditions of this chapter shall be subject to closure by the city police department. (Ord. 594 § 1, 2010).

5.10.070 Permit fee and deposit.

The fee for issuance of a special events permit shall be set by resolution of the city council. A cleanup deposit is required for applicants or sponsoring organizations of special events involving the sale of food or beverages for immediate consumption, the erection of structures, the use of horses or other animals, other than dogs and cats, or the use of fireworks or other incendiary devices, in an amount reasonably anticipated to be incurred in removing debris or litter caused by such special event, as determined by the city council. The cleanup deposit may be returned after the special event if the applicant or sponsoring organization cleans and restores the area used for the permitted event to the same condition as existed prior to the event. If the property used for the event has not been properly cleaned or restored, the cleanup deposit shall be applied toward the city’s costs in cleaning up the permitted area. There may be requirements for police officers to control traffic, provide security, and protect people and property. Public works may have costs for placing barricades, roadway preparation, and cleanup. (Ord. 594 § 1, 2010).

5.10.080 Exemptions from permit fee.

No fee shall be imposed when prohibited by the First and Fourteenth Amendments to the United States Constitution, or Article I, Sections 3, 4, 5 or 11 of the Washington Constitution. Political or religious activity intended primarily for the communication or expression of ideas shall be presumed to be a constitutionally protected event. (Ord. 594 § 1, 2010).

5.10.090 Permit application.

A. Any person wishing to sponsor a special event shall apply for a special event permit by filing an application with the city clerk at least 60 days prior to the date on which the event is to begin to occur.

B. The city council shall issue the special events permit once the application has been approved after review of appropriate agencies to include police, fire, public works, building and planning, and others as determined by the city council, and the applicant has agreed in writing to comply with the terms and conditions of the permit.

C. The city council shall approve, conditionally approve, or deny an application based on the recommendations of city departments involved in the review process. (Ord. 594 § 1, 2010).

5.10.100 Permit requirements.

A. Temporary signage and temporary structures will be allowed subject to provisions of this code pursuant to the interpretive authority and discretion of the council.

B. Requests for temporary parking facilities for special events and street closures for special events shall be subject to provisions of this code pursuant to the interpretive authority and discretion of the police chief.

C. Requests for fire and emergency medical services shall be subject to requirements and interpretive authority and discretion of the city's fire department.

D. Requests for police services shall be subject to provisions of this code pursuant to the interpretive authority and discretion of the police chief.

E. Expenses for fire, police, medical services, parks, and public works crews needed for coverage and cleanup at the special event shall be prepaid and the responsibility of the permittee, even if the permit fee has been waived. If the actual cost for city services and equipment on the date(s) of the event is greater than the estimated cost, the applicant/sponsor will be billed for the difference.

F. Adequate sanitation and other required health facilities shall be provided or made available in or adjacent to any public assembly areas. (Ord. 594 § 1, 2010).

5.10.110 Permit conditions.

The city council may condition the issuance of a special events permit by imposing reasonable requirements concerning time, place, and manner of the event; and such requirements as are necessary to protect the safety and rights of persons and property and the control of traffic. (Ord. 594 § 1, 2010).

5.10.120 Denial of application.

A special event permit may be denied based upon a determination that:

A. The event would endanger public safety or health;

B. The proposed event would seriously inconvenience or impair the general public's use of public property, services or facilities;

C. The event would unreasonably infringe upon the rights of abutting properties;

D. The event would conflict with another proximate event or interfere with construction or maintenance work in the immediate vicinity;

E. There is not sufficient safety personnel or other necessary city staff to accommodate the event;

F. The applicant failed to complete the application form after being notified of the additional information or documents required;

G. Information contained in the application of supplemental information requested from the applicant is found to be false in any material detail;

H. The applicant cannot meet, or is unwilling to meet, all of the requirements of this chapter or any special conditions imposed by any of the reviewing agencies;

I. Other issues in the public interest were identified by the city council;

J. Failure to prepay expenses, fees, charges, deposits, insurance or bonds;

K. The proposed event is scheduled to occur at a route or location adjacent to a school or class during a time when such school or class is in session, and the noise created by the

activities of the event would substantially disrupt the educational activities of the school or class;

L. The purpose of the proposed event is to incite crime or the overthrow of the government by force or the event would engage in or encourage participants to engage in illegal acts; or

M. The primary purpose of the special event is for advertising products, goods or events that are for private profit, and the special event is primarily for private profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the special event. (Ord. 594 § 1, 2010).

5.10.130 Indemnification.

A. Prior to the issuance of the special event permit, the applicant must agree to reimburse the city for any costs incurred by the city in repairing damage to city property occurring in connection with the permitted event.

B. The permittee must agree to defend, indemnify and save harmless the city, its appointed and elected officers and employees from and against all loss or expense, including but not limited to judgments, settlements, attorney's fees and costs by reason of any and all claims and demands upon the city, its elected officials or employees for damages because of personal or bodily injury, including death at any time therefrom, sustained by any person or persons and on account of damage to property or loss therefrom, arising out of any activity under or in connection with the special event, except only such injury as shall have been occasioned by the sole negligence of the city, its appointed or elected officers or employees.

C. The city council has the authority to require a refundable deposit as suggested by the public works department for reimbursement of the costs for cleanup services. (Ord. 594 § 1, 2010).

5.10.140 Insurance required.

A. As required by the city council, the permittee shall provide the city with proof of commercial general liability insurance generally in the amount of \$2,000,000 combined single limits per occurrence, \$3,000,000 aggregate, and an endorsement naming the town of Coulee City as an additional insured must be provided.

B. Certificates of insurance shall be submitted to the city for approval 14 working days prior to the event. The insurance policy shall be written on an occurrence basis, shall name the city as an additional insured, shall be written for a period not less than 24 hours prior to the event and extending for a period not less than 24 hours following the completion of the event, and shall contain a provision prohibiting cancellation of the policy except upon 30 days' written notice to the city. Acceptability of insurance is subject to approval by the city's risk administrator. (Ord. 594 § 1, 2010).

5.10.150 Revocation or suspension.

A. A special events permit issued under this chapter shall be temporary, shall vest no permanent rights in the applicant, and may be immediately revoked or suspended by the city council if:

1. The applicant has made a misstatement of material fact in the information supplied; the applicant has failed to fulfill a term or condition of the permit in a timely manner; or the check submitted by the applicant in payment of the fee for a permit has been dishonored;

2. The applicant requests the cancellation of the permit or cancels the event;

3. The activity endangers or threatens persons or property, or otherwise jeopardizes the health, safety or welfare of persons or property;

4. The activity conducted is in violation of any of the terms or conditions of the special events permit;

5. An emergency or supervening occurrence requires the cancellation or termination of the event in order to protect the public health or safety;

6. Fails to prepay expenses.

B. The city shall refund the permit fee in the event of a revocation caused by an emergency or supervening occurrence; the city shall refund the balance of the fee less the costs incurred if the cancellation occurs at the request of an applicant who is in compliance with this chapter.

C. If any event, use or occupancy for which the permit has been revoked is not immediately discontinued, the city council or their designee may remove any structure or obstruction, or cause to be made, without obligation to do so, such repairs upon the structure or obstruction as may be necessary to render the same secure and safe, or adjourn any special event. The cost and expense of such removal, repair or adjournment shall be assessed against the permittee, including all professional fees associated with enforcement of the collection of the same. (Ord. 594 § 1, 2010).

5.10.160 Penalty for violation.

Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a civil infraction and shall be subject to a C-1 fine. Each day or portion of a day in which a violation is committed constitutes a separate offense. (Ord. 594 § 1, 2010).

5.10.170 Severability.

If any part, provision or section of this chapter is held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect. (Ord. 594 § 1, 2010).

Chapter 5.12**MOBILE HOMES AND
MOBILE HOME PARKS**

Sections:

- 5.12.010 Purpose.
- 5.12.020 Definitions.
- 5.12.030 Parking – Residential use.
- 5.12.040 Mobile home park – License – Required.
- 5.12.050 Mobile home park – License – Application.
- 5.12.060 Removal of wheels – Effect.
- 5.12.065 Attachment to ground – Effect.
- 5.12.070 Violation – Penalty.

5.12.010 Purpose.

This chapter and the enforcement thereof is deemed expedient to maintain the peace, good government and welfare of the town of Coulee City, and its people, trade, commerce and manufacturers and as a sanitary measure for the proper safeguarding of the public health, and safety. (Ord. 466 § 2, 1998).

5.12.020 Definitions.

The terms used in this chapter are defined as follows:

A. “Mobile home” means a “manufactured home” that is a structure, transportable as a single section, which in a traveling mode is 16 feet or less in width, and which is built on a permanent chassis and is designed to be used as a permanent dwelling, with or without a permanent foundation, when connected to the required utilities. A “mobile home” includes the plumbing, heating, air conditioning, and electrical systems contained therein. Recreational vehicles, as defined elsewhere in the Coulee City Code, are not included within the definition of “mobile homes.”

B. “Mobile home park” means any site, lot, or tract of land upon which two or more mobile homes are placed, and includes any building, structure, tent or enclosure used or intended for use as a part of the equipment of such a park.

C. “Person” means a natural person, firm, corporation, partnership or association. (Ord. 466 § 2, 1998).

5.12.030 Parking – Residential use.

It is unlawful for the owner, operator, lessee or other person in possession or control of any mobile home:

A. To park, or to cause or permit the same to be parked or to stand or to remain upon any public street, avenue, park, alley or any other public place for more than eight hours in the town of Coulee City.

B. To place the same upon private property within the town of Coulee City for residential purposes, with the following exceptions:

1. Mobile homes legally placed within the town of Coulee City at the time of the enactment of the ordinance codified in this chapter shall not be affected by this chapter.

2. Mobile homes legally placed within the town of Coulee City at the time of the enactment of the ordinance codified in this chapter, together with the real property on which such mobile homes are placed, may be sold to successive future owners, and this chapter shall not be construed to require removal or replacement of such a mobile home in the event of such a sale.

3. Mobile homes legally placed within the town of Coulee City at the time of the enactment of the ordinance codified in this chapter may be replaced with a mobile home of equal or greater size; provided, that the replacement mobile home was manufactured within the five years preceding the date of such replacement, and further provided that the replacement mobile home is placed on the same real property within 60 days of the removal of the original mobile home.

4. Any person may apply for a conditional use permit to place a mobile home upon private property within the town of Coulee City, where such placement is not otherwise allowed by this chapter. (Ord. 466 § 2, 1998).

5.12.040 Mobile home park – License – Required.

It is unlawful for the owner or the persons in possession or control of any private property situated within the corporate limits of the town of Coulee City to establish, maintain or operate therein and thereon a mobile home park, as defined in this chapter, without first obtaining

a license therefor from the town of Coulee City. (Ord. 466 § 2, 1998).

5.12.050 Mobile home park – License – Application.

Any person desiring to establish, maintain or operate a mobile home park, as defined in this chapter, shall first make application to the town clerk for a license to establish, maintain and operate such mobile home park, which application shall be upon a form furnished by the town of Coulee City and which application shall be accompanied by a fee of \$100.00, which shall be the license fee charged for such license. The town clerk will issue such license; provided, that all rules and regulations of the Coulee City Code and the state of Washington are complied with. (Ord. 466 § 2, 1998).

5.12.060 Removal of wheels – Effect.

Any removal or partial removal of wheels of a mobile home, other than a mobile home lawfully placed in a mobile home park, except for purposes of repair or replacement, shall subject the mobile home to other applicable requirements of the town of Coulee City as well as this chapter. (Ord. 466 § 2, 1998).

5.12.065 Attachment to ground – Effect.

Any action taken to attach a mobile home, other than a mobile home lawfully placed in a mobile home park, to the ground by means of posts, piers, foundation or skirting, shall subject the mobile home to the requirements of the town of Coulee City as well as this chapter. (Ord. 466 § 2, 1998).

5.12.070 Violation – Penalty.

Any person that violates any of the provisions of this chapter shall be guilty of a civil infraction and shall be subject to a C-8 fine and upon a second violation of the provisions of this chapter within six months, said person shall be subject to a C-4 fine. (Ord. 618 § 3, 2012; Ord. 466 § 2, 1998).

Chapter 5.16

LAND SURVEYORS

Sections:

- 5.16.010 Permit required.
- 5.16.020 Surveyor duties.
- 5.16.030 Violation – Penalty.

5.16.010 Permit required.

It is unlawful for any land surveyor, surveying for hire, to in any way occupy for survey purposes any street, alley, or public place within the town without first having obtained a permit to do so from the office of the town clerk. (Ord. 298 § 1, 1977).

5.16.020 Surveyor duties.

Permits shall be issued in writing by the town clerk upon the payment of a \$50.00 permit fee and upon the agreement of the surveyor to repair any damage done to street surface, in digging for monuments, to elevate said monuments to the surface of the street, and to furnish a copy of the survey to the town, all without cost. (Ord. 618 § 4, 2012; Ord. 298 § 2, 1977).

5.16.030 Violation – Penalty.

Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a civil infraction and shall be subject to a C-6 fine. Each day or portion of a day in which a violation is committed constitutes a separate offense. (Ord. 618 § 4, 2012; Ord. 298 § 3, 1977).

Title 6

ANIMALS

Chapters:

- 6.04 Dog Regulations and Licensing**
- 6.07 Dangerous Dogs and Potentially Dangerous Dogs**
- 6.08 Cat Regulations**
- 6.12 *Repealed***

Chapter 6.04**DOG REGULATIONS AND LICENSING**

Sections:

- 6.04.010 Running at large – Prohibited.
- 6.04.020 Definitions.
- 6.04.030 Impoundment authority.
- 6.04.040 License – Applicability.
- 6.04.050 License – Expiration.
- 6.04.060 License – Tag.
- 6.04.070 License – Fee.
- 6.04.080 License – Required.
- 6.04.090 Nuisances.
- 6.04.100 Running at large – Impoundment.
- 6.04.110 Impoundment – Redemption.
- 6.04.120 Number limitation – Established.
- 6.04.130 Number limitation – Exception.
- 6.04.140 Violation – Penalty.

6.04.010 Running at large – Prohibited.

Within the corporate limits of the town of Coulee City, it is unlawful for any person, firm or corporation, being the owner or custodian of any dog, to permit such dog to run at large upon any public street, highway or public place, including public parks, or upon private property owned by a person or persons other than the owners or custodians of the dog. (Ord. 461 § II(1), 1998).

6.04.020 Definitions.

A. “Animal control authority” means the town council of the town of Coulee City.

B. “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 relate to the seizure and impoundment of any animal.

C. “Running at large” refers to any dog which is found:

1. Upon any public street, highway or public place in the town of Coulee City; or

2. Upon any private property owned by a person, firm or corporation other than the owner or custodian of the dog; or

3. In an open vehicle, unless the dog is restrained by a chain or leash. (Ord. 461 § II(2), 1998).

6.04.030 Impoundment authority.

Any animal control officer is authorized to impound any dog found running at large as well as any dog which has bitten any person or which is unlicensed. (Ord. 461 § II(3), 1998).

6.04.040 License – Applicability.

A. All dogs kept, harbored or maintained by the owners, custodians or their agents in the town of Coulee City shall be licensed and registered at such time as the dog becomes six months of age, or such time as the dog possesses a set of permanent teeth, whichever shall occur first.

B. Any person, firm or corporation moving into or residing within the corporate limits of the town of Coulee City which or whom has ownership, control or custody of any dog of licensing age shall have 10 days in which to obtain a license for said dog as ordained by the terms of this chapter, and the dog tag issued pursuant to CCC 6.04.060 shall be worn by the dog at all times. (Ord. 461 § II(4), (5), 1998).

6.04.050 License – Expiration.

The dog license shall be an annual license which shall expire at midnight on December 31st of each year for which it is issued. (Ord. 461 § II(6), 1998).

6.04.060 License – Tag.

The town clerk shall keep a record of all dog licenses showing the number of each license, the name and address of the applicant or owner, and the sex and general description of each dog so licensed. The town clerk shall issue a dog tag bearing the number of the license to the applicant or owner. Dog tags shall not be transferable from one dog to another. The town clerk shall not issue a dog tag or permit a dog to be licensed unless the owner or applicant provides proof that the dog has a current rabies vaccination. (Ord. 461 § II(7), 1998).

6.04.070 License – Fee.

The dog license fee shall be as follows:

- A. Each male dog, \$25.00;
- B. Each female dog, \$25.00;
- C. Each neutered male dog, \$10.00;
- D. Each spayed female dog, \$10.00. (Ord. 619 § 1, 2012; Ord. 461 § II(8), 1998).

6.04.080 License – Required.

It shall be unlawful for any person, firm or corporation to keep, harbor or maintain any dog within the corporate limits of the town of Coulee City regardless of whether in kennels or on a leash or chain unless first licensed in accordance with this chapter. (Ord. 461 § II(9), 1998).

6.04.090 Nuisances.

It shall be unlawful for any person, firm or corporation to keep, harbor or maintain any dog which barks, whines or howls in such a manner as to disturb the peace and quiet of persons in the neighborhood. All dogs found, observed or determined to be in violation of this section may be deemed to be a nuisance and the owner of such dog may be issued a citation for allowing said condition to continue, and should the situation continue, upon conviction and at the direction of the municipal court, the dog's owner may be directed to dispose of said dog. Upon failure to comply with said instruction or direction of the court, the court may direct any animal control officer to impound and destroy said dog at the expense of the owner. (Ord. 461 § II(10), 1998).

6.04.100 Running at large – Impoundment.

Any dog found running at large may be impounded by any animal control officer. Said dog shall be held for a period of two days exclusive of Saturdays, Sundays and holidays, and if not redeemed by the end of said time, may be humanely destroyed. (Ord. 461 § II(11), 1998).

6.04.110 Impoundment – Redemption.

Immediately upon the impounding of any dog found to be in violation of this chapter, the owner of said dog shall be notified thereof, if

said owner is known; if said owner be unknown or his present whereabouts or address be unascertainable, notice shall be posted in at least two public places in town for two days exclusive of Saturdays, Sundays and holidays, describing the impounded dog, the place from which the dog was taken, and the time the dog was taken. The owner of any dog so impounded may reclaim such dog if the only violation is that of running at large or being found without its dog tag, upon licensing the dog or providing proof that the dog is licensed, and upon payment as follows:

- A. For giving first notice, \$0.00;
- B. For giving second notice, \$50.00;
- C. For impounding any dog, \$310.00. (Ord. 619 § 1, 2012; Ord. 461 § II(12), 1998).

6.04.120 Number limitation – Established.

Except as provided in CCC 6.04.130, it shall be unlawful for any person, firm or corporation to keep, harbor or maintain in excess of two dogs in any private home, residence or kennel within the corporate limits of the town of Coulee City. (Ord. 461 § II(13), 1998).

6.04.130 Number limitation – Exception.

A. CCC 6.04.120 shall not be construed to require any person, firm or corporation having more than two dogs licensed under this chapter on the effective date of the ordinance codified in this chapter to give away, sell, destroy or otherwise dispose of such licensed dogs; however, such person, firm or corporation shall not be allowed to replace such dogs when such dogs die or are given away, sold, destroyed, or are otherwise disposed of unless such replacement be in conformity with CCC 6.04.120 or subsection B of this section.

B. Any person, firm or corporation desiring to keep, harbor or maintain in excess of two dogs within the corporate limits of Coulee City must first obtain permission from the animal control authority which shall cause an investigation to assure that keeping, harboring or maintaining such dogs will not be in violation of good health standards, will not be in violation of zoning codes, and that the dogs will be housed in quarters suitable to the keeping of the dogs. (Ord. 461 § II(14), 1998).

6.04.140 Violation – Penalty.

Any person who shall violate or fail to comply with any of the provisions of this chapter shall be guilty of a civil infraction and shall be subject to a penalty as follows:

- A. For the first offense, a C-17 fine;
- B. For the second offense, a C-12 fine;
- C. For each offense subsequent to the second offense, a C-8 fine. (Ord. 619 § 1, 2012; Ord. 461 § II(15), 1998).

Chapter 6.07**DANGEROUS DOGS AND
POTENTIALLY DANGEROUS DOGS****Sections:**

- 6.07.010 Definitions.
- 6.07.020 Requirements.
- 6.07.030 Declaration of potentially dangerous dog or dangerous dog.
- 6.07.040 Objection to declaration of potentially dangerous or dangerous dog.
- 6.07.050 Hearing – Findings – Court costs.
- 6.07.060 Restrictions pending hearing or appeal.
- 6.07.070 Notification of location by owner or custodian.
- 6.07.080 Restraint of potentially dangerous or dangerous dog.
- 6.07.090 Registration of potentially dangerous or dangerous dog.
- 6.07.100 Fees for certificate of registration and annual renewal.
- 6.07.110 Impoundment of potentially dangerous or dangerous dog.
- 6.07.120 Violation – Penalty.
- 6.07.130 Enforcement.
- 6.07.140 Hearings.
- 6.07.150 Miscellaneous provisions.
- 6.07.160 Immunity.
- 6.07.170 Severability.

6.07.010 Definitions.

A. “Animal control authority” and “animal control officer” shall have the meanings set forth in CCC 6.04.020.

B. “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
- 3. Any dog with a known propensity, tendency or disposition to attack unprovoked, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

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

1. Has inflicted severe injury on a human being without provocation on public or private property;

2. Has killed a domestic animal without provocation while off the owner's property; or

3. Has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

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

E. "Proper enclosure" means confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the dog 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. (Ord. 461 § 4, 1998).

6.07.020 Requirements.

It shall be unlawful for any owner of a potentially dangerous dog or dangerous dog, who has been notified by the animal control authority that he or she is the owner of a potentially dangerous dog or dangerous dog, to keep such a dog within the town of Coulee City unless such owner has procured a certificate of registration for the dog from the animal control authority and is in full compliance with all requirements for issuance of such certificate of registration. (Ord. 461 § 4, 1998).

6.07.030 Declaration of potentially dangerous dog or dangerous dog.

A. The animal control authority may find and declare a dog potentially dangerous or dangerous if it has probable cause to believe that the dog falls within the definition set forth in CCC 6.07.010(A) or (B); provided, that a dog 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. The finding must be based on:

1. The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition in CCC 6.07.010(A) or the definition in CCC 6.07.010(B); or

2. Dog bite reports filed with the animal control authority by an animal control officer; or

3. Actions of the dog witnessed by any animal control officer or law enforcement officer; or

4. Other substantial admissible evidence.

B. 1. The declaration of potentially dangerous dog or dangerous dog shall be in writing and shall be served on the owner of the dog by one of the following methods:

- a. Certified mail to the owner's last known address, if known; or

- b. Personally; or

- c. If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.

2. The owner of any dog found to be a potentially dangerous dog or dangerous dog under this section shall be assessed all service costs expended under this subsection.

C. The declaration shall state at least:

1. A description of the dog;

2. The name and address of the owner of the dog, if known;

3. The whereabouts of the dog if it is not in the custody of the owner;

4. The facts upon which the declaration of potentially dangerous dog or dangerous dog is based;

5. The availability of a hearing in case the owner objects to the declaration, if a request is made within five days;

6. The restrictions placed on the dog as a result of the finding of potentially dangerous or dangerous dog;

7. The penalties for violation of this chapter, including the possibility of destruction

of the dog and the imposition of civil and criminal penalties on the owner. (Ord. 461 § 4, 1998).

6.07.040 Objection to declaration of potentially dangerous or dangerous dog.

If the owner of the dog wishes to object to the declaration of potentially dangerous dog or dangerous dog, the owner may, within five days of service of the declaration, or within five days of the publication of the declaration pursuant to CCC 6.04.030(B)(1)(c), request a hearing before the Coulee City municipal court by submitting a written request to the clerk of the court. (Ord. 461 § 4, 1998).

6.07.050 Hearing – Findings – Court costs.

A. The hearing provided in CCC 6.07.040 shall be held to the court without a jury.

B. If the court finds that there is insufficient evidence to support the declaration, the declaration shall be rescinded.

C. If the court finds sufficient evidence to support the declaration, it shall impose court costs on the appellant, and may issue orders for the impoundment or destruction of the dog.

D. In the event the court finds that the animal is not a potentially dangerous dog or a dangerous dog, no court costs shall be assessed against the town of Coulee City or the animal control authority or officer. (Ord. 461 § 4, 1998).

6.07.060 Restrictions pending hearing or appeal.

Following service of a declaration of potentially dangerous dog or dangerous dog, and pending a hearing before the municipal court or an appeal to any other court with jurisdiction, the owner of the dog shall keep the dog indoors or in a proper enclosure or under the restraint required by CCC 6.07.080. If the owner falls to keep the dog indoors or in a proper enclosure or under restraint, an animal control officer may impound the dog at the owner's expense until a court orders either its redemption or destruction. (Ord. 461 § 4, 1998).

6.07.070 Notification of location by owner or custodian.

The owner of any dog found to be a potentially dangerous dog or a dangerous dog under this chapter must keep the animal control authority notified of the location of the dog at all times. (Ord. 461 § 4, 1998).

6.07.080 Restraint of potentially dangerous or dangerous dog.

It is unlawful for an owner of a potentially dangerous or dangerous dog to permit the dog to be outdoors or 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. (Ord. 461 § 4, 1998).

6.07.090 Registration of potentially dangerous or dangerous dog.

The animal control authority shall issue a certificate of registration to the owner of a dog found to be potentially dangerous or dangerous under this chapter upon payment of the fees set forth in CCC 6.07.100 and if the owner presents to the animal control authority sufficient evidence of:

A. A proper enclosure to confine the dog and the posting of the premises with a clearly visible warning sign that there is a potentially dangerous or 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 potentially dangerous or dangerous dog;

B. A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least \$50,000, payable to any person injured by the dangerous dog; or

C. 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 \$50,000, insuring the owner for any personal injuries inflicted by the potentially dangerous or dangerous dog. (Ord. 461 § 4, 1998).

6.07.100 Fees for certificate of registration and annual renewal.

In addition to regular dog licensing fees, the owner of a potentially dangerous dog or a dangerous dog shall be required to pay the fee for a certificate of registration in the amount set forth herein, or as hereafter amended. In addition, the owner of a potentially dangerous dog or a dangerous dog shall pay an annual renewal fee for each such dog licensed under this section in the amount set forth herein, or as hereafter amended, and shall submit proof of compliance with CCC 6.07.090.

A. Fee for the certificate of registration, \$250.00;

B. Annual renewal, \$200.00. (Ord. 461 § 4, 1998).

6.07.110 Impoundment of potentially dangerous or dangerous dog.

Any potentially dangerous or dangerous dog shall be immediately impounded by an animal control officer if the:

A. Dog is not validly registered under CCC 6.07.090 and 6.07.100;

B. Owner does not secure the surety bond or liability insurance coverage required in CCC 6.07.090;

C. Dog is not maintained in the proper enclosure;

D. Dog is outside of the dwelling of the owner, or outside of the proper enclosure, and not muzzled and under the restraint required in CCC 6.07.080. (Ord. 461 § 4, 1998).

6.07.120 Violation – Penalty.

A. Any owner of a potentially dangerous dog or dangerous dog who fails to obtain a certificate of registration or renewal for such dog as described in CCC 6.07.090 and 6.07.100 is in violation of this chapter and shall be assessed a civil penalty in the amount of \$500.00; provided, however, that no such civil penalty shall be assessed until five days have elapsed from the date such owner is notified by the animal control authority that such a license or renewal for such potentially dangerous dog or dangerous dog is required, or until any appeal brought under this chapter has been completed, whichever is later.

B. Any owner of a potentially dangerous dog or dangerous dog who fails to keep such a dog under the restraint required by CCC 6.07.080 is in violation of this chapter and shall be assessed a civil penalty in the amount of \$500.00.

C. Any owner of any potentially dangerous dog or dangerous dog impounded under CCC 6.07.110 shall be subject to a civil penalty in the amount of \$20.00 per day for each day such dog remains impounded with the animal control authority. Any potentially dangerous dog or dangerous dog impounded due to the failure of the owner of such dog to obtain the required certificate of registration (or renewal), and which remains impounded for a period of at least 20 days due to the failure of the owner to obtain such certificate of registration (or renewal), may be destroyed in an expeditious and humane manner by the animal control authority. Any potentially dangerous dog or dangerous dog impounded due to the failure of the owner of such dog to confine it or restrain in conformity with this chapter and which remains impounded for a period of at least 10 days due to the failure of the owner to pay the civil penalty or seek a hearing to contest such civil penalty may be destroyed in an expeditious and humane manner by the animal control authority.

D. In addition to any other penalty set forth in this chapter, the owner may be charged with any criminal offense set forth in RCW 16.08.100. The owner of any dog impounded under this chapter may recover such dog from the animal control authority upon the payment of the civil penalties set forth in this section; provided, however, that the owner of any dog destroyed under this chapter shall be assessed an additional civil penalty in the amount of \$50.00 for the cost of destroying such dangerous dog.

E. If a potentially dangerous dog or a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the dog's owner may be charged with a Class C felony, punishable in accordance with RCW 9A.20.021. In addition, the potentially dangerous dog or dangerous dog shall be immediately confiscated by an

animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. The owner of any dangerous dog confiscated and destroyed pursuant to this subsection shall be assessed a civil penalty in the amount of \$20.00 per day for each day such dangerous dog is quarantined with the animal control authority and in the amount of \$50.00 for the cost of destroying such dangerous dog. (Ord. 461 § 4, 1998).

6.07.130 Enforcement.

A. Payment of all civil penalties required to be paid by owners for violations of the provisions of this chapter shall be made to the town of Coulee City.

B. No potentially dangerous dog or dangerous dog impounded by the animal control authority shall be returned to any owner until such owner has paid all civil penalties which have been assessed against such owner under this chapter.

C. The town of Coulee City shall have authority to place a lien upon the real property of any owner of a dangerous dog or potentially dangerous dog against whom a civil penalty has been assessed under this chapter, and who has been given notice of such civil penalty and has failed to pay such civil penalty; provided, however, that no such lien shall be placed until 30 days have elapsed from the date of any final determination of the validity of such civil penalty.

D. An owner who fails to pay a civil penalty assessed under this chapter within 30 days after exhausting any appellate remedies shall be guilty of a misdemeanor and be prosecuted in Grant County district court, and, upon conviction thereof, shall be punished by fine not to exceed the sum of \$500.00. (Ord. 461 § 4, 1998).

6.07.140 Hearings.

A. Any owner against whom a civil penalty has been assessed under this chapter may contest such civil penalty by requesting a hearing in the Coulee City municipal court by requesting such hearing within five days of notification of such civil penalty by the animal control authority.

B. Where an owner has requested a hearing pursuant to subsection A of this section, no potentially dangerous dog or dangerous dog which is in the possession of the animal control authority shall be destroyed until the resolution of such hearing; provided, however, that an additional civil penalty in the amount of \$20.00 per day shall be assessed against any owner whose dog remains in the custody of the animal control authority during any hearings requested under this section where resolution of such hearing is that all or any part of the civil penalty against such owner is found to be properly assessed.

C. Following resolution of any contested hearing regarding a civil penalty as provided in this chapter, the owner of any dangerous dog or potentially dangerous dog in the possession of the animal control authority shall pay all civil penalties which may have been assessed as authorized above within 10 days of the final resolution of any hearing regarding such civil penalties.

D. Any dangerous dog or potentially dangerous dog which has not been picked up from the animal control authority by its owner within 10 days of the final resolution of any hearing regarding any civil penalties under this section shall be destroyed in an expeditious and humane manner; provided, however, that an additional civil penalty in the amount of \$50.00 for the cost of destroying such dog shall be assessed against the owner, and may be collected as provided in this chapter.

E. No right to a jury exists in any hearing or actions brought under this chapter. (Ord. 461 § 4, 1998).

6.07.150 Miscellaneous provisions.

A. If a dog which has been determined to be a dangerous dog or potentially dangerous dog under this chapter is destroyed or dies other than pursuant to CCC 6.07.120 or 6.07.140, the owner must present sufficient evidence of that fact to the animal control authority. If an animal which has been determined to be a dangerous dog or potentially dangerous dog under this chapter is sold, given away, or otherwise disposed of, the owner must present verification of the dog's new location to the animal

control authority. Failure of the owner to provide such adequate proof will result in the continued imposition of all civil and criminal penalties under this chapter.

B. If any dog which has been declared dangerous or potentially dangerous in any other county, state or foreign country, or if any dog with a history of behavior which, had such behavior occurred in the town of Coulee City, would lead to a determination of dangerous dog or potentially dangerous dog under this chapter, is brought to the town of Coulee City, said dog must be taken to the animal control authority and such history disclosed within 10 days of the time the owner first arrives in the town of Coulee City so that the animal control authority is aware of the dog's behavior. The animal control authority in the town of Coulee City will enforce and give effect to determinations of other jurisdictions regarding dangerousness. (Ord. 461 § 4, 1998).

6.07.160 Immunity.

The town of Coulee City, the animal control authority and any animal control officer shall be immune from any and all civil liability for any actions taken pursuant to this chapter, or for any failure to take action to enforce the provisions of this chapter. It is not the purpose or intent of this chapter to create on the part of the town of Coulee City or its agents any special duties or relationships with specific individuals. This chapter has been enacted for the welfare of the public as a whole. (Ord. 461 § 4, 1998).

6.07.170 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the act and the application of the provision to other persons or circumstances is not affected. (Ord. 461 § 4, 1998).

Chapter 6.08

CAT REGULATIONS

Sections:

6.08.010 Feeding feral cats unlawful.

6.08.010 Feeding feral cats unlawful.

A. It is unlawful for any person to feed feral cats on any property owned by the town of Coulee City.

B. Any person who violates the provisions of this section shall be guilty of an infraction and shall be fined in a sum not to exceed \$300.00. (Ord. 513 §§ 1, 2, 2003).

Coulee City Code

Chapter 6.12

LIVESTOCK

(Repealed by Ord. 621)

Title 7
(Reserved)

Title 8

HEALTH AND SAFETY

Chapters:

- 8.04 Automobile Hulks**
- 8.08 Fireworks**
- 8.12 *Repealed***
- 8.16 Fire Debris**
- 8.20 *Repealed***
- 8.24 *Repealed***
- 8.28 Glass and Sharp Objects**
- 8.32 Nuisances**
- 8.36 *Repealed***

Chapter 8.04**AUTOMOBILE HULKS**

Sections:

- 8.04.010 Automobile hulks on either public or private property.
- 8.04.020 Abandoned vehicles on either public or private property.
- 8.04.030 Monetary penalties.
- 8.04.040 Construction.

8.04.010 Automobile hulks on either public or private property.

A. The storage or retention of an automobile hulk, whether abandoned or not, on public or private property shall constitute an infraction and shall constitute a public nuisance subject to removal and impoundment unless it is completely enclosed within a building in a lawful manner where it is not visible from a street or other public or private property or 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 it is fenced according to the provisions of RCW 46.80.130. An “automobile hulk” shall include any wrecked or dismantled vehicle or any vehicle that meets at least three of the following requirements:

1. 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;
2. Is apparently inoperable;
3. Has an approximate fair market value equal only to the approximate value of the scrap in it;
4. Does not have a valid license properly displayed.

B. The town marshal shall inspect and investigate complaints relative to automobile hulks or parts thereof on public or private property. Upon discovery of such nuisance, the police department shall give notice in writing to the last registered owner of record of the automobile hulk and also to the property owner of record that a public hearing may be requested before the Coulee City town council, and that if no hearing is requested within 10

days, the automobile hulk will be removed. Costs of removal may be assessed against the last registered owner of the automobile hulk if the identity of such owner can be determined, or the costs may be assessed against the owner of the property on which the automobile hulk is stored.

C. If a request for a hearing is received, a notice giving the time, location and date of such hearing on the question of removal and impoundment of the automobile hulk 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 and to the legal owner on record of the automobile hulk unless the automobile hulk is in such condition that identification numbers are not available to determine ownership.

D. The owner of the land on which the automobile hulk 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 hulk on the land, with his reasons for such denial. If it is determined at the hearing that the hulk was placed on the land without the consent of the landowner and remains on the land without the consent of the landowner, then the town council shall not assess costs of administration or removal of the hulk against the property upon which the hulk is located or otherwise attempt to collect such cost from the property owner.

E. After notice has been given of the intent of the town to dispose of the automobile hulk and after a hearing, if requested, has been held, the automobile hulk or part thereof shall be removed, at the request of a police officer, and disposed of to a licensed motor vehicle wrecker or hulk hauler with notice to the Washington State Patrol and the Washington Department of Licensing that the automobile hulk has been wrecked. Any automobile hulk impounded pursuant to this section shall be processed in the manner prescribed by RCW 46.55.085 and other pertinent provisions adopted in the Washington Model Traffic Ordinance, Chapter 46.90 RCW.

F. The town may, after removal of an automobile hulk from private property, file for record with the county auditor to claim a lien for the cost of removal, which shall be in substance in accordance with the provision covering mechanics' liens in Chapter 60.04 RCW, and said lien shall be foreclosed in the same manner as such lien. (Ord. 541 § 2, 2005).

8.04.020 Abandoned vehicles on either public or private property.

Pursuant to Chapter 46.55 RCW, the following procedures are hereby established for the abatement and removal of abandoned vehicles on either public or private property.

A. The leaving of an abandoned vehicle upon public property or upon the property of another without the consent of the owner of such property for a period of 24 hours or longer shall constitute a public nuisance subject to abatement, removal, and monetary penalties unless its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

B. A law enforcement officer discovering an apparently abandoned vehicle shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:

1. The date and time the sticker was attached;
2. The identity of the officer;
3. A statement that if the vehicle is not removed within 24 hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense; and
4. The address and telephone number where additional information may be obtained.

C. If the vehicle has current registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer or his department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

D. If the vehicle is not removed within 24 hours from the time the notification sticker is attached, the law enforcement officer may take

custody of the vehicle and provide for the vehicle's removal to a place of safety. For the purposes of this section, a place of safety includes the business location of a registered disposer.

E. When a vehicle is impounded pursuant to RCW 46.55.080 or 46.55.113 the Coulee City police department shall, if the vehicle has current Washington registration plates, check the records to learn the identity of the last owner of record. The officer or his department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

F. Upon impoundment of a vehicle pursuant to this section, the law enforcement officer shall also provide the registered disposer with the name and address of the last registered owner and legal owner of the vehicle as may be shown by the records of the Washington Department of Licensing or as otherwise reasonably ascertainable.

G. The notification provided for in this section shall inform the registered owner that any hearing request shall be directed to the Coulee City municipal court and shall be accompanied by a form to be utilized for the purpose of requesting a hearing. Any request for a hearing pursuant to this section shall be made in writing on the form provided for that purpose and must be received by the court within 10 days of the date of mailing of notification provided for in this section. If the hearing request is not received by the court within the 10-day period, the right to a hearing is waived and the registered owner shall be liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment and any infractions alleged.

H. Removal and storage of a vehicle under Chapter 46.55 RCW shall be at the owner's expense.

I. Any abandoned vehicle impounded pursuant to this section shall otherwise be processed in the manner prescribed by Chapter 46.55 RCW. (Ord. 541 § 3, 2005).

8.04.030 Monetary penalties.

Any person allowing a public nuisance in violation of this chapter shall be subject to the maximum monetary penalty prescribed for said infraction in an amount not to exceed \$250.00 for each offense in addition to costs of removal, storage and disposition of any vehicle, vehicle hulk or part thereof. Each day that a public nuisance is allowed to continue in violation of this chapter shall be considered a separate offense. (Ord. 541 § 4, 2005).

8.04.040 Construction.

This chapter shall implement and be supplementary to the provisions of the Washington Model Traffic Ordinance, Chapter 46.90 RCW, and shall be construed in a manner consistent with the provisions thereof. (Ord. 541 § 5, 2005).

Chapter 8.08**FIREWORKS****Sections:**

- 8.08.010 Common fireworks defined.
- 8.08.020 Sales – Discharge.
- 8.08.030 Violation – Penalty.

8.08.010 Common fireworks defined.

“Common fireworks” means any fireworks designed primarily to produce visual or audible effects by combustion.

A. The term includes:

1. Ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;
2. Smoke devices;
3. Fireworks commonly known as helicopters, aeries, spinners, roman candles, mines, and shells;
4. Class C explosives classified on January 1, 1984, as common fireworks by the United States Department of Transportation.

B. The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets. (Ord. 400 § 3, 1992).

8.08.020 Sales – Discharge.

Except as provided in this chapter and subject to the provisions of Chapter 70.77 RCW, “common fireworks,” as defined in RCW 70.77.136, are hereby permitted to be sold and used within the town of Coulee City; provided, however, that no fireworks of any kind may be discharged within the city limits of the town of Coulee City or within the boundaries of the city park except on the designated jetty area in the park. (Ord. 665 § 1, 2015; Ord. 654 § 1, 2014; Ord. 496, 2001; Ord. 400 § 2, 1992).

8.08.030 Violation – Penalty.

Any person violating the provisions of this chapter shall be issued a notice of infraction subjecting the violator to a C-1 penalty. (Ord. 684 § 1, 2016; Ord. 655 § 1, 2014).

Chapter 8.12**OUTDOOR BURNING**

(Repealed by Ord. 622)

Chapter 8.16**FIRE DEBRIS**

Sections:

8.16.010 Time limitation on maintenance of debris.

8.16.020 Exception.

8.16.030 Violation – Penalty.

8.16.010 Time limitation on maintenance of debris.

It is unlawful for any person to maintain on his premises the debris resulting from a loss of property by fire, for a period greater than 30 days from and after the loss. (Ord. 227 § 1, 1967).

8.16.020 Exception.

In case such debris must be left for fire insurance adjustment purposes, the insured owner may, by application to the mayor, obtain permission to preserve the debris intact for a period of not more than 30 days after the insurance adjustment. (Ord. 227 § 2, 1967).

8.16.030 Violation – Penalty.

Any person that violates any of the provisions of this chapter shall be guilty of a civil infraction and shall be subject to a C-12 fine. Each day or portion of a day in which a violation is committed constitutes a separate offense. (Ord. 623 § 1, 2012; Ord. 227 § 3, 1967).

Chapter 8.20

GARBAGE DUMP

(Repealed by Ord. 624)

Chapter 8.24

WEED REMOVAL

(Repealed by Ord. 518)

Chapter 8.28

GLASS AND SHARP OBJECTS

Sections:

8.28.010 On parks and beaches.

8.28.020 On town streets.

8.28.010 On parks and beaches.

A. It is an infraction for any person to throw, leave, deposit, or place any bottle or other glass object or any metallic or plastic object with sharp edges or which when broken may have a sharp edge or edges in or around any park or beach area in the town of Coulee City.

B. Any person that violates subsection A of this section shall be guilty of a civil infraction and shall be subject to not less than a C-10 fine nor more than a C-6 fine. (Ord. 625 § 1, 2012; Ord. 381 §§ 1, 3, 1991).

8.28.020 On town streets.

A. It is an infraction for any person to throw, leave, deposit, or place any bottle or glass object in or on the public streets or places in the town of Coulee City.

B. Any person that violates subsection A of this section shall be guilty of a civil infraction and shall be subject to not less than a C-12 fine nor more than a C-8 fine. (Ord. 625 § 1, 2012; Ord. 381 §§ 2, 4, 1991).

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 Notice of violation and order to correct or cease activity.
- 8.32.060 Correction by owner or other responsible person.
- 8.32.070 Abatement by the town.
- 8.32.080 Immediate danger – Summary correction.
- 8.32.090 Unlawful materials in alleys.
- 8.32.100 Violation – Penalty.

8.32.010 Definitions.

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

“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.

“Compliance officer” means the mayor’s designee.

“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 compliance officer, in his judgment, determines is necessary in the interest of the general health, safety and welfare of the community.

“Criminal gang activity” means: (1) the commission, solicitation to commit, conspiracy to commit, or attempt to commit any crime or violation of law, including but not limited to crimes against persons, crimes against property, graffiti, creation and maintenance of public or private nuisances, threats to do harm, intimidation, robbery, burglary, assault, homicide, theft, violation of laws pertaining to controlled substances, alcohol offenses, with the intent or effect to promote, further, aid, abet, or assist any criminal street gang; (2) any intimidation of or harm to any person with the pur-

pose or intent to cause such person to participate in criminal gang activity, or to intimidate or harm any person who has ceased to participate in criminal gang activity; or (3) any public participation or use of identifiable apparel, name, sign or symbol of any criminal street gang in a manner that creates a threat of harm or intimidation to persons or property, or that promotes, furthers, aids, abets or assists any criminal street gang or criminal gang activity.

“Criminal street gang” means a group that: (1) consists of three or more persons; (2) has identifiable leadership or an identifiable name, sign, or symbol; and (3) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes, or whose members individually or collectively engage in or have engaged in criminal gang activity.

“Fire hazard” means any thing or act which, in the opinion of the fire chief, causes or creates a fire hazard which threatens the public health, safety and/or welfare.

“Health officer” means the director of the Grant County health district or his designee.

“Membrane” means a tarpaulin, banner, fabric, or other sheeting, made of cloth, plastic, vinyl, paper or other similar material.

“Occupant” means any person occupying the premises.

“Owner” means the record owner of the subject property as listed in the records of the Grant County assessor.

“Premises” or “subject property” means any building, lot, parcel, real estate, or land or portions of land, whether improved or unimproved, including adjacent sidewalks and parking lanes.

“Responsible person” means any agent, lessee or other persons occupying or having charge or control of any premises. (Ord. 615 § 1, 2012; Ord. 580 § 2, 2009).

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; or

D. In any way renders one or more persons insecure in life or the use of property. (Ord. 580 § 2, 2009).

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 compliance officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter. The determination of the compliance officer shall be afforded great weight in the resolution of any contest over the enforcement of this chapter. The determination of the compliance officer shall be sustained unless the court determines that the officer's application of this chapter is contrary to law or the respondent establishes by a preponderance of the evidence that the factual basis for the issuance of the infraction or notice to correct an unsafe or unlawful condition is unfounded. It is the policy of the town to establish a duty requiring each property owner within the town to maintain their premises in a neat, orderly, and clean condition, to preserve property values, aesthetics, and quality of life.

A. The existence of any weeds, trash, excess dirt, filth, the 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 Grant County health district);

E. All other acts, failures to act, occupations, or uses of property which are determined by the health officer 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 12 feet above the surface of any street;

G. All buildings, other structures, or portions thereof which have been damaged by fire, decay, or have otherwise deteriorated 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 fire code in force within the town;

I. The keeping or harboring of any dog, fowl, or other animal which by frequent or habitual howling, yelping, barking, crowing, or in the making of other noises, annoys or disturbs the public, or the habitual allowing of dogs kept at any one address to run at large (more than four offenses in a 12-month period) in violation of Chapter 6.04 CCC, Dog Regulations and Licensing;

J. Making or causing to be made by means of any mechanical device, electrical or otherwise, any unnecessary noise of any kind which annoys the public prior to 7:00 a.m. and after 10:00 p.m. daily;

K. 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 trimmings, and shrubbery of any kind, in or upon any street, alley, sidewalk, ditch or public or private property of another in the town;

L. 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, the 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 pre-

vent the temporary retention of waste in approved covered receptacles;

2. Any privies, vaults, cesspools, swamps, 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 ordinances of the town;

5. Any poison oak or poison ivy, Russian thistle, or other noxious weeds, 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;

M. The permitting to remain outside any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling, or other structure, in a place accessible to children, any abandoned, unattended, or discarded ice chest, refrigerator, or other airtight container which does not have the door, lid or other locking device removed;

N. 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;

O. 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;

P. The repair or abandonment of any automobile, truck, or other motor vehicle of any kind upon the public streets or alleys of the town;

Q. The keeping or permitting the existence of any bees or other insects, reptiles, rodents, fowl, or any other animals, domestic or wild, in any manner contrary to law, or which affect the safety of the public;

R. The existence of any fence, or 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;

S. 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;

T. The keeping or permitting the existence of morning glory, tackweed, Russian thistle, or other noxious weed, as defined in Chapter 17.10 RCW, growing or otherwise, which is a health or safety hazard to persons or property;

U. All grasses, weeds, or other vegetation growing, or which has grown and died, determined by the fire chief to be a hazard to structures on adjoining property owned by others, shall be declared to be a nuisance and abated in a manner required by the fire chief. All grasses, weeds, or other vegetation growing, or which has grown and died, determined to be a safety hazard or a nuisance to persons, shall not exceed 12 inches in height measured above the ground except as follows:

1. Any designated public parkland, natural area, or environmentally sensitive area, or any large undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes. Any of the above exceptions may be waived and additional maintenance required by the fire chief if it is

determined such action is necessary to protect the safety of persons or adjoining property. All maintenance shall be done in a manner so as to minimize disruption of soil stability;

V. 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;

W. The existence of any accumulation of materials or objects in a location when the same endangers property, safety, or constitutes a fire hazard;

X. 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 materials;

Y. The existence on any premises of any unused and abandoned trailer, house trailer, automobile, boat or other vehicle or major parts thereof;

Z. 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 junk vehicles, vehicle parts, tires, machinery, or equipment; mattresses, bedding, clothing rags or cloth; straw, packing material, cardboard, or other paper; tin cans, wires, bottles, glass, cans, barrels, bins, boxes, containers, pallets, 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;

AA. 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;

BB. The locating of automobiles, trucks, recreational vehicles, trailers, boats, or any other vehicles, vessels, or the like for the purpose of advertising their sale on property located in any commercial or industrial zone

not owned by the seller, except for new and used vehicle and vessel sales lots, unless the seller presents to the compliance officer a document containing the name, address and telephone number of the property owner allowing the seller to use the property for the sale of that specific item;

CC. The permitting of any condition or situation where the soil has been disrupted, disturbed or destabilized so as to allow blowing dust to exist;

DD. Permitting any violation of RCW 59.18.510 in any rental dwelling unit;

EE. Criminal street gangs and criminal 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 Uniform Housing Code, subject to abatement through all available means. In addition thereto and without limitation, criminal 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. 615 § 2, 2012; Ord. 580 § 2, 2009).

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, 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. In the enforcement of this chapter, the town shall be permitted to act upon the reports of persons, including the observations of town employees, to investigate and, if in the opinion

of the compliance officer the complaints are based upon events which have occurred in violation of this chapter, issue a notice of infraction or a notice to correct unsafe or unlawful condition as set forth in CCC 8.32.050. (Ord. 580 § 2, 2009).

8.32.050 Notice of violation and order to correct or cease activity.

The code enforcement officer, to be designated by the mayor, having determined that a public nuisance exists, shall issue a notice of violation and order to correct or cease activity as provided in Chapter 1.14 CCC. (Ord. 580 § 2, 2009).

8.32.060 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 compliance officer, or otherwise, all necessary and legal conditions pertinent to the correction may be imposed by the compliance officer. 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. 580 § 2, 2009).

8.32.070 Abatement by the town.

A. In all cases where the code enforcement officer has determined to proceed with issuance of a notice of violation and order to correct, then 10 days after issuance of such notice, the town shall have the ability, in addition to any other remedy provided in this chapter and not as an alternative means of abatement to the exclusion of others, to abate the nuisance identified by the code enforcement officer in the notice of violation and order to correct as provided herein.

B. A violation of this chapter may be subject to abatement by the following means:

1. Summarily, by a restraining order or injunction issued by a court of competent jurisdiction; or

2. Following issuance of a notice of violation and order to correct, and following the expiration of the time to correct the condition or cease the activity constituting a nuisance as identified in the notice and order, a written notice of the code enforcement officer sent by return receipt mail to the owner, as such appears on the rolls of the county assessor, which notice shall state that the town council will consider for adoption, after not less than 10 days from the date of that notice, of a resolution which shall describe the property involved by street address or parcel number and the condition in violation of this chapter and require the owner to make the removal or destruction of such condition. Such notice shall state the owner may appear before the town council at the time it considers such resolution and that will be the owner's only opportunity to protest the proposed action of the town council to abate the nuisance as provided in this section. Such notice shall further provide that should the town council adopt such resolution, it may direct therein that the destruction or removal of the condition in violation of this chapter is to be accomplished by town forces or contractors and that all costs, direct and indirect, of such work shall be charged to the owner. If such removal or destruction is not made by the owner after the notice is given, the town council may, by resolution passed not less than 10 days from the date of the notice, cause the town to make the removal or destruction thereof as provided herein and provide that the cost thereof shall become a charge against the owner of the property. This debt shall be collectible in the same manner as other debts owing to the town. (Ord. 580 § 2, 2009).

8.32.080 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 correction officer shall have the authority to summarily and without notice correct the same. The correction officer shall make a reasonable

effort consistent with the circumstances to contact the owner and occupant of the subject property to obtain compliance before proceeding. The expense of such correction shall become and be collectible in the same manner as any debt owing the town. (Ord. 580 § 2, 2009).

Chapter 8.36

FEEDING GULLS IN CITY PARK

(Repealed by Ord. 555)

8.32.090 Unlawful materials in alleys.

A. It is unlawful for a person, firm, or corporation to deposit any debris, vegetation, lawn clippings, lumber piles, wood piles, auto parts or bodies, garbage, and the like, or store any material of any kind except approved garbage or refuse containers in the alleys of the town. Abutting property owners shall be responsible for the control of vegetation within alleys.

B. The materials referred to in subsection A of this section shall be removed by the depositor. Failure to remove the materials within five days shall be an additional infraction and it shall be considered an additional infraction for each five-day period that a party fails to remove the material after having been notified of its existence. (Ord. 580 § 2, 2009).

8.32.100 Violation – Penalty.

A. Every person who violates any of the provisions of this chapter shall be deemed to have committed a civil infraction and shall be subject to a penalty as provided in Chapter 1.12 CCC. Each violation shall constitute a separate violation of this chapter. A C-15 penalty will be imposed for each civil infraction as provided by CCC 1.12.030. Additionally, the court may require the party liable for the civil infraction to reimburse the town for costs incurred by the town for abatement and removal of the nuisance related to the violation of this chapter.

B. Each second or subsequent violation of this chapter within a 12-month period shall subject the violator to a C-12 penalty as provided in CCC 1.12.030. (Ord. 580 § 2, 2009).

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.04 Intoxicating Liquors

9.08 *Repealed*

9.12 Property Protection

9.16 *Repealed*

9.20 *Repealed*

9.24 *Repealed*

9.28 *Repealed*

9.32 *Repealed*

Chapter 9.04**INTOXICATING LIQUORS**

Sections:

- 9.04.010 Opening, consuming liquor in public place.
- 9.04.020 Intoxicated persons in public place.
- 9.04.030 Providing liquor to intoxicated person.
- 9.04.040 Providing liquor to minors.
- 9.04.050 License required.
- 9.04.060 Premises inspection.
- 9.04.070 Hours of sale.
- 9.04.080 Violation – Penalty.

9.04.010 Opening, consuming liquor in public place.

No person shall open a package containing liquor or consume liquor in a public place. (Ord. 121 § 1, 1935).

9.04.020 Intoxicated persons in public place.

No person who is intoxicated shall be or remain in any public place within the town. (Ord. 121 § 2, 1935).

9.04.030 Providing liquor to intoxicated person.

No person shall sell, give or otherwise supply liquor to any person apparently under the influence of liquor. (Ord. 121 § 4, 1935).

9.04.040 Providing liquor to minors.

No person shall sell, give or otherwise supply liquor to any person under the age of 21 years or permit any person under that age to consume liquor on his premises or on any premises under his control. (Ord. 121 § 4, 1935).

9.04.050 License required.

Any person doing any act within the town of Coulee City which requires a license under Chapter 62 of the Laws of the Extraordinary Session of 1933 or any amendments thereof, without having in force a license issued to him under that Act shall be guilty of a violation of this chapter. (Ord. 121 § 6, 1935).

9.04.060 Premises inspection.

All licensed premises used in the storage or sale of liquor, or any premises or parts of premises used or in any way connected, physically or otherwise, with the licensed business, shall at all times be open to inspection by any peace officer of the town of Coulee City. (Ord. 121 § 7, 1935).

9.04.070 Hours of sale.

No liquor shall be sold between the hours of 2:00 a.m. and 6:00 a.m. of any day. (Ord. 384, 1991; Ord. 121 § 8, 1935).

9.04.080 Violation – Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a civil infraction and be subject to a civil penalty not exceeding \$100.00. (Ord. 384, 1991; Ord. 121 § 9, 1935).

Chapter 9.08**DISORDERLY CONDUCT**

(Repealed by Ord. 644)

Chapter 9.12**PROPERTY PROTECTION**

Sections:

- 9.12.010 Property of others.
- 9.12.020 Town light fixtures.
- 9.12.030 Unoccupied buildings.
- 9.12.040 Glass windows and doors.
- 9.12.050 Advertising.
- 9.12.060 Signs and warning devices.
- 9.12.070 Violation – Penalty.

9.12.010 Property of others.

It is unlawful for any person or persons to wilfully or maliciously injure, deface or destroy property of others or of the town of Coulee City. (Ord. 119 § 3, 1932).

9.12.020 Town light fixtures.

It is unlawful for any person to break, damage or injure any electric light, electric light globe, electric light fixture, or any other matter connected with any electric light including poles, wires and other fixtures in the town of Coulee City being used by or belonging to or which is used for the purpose of furnishing light and power to or for the town of Coulee City. (Ord. 386 § 1, 1991).

9.12.030 Unoccupied buildings.

It is unlawful for any person to break, damage or injure any unoccupied building in the town of Coulee City. (Ord. 386 § 2, 1991).

9.12.040 Glass windows and doors.

It is unlawful for any person to break or damage any glass, window glass, or any glass in any door or in any opening to or of any building in the town of Coulee City. (Ord. 386 § 3, 1991).

9.12.050 Advertising.

It is unlawful to place or affix to any real property or any rock, tree, wall, fence, pole, or other structure thereon within the town of Coulee City, without the consent of the owner thereof, or upon any street, or other land belonging to the town, any word, character or devices designed to advertise any article, busi-

ness, profession, exhibition, matter or event.
(Ord. 386 § 3, 1991).

9.12.060 Signs and warning devices.

It is unlawful for any person without legal authority so to do, to remove, disturb, deface, injure, destroy or in any manner interfere with or dispose of any street sign, signal, railing or barrier, or any red light, red lantern or other notice or signal used as a danger signal or any street indicating the name of such street or directions regarding the use of the same, or any sign or notice placed upon any private property or any legal notice or lawful signature or any lawful advertising whatsoever, in the town of Coulee City. (Ord. 386 § 4, 1991).

9.12.070 Violation – Penalty.

Any person in violation of any portion of this chapter is guilty of an infraction and subject to a penalty not exceeding \$100.00. (Ord. 386 § 5, 1991).

Chapter 9.16

FRAUD – THEFT

(Repealed by Ord. 645)

Chapter 9.20

CURFEW FOR MINORS

(Repealed by Ord. 613)

Chapter 9.24

FIREARMS

(Repealed by Ord. 582)

Chapter 9.28

CONCEALED WEAPONS

(Repealed by Ord. 581)

Chapter 9.32

PUBLIC DISTURBANCE NOISE

(Repealed by Ord. 614)

Title 10

VEHICLES AND TRAFFIC

Chapters:

- 10.04 Traffic Code**
- 10.06 Truck Regulations**
- 10.08 Wheeled All-Terrain Vehicles**
- 10.09 Golf Carts**
- 10.12 Speed Limits**
- 10.16 Obstructing Fire Department**
- 10.20 Recreational Vehicle Parking**
- 10.24 No Parking Areas**
- 10.28 Stopping, Standing, and Parking**

Chapter 10.04**TRAFFIC CODE**

Sections:

10.04.010 State statutes adopted.

10.04.020 Copies on file.

10.04.010 State statutes adopted.

The “Washington Model Traffic Ordinance,” Chapter 308-330 WAC, is hereby adopted by reference as the traffic ordinance of the town of Coulee City as if set forth in full. (Ord. 423 § 1, 1994; Ord. 283 § 1, 1975).

10.04.020 Copies on file.

Three copies of the chapter and its amendments shall be on file and available for inspection in the office of the town clerk of Coulee City. (Ord. 283 § 2, 1975).

Chapter 10.06**TRUCK REGULATIONS**

Sections:

10.06.010 Definitions.

10.06.020 Heavy vehicle – Prohibited use – Designated.

10.06.030 Heavy vehicle – Prohibited use – Exceptions.

10.06.040 Compression brakes.

10.06.050 Heavy vehicle – Routes.

10.06.060 Route posting.

10.06.070 Violation – Civil penalty.

10.06.010 Definitions.

As used in this chapter:

“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. “Heavy vehicle,” as used in this chapter, means any vehicle, motor vehicle, truck, truck-tractor, trailer or semi-trailer or a combination thereof, having a gross weight in excess of 12,000 pounds. This does not include self-propelled recreational vehicles or motor homes. (Ord. 666 § 1, 2015).

10.06.020 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 town; except those streets designated in CCC 10.06.050. (Ord. 666 § 1, 2015).

10.06.030 Heavy vehicle – Prohibited use – Exceptions.

The limitations set forth in CCC 10.06.020 shall not apply to the following:

A. Commercial vehicles while engaged in delivering merchandise to businesses and homes within the town limits.

B. Utility vehicles servicing utilities within the town limits.

C. Local garbage collector vehicles operating within the town limits.

D. Construction vehicles may operate within the town limits; however, the owners shall be responsible for wheel rut repairs and/or other damage resulting to streets traveled by construction equipment to the town of Coulee City and as provided for in RCW 46.44.110 and 46.44.120.

E. Municipal vehicles of the town of Coulee City.

F. School buses.

G. Vehicles approved by the town used in parades.

H. Vehicles used for transportation by operators to their home.

I. Trucks en route to and from repair shops.

J. Mail trucks. (Ord. 666 § 1, 2015).

10.06.040 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. 666 § 1, 2015).

10.06.050 Heavy vehicle – Routes.

The following streets are designated as heavy vehicle routes within the town:

- Road I NE from State Highway 2 to Walnut
- Walnut Street from Road I NE to east town limits
- McEntee south of Main Street to Pinto Ridge Road
- Main Street from intersection of Douglas and Walnut to McEntee
- 1st Street from Main Street to State Highway 2
- 3rd Street from Walnut to Main Street
- 6th Street from Walnut to Main Street

(Ord. 713 § 1, 2021; Ord. 666 § 1, 2015).

10.06.060 Route posting.

The streets designated as a heavy vehicle and long vehicle route shall be marked with signs in an appropriate manner. (Ord. 666 § 1, 2015).

10.06.070 Violation – Civil penalty.

Any person violating any provision of this chapter shall be deemed to have committed a civil infraction and shall be punished by the imposition of a nonsuspendable C-11 penalty as defined in Chapter 1.12 CCC. (Ord. 666 § 1, 2015).

Chapter 10.08**WHEELED ALL-TERRAIN VEHICLES**

Sections:

- 10.08.010 Definitions.
- 10.08.020 Use of wheeled all-terrain vehicles on city streets.
- 10.08.030 Restrictions on use of wheeled all-terrain vehicles on city streets.
- 10.08.040 Equipment requirements of a wheeled all-terrain vehicle.
- 10.08.050 Registration requirements of a wheeled all-terrain vehicle.
- 10.08.060 Duty to obey traffic-control devices and rules of the road.
- 10.08.070 Prohibited uses.
- 10.08.090 Violation – Penalty.

10.08.010 Definitions.

Unless otherwise specifically provided for herein, the definitions set forth in Chapter 46.09 RCW, as existing or hereafter amended, shall govern this chapter. In addition, when used in this chapter, the town defines the words and phrases listed below as follows:

A. “Town” means the town of Coulee City, its elected officials, its employees, and its agents.

B. “City street” means every alley, road, street, and every place open as a matter of right to public vehicular traffic within the city limits.

C. “Motorcycle helmet” has the same meaning as provided in RCW 46.37.530(3).

D. “Rules of the road” means all the rules that apply to vehicle or pedestrian traffic as set forth in state statute, rule, or regulation.

E. “Sidewalk” means that property running parallel to a city street and dedicated to use by pedestrians.

F. “Hours of darkness” means the hours from one-half hour after sunset to one-half hour before sunrise and any other time when persons or objects are not clearly discernible at a distance of 500 feet.

G. “Wheeled all-terrain vehicles” or “WATV” means any wheeled motorized all-terrain or utility-type nonhighway vehicle with handlebars or width that measures 74 inches or

less, has a seat height of at least 20 inches, weighs less than 2,000 pounds, and has at least four tires having a diameter of 30 inches or less. (Ord. 675 § 1, 2016).

10.08.020 Use of wheeled all-terrain vehicles on city streets.

Subject to the restrictions and requirements set forth in this chapter, a person who has attained the age of 16 years, has proof of valid insurance, and who has a valid, nonintermediate driver’s license issued by the state of the person’s residence may operate a wheeled all-terrain vehicle upon a city street having a speed limit of 25 miles per hour or less. (Ord. 675 § 1, 2016).

10.08.030 Restrictions on use of wheeled all-terrain vehicles on city streets.

A. Unless the vehicle has a windscreen and an enclosed overhead rollover structure, each person who operates or rides in a wheeled all-terrain vehicle must wear a securely fastened motorcycle helmet while the vehicle is in motion.

B. Each occupant must have an individual seat designed to seat a person. If equipped with seatbelts, the seatbelts must be worn at all times the vehicle is in motion.

C. Outside of hours of darkness, the operator must comply with RCW 46.37.200 or 46.61.310;

D. Wheeled all-terrain vehicles are subject to Chapter 46.55 RCW. (Ord. 675 § 1, 2016).

10.08.040 Equipment requirements of a wheeled all-terrain vehicle.

A wheeled all-terrain vehicle operated on a city street must comply with the following equipment requirements:

A. Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion;

B. One tail lamp meeting the requirements of RCW 46.37.525 and used at all times when the vehicle is in motion upon a city street; however, a utility-type vehicle 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 city street;

C. A stop lamp meeting the requirements of RCW 46.37.200;

D. Reflectors meeting the requirements of RCW 46.37.060;

E. Turn signals meeting the requirements of RCW 46.37.200 for operation during hours of darkness;

F. A mirror attached to either the right or left handlebar, which must be located to give the operator a complete view of the city street for a distance of at least 200 feet to the rear of the vehicle; however, a utility-type vehicle must have two mirrors meeting the requirements of RCW 46.37.400;

G. A windshield, 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;

H. A horn or warning device meeting the requirements of RCW 26.37.380;

I. Brakes in working order;

J. A spark arrester and muffling device meeting the requirements of RCW 46.09.470;

K. Seatbelts meeting the requirements of RCW 46.37.510 for all utility type vehicles. (Ord. 675 § 1, 2016).

10.08.050 Registration requirements of a wheeled all-terrain vehicle.

A wheeled all-terrain vehicle operated on a city street must comply with all registration requirements of Chapter 46.09 RCW. (Ord. 675 § 1, 2016).

10.08.060 Duty to obey traffic-control devices and rules of the road.

Unless a police officer directs otherwise, a person operating a wheeled all-terrain vehicle on a city street must obey all applicable rules of the road under Chapter 46.61 RCW that regulate vehicle or pedestrian traffic and must obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles. (Ord. 675 § 1, 2016).

10.08.070 Prohibited uses.

A. No person may operate or ride a wheeled all-terrain vehicle in a negligent or unsafe manner.

B. No person may occupy a wheeled all-terrain vehicle in motion unless that person is seated in a seat designed to carry a person.

C. No person may tow any devices or persons behind a wheeled all-terrain vehicle unless the device is a cargo-carrying device that is specifically designed to be towed by the wheeled all-terrain vehicle towing it.

D. No person may operate a wheeled all-terrain vehicle side-by-side in a single lane of traffic.

E. No person may operate a wheeled all-terrain vehicle on a sidewalk or other area where it is unlawful to operate a motor vehicle.

F. No person may operate a wheeled all-terrain vehicle in a park.

G. No person may operate a wheeled all-terrain vehicle on any bicycle trail or walking path. (Ord. 675 § 1, 2016).

10.08.090 Violation – Penalty.

A person who violates a provision of this chapter is guilty of a traffic infraction and will be punished by the imposition of a C-13 penalty, exclusive of statutory assessments; provided, that conduct constituting a criminal offense may be charged as such and is subject to the maximum penalties allowed for such offenses. (Ord. 675 § 1, 2016).

Chapter 10.09**GOLF CARTS**

Sections:

10.09.010 Definitions.

10.09.020 Requirements and restrictions.

10.09.040 Violation – Penalty.

10.09.010 Definitions.

The following definitions shall be used in this chapter. Where a word or term is undefined, reference shall be to RCW Title 46:

A. “Golf cart” means a gas-powered or electric-powered four-wheeled vehicle originally designed and manufactured for operation on a golf course for sporting purposes and has a speed attainable in one mile of not more than 20 miles per hour. A golf cart is not a nonhighway vehicle or off-road vehicle as defined in RCW 46.09.310.

B. “Golf cart zone” means any city street within the city limits of the town of Coulee City.

C. “City street” means every alley, road, street, and every place open as a matter of right to public vehicular traffic within the city limits. (Ord. 676 § 1, 2016).

10.09.020 Requirements and restrictions.

The following use, operational requirements, and restrictions are adopted by the town for golf carts:

A. A golf cart zone is created hereby within the city limits of the town of Coulee City as permitted under RCW 46.08.175 and as indicated by appropriate signage as required therein.

B. Every person operating a golf cart as authorized under this section is granted all rights and is subject to all duties applicable to the driver of a vehicle under Chapter 46.61 RCW.

C. A golf cart may be operated on a city street by any person meeting the following requirements:

1. Every person operating a golf cart as authorized under this section must be at least 16 years of age and must have completed a

driver education course or have previous experience driving as a licensed driver.

2. A person who has a revoked license under RCW 46.20.285 may not operate a golf cart as authorized under this section.

D. Any person operating a golf cart on a city street shall not transport more passengers than the manufacturer’s designed seating capacity. All occupants shall be seated during operation.

E. Any person operating or riding in a golf cart shall use seat belts while the golf cart is being operated if the golf cart is so equipped by the manufacturer.

F. All operators of golf carts shall adhere to all rules of the road applicable to motorized vehicles as set forth in Chapter 46.61 RCW and Chapter 308-330 WAC. Specific attention is to be paid to the intent of RCW 46.61.502, “Driving under the influence,” and to RCW 46.61.519, “Alcoholic beverages – Drinking or open container in vehicle.”

G. Golf carts shall not be operated on a street during one-half hour after sunset to one-half hour before sunrise unless equipped with a slow moving vehicle reflective triangle, strobe light, and turn signal indicator lights.

H. Golf carts shall not be operated on a street in a negligent manner. For the purpose of this subsection, “to operate in a negligent manner” is defined as the operation of a golf cart in such a manner as to endanger any person or property, or to obstruct, hinder, or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, paths, trails, walkways, or parks.

I. Golf carts must be equipped with reflectors and rearview mirrors when operated upon streets and highways as authorized under this section. (Ord. 676 § 1, 2016).

10.09.040 Violation – Penalty.

A person who violates a provision of this chapter is guilty of a traffic infraction and will be punished by the imposition of a C-17 penalty, exclusive of statutory assessments; provided, that conduct constituting a criminal

offense may be charged as such and is subject to the maximum penalties allowed for such offenses. (Ord. 676 § 1, 2016).

Chapter 10.12**SPEED LIMITS**

Sections:

10.12.010 State Highway No. 2.

10.12.020 School and playground zones.

10.12.010 State Highway No. 2.

The lawful speed limit for the operation of motor vehicles on primary State Highway No. 2 within the corporate limits of the town of Coulee City shall be 40 miles per hour. (Ord. 383, 1991).

10.12.020 School and playground zones.

All speed limits in the town of Coulee City are subject to the following restrictions: (A) No person may operate any vehicle at a speed in excess of 20 miles per hour when passing any marked school or playground crosswalk; and (B) No person may operate any vehicle at a speed in excess of 20 miles per hour when within any marked school or playground zone when such marked crosswalk or zone is fully posted with school speed limit signs or playground speed limit signs. The speed zone at the crosswalk extends 300 feet in either direction from the marked crosswalk. The school or playground zone may extend 300 feet from the border of the school or playground. Reduced speed limit zones are hereby established on the following street when children are present and/or when school zone indicator lights are flashing: North 4th Street from Highway 2 to West Main Street. (Ord. 689 § 1, 2017).

Chapter 10.16**OBSTRUCTING FIRE DEPARTMENT**

Sections:

10.16.010 Driving over fire hose.

10.16.020 Obstructions to fire personnel.

10.16.030 Violation – Penalty.

10.16.010 Driving over fire hose.

It is unlawful for any person or persons to ride or drive a motor vehicle, horse drawn vehicle, or any other vehicle drawn, driven or propelled, on, over or across a fire hose within the corporate limits of the town of Coulee City. (Ord. 119 § 1, 1932).

10.16.020 Obstructions to fire personnel.

It is unlawful for any person or persons to place obstructions in the way of, or in any way interfere with the fire department or firemen, while they are in the act of combating a fire or when they are going to and from practice. (Ord. 119 § 2, 1932).

10.16.030 Violation – Penalty.

Any person or persons violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$5.00, nor more than \$100.00, or by imprisonment in the town or county jail for not more than 30 days, or by both such fine or imprisonment. (Ord. 119 § 4, 1932).

Chapter 10.20**RECREATIONAL VEHICLE PARKING**

Sections:

10.20.010 Purpose.

10.20.020 Definitions.

10.20.030 Parking – Residential use.

10.20.040 Violation – Penalty.

10.20.010 Purpose.

This chapter and the enforcement thereof is deemed expedient to maintain the peace, good government and welfare of the town of Coulee City, and its people, trade, commerce and manufacturers and as a sanitary measure for the proper safeguarding of the public health and safety. (Ord. 468 § 1, 1998).

10.20.020 Definitions.

The terms used in this chapter are defined as follows:

A. “Recreational vehicle” means a vehicular type unit primarily designed for recreational camping, travel, or seasonal use which has its own motive power or is mounted on or towed by another vehicle. The basic entities are: travel trailer, folding camping trailer, park trailer, truck camper, motor home, 5th wheel trailer and multi-use vehicles.

B. “Park trailer” means a vehicular unit which meets the following criteria:

1. Built on a single chassis, mounted on wheels;

2. Designed to provide seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances; and

3. A gross trailer area not exceeding 400 square feet in its exterior dimensions, exclusive of roof overhang. (Ord. 468 § 2, 1998).

10.20.030 Parking – Residential use.

A. Recreational vehicles may be stored or parked on the owner’s real property within the corporate limits of the town of Coulee City without restriction, and recreational vehicles may be placed on private property within the corporate limits of the town of Coulee City and used for living and/or sleeping purposes for a

period not to exceed 30 consecutive days without restriction.

B. It is unlawful for the owner, operator, lessee or other person in possession or control of any recreation vehicle:

1. To park or cause or permit the same to stand, be parked or remain upon any public street for more than 14 days in any 30-day period.

2. To park, or cause or permit the same to stand, be parked or remain upon any street in such a manner that creates a traffic hazard, or interferes with the street or utility maintenance or repair.

3. To park or cause or permit the same to stand, be parked or remain upon any public street from November 15th through February 28th.

4. To park, or cause or permit the same to stand, be parked or remain upon any alley.

5. To place the same on private property within the corporate limits of the town of Coulee City and use the same as a place of permanent or temporary residence for a period exceeding 30 consecutive days, with the following exceptions:

- a. Recreational vehicles legally placed or permitted to be placed for residential purposes within the town of Coulee City at the time of the enactment of the ordinance codified in this chapter shall not be affected by this chapter.

- b. Recreational vehicles legally placed or permitted to be placed for residential purposes within the town of Coulee City at the time of the enactment of the ordinance codified in this chapter, together with the real property on which such recreational vehicle is placed or permitted to be placed, may be sold to successive future owners, and this chapter shall not be construed to require removal or replacement of such a recreational vehicle in the event of such a sale.

- c. Recreational vehicles legally placed or permitted to be placed for residential purposes within the town of Coulee City at the time of the enactment of the ordinance codified in this chapter may be replaced with another recreational vehicle; provided, that the replacement recreational vehicle was manu-

factured within the five years preceding the date of such replacement; and further provided, that the replacement recreational vehicle is placed on the same real property within 60 days of the removal of the original recreational vehicle.

d. Any person may apply for a conditional use permit to place a recreational vehicle upon private property within the town of Coulee City, where such placement is not otherwise allowed by this chapter. (Ord. 468 § 3, 1998).

10.20.040 Violation – Penalty.

Any person who shall violate or fail to comply with any of the provisions of this chapter shall be guilty of a civil infraction and shall be subject to a civil penalty as follows:

A. For the first offense, a C-9 penalty;

B. For the second offense and each subsequent offense, a C-1 penalty.

Each violation of this chapter shall be a separate offense. (Ord. 685 § 1, 2016; Ord. 468 § 4, 1998).

Chapter 10.24

NO PARKING AREAS

Sections:

10.24.010 Definitions.

10.24.020 Prohibited areas.

10.24.030 Sign posting – Curb painting.

10.24.040 Violation – Penalty.

10.24.010 Definitions.

“Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. (Ord. 501 § 1, 2002).

10.24.020 Prohibited areas.

There shall be no parking or standing in any prohibited area upon the streets of the town of Coulee City, including, without limitation, fire lanes, yellow curb zones, crosswalks, or adjacent to fire hydrants. (Ord. 501 § 2, 2002).

10.24.030 Sign posting – Curb painting.

Said prohibited areas within the town of Coulee City shall be marked with signs posted in such an area or by a yellow painted curb in such an area. (Ord. 501 § 3, 2002).

10.24.040 Violation – Penalty.

Violation of this chapter shall be a noncriminal traffic infraction pursuant to CCC 10.04.010 and the Washington Model Traffic Ordinance (Chapter 308-330 WAC). (Ord. 501 § 4, 2002).

Chapter 10.28**STOPPING, STANDING, AND PARKING**

Sections:

10.28.010 Diagonal parking – Exception.

10.28.020 Prohibitions.

10.28.030 Distance from curb.

10.28.040 Marking of vehicles.

10.28.050 Current license plates and tabs – Required.

10.28.060 Current license plates and tabs – Marking of vehicle.

10.28.070 Violation – Penalty.

10.28.010 Diagonal parking – Exception.

On public right-of-way within the town of Coulee City, except as otherwise set forth herein, the stopping, standing, and parking of vehicles may be diagonal to the curb and/or direction of the right-of-way, with the following exception:

For the purpose of snow removal, whenever the accumulation of snow exceeds four inches in depth on streets of less than 80 feet in width, vehicles shall be removed or parked parallel to the curb and/or direction of the right-of-way, until such time as the snow has been removed. (Ord. 538 § 1, 2005).

10.28.020 Prohibitions.

Stopping, standing, or parking a vehicle or trailer on public right-of-way within the town of Coulee City is prohibited under the circumstances set forth immediately herein below:

A. On the roadway side of any vehicle stopped or parked at the edge or curb of a street (double parking).

B. On a sidewalk.

C. Within an intersection.

D. On a crosswalk.

E. At any location where official signs prohibit stopping, standing, or parking.

F. In any alley; provided, however, that stopping, standing, and parking within an alley for the purpose of loading or unloading is permitted.

G. Within 20 feet of any fire hydrant.

H. Within 20 feet of any intersection in a residential area.

I. As to standing and parking only, within 30 feet of any stop sign, yield sign, or other traffic control sign or device located at the side of a street or roadway.

J. Within a marked fire lane.

K. In more than one marked parking stall.

L. Within 20 feet of the street entrance to any fire station; provided, however, that volunteer firemen responding to a fire call may park in such a location.

M. Within any area of the public right-of-way temporarily marked by signs for the purpose of snow removal.

N. At any other location where council has, by resolution, established parking restrictions and/or prohibitions and such locations are properly posted with appropriate signage indicating such parking restrictions and/or prohibitions. (Ord. 583 § 2, 2009; Ord. 538 § 2, 2005).

10.28.030 Distance from curb.

Vehicles parked parallel to the curb or edge of a street or other public right-of-way shall be parked no more than 15 inches from said curb or edge; vehicles diagonally parked shall be parked no more than 15 inches from the curb or edge, measured from said curb or edge to the part of the vehicle most closely approaching said curb or edge. (Ord. 538 § 3, 2005).

10.28.040 Marking of vehicles.

The town marshal or his designee shall clearly mark any vehicle parked in a prohibited area with a “24-Hour Tag.” Any vehicle not moved within 24 hours after being so tagged will be removed at the expense of the registered owner. (Ord. 538 § 4, 2005).

10.28.050 Current license plates and tabs – Required.

No vehicle without current license plates and tabs shall be parked on any public right-of-way within the town of Coulee City. (Ord. 538 § 5, 2005).

10.28.060 Current license plates and tabs – Marking of vehicle.

Any vehicle without current license plates and tabs parked on any public right-of-way within the town of Coulee City shall be subject

to being marked by the town marshal or his designee with a “24-Hour Tag.” If such a vehicle is not moved or made to display current Washington license plates or tabs within the 24-hour period after being so marked, said vehicle will be removed at the expense of the registered owner. (Ord. 538 § 6, 2005).

10.28.070 Violation – Penalty.

Any violation of this chapter shall be a civil infraction. (Ord. 538 § 7, 2005).

Title 11
(Reserved)

Title 12

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Chapters:

- 12.04 Improvements**
- 12.08 Sidewalk Construction**
- 12.12 State Highway Access**
- 12.16 Street and Alley Vacations**
- 12.20 Coulee City Campground**
- 12.24 Snow Removal**
- 12.30 Complete Streets**

Chapter 12.04**IMPROVEMENTS**

Sections:

- 12.04.010 Conformance to chapter.
- 12.04.020 Improvement permit required.
- 12.04.030 Supervision of work – Certification.
- 12.04.040 Liability of town.
- 12.04.050 Construction activity in public streets.
- 12.04.060 Violation – Penalty.

12.04.010 Conformance to chapter.

It is unlawful for any person to break, dig up, cut, excavate, fill in any street or alley or construct any sidewalk, plank gutter or to do any work in or upon any of the public streets or alleys within the corporate limits of the town of Coulee City, except as in this chapter provided. (Ord. 107 § 1, 1929).

12.04.020 Improvement permit required.

A. Any person or persons wishing to grade, lay sidewalks in or upon any street or alley within the corporate limits of the town of Coulee City shall, before commencing the same, procure from the chairman of the street and alley committee, a permit specifying the location and description of the proposed improvements and the length of time allowed for the completion thereof; provided, however, that no such permit shall be issued while any proposition to alter or amend any grade thereof is pending before the council or for any improvement of any description other than is authorized by this chapter or any other ordinance of the town of Coulee City, unless the council so expressly directs.

B. Any person procuring the proposed improvement and failing to complete the same as prescribed, and within the time allowed by such permit, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$100.00; provided, however, the chairman of the street and alley committee may extend the time for the completion of such improvement. (Ord. 107 § 2, 1929).

12.04.030 Supervision of work – Certification.

All work done under such permit shall be done under the supervision of the street and alley committee, who after the completion thereof, shall grant a certificate to the person or persons making such improvements, that the work has been done in accordance with the provisions of this chapter if such be the fact. (Ord. 107 § 3, 1929).

12.04.040 Liability of town.

In no case shall the town of Coulee City pay or be held liable for any improvements whatsoever done under any permits granted in pursuance of this chapter, nor shall any bill for any such improvement or work done thereon be allowed by the town council. (Ord. 107 § 4, 1929).

12.04.050 Construction activity in public streets.

Whenever it becomes necessary for any corporation, companies or other persons to break up, dig up, cut or excavate a public street or any part thereof for the purpose of laying, or gaining access to any water main pipes or for any other lawful purpose, such corporation, company or persons shall complete such work or repairs within a reasonable time, and shall without delay put such street or part thereof in good condition, and remove therefrom all surplus rock, earth, rubbish and other material thereby dug up or placed in such street. (Ord. 107 § 7, 1929).

12.04.060 Violation – Penalty.

Any person or persons violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$100.00 with costs of prosecution. (Ord. 107 § 8, 1929).

Chapter 12.08**SIDEWALK CONSTRUCTION¹**

Sections:

- 12.08.010 Permit required.
- 12.08.020 Conformance to grade map.
- 12.08.030 Construction materials, dimensions.
- 12.08.040 Violations.

12.08.010 Permit required.

No person, firm or corporation shall construct any sidewalk within the city limits of the town of Coulee City until such person, firm or corporation obtains from the town clerk a permit giving such person, firm or corporation the right to build such sidewalk. (Ord. 154 § 1, 1946).

12.08.020 Conformance to grade map.

Every sidewalk constructed within the city limits of the town of Coulee City shall be constructed according to the grades as set forth in that certain grade map which the town council has adopted as the official grade map of the town of Coulee City. (Ord. 154 § 2, 1946).

12.08.030 Construction materials, dimensions.

Every sidewalk constructed shall be four feet wide, four inches deep, and the concrete mixture used in the construction shall consist of one part cement, two parts sand and three parts gravel. (Ord. 154 § 3, 1946).

12.08.040 Violations.

Any person, firm or corporation violating this chapter shall be guilty of a misdemeanor. (Ord. 154 § 4, 1946).

Chapter 12.12**STATE HIGHWAY ACCESS**

Sections:

- 12.12.010 Purpose of provisions.
- 12.12.020 State statutes adopted by reference.

12.12.010 Purpose of provisions.

This ordinance codified in 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 highway system within the incorporated areas of Coulee City. (Ord. 412 § 1, 1993).

12.12.020 State statutes adopted by reference.

Pursuant to the requirements and authority of Chapter 47.50 RCW, there is 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. 412 § 2, 1993).

1. Prior legislation: Ord. 107 §§ 5 and 6.

Chapter 12.16**STREET AND ALLEY VACATIONS**

Sections:

- 12.16.010 Application procedure.
- 12.16.020 Fees.
- 12.16.030 Appraisal.
- 12.16.040 Deposit.
- 12.16.050 Easement.
- 12.16.060 Waiver.
- 12.16.070 Compliance.

12.16.010 Application procedure.

Petitions for vacation requests of streets or alleys shall be addressed to the Coulee City town council. (Ord. 494 § 1, 2000).

12.16.020 Fees.

The applicants for a street or alley vacation shall be required to pay a nonrefundable application fee of \$300.00 to cover staff costs and costs of notices and publications. (Ord. 494 § 2, 2000).

12.16.030 Appraisal.

The petition for vacation shall contain a statement as to the value of the area proposed to be vacated, which value shall be based on a fair market value appraisal. Obtaining said appraisal, including the cost thereof, shall be the responsibility of the applicants for the vacation. In the event that the town council questions the value set forth in the appraisal, the town may obtain a second appraisal at the town's cost. (Ord. 494 § 3, 2000).

12.16.040 Deposit.

Prior to the town taking any action on the petition, including but not limited to setting a public hearing, the petitioners shall deposit with the town a sum of money equal to one-half of the fair market value of the area proposed to be vacated. In the event an ordinance is passed vacating the area proposed to be vacated, the sum so deposited shall become compensation to the town for the vacation. Such deposit is refundable in the event the proposed area is not vacated. (Ord. 494 § 4, 2000).

12.16.050 Easement.

Any ordinance vacating a street or alley, or any portion thereof, will retain for the town an easement and the right to exercise and grant easements in respect to the vacated land for the construction, repair and maintenance of public utilities and services. (Ord. 494 § 5, 2000).

12.16.060 Waiver.

The town council will waive all fees and deposits, if the town council initiates the petition for vacation. (Ord. 494 § 6, 2000).

12.16.070 Compliance.

In addition to the procedures set forth in this chapter all applicants shall comply with the provisions of Chapter 35.79 RCW. (Ord. 494 § 7, 2000).

Chapter 12.20**COULEE CITY CAMPGROUND¹**

Sections:

- 12.20.010 Day use areas.
- 12.20.020 Camping areas.
- 12.20.030 Park rates and fees.
- 12.20.040 Full hookup and dry campsites.
- 12.20.050 Self-pay rules.
- 12.20.060 Penalty for failure to self-register.
- 12.20.070 Group reservation rates.
- 12.20.080 Duties and responsibilities of park host.
- 12.20.090 Park rules.
- 12.20.100 Parental responsibility.
- 12.20.110 Dogs.
- 12.20.120 Wastewater dump site.
- 12.20.130 Garbage dumpsters.
- 12.20.140 Use of boat docks.
- 12.20.150 Boat launching fee.
- 12.20.160 Violations – Civil penalty and ejection from park.

12.20.010 Day use areas.

A. “Day uses” include use of designated park areas for picnics, swimming, recreational uses, or other similar uses during daylight hours.

B. Day users are subject to all park rules contained in this chapter.

C. Any overnight use of these areas is prohibited.

D. Campsites may not be used for “day use” purposes unless the established fee has been paid for that site. (Ord. 719 § 1, 2022; Ord. 697 § 1, 2018; Ord. 680 § 1, 2016. Formerly 12.20.005).

12.20.020 Camping areas.

Nonpaying users of the park are not permitted to use this area for any reason and violators will be subject to civil penalty and/or ejection from the park as provided in this chapter. (Ord. 719 § 1, 2022; Ord. 697 § 1, 2018; Ord. 680 § 1, 2016. Formerly 12.20.010).

12.20.030 Park rates and fees.

The rates and fees for the Coulee City Campground shall be established by the town council by resolution and shall be effective as stated in that resolution. Established rates shall be posted at the self-pay station. It shall be unlawful for any person to utilize any full hook-up site or dry site, for any reason, without depositing the corresponding fee at the self-pay station and displaying the registration ticket on the site post. Campers who have registered and paid the proper camp fee shall not be required to pay an additional fee for the use of the boat launch during the time of their stay; however, the registration ticket must be clearly displayed in the vehicle. (Ord. 719 § 1, 2022; Ord. 697 § 1, 2018; Ord. 680 § 1, 2016; Ord. 639 § 1, 2013; Ord. 631 § 1, 2013; Ord. 589 § 1, 2009; Ord. 555 § 2, 2006. Formerly 12.20.015).

12.20.040 Full hookup and dry campsites.

Two units are allowed per paid campsite. Examples of a “unit” may consist of one of the following: a vehicle, tent, motorhome, tow vehicle, trailer, truck camper, RV, etc.

Any additional tents or vehicles parked overnight will be charged at the corresponding rate. Additional vehicles must be parked in overflow parking areas and must have pass clearly displayed. (Ord. 719 § 1, 2022; Ord. 697 § 1, 2018; Ord. 680 § 1, 2016; Ord. 640 § 1, 2013; Ord. 555 § 3, 2006. Formerly 12.20.020).

12.20.050 Self-pay rules.

Guests are to register and pay within one hour of parking in their campsite. Guests staying for more than one day have the option of paying for the full length of the stay upon arrival or prepaying for each night’s stay no later than 1:00 p.m. Guests shall not connect to any full service utilities until the site has been paid for. Once selection is paid, no refunds will be issued, and campsites may not be transferred or moved. (Ord. 719 § 1, 2022; Ord. 697 § 1, 2018; Ord. 680 § 1, 2016; Ord. 555 § 5, 2006. Formerly 12.20.040).

1. Prior legislation: Ord. 641.

12.20.060 Penalty for failure to self-register.

If a guest fails to self-register within the allotted time of one hour, necessitating a contact by the park host or designated collector, an additional surcharge as established will be imposed and will become due and payable along with the regular fee. Failure to pay camping fees may also result in civil penalty. (Ord. 719 § 1, 2022; Ord. 697 § 1, 2018; Ord. 680 § 1, 2016; Ord. 555 § 6, 2006. Formerly 12.20.050).

12.20.070 Group reservation rates.

Group reservation camping is available at Coulee City Campground by contacting City Hall to make arrangements a minimum of 30 days in advance of the desired stay.

A. Reserved group camping will be limited to certain areas of the park, as established.

B. All park rules apply to the entire group, all individuals, and group areas.

C. Group reservations are not available for holiday weekends such as Memorial Day, Fourth of July, or Labor Day.

D. Group reservations are not offered for stays lasting longer than seven days.

E. Vehicles must not be parked in the public access areas.

F. Cancellations or refunds of group fees will not be made for inclement weather.

G. A nonrefundable deposit of 50 percent of the total stay must be paid 21 days in advance and the balance of the stay must be paid in full on or by the first day of the stay.

H. A five percent discounted rate for non-profit groups will be considered individually upon application to the council at least 60 days in advance of the desired stay.

I. Council may, in its discretion, waive and/or reduce the group reservation camping rates as circumstances may warrant. Such waiver or reduction in the rates shall be authorized by council in a resolution setting forth the circumstances that warrant the reduction and/or waiver. (Ord. 719 § 1, 2022; Ord. 697 § 1, 2018; Ord. 686 § 1, 2016; Ord. 680 § 1, 2016; Ord. 667 § 1, 2015; Ord. 574 § 1, 2008; Ord. 555 § 7, 2006. Formerly 12.20.060).

12.20.080 Duties and responsibilities of park host.

Park host(s) will be selected each year for the Coulee City Campground. Park host(s) are considered independent contractors and duties will be set forth in the personal services agreement. (Ord. 719 § 1, 2022; Ord. 697 § 1, 2018; Ord. 680 § 1, 2016; Ord. 555 § 8, 2006. Formerly 12.20.070).

12.20.090 Park rules.

A. The following rules apply to all users (paying guests and day users) of the Coulee City Campground and violation of these rules is subject to civil penalties and/or ejection from park:

1. Pets are to be kept on a leash at all times;

2. Pet owners are responsible for picking up and appropriately disposing of their pet's waste;

3. Pets are not allowed in the swimming, playground, or picnic areas;

4. Riding horses in the campground, walking trails, or beach area is not allowed;

5. No running, pushing, or other unruly conduct on the beach and/or swimming area;

6. No throwing rocks in or into the swimming area;

7. Swimming outside of the designated swimming area is prohibited;

8. Feeding gulls in the park is prohibited;

9. The posted speed limit of five miles per hour within the park must be observed at all times;

10. Motorized vehicles (does not include golf carts) which satisfy the statutes of "street legal" may be operated within the city park, only on designated roadways, in compliance with all park rules;

11. Motorized vehicles (other than emergency vehicles) are not permitted on any walking trail, beach, or grass areas;

12. Golf carts are permitted but must be operated in compliance with all park rules and Chapter 10.09 CCC;

13. No fires of any size are permitted in a location other than a designated fire pit;

14. Littering, burning garbage, or leaving garbage in fire pits is prohibited;

15. Burning pallets is not permitted in the park;

16. Dumping of garbage in park garbage cans by anyone other than park users is not permitted;

17. Campground users are required to register and pay within one hour of selecting their campsite;

18. Checkout time is 1:00 p.m.;

19. Guests staying for more than one day have the option of paying for the full length of the stay upon arrival or prepay for each night's stay no later than 1:00 p.m.;

20. Once selection is paid, no refunds will be issued, and campsites may not be transferred or moved;

21. Quiet time begins at 10:00 p.m. for camping areas and sundown for day use areas. Any repetitive, reoccurring, or unnecessary noise of any kind which disturbs the peace of other park users prior to 7:00 a.m. and after 10:00 p.m. daily is a violation;

22. Loitering near or climbing on restroom or bathhouse structures is prohibited;

23. All minors in the park during designated "quiet times" must be accompanied by a parent or guardian;

24. Using profane or obscene language against another park user, park host, or city employee will not be tolerated;

25. Destroying property owned by others may be subject to contact by law enforcement;

26. Any conduct which interferes with the lawful use of the park or swimming area by others is prohibited. (Ord. 719 § 1, 2022; Ord. 697 § 1, 2018; Ord. 680 § 1, 2016; Ord. 555 § 10, 2006).

12.20.100 Parental responsibility.

Parents, guardians, or custodians of minors who permit minors to use the park, knowing the minors are doing any of the prohibited acts set forth in CCC 12.20.090, or knowing the minors are using the park in violation of an ejection and exclusion from the park under CCC 12.20.160, shall be guilty of a civil infraction and liable for a civil penalty as

defined in this chapter. (Ord. 719 § 1, 2022; Ord. 697 § 1, 2018; Ord. 680 § 1, 2016; Ord. 555 § 11, 2006).

12.20.110 Dogs.

Dogs are allowed in the Coulee City Campground in compliance with the park rules set forth in CCC 12.20.090 and must be kept on a leash. No person shall allow their dog to enter or remain in the swimming, playground, or picnic areas within the campground property. (Ord. 719 § 1, 2022; Ord. 697 § 1, 2018; Ord. 680 § 1, 2016; Ord. 555 § 12, 2006).

12.20.120 Wastewater dump site.

A. It shall be unlawful for any person to utilize the wastewater dump site at the Coulee City Campground without depositing the established fee.

B. It shall be unlawful for any person or persons to utilize the wastewater dump site in the Coulee City Campground without using an appropriate hose to connect any wastewater tank to the tank provided at the wastewater dump site.

C. Any person found using a campsite connection to avoid paying the dump fee, sharing the dump station door code, or altering the locks that interferes with its operation, shall be guilty of a civil infraction and liable for a civil penalty as defined in this chapter.

D. Water at the wastewater dump site is nonpotable. Water shall not be used to fill camping units or containers, or for drinking or domestic purposes. (Ord. 719 § 1, 2022; Ord. 697 § 1, 2018; Ord. 680 § 1, 2016; Ord. 555 § 13, 2006).

12.20.130 Garbage dumpsters.

Dumping of garbage in facility garbage cans or dumpsters by anyone other than park users is not permitted. Illegal dumping shall be reported to law enforcement and prosecuted as theft of services. (Ord. 719 § 1, 2022; Ord. 697 § 1, 2018; Ord. 680 § 1, 2016; Ord. 671 § 1, 2015; Ord. 634 § 1, 2013; Ord. 555 § 14, 2006).

12.20.140 Use of boat docks.

The docks on the Coulee City Campground side are for temporary transit moorage. "Temporary transit moorage" is defined as tying up while getting a meal, picking up passengers, refueling the boat, or waiting out a windstorm. Exceptions can be made for emergencies, but it is the boat operator's responsibility to contact park or city officials. The Coulee City Campground nor the town of Coulee City is liable for theft or damage from use. (Ord. 719 § 1, 2022; Ord. 697 § 1, 2018; Ord. 680 § 1, 2016; Ord. 555 § 16, 2006. Formerly 12.20.150).

12.20.150 Boat launching fee.

Except for campers who have registered and paid the proper camp fee, it shall be unlawful for any person to launch a boat or other water vessel at the Coulee City Campground without depositing the established fee and clearly displaying either the daily boat launch receipt or annual boat launch pass in the vehicle's windshield. An annual boat launch pass good for the calendar year may be purchased in the park for the established rate and redeemed at City Hall while still legible. Any person found to be in violation of this section shall be given the choice of purchasing a daily or annual pass, or paying a civil penalty. Discover passes or other facility launch passes are not valid. (Ord. 719 § 1, 2022; Ord. 697 § 1, 2018; Ord. 680 § 1, 2016; Ord. 670 § 1, 2015; Ord. 574 § 2, 2008; Ord. 555 § 17, 2006. Formerly 12.20.160).

12.20.160 Violations – Civil penalty and ejection from park.

A. Complaints of violations of this chapter shall be reported by a park host, park user, or city employee to the town marshal, park security, or other designated town employee who shall investigate the complaint.

B. If the violator is a minor, the person investigating the complaint shall report the complaint to the parents or custodian of the offending minor. A minor whom investigation reveals to have violated this chapter shall be subject to the following penalties:

1. Ejection from the park and exclusion from the park for one week; or

2. Ejection from the park and exclusion from the park for the remainder of the year.

C. Any person (not a minor) who violates this chapter shall be guilty of a civil infraction and shall be subject to the following penalties or a combination thereof:

1. C-12 penalty for each violation; and/or

2. Ejection from the park and exclusion from the park for the remainder of the year;

3. Ejection from the park and trespassing for an indeterminate time frame. (Ord. 719 § 1, 2022; Ord. 697 § 1, 2018; Ord. 680 § 1, 2016; Ord. 555 § 18, 2006. Formerly 12.20.170).

Chapter 12.24**SNOW REMOVAL**

Sections:

- 12.24.010 Purpose.
- 12.24.020 Policy reference.
- 12.24.030 Prohibited actions.
- 12.24.040 Sidewalk service required.
- 12.24.050 Penalty.
- 12.24.060 Exception.

12.24.010 Purpose.

Snow removal and sanding are performed to allow emergency access to all areas of town. Roads must be cleared and kept as wide as possible. Secondly, garbage trucks, water and sewer repair vehicles, and school buses must navigate our streets efficiently and safely. (Ord. 701 § 1, 2019).

12.24.020 Policy reference.

The town council may, from time to time, adopt by resolution specific procedures, priorities, and conditions by which the town performs snow removal and sanding. (Ord. 701 § 1, 2019).

12.24.030 Prohibited actions.

The following actions are prohibited in the town of Coulee City:

A. No person, firm, or corporation shall move, in any manner, snow from any lot, building, structure, driveway, sidewalk, or other private property into the public right-of-way of any highway, street, or alley. Snow sliding from roofs of building or structure upon any street, sidewalk or alley shall be construed to have been removed by the owner or tenant thereof and the same shall be immediately removed by truck or other vehicle from such street, sidewalk, or alley at the expense of the owner or tenant.

B. No person firm, or corporation shall interfere, by action or omission, with the operation of town snowplows or sanders. This includes, but is not limited to, blocking or obstructing town snowplows from plowing curb to curb, parking cars in such a manner so as to block or obstruct access from a street or

section of a street, and/or blocking, obstructing or preventing town snowplows from proceeding down a highway, street, or alley. (Ord. 701 § 1, 2019).

12.24.040 Sidewalk service required.

It shall be the duty of persons occupying property or the legal property owner, if the property is vacant, to provide sidewalk service for municipal sidewalks and rights-of-way that are adjacent to their property. Sidewalk service includes keeping the municipal sidewalks and rights-of-way free of snow, ice, winter sand, obstructions and other objectionable things. (Ord. 701 § 1, 2019).

12.24.050 Penalty.

Violation of this chapter shall constitute a civil infraction and shall be subject to the following penalties as referenced in Chapter 1.12 CCC:

- | | | |
|-------------------|---|------|
| CCC 12.24.030(A): | Depositing snow into city right-of-way or public highway: | C-17 |
| CCC 12.24.030(B): | Interfering with snowplows: | C-17 |
| CCC 12.24.040: | Failure to perform sidewalk service: | C-17 |

Each day in which any violation shall continue shall be deemed a separate offense. (Ord. 701 § 1, 2019).

12.24.060 Exception.

This chapter shall not apply to city snow removal or street maintenance operations. (Ord. 701 § 1, 2019).

Chapter 12.30**COMPLETE STREETS**

Sections:

12.30.010 Purpose.

12.30.020 Complete streets definition.

12.30.030 Implementation of complete streets principles.

12.30.040 Exceptions.

12.30.050 Extraordinary circumstances.

12.30.060 Funding for complete streets.

12.30.010 Purpose.

The purpose of this chapter is to help achieve the goals and objectives of the transportation, land use and parks and recreation elements of the town of Coulee City comprehensive plan; to promote healthy living and tourism, and provide ease of access and connectivity to critical areas of the town for its residents and visitors. The town of Coulee City shall, to the maximum extent practical, scope, plan, design, construct, operate and maintain appropriate facilities for the safe accommodation of pedestrians, bicyclists, transit users, motorists, emergency responders, freight and users of all ages and abilities in all new construction, retrofit or reconstruction projects. This chapter provides for the implementation of complete streets guiding principles. Through ongoing operations and maintenance, the town of Coulee City shall identify cost effective opportunities to include complete streets practices. (Ord. 683 § 1, 2016).

12.30.020 Complete streets definition.

A “complete street” is a road that is designed to be safe for drivers; bicyclists; transit vehicles and users; and pedestrians of all ages and abilities. The complete streets concept focuses not just on individual roads but on changing the decision making process so that all users are routinely considered during the planning, designing, building and operating of all roadways. (Ord. 683 § 1, 2016).

12.30.030 Implementation of complete streets principles.

The town of Coulee City will incorporate complete streets principles into the town’s comprehensive plan, public works standards, parks and recreation master plan, traffic circulation plan and other plans, manuals, rules, regulations and programs as appropriate. (Ord. 683 § 1, 2016).

12.30.040 Exceptions.

Facilities for pedestrians, bicyclists, transit users and/or people of all abilities are not required to be provided when:

A. A documented absence of current or future need exists;

B. Nonmotorized uses are prohibited by law;

C. The cost would be disproportionate to the current need or probable future uses;

D. In instances where a documented exception is granted by the city superintendent;

E. Their construction is not practically feasible or cost effective because of a significant adverse environmental impact to streams, wetlands, steep slopes, or other critical areas or significant adverse impacts on neighboring land uses, including impacts from right-of-way acquisition;

F. The establishment would be contrary to the transportation element of the comprehensive plan. (Ord. 683 § 1, 2016).

12.30.050 Extraordinary circumstances.

Except in unusual or extraordinary circumstances, complete streets principles may not apply to the following:

A. Repairs made pursuant to pavement opening and restoration allowed by approval of the city superintendent.

B. Ordinary maintenance activities designed to keep assets in serviceable condition (e.g., mowing, cleaning, sweeping, spot repair and surface treatments such as chip seal, or interim measures on detour or haul routes).

C. Where the city superintendent issues a documented exception concluding that application of complete street principles is unnecessary or inappropriate because it would be contrary to public safety. (Ord. 683 § 1, 2016).

12.30.060 Funding for complete streets.

Complete streets may be achieved through single projects or incrementally through a series of smaller improvements or maintenance activities over time. It is the town's intent that all sources of transportation funding be drawn upon to implement complete streets. The town believes that maximum financial flexibility is important to implement complete streets principles. (Ord. 683 § 1, 2016).

Title 13

PUBLIC SERVICES

Chapters:

- 13.04 Water System**
- 13.06 Utility Rate Discounts**
- 13.08 Sewer System**
- 13.10 Water and Sewer Line Extension**
- 13.12 Burial of Utility Wires**
- 13.16 Backflow Valves**
- 13.20 Side Sewers**
- 13.24 Cross-Connections**

Chapter 13.04**WATER SYSTEM¹**

Sections:

- 13.04.010 Definitions.
- 13.04.020 Water connection.
- 13.04.030 Connecting additional premises.
- 13.04.040 Service disconnection.
- 13.04.050 Rates and charges.
- 13.04.060 Collection.
- 13.04.070 Lien rights.
- 13.04.080 Water assessment.
- 13.04.090 After-hours service call.
- 13.04.100 Service repairs.
- 13.04.110 Violation – Penalties.

13.04.010 Definitions.

“Commercial water rate classification” shall apply to all classes of customers except domestic residential water service customers, and shall include, but not be limited to, motels and mobile home parks.

“Domestic residential” water rate classification shall apply to all single-family residences and individual units of multiplex residential buildings and apartment complexes.

The word “user” is hereby defined as, and to apply to and include any and all persons, person, firms, corporations, or individuals who may use the water system owned, operated, and/or maintained by the town of Coulee City or such as may hereafter commence to use such water system or the water supplied thereby. (Ord. 706 § 1, 2020).

13.04.020 Water connection.

It shall be unlawful for any user to connect to or join in the use of the water system of the town of Coulee City or the water supplied by such water system without having first obtained a permit to do so from the clerk of the town of Coulee City as hereinafter provided.

Any available water connections shall be provided on a first-come, first-served basis. Applicant shall submit a water connection

application form and shall provide proof thereon that a building permit has been applied for and/or obtained, or that property has previously had water service and reconnection is requested, and shall pay the connection fee required for new service.

It is unlawful for any person to make connection with any fixture or connect any pipe with any water main or water pipe belonging to the town water supply, without first obtaining the permission to do so from the town. (Ord. 706 § 1, 2020).

13.04.030 Connecting additional premises.

It shall be unlawful for any person whose premises are supplied with water to furnish water to additional premises unless first applying in writing to do so at the office of the town clerk and receiving approval. When additional premises are connected without the application prescribed in CCC 13.04.020, such premises may be charged at double the rate for the time they are in use and the service may be shut off by the town and a reconnection fee charged for shutting off and turning on such service. (Ord. 706 § 1, 2020).

13.04.040 Service disconnection.

Any water connection on which the water has been turned off for a period of more than 10 months shall be considered disconnected. To reestablish service will require the submittal of a water connection application and shall be subject to availability of connections as well as payment of the connection fees. (Ord. 706 § 1, 2020).

13.04.050 Rates and charges.

The town council shall, annually or as deemed necessary, by resolution, establish a schedule “Appendix W” of rates and charges for water connection, rates, assessments, and allocations. The resolution shall also list all other water service fees and charges.

A. Deposit. A security deposit shall be paid and accompany an account application in order to establish an account for services. Said deposit may be waived or credited by the town

1. Prior legislation: Ords. 453, 464, 477, 515, 548, 556, 560, 584, 592, 604, 643, 657, 660, 668 and 669.

based on the establishment of timely payments with the town of Coulee City for at least a one-year period.

B. Outside Town Limits. The monthly rate charge for water and sewer services from the town for all services outside the town limits shall be 150 percent of the applicable basic water rate, water improvement assessment/water surcharge, basic sewer rate, sewer improvement fund assessment/sewer surcharge.

C. Bulk Water. In order to use “bulk water” the consumer must make application to the town stating the purpose of the use of the water and agreeing to the procedure as set forth by the town. The user shall make application through the clerk and shall pay an application fee plus a refundable deposit prior to the public works department issuing the town’s meter/backflow device. The registration shall include the identification of an active water account in good standing, which shall be responsible for any charges not paid by the user in connection with the use of this meter. This account must remain active and in good standing for all times the user has possession of the town’s meter. Upon return of the town’s property and inspection of the property by the public works department to ensure that it is intact and in full working order, and the utility bill paid in full, the deposit shall be returned to the user by a check issued by the town clerk. If user fails to return the meter in good condition, he will be deemed to have purchased the meter and the cost to the town of a replacement meter plus 15 percent will be charged to the user’s water account. (Ord. 706 § 1, 2020).

13.04.060 Collection.

All water bills are due by the fifteenth of the month following the billing date. Any bills remaining unpaid after the fifteenth will be considered delinquent. A late fee will be added and a delinquent notice will be sent with the second month billing, stating that if the account is not paid in full by the due date (fifteenth) of the new month’s billing, service to the property will be shut off. Reconnection

will be made only after the account is paid up to date, including the reconnection fee paid to the town.

All applications for service shall be made by the property owner. Billings will be mailed directly to the property owner unless the owner has submitted a signed authorization form to accompany the tenant account application. Delinquency notices will be sent to the owner as well as any tenant. All charges for service ultimately remain the responsibility of the property owner regardless of lease/rental status of the property.

The water and sewer rate charges, including assessments, will not be suspended for property owners that are not using services and have requested a temporary water turn-off. Monthly billings are payable whether service is in use or not. For any service that has been disconnected, to reestablish service will require the submission of a water connection application and payment of the established connection fee(s). (Ord. 706 § 1, 2020).

13.04.070 Lien rights.

All charges for water and sewer service, including fees and penalties, are hereby declared to be a lien against the real property to which water/sewer has been furnished. A lien shall be filed for delinquent accounts remaining unresolved. (Ord. 706 § 1, 2020).

13.04.080 Water assessment.

The amount charged each month as a water assessment from each user shall be split and placed in the water improvement fund (405) and the DWSRF loan fund (406) as established in “Appendix W” to meet the requirements and debt service payments, in addition to expenditures for major repairs to the water system. (Ord. 706 § 1, 2020).

13.04.090 After-hours service call.

A charge will be made for each water turn-off or turn-on required to be done after working hours, on weekends, or holidays, except in the case of an emergency. (Ord. 706 § 1, 2020).

13.04.100 Service repairs.

A. It is unlawful for any person other than an employee of the town authorized to do so to either turn on or off the water meter providing water service to any property.

B. The town reserves the right at any time, without notice, to shut off the water supply for repairs, extensions, nonpayment of rates, or any other reason, and the town shall not be responsible for any damage, such as bursting of boilers supplied by direct pressure, the breaking of any pipes or fixtures, stoppage or interruptions of water supply, or any other damage resulting from the shutting off of water.

C. The service pipes, connections and other apparatus within any private premises must be kept in good repair and protected from freezing, at the expense of the owner or lessee, who will be responsible for all damages resulting from leaks and breaks. The property owner (or tenant) must take action to repair the leak within 30 days of when the leak is discovered. In case of neglect to promptly repair any service or fixture, or make any changes or alterations required in this chapter, the town shall have authority to turn the water off until repair is completed and confirmed.

D. The repairs of any meter damaged by hot water shall be charged to the owner of the property for which such meter was installed. The deformation or warping of a metered disc or a register figure disc of any meter shall be held to be prima facie evidence of such damage having been caused by the action of heat.

E. Accounts in good standing who have excessive water consumption attributed to an unknown water leak may request in writing an adjustment of the billing. Requests shall include the name, service address where leak occurred, account number, description of leak and date repaired, copy of repair bill or materials receipts, and signature of property owner (or tenant). An account in good standing is defined as one who has a record of timely payments for the immediately preceding 12-month period. Upon receipt of the completed request the city superintendent will confirm, through visual inspection, that the leak has been repaired. Following confirmation of

repair, the town clerk or designee will adjust no more than one billing cycle (one month). The adjustment shall be limited to a reduction based on the average of the last 12 months' bills. Only one leak adjustment per five-year period per account will be authorized. If an additional adjustment request is submitted for an account in the next or following year, the town clerk will consult with the city superintendent to determine if the town will require the property owner (or tenant) to complete extensive repairs to the service line and/or fixtures or risk discontinuance of service. No adjustments will be granted for internal plumbing leaks which are considered a household maintenance responsibility. Leaks must be in-ground to qualify for an adjustment. Adjustments shall be limited to no more than 50 percent of the total billing. (Ord. 706 § 1, 2020).

13.04.110 Violation – Penalties.

It is unlawful for any person except when duly authorized by the town, or except when such person shall be a member of the fire department acting in their official capacity, to open, operate, close, turn on, turn off, interfere with, attach any pipe or hose to, or connect anything with any fire hydrant, stop valve or stopcock belonging to the town.

Any person violating any of the provisions or failing to comply with any of the requirements of this chapter shall be subject to the imposition of a C-9 penalty and administrative enforcement pursuant to Chapter 1.14 CCC. (Ord. 706 § 1, 2020).

Chapter 13.06**UTILITY RATE DISCOUNTS**

Sections:

13.06.010 Low-income discounts.

13.06.010 Low-income discounts.

A. From and after the effective date of the ordinance codified in this chapter, an eligible head of household may apply for a senior citizen's or disabled citizen's rate discount for water and sewer services subject to the following terms and conditions:

1. That only one such discount for each utility service is granted per dwelling unit.

2. That the applicant certifies under penalty of perjury on the required application form that:

- a. The applicant is the head of the household receiving utility service;

- b. The applicant is 65 years of age or older or is permanently and totally disabled by reason of suffering from some condition permanently incapacitating the applicant from performing any work at any gainful occupation and the head of the household claiming the exemption;

- c. The applicant can demonstrate that for the previous calendar year they had a total household income from all sources, including income from all persons over the age of 18 years residing in the residence, of less than the maximum allowed for very low income as allowed by the Department of Housing and Urban Development for that previous year;

- d. These utility services shall serve a location utilized solely for residential purposes and shall not serve a location utilized for other purposes such as a commercial or industrial establishment.

B. The monthly water discount for those qualified senior citizens or totally and permanently disabled citizens who apply for a discount under the provisions of this chapter shall be 20 percent of the basic water rate charge and shall not apply to amounts used in excess of the minimum nor to the water improvement assessment/water surcharge. The water over-

age charge and the water improvement assessment/water surcharge shall be charged at the regular rate.

C. The monthly sewer discount for those qualified senior citizens or totally and permanently disabled citizens who apply for a discount under the provisions of this chapter shall be 20 percent of the basic sewer rate and shall not apply to the sewer improvement fund assessment. The sewer improvement fund assessment shall be charged at the regular rate.

D. All persons desiring discounts from the basic charges for the specified utilities must provide verification annually by March 31st which shall include the application for utility rate discount form and proof of income. Those who do not provide this information by March 31st will be removed from the discount program until the required verification is received. Discounts will not be applied retroactively but will be applied to the next full billing period. The town will use HUD Section 8, Income Limits for Grant County, to determine eligibility. (Ord. 661 § 2, 2015).

Chapter 13.08**SEWER SYSTEM¹**

Sections:

- 13.08.010 Connection required.
- 13.08.020 Rates and charges.
- 13.08.030 Collection of sewer charges.
- 13.08.040 Sewer improvement fund assessment.
- 13.08.060 Lien rights.
- 13.08.070 Prohibited discharges.
- 13.08.080 Grease and oil interceptors.
- 13.08.090 Damages – Charges.
- 13.08.100 Violation – Penalties.

13.08.010 Connection required.

All premises situated within 200 feet of an existing sewer line shall be deemed to be within the area served by the sewerage system.

Upon the development of any previously undeveloped lots within the corporate limits of the town of Coulee City by the owner, such owner is required to connect side sewers to the main sewer line at the property owner's expense. Connection charges shall be due and payable before connection is made. Such connection to the main sewer line shall be subject to the inspection by and approval of the town.

All connections to the sewerage system shall be constructed and maintained in a permanent, watertight, and sanitary manner, and shall be sufficient to carry all sewage and waste fluids of every kind. Each toilet, sink, stationary washstand and/or other piece or type of equipment having waste fluids shall be connected to the sewerage system. Where one or more structures are located on a lot or single parcel, all such buildings may be served by one sewer connection. Connections shall be made on or before the completion of any such structure, before any occupancy, or use thereof. All connections are subject to inspection by and approval of the town. (Ord. 707 § 1, 2020).

1. Prior legislation: Ords. 416, 451, 464, 489, 515, 537, 548, 556, 584, 660 and 677.

13.08.020 Rates and charges.

The town council shall, annually or as deemed necessary, by resolution, establish a schedule "Appendix S" of rates and charges for sewer connection, rates, assessments, and allocations. The resolution shall also list all other sewer service fees and charges. (Ord. 707 § 1, 2020).

13.08.030 Collection of sewer charges.

All sewer bills are due by the fifteenth of the month following the billing date. Any bills remaining unpaid after the fifteenth will be considered delinquent. A late fee will be added and a delinquent notice will be sent with the second month billing, stating that if the account is not paid in full by the due date (fifteenth) of the new month's billing, service will be shut off. Reconnection will be made only after the account is paid up to date, including the reconnection fee paid to the town.

The water and sewer rate charges, including assessments, will not be suspended for property owners that are not using services and have requested a temporary water turn-off. Monthly billings are payable whether service is in use or not. For any service that has been disconnected, to reestablish service will require the submission of a sewer connection application and payment of the established connection fee(s). (Ord. 707 § 1, 2020).

13.08.040 Sewer improvement fund assessment.

The amount charged each month as a sewer improvement fund assessment from each user shall be placed in the sewer improvement fund to meet the requirements and debt service payments, in addition to expenditures for major repairs to the sewer system. (Ord. 707 § 1, 2020).

13.08.060 Lien rights.

All charges for water and sewer service, including fees and penalties, are declared to be a lien against the real property to which water/sewer has been furnished. A lien shall be filed for delinquent accounts remaining unresolved. (Ord. 707 § 1, 2020).

13.08.070 Prohibited discharges.

Except as hereinafter provided, no person shall intentionally discharge or cause to be discharged any of the following described waters to any public sewer:

A. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit when piped through a grease or oil interceptor;

B. Any raw meat, meat byproducts, cooked meat, or the oil or grease used to cook meat or used to fry any foodstuffs or to render animal parts to create a food product in any weight or quantity;

C. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

D. Any garbage that has not been properly shredded;

E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works;

F. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;

I. Any noxious or malodorous gas or substance capable of creating a public nuisance. (Ord. 707 § 1, 2020).

13.08.080 Grease and oil interceptors.

A. Grease and oil interceptors shall be installed and maintained in all commercial establishments that may serve or sell food products and all butcher shops and meat markets;

B. All interceptors shall be of the type and capacity necessary to prevent disposal of grease or oil into the public sewer system and shall be located as to be readily and easily accessible for cleaning and inspection by the city superintendent at the expense of the owner or user;

C. Grease and oil interceptors shall not be required for:

1. Private living quarters; or

2. Commercial buildings currently located within the city limits of the town of Coulee City unless those buildings are remodeled to increase the serving capacity by 50 percent or to increase the kitchen capacity by 20 percent. (Ord. 707 § 1, 2020).

13.08.090 Damages – Charges.

If a discharge of grease, oil, or fat causes damage or disruption to the city sewer system, the responsible person or persons who permitted such materials to improperly enter the sewer system may be billed for the town's actual repair costs. Responsible persons include the owner, lessee, or renter of any property where the sewer discharge which resulted in such expense is located. (Ord. 707 § 1, 2020).

13.08.100 Violation – Penalties.

Any person violating any of the provisions or failing to comply with any of the requirements of this chapter shall be subject to the imposition of a C-7 penalty and administrative enforcement pursuant to Chapter 1.14 CCC. (Ord. 707 § 1, 2020).

Chapter 13.10**WATER AND SEWER
LINE EXTENSION**

Sections:

- 13.10.010 Extension to undeveloped lots.
- 13.10.020 Installation requirements.
- 13.10.030 Connection to main sewer line required.

13.10.010 Extension to undeveloped lots.

Whenever it becomes necessary to extend water and sewer mainlines to serve undeveloped lots which are already platted within the corporate limits of the town of Coulee City, such extension will be done by town crews or a contractor approved by the town. The cost of such installation will be determined by the town and will cover materials, extra labor costs, and other miscellaneous costs to the town. The total cost will be prorated for each lot served and will be added to the connection charges already set by the town's ordinances. (Ord. 505 § 1, 2002).

13.10.020 Installation requirements.

As a requirement for the development of newly platted lots within the corporate boundaries of the town of Coulee City, the developer of such lots must install water and sewer mainlines as a prerequisite to the approval of any such newly platted lots. The installation by the developer of such water and sewer mainlines shall be subject to inspection and approval by the town as to the quality of materials used, the size of the lines, and the method of installation. (Ord. 505 § 2, 2002).

13.10.030 Connection to main sewer line required.

Upon the development of any previously undeveloped lots within the corporate limits of the town of Coulee City by the owner thereof, such owner is required to connect side sewers to the main sewer line at the property owner's expense. Such connection to the main sewer line shall be subject to the inspection by and approval of the town. (Ord. 505 § 3, 2002).

Chapter 13.12**BURIAL OF UTILITY WIRES**

Sections:

13.12.010 Restricted area designated.

13.12.020 Violation – Penalty.

13.12.010 Restricted area designated.

It is unlawful for any person, corporate entity, or municipal corporation to construct or rebuild any overhead wires in that portion of the town of Coulee City which lies north of the south line of Lewis Street and west of the east line of Adams Street. (Ord. 301 § 1, 1978).

13.12.020 Violation – Penalty.

Any violation of this chapter shall be deemed to have created a nuisance and the same shall be abated as are other nuisances in the town.¹ (Ord. 301 § 2, 1978).

1. For the procedures for abatement of nuisances, see Chapter 8.32 CCC.

Chapter 13.16**BACKFLOW VALVES**

Sections:

13.16.010 Actions required prior to building permit issuance.

13.16.020 Property owner responsibilities.

13.16.030 Installation by town.

13.16.010 Actions required prior to building permit issuance.

A. Any building plan presented to the building inspector for a building permit shall accurately state the depth of the city sewer main to which the building sewer line will hook up and the depth of the building sewer line at the point it leaves the building.

B. In any building, structure or premises in which a house drain or other drainage is too low to permit gravity flow to the public sewer the same shall be lifted by artificial means and discharged in the public sewer.

C. Whenever a situation exists involving an unusual danger of backups the town may prescribe a minimum elevation at which the house drain may be discharged into the public sewer. Drains or sewers below such minimum elevation shall be lifted by artificial means and if directed by the town a backwater sewage valve will be installed. The effective operation of the backwater sewage valve shall be the responsibility of the owner of the sewer or drain. Approval of a backwater sewage valve shall be made only upon the applicant's agreeing to save the town harmless from all damage resulting therefrom in a form acceptable to the town attorney and a copy of the recorded document shall be provided to the town. (Ord. 382 § 1, 1991).

13.16.020 Property owner responsibilities.

If a property owner suffers damage from backflow from a town sewer line and a claim for damages has been filed with the town of Coulee City, such property owner is required to do one of two things:

A. Such property owner may execute and file with the Coulee City town clerk a good and sufficient waiver of claim for any future dam-

ages resulting from a backflow of sewage resulting from the clogging of the town municipal lines, releasing the town from any future and further damages or expense, and such waiver shall be in suitable form for recording and shall be recorded on the public records and run with the land and be binding upon future owners of said land and the successors and assigns of such property owner; or

B. The property owner may, within a reasonable time after filing claim for such initial damage, cause to be installed in the building sewer line on his own property a backflow valve of suitable construction and design that will close in the event there is a backflow to the property from the municipal line in such a way that it will prevent any sewage flowing toward such building from flooding or damaging such property, and such installation and expense shall be done at the sole cost of the property owner. (Ord. 382 § 2, 1991).

13.16.030 Installation by town.

If such property owner who has once suffered sewage damage and has filed a claim therefor with the town does not within a reasonable time thereafter execute, deliver and file with the town clerk a waiver of claims for any future damage resulting from a backflow of sewage resulting from the clogging of the town municipal lines, from any cause, releasing the town from any future and further damage or expense, in suitable form for recording, or if in such event the property owner does not, within a reasonable time, install a backflow valve in his building sewer line as provided in this chapter, the town of Coulee City may, if it deems fitting and proper to do so, proceed as follows:

A. A notice shall be given to the property owner in writing that the town intends to enter upon the property and install a backflow valve, which notice shall state a time and place for hearing thereon before the Coulee City town council, and if after such hearing, the Coulee City town council deems it fitting and proper, it shall order the water and sewer department to proceed to excavate and install a backflow valve of suitable design and construction to prevent a reoccurrence of flooding damage to the property resulting from the flow of sewage

from the municipal line to the damaged property.

B. If the property owner, after such installation has been made by the town, fails, neglects or refuses to pay the reasonable cost of such construction and installation including labor, materials and parts and rental equipment, the town may file a lien therefor against the property and foreclose the lien in superior court in the manner provided by statutes for the foreclosure of mechanic's or materialmen's lien. (Ord. 382 § 3, 1991).

Chapter 13.20**SIDE SEWERS**

Sections:

- 13.20.010 Construction standards.
- 13.20.020 Costs.
- 13.20.030 Use of public sewers.
- 13.20.040 Compliance required.
- 13.20.050 Right of entry.
- 13.20.060 Civil damages.

13.20.010 Construction standards.

All side sewers shall be installed in strict accordance with specifications contained in any existing town ordinance or code and any construction standards or uniform codes which may be at any time in the future adopted by the town. All construction shall be subject to the inspection of the town superintendent or his designee. (Ord. 444 § 1, 1996).

13.20.020 Costs.

All costs and expenses incident to the installation and connection, operation and maintenance, and replacement of the side sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the side sewer. When the town is required to maintain a side sewer in order to protect the operation of the public sewer, the cost for such maintenance may be charged to the concerned property owner. If these costs are not paid, they may be added to the owner's combined utility bill and, in the event of non-payment, be subject to all penalties related thereto including, but not limited to, termination of water service and lien against the property. (Ord. 444 § 2, 1996).

13.20.030 Use of public sewers.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer. (Ord. 444 § 3, 1996).

13.20.040 Compliance required.

When any side sewer, whether upon private property or upon the town's right-of-way, is constructed, laid, connected or repaired and does not comply with the provisions of this chapter or any construction standards or codes which may be hereafter adopted, or where it is determined by the town superintendent that a side sewer is obstructed, broken or inadequate and is a menace to health, or is liable to cause damage to public or private property, the town superintendent shall give notice to the owner, agent or occupant of the property in which such condition exists of such condition. If the owner shall refuse to construct, relay, reconstruct or remove the obstruction of the side sewer within the time specified in such notice, the town superintendent may perform such work as may be necessary to comply with this chapter. The cost of such work shall be assessed against such property or collected from the person responsible for such condition and the amount thereof shall become a lien upon the property. The town attorney is hereby authorized, empowered and directed to collect such cost, either by the foreclosure of the lien or by a suit against the owner or occupant of such property, or other person responsible for such condition. The suit shall be maintained in the name of the town, as plaintiff, in any court of competent jurisdiction. (Ord. 444 § 4, 1996).

13.20.050 Right of entry.

The town superintendent, or his designee, shall have the right to enter upon the premises drained by any house drain or connected with any public sewer at all reasonable hours to ascertain whether the provision of this chapter or any other ordinance in regard to house drains have been complied with, and if he shall find that the drain or its attachments do not conform to the provision of this chapter or any other ordinance, he shall notify the owner of the premises, or his agent, of the fact. It shall thereupon be the duty of the owner or his agent to cause the drain or its attachments to be so altered, repaired or reconstructed so as to make them conform to the requirements of law in regard thereto within 30 days from the time of receiving such notice, or make other schedul-

ing arrangements acceptable to the town council within 30 days. (Ord. 444 § 5, 1996).

13.20.060 Civil damages.

Any person violating any of the provisions of this chapter shall become liable to the town for any direct or indirect expense, loss or damage occasioned by the town by reason of such violation. (Ord. 444 § 6, 1996).

Chapter 13.24

CROSS-CONNECTIONS

Sections:

13.24.010 Purpose.

13.24.020 Definitions.

13.24.030 Prohibited.

13.24.040 Inspections.

13.24.050 Abatement procedure – Installation of backflow prevention devices.

13.24.060 Implementation of the cross-connection control policy.

13.24.010 Purpose.

The purpose of this chapter is to protect the potable water supply of the town of Coulee City from contamination or pollution by the elimination of existing cross-connections and the control of potential cross-connections. (Ord. 452 § 1, 1997).

13.24.020 Definitions.

A. “Airgap” means a backflow prevention device that provides an unobstructed vertical distance of at least twice the inside diameter of the supply line, but never less than one inch, above the spill rim of the receiving vessel.

B. “Backflow prevention device” means a device, assembly, or means to prevent backflow into the potable water system, either by back-siphonage or back pressure.

C. “Back pressure” means the backflow of used, contaminated, or polluted water from a plumbing fixture or vessel into a water supply pipe due to pressure created by booster pumps, toilets, pressure vessels, or elevated plumbing that exceeds the main pressure or operating pressure of the water supply pipe.

D. “Back-siphonage” means the backflow of used, contaminated, or polluted water from a plumbing fixture or vessel into a water supply pipe due to a negative pressure in such pipe.

E. “Cross-connection” means any physical arrangement whereby the public water supply system is connected, directly or indirectly, with any nonpotable or unapproved water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device

which contains or may contain contaminated water, liquid, gases, sewage, or other waste, of unknown or unsafe quality, which may be capable of imparting contamination to the public water supply as a result of backflow. (Ord. 452 § 2, 1997).

13.24.030 Prohibited.

A. The installation or maintenance of a cross-connection is prohibited.

B. Any such cross-connection now existing or hereafter installed is declared a nuisance and shall be abated immediately. The standards for control or elimination of cross-connections shall be in accordance with WAC 248-54-285 as now enacted or hereafter amended. The policies, procedures, and criteria for determining appropriate levels of protection shall be in accordance with the accepted procedure and practice in Cross Connection Control Manual, Pacific Northwest Section, American Water Works Association, Fourth Edition or any superseding edition which is hereby adopted by reference.

C. Water service will be discontinued to any premises for failure to comply with the provisions of this section.

D. Furnishing of water service shall be contingent upon the customer providing cross-connection control approved by the appropriate health authority and the director for protecting the town water supply from backflow. (Ord. 452 § 3, 1997).

13.24.040 Inspections.

Whenever the owner of any premises supplied by the department restrains authorized town employees from making such necessary inspections, a reduced pressure principle backflow assembly shall be installed at the owner's expense, or water service may be refused or discontinued. (Ord. 452 § 4, 1997).

13.24.050 Abatement procedure – Installation of backflow prevention devices.

A. In the event the public works director determines that a cross-connection exists, written notice shall be sent to the person in

whose name the water service is established under the records of the town of Coulee City department of public works.

B. The notice shall provide that the cross-connection described therein shall be corrected within 30 days of the date said notice is mailed to the customer.

C. In the event said cross-connection is not abated within the prescribed time, water service to said premises shall be discontinued or disconnected from the main at the customer's expense; provided, that if the customer leases or rents the premises, this provision shall not preclude the customer from obtaining reimbursement for such expense from the lessor or landlord, nor shall it preclude the lessor or landlord from paying the expense in the first instance.

D. In the event the cross-connection, in the opinion of the public works director, presents an immediate health hazard or a danger of contamination to the public water supply, service from the town's water supply system to the premises may be terminated without prior notice; provided, however, notice will be posted on the premises at the time said service is terminated.

E. If a backflow prevention device has been installed prior to the updated approved list from the Department of Social and Health Services and can no longer meet testing requirements or be repaired, said assemblies or devices shall be replaced with a new, approved device upon order of the public works director. (Ord. 452 § 5, 1997).

13.24.060 Implementation of the cross-connection control policy.

A. The town of Coulee City shall engage the services of a Department of Health certified cross-connection control specialist (CCS) to implement and be in responsible charge of the town of Coulee City water system cross-connection control program.

B. The town of Coulee City hereby adopts the cross-connection control program attached to the ordinance codified in this section to implement the requirements of this section and Ordinance 452 and to comply with the require-

ments of Chapter 246-290 WAC (Group A Drinking Water Regulations). (Ord. 517 § 1, 2003).

Title 14

DEVELOPMENT CODE ADMINISTRATION

Chapters:

- 14.01 Introduction**
- 14.03 Administration**
- 14.05 Application Forms**
- 14.07 Application Process**
- 14.09 Review and Approval Process**
- 14.11 Appeals**
- 14.13 General Administration and Enforcement**
- 14.15 Comprehensive Plan Amendment Process**
- 14.17 Application and Permit Processing Fees**

Chapter 14.01**INTRODUCTION**

Sections:

- 14.01.010 Purpose and applicability.
- 14.01.020 Supersedes where conflict.
- 14.01.030 Rules of interpretation.
- 14.01.040 Definitions.

14.01.010 Purpose and applicability.

The purpose of this title is to prescribe the manner in which permits for development and construction are classified and processed, and the general procedures and practices for development permit administration.

The purpose of Chapters 14.01, 14.03, 14.05, 14.07 and 14.09 CCC is to enact the processes and time lines for local land development permitting. The objectives of these chapters are to encourage the preparation of appropriate information early in the permitting process, to process permit applications in a timely manner, to provide the general public with an adequate opportunity for review and comment, to integrate environmental review with development project review, and to provide the development community with a standardized process and predictability.

This title shall apply to permit applications for land development under the following titles of the Coulee City Code:

- CCC Title 15, Buildings and Construction;
- CCC Title 16, Environment;
- CCC Title 17, Subdivisions;
- CCC Title 18, Zoning.

Certain chapters within this title may apply to other titles within the Coulee City Code, as indicated elsewhere in the Coulee City Code. Other laws, ordinances, regulations and plans have a direct impact on the development of land. These include, but are not limited to, the Town of Coulee City Comprehensive Plan, the Wastewater Facilities Plan, the Comprehensive Water System Plan, the Six Year Transportation Improvement Program, and the Coulee City Code (CCC), particularly CCC Titles 12, 13, 15, 16, 17, and 18, the Interna-

tional Building Code, and the laws, ordinances, regulations and plans of federal, state, and local agencies. (Ord. 535 § 1, 2005).

14.01.020 Supersedes where conflict.

This title of the Coulee City Code (CCC) shall supersede other titles, chapters and sections of the CCC where conflict exists. (Ord. 535 § 1, 2005).

14.01.030 Rules of interpretation.

For the purposes of the development code, all words used in the code shall have their normal and customary meanings, unless specifically defined otherwise in this code.

Words used in the present tense include the future.

The plural includes the singular and vice-versa.

The words “will” and “shall” are mandatory.

The word “may” indicates that discretion is allowed.

The word “used” includes designed, intended or arranged to be used.

The masculine gender includes the feminine and vice-versa.

Distances shall be measured horizontally unless otherwise specified.

The word “building” includes a portion of a building or a portion of the lot on which it stands. (Ord. 535 § 1, 2005).

14.01.040 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title:

“Application” means a request for any land use permit required from the town for proposed development or action, including without limitation, building permits, conditional uses, binding site plans, planned developments, subdivisions, short subdivisions, variances, permits or approvals required by critical area ordinances and site-specific rezones.

“Closed record appeal” means an appeal on the record with no new evidence or information allowed to be submitted and only appeal argument allowed.

“Open record hearing” means a hearing that creates the record through testimony and submission of evidence and information. An open record hearing may be held on an appeal if no open record hearing has previously been held on the application.

“Public meeting” means an informal meeting, hearing, workshop, or other public gathering to obtain comments from the public or other agencies on an application. A public meeting does not constitute an open record hearing. (Ord. 535 § 1, 2005).

Chapter 14.03

ADMINISTRATION

Sections:

14.03.010 Roles and responsibilities.

14.03.020 Mayor.

14.03.030 Town council.

14.03.040 Planning commission.

14.03.050 Hearing examiner.

14.03.010 Roles and responsibilities.

A. The regulation of land development is a cooperative activity including elected officials, the planning commission, the hearing examiner and town staff. The specific responsibilities of these bodies are set forth below.

B. A developer is expected to read and understand the town development code and be prepared to fulfill the obligations placed on the developer by the Coulee City Code, particularly CCC Titles 14 through 18. (Ord. 535 § 1, 2005).

14.03.020 Mayor.

The mayor shall review and act on the following:

A. Authority. The mayor is responsible for the administration of CCC Titles 14, 15, 16, 17 and 18 and associated RCWs and WACs.

B. Administrative Interpretation. Upon request or as determined necessary, the mayor shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation within 30 days. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation.

C. Administrative Decisions. The mayor is responsible for issuing administrative decisions as set forth in CCC 14.09.030 and 14.09.040. (Ord. 535 § 1, 2005).

14.03.030 Town council.

The town council shall review and act on the following subjects:

A. Recommendations of the planning commission;

B. Final plat approvals in accordance with the procedures for closed record decisions pursuant to CCC 14.09.080;

C. Appeals of the hearing examiner's decision on a rezone that is not of general applicability in accordance with the procedures for closed record decisions pursuant to CCC 14.09.080. (Ord. 535 § 1, 2005).

J. Any other matters as specifically assigned to the hearing examiner by the town council or as prescribed by the town code. (Ord. 535 § 1, 2005).

14.03.040 Planning commission.

The planning commission shall review and make recommendations on the following issues:

A. Amendments to the comprehensive plan;

B. Amendments to the environment code, CCC Title 16, except to the SEPA procedures code, Chapter 16.04 CCC;

C. Amendments to the subdivision code, CCC Title 17;

D. Amendments to the zoning code, CCC Title 18, including changes to the official zoning map which are of general applicability; and

E. Other actions requested or remanded by the town council. (Ord. 535 § 1, 2005).

14.03.050 Hearing examiner.

The hearing examiner shall review and make decisions on the following applications:

A. Preliminary subdivisions;

B. Planned developments;

C. Rezones which are not of general applicability;

D. Applications for variances and conditional use permits;

E. Amendments and/or alterations to plats;

F. Petitions for plat vacations;

G. Appeals alleging an error in a decision of a town official in the interpretation or the enforcement of the zoning code or any other part of the development code;

H. Appeals alleging an error in a decision of a town official in taking an action on a short subdivision or binding site plan;

I. Appeals alleging an error in administrative decisions or determinations pursuant to Chapter 43.21C RCW; and

Chapter 14.05**APPLICATION FORMS**

Sections:

14.05.010 Application forms.

14.05.010 Application forms.

A. An application shall be made using the appropriate form provided by the town of Coulee City.

B. Each application form shall, at a minimum, include the following:

1. The application form shall be filled out legibly, in blue or black ink, either hand-printed or typewritten.

2. The name, mailing address and telephone number of each applicant.

3. The name, mailing address and telephone number of the applicant's representative, if any.

4. The name, mailing address and telephone number of each owner of the subject property, if different than the applicant(s).

5. The name, mailing address, telephone number and contractor registration number of the applicant's prime contractor, if any.

6. The parcel number, legal description and assessor's parcel map for each parcel which is the subject of the proposed development.

7. The signatures of each applicant or the applicant's representative, and each property owner if different than the applicant(s).

8. Any other information, documents or materials, as determined by the town, which may be required in the body of the form or by an attachment to the form, e.g., a narrative description of the project.

C. Each application form shall require designation of a single person or entity to receive determinations and notices required under this code or by Chapter 36.70B RCW. Where a determination or notice to the "applicant" is required by this code or Chapter 36.70B RCW, "applicant" shall mean the person or entity so designated.

D. Each application shall contain the following statement: "This application shall be subject to all additions to and changes in the

laws, regulations and ordinances applicable to the proposed development until a determination of completeness has been made pursuant to Chapter 14.07 CCC." (Ord. 535 § 1, 2005).

Chapter 14.07**APPLICATION PROCESS**

Sections:

- 14.07.010 Application process.
- 14.07.020 Formal preapplication meeting.
- 14.07.030 Consolidated application process.
- 14.07.040 Plan review.
- 14.07.050 Determination of completeness.
- 14.07.060 Technical review committee.
- 14.07.070 Application vesting.
- 14.07.080 Notice of application.
- 14.07.090 Notice of public hearing.

14.07.010 Application process.

The application process shall consist of the following components:

- A. Formal preapplication meeting;
- B. Plan review;
- C. Determination of completeness;
- D. Technical review committee;
- E. Notice of application;
- F. Application review;
- G. Notice of final decision. (Ord. 535 § 1, 2005).

14.07.020 Formal preapplication meeting.

A. All prospective applicants shall participate in a formal preapplication meeting. The town may waive the requirement of a formal preapplication meeting where proposed development is subject to Type I administrative review.

B. The purpose of the formal preapplication meeting is to provide the applicant with the best available information regarding the development proposal and application processing requirements, and to assure the availability of complete and accurate development information necessary for review prior to the applicant's expenditure of application fees and the scheduling of the application review process.

C. The formal preapplication meeting provides an opportunity for the applicant, staff and other agencies to informally discuss and review the proposed development, the applica-

tion and permit requirements, fees, the review process and schedule, and applicable development standards, plans, policies, and laws.

D. The formal preapplication meeting shall take place at the town's offices, unless another location is agreed upon by the town and the applicant. The length of the formal preapplication meeting shall be determined by the complexity of the development proposed by the applicant.

E. Within 20 days after the formal preapplication meeting, the town will prepare and send the applicant a written summary of the meeting and a list of any specific documents, information, legal descriptions or other requirements that must be submitted with the application. Such list shall be in addition to the requirements set forth in the appropriate application form.

F. An applicant may request one or more additional formal preapplication meetings if the proposed development changes based on information received at the previous meeting. The additional meetings shall be subject to the same procedures as the initial formal preapplication meeting.

G. Application forms shall be made available to the applicant following a formal preapplication meeting.

H. Applicants for development may request an informal meeting prior to the formal preapplication meeting. The purpose of the meeting is to discuss, in general terms, the proposed development, town design standards, design alternatives and required permits and approval process(es). (Ord. 535 § 1, 2005).

14.07.030 Consolidated application process.

A. When more than one application for a proposed development is required, the applicant may elect to have all applications submitted for review at one time.

B. Applications for proposed development and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed concurrently and in accordance with the state and local laws, regulations and ordinances.

C. When more than one application is submitted under a consolidated review and the applications are subject to different types of review procedures, all of the applications for the proposed development shall be subject to the highest level of review procedure which applies to any of the applications.

D. If an applicant elects a consolidated application process, the determination of completeness, the notice of application, and the notice of final decision must include all applications being reviewed. (Ord. 535 § 1, 2005).

14.07.040 Plan review.

A. After application materials are submitted by a project proponent following the formal preapplication meeting, a plan review shall be conducted by the town to determine if the application is complete. The plan review shall determine if adequate information is provided in or with the application in order to begin processing the application, and that all required information and materials have been supplied in sufficient detail to begin the application review process. All information and materials required by the application form and from the formal preapplication meeting must be submitted. All studies supporting the application or addressing projected impacts of the proposed development must be submitted.

B. The purpose of the plan review is to ensure adequate information is contained in the application materials to demonstrate consistency with applicable comprehensive plans, development regulations and other applicable town codes. Town staff will coordinate the involvement of agencies responsible for the review of setbacks, landscaping, parking, drainage, access, roads, traffic, signs, utilities and any other applicable requirements. (Ord. 535 § 1, 2005).

14.07.050 Determination of completeness.

A. Within 28 days after receiving an application, the town shall complete the plan review of the application and provide the applicant a written determination that the application is either complete or incomplete.

B. An application shall be determined complete only when it contains all of the following information and materials:

1. A fully completed and signed application.

2. Applicable review fees.

3. All information and materials required by the application form.

4. A fully completed and signed environmental checklist for projects subject to review under the State Environmental Policy Act.

5. The information specified for the desired project in the appropriate title of the Coulee City Code.

6. A plot plan disclosing all existing and proposed structures and features applicable to the desired development; for example, parking, landscaping, preliminary drainage plans with supporting calculations, signs, setbacks, etc.

7. Any additional information and materials identified at the formal preapplication meeting or required by applicable development standards, plans, policies or any other federal, state or local laws.

8. Any supplemental information or special studies identified by the town.

C. For applications determined to be incomplete, the town shall identify, in writing, the specific requirements, information or materials necessary to constitute a complete application. Within 14 days after its receipt of the additional requirements, information or materials, the town shall issue a determination of completeness or identify the additional requirements, information, or materials still necessary for completeness. Failure to submit the requested information within 60 days will result in a null and void application, with no refund of the filing fees.

D. A determination of completeness shall identify, to the extent known, other local, state or federal agencies that may have jurisdiction over some aspect of the application.

E. A determination of completeness shall not preclude the town from requesting additional information or studies if new information is required or a change in the proposed development occurs.

F. Upon issuing a determination of completeness, the application materials, including the applicable SEPA review information, will be referred to appropriate agencies for review and comment. (Ord. 535 § 1, 2005).

14.07.060 Technical review committee.

A. Immediately following the determination of completeness, the town will schedule a meeting of the technical review committee (TRC). The TRC may be composed of representatives of all affected town departments, utility districts, the fire department, and any other entities or agencies with jurisdiction.

B. The TRC shall review the development application for issues including but not limited to compliance with town plans and regulations, coordination of necessary permit reviews, and identification of the development's potential environmental impacts. (Ord. 535 § 1, 2005).

14.07.070 Application vesting.

An application shall become vested on the date a determination of completeness is made under this title. Thereafter the application shall be reviewed under the codes, regulations and other laws in effect on the date of vesting; provided, in the event an applicant substantially changes his/her proposed development after a determination of completeness, as determined by the town, the application shall not be considered vested until a new determination of completeness on the changes is made under this title. (Ord. 535 § 1, 2005).

14.07.080 Notice of application.

A. Notice of Application. Within 14 days after issuing a determination of completeness, the town shall issue a notice of application. The notice shall include, but not be limited to the following:

1. The date of application, the date of the determination of completeness, and the date of the notice of application.

2. A description of the proposed project action, a list of permits required for the application, and if applicable, a list of any studies requested.

3. The identification of other required permits not included in the application, to the extent known by the town.

4. The identification of existing environmental documents which evaluate the proposed development and the location where the application and any studies can be reviewed.

5. A statement of the public comment period, which shall be 14 days following the date of the notice of application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any appeal rights.

6. The date, time, location and type of hearing, if applicable and scheduled at the date of the notice of application.

7. A statement of the preliminary determination, if one has been made at the time of notice of application, of those development regulations that will be used for project mitigation and of consistency with the type of land use of the proposed site, the density and intensity of proposed development, infrastructure necessary to serve the development, and the character of the development.

8. Any other information determined by the town to be appropriate.

B. Informing the Public. The notice of application shall be posted in the following manner:

1. It shall be posted on the subject property for the duration of the public comment period. The town shall post and maintain the notice throughout the entire public comment period. The location and manner of posting shall be determined by the town and shown on the applicant's site plan. The town will post the notice of application upon payment of all applicable fees. After the public comment period, the town staff person responsible for posting the notice of application shall sign an affidavit of posting before a notary public, using the form adopted by the town, and the affidavit of posting shall be placed in the application file.

2. It shall be posted at Town Hall.

3. Where no other public notice, such as the required notice of a public hearing, is

required, the notice of application shall be published once in the official newspaper for the town of Coulee City.

C. The notice of application is not a substitute for any required notice of a public hearing.

D. A notice of application is not required for the following actions when they are categorically exempt from SEPA or environmental review has been completed:

1. An application for a single-family residence, accessory uses or other minor construction building permits;
2. Application for a lot line adjustment;
3. Any application for which Type I administrative review is determined applicable. (Ord. 535 § 1, 2005).

14.07.090 Notice of public hearing.

When required, notice of a public meeting or hearing for all development applications and all open record appeals shall be given as follows:

A. Time of Notices. Except as otherwise required, public notification of meetings, hearings, and pending actions under CCC Titles 14 through 18 shall be made by:

1. Publication in the official newspaper at least 10 days before the date of a public meeting, hearing, or pending action; and
2. Mailing at least 10 days before the date of a public meeting, hearing, or pending action to all property owners, as shown on the records of the county assessor, and all street addresses of properties within 350 feet, not including street rights-of-way, or the boundaries of the property which is the subject of the meeting or pending action. Addressed, pre-stamped No. 10 envelopes shall be provided by the applicant; and
3. Posting at least 10 days before the meeting, hearing, or pending action at Town Hall.

B. Content of Notice. The public notice shall include a general description of the proposed project, action to be taken, a nonlegal description of the property or a vicinity map or sketch, the time, date and place of the public hearing and the place where further information may be obtained.

C. Continuations. If for any reason a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date, time and place certain and no further notice under this section is required. (Ord. 535 § 1, 2005).

Chapter 14.09**REVIEW AND APPROVAL PROCESS**

Sections:

- 14.09.010 Application review criteria.
- 14.09.020 Application review classification.
- 14.09.030 Type I administrative review of applications.
- 14.09.040 Type II administrative review of applications.
- 14.09.050 Type III quasi-judicial review of applications.
- 14.09.060 Legislative review of applications.
- 14.09.070 Procedures for public hearings.
- 14.09.080 Procedures for closed record decisions and appeals.
- 14.09.090 Notice of final decision.

14.09.010 Application review criteria.

Review of an application and proposed development shall be governed by and be consistent with the fundamental land use planning policies and choices which have been made in the town's adopted comprehensive plans and development regulations. The review process shall consider the type of land use permitted at the proposed site, the density and intensity of the proposed development, the infrastructure available and needed to serve the development, the character of the development and its consistency with the comprehensive plan and development regulations. In the absence of applicable development regulations, the applicable development criteria in the comprehensive plan or subarea plan adopted under Chapter 36.70A RCW shall be determinative. (Ord. 535 § 1, 2005).

14.09.020 Application review classification.

A. Following the issuance of a determination of completeness and a notice of application, an application shall be reviewed at one of four levels:

1. Type I administrative review;
2. Type II administrative review;
3. Type III quasi-judicial review;
4. Legislative review.

B. If this title or the CCC provides that a proposed development is subject to a specific type of review, or a different review procedure is required by law, then the application for such development shall be processed and reviewed accordingly. If this title does not provide for a specific type of review, or if a different review procedure is not required by law, then the town shall determine the type of review to be used for the type and intensity of the proposed development.

C. Any public meeting or required open public hearing may be combined by the town with any public meeting or open record public hearing that may be held on the proposed development by another local, state, federal or other agency. Hearings shall be combined if requested by the applicant. However, joint hearings must be held within the town and within the time limits of this title and Chapter 36.70B RCW. (Ord. 535 § 1, 2005).

14.09.030 Type I administrative review of applications.

Type I administrative review shall be used when the proposed development is subject to clear, objective and nondiscretionary standards that require the exercise of professional judgment about technical issues and the proposed development is categorically exempt from the State Environmental Policy Act (SEPA). Permits reviewed through this process are not subject to the requirements of Chapter 14.07 CCC. The town may approve, approve with conditions, or deny the application after the date the application is accepted as complete. The decision of the town is final unless an administrative appeal process is provided for in this or any other title within the CCC. This type of review includes, but is not limited to, the following:

- A. Interpretation of codes and ordinances;
- B. Single-family and other minor building permits not subject to environmental review;
- C. Fence permits;
- D. Boundary line adjustments;
- E. Fill and grade permits;
- F. Encroachment permits to work within a right-of-way;
- G. Flood development permits; and

H. Minor amendments or modifications to approved developments or permits which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not affect the overall project character, increase the number of lots, dwelling units or density, or decrease the quality or amount of open space. (Ord. 535 § 1, 2005).

14.09.040 Type II administrative review of applications.

A. Type II administrative review shall be used when the proposed development is subject to objective and subjective standards that require the exercise of limited discretion about nontechnical issues and about which there may be limited public interest. The proposed development may or may not be subject to SEPA review. This type of review includes, but is not limited to, the following:

1. Short subdivisions;
2. Binding site plans;
3. Group A home occupations; and
4. Multifamily, commercial, industrial and/or office building permits that are subject to environmental review pursuant to CCC Title 16 and the State Environmental Policy Act (SEPA).

B. The review procedure under Type II administrative review shall be as follows:

1. If the proposed development is subject to the State Environmental Policy Act (SEPA), the threshold determination may be made concurrent with the public comment period required in the notice of application, pursuant to the provisions of WAC 197-11-355, Optional DNS, and Chapter 16.04 CCC.

2. The town may approve, approve with conditions, or deny the application after the date the application is accepted as complete, and upon completion of the public comment period and the comment period required by SEPA, if applicable. The decision of the town is final unless an administrative appeal process is provided for in this or any other title within the CCC. The town shall mail the notice of decision to the applicant and all parties of record. The decision shall be issued pursuant to CCC 14.09.090, Notice of final decision. (Ord. 535 § 1, 2005).

14.09.050 Type III quasi-judicial review of applications.

A. Type III quasi-judicial review shall be used when the development or use proposed under the application requires a public hearing before a hearing body which will generally be the hearing examiner. This type of review includes, but is not limited to, the following:

1. Administrative appeals, including those relating to Chapter 43.21C RCW;
2. Preliminary subdivisions;
3. Plat alterations and/or vacations;
4. Conditional use permits, including Group B home occupations;
5. Planned developments;
6. Variances;
7. Rezones which are not of general applicability; and
8. Other similar development permit applications.

B. The review procedure under Type III quasi-judicial review shall be as follows:

1. A Type III quasi-judicial review process requires an open record public hearing before the appropriate hearing body which is generally the hearing examiner.

2. The public hearing shall be held after the completion of the public comment period and the comment period required by SEPA, if applicable.

3. At least 10 days before the date of a public hearing, the town shall issue public notice of the date, time, location and purpose of the hearing, pursuant to CCC 14.07.090.

4. At least seven days before the date of the public hearing, the town shall issue a written staff report, integrating the SEPA review and threshold determination and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall mail a copy of the staff report and recommendation to the applicant or the applicant's designated representative. The town shall make available a copy of the staff report, subject to payment of a reasonable charge, to other parties who request it.

5. Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing body. Lacking any

adopted hearing procedures, the provisions of CCC 14.09.070 shall be used to conduct the public hearing. A public hearing shall be recorded on either audio or audio-visual tape.

6. Within 10 working days after the date the public record closes, the hearing body shall issue a written decision regarding the application(s).

7. The hearing body may approve, approve with conditions or deny the application and shall mail the notice of its decision to the town, applicant, the applicant's designated representative, the property owner(s), and any other parties of record. The decision shall be issued pursuant to CCC 14.09.090, Notice of final decision. (Ord. 535 § 1, 2005).

14.09.060 Legislative review of applications.

A. Legislative review shall be used when the proposed development involves the creation, implementation or amendment of town policy or law. Projects reviewed through this process are not subject to the requirements of Chapter 14.07 CCC. This type of review includes, but is not limited to, comprehensive plan, subarea plan, zoning and/or development code reviews, amendments and updates.

B. Legislative review shall be conducted as follows:

1. Legislative review generally requires at least one public hearing before the planning commission, one public meeting before the town council and in most instances will involve at least one public hearing before the town council.

2. When an application by a private individual is part of the proposed legislative action, the application shall contain all information and material requirements, including the appropriate fee(s), required by the appropriate application form and any formal preapplication meeting.

3. At least 10 days before the date of the first planning commission hearing, the town shall issue public notice of the date, time, location and purpose of the hearing pursuant to CCC 14.07.090. The notice shall include notice of the SEPA threshold determination issued by the town.

4. At least seven days prior to the hearing, the town shall issue a written staff report, integrating the SEPA review and threshold determination and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall mail a copy of the staff report and recommendation to the applicant or the applicant's designated representative, and planning commission members. The town shall make available a copy of the staff report, subject to a reasonable charge, to other persons who request it.

5. Following the public hearing of the planning commission, in accordance with Chapter 35A.63 RCW, a recommendation of the planning commission shall be forwarded to the town council at the next regularly scheduled meeting. Upon receiving the recommendation from the planning commission, the town council shall set a public meeting to consider the proposal, at which they may either accept or reject the recommendation.

6. The council must hold a public hearing to consider any changes to the recommendation of the planning commission. The council may approve, approve with conditions, deny or remand the proposal back to the planning commission for further review after such public hearing.

7. In the event the town council determines that the public hearing record of the planning commission is insufficient or otherwise flawed, the council may remand the matter back to the planning commission to correct the deficiencies. The council shall specify the items or issues to be considered and the time frame for completing the additional work.

8. The final decision of the council shall be by ordinance, resolution or motion, as appropriate. Where the final decision of the council is made by motion, it shall be in writing and shall include those items described in CCC 14.09.090. (Ord. 535 § 1, 2005).

14.09.070 Procedures for public hearings.

Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will

base its decision. The public hearing shall be declared open and, in general, the following sequence of events shall be observed:

A. Staff presentation, including submittal of any administrative reports. The hearing body may ask questions of the staff.

B. Applicant presentation, including submittal of any materials. The hearing body may ask questions of the applicant.

C. Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the hearing body at its discretion.

D. Rebuttal, response or clarifying statements by the staff and the applicant.

E. The evidentiary portion of the public hearing shall be closed and, where applicable, the hearing body shall deliberate on the matter before it. (Ord. 535 § 1, 2005).

14.09.080 Procedures for closed record decisions and appeals.

A. Closed record decisions and appeals shall be conducted in accordance with the hearing body's rules of procedure as provided for public hearings, and shall serve to provide argument and guidance for the body's decision.

B. Closed record decisions on requests for final plat approval of a preliminary subdivision shall consist of the following recommendations for approval or disapproval:

1. A recommendation from the town water and sewer department as to the adequacy of the proposed means of sewage disposal and water supply;

2. A recommendation from the town as to the compliance with all terms of the preliminary approval of the proposed subdivision; and

3. A recommendation of approval or disapproval from the town engineer.

C. Upon review of the request for final plat approval of a preliminary subdivision, the hearing body shall approve, disapprove or remand the final plat to the applicant with specific instructions for compliance with the preliminary subdivision approval.

D. For closed record appeals, no new evidence or testimony shall be given or received, except that the parties to an appeal may submit timely written statements or arguments. (Ord. 535 § 1, 2005).

14.09.090 Notice of final decision.

A. The town will strive to issue a written notice of final decision on an application reviewed pursuant to either a Type II administrative or a Type III quasi-judicial review process within 120 days after the date of the determination of completeness. In determining the number of days that have elapsed, the following periods shall be excluded:

1. Any period during which the applicant has been requested by the town to correct plans, perform required studies, or provide additional information or materials. The period shall be calculated from the date the town issues the request to the applicant to, the earlier of, the date the town determines whether the additional information satisfies its request or 14 days after the date the information has been received by the town.

2. If the town determines the information submitted by the applicant under subsection (A)(1) of this section is insufficient, it shall again notify the applicant of deficiencies and the procedures under subsection (A)(1) of this section shall apply to the request for information.

3. Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.

4. Any period for administrative appeals, which shall not exceed 90 days for open record appeals and 60 days for closed record appeals.

5. Any extension of time mutually agreed upon by the applicant and the town.

B. The time limit by which the town will strive to issue a written notice of final decision does not apply if an application:

1. Requires an amendment to a comprehensive plan or development regulation.

2. Requires the siting of an essential public facility, as provided in Chapter 36.70A RCW and as may be hereafter amended.

3. Is substantially revised by the applicant after a determination of completeness has been issued, in which case the time period shall start from the date on which the revised project application is determined to be complete.

C. If the town is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

D. In accordance with state law, the town is not liable for damages which may result from the failure to issue a timely notice of final decision.

E. The written notice of final decision for Type II administrative decisions, Type III quasi-judicial decisions and legislative actions made by motion of the town shall include the following information:

1. A statement of the applicable criteria and standards in the development codes and other applicable law.

2. A statement of the findings of the review authority, stating the application's compliance or noncompliance with each applicable criterion, and assurance of compliance with applicable standards.

3. The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with all applicable laws.

4. A statement that the decision is final unless appealed as provided in Chapter 14.11 CCC, Appeals. The statement shall state the appeal closing date and describe how a party may appeal the decision, including applicable fees and the elements of a notice of appeal.

5. A statement that the complete case files, including findings, conclusions and conditions of approval, if any, is available for inspection. The notice shall list the place, days and times when the case file is available for inspection and the name and telephone number

of the town's representative to contact to arrange inspection.

6. A written notice of decision rendered by the town council may be in the form of the signed ordinance or resolution.

F. Effective Date. The final decision of the council or hearing body shall be effective on the date stated in the notice of decision, resolution, or ordinance. (Ord. 535 § 1, 2005).

Chapter 14.11**APPEALS**

Sections:

- 14.11.010 Appeal of administrative interpretations and decisions.
- 14.11.020 Appeal of hearing examiner decisions.
- 14.11.030 Administrative appeals.
- 14.11.040 Judicial appeals.
- 14.11.050 Transcription costs and record preparation.
- 14.11.060 Reconsideration.

14.11.010 Appeal of administrative interpretations and decisions.

Administrative interpretations and administrative decisions pursuant to CCC 14.09.030(A) and 14.09.040(A) and (B), including appeals of administrative decisions or determinations made pursuant to Chapter 43.21C RCW, may be appealed, by applicants or parties of record, to the hearing examiner as provided for in CCC 14.11.030. There are no appeals of administrative decisions issued pursuant to CCC 14.09.030(B) through (H). (Ord. 535 § 1, 2005).

14.11.020 Appeal of hearing examiner decisions.

Appeals of a rezone not of general applicability (site-specific) shall be made to the Coulee City town council for review at a closed record appeal as provided for in CCC 14.11.030. All other decisions of the hearing examiner may be appealed, by applicants or parties of record from the hearing examiner public hearing, to the Grant County superior court as provided for in CCC 14.11.040; provided, however, that no final decision of the hearing examiner may be appealed to Grant County superior court unless such party has first brought a timely motion for reconsideration of the hearing examiner's decision pursuant to CCC 14.11.060. (Ord. 535 § 1, 2005).

14.11.030 Administrative appeals.

A. Filing. Every appeal to the hearing examiner shall be filed with the town within 10 days after the date of decision of the matter being appealed. If the 10-day period ends on a weekend or on a holiday, the following working day shall be the tenth day.

B. Contents. The notice of appeal shall contain a concise statement identifying:

1. The decision being appealed;
2. The name and address of the appellant and his/her interest(s) in the matter;
3. The specific reasons why the appellant believes the decision to be wrong, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall bear the burden of proving the decision was wrong;
4. The specific desired outcome or changes to the decision;
5. The appeal fee.

C. Process. Upon receipt of a notice of appeal containing all information required in subsection B of this section, the town shall schedule with the applicable hearing body either an open record hearing or a closed record appeal hearing if an open record hearing has already been held on an application.

D. Closed record appeals shall be conducted in accordance with the hearing body's rules of procedure and shall serve to provide argument and guidance for the body's decision. Closed record appeals shall be conducted generally as provided for public hearings, except that no new evidence or testimony shall be given or received except as provided in subsection (D)(3) of this section. The parties to the appeal may submit timely written statements or arguments.

1. A decision following a closed record appeal hearing shall include one of the following actions:

- a. Grant the appeal in whole or in part.
- b. Deny the appeal in whole or in part.
- c. Remand for further proceedings and/or evidentiary hearing.

2. In the event the hearing body determines that the public hearing record or record on appeal is insufficient or otherwise flawed, it may remand the matter back to the hearing body to correct the deficiencies. The items or issues to be considered and the time frame for completing the additional work shall be specified.

3. The hearing body may receive new evidence in addition to that contained in the record on appeal only if it relates to the validity of the underlying decision at the time the decision was made and is needed to decide disputed issues regarding:

a. The proper constitution of or disqualification grounds pertaining to the decision maker.

b. The use of unlawful procedure.

E. SEPA Appeals. In addition to the items listed above, Chapter 16.04 CCC shall be complied with when filing administrative appeals of SEPA decisions or determinations. (Ord. 535 § 1, 2005).

14.11.040 Judicial appeals.

Appeals from the final decision of the town council or hearing examiner involving CCC Titles 14, 15, 16, 17 or 18, and for which all other appeals specifically authorized have been timely exhausted, including the provisions of CCC 14.11.060, shall be made to Grant County superior court and served on all necessary parties within 21 days of the date the decision or action became final, unless another time period is established by state law or local ordinance. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the mayor and town attorney within the applicable time period. This requirement is jurisdictional. (Ord. 535 § 1, 2005).

14.11.050 Transcription costs and record preparation.

The cost of transcribing and preparing all records ordered certified by the court, required at the discretion of the hearing examiner or required at the discretion of the town attorney shall be borne by the appellant. The appellant shall post with the town clerk prior to the prep-

aration of any records an advance fee deposit in the amount specified by the town clerk. The town clerk shall ascertain the approximate charge of the transcription. Any overage will be promptly returned to the appellant. Any undercharges shall be promptly paid by the appellant. (Ord. 535 § 1, 2005).

14.11.060 Reconsideration.

An applicant or party of record to a hearing examiner's public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the administrator within 10 days of the final decision. The request shall comply with CCC 14.11.030(B). The hearing examiner shall, within 30 days of receipt of the request for reconsideration, consider the request at a public meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the hearing examiner may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. Reconsideration will be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision. (Ord. 535 § 1, 2005).

Chapter 14.13**GENERAL ADMINISTRATION
AND ENFORCEMENT¹**

Sections:

- 14.13.010 Purpose.
- 14.13.020 Duties of officials.
- 14.13.030 Interpretations of CCC Titles 14 through 18.
- 14.13.040 Building permits.
- 14.13.050 Certificate of occupancy.
- 14.13.060 Fees.
- 14.13.070 Right of entry.
- 14.13.080 Violations.
- 14.13.090 Enforcement and penalties.

14.13.010 Purpose.

The purpose of this chapter is to establish provisions pertaining to the administration and enforcement of CCC Titles 14 through 18. It is the intent that all questions of interpretation and enforcement shall first be presented to the planner for resolution prior to seeking enforcement through litigation. (Ord. 578 § 1, 2009).

14.13.020 Duties of officials.

A. Town Planner. The town planner is responsible for the administration, interpretation, and enforcement of all parts of CCC Titles 14 through 18.

B. Director of Public Works. The director of public works is responsible for providing engineering review, in consultation with the town engineer if necessary, of permit applications when such a review is needed, and for such other duties as set forth in CCC Titles 14 through 18. In the absence of a director of public works, the public works superintendent shall perform the duties of the public works director under this chapter.

C. Building Official. The building official is responsible for assuring that all building permits and certificates of occupancy are referred to the town planner, as required by CCC 14.13.040 and 14.13.050.

D. Enforcement. All departments, officials, and public employees of the town which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of CCC Titles 14 through 18 and shall issue no such permit or license for any use, building, or purpose if the same would be in conflict with the provisions of CCC Titles 14 through 18, and should any such permit or license be issued in error it shall be null and void from its issuance and the town shall not be required to seek an appeal or review of the issuance of that permit or license to be able to declare the same as null and void from the date of its wrongful issuance.

E. General Duty. None of the provisions of CCC Titles 14 through 18 are intended to create a cause of action or provide the basis for a claim against the town, its officials, or employees for the performance or failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public. (Ord. 578 § 1, 2009).

14.13.030 Interpretations of CCC Titles 14 through 18.

The town planner may, acting on his or her own initiative or in response to an inquiry, issue interpretations of any provision of CCC Titles 14 through 18 for which the director of public works shall be responsible. The town planner shall base his or her interpretations on the following:

- A. The defined or common meaning of the words of the provision;
- B. The general purpose of the provision; and
- C. The meaning of the provision in relation to the comprehensive plan. (Ord. 578 § 1, 2009).

14.13.040 Building permits.

Building permits are required by Chapter 15.04 CCC.

1. Prior legislation: Ord. 535.

A. The building official shall refer to the town planner all applications for building permits for new construction and for additions which increase the square footage of usable space.

B. Upon receiving an application for a building permit, the town planner shall review it and make any necessary field inspections to determine whether the proposed construction or addition complies with CCC Titles 14 through 18. (Ord. 578 § 1, 2009).

14.13.050 Certificate of occupancy.

A. No building hereafter erected, moved, enlarged, or changed in use shall be occupied until a certificate of occupancy has been issued by the building official.

B. Certificates of Occupancy for Conforming Uses, Buildings, and Structures.

1. A certificate of occupancy shall be issued only after such building, enlargement, or relocation has been completed in conformity with the provisions of CCC Titles 14 through 18 and any applicable permits and plans.

2. Any use legally occupying an existing building at the time this zoning code becomes effective may be continued but shall not be changed, unless a certificate of occupancy for the new use shall have been issued by the building official after finding that the new use conforms to any required conditions of any applicable permits and plans, and the town planner finds that the new use conforms to CCC Titles 14 through 18.

3. Any transfer of ownership of the building or structure which does not involve a change of use shall automatically effect a transfer of the certificate of occupancy to the new owner.

C. Certificates of Occupancy for Nonconforming Uses, Buildings and Structures.

1. The owner or authorized agent of any legal nonconforming use, building or structure may, at any time, apply for a certificate of occupancy to continue as a nonconformity under the provisions of Chapter 18.52 CCC.

2. No certificate of occupancy for a nonconforming use, building or structure shall be issued until the applicant demonstrates that the

nonconformity existed on the effective date of CCC Titles 14 through 18, or on the date when preceding versions of the town's zoning regulations became effective as to such building, structure, land or use, or that the building, structure, land, or use was rendered nonconforming by an amendment to CCC Titles 14 through 18 subsequent to its effective date.

3. A certificate of occupancy for a nonconformity shall state the manner in which the property is nonconforming and the date when the property became nonconforming.

4. Any transfer of ownership of the building or structure which does not involve a change of use shall effect a transfer of the certificate of occupancy to the new owner. (Ord. 578 § 1, 2009).

14.13.060 Fees.

All applications for permits, certificates of occupancy, rezones, variances, site plan approvals, and appeals shall be accompanied by the fees established for such applications by action of the council. (Ord. 578 § 1, 2009).

14.13.070 Right of entry.

A. Application Constitutes Permission for Entry. Application for any permit, certificate of occupancy, rezone, variance, site plan approval, or appeal constitutes permission for representatives of the town to enter on the property involved in order to make inspections necessary to permit review. A refusal to permit entry is considered to be an abandonment of the application and forfeiture of all fees charged and/or paid.

B. Investigation of Potential Violations. The town planner may enter upon private property to investigate potential violations of CCC Titles 14 through 18 if he or she has a good faith belief that a violation exists on the property. Before entering upon private property, the town planner shall present credentials to the owner or person in possession or charge of the property and request entry. If entry is refused, the town planner may use any lawful means to obtain entry. (Ord. 578 § 1, 2009).

14.13.080 Violations.

A. It is unlawful for any person to do or cause any act to be done contrary to or in violation of CCC Titles 14 through 18, and for any property owner to permit any act to be done contrary to or in violation of CCC Titles 14 through 18.

B. It is also unlawful for any applicant or permittee to fail to perform any activity or obligation required by CCC Titles 14 through 18.

C. Any violation of any provision of CCC Titles 14 through 18, unless otherwise enforced per CCC 14.13.090, is a civil infraction subject to a penalty as provided in Chapter 1.12 CCC. (Ord. 578 § 1, 2009).

14.13.090 Enforcement and penalties.

When the town planner determines that a violation of CCC Titles 14 through 18 exists, he or she may proceed against that violation using the procedures provided in this section.

A. Initiation of Review. A review under this subsection may be initiated by:

1. The town planner;
2. A motion of the town council;
3. Any aggrieved person believing that a violation or violations of CCC Titles 14 through 18 is occurring by making a written complaint to the town planner.

B. Review Procedure.

1. The town planner shall within 60 days after the receipt of such written allegations or motion of the town council complete an investigation of the alleged violation(s) to determine the merits thereof.

2. Within 14 days after the town planner has completed the investigation, he or she shall take the following action:

a. If the town planner determines that no violation as alleged or otherwise is occurring, then notification of that decision shall be given to the complaining person or a spokesperson for the complaining person, or in a written report to the town council.

b. If the town planner determines that a violation is occurring or has occurred as alleged, a notice of violation and order to correct or cease activity shall be sent as specified in subsection C of this section.

3. If the town planner determines that the way to correct a violation is for the property owner or violator to cease the activity, or for the town to impose new or changed conditions on a permit or plan that has been issued or approved, the town planner shall refer the matter to the hearing examiner, planning authority, or staff for review, depending upon which entity made the final decision on the matter under review.

a. The hearing examiner or planning authority shall hold a public meeting to review the permit or approval, using criteria required for the original.

b. If the hearing examiner or planning authority finds that a violation exists, and that it can be reasonably resolved by imposing new or changed conditions on the permit or plan, the conditions may be changed. The action of the hearing examiner or the planning authority shall be final as provided under Chapter 14.11 CCC.

c. If the hearing examiner or planning authority determines that the way to correct the violation is for the permittee to cease the violation, and the permittee fails or refuses to cease the violation, the hearing examiner or planning authority may revoke the permit or approved plan and may order the activity allowed by the permit or plan to cease.

d. If the violation is of a condition which was imposed by staff and staff finds that the violation can be reasonably resolved by imposing new or changed conditions on the permit or plan, conditions may be changed by staff.

e. If the staff determines that the way to correct a violation is for the permittee to cease the violation and the permittee fails or refuses to cease the violation, the staff may revoke the permit or plan and may order activity allowed by the permit or plan to cease.

C. Notice of Violation and Order to Correct or Cease Activity.

1. General. If the town planner determines that any activity, condition, structure, or use exists that does not conform to CCC Titles 14 through 18, he or she may issue a notice of violation and order to correct or cease activity.

This notice will specifically indicate the following:

- a. The name and address of the person(s) charged with the violation;
- b. What provision of CCC Titles 14 through 18 is being violated;
- c. The street address and a brief legal description of the site on which the violation has been determined to exist;
- d. What is necessary to correct the violation;
- e. The time by which the violation is to be corrected or activity ceased; and
- f. A statement that the civil penalties established in subsection E of this section shall be assessed against the person(s) cited if the violation is not corrected within the specified time period.

2. Notice to Occupant and Owner. The town planner shall deliver or cause to be delivered the notice of violation and order to correct or cease activity by U.S. postal mail, or certified mail return receipt requested, or personal service to: the occupant or person in charge of the property if the occupant or person in charge of the property is the violator; or, the owner of the property if the owner of the property is the violator, or both if appropriate.

A copy of the notice of violation and order to correct or cease activity shall be sent to the complaining person or a spokesperson for complaining person.

D. Appeals. Any notice of violation and order to correct or cease activity issued by the town planner shall be appealable to the hearing examiner under Chapter 14.11 CCC.

E. Penalties.

1. Any violation for which a notice of violation and order to correct or cease activity has been issued but which has not been corrected within the time specified shall incur a civil penalty of \$250.00 per day up to a sum of \$5,000, beginning on the day the correction was to be completed. The cumulative penalty provided for in this subsection shall not accrue while an appeal is pending, nor shall the penalty preclude the initiation of appropriate legal action to correct the violation.

2. If a penalty has been assessed pursuant to subsection (E)(1) of this section, a court

shall assess that penalty and any additional penalty the court considers appropriate plus court costs and attorney's fees.

F. If the town planner determines that the property owner or violator could reasonably correct the violation, but fails to do so within the time specified in the notice of violation and order to correct or cease activity, the town planner may refer the matter to the town attorney for civil enforcement by injunction or other appropriate action.

G. Compromise, Settlement, and Disposition of Disputes or Litigation. The town planner and the town attorney may negotiate a settlement or compromise, or otherwise dispose of a dispute or litigation when to do so would be in the best interests of the town. (Ord. 578 § 1, 2009).

Chapter 14.15**COMPREHENSIVE PLAN
AMENDMENT PROCESS**

Sections:

14.15.010 Effect.

14.15.020 Procedures – Adoption and amendments.

14.15.010 Effect.

The comprehensive plan shall serve as a basic source of reference for legislative, quasi-judicial and administrative action. The plan shall be consulted as a prerequisite to the establishment, improvement, abandonment, or vacation of public streets, parks, public buildings, zoning changes and other subjects that may from time to time arise that are addressed therein. The effects of such changes on the community shall be considered by the planning commission with reference to the comprehensive plan and a recommendation made to the town council. Where conflicts arise between the comprehensive plan and this title, the provisions of the comprehensive plan shall prevail. (Ord. 535 § 1, 2005).

14.15.020 Procedures – Adoption and amendments.

The adoption, amendment, modification, or alteration of the comprehensive plan shall be as follows:

A. At least 60 days prior to the commencement of adoption proceedings, the Washington State Department of Community, Trade and Economic Development and other state agencies must be provided copies of the proposed changes, including the required environmental review documents prepared pursuant to SEPA, for their review and comment. The town shall act as lead agency pursuant to the State Environmental Policy Act and Chapter 16.04 CCC, SEPA procedures.

B. After preparing the comprehensive plan or changes thereto, the planning commission shall hold at least one public hearing thereon. Notice of the time, place and purpose of such public hearing shall be given by at least one

publication in a newspaper of general circulation in the town of Coulee City at least 10 days prior to the date of the hearing.

C. Upon completion of the hearing or hearings on the comprehensive plan or amendments thereto, the planning commission shall make such changes as it deems necessary or appropriate. It shall then transmit a copy of its recommendations for the comprehensive plan or amendments thereto to the town council.

D. Within 60 days from its receipt of the recommendation for the comprehensive plan as set forth above, the town council shall consider the same at a public hearing. The town council shall take action to approve, disapprove, modify or remand it back to the planning commission for further consideration. The town council shall specify the time within which the planning commission shall report back with its findings and recommendations on the matter referred to it. The final form and content of the comprehensive plan shall be determined by an ordinance of the town council. The comprehensive plan or its amendments as approved by the town council shall be filed with the town clerk and shall be available for public inspection.

E. The Coulee City comprehensive plan shall not be amended more than once in any calendar year except in cases of emergency, as established by Chapter 36.70A RCW.

F. The town will strive to coordinate amendments to the Coulee City comprehensive plan with Grant County for those areas located within the urban growth area, but outside of the town limits. (Ord. 535 § 1, 2005).

Chapter 14.17

APPLICATION AND PERMIT PROCESSING FEES

Sections:

14.17.010 Established.

14.17.010 Established.

A. The applicant shall deposit with the clerk/treasurer of the town of Coulee City the sum of \$500.00 application fee at the time of application or request for consideration of the following actions:

1. Preliminary subdivisions;
2. Planned developments;
3. Rezones not of general applicability;
4. Variances;
5. Conditional use permits;
6. Amendments and/or alterations to plats;
7. Appeals alleging error in decision of town official in interpretation or enforcement of zoning code or other development regulation;
8. Appeals alleging error in decision of town official in taking action on short plat or binding site plan;
9. Appeals alleging error in administrative decision or determination pursuant to Chapter 43.21C RCW;
10. Any other matter assigned to the hearing examiner.

B. In the event such costs established under subsection A of this section are less than the actual costs involved, any excess cost shall be assessed and paid by the applicant on the basis of the hourly rate of town department staff or outside consultants retained, plus material costs and reasonable expenses. At the town's discretion, outside professional assistance, including but not limited to engineering, planning, and legal services, may be utilized to review and administer the development permit applications, the cost of which will be borne by the applicant, if the costs are over and beyond the application fee. (Ord. 542 § 1, 2005).

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

15.04 Building Codes – Enforcement

15.08 Moving Buildings

15.12 *Repealed*

Chapter 15.04**BUILDING CODES – ENFORCEMENT**

Sections:

- 15.04.010 Adoption of referenced codes.
- 15.04.020 Contract for enforcement.
- 15.04.030 Permit exemptions.
- 15.04.040 Appeals.
- 15.04.050 Automatic fire suppression.
- 15.04.060 Fees.
- 15.04.070 Violations – Penalties.

15.04.010 Adoption of referenced codes.

The town of Coulee City hereby adopts the following codes, as amended by the Washington State Building Code Council pursuant to RCW 19.27.074, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties:

A. The current International Building Code published by the International Code Council, Inc. (IBC).

B. The current International Fire Code, published by the International Code Council, Inc. (IFC), including those standards of the National Fire Protection Association specifically referenced in the International Fire Code as amended by the State Building Code Council; provided, that, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying handheld candles.

C. The current edition of the Uniform Code for the Abatement of Dangerous Buildings published by the International Conference of Building Officials, Whittier, California. (Ord. 726 § 2, 2023).

15.04.020 Contract for enforcement.

The town may enter into a contract with a qualified services provider for the purpose of administration and enforcement, within the town of Coulee City, of the Washington State Building Code, as it may be from time to time amended. (Ord. 726 § 3, 2023).

15.04.030 Permit exemptions.

In addition to other items listed in Section R105.1 of the International Residential Code R105.1 and Section 105 of the International Building Code as amended by the state of Washington, the following do not require permits but must be contained within legal property lines and subject to setback requirements:

A. Animal shelters under 50 square feet in area with at least one open side;

B. Patio slabs, slabs and driveways (unless driveway is steeply graded, and/or encroaches town rights-of-way or easements);

C. Residential solar collector;

D. Residential barbecues, ornamental ponds, and fountains;

E. No habitable structures 100 square feet or less, such as very small pump houses, storage sheds, etc.;

F. Nonstructural emergency repairs. (Ord. 726 § 4, 2023).

15.04.040 Appeals.

In order to hear and decide appeals of order, decisions, or determinations made by the town's building officials relative to the application and interpretation of the town's building code, the town council of the town of Coulee City shall serve as the board of appeals pursuant to the Washington State Building Code. (Ord. 726 § 5, 2023).

15.04.050 Automatic fire suppression.

All buildings three or more stories in height and/or more than 12,000 square feet in area on the main floor, except grain elevators, shall be equipped with an approved automatic fire extinguishing system. (Ord. 726 § 6, 2023).

15.04.060 Fees.

All Coulee City fees shall be in accordance with the information contained in the building code and as published in the Building Standards, calculated by the building official. (Ord. 726 § 7, 2023).

15.04.070 Violations – Penalties.

Any person or firm who violates the provisions of this chapter shall be guilty of a civil infraction and shall be fined in a sum not to

exceed \$300.00. For any violation of a continuing nature, each day's violation shall be considered a separate offense and shall subject the offender to the above penalty for each offense. (Ord. 726 § 8, 2023).

Chapter 15.08

MOVING BUILDINGS

Sections:

15.08.010 Permit required.

15.08.020 Information filing.

15.08.030 Inspections.

15.08.040 Fees.

15.08.050 Hazardous buildings prohibited.

15.08.060 Cleanup of rubbish.

15.08.070 Violation – Penalty.

15.08.010 Permit required.

No building shall be moved into or within the town of Coulee City without a permit having first been granted by the town council and issued by the city clerk. (Ord. 390 § 1, 1991).

15.08.020 Information filing.

Prior to issuance of such permit, the applicant shall file with the town clerk a diagram of such building showing its size, area, and type of construction, designating from whence the building is to be moved and the place to which it will be moved. (Ord. 390 § 2, 1991).

15.08.030 Inspections.

Prior to the removal of the building, either within or into the town of Coulee City, the same must be inspected by the town council or representative or person designated by the town council. In the event the building is to be moved from outside into the town of Coulee City, then the cost of transportation of the town council, its representative or person designated by them, shall be paid by the applicant at the time of making the application, which amount shall be paid in addition to the cost of a permit, if granted. (Ord. 390 § 3, 1991).

15.08.040 Fees.

The cost of all moving permits for buildings or structures within the town of Coulee City or being moved into the town of Coulee City shall be the sum of \$50.00. (Ord. 390 § 4, 1991).

15.08.050 Hazardous buildings prohibited.

No building shall be moved into the town of Coulee City which is not in a habitable condi-

tion; which is unsightly or which would constitute a menace to health, safety, or is a fire hazard; nor without a permit being first obtained. (Ord. 390 § 5, 1991).

15.08.060 Cleanup of rubbish.

A. All persons moving buildings or structures from one location to another within the corporate limits of the town of Coulee City, shall after such removal, clean up all rubbish from which the building or structure was removed. In order to secure such cleanup and filling all holes and excavations, the applicant shall, at the time of receiving the permit to move such building or structure, deposit with the town treasurer the sum of \$100.00 in cash, which sum shall be returned to the applicant after such debris and rubbish have been removed and holes and excavations filled, and the treasurer is authorized to make refund of such deposit.

B. In the event such rubbish and debris is not removed, and such holes and excavations not filled within a period of 10 days from the date of removal of such buildings or structure, then such sum of \$100.00 shall be forfeited to the town of Coulee City, which town shall then have the privilege of removing such debris and rubbish and fill such holes and excavations. In the event the cost of such work shall exceed the sum of \$100.00, the applicant, either the owner of the property, or the owners of the building, shall be liable to the town of Coulee City for such difference. This shall be in addition to any other penalties herein provided. (Ord. 390 §§ 6, 7, 1991).

15.08.070 Violation – Penalty.

Any person violating the provisions of this chapter shall be guilty of a civil infraction and liable for a penalty of not less than \$50.00. (Ord. 390 § 8, 1991).

Chapter 15.12

**ABATEMENT OF
DANGEROUS BUILDINGS**

(Repealed by Ord. 553)

Title 16

ENVIRONMENT

Chapters:

- 16.04 State Environmental Policy Act**
- 16.08 Resource Lands and Critical Areas**
- 16.12 Shoreline Regulations**

Chapter 16.04**STATE ENVIRONMENTAL
POLICY ACT**

Sections:

16.04.010 Adopted by reference.

16.04.020 Summary of model ordinance.

16.04.010 Adopted by reference.

The town council of Coulee City adopts, by reference, the following portions of the Model SEPA Ordinance:

WAC

173-806-101;

173-806-020;

173-806-030;

173-806-040 (option 1);

173-806-053;

173-806-065;

173-806-110;

173-806-128;

173-806-130 (1a), (1b), (1b i), (1b ii), (1c), (2a),
(2b), (2c), (3), (4);

173-806-140;

173-806-150;

173-806-155;

173-806-160 (excluding, however, sections 4c
and 4d);

173-806-175;

173-806-180;

173-806-185; and

173-806-230.

(Ord. 340 § 2, 1984).

16.04.020 Summary of model ordinance.

A brief summary of the model ordinance and administrative rules is as follows:

A. The Model SEPA Ordinance (Chapter 173-806 WAC) has 11 parts that correlate with the 11 parts of the SEPA rules (Chapter 197-11 WAC). Part one establishes the authority under which an agency would adopt its SEPA procedures. Each of the other parts lists the mandatory sections of Chapter 197-11 WAC that apply to a local agency. These sections include: procedures for determining whether a governmental action is categorically exempt from compliance with SEPA, exempt from the environmental impact statement (EIS) require-

ments of SEPA or requires preparation of an EIS; procedures to document the determination and to prepare an EIS; and procedures for determining the governmental agency responsible for assuring compliance with SEPA for a particular proposal (the lead agency).

B. Sections in the model ordinance provide optional language that agencies may use for establishing procedures for designating the SEPA responsible official, responding to a "request for early notice" (mitigated DNS), preparing an EIS, and meeting public notice requirements; establishing policies and procedures for conditioning or denying permits or other approvals based on information in SEPA documents; and establishing a fee schedule. (Ord. 340 § 1, 1984).

Chapter 16.08**RESOURCE LANDS AND
CRITICAL AREAS**

Sections:

- 16.08.010 Statutory authorization.
- 16.08.020 Findings of fact.
- 16.08.030 Statement of purpose and objectives.
- 16.08.040 Definitions.
- 16.08.050 List of critical areas.
- 16.08.060 List of resource lands.
- 16.08.070 Data maps.
- 16.08.080 Interpretation of data maps.
- 16.08.090 Effect of data maps.
- 16.08.100 Applicability of chapter.
- 16.08.110 General provisions.
- 16.08.120 Resource lands – Prime farmlands.
- 16.08.130 Resource lands – Unique farmlands.
- 16.08.140 Resource lands – Incorporated lands adjacent to unincorporated prime or unique farmlands.
- 16.08.150 Resource lands – Mineral resource lands.
- 16.08.160 Critical areas – Wetlands.
- 16.08.170 Critical areas – Critical aquifer recharge areas.
- 16.08.180 Critical areas – Frequently flooded areas.
- 16.08.190 Critical areas – Geologically hazardous areas – Erosion hazard.
- 16.08.200 Critical areas – Geologically hazardous areas – Landslide hazard.
- 16.08.210 Critical areas – Geologically hazardous areas – Seismic hazard.
- 16.08.220 Critical areas – Geologically hazardous areas – Other geologic events.
- 16.08.230 Critical areas – Fish and wildlife habitat conservation areas.
- 16.08.240 Warning and disclaimer of liability.
- 16.08.250 Nonconforming developments.
- 16.08.260 Administration.
- 16.08.270 Adoption by reference.

16.08.010 Statutory authorization.

The legislature of the state of Washington has, in RCW 36.70A.060, mandated local governments who plan under RCW 36.70A.040 to adopt development regulations to ensure the conservation of agricultural, forest and mineral resource lands and to adopt development regulations precluding land uses or development that is incompatible with critical areas designated under RCW 36.70A.170. (Ord. 396 § 1.1, 1992).

16.08.020 Findings of fact.

A. Growth management, resource land conservation, and critical areas protection share problems related to governmental costs and efficiency.

B. Sprawl and the unwise development of resource lands or areas susceptible to natural hazards may lead to inefficient use of limited public resources, jeopardize environmental resource functions and values, subject persons and property to unsafe conditions, and affect the perceived quality of life.

C. It is more costly to remedy the loss of resource lands or critical areas than to conserve and protect them from loss or degradation.

D. The inherent economic, social and cultural values of resource lands and critical areas should be considered in the development of strategies designed to conserve and protect such lands.

E. This chapter implements the goals and policies of the resource lands and critical areas elements of the comprehensive plan. (Ord. 396 § 1.2, 1992).

16.08.030 Statement of purpose and objectives.

It is the purpose of this chapter to promote the public health, safety and general welfare in specific areas by provisions designed to:

A. Protect human life and health;

B. Further the public's interest in the conservation and wise use of our lands using best available science (BAS);

C. Assure the long-term conservation of resource lands;

D. Preclude land uses and developments which are incompatible with critical areas;

E. Classify and designate critical areas and resource lands; and

F. To develop appropriate regulatory and nonregulatory actions in response. (Ord. 558 § 1, 2006; Ord. 396 § 1.3, 1992).

16.08.040 Definitions.

“Administrative authority” means those public officials authorized by this chapter to administer the provisions and employ the procedures set forth in this chapter.

“Agriculture lands” means lands that are not already characterized by urban growth and are of long-term significance for the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to excise tax, or livestock.

1. “Prime farmland soil” is land with the best combination of physical and chemical characteristics for production and is available for these uses as determined by the Soil Conservation Service, USDA.

2. “Unique farmland soil” is land other than prime farmland that is used for the production of specific high value food and fiber crops as determined by the Soil Conservation Service, USDA.

“City council” means the town council of Coulee City, Washington.

“Critical areas” means one or a combination of wetlands, critical aquifer recharge areas, frequently flooded areas or geologically hazardous areas, and fish and wildlife habitat conservation area.

“Commercial significance, long-term” 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 land.

“Commission,” “planning commission” means the planning commission of the town of Coulee City.

“Conservation easement” means a reservation or encumbrance on a particular piece of real property that precludes building improve-

ment(s) intended for human habitation or other structures or activities that would frustrate the primary purpose of the easement as a buffer.

“Critical aquifer recharge area” means those areas that have been identified as having a critical recharging effect on aquifer use for potable water in community water systems.

“Data maps” means that series of maps maintained by the town of Coulee City for the purpose of graphically depicting the boundaries of resource lands and critical areas.

“Development application” means an application tendered under the provision of CCC Title 18 for a conditional use permit, rezone or planned development, or an application submitted pursuant to CCC Title 18 for a preliminary major subdivision or short plat.

“Fish and wildlife habitat conservation areas” means:

1. Areas with which endangered, threatened, sensitive, candidate, and monitor species have a primary association;

2. Habitats and species of local importance which include a seasonal range or habitat element with which a given species has a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. These might include areas of high relative density or species richness, breeding habitat, winter range and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alteration such as cliffs, talus and wetlands. Species of local importance are those species that are of local concern due to their population status or their sensitivity to habitat manipulation or that are game species.

3. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat. These do not include ponds deliberately designed and created from dry sites such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds (of less than three years’ duration) and landscape amenities. However, naturally occurring ponds may include those artificial ponds intentionally created from dry areas in order to mit-

igate conversion of ponds, if permitted by a regulatory authority.

4. Lakes, ponds, streams and rivers planted with game fish, including fish planted under the auspices of federal, state, local or tribal programs or which supports priority fish species as identified by the Department of Wildlife.

“Frequently flooded areas” means floodplains and other areas subject to a one percent or greater chance of flooding in any given year.

Geologically Hazardous Areas. All lands within the Coulee City comprehensive plan study area will be classified as either: (1) known or suspected risk, (2) no risk, or (3) risk unknown - data are not available to determine the presence or absence of a geological hazard. Geological hazards include:

1. Erosion Hazard: areas identified as having high or very high water erosion hazard by the U.S. Department of Agriculture Soil Conservation Service as supplied by the SCS area office.

2. Landslide Hazard: areas potentially subject to landslides based upon the following combination of geologic, topographic and hydrologic factors:

a. Areas of historic failure including:

- i. Those areas delineated by the U.S. Department of Agriculture, Soil Conservation Service, as having “severe” limitation for building site development;

- ii. Those areas mapped as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey or Department of Natural Resources Division of Geology and Earth Resources;

b. Areas with all three of the following characteristics:

- i. Slopes of 15 percent gradient or greater; and

- ii. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and

- iii. Springs or groundwater seepage;

c. Areas that have shown movement

during the Holocene Epoch or which are underlain or covered by mass wastage debris of the epoch;

d. Slopes that are parallel or subparallel to planes of weakness in subsurface materials;

e. Privately owned areas with slopes that have gradients greater than 80 percent subject to rock fall during seismic shaking;

f. Areas potentially unstable as a result of rapid stream incision, stream bank erosion and undercutting by wave action;

g. Areas located in a canyon or an active alluvial fan presently or potentially subject to a one percent or greater chance of inundation by debris flows or catastrophic flooding;

h. Areas with slope gradients of 40 percent or greater not composed of consolidated rock. These will be of at least 10 feet of vertical relief.

3. Seismic Hazard: areas include areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction or surface faulting.

4. Other Geologic Events:

a. Volcanic hazard including areas subject to pyroclastic, lava debris, mud flows or related flooding resulting from volcanic activity. Not applicable to the study area.

b. Mine hazards: areas underlain by, adjacent to, or affected by, mine workings such as adits, gangways, tunnels, drifts or air shafts.

“Lot of record” means a lot as designated on a plat which has been approved and filed for record with the auditor of Grant County, Washington. Also, any parcel having a metes and bounds description lying outside of any plat as the same existed pursuant to the records of the Grant County assessor’s office as of the effective date of the ordinance codified in this chapter, March 6, 1992.

“Mine hazard area” means areas underlain by, adjacent to, or affected by, mine workings such as adits, gangways, tunnels, drifts or air shafts.

“Mineral lands” means lands that are not already characterized by urban growth and are

of long-term commercial significance for the extraction of aggregate and mine resources, including: sand, gravel and valuable metallic substances.

“Resource lands” means agricultural and mineral lands.

“Qualified professional” means an accredited or licensed professional with a combination of education and experience in the discipline appropriate for the subject matter that is being commented on; someone who would qualify as an expert in their field.

“Species of local importance” means those species that are of local concern due to their population status or their sensitivity to habitat manipulation or that are game species.

“Town” means the town of Coulee City, Washington.

“Urban growth” means activities that make 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.

“Urban growth, characterized by” means lands having urban growth on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth; or any and all incorporated areas.

“Wetlands, regulated” means areas that are inundated or saturated by surface water or ground water 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 nonwetlands, 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 artifi-

cial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

Wetlands, Washington 4-Tier Rating System.

1. Category I Criteria.

a. Documented habitat for endangered or threatened plant, fish, or animal species or for potentially extirpated plant species recognized by state or federal agencies;

b. High quality native wetland communities, including documented Category I or II quality Natural Heritage wetland sites and sites which qualify as a Category I or II quality Natural Heritage wetland; or

c. High quality, regionally rare wetland communities with irreplaceable ecological functions, including sphagnum bogs and fens, kelp and eelgrass beds, estuarine, wetlands, or mature forested swamps; or

d. Wetlands of exceptional local significance. The criteria for such a designation shall be developed and adopted by the local jurisdictions under appropriate public review and administrative appeal procedures. The criteria may include, but not be limited to, rarity, groundwater recharge areas, significant habitats, unique education sites or other specific functional values within a watershed or other regional boundary.

2. Category II Criteria.

a. Regulated wetlands that do not contain features outlined in Category I; and

b. Documented habitat for sensitive plant, fish or animal species recognized by federal or state agencies; or

c. Rare wetland communities listed in subsection (1)(c) of this definition which are not high quality; or

d. Wetland types with significant functions which may not be adequately replicated through creation or restoration;

e. Wetlands with significant habitat value based on diversity and size;

f. Wetlands which provide exceptionally high quality habitat, or represent regionally rare habitat to anadromous salmonid fish or priority fish species; or

g. Wetlands with significant use by fish and wildlife.

3. Category III Criteria.

a. Wetlands that do not contain features outlined in Category I, II or IV.

4. Category IV Criteria

a. Wetlands which do not meet the criteria of a Category I, II or III wetland; and

b. Wetlands that are less than or equal to one acre in size and have only one wetland class, only one dominant plant species (monotypic vegetation); or

c. Isolated wetlands that are less than or equal to two acres in size, and have only one wetland class and a predominance of exotic species. (Ord. 558 § 1, 2006; Ord. 396 § 2, 1992).

16.08.050 List of critical areas.

The incorporated area of the town of Coulee City is divided into the following critical areas, where appropriate:

- A. Wetlands;
- B. Critical aquifer recharge areas;
- C. Fish and wildlife conservation areas;
- D. Frequently flooded areas;
- E. Geologically hazardous areas. (Ord. 396 § 3.1, 1992).

16.08.060 List of resource lands.

Where applicable, the incorporated areas of the town of Coulee City shall be designated as lands adjacent to unincorporated and unique farmlands. (Ord. 396 § 3.2, 1992).

16.08.070 Data maps.

A. Resource lands and critical areas are designated on a series of data maps maintained at the Coulee City City Hall. 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.

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 designated town official to order an analysis for the factor(s) identified prior to acceptance of a development application as being complete and ready for processing under CCC Title 18. (Ord. 396 § 3.3, 1992).

16.08.080 Interpretation of data maps.

A. The designated town official of Coulee City is 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 Coulee City city council.

B. 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 by the applicant as a result of field investigations performed by qualified professionals using the definitions found in this chapter. 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. (Ord. 396 § 4, 1992).

16.08.090 Effect of data maps.

The conclusion by the administrative authority that a parcel of land or a part of a parcel of land that is the subject of a proposed development application is within the boundary(ies) 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. (Ord. 396 § 5.1, 1992).

16.08.100 Applicability of chapter.

This chapter applies to all real property within the corporate limits of the town of Coulee City, Washington, as it is now configured or may, from time to time, be altered. When any other chapter of CCC Title 18 (and all amending ordinances) conflicts with this chapter, the more restrictive provision will apply. (Ord. 396 § 5.2, 1992).

16.08.110 General provisions.

A. Prior to accepting a development application tended pursuant to CCC Title 18, the data maps shall be consulted for the purposes of determining whether or not the property subject to the application is within any area

shown as a resource land or critical area. When such areas are encountered, the applicant will immediately be notified and the type(s) of resource or critical areas disclosed. Instructions shall be provided to the applicant on the type of evaluation and site-specific analysis that will be required as a supplement to the application materials necessary to bring the application up to a standard that can be characterized as “complete” and eligible for processing.

B. If the subject property does not lie within or partly within the resource lands or critical areas as depicted on the data maps, the application will be considered complete, provided the application requirements of the ordinance governing the process at issue are satisfied.

C. From the effective date of the ordinance codified in this chapter, March 6, 1992, no development application processed under CCC Title 18 shall be approved without a written finding that this chapter has been considered, additional information has been assembled under this chapter or was not required, and that the purpose and intent of this chapter has been accorded substantial consideration.

D. The requirements set forth in CCC 16.08.120 through 16.08.230 shall be considered as minimum requirements in the processing of development applications under CCC Title 18 and represent standards in addition to the requirements set forth in that title.

E. No site analysis required by CCC 16.08.120 through 16.08.230 will be considered complete without a detailed resume of the principal author(s) which disclose(s) their technical training and experience and demonstrate(s) their stature as a qualified professional. (Ord. 396 § 6, 1992).

16.08.120 Resource lands – Prime farmlands.

Section reserved; no applicability. (Ord. 396 § 7.1(A), 1992).

16.08.130 Resource lands – Unique farmlands.

Section reserved; no applicability. (Ord. 396 § 7.1(B), 1992).

16.08.140 Resource lands – Incorporated lands adjacent to unincorporated prime or unique farmlands.

A. Site Analysis. Not required.

B. Development Standards.

1. Residential development occurring on lands immediately adjacent to unincorporated prime or unique farmlands shall observe a 40-foot rear yard setback and a 20-foot side yard setback between the foundation of primary residential structures and the property line of the agricultural lands.

2. A conservation easement of 40 feet in width in rear yards and 20 feet in width in side yards separating primary residential structures from the drip-line of commercial agricultural plant materials may be used as an alternative to subsection 1 above. The conservation easement may cross property lines to a degree mutually acceptable to the private property owners involved. (Ord. 396 § 7.1(C), 1992).

16.08.150 Resource lands – Mineral resource lands.

Section reserved; no applicability. (Ord. 396 § 7.1(D), 1992).

16.08.160 Critical areas – Wetlands.

A. Site Analysis. Required for the purpose of establishing an exact wetland boundary using the criteria found in the State Department of Ecology’s “State Wetland Delineation Manual for Eastern Washington.” Field delineation of the boundary is required and a scaled map must be produced. The Washington State Four-Tier Wetlands Rating System must then be applied to the wetlands area to establish the category(ies) of wetlands in evidence. The analyses required by this subsection shall be done by qualified professional and technical scientists, the Washington Department of Ecology, or others who can demonstrate through a combination of formal training and field experience the ability to function professionally in this capacity.

B. Development Standards.

1. Category III and IV wetlands of 10,000 square feet or less are excluded from all provisions of this chapter.

2. A buffer zone shall be required adjacent to, and outside of, all regulated wetlands according to the following schedule:

Category I Wetlands: 50 feet

Category II Wetlands: 25 feet

Category III Wetlands: 20 feet

Category IV Wetlands: 10 feet

The above buffer zone depths may be reduced by a maximum of 50 percent if the site analysis demonstrates that the adjacent land is, and will remain, extensively vegetated, is topographically remote from the wetland and that no direct or indirect adverse impacts on the regulated wetlands is a reasonable probability as a result of the buffer reduction.

3. Wetland buffer zones shall be retained in their natural condition. Where buffer disturbance is unavoidable during adjacent construction, revegetation will be required with native plant materials preferred.

4. The following activities are allowed to occur on wetlands and wetland buffer zones: outdoor recreational activities, existing and ongoing agricultural activities (provided no additional area is added beyond demonstrable historic levels), maintenance of existing facilities, structures, ditches, roads and utility systems.

5. Nothing in this section or chapter abrogates, compromises or otherwise subordinates the full force, effect and applicability of the Washington State Shoreline Management Act and the Grant County Shoreline Master Program.

6. A use or structure established prior to the effective date of this chapter which does not conform to standards set forth herein, is allowed to continue and be reasonably maintained; provided that such activity or structure shall not be expanded or enlarged in any manner that increases the extent of its nonconformity. (Ord. 558 § 1, 2006; Ord. 396 § 7(A), 1992).

16.08.170 Critical areas – Critical aquifer recharge areas.

A. Site Analysis. Required for the purpose of delineating the recharge areas on a scaled development plan and providing detailed information on the following items:

1. Hydrogeological susceptibility to contamination and contamination loading potential;

2. Depth to groundwater;

3. Hydraulic conductivity and gradient;

4. Soil permeability and contamination attenuation;

5. A vadose zone analysis including permeability and attenuation properties;

6. An analysis of the recharge area's toleration for impervious surfaces in terms of both aquifer recharge and the effect on water quality degradation;

7. A summary of the proposed development's effect on the recharge area concentrating on items 4 and 6;

8. Existing aquifer water quality analysis.

B. Development Standards.

1. The site analysis will create a water quality baseline which will serve as a minimum standard that shall not be further degraded by proposed development.

2. The creation of additional impervious surfaces shall be limited to that amount described in the site analysis that will ensure adequate aquifer recharge and water quality protection.

3. Development approvals shall ensure that all best management practices are employed to avoid introducing pollutants into the aquifer. This includes the complete collection and disposal of storm water outside of the aquifer recharge area for all development impervious surfaces. (Ord. 396 § 7(B), 1992).

16.08.180 Critical areas – Frequently flooded areas.

A. Site Analysis. Required only for the purpose of establishing a preconstruction site elevation at the lot's highest point at the proposed building foundation.

B. Development Standards. All developments must follow the provisions of the "Grant County Flood Damage Prevention Ordinance," CCC Title 18, and as they may be amended. (Ord. 396 § 7(C), 1992).

16.08.190 Critical areas – Geologically hazardous areas – Erosion hazard.

A. Site Analysis. Required to determine the exact location and circumstances that might be expected to precipitate a significant erosion event. The type and effectiveness of mitigating measures available to safeguard the public safety and welfare shall be addressed. The analysis shall also discuss the proposed development's influence on the erosion hazard and suggest appropriate design and development measures that might be taken to minimize such hazards.

B. Development Standards.

1. Erosion hazard areas shall be avoided as locations for building construction, roads or utility systems where mitigation is not feasible.

2. Development activities or their support infrastructure shall be allowed that would directly or indirectly worsen the erosion hazard identified in the site analysis. (Ord. 396 § 7(D)(1), 1992).

16.08.200 Critical areas – Geologically hazardous areas – Landslide hazard.

A. Site Analysis. Required to identify and quantify geologic, topographic and hydrologic factors that might contribute to slope instability. The rate and extent of potential hazards to development activity must be assessed and mitigation measures, if any, evaluated. The proposed development must be analyzed in light of the hazards and effects represented by the landslide exposure on proposed private and public investments. Development operational factors should be included in the analysis to account for the effects of residential landscape irrigation storm water generation from impervious surfaces and the influence of street conveyance on slope stability.

B. Development Standards.

1. Documented landslide hazard areas shall be avoided as locations for building construction, roads or utility systems where mitigation is not feasible.

2. If the degree of hazard warrants some development activity, post-construction slope

stabilization and appropriately upgraded road construction specifications shall be employed to eliminate as completely as practicable, any public or private exposure to landslide hazards or abnormal maintenance to repair costs. (Ord. 396 § 7(D)(2), 1992).

16.08.210 Critical areas – Geologically hazardous areas – Seismic hazard.

Section reserved; no applicability. (Ord. 396 § 7(D)(3), 1992).

16.08.220 Critical areas – Geologically hazardous areas – Other geologic events.

Section reserved; no applicability. (Ord. 396 § 7(D)(4), 1992).

16.08.230 Critical areas – Fish and wildlife habitat conservation areas.

A. Site Analysis. Required to identify endangered, threatened, sensitive, candidate and monitor species, species and habitats of local importance and the nature and extent of their primary association with the habitat conservation area. The investigation shall include relative density and species richness, breeding, habitat, seasonal range dynamics and movement corridors. The analysis shall address the relative tolerance by species of human activities. The development proposal shall be evaluated in terms of its influence on the above wildlife factors and recommend mitigative measures for any area that would potentially degrade base-line populations and reproduction rates over the long term.

B. Development Standards.

1. No development approval shall be granted unless mitigation of adverse effects can be provided that will ensure continuation of base-line populations for all endangered, threatened and sensitive, candidate and monitor species.

2. Development may be allowed when only species and habitats of local importance will suffer population declines or interruption of migration routes provided that adequate regional populations are maintained.

3. Development reviews shall include

regional species occurrence and movements and will avoid creating isolated subpopulations where warranted. (Ord. 396 § 7(E), 1992).

16.08.240 Warning and disclaimer of liability.

The degree of hazard protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Catastrophic natural disasters can, and will, occur on rare occasions. This chapter does not imply that land outside the critical areas or activities permitted within such areas will be free from exposure or damage. This chapter shall not create liability on the part of the town of Coulee City, and officers or employees thereof, for any damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 396 § 8, 1992).

16.08.250 Nonconforming developments.

Within the natural resource lands and critical areas established by this chapter or subsequent amendments thereto, there exist developments and lots of record which were lawfully established or approved, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this chapter to permit these nonconformities to continue and to allow previously approved developments to reach the development conclusion anticipated in their approved applications. The lots of record within major subdivisions that have received preliminary plat approval and short plats filed for record at the Grant County auditor's office will be considered building lots in all respects and exempt from the provisions of this chapter. Planned developments, conditional use permits and other land use applications approved prior to the effective date of the ordinance codified in this chapter, March 6, 1992, are also exempt from this chapter. (Ord. 396 § 9, 1992).

16.08.260 Administration.

The mayor of Coulee City is directed to administer the provisions of this chapter and may appoint other employees as may be necessary to assist in its administration. The mayor shall adopt and revise, as required, such forms and instructions as are necessary or appropriate to serve the public and carry out the provisions of this chapter. (Ord. 396 § 10, 1992).

16.08.270 Adoption by reference.

The town hereby adopts by reference the Grant County critical areas ordinance and shall comply with all requirements and future amendments to said document unless the town chooses to adopt its own critical areas regulations at a future date. (Ord. 727 § 1, 2024).

Chapter 16.12

SHORELINE REGULATIONS

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- 16.12.660 Definitions.
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Article I. Authority and Purpose

16.12.010 Authority.

The Shoreline Management Act (SMA) of 1971, Chapter 90.58 RCW, is the authority for the enactment and administration of this shoreline master program (SMP). (Ord. 656 § 3, 2014).

16.12.020 Applicability.

A. This program shall apply to all of the shorelands and waters within the town of Coulee City as described in SMP Section I (Profile of the Shoreline Jurisdiction within the Town of Coulee City).

B. All proposed uses, activities, or development occurring within shoreline jurisdiction must conform to the intent and requirements of Chapter 90.58 RCW, the SMA, and this SMP whether or not a permit or other form of authorization is required, except when specifically exempted by statute. See SMP Section I for the shoreline jurisdiction description and CCC 16.12.660 for the definition of uses, activities, and development.

C. The SMP applies to shoreline jurisdiction within the town limits.

D. Pursuant to WAC 173-27-060, federal agency activities may be required by other federal laws to meet the permitting requirements of Chapter 90.58 RCW. This program shall apply to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.

E. As recognized by RCW 90.58.350, the provisions of this SMP shall not affect treaty rights of Indian nations or tribes.

F. Maps indicating the extent of shoreline jurisdiction and shoreline designations are guidance only. They are to be used in conjunction with best available science, field investigations and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. All areas meeting the definition of a shoreline of the state or a shoreline of statewide signifi-

cance, whether mapped or not, are subject to the provisions of this program. (Ord. 656 § 3, 2014).

16.12.030 Purpose.

A. The purposes of this SMP are:

1. To promote the public health, safety, and general welfare of the town by providing comprehensive policies and effective, reasonable regulations for development, use and protection of jurisdictional shorelines.

2. To further assume and carry out the local government responsibilities established by the SMA in RCW 90.58.050 including planning and administering the regulatory program consistent with the policy and provisions of the SMA in RCW 90.58.020.

3. To provide a high quality shoreline environment where:

a. Recreational opportunities are abundant.

b. The public enjoys access to and views of shoreline areas.

c. Natural systems are preserved, restored or enhanced.

d. Ecological functions of the shoreline are maintained and improved over time.

e. Water-oriented uses are promoted consistent with the shoreline character and environmental functions.

4. To apply special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline.

5. To ensure no net loss of ecological functions associated with the shoreline. (Ord. 656 § 3, 2014).

16.12.040 Relationship to other codes, ordinances and plans.

A. All applicable federal, state, and local laws shall apply to properties in the shoreline jurisdiction. Where this program makes reference to any RCW, WAC, or other state or federal law or regulation the most recent amendment or current edition shall apply.

B. In the event provisions of this SMP conflict with provisions of federal, state or town regulations, the provision that is most protec-

tive of shoreline resources shall prevail. It is understood that the provisions of this chapter may not allow development to occur at what otherwise might be the property's full zoning potential.

C. The policies in the SMP, contained in the shoreline master program elements, state the underlying objectives the regulations are intended to accomplish. The policies guide the interpretation and enforcement of the SMP regulations contained in this chapter. The policies are not regulations in themselves and, therefore, do not impose requirements beyond those set forth in the regulations.

D. This shoreline master program contains critical area regulations in Article V of this chapter, applicable only in shoreline jurisdiction, that provide a level of protection to critical areas assuring no net loss of shoreline ecological functions necessary to sustain shoreline natural resources. (RCW 36.70A.480.)

E. Projects in the shoreline jurisdiction that have either been deemed technically complete through the application process or have been approved through local and state reviews prior to the adoption of this program are considered accepted. Major changes or new phases of projects that were not included in the originally approved plan will be subject to the policies and regulations of this program. (Ord. 656 § 3, 2014).

16.12.050 Liberal construction.

As provided for in RCW 90.58.900, the SMA is exempted from the rule of strict construction. The town shall therefore interpret the SMP not only on the basis of actual words and phrases used in it, but by also taking purposes, goals, and policies into account. (Ord. 656 § 3, 2014).

16.12.060 Severability.

Should any section or provision of this SMP be declared invalid, such decision shall not affect the validity of this SMP as a whole. (Ord. 656 § 3, 2014).

16.12.070 Effective date.

The SMP is hereby adopted on the twenty-fourth day of September, 2014. This SMP and all amendments thereto shall become effective 14 days after final approval and adoption by Ecology. (Ord. 656 § 3, 2014).

Article II. Environment Designations

16.12.100 Environment designations.

The town has designated shorelines pursuant to Chapter 90.58 RCW by defining them, providing criteria for their identification and establishing the shoreline ecological functions to be protected. Project proponents are responsible for determining whether a shoreline exists and is regulated pursuant to this program. The SMP classifies the town of Coulee City's shoreline into three shoreline environment designations consistent with the purpose and designation criteria as follows:

- A. Aquatic.
- B. Urban conservancy.
- C. Recreation. (Ord. 656 § 3, 2014).

16.12.110 Official shoreline maps.

Shoreline area designations are delineated on a map, hereby incorporated as a part of this program (CCC 16.12.670) that shall be known as the official shoreline map. The purpose of the official shoreline map is to identify shoreline area designations. Maps indicating the extent of shoreline jurisdiction and shoreline designations are guidance only. They are to be used in conjunction with best available science, field investigations and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. (Ord. 656 § 3, 2014).

16.12.120 Unmapped or undesignated shorelines.

All areas meeting the definition of a shoreline of the state or a shoreline of statewide significance, whether mapped or not, are subject to the provisions of this program. (Ord. 656 § 3, 2014).

16.12.130 Interpretation of environment designation boundaries.

A. Whenever existing physical features are inconsistent with boundaries on the official shoreline map, the shoreline administrator shall interpret the boundaries. Appeals of such interpretations may be filed pursuant to CCC 16.12.610, Appeals.

B. All shoreline areas waterward of the OHWM shall be designated aquatic.

C. Only one shoreline area designation shall apply to a given shoreland area.

D. All areas within shorelines that are not mapped and/or designated are automatically assigned urban conservancy designation. (Ord. 656 § 3, 2014).

16.12.140 Aquatic.

A. Purpose. The purpose of the “aquatic” shoreline designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark (OHWM).

B. Designation Criteria. An aquatic shoreline designation is assigned to lands and waters waterward of the ordinary high water mark.

C. Management Policies. In addition to the other applicable policies and regulations of this program, the following management policies shall apply:

1. New over-water structures should be allowed only for water-dependent uses, public access, recreation, or ecological restoration and enhancement.

2. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and hydrographic conditions.

3. In-water uses should be allowed where impacts can be mitigated to ensure no net loss of shoreline ecological functions. Permitted in-water uses must be managed to avoid impacts to shoreline ecological functions. Unavoidable impacts must be minimized and mitigated.

4. On navigable waters or their beds, all uses and developments should be located and designed to:

a. Minimize interference with surface navigation.

b. Consider impacts to public views.

c. Allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.

5. Structures and activities permitted should be related in size, form, design, and intensity of use to those permitted in the immediately adjacent upland area. The size of new over-water structures should be limited to the minimum necessary to support the structure’s intended use.

6. Natural light should be allowed to penetrate to the extent necessary to support nearshore habitat unless other illumination is required by state or federal agencies.

7. Aquaculture practices should be encouraged in those waters and beds most suitable for such use. Aquaculture should be discouraged where it would unreasonably interfere with navigation and associated recreation usage. (Ord. 656 § 3, 2014).

16.12.150 Urban conservancy.

A. Purpose. The purpose of the “urban conservancy” environment is to protect and restore ecological functions of open space, fully or partially unimproved areas, sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

B. Designation Criteria. The following criteria are used to consider an urban conservancy shoreline designation:

1. The shoreline is located within the urban growth area boundary or within an unimproved area within the town limits.

2. The shoreline has moderate or high ecological function with opportunity for preservation and enhancement.

3. The shoreline has potential for public, water-oriented recreation where ecological functions can be maintained or restored.

4. The shoreline has high scientific or educational value or unique historic or cultural resources value.

C. Management Policies. In addition to the other applicable policies and regulations of this program the following management policies shall apply:

1. Allowed uses should be those that preserve the natural character of the area and/or promote preservation and restoration and enhancement within critical areas and public open spaces either directly or over the long term.

2. Uses that result in restoration or enhancement of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.

3. Development, when feasible, should be designed to ensure that any necessary shoreline stabilization, native vegetation removal, or other shoreline modifications do not result in a net loss of shoreline ecological function or further degrade other shoreline values.

4. Public access and recreational facilities should be promoted.

5. Water-oriented uses should be given priority over non-water-oriented uses. (Ord. 656 § 3, 2014).

16.12.160 Recreation.

A. Purpose. The purpose of the “recreation” environment is to provide for water-oriented recreational uses with some commercial uses to support recreational uses while protecting existing ecological functions, conserving existing natural resources and restoring ecological functions in areas that have been previously degraded.

B. Designation Criteria. The following criteria are used to consider a recreation shoreline designation:

1. The shoreline has low to moderate ecological function with low to moderate opportunity for preservation and low to moderate opportunity for restoration or enhancement.

2. The shoreline is highly developed and most development is recreation-related with potential for additional recreation and recreation related commerce; or is suitable and planned for water-oriented uses.

3. The shoreline is planned for public recreational uses.

4. The shoreline has existing recreation uses or moderate to high potential for public,

water-oriented recreation where ecological functions can be maintained or enhanced.

5. The shoreline has limited scientific or educational value or unique historic or cultural resources values.

C. Management Policies. In addition to the other applicable policies and regulations of this program the following management policies shall apply:

1. In regulating uses in the “recreation” environment, first priority should be given to water-dependent recreational uses. Second priority should be given to water-related and water-enjoyment recreational uses. Non-water-oriented uses should not be allowed except as part of mixed use developments with a recreation focus.

2. Policies and regulations shall ensure no net loss of shoreline ecological functions as a result of new development. Consistent with the town’s restoration plan, new development shall include restoration or enhancement of shoreline functions as part of project proposals and to stabilize shoreline from pool fluctuations.

3. Recreational objectives should be enhanced by combining physical and visual public access opportunities with other recreational opportunities where feasible.

4. Water-oriented commercial uses should be allowed.

5. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers. (Ord. 656 § 3, 2014).

Article III. General Regulations

16.12.200 Shoreline use and modifications.

A. Table 16.12.200(I) indicates which shoreline activities, uses, developments and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment designation. Activities, uses, developments, and modifications are classified as follows:

1. “Permitted uses” require a shoreline substantial development permit or a shoreline exemption.

2. “Conditional uses” require a shoreline conditional use permit per CCC 16.12.550.

3. “Prohibited” activities, uses, developments, and modifications are not allowed and cannot be permitted through a variance or shoreline conditional use permit.

B. Accessory uses shall be subject to the same shoreline permitting process as their primary use.

C. Where there is a conflict between the chart and the written provisions in this SMP, the written provisions shall control.

D. Authorized uses and modifications shall be allowed only in shoreline jurisdiction where the underlying zoning allows for it and are subject to the policies and regulations of this SMP.

E. A use is considered unclassified when it is not listed in Table 16.12.200(I), Shoreline Use and Modification Matrix, or in the shoreline modifications and uses regulations, per Article IV of this chapter. Any proposed unclassified use shall be classified by the

shoreline administrator as permitted, conditional, or prohibited, based on the listed use to which the proposed use is most similar. If the shoreline administrator determines that the proposed use is not similar to any use in this SMP, the proposed use shall be considered prohibited.

F. If any part of a proposed activity, use, modification or development is not eligible for exemption per CCC 16.12.570 (Exemptions from shoreline substantial development permits), then a shoreline substantial development permit or shoreline conditional use permit shall be required for the entire proposed development project.

G. When a specific use or modification extends into the aquatic environment and an abutting upland environment without clear separation (e.g., shoreline stabilization), the most restrictive permit process shall apply to that use or modification.

H. Shoreline and critical areas buffers found in Article V of this chapter apply to all uses and modifications unless stated otherwise in the regulations.

I. Shoreline Use and Modification Matrix.

Table 16.12.200(I): Shoreline Use and Modification Matrix

Abbreviations PRM = Permitted use with Substantial Development Permit; CUP = Conditional Use Permit; X = Prohibited; N/A = Not Applicable Use/Modification	Aquatic	Urban Conservancy	Recreation
Resource Uses ¹			
Aquaculture	PRM	N/A	N/A
Boating Facilities			
Boat launch (motorized boats)	PRM	PRM	PRM
Boat launch (nonmotorized boat – canoe/kayak)	PRM	PRM	PRM
Marina	PRM	CUP	PRM
Docks, Piers, Mooring Facilities			
Public moorage	PRM	CUP	PRM

Table 16.12.200(I): Shoreline Use and Modification Matrix (Continued)

Abbreviations PRM = Permitted use with Substantial Development Permit; CUP = Conditional Use Permit; X = Prohibited; N/A = Not Applicable Use/Modification	Aquatic	Urban Conservancy	Recreation
Dredging Activities			
Dredging	CUP	N/A	N/A
Dredge material disposal	CUP	X	CUP
Dredging and disposal as part of ecological restoration/enhancement	PRM	PRM	PRM
Fill and Excavation			
Waterward of OHWM	CUP	N/A	N/A
Other upland fill	N/A	PRM	PRM
In-Water Modifications			
Breakwater	CUP	CUP	CUP
Groins and weirs	CUP	CUP	CUP
In-stream structures	CUP	CUP ¹	CUP
Recreational Development			
Water-dependent	PRM	PRM	PRM
Water-related/enjoyment (trails, accessory buildings)	CUP	PRM	PRM
Non-water-oriented	X	CUP	PRM ²
Shoreline Habitat and Natural Systems Enhancement Projects	PRM	PRM	PRM
Shoreline Stabilization			
New			
Hard	CUP	CUP	CUP
Soft	PRM	PRM	PRM
Replacement ³	PRM	PRM	PRM
Transportation			
Highways, arterials, railroads (parallel to OHWM)	CUP	PRM	PRM
Secondary/public access roads (parallel to OHWM)	X	PRM	PRM
Roads perpendicular to the OHWM	X	PRM	PRM
Bridges (perpendicular to shoreline)	CUP	CUP	PRM
Existing bridges, trails, roads, and parking facilities: improvement or expansion	PRM	PRM	PRM

Table 16.12.200(I): Shoreline Use and Modification Matrix (Continued)

Abbreviations PRM = Permitted use with Substantial Development Permit; CUP = Conditional Use Permit; X = Prohibited; N/A = Not Applicable Use/Modification	Aquatic	Urban Conservancy	Recreation
New parking, accessory	Permitted under the primary use permit process		
New parking, primary ⁴	X	C	C ⁵
Utility			
Above and underground utilities (parallel or cross shoreline)	CUP	PRM	PRM
¹ Construction, practices, and maintenance of facilities necessary for Columbia Basin project operations, and associated water-dependent uses to access, pump and convey water for project purposes to public agencies or private water users, and as consistent with permit exemptions described in GCC 24.12.740. ² Habitat restoration and enhancement purposes only. ³ Allowed only to support existing water-oriented uses. ⁴ Low intensity only. ⁵ Not allowed within 50 feet of edge of riparian vegetation corridor, or when surface material is fully paved.			

(Ord. 656 § 3, 2014).

16.12.210 Development standards.

A. To preserve the existing and planned character of the shoreline consistent with the purposes of the shoreline environment designations, development standards are provided in Table 16.12.210(A). These standards apply

to all use and modification unless indicated otherwise. In addition, shoreline developments shall comply with all other dimensional requirements of the town of Coulee City Municipal Code.

Table 16.12.210(A): Shoreline Development Standards

	Aquatic	Urban Conservancy	Recreation
Building Height: maximum in feet (according to subsection C of this section)	NA	35	35
Impervious Surface Cover (%)	NA	10	20
Riparian Buffer Width in feet ^{1,2}	NA	Manage entire area for vegetation conservation except for existing and potential future trails and shoulders	Waterward edge of existing roadway and parking areas or 50' for undeveloped areas, as applicable

Table 16.12.210(A): Shoreline Development Standards (Continued)

	Aquatic	Urban Conservancy	Recreation
Trail Width in feet	NA	Up to 10	
¹ Measured from the OHWM or top of bank, as applicable.			
² Accompanied by storm water management measures, as applicable.			

B. When a development or use is proposed that does not comply with the dimensional performance standards of this SMP not otherwise allowed by administrative reduction or administrative modification, such development or use can only be authorized by approval of a shoreline variance.

C. No permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines, except where the SMP does not prohibit the same and then only when overriding considerations of the public interest will be served. (Ord. 656 § 3, 2014).

16.12.220 Archaeological and historic resources.

A. In all developments, whenever an archaeological area or historic site is discovered by a development in the shoreline area, the developer shall immediately stop the work and notify the town of Coulee City shoreline administrator, and the Department of Archaeology and Historic Preservation and affected Indian tribes.

B. Upon receipt of application for a shoreline permit or request for a statement of exemption for development on properties within 500 feet of a site known to contain an historic, cultural or archaeological resource, or upon findings as described in subsection A of this section, the shoreline administrator shall require a cultural resource site assessment; provided, that the provisions of this section may be waived if the shoreline administrator determines that the proposed development activities do not include any ground disturbing activities and will not impact a known historic, cultural or archaeological site. The site assessment shall be conducted by a professional

archaeologist or historic preservation professional, as applicable, to determine the presence of significant historic or archaeological resources. The fee for the services of the professional archaeologist or historic preservation professional shall be paid by the landowner or responsible party. The applicant shall submit a minimum of five copies of the site assessment to the shoreline administrator for distribution to the applicable parties for review.

C. If the cultural resource site assessment identifies the presence of significant historic or archaeological resources, a cultural resource management plan (CRMP) shall be prepared by a professional archaeologist or historic preservation professional, as applicable. The fee for the services of the professional archaeologist or historic preservation professional shall be paid by the landowner or responsible party. In the preparation of such plans, the professional archaeologist or historic preservation professional shall solicit comments from the Washington State Department of Archaeology and Historic Preservation. (Ord. 656 § 3, 2014).

16.12.230 Environmental protection.

A. All project proposals, including those for which a shoreline substantial development permit is not required, shall comply with Chapter 43.21C RCW, the Washington State Environmental Policy Act.

B. Applicants shall apply the following sequence of steps in order of priority to avoid or minimize significant adverse effects and significant ecological impacts, with 1. being top priority:

1. Avoiding the adverse impact altogether by not taking a certain action or parts of an action.

2. Minimizing adverse impacts 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. Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project.

4. Reducing or eliminating the adverse impact over time by preservation and maintenance operations.

5. Compensating for the adverse impact by replacing, enhancing, or providing substitute resources or environments.

6. Monitoring the adverse impact and the compensation projects and taking appropriate corrective measures.

C. Projects that cause significant adverse environmental impacts, as defined in WAC 197-11-794 and CCC 16.12.660, Definitions, are not allowed unless mitigated according to subsection B of this section to avoid reduction or damage to ecosystem-wide processes and ecological functions. As part of this analysis, the applicant shall evaluate whether the project may adversely affect existing hydrologic connections between streams and wetlands, and either modify the project or mitigate any impacts as needed.

D. When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the adversely impacted functions directly and in the immediate vicinity of the adverse impact. However, alternative compensatory mitigation may be authorized within the affected drainage area or watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans, including the shoreline restoration plan, applicable to the area of adverse impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions. (Ord. 656 § 3, 2014).

16.12.240 Shoreline vegetation conservation.

A. Vegetation conservation standards shall not apply retroactively to existing uses and developments. Vegetation associated with existing structures, uses and developments may be maintained within shoreline jurisdiction as stipulated in the approval documents for the development.

B. Regulations specifying establishment and management of shoreline buffers are located in Article V of this chapter, Critical Areas. Vegetation within shoreline buffers, other stream buffers, and wetlands and wetland buffers shall be managed consistent with Article V of this chapter, Critical Areas.

C. Vegetation outside of shoreline buffers, other stream buffers, and wetlands and wetland buffers and within shoreline jurisdiction shall be managed according to CCC 16.12.230, Environmental protection, and any other regulations specific to vegetation management contained in this SMP.

D. Vegetation clearing outside of wetlands and wetland and stream buffers shall be limited to the minimum necessary to accommodate approved shoreline development that is consistent with all other provisions of this SMP. Mitigation sequencing shall be applied so that the design and location of the structure or development minimizes native vegetation removal. Selective pruning of trees for safety and view protection is allowed. (Ord. 656 § 3, 2014).

16.12.250 Water quality, storm water, and nonpoint pollution.

A. The location, design, construction, and management of all shoreline uses and activities shall protect the quality and quantity of surface and groundwater adjacent to the site.

B. When applicable, shoreline development should comply with the requirements of the latest version of the Washington State Department of Ecology's (Ecology) Stormwater Management Manual for Eastern Washington.

C. Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all shoreline development.

D. Potentially harmful materials, including but not limited to oil, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland, or to be discharged onto the land. Potentially harmful materials shall be maintained in safe and leak-proof containers.

E. Within 25 feet of a waterbody, herbicides, fungicides, fertilizers, and pesticides shall only be applied in strict conformance to the manufacturer's recommendations and in accordance with relevant state and federal laws.

F. When applicable, new development shall provide storm water management facilities designed, constructed, and maintained in accordance with the latest version of the Washington State Department of Ecology's (Ecology) Stormwater Management Manual for Eastern Washington, including the use of BMPs. Additionally, new development shall implement low impact development techniques where feasible and necessary to fully implement the core elements of the surface water design manual.

G. For development activities with the potential for adverse impacts on water quality or quantity in a stream or fish and wildlife habitat conservation area, a critical area report as prescribed in Article V of this chapter, Critical Areas, shall be prepared. Such reports should discuss the project's potential to exacerbate water quality parameters which are impaired and for which total maximum daily loads (TMDLs) for that pollutant have been established, and prescribe any necessary mitigation and monitoring.

H. All materials that may come in contact with water shall be constructed of materials, such as untreated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium arsenic, or pentachlorophenol is prohibited in shoreline waterbodies. (Ord. 656 § 3, 2014).

16.12.260 Public access.

A. Applicants required to provide shoreline public access shall provide physical or visual access, consistent with the town's and other agencies' management plans when applicable, unless specifically exempted in this section. Examples of physical and visual access are listed below.

1. Visual Access. Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters.

2. Physical Access. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a walkway, trail, bikeway, park, view platform, or other area serving as a means of physical approach to public waters.

B. Existing shoreline public access in the Coulee City Community Park shall be maintained. Except as provided in subsection C of this section, new uses shall provide for safe and convenient public access to and along the shoreline where any of the following conditions are present:

1. New development is proposed by a public entity or on public lands, i.e., on the Coulee City Community Park.

2. The nature of the proposed use, activity, or development will likely result in an increased demand for public access to the shoreline.

3. The proposed use, activity, or development is not a water-oriented or other preferred shoreline use, activity or development under the Act, such as a non-water-oriented commercial or recreational use.

4. The proposed use, activity, or development may block or discourage the use of customary and established public access paths, walkways, trails, or corridors.

5. The proposed use, activity, or development will interfere with the public use, activity and enjoyment of shoreline areas or waterbodies subject to the public trust doctrine.

6. The proposed activity is a publicly financed shoreline erosion control measure (when feasible).

C. New public access shall not be required where one or more of the following conditions apply, provided such exceptions shall not be used to prevent implementing the access and trail provisions mentioned in the town's and other agencies' management plans:

1. The current park access to the shoreline is being maintained and no new uses are added.

2. The nature of the proposed use, activity, or development or the characteristics of the site make public access requirements inappropriate due to health, safety, or environmental hazards; the proponent shall carry the burden of demonstrating by substantial evidence the existence of unavoidable or unmitigable threats or hazards to public health, safety, or the environment that would be created or exacerbated by public access upon the site.

3. An existing, new or expanded road or utility crossing through shoreline jurisdiction shall not create the need for public access if the development being accessed or served by the road or utility is located outside of shoreline jurisdiction.

4. The proposed use, activity, or development has security requirements that are not feasible to address through the application of alternative design features for public access such as off-site improvements, viewing platforms, and separation of uses through site planning and design.

5. The economic cost of providing for public access upon the site is unreasonably disproportionate to the total long-term economic value of the proposed use, activity, or development.

6. Safe and convenient public access already exists in the general vicinity of the site, and/or the town's and agencies' plans show adequate public access at the property.

7. Public access has reasonable potential to threaten or harm the natural functions and native characteristics of the shoreline and/or is deemed detrimental to threatened or endangered species under the Endangered Species Act.

D. General Performance Standards.

1. Uses, activities and developments shall not interfere with the regular and established public use.

2. Shoreline substantial development or conditional uses shall minimize the impact on views of shoreline waterbodies from public land or substantial numbers of residences.

3. Proponents shall include within their shoreline applications an evaluation of a proposed use, activity, or development's likely adverse impact on current public access and future demands for access to the site. Such evaluation shall consider potential alternatives and mitigation measures to further the policies of this SMP and the provisions of this section.

4. Public access easements, trails, walkways, corridors, and other facilities may encroach upon any buffers or setbacks required in Article V of this chapter, Critical Areas, or under other provisions of this SMP; provided, that such encroachment does not conflict with other policies and regulations of this SMP, and that no net loss of ecological function can be achieved. Any encroachment into a buffer or setback must be as close to the landward edge of the buffer as possible.

5. Public access facilities shall accommodate persons with disabilities unless determined infeasible by the shoreline administrator.

E. Trails and Levees.

1. Existing trails shall be maintained and enhanced.

2. Total width of trail including shoulders shall be 10 feet maximum, or as required by Americans with Disabilities Act (ADA) regulations.

3. Pervious pavings are encouraged for all trails, and are required for trail shoulders.

F. Signage. The administrator may require the proponent to post signage restricting or controlling the public's access to specific shoreline areas. The proponent shall bear the responsibility for establishing and maintaining such signage. (Ord. 656 § 3, 2014).

Article IV. Shoreline Modifications and Uses Regulations

16.12.300 Boating facilities.

A. General Requirements.

1. Boating and moorage facilities shall be allowed only in Coulee City Community Park areas.

2. All boating uses, development, and facilities shall protect the rights of navigation.

3. Boating and moorage facilities shall be sited and designed to ensure no net loss of shoreline ecological functions, and shall meet federal, state and local requirements, as applicable.

4. Boating and moorage facilities shall locate on stable shorelines in areas where:

a. Water depths are adequate to minimize spoil disposal, filling, beach enhancement, and other channel maintenance activities.

b. Water depths are adequate to prevent the structure from grounding out at the lowest low water or else stoppers are installed to prevent grounding out.

5. Boating and moorage facilities shall not be located:

a. Where new or maintenance dredging will be required.

b. Where wave action caused by boating use would increase bank erosion rates, unless "no wake" zones are implemented at the facility.

6. Boating uses and facilities shall be located far enough from public swimming beaches to alleviate any aesthetic or adverse impacts, safety concerns and potential use conflicts.

7. In-water work shall be scheduled to protect biological productivity.

8. Accessory use facilities shall be:

a. Limited to water-oriented uses, including uses that provide physical or visual shoreline access for substantial numbers of the general public.

b. Located as far landward as possible while still serving their intended purposes.

9. When appropriate, marinas and boat launch facilities shall install public safety signs, to include the locations of fueling facilities, pump-out facilities, and locations for proper waste disposal.

10. Boating and moorage facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions, decking and other components that may come in contact with water shall be approved by applicable state agencies for use in water to avoid discharge of pollutants from wave splash, rain or runoff. Wood treated with creosote, copper chromium, arsenic, pentachlorophenol or other similarly toxic materials is prohibited for use in moorage facilities.

11. Boating and moorage facilities in waters providing a public drinking water supply shall be constructed of untreated materials, such as untreated wood, approved plastic composites, concrete, or steel. (See CCC 16.12.250, Water quality, storm water, and nonpoint pollution.)

12. Vessels shall be restricted from extended mooring.

B. Boat Launch Facilities.

1. Boat launch and haul-out facilities, such as ramps, marine travel lifts and marine railways, and minor accessory buildings shall be designed and constructed in a manner that minimizes adverse impacts on biological functions, aquatic and riparian habitats, water quality, navigation and neighboring uses.

2. Boat launch facilities shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available.

C. Marinas.

1. Marinas shall be designed to:

a. Provide flushing of all enclosed water areas.

b. Allow the free movement of aquatic life in shallow water areas.

c. Avoid and minimize any interference with geohydraulic processes and disruption of existing shore forms.

2. Open pile or floating breakwater designs shall be used unless it can be demonstrated that riprap or other solid construction would not result in any greater net impacts to

shoreline ecological functions, processes, fish passage, or shore features.

3. Wet-moorage marinas shall locate a safe distance from domestic sewage or industrial waste outfalls.

4. To the maximum extent possible, marinas and accessory uses shall share parking facilities.

5. If a marina is to include gas and oil handling facilities, such facilities shall be separate from main centers of activity in order to minimize the fire and water pollution hazard, and to facilitate fire and pollution control. Marinas shall have adequate facilities and procedures for fuel handling and storage, and the containment, recovery, and mitigation of spilled petroleum, sewage, and other potentially harmful or hazardous materials, and toxic products.

6. The marina operator shall be responsible for the collection and dumping of sewage, solid waste, and petroleum waste. (Ord. 656 § 3, 2014).

16.12.310 Docks and piers.

A. Location Standards. Docks, swim floats, and buoys shall be located according to the following criteria:

1. Docks, swim floats, and buoys shall be sited to avoid adversely impacting shoreline ecological functions or processes.

2. Docks, swim floats, and buoys shall be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming and pleasure boating.

3. Covered docks or other covered structures are not permitted waterward of the OHWM.

B. General Design Standards. Docks, swim floats, and buoys shall be designed according to the following criteria:

1. All over- and in-water structures shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures or materials, including treated wood, pilings, derelict structures, vessels, buoys, and equipment, shall be repaired promptly by the

owner or removed after obtaining any necessary permits.

2. Lighting is discouraged unless required by a federal or state agency for navigation, safety or security purposes associated with over-water structures. In instances where lighting is required for these purposes, illumination levels shall be the minimum necessary for safety and it shall be beamed, hooded or directed to avoid causing glare on adjacent properties or waterbodies.

3. Temporary moorages shall be allowed for vessels used in the construction of shoreline facilities. The design and construction of temporary moorages shall be such that upon termination of the project, the aquatic habitat in the affected area can be returned to its original (preconstruction) condition within one year at no cost to the environment or the public.

4. No skirting is allowed on any structure.

5. If a dock is provided with a safety railing, such railing shall meet International Building Code requirements and shall be an open framework, following appropriate safety standards, that does not unreasonably interfere with shoreline views of adjoining properties.

6. Moorage facilities shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. Exterior finish of all structures shall be generally nonreflective.

C. Dock dimensional, material, and other standards shall be according to the state and federal requirements. The length of piers and docks shall be limited in constricted waterbodies to ensure navigability and public use. The town may require reconfiguration of piers and docks proposals where necessary to protect navigation, public use, or ecological functions. (Ord. 656 § 3, 2014).

16.12.320 Dredging and dredge material disposal.

A. Dredging.

1. New dredging shall be permitted only where it is demonstrated that the proposed water-dependent or water-related uses will not

result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines, unless one or more of these impacts cannot be avoided. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of shoreline ecological functions.

2. Dredging and dredge disposal shall be prohibited on or in archaeological sites that are listed on the National Register of Historic Places and the Washington Heritage Register until such time that they have been reviewed and approved by the appropriate agency.

3. Dredging techniques that cause minimum dispersal and broadcast of bottom material shall be used, and only the amount of dredging necessary shall be permitted.

4. Dredging shall be permitted only:

a. For navigation or navigational access.

b. In conjunction with a water-dependent use of waterbodies or adjacent shorelands.

c. As part of an approved habitat improvement project.

d. To improve water flow or water quality, provided that all dredged material shall be contained and managed so as to prevent it from re-entering the water.

e. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist.

5. Dredging for fill is prohibited except where the material is necessary for restoration and enhancement of shoreline ecological functions.

B. Dredge Material Disposal.

1. Upland dredge material disposal within shoreline jurisdiction is discouraged. In the limited circumstances when it is allowed, it will be permitted under the following conditions:

a. Shoreline ecological functions and processes will be preserved, restored or

enhanced, including protection of surface and groundwater.

b. Erosion, sedimentation, or runoff will not increase adverse impacts on shoreline ecological functions and processes or property.

c. The site will ultimately be suitable for a use allowed by this SMP.

2. Dredge material disposal shall not occur in wetlands nor within a stream's channel migration zone, except as authorized by conditional use permit as part of a shoreline restoration and enhancement project.

3. Dredge material disposal within areas assigned an aquatic environment designation may be approved only when authorized by applicable agencies, which may include the U.S. Army Corps of Engineers pursuant to Section 404 (Clean Water Act) permits, Washington State Department of Fish and Wildlife hydraulic project approval (HPA), and/or the Dredged Material Management Program of the Washington Department of Natural Resources; and when one of the following conditions apply:

a. Land disposal is infeasible, less consistent with this SMP, or prohibited by law.

b. Disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible.

4. Dredge materials approved for disposal within areas assigned an aquatic environment designation shall comply with the following conditions:

a. Aquatic habitat will be protected, restored, or enhanced.

b. Adverse effects on water quality or biologic resources from contaminated materials will be mitigated.

c. Shifting and dispersal of dredge material will be minimal.

d. Water quality will not be adversely affected.

5. When required by the town's shoreline administrator, revegetation of land disposal sites shall occur as soon as feasible in order to retard wind and water erosion and to restore the wildlife habitat value of the site. Native species shall be used in the revegetation.

6. Dredge material disposal operating periods and hours shall be limited to those stipulated by the Washington Department of Fish and Wildlife and hours to 7:00 a.m. to 5:00 p.m. Monday through Friday, except in time of emergency as authorized by the shoreline administrator. Provisions for buffers at land disposal or transfer sites in order to protect public safety and other lawful interests and to avoid adverse impacts shall be required.

C. Submittal Requirements. The following information shall be required for all dredging applications:

1. A description of the purpose of the proposed dredging and analysis of compliance with the policies and regulations of this SMP.

2. A detailed description of the existing physical character, shoreline geomorphology, and biological resources provided by the area proposed to be dredged, including:

a. A site plan map outlining the perimeter of the proposed dredge area. The map must also include the existing bathymetry (water depths that indicate the topography of areas below the OHWM) and have data points at a minimum of two-foot depth increments.

b. A critical areas report.

c. A mitigation plan if necessary to address any identified adverse impacts on ecological functions or processes.

d. Information on stability of areas adjacent to proposed dredging and spoils disposal areas.

3. A detailed description of the physical, chemical and biological characteristics of the dredge materials to be removed, including:

a. Physical analysis of material to be dredged (material composition and amount, grain size, organic materials present, source of material, etc.).

b. Chemical analysis of material to be dredged (volatile solids, chemical oxygen demand (COD), grease and oil content, mercury, lead and zinc content, etc.).

c. Biological analysis of material to be dredged.

4. A description of the method of materials removal, including facilities for settlement and movement.

5. Dredging procedure, including the length of time it will take to complete dredging, method of dredging, and amount of materials removed.

6. Frequency and quantity of project maintenance dredging.

7. Detailed plans for dredge spoil disposal, including specific land disposal sites and relevant information on the disposal site, including, but not limited to:

a. Dredge material disposal area.

b. Physical characteristics including location, topography, existing drainage patterns, surface and ground water.

c. Size and capacity of disposal site.

d. Means of transportation to the disposal site.

e. Proposed dewatering and stabilization of dredged material.

f. Methods of controlling erosion and sedimentation.

g. Future use of the site and conformance with land use policies and regulations.

h. Total estimated initial dredge volume.

i. Plan for disposal of maintenance spoils for at least a 20-year period, if applicable.

j. Hydraulic modeling studies sufficient to identify existing geohydraulic patterns and probable effects of dredging. (Ord. 656 § 3, 2014).

16.12.330 Fill and excavation.

A. Fill waterward of the OHWM, except fill to support ecological restoration and enhancement, requires a conditional use permit and may be permitted only when:

1. In conjunction with water-dependent or public access uses allowed by this SMP.

2. For shoreline stabilization, beach restoration and erosion protection at Coulee City Community Park.

3. In conjunction with a bridge or transportation facility of statewide significance for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist.

4. In conjunction with implementation of an interagency environmental clean-up plan

to clean up and dispose of contaminated sediments.

5. Disposal of dredged material considered suitable under, and conducted in accordance with, the Dredged Material Management Program of the Washington Department of Natural Resources.

6. In conjunction with any other environmental restoration or enhancement project.

B. Waterward of the OHWM, pile or pier supports shall be utilized whenever feasible in preference to fills. Fills for approved road development in wetlands shall be permitted only if pile or pier supports are proven not feasible.

C. Fill upland and waterward of the OHWM, including in nonwatered side channels, shall be permitted only where it is demonstrated that the proposed action will not:

1. Result in significant ecological damage to water quality, fish, and/or wildlife habitat.

2. Significantly reduce public access to the shoreline or significantly interfere with shoreline recreational uses.

D. Fill shall be of the minimum amount and extent necessary to accomplish the purpose of the fill.

E. Excavation waterward of the OHWM or within wetlands shall be considered dredging for purposes of this program.

F. Fills or excavation shall not be located where shore stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be immediately stabilized and revegetated as applicable.

G. Fills, beach nourishment, and excavation shall be designed to blend physically and visually with existing topography whenever possible, so as not to interfere with long-term appropriate use including lawful access and enjoyment of scenery. (Ord. 656 § 3, 2014).

16.12.340 Groins and weirs.

A. New, expanded or replacement breakwaters, groins and weirs shall only be permitted if the applicant demonstrates that the proposed groin or weir will not result in a net loss of shoreline ecological functions, and the

structure is necessary for water-dependent uses, public access, shoreline stabilization, or other specific public purposes.

B. Groins and weirs shall require a conditional use permit, except when such structures are installed to protect or restore ecological functions, such as installation of groins that may eliminate or minimize the need for hard shoreline stabilization.

C. Groins and weirs shall be located, designed, constructed and operated consistent with mitigation sequencing principles, including avoiding critical areas, as provided in CCC 16.12.400. (Ord. 656 § 3, 2014).

16.12.350 Recreational development.

A. General Preferences.

1. Recreational uses and facilities shall include features that relate to access, enjoyment, and use of the town of Coulee City's shorelines.

2. Both passive and active shoreline recreation uses are allowed consistent with the town's comprehensive plan.

3. Water-oriented recreational uses and activities are preferred in shoreline jurisdiction. Water-dependent recreational uses shall be preferred as a first priority and water-related and water-enjoyment recreational uses as a second priority.

4. Existing passive recreational opportunities, including nature appreciation, non-motorized trails, environmental interpretation and native habitat protection, shall be maintained.

5. Preference shall be given to the development and enhancement of public access to the shoreline to increase fishing, kayaking and other water-related recreational opportunities.

B. General Performance Standards.

1. The potential adverse impacts of all recreational uses shall be mitigated and adequate provisions for shoreline rehabilitation shall be made part of any proposed recreational use or development to ensure no net loss of shoreline ecological function.

2. Sites with fragile and unique shoreline conditions, such as high quality wetlands and wildlife habitats, shall be used only for nonintensive recreation activities, such as

trails, viewpoints, interpretive signage, and similar passive and low-impact facilities that result in no net loss of shoreline ecological function, and do not require the construction and placement of permanent structures.

3. For proposed recreation developments that require the use of fertilizers, pesticides, or other toxic chemicals, the proponent shall specify the BMPs to be used to prevent these applications and resultant leachate from entering adjacent waters.

4. Recreational developments shall be located and designed to preserve, enhance or create scenic views and vistas.

5. In approving shoreline recreational developments, the town shall ensure that the development will maintain, enhance, or restore desirable shoreline features including unique and fragile areas, scenic views, and aesthetic values. The town may, therefore, adjust or prescribe project dimensions, on-site location of project components, intensity of use, screening, lighting, parking, and setback requirements.

C. Recreational developments shall provide facilities for nonmotorized access to the shoreline such as pedestrian and bicycle paths, and equestrian, as applicable. New motorized vehicle access shall be located and managed to protect riparian, wetlands and shrub steppe habitat functions and value.

D. Proposals for recreational developments shall include a landscape plan indicating how native, self-sustaining vegetation is incorporated into the proposal to maintain ecological functions. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of permitted structures or facilities, and shall be consistent with provisions of CCC 16.12.240, Shoreline vegetation conservation, and Article V of this chapter, Critical Areas.

E. Accessory uses and support facilities such as maintenance facilities, utilities, and other non-water-oriented uses shall be consolidated and located in upland areas outside shoreline, wetland, and riparian buffers unless such facilities, utilities, and uses are allowed in shoreline buffers based on the regulations of this SMP.

F. Recreational facilities shall make adequate provisions, such as screening, landscaping buffer strips, fences and signs, to prevent trespass upon adjacent properties and to protect the value and enjoyment of adjacent or nearby private properties and natural areas, as applicable.

G. Recreational structures are only allowed to be built over water when they provide public access or facilitate a water-dependent use and shall be the minimum size necessary to accommodate the permitted activity.

H. Recreational developments shall make adequate provisions for:

1. Both on-site and off-site access and, where appropriate, equestrian access.

2. Appropriate water supply and waste disposal methods.

3. Security and fire protection.

I. Structures associated with recreational development shall not exceed 35 feet in height, except for as noted in CCC 16.12.210, Development standards, when such structures document that the height beyond 35 feet will not obstruct the view of a substantial number of adjoining residences.

J. Recreational development shall minimize effective impervious surfaces in shoreline jurisdiction and incorporate low-impact development techniques. (Ord. 656 § 3, 2014).

16.12.360 Shoreline habitat and natural systems enhancement projects.

A. Shoreline restoration and enhancement activities designed to restore or enhance shoreline ecological functions and processes and/or shoreline features should be targeted toward meeting the needs of sensitive and/or regionally important plant, fish, and wildlife species, and shall be given priority.

B. Shoreline restoration, enhancement, and mitigation activities designed to create dynamic and sustainable ecosystems to assist the town in achieving no net loss of shoreline ecological functions are preferred.

C. Restoration and enhancement activities shall be carried out in accordance with an approved shoreline restoration plan, and in accordance with the provisions of this SMP.

D. To the extent possible, restoration, enhancement, and mitigation activities shall be integrated and coordinated with other parallel natural resource management efforts, such as those identified in the shoreline restoration plan.

E. Habitat and expansion, restoration, and enhancement projects may be permitted subject to required state or federal permits when the applicant has demonstrated that:

1. The project will not adversely impact spawning, nesting, or breeding fish and wildlife habitat conservation areas.

2. Upstream or downstream properties or fish and wildlife habitat conservation areas will not be adversely affected.

3. Water quality will not be degraded.

4. Impacts to critical areas and buffers will be avoided and, where unavoidable, minimized and mitigated.

F. The town shall review the projects for consistency with this SMP in an expeditious manner and shall issue its decision along with any conditions within 45 days of receiving all materials necessary to review the request for exemption from the applicant (see CCC 16.12.570, Exemptions from shoreline substantial development permits). (Ord. 656 § 3, 2014).

16.12.370 Shoreline stabilization.

A. Shoreline restoration and enhancement activities designed to restore shoreline ecological functions and processes and/or shoreline features should be targeted toward meeting the needs of sensitive and/or regionally important plant, fish, and wildlife species, and shall be given priority.

B. New shoreline stabilization for new development is prohibited unless it can be demonstrated that the proposed use cannot be developed without shore protection or is necessary to restore ecological functions or hazardous substance remediation.

C. Proposed designs for new or expanded shoreline stabilization shall be designed in accordance with applicable state guidelines, must use best available science, must document that alternative solutions are not feasible or do not provide sufficient protection, must

demonstrate that future stabilization measures would not be required on the project site or adjacent properties, and be certified by a qualified professional.

D. Land subdivisions and lot line adjustments shall be designed to ensure that future development of the newly created lots will not require structural stabilization for subsequent development to occur.

E. New or expanded structural shoreline stabilization is prohibited except when necessity is demonstrated due to the rapidly fluctuating pool elevations that are common to Banks Lake being operated primarily as an irrigation water supply reservoir. Necessity is demonstrated through documented evidence of shoreline erosion caused by Banks Lake operations and wind/wave action or other hydraulic forces, and only when significant adverse impacts are mitigated to ensure no net loss of shoreline ecological functions and/or processes.

F. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses, structures or public facilities including roads, bridges, railways, irrigation and utility systems from erosion caused by stream undercutting or wave action; provided, that the existing shoreline stabilization structure is removed from the shoreline as part of the replacement activity. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the facility was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. Proposed designs for new or expanded shore stabilization shall be in accordance with applicable state guidelines and certified by a qualified professional.

G. Where a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.

H. Shoreline stabilization projects that are part of a fish habitat enhancement project meeting the criteria of RCW 77.55.181 will be authorized through a shoreline exemption. Stabilization projects that are not part of such a fish enhancement project will be regulated by this SMP.

I. Small-scale or uncomplicated shoreline stabilization projects (for example, tree planting projects) shall be reviewed by a qualified professional to ensure that the project has been designed using best available science.

J. Large-scale or more complex shoreline stabilization projects (for example, projects requiring fill or excavation, placing objects in the water, or hardening the bank) shall be designed by a qualified professional using best available science. The applicant may be required to have a qualified professional oversee construction or construct the project.

K. Standards for new stabilization structures when found to be necessary include limiting the size to minimum, using measures to ensure no net loss of shoreline ecological functions, using soft approaches, mitigating for impacts, and using biotechnical bank stabilization techniques unless those are demonstrated to be infeasible or ineffective before implementing “hard” structural stabilization measures. (Ord. 656 § 3, 2014).

16.12.380 Transportation – Trails, roads, and parking.

A. Transportation improvements (road upgrades, trails, and parking improvements) will be located within existing disturbed areas, and shall be planned, located, and designed to achieve the following:

1. Meet mitigation sequencing provisions of CCC 16.12.230, Environmental protection.
2. Avoid adverse impacts on existing or planned water-oriented uses.
3. Set back from the OHWM to allow for a usable shoreline area for vegetation conservation and any preferred shoreline uses unless infeasible.
4. Minimize grading, vegetation clearing, and alterations of the natural topography.

5. Use BMPs for preventing erosion and degradation of surface water quality.

B. Improvements to existing motor vehicle facilities shall not interfere with pedestrian and bicycle access, and shall, whenever possible, provide for expansion and enhancement of pedestrian and bicycle transportation facilities.

C. The development, improvement, and expansion of pedestrian and bicycle transportation facilities are allowed within all environments.

D. Pedestrian and bicycle transportation facilities shall be designed, located, and constructed consistent with the policies and regulations for public access as provided in CCC 16.12.260, Public access.

E. All transportation improvements shall be planned to avoid or minimize adverse effects on unique or fragile shoreline features and shall not result in a net loss of shoreline ecological functions or adversely affect existing or planned water-dependent uses.

F. Improvements to all existing transportation facilities shall provide for the re-establishment and enhancement of natural vegetation along the shoreline when appropriate.

G. Improvements shall comply with Americans with Disabilities Act (ADA) standards, as applicable. (Ord. 656 § 3, 2014).

16.12.390 Utilities.

A. Expansion of existing primary utility facilities within shoreline jurisdiction must demonstrate:

1. The expansion is designed to protect adjacent shorelands from erosion, pollution, or other environmentally detrimental factors during and after construction.
2. The project is planned to fit existing natural topography as much as practical and avoid alteration of the existing natural environment.
3. Debris, overburden, and other construction waste materials shall be disposed of so as to prevent erosion or pollution of a waterbody.

B. New primary utility facilities and expansions shall include provisions to control the quantity and quality of surface water runoff to natural waterbodies, using BMPs to retain nat-

ural flow rates. A maintenance program to ensure continued proper functioning of such new facilities shall be required.

C. Applications for installation of utility facilities other than water-dependent facilities shall include the following (at a minimum):

1. Reason why the utility facility must be in shoreline jurisdiction.

2. Alternative locations considered and reasons for their elimination.

3. Location of the same, similar, or other utility facilities in the vicinity of the proposed project.

4. Proposed method(s) of construction.

5. Plans for reclamation of areas to be disturbed during construction.

6. Landscape plans.

7. Methods to achieve no net loss of ecological function and minimize clearing of native vegetation.

8. Consistency with town comprehensive plans for utilities, where such plans exist.

D. Where feasible, utilities shall be consolidated within a single easement and utilize existing rights-of-way. Any utility located within property owned by the utility which must of necessity cross shoreline jurisdiction shall be designed and operated to reserve the option of general public recreational usage of the right-of-way in the future. This option shall be exercised by the public only where:

1. The public will not be exposed to dangers from the utility equipment.

2. The utility itself will not be subjected to unusual risks of damage by the public.

E. In areas where utilities must cross shoreline jurisdiction, they shall do so by the most direct route feasible, unless such a route would negatively affect an environmentally critical area, or obstruct public access to the shoreline. See CCC 16.12.440, Fish and wildlife habitat conservation areas, for regulations governing crossings of nonshoreline streams located in shoreline jurisdiction.

F. Utility facilities shall be designed and located in a manner that protects scenic views and minimizes adverse aesthetic impacts.

G. New utilities which must be constructed across shoreline jurisdiction in previously undisturbed areas must submit a mitigation

plan demonstrating the restoration of the shoreline to at least its existing condition. Upon completion of utility installation or maintenance, any disturbed areas shall be regraded to be compatible with the natural terrain of the area and revegetated with appropriate native plants to prevent erosion.

H. All underwater pipelines or those paralleling the waterway transporting liquids potentially injurious to aquatic life or water quality shall be prohibited, unless no other alternative exists to serve a public interest. In those limited instances where permitted, shut-off valves shall be provided at both sides of the waterbody except for public sanitary sewers of a gravity or siphon nature. In all cases, no net loss of ecological functions shall be maintained.

I. Where utilities cannot cross a shoreline waterbody via a bridge or other existing water crossing, the utilities shall evaluate site-specific habitat conditions and demonstrate whether impacts can be mitigated to negatively impact substrate, or whether utilities will need to be bored beneath the waterbody such that the substrate is not disturbed. Construction of pipelines placed under aquatic areas shall be placed in a sleeve to avoid the need for excavation in the event of a failure in the future.

J. Minor trenching to allow the installation of necessary underground pipes or cables is allowed if no alternative, including boring, is feasible, and if:

1. Impacts on fish and wildlife habitat are avoided to the maximum extent possible.

2. The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.

3. Appropriate BMPs are employed to prevent water quality impacts or other environmental degradation.

K. Utility installation and maintenance operations shall be conducted in a manner that does not negatively affect surface water quality or quantity. Applications for new utility projects in shoreline jurisdiction shall include a list of BMPs to protect water quality. (Ord. 656 § 3, 2014).

Article V. Critical Areas

16.12.400 General provisions.

A. Statutory Authorization. The town shall regulate in the shoreline jurisdiction all uses, activities, and development within, adjacent to, or likely to affect one or more critical areas, consistent with the provisions of this article.

B. Purpose. The purpose of these regulations is to designate ecologically sensitive and hazardous areas and to protect those areas and their functions and values within shoreline jurisdiction. These regulations are intended to:

1. Implement the town comprehensive plan (as amended) and comply with the requirements of the Shoreline Management Act.

2. Protect critical areas through the application of the most current, accurate, and complete scientific or technical information available as determined according to WAC 173-26-201(2)(a), and in consultation with state and federal agencies and other qualified professionals.

3. Protect the general public, resources (including cultural and historic resources), and facilities from injury, loss of life, property damage, or financial loss due to erosion, landslides, pollution, steep slope failure, ground shaking or seismic activity.

4. Protect the general public, resources, and facilities from injury, loss of life, property damage, or financial loss due to inundation of frequently flooded areas.

5. Protect unique, fragile and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats.

6. Prevent cumulative adverse environmental impacts to water quality and availability, wetlands, and fish and wildlife habitat.

C. Designation of Critical Areas.

1. The town shall regulate all uses, activities, and developments within, adjacent to, or likely to affect one or more critical areas located within the shoreline jurisdiction, consistent with the most current, accurate, and complete scientific or technical information available and the provisions herein.

2. The incorporated area of the town is hereby divided into the following critical areas, where appropriate:

- a. Wetlands.

- b. Critical aquifer recharge areas.

- c. Fish and wildlife habitat conservation areas.

- d. Geologically hazardous areas.

- e. Frequently flooded areas.

D. Data Maps.

1. The data maps maintained by town shall be used as a general guide to determine the location and extent of critical areas within the corporate limits. The data maps shall be consulted when a development application is received to determine if the site is within any areas shown as resource lands or critical areas. The data maps are for reference only and not regulatory in nature. It shall be the responsibility of the applicant to notify the town of any critical areas which are on or near the site of the development application. The exact location of critical areas shall be determined by a site analysis conducted by a qualified professional using the requirements found within this chapter.

2. In addition to those maps and references identified in the relevant sections of this chapter, the following maps and documents may be used:

- a. Critical area maps included in comprehensive plans of Grant County;

- b. Maps and reference documents in the Grant County SMP Inventory, Characterization and Analysis Report, as applicable;

- c. U.S.G.S. Topographic Quadrangle Maps;

- d. Aerial photos;

- e. Soil Survey of Grant County, Washington, by the United States Department of Agriculture, Soil Conservation Service;

- f. National Wetland Inventory Maps; and

- g. WDFW's Priority Habitats and Species Maps.

E. Interpretation of Data Maps.

1. The shoreline administrator is charged with administration of this title for the purpose of interpreting data maps. An affected property owner or other party with standing

has a right to appeal the shoreline administrator's determination according to the provisions of CCC 16.12.610, Appeals.

2. All development applications are required to show the boundary(ies) of all resource lands and critical areas on a scaled drawing prior to the development application being considered complete for processing purposes.

3. Maps and reference documents in the town SMP inventory, analysis, and characterization report may apply as applicable.

F. Applicability.

1. This chapter applies to all real property within the shoreline jurisdiction of the corporate limits of the town, Washington, as it is now configured or may, from time to time, be altered.

2. These critical areas regulations shall apply to critical areas located within the shoreline jurisdiction.

3. No action shall be taken by any person or entity that results in any alteration of any critical area located within the shoreline jurisdiction except as consistent with the purposes, objectives and intent of these regulations.

4. Where two or more types of critical areas overlap, requirements for development shall be consistent with the standards for each critical area.

5. These regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted. Any conditions required pursuant to these regulations shall be included in the SEPA review and threshold determination.

G. Exemptions. The activities listed below are exempt from the provisions of this chapter. Exempt activities shall be conducted using all reasonable methods to avoid impacts to critical areas. The decision to declare an activity exempt shall be an administrative decision, as set forth in subsection L of this section. Exemption from this chapter shall not be considered permission to degrade a critical area or ignore risks from natural hazards. Incidental damage to, or alteration of, a critical area that

is not a necessary outcome of the exempted activity shall be repaired at the responsible party's expense.

1. Emergency modification or construction necessary to protect life or real property from immediate damage by natural hazards innate to critical areas. An emergency is an unanticipated event or occurrence which poses an imminent threat to public health, safety, or the environment, and which requires immediate action within a time too short to allow full compliance. Once the threat to the public health, safety, or the environment has dissipated, the actions undertaken as a result of the previous emergency shall be subject to and brought into full compliance with these regulations.

2. Normal maintenance or repair of existing buildings, structures, roads, utilities, levees, or drainage systems, provided the activity does not further alter, encroach upon, or increase impacts to critical areas or associated buffers.

3. Existing agricultural activities normal or necessary to general farming conducted according to industry-recognized best management practices, including the raising of crops or the grazing of livestock.

4. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. In every case, impacts to critical areas shall be minimized and areas disturbed by such activity shall be immediately restored as directed by the shoreline administrator to ensure no loss of functions and values.

5. Passive recreational activities, including, but not limited to: fishing, bird watching, hiking, hunting, boating, horseback riding, skiing, swimming, canoing, and bicycling; provided the activity does not alter the critical area or its buffer by changing drainage patterns, topography, water conditions or water sources.

H. Permitting. All applications for permits to conduct activities having a possible significant impact on critical areas that are located on or near a project site must identify the areas affected and make an estimate of the probable impact. The town shall deny all requests for permits which would result in a net loss of eco-

logical functions, those activities degrading a wetland or fish and/or wildlife habitat conservation area, which would put people or property in a position of unacceptable risk with respect to floods or geologic hazards, which would tend to aggravate geologic hazards, or which would harm critical recharging areas for aquifers. The town may, however, grant permits which include mitigation measures if the mitigation measures adequately protect the ecological processes and functions of the critical area and people involved. In granting a permit that includes mitigation measures, the most current, accurate, and complete scientific or technical information available, which shall be determined utilizing the criteria set out in WAC 173-26-201(2)(a), shall be used to develop and approve the mitigation measures (CCC 16.12.410).

I. Determination.

1. Each development permit shall be reviewed to determine if the proposal is within a critical area or critical area buffer. Town staff shall use maps and data maintained by the town and a site inspection if appropriate.

2. If it is determined that a critical area(s) is present additional assessments prepared by a qualified biologist best suited for the type of identified critical area(s) may be required.

3. In cases related to geohazards, the assessment shall include a description of the geology of the site and the proposed development; an assessment of the potential impact the project may have on the geologic hazard; an assessment of what potential impact the geologic hazard may have on the project; appropriate mitigation measures, if any; a conclusion as to whether further analysis is necessary; and be signed by and bear the seal of the engineer or geologist that prepared it.

4. When a geotechnical report is required it shall include a certification from the engineer preparing the report, including the engineer's professional stamp and signature, stating all of the following:

a. The risk of damage from the project, both on and off site.

b. The project will not materially increase the risk of occurrence of the hazard.

c. The specific measures incorporated into the design and operational plan of the project to eliminate or reduce the risk of damage due to the hazard.

5. All mitigation measures, construction techniques, recommendations, and technical specifications provided in the geotechnical report shall be applied during the implementation of the proposal. The engineer of record shall submit sealed verification at the conclusion of construction that development occurred in conformance with the approved plans.

6. A proposed development cannot be approved if it is determined by the geotechnical report that either the proposed development or adjacent properties will be at risk of damage from the geologic hazard, or that the project will increase the risk of occurrence of the hazard, and there are no adequate mitigation measures to alleviate the risks.

J. Critical Areas Review Process.

1. All land use and building permits shall require that applicants disclose activities within 200 feet of a known or suspected critical area. The provisions of this chapter shall apply to any such proposals. The review process shall proceed as follows:

a. Preapplication Meeting/Site Visit. Upon receiving a land use or development proposal, the shoreline administrator shall schedule a preapplication meeting and/or site visit with the proponent. The purpose is to decide whether the proposal is likely to affect the ecological functions of critical areas or pose health and safety hazards. At the meeting, the shoreline administrator will:

i. Provide the applicant with the requirements of this chapter and other applicable local regulations, including but not limited to comprehensive plans, zoning maps, and overlays.

ii. Review critical areas maps and other available reference materials with the applicant.

iii. Outline the review and permitting processes.

iv. Work with the applicant to identify any potential concerns with regards to critical areas.

v. Provide the applicant with the necessary application materials and SEPA checklist form.

2. Exemption determination.

3. Agency Consultation.

a. Because species populations and habitat systems are dynamic, agency consultation shall be required where activities are proposed within 200 feet of a designated fish and wildlife habitat conservation area. The shoreline administrator shall consult with WDFW to determine the value of the site to priority habitats and species.

b. Because site specific mapping has not been completed for many critical areas within the town, staff may undertake agency consultation in any instance in which activities are proposed within 200 feet of a known or suspected critical area.

4. Application and SEPA Checklist.

a. The applicant shall submit all relevant land use/development applications.

b. The applicant shall submit a completed SEPA checklist, except in the following cases:

i. The use or activity has been found to be exempt from the provisions of these regulations, as described under subsection G of this section, Exemptions.

ii. The use or activity is categorically exempt from SEPA review.

5. Determination of Need for Critical Areas Report. Based upon the preapplication meeting, application materials, SEPA checklist, and in the case of fish and wildlife habitat conservation areas, the outcome of the agency consultation, the shoreline administrator shall determine if there is cause to require a critical areas report. In addition, the shoreline administrator may use critical areas maps and reference materials, information and scientific opinions from appropriate agencies, or any reasonable evidence regarding the existence of critical area(s) on or adjacent to the site of the proposed activity. The determination of need for a critical areas report shall be an administrative decision, as set forth in subsection L of this section.

6. Documentation and Notification. The shoreline administrator shall document the

preapplication meeting and/or site visit, application and SEPA threshold determination, and any other steps or findings (including, in the case of fish and wildlife habitat conservation areas, the agency consultation) used to decide whether a critical areas report shall be required. The applicant shall receive notice of the determination and any findings that support it.

K. Critical Areas Report.

1. If the shoreline administrator determines that the site of a proposed development includes, is likely to include, or is adjacent to one or more critical areas, a critical areas report may be required. When required, the expense of preparing the critical areas report shall be borne by the applicant. The content, format and extent of the critical areas report shall be approved by the shoreline administrator.

2. The requirement for critical areas reports may be waived by the shoreline administrator if there is substantial evidence that:

a. There will be no alteration of the critical area(s) and/or the required buffer(s).

b. The proposal will not impact the critical area(s) in a manner contrary to the purpose, intent and requirements of this chapter and the town's comprehensive plan.

c. The minimum standards of this chapter will be met.

3. No critical areas report is required for proposals that are exempt from the provisions of this chapter as set forth under subsection G of this section, Exemptions.

4. Every critical area report shall be completed by a qualified professional who is knowledgeable about the specific critical area(s) in question, and approved by the shoreline administrator.

5. At a minimum, a required critical areas report shall contain the following information:

a. Applicant's name and contact information, permits being sought, and description of the proposal.

b. A copy of the site plan for the development proposal, drawn to scale and showing:

i. Identified critical areas, buffers, and the development proposal with dimensions.

ii. Limits of any areas to be cleared.

iii. A description of the proposed storm water management plan for the development and consideration of impacts to drainage alterations.

c. The names and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site.

d. Identification and characterization of all critical areas within, or within 200 feet of, the project area or within any proposed buffer.

e. An assessment of the probable cumulative impacts to critical areas resulting from the proposed development of the site.

f. An analysis of site development alternatives.

g. A description of reasonable efforts made to apply mitigation sequencing, as defined in these regulations, to avoid, minimize, and otherwise mitigate impacts to critical areas.

h. A mitigation plan as set forth in CCC 16.12.410.

i. A discussion of the performance standards proposed to ensure that ecological functions of critical areas are protected and health and safety hazards associated with critical areas are precluded.

j. Financial guarantees proposed to ensure compliance with mitigation plan and performance standards.

k. Any additional information required for specific critical areas as listed in subsequent sections of these regulations.

6. The shoreline administrator may request any other information reasonably deemed necessary to understand impacts to critical areas.

L. Administrative Review.

1. Administrative Decisions. Where these regulations call for an administrative decision, the shoreline administrator shall submit his or her findings and preliminary decision to town department heads or council members, as applicable, and relevant state and

federal agencies for review at least 30 days prior to making a final decision, and shall consider timely comments in making a final decision.

2. Agency Review. In any case in which the shoreline administrator does not have adequate knowledge or training to determine the sufficiency and accuracy of information contained within a critical areas report or mitigation plan (whether or not an administrative decision is involved), said report or plan shall be submitted to qualified agencies for review and recommendations prior to acceptance by the town. Agency review should be completed within 90 days of submittal to agency staff.

M. Surety/Bonding.

1. If a development proposal is subject to mitigation, maintenance or monitoring plans, the town, in a form acceptable to the town attorney, may require an assurance device or surety.

2. When mitigation required pursuant to a development proposal is not completed prior to the town final permit approval, such as final plat approval or final building inspection, the town shall require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the town. If the development proposal is subject to mitigation, the applicant shall post a mitigation bond or other security in a form and amount deemed acceptable by the town to ensure mitigation is fully functional.

3. The bond shall be in the amount of 125 percent of the estimated cost of the uncompleted actions or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater, and the cost of maintenance and monitoring for a 10-year period.

4. The bond shall be in the form of an assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the town attorney or other method acceptable to the shoreline administrator.

5. Bonds or other security authorized by this section shall remain in effect until the city determines, in writing, that the standards

bonded for have been met. Bonds or other security shall be held by the city for a minimum of 10 years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods when necessary.

6. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.

N. Appeals. Any decision of the shoreline chapter may be appealed according to the provisions of CCC 16.12.610, Appeals. Such appeal shall be in writing and must be submitted to the town within 10 days from the date of the decision. (Ord. 656 § 3, 2014).

16.12.410 General performance standards.

A. The following general performance standards shall apply to activities permitted within critical areas or critical area buffers located within the shoreline jurisdiction. Additional standards may be necessary based on site specific considerations or proposed development impacts.

B. General Performance Standards.

1. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan.

2. Mitigation, when allowed, shall ensure that development activity does not yield a net loss of the area or function of the critical areas.

3. Mitigation Sequencing. Mitigation plans shall include a discussion of mitigation alternatives (sequencing) as they relate to mitigation sequencing provisions of CCC 16.12.230, Environmental protection.

4. Mitigation Plan. When mitigation is required, the applicant shall submit for approval of a mitigation plan as part of the critical area report. The mitigation plan shall include:

a. A written report identifying mitigation objectives, including:

i. A description of the anticipated impacts to the critical areas and the mitigating actions proposed and the purposes of the com-

pensation measures, including the site selection criteria; identification of compensation objectives; identification of critical area functions and values; and dates for beginning and completion of site compensation construction activities.

ii. A review of the most current, accurate, and complete scientific or technical information available supporting the proposed mitigation and a description of the report author's professional qualifications.

iii. An analysis of the likelihood of success of the compensation project.

b. Measurable criteria for evaluating whether or not the objectives of the mitigation plan have been successfully attained and whether or not the requirements of this chapter have been met.

c. Written specifications and descriptions of the mitigation proposed, including, but not limited to:

i. The proposed construction sequence, timing, and duration.

ii. Grading and excavation details.

iii. Erosion and sediment control features.

iv. A planting plan specifying plant species, quantities, locations, size, spacing, and density.

v. Measures to protect and maintain plants until established.

d. A program for monitoring construction of the compensation project, and for assessing the completed project and its effectiveness over time. The program shall include a schedule for site monitoring and methods to be used in evaluating whether performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than 10 years.

e. Identify potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.

f. Additional provisions as required for specific critical area types (e.g., wetlands, etc.).

5. Mitigation, maintenance, monitoring and contingency plans shall be implemented by the developer to protect critical areas and their buffers prior to the commencement of any development activities. Where mitigation is required herein, the following performance standards shall be met:

a. Mitigation planting survival will be 100 percent for the first year, and 80 percent for each of the four years following.

b. Mitigation must be installed no later than the next growing season after completion of site improvements, unless otherwise approved by the shoreline administrator.

c. Where necessary, a permanent means of irrigation shall be installed for the mitigation plantings that are designed by a landscape architect or equivalent professional, as approved by the shoreline administrator. The design shall meet the specific needs of the vegetation, as may be applicable.

d. On-site monitoring and monitoring reports shall be submitted to the city one year after mitigation installation; three years after mitigation installation; and five years after mitigation installation. The length of time involved in monitoring and monitoring reports may be increased by the shoreline administrator for a development project on a case-by-case basis when longer monitoring time is necessary to establish or re-establish functions and values of the mitigation site. Monitoring reports shall be submitted by a qualified professional biologist. The biologist must verify that the conditions of approval and provisions in the wetland management and mitigation plan have been satisfied.

e. Monitoring reports by the biologist must include verification that the planting areas have less than 20 percent total nonnative/invasive plant cover consisting of exotic and/or invasive species. Exotic and invasive species may include any species on the state noxious weed list, or considered a noxious or problem weed by the Grant County noxious weed board, local conservation districts, or other applicable agencies.

f. Mitigation sites shall be maintained to ensure that the mitigation and management plan objectives are successful. Maintenance shall include corrective actions to rectify problems, include rigorous, as-needed elimination of undesirable plants, protection of shrubs and small trees from competition by grasses and herbaceous plants, and repair and replacement of any dead plants.

g. Prior to site development and/or building permit issuance, a performance surety agreement shall be submitted by the applicant and shall be reviewed and approved by the city, including the city attorney. The surety agreement must include the complete costs for the mitigation and monitoring which may include but not be limited to: the cost of installation, delivery, plant material, soil amendments, permanent irrigation, seed mix, and three monitoring visits and reports by a qualified professional biologist, including Washington state sales tax. The city must approve the quote for said improvements.

h. Sequential release of funds associated with the surety agreement shall be reviewed for conformance with the conditions of approval and the mitigation and management plan. Release of funds may occur in increments of one-third for substantial conformance with the plan and conditions of approval. If the standards that are not met are only minimally out of compliance and contingency actions are actively being pursued by the property owner to bring the project into compliance, the city may choose to consider a partial release of the scheduled increment. Noncompliance can result in one or more of the following actions: carry-over of the surety amount to the next review period; use of funds to remedy the nonconformance; scheduling a hearing with the appropriate hearing body to review conformance with the conditions of approval and to determine what actions may be appropriate.

C. Trails and Trail-Related Facilities. Construction of commercial, public and private trails, and trail-related facilities, such as picnic tables, benches, interpretive centers and signs, viewing platforms and campsites, may be

authorized within designated resource lands and critical areas, subject to the following minimum standards:

1. Trail facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas.

2. Trail facilities shall minimize the removal of trees, shrubs, snags and important habitat features. Vegetation management performed in accordance with best management practices as part of ongoing maintenance to eliminate a hazard to trail users is considered consistent with this standard.

3. Viewing platforms, interpretive centers, campsites, picnic areas, benches and their associated access shall be designed and located to minimize disturbance of wildlife and/or critical characteristics of the affected conservation area.

4. All facilities shall be constructed with materials complementary to the surrounding environment.

5. Trail facilities that parallel the shoreline may be located in the outer 25 percent of the buffer area:

- a. Commercial and public trails shall not exceed 10 feet in width.

- b. Private trails shall not exceed four feet in width.

6. Trails that provide direct shoreline access shall not exceed four feet in width and shall be kept to the minimum number necessary to serve the intended purpose.

7. Review and analysis of a proposed trail facility shall demonstrate no net loss of ecological functions and values in conformance with this chapter.

8. Trail facilities shall not be exempt from special report requirements, as may be required by this chapter. (Ord. 656 § 3, 2014).

16.12.420 Wetlands.

A. Designation.

1. Wetlands are those areas, designated based on the definitions, methods and standards set forth in the currently approved federal Wetland Delineation Manual and supplements. Wetland delineations are valid for five years; after such date the town shall

determine whether additional assessment is necessary. All areas within the town meeting the wetland designation criteria in the Delineation Manual and supplements are hereby designated critical areas and are subject to the provisions of this chapter.

2. Wetlands shall be rated according to the Washington State Department of Ecology Wetlands Rating System found in the Washington State Wetlands Rating System for Eastern Washington (Annotated Version), Washington State Department of Ecology Publication No. 04-06-018, June 2014, or as revised by Ecology. Other references for guidance and mitigations include Wetland Mitigation in Washington State – Parts 1 and 2, Washington Department of Ecology Publication No. 06-06-011a and b, March 2006, Wetlands in Washington State – Volume 1: A Synthesis of the Science, Washington State Department of Ecology Publication No. 05-06-006, and Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands, Washington State Department of Ecology Publication No. 05-06-008.

B. Classification.

1. Wetland rating classes shall be as follows:

- a. Category I wetlands: those wetlands scoring a “Category I” rating under the Washington State Department of Ecology (Ecology) Washington State Wetlands Rating System for Eastern Washington (Annotated Version), Publication No. 04-06-018, June 2014, as may be amended in the future (hereinafter referred to as the Ecology Wetlands Rating System).

- b. Category II wetlands: those wetlands scoring a “Category II” rating under the Ecology Wetlands Rating System.

- c. Category III wetlands: those wetlands scoring a “Category III” rating under the Ecology Wetlands Rating System.

- d. Category IV wetlands: those wetlands scoring a “Category IV” rating under the Ecology Wetlands Rating System.

- e. Irrigation-influenced wetlands: those wetlands that have resulted from Columbia Basin Project irrigation system development and irrigated agriculture and that are not

intentionally created. These wetlands are to be classified per wetland rating classes Categories I through IV.

f. Intentionally created artificial wetlands: wetlands and former wetland areas not regulated are those intentionally created artificial wetlands, or irrigation-influenced wetlands that have dried up and are no longer functioning as a wetland due to changes in farming practices, or irrigation supply management and/or conservation measures.

C. Site Assessment Requirements for Wetlands. In addition to the information described in CCC 16.12.400(K), the wetlands site assessment report shall include the following information:

1. Documentation of any fieldwork performed on the site, including field data sheets for delineations, function assessments, baseline hydrologic data, soils, and vegetative characteristics of the wetland including U.S. Army Corps delineation data sheets as applicable.

2. A description of the methodologies used to conduct the wetland delineations, function assessments, or impact analyses including references.

3. Identification and characterization of all critical areas, wetlands, waterbodies, shorelines, floodplains, and buffers on or adjacent to the proposed project area. For areas off site of the project site, estimate conditions within 200 feet of the project boundaries using the best available information.

4. For each wetland identified on site and within 200 feet of the project site provide: the wetland rating per Wetland Ratings; required buffers; hydrogeomorphic classification; wetland acreage based on a professional survey from the field delineation (acres for on-site portion and entire wetland area including off-site portions); Cowardin classification of vegetation communities; habitat elements; soil conditions based on site assessment and/or soil survey information; and to the extent possible, hydrologic information such as location and condition of inlet/outlets (if they can be legally accessed), estimated water depths within the wetland, and estimated hydroperiod patterns based on visual cues (e.g., algal mats,

drift lines, flood debris, etc.). Provide acreage estimates, classifications, and ratings based on entire wetland complexes, not only the portion present on the proposed project site.

5. A description of the proposed actions including an estimation of acres of impacts to wetlands and buffers based on the field delineation and survey and an analysis of site development alternatives including a no-development alternative.

6. An assessment of the probable cumulative impacts to the wetlands and buffers resulting from the proposed development.

7. A discussion of measures, including avoidance, minimization, and compensation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land use activity.

8. A conservation strategy for habitat and native vegetation that addresses methods to protect and enhance on-site habitat and wetland functions.

9. An evaluation of the functions of the wetland and adjacent buffer.

10. A copy of the site plan sheet(s) for the project must be included with the written report and must include, at a minimum:

- a. Maps (to scale) depicting delineated and surveyed wetland and required buffers on site, including buffers for off-site critical areas that extend onto the project site; the development proposal; other critical areas; grading and clearing limits; areas of proposed impacts to wetlands and/or buffers (include square footage estimates);

- b. A depiction of the proposed storm water management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod alterations from the project.

D. Alteration and Impacts of Wetlands.

1. A regulated wetland or its required buffer can only be altered if the wetlands site assessment pursuant to subsection C of this section shows that the proposed alteration does not degrade the quantitative and qualitative functioning of the wetland, or any degradation

can be adequately mitigated to protect the wetland function, and maintain no net loss of wetland functions and values as a result of the overall project. Any alteration approved pursuant to this section shall include mitigation necessary to mitigate the impacts of the proposed alteration on the wetland as described in subsection E of this section.

2. The following activities are regulated if they occur in a regulated wetland or its buffer:

- a. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind.
- b. The dumping of, discharging of, or filling with any material.
- c. The draining, flooding, or disturbing of the water level or water table.
- d. Pile driving.
- e. The placing of obstructions.
- f. The construction, reconstruction, demolition, or expansion of any structure.
- g. Activities that result in:
 - i. A significant change in water temperature.
 - ii. A significant change of physical or chemical characteristics of the sources of water to the wetland.
 - iii. A significant change in the quantity, timing or duration of the water entering the wetland.
 - iv. The introduction of pollutants.

3. Storm Water Discharge. Storm water discharges to wetlands shall be controlled and treated to provide all known and reasonable methods of prevention, control, and treatment as mandated in the State Water Quality Standards, Chapter 173-201A WAC, as required by state law, and consistent with the Ecology Stormwater Manual for Eastern Washington. Changes in hydrology that negatively impact functions of a wetland shall not be permitted, except for intentionally created artificial wetlands, or irrigation-influenced wetlands that have been modified so that they no longer have wetland characteristics due to changes in farming practices or irrigation supply management and/or conservation measures. Potential changes may include, but not be limited to, flooding of plant communities resulting in

changes in composition, flooding of nests, or associated drawdowns that dehydrate nests, particularly amphibian eggs.

4. Exceptions to Mitigation Requirements. Requirements for mitigation do not apply under the following circumstances:

a. When a wetland alteration is intended exclusively for the enhancement, rehabilitation or restoration of an existing regulated wetland and the proposal will not result in a loss of wetland function and value, subject to the following conditions:

i. The enhancement or restoration project shall not be associated with a development activity; and

ii. An enhancement or restoration plan shall be submitted for site plan review. The restoration or enhancement plan must include the information required under subsection C of this section.

b. When an artificial wetland is intentionally created from a nonwetland site, or a former irrigation-influenced wetland was modified so that it no longer has wetland characteristics due to changes in farming practices or irrigation supply management and/or conservation measures.

E. Development Standards.

1. Lights shall be directed away from the wetland.

2. Activities that generate noise shall be located away from the wetland, or noise impacts shall be minimized through design or insulation techniques.

3. Toxic runoff from new impervious surface area shall be directed away from wetlands.

4. Treated storm water runoff may be allowed into wetland buffers. Channelized flow should be prevented.

5. Use of pesticides, insecticides, and fertilizers within 150 feet of wetland boundary shall be limited and follow best management practices (BMPs).

6. The outer edge of the wetland buffer shall be planted with dense native vegetation and/or fencing to limit pet and human disturbance.

7. Measurement of Wetland Buffers. All buffers shall be measured from the wetland

boundary as surveyed in the field. The width of the wetland buffer shall be determined according to the proposed land use (Table

16.12.420(E)(7)-1) and the wetland category (Table 16.12.420(E)(7)-2).

Table 16.12.420(E)(7)-1: Land Use Intensity Table

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations
High	• Commercial • Urban • Industrial • Institutional • Retail sales • Residential (more than 1 unit/acre) • High-intensity recreation (golf courses, ball fields, etc.)
Moderate	• Residential (1 unit/acre or less) • Moderate-intensity open space (parks with biking, jogging, etc.) • Paved driveways and gravel driveways serving 3 or more residences • Paved trails
Low	• Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.) • Timber management • Gravel driveways serving 2 or fewer residences • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management

Table 16.12.420(E)(7)-2: Buffer Widths

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Category IV Wetlands (For wetlands scoring less than 15 points or more for all functions)		
Score for all 3 basic functions is less than 30 points	Low – 25 ft Moderate – 40 ft High – 50 ft	No recommendations at this time
Category III Wetlands (For wetlands scoring 16 – 18 points or more for all functions)		
Moderate level of function for habitat (score for habitat 20 – 28 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
Not meeting above characteristic	Low – 40 ft Moderate – 60 ft High – 80 ft	No recommendations at this time

Table 16.12.420(E)(7)-2: Buffer Widths (Continued)

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Category II Wetlands (For wetlands that score 19 – 21 points or more for all functions or having the “Special Characteristics” identified in the rating system)		
High level of function for habitat (score for habitat 29 – 36 points)	Low – 100 ft Moderate – 150 ft High – 200 ft	Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 20 – 28 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement and low for habitat (score for water quality 24 – 32 points; habitat less than 20 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetlands need to be protected at a watershed or subbasin scale Other protection based on needs to protect habitat and/or water quality functions
Not meeting above characteristic	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time
Category I Wetlands (For wetlands that score 22 points or more for all functions or having the “Special Characteristics” identified in the rating system)		
Natural heritage wetlands	Low – 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries No septic systems within 300 ft of wetland Restore degraded parts of buffer
High level of function for habitat (score for habitat 29 – 36 points)	Low – 100 ft Moderate – 150 ft High – 200 ft	Restore degraded parts of buffer Maintain connections to other habitat areas

Table 16.12.420(E)(7)-2: Buffer Widths (Continued)

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Moderate level of function for habitat (score for habitat 20 – 28 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement (24 – 32 points) and low for habitat (less than 20 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Not meeting above characteristics	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time

8. Wetland buffer zones shall be retained in their natural condition. Wetland buffers shall not be mowed. Where buffer disturbances are unavoidable during adjacent construction, revegetation with native plant materials will be required.

9. Standard buffer widths shall be measured on the horizontal from the wetland boundary as surveyed in the field. Standard buffer widths may be modified by the review authority for a development proposal by averaging buffer widths based on a report submitted by the applicant and prepared by a qualified professional approved by the shoreline administrator (e.g., wetland biologist), and shall only be allowed where the applicant demonstrates all of the following:

a. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property.

b. The designated wetland contains variations in sensitivity due to existing physical characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower-rated area.

c. The width averaging will not adversely impact the designated wetland’s functional value.

d. The total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.

e. The buffer at its narrowest point is never less than three-quarters of the required width.

10. Mitigation ratios shall be used when impacts to wetlands cannot be avoided. The mitigation ratios by wetland type are an area replacement ratio of:

Table 16.12.420(E)(10): Mitigation Ratios for Eastern Washington

Category and Type of Wetland Impacts	Re-establishment or Creation	Rehabilitation Only¹	Re-establishment or Creation (R/C) and Rehabilitation (RH)¹	Re-establishment or Creation (R/C) and Enhancement (E)¹	Enhancement Only¹
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
All other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1

Table 16.12.420(E)(10): Mitigation Ratios for Eastern Washington (Continued)

Category and Type of Wetland Impacts	Re-establishment or Creation	Rehabilitation Only ¹	Re-establishment or Creation (R/C) and Rehabilitation (RH) ¹	Re-establishment or Creation (R/C) and Enhancement (E) ¹	Enhancement Only ¹
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I natural heritage site	Not considered possible ²	6:1 Rehabilitation of a natural heritage site	R/C Not considered possible ²	R/C Not considered possible ²	Case-by-case

¹ These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

² Natural heritage sites, alkali wetland, and bogs are considered irreplaceable wetlands because they perform some functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

Reference:

Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10, March 2006, Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1), Washington State Department of Ecology Publication No. 06-06-011a, Olympia, WA.

11. Water-dependent uses, as defined in this chapter, may be located within a wetland or wetland buffer when the applicant or property owner can demonstrate compliance with CCC 16.12.410, General performance standards.

a. Developments authorized within a wetland buffer shall comply with the following minimum standards:

i. Designated wetlands and their associated buffers shall be delineated and disclosed on final plats, maps, documents, etc., as critical area tracts, nonbuildable lots, buffer areas or common areas. Ownership and control may be designated as an easement or covenant encumbering the property.

ii. All lots within a major subdivision, short plat or binding site plan shall have the outer edge of all required buffers clearly marked on site with permanent buffer edge markers. Buffer markers may be either buffer signs or steel posts painted with a standard color and label, as approved by the shoreline administrator. The markers shall be field veri-

fied by the surveyor or biologist of record prior to final plat approval. Each lot shall contain a minimum of three buffer area markers located at the landward edge of the buffer perimeter for each habitat type; one located at each side property line and one midway between side property lines. Covenants for the subdivision shall incorporate a requirement stating that buffer area markers shall not be removed, or relocated, except as may be approved by the shoreline administrator.

12. The following activities are allowed to occur in wetlands and wetland buffer zones subject to conditioning with appropriate best management practices to minimize impacts on the functions and values of wetlands:

a. Conservation and Restoration Activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.

b. Passive Recreation. Passive recreation facilities designed and in accordance with an approved critical area report, including:

i. Walkways and trails; provided, that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer 25 percent of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five feet in width for pedestrian use only. Raised boardwalks utilizing nontreated pilings may be acceptable.

ii. Wildlife-viewing structures.

c. Educational and scientific research activities.

d. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way; provided, that the maintenance or repair does not increase the footprint or use of the facility or right-of-way.

e. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.

f. Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary; provided, that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column is disturbed.

g. Enhancement of a wetland buffer through the removal of nonnative invasive plant species. Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities

is allowed in conjunction with removal of invasive plant species.

13. Storm water management facilities shall be allowed within the outer 25 percent of a wetland buffer around Category III or IV wetlands; provided, that no other location is feasible and that the location of such facilities will not degrade the functions of the wetland or its buffer. All projects shall comply with the applicable federal, state and local regulations regarding the species.

14. As a condition of any permit or authorization pursuant to these regulations, the shoreline administrator may require temporary or permanent signs and/or fencing along the perimeter of a wetland or buffer in order to protect the functions and values of the wetland, or to minimize future impacts or encroachment upon the wetland or buffer.

15. Wetland alteration proposals shall be approved only if no alternative is available. If alteration is unavoidable, all adverse impacts shall be mitigated as set forth in an approved critical areas report and mitigation plan.

16. When feasible, mitigation shall be on site and sufficient to maintain the functions and values of the wetland and buffer areas. If on-site mitigation is not feasible, then the applicant shall demonstrate that the mitigation site is the nearest that can reasonably achieve the goals of mitigation with a high likelihood of success.

17. As determined through the site-specific study, mitigation measures shall be implemented that maintain the functions and values found in the particular wetland.

18. As determined through the site-specific study, appropriate mitigation, management and monitoring plan(s) shall be developed and implemented, with any necessary surety to ensure compliance with such plan(s) being provided as described herein-above.

19. A legally established use or structure established prior to the effective date of the ordinance codified in this chapter which does not conform to standards set forth herein is allowed to continue and be reasonably maintained; provided, that such activity or structure

shall not be expanded or enlarged in any manner that increases the extent of its nonconformity.

F. Wetland Management and Mitigation Plan.

1. **Compensatory Mitigation Plan.** Where mitigation is required pursuant to CCC 16.12.410, the applicant shall prepare a mitigation plan. The mitigation plan shall follow the general requirements described hereinbelow and Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Version 1), Washington Department of Ecology (Publication No. 06-06-011b, March 2006, or as revised), and Selecting Wetland Mitigation Sites Using a Watershed Approach (Eastern Washington) (Publication No. 10-06-07, November 2010, or as revised). The following items at a minimum are required as part of a mitigation plan:

a. Description of project or activity, including a detailed narrative describing the project or activity, its relationship to the wetland and its potential impact to the wetland; and

b. Any proposed mitigation, including a discussion of how the project has been designed to avoid and minimize adverse impacts to wetlands, as well as the necessary monitoring and contingency actions for the continued maintenance of the wetland and its associated buffer.

c. A report which includes, but is not limited to:

i. Location maps;

ii. A site map prepared at a scale no smaller than one inch equals 200 feet indicating the boundaries of the identified wetlands; the width and length of all existing and proposed structures, utilities, roads, easements; wastewater and storm water management facilities; adjacent land uses, zoning districts, and comprehensive plan designations;

iii. A description of the vegetation in the wetland, on the overall project site, and adjacent to the site. A description of the existing wetland and buffer areas proposed to be impacted;

iv. A discussion of any federal, state, or local wetland-related permits required for the project;

v. A discussion of the following mitigation alternatives as they relate to the proposal:

(A) Avoiding the impact altogether by not taking a certain action or parts of an action;

(B) Minimizing impacts 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;

(C) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(D) Compensating for functions affected by the proposed project, with the intention to achieve functional equivalency or improvement of functions;

vi. Include a description of the compensatory mitigation site, including location and rationale for selection. Describe how preferred order of wetlands mitigation was followed: (A) restoration (including re-establishment and rehabilitation), (B) creation (establishment), (C) enhancement in combination with restoration or creation, and (D) preservation of high quality, at risk wetlands. Include an assessment of existing conditions and estimate future conditions if actions are not undertaken. Describe the proposed actions for compensating wetland and upland areas affected by the project. Include the overall goals of the proposed mitigation, including targeted functions. Describe the proposed mitigation construction activities and timing of activities, along with a detailed discussion of ongoing management and monitoring practices which will protect the wetland after the project site has been fully developed, including proposed monitoring, contingency, maintenance and surety programs; and

vii. Proposed mitigation ratios, including a discussion of functions and values of and the variety of habitats provided by the proposed replacement wetland. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint

guidance “Wetland Mitigation in Washington State Parts I and II” (Ecology Publication No. 06-06-011a-b, Olympia, WA, March 2006), the shoreline administrator may allow mitigation based on the “credit/debit” method developed by the Department of Ecology in “Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Eastern Washington: Final Report” (Ecology Publication No. 11-06-015, August 2012, or as revised). (Ord. 656 § 3, 2014).

16.12.430 Critical aquifer recharge area.

A. Classification.

1. Critical potential: wellhead protection areas, streams, wetlands, and any other lands that have been specifically identified as critical recharge areas based on reliable scientific data.

2. High potential: areas in which soils show permeability ratings of more than 20 inches per hour.

B. Development Standards.

1. Development activities within an aquifer recharge area shall be designed, developed and operated in a manner that will not potentially degrade groundwater resources nor adversely affect the recharging of the aquifer.

2. All new development shall comply with the following requirements:

a. Applicable water source protection regulations set forth by the United States Environmental Protection Agency, the Washington State Department of Ecology, the Washington State Department of Health, or the Grant County Health District.

b. Applicable ground water management area (GWMA) regulations.

c. Applicable regulations set forth by any irrigation districts regulated by the United States Department of the Interior, Bureau of Reclamation (BOR).

d. State requirements regarding protection of upper aquifer zones and ground water quality (Chapters 173-154 and 173-200 WAC, respectively).

e. The Stormwater Management Manual for Eastern Washington (Washington Department of Ecology Publication No. 04-10-076, or as revised) shall provide the pre-

ferred guidance for storm water best management practices.

3. A hydrogeologic study and/or ongoing monitoring may be required to assess impacts of development activities on groundwater resources.

4. All proposed activities within aquifer recharge areas must comply with the water source protection requirements of the federal Environmental Protection Agency, state Department of Health and the Grant County health district.

5. On-site storm water facilities shall be designed and installed in all aquifer recharge areas, so as to provide both detention and treatment of all runoff associated with the development.

6. All development occurring within aquifer recharge areas shall be required to connect to city sewer and water, and on-site sewage disposal shall be prohibited.

7. Landfills, junkyards/salvage yards, mining, wood treatment facilities, or any other activity that could impair the recharge of critical aquifer recharge areas. Such activities may be permitted in areas with high or moderate recharge potential in accord with applicable zoning regulations, providing the applicant can satisfactorily demonstrate that potential negative impacts to groundwater can be prevented.

8. All storage tanks, whether above or underground, shall be required to be constructed so as to protect against corrosion for the operational life of the tank, to prevent any release of hazardous substances to the ground, ground waters, or surface waters, and to utilize appropriate containment methods.

9. Any agricultural activities conducted within aquifer recharge areas shall incorporate best management practices concerning waste disposal, fertilizer/pesticide/herbicide use, and stream corridor management. If necessary applicants shall seek technical assistance from the Grant County conservation district or the WSU cooperative extension office.

10. Application of pesticides, herbicides and fertilizers within aquifer recharge areas shall comply with timing and rates specified on product packaging.

11. Vehicle repair and servicing activities must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.

C. Critical Area Report Requirements.

1. In addition to the general requirements for critical areas reports, a critical areas report for development activities within or adjacent to an aquifer recharge area shall contain the following:

a. A scaled development plan showing the recharge areas.

b. Detailed information on the following items:

i. Hydrogeological susceptibility to contamination and contaminant loading potential.

ii. Depth to ground water.

iii. Hydraulic conductivity and gradient.

iv. Soil texture, permeability, and contaminant attenuation potential.

c. Vadose zone analysis, including implications of permeability and attenuation properties.

d. An analysis of the recharge area's toleration for impervious surfaces in terms both of aquifer recharge and the effect on water quality.

e. A summary of the proposed development's effect on the recharge area.

2. When a proposed use presents a high risk of drinking water contamination, a hydrogeologic assessment shall be required.

a. A hydrogeologic assessment shall be required for the following land uses:

i. Hazardous substance processing and handling.

ii. Hazardous waste treatment and storage facility.

iii. Wastewater treatment plant sludge disposal.

iv. Solid waste disposal facility.

b. A required hydrogeologic assessment shall be submitted by a hydrogeologist licensed by the state of Washington. The

hydrogeologic assessment shall use scientifically valid methods and studies to establish existing (baseline) water quality and shall be used to develop conditions of approval to ensure that the proposed development will not contribute contaminants or facilitate degradation of recharge areas. In addition to the information required in all critical areas reports, the assessment shall include, at a minimum:

i. Pertinent well log and geologic data.

ii. Ambient groundwater quality.

iii. Groundwater elevation.

iv. Recharge potential of facility site.

v. Current data on wells and any springs located within 1,000 feet of the facility.

vi. Surface water location and potential recharge.

vii. Water supply source for the facility.

viii. Analysis and discussion of the effects of the proposed project on the groundwater resource.

c. A required hydrogeologic assessment must demonstrate that the proposed use does not present a threat of contamination to the aquifer system. Successful demonstration of those findings warrants approval under this section.

d. Ongoing monitoring of uses that present high risk of drinking water contamination may be required to assess impacts of development activities on groundwater resources. (Ord. 656 § 3, 2014).

16.12.440 Fish and wildlife habitat conservation areas.

A. Classification. Fish and wildlife habitat conservation areas include those with the following characteristics:

1. Federally designated endangered, threatened and sensitive species. Areas with which federally designated endangered, threatened and sensitive species have a primary association. Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine

Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted for current listing status.

2. State designated endangered, threatened and sensitive species. Areas with which state designated endangered, threatened and sensitive species have a primary association.

3. State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the state of Washington identified by the Washington Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species) and WAC 232-12-011 (state threatened and sensitive species). The state Department of Fish and Wildlife maintains the most current listing and should be consulted for current listing status.

4. State Priority Habitats and Areas Associated with State Priority Species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the state Department of Fish and Wildlife.

5. Habitats and Species of Local Importance. Habitats and species of local importance are those identified by the city, including but not limited to those habitats and species that, due to their population status or sensitivity to habitat manipulation, warrant protection. Habitats may include a seasonal range or habitat

element with which a species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

6. All areas within the city meeting the definition of one or more critical areas defined above are hereby designated critical areas and are subject to the provisions of this chapter.

B. Development Standards.

1. Flora (plant life) and fauna (animal life) identified as protected shall be sheltered from construction activities using best management practices.

2. Habitat conservation areas and buffers will be left undisturbed, unless the development proposal demonstrates that impacts to the habitat conservation area and/or buffer are unavoidable, demonstrated in a habitat management and mitigation plan described in subsection F of this section.

3. Critical area reports for fish and wildlife habitat conservation areas shall include a habitat assessment to evaluate the presence or absence of a potential critical species or habitat.

4. The Washington State Department of Fish and Wildlife priority habitat and species management recommendations shall be consulted in developing specific measures to protect a specific project site.

5. All projects shall comply with the applicable federal, state and local regulations regarding the species and habitats identified to be upon a site.

6. Establishment of Buffers. When needed to protect the functions and values of habitat conservation areas, the shoreline administrator shall require the establishment of buffer areas for activities in or adjacent to such areas. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration. Buffer widths shall reflect the sensitivity of the habitat and the intensity of activity proposed, and shall be consistent with the management recommendations issued by the state Department of Fish and Wildlife. Riparian buffers are provided in Table 16.12.210(A).

7. As determined through the site-specific study, mitigation measures shall be

implemented that maintain the base line populations and reproduction rates for the particular species.

8. As determined through the site-specific study, appropriate habitat conservation, management and monitoring plan(s) shall be developed and implemented, with any necessary surety to ensure compliance with such plan(s) being provided as described in this chapter.

9. Habitat Conservation Areas.

a. Development occurring within a 1,000-foot radius of a state or federal threatened, endangered, or sensitive species den, nesting, or breeding site, migration corridors or feeding areas of terrestrial species shall require a habitat management and mitigation plan.

b. Cliff, cave and talus slope habitats shall have at least a 50-foot buffer for safety and resource protection.

c. Bald Eagles. An approved bald eagle management plan by the Washington Department of Fish and Wildlife meeting the requirements and guidelines of the Bald Eagle Protection Rules, WAC 232-12-292, as amended, satisfies the requirements of a habitat management and/or mitigation plan.

d. Mule Deer Habitat. Habitat connectivity and migration corridors for mule deer shall be considered in habitat management and/or mitigation plans.

e. Development in or over all surface waters shall require a habitat mitigation plan.

C. Administrative Buffer Width Averaging. The required buffer widths established in this SMP may be modified by the shoreline administrator for a development on existing legal lots of record in place at the time of adoption of this program, in accordance with the provisions of this section only where the applicant demonstrates all of the following:

1. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property;

2. The designated buffer area contains variations in sensitivity to ecological impacts due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation;

3. The total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging;

4. The minimum buffer width at its narrowest point shall not be less than 35 percent of the buffer width established under this SMP; and

5. The buffer width averaging does not result in a net loss of ecological function.

D. Shoreline Buffer Reductions. Shoreline buffers may be administratively modified where a legally established road or other type of continuous development crosses or extends along a shoreline or critical area buffer and is wider than 20 feet. The shoreline administrator may approve a modification of the minimum required buffer width to the waterward edge of the improved continuous development provided the upland side of the continuous development areas outlined below:

1. Does not provide additional protection of the shoreline waterbody or stream; and

2. Provides little (less than 20 percent) to no biological, geological or hydrological buffer functions relating to the riparian and upland portions of the buffer.

E. Standard Buffer Reduction. Reductions of up to 35 percent of the standard buffer may be approved if the applicant demonstrates to the satisfaction of the shoreline administrator that a mitigation plan developed by a qualified professional pursuant to CCC 16.12.420(F) indicates that enhancing the buffer (by removing invasive plants or impervious surfaces, planting native vegetation, installing habitat features or other means) will result in a reduced buffer that functions at a higher level than the existing standard buffer.

F. Fish/Wildlife Habitat Management and Mitigation Plan.

1. When a fish/wildlife habitat management and mitigation plan is required, it shall be prepared by a qualified professional biologist who is knowledgeable of fish and wildlife habitat within North Central Washington.

2. In determining the extent and type of mitigation appropriate for the development, the plan shall evaluate the ecological processes that affect and influence critical area structure

and function within the watershed or sub-basin; the individual and cumulative effects of the action upon the functions of the critical area and associated watershed; and note observed or predicted trends regarding specific wetland types in the watershed, in light of natural and human processes.

3. The fish/wildlife habitat management and mitigation plan shall demonstrate, when implemented, no net loss of ecological functions of the habitat conservation area and buffer.

4. The fish/wildlife habitat management and mitigation plan shall identify how impacts from the proposed project shall be mitigated, as well as the necessary monitoring and contingency actions for the continued maintenance of the habitat conservation area and any associated buffer.

5. Mitigation for development may include a sequenced combination of the mitigation measures included in CCC 16.12.410, General performance standards, as needed to achieve the most effective protection or compensatory mitigation for critical area functions.

6. Mitigation Ratios.

a. Mitigation ratios shall be used when impacts to riparian areas, aquatic habitat, and riparian buffers are unavoidable. Compensatory mitigation shall restore, create, rehabilitate or enhance equivalent or greater ecological functions. Mitigation shall be located on site unless the biologist can demonstrate, and the town approves, that on-site mitigation will result in a net loss of ecological functions. If off-site mitigation measures are determined to be appropriate, off-site mitigation shall be located in the same watershed as the development within town.

b. The on-site mitigation ratio shall be at a minimum area replacement ratio of 1:1 for development within aquatic habitat, riparian areas and riparian buffers. An area replacement ratio of 2:1 shall apply to native vegetation removal within these areas. Mitigation for diverse, high quality habitat or off-site mitigation may require a higher level of mitigation. Mitigation and management plans shall evaluate the need for a higher mitigation ratio

on a site by site basis, dependent upon the ecological functions and values provided by the habitat. Recommendations by resource agencies in evaluating appropriate mitigation shall be encouraged. (Ord. 656 § 3, 2014).

16.12.450 Geologically hazardous areas.

A. Classification and Designation. Geologically hazardous areas include those with the following characteristics:

1. Erosion Hazard Areas. Erosion hazard areas are at least those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "moderate to severe," "severe," or "very severe" rill and inter-rill erosion hazard. Erosion hazard areas are also those areas impacted by shoreland and/or stream bank erosion and those areas within a river's channel migration zone. Erosion hazard areas are those that contain all three of the following characteristics:

- a. A slope of 30 percent or greater.
- b. Soils identified by the Soil Conservation Service as unstable and having a high potential for erosion.
- c. Areas that are exposed to the erosion effects of wind or water.

2. Landslide Hazard Areas. Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Landslide hazard areas are those that may contain any of the following circumstances:

- a. All areas that have historically been prone to landsliding.
- b. All areas containing soil types identified by the Natural Resource Conservation Service (NRCS) as unstable and prone to landslide hazard.
- c. All areas that show evidence of or are at risk from snow avalanches.
- d. All areas that are potentially unstable as a result of rapid stream incision or stream bank erosion.

3. Seismic Hazard Areas. Seismic hazard areas are areas subject to severe risk of

damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. Settlement and soil liquefaction conditions occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow ground water table. Seismic hazards shall be as identified in the Washington State Department of Natural Resources seismic hazard and liquefaction susceptibility maps for Eastern Washington and other geologic resources.

4. Mine Hazard Areas. Mine hazard areas are those areas underlain by or affected by mine workings such as adits, gangways, tunnels, drifts, or airshafts, and those areas of probable sink holes, gas releases, or subsidence due to mine workings. Factors that should be considered include: proximity to development, depth from ground surface to the mine working, and geologic material.

5. Volcanic Hazard Areas. Volcanic hazard areas are areas subject to pyroclastic flows, lava flows, debris avalanche, and inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity.

6. Other Hazard Areas. Geologically hazardous areas shall also include areas determined by the mayor to be susceptible to other geological events including mass wasting, debris flows, rock falls, and differential settlement.

7. Known geologically hazardous areas within the town consist of erosion hazard areas, including steep slopes. As more information is obtained that demonstrates the existence of other types and/or areas of geologically hazardous areas, these types and/or areas shall be classified and protected in accordance with the provisions of this chapter.

B. Development Standards.

1. All projects shall be evaluated through a geotechnical report, completed by a qualified professional with expertise in the particular hazard(s) present in a given critical area, to determine whether the project is proposed to be located in a geologically hazardous area, and if so, what is the project's potential impact on the geologically hazardous area and

the potential impact of the geological hazard on the proposed project.

2. All projects shall comply with the applicable federal, state and local regulations, including the International Building Code.

3. Alterations of geologically hazardous areas or associated buffers may only occur for activities that:

a. Will not increase the threat of the geological hazard to adjacent properties beyond predevelopment conditions.

b. Will not adversely impact other critical areas.

c. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than predevelopment conditions.

d. Are certified as safe as designed and under anticipated conditions by a qualified engineer or geologist, licensed in the state of Washington.

4. Mitigation plans for geologically hazardous areas shall establish setbacks and buffer widths as needed to eliminate or minimize risks of property damage, death, or injury resulting from development of the hazard area. Where established, buffers shall be maintained between all permitted uses and activities and the designated geologically hazardous area(s).

5. The existing native vegetation within the buffer area(s) shall be maintained, except that normal, nondestructive pruning and trimming of vegetation for maintenance purposes is allowed.

6. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited. Where removal of vegetation is unavoidable, reseedling and replanting with native vegetation shall be preferred. In lieu of a native restoration planting an erosion control mix recommended by the Natural Resource Conservation Service, the Grant County conservation district, the WSU cooperative extension office, or other qualified agent to assist in stabilization of the areas and to discourage establishment of invasive plants may be substituted.

7. As determined through the site-specific study, appropriate drainage, grading,

excavation and erosion control measures shall be implemented in the geologically hazardous area(s).

8. Every erosion hazard area mitigation plan shall include a runoff management plan or an erosion control plan to reduce sedimentation problems.

9. Development and activities located within landslide or erosion hazard areas shall provide for long-term slope stability, and design shall incorporate the following standards:

a. Structures and improvements shall minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography.

b. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation.

c. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties.

d. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes.

e. Development shall be designed to minimize impervious lot coverage.

10. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available.

11. Subdivision of lands in erosion, landslide, and mine hazard areas is subject to the following:

a. Land that is located wholly within an erosion, landslide or mine hazard area or its buffer may not be subdivided. Land that is located partially within an erosion, landslide or mine hazard area or its buffer may be divided; provided, that each resulting lot has sufficient buildable area outside of, and will not affect, the geologic hazard area.

b. Access roads and utilities may be permitted within the erosion, landslide or mine hazard area and associated buffers only if no other feasible alternative exists.

12. As determined through the site-specific study, mitigation measures shall be

implemented that maintain the integrity of the geologically hazardous area(s).

13. As determined through the site-specific study, appropriate management and monitoring plan(s) shall be developed and implemented to preserve and protect both the geologically hazardous area(s) and the project, with any necessary surety to ensure compliance with such plan(s) being provided as described hereinabove.

14. A use or structure established prior to the effective date of this chapter which does not conform to standards set forth herein is allowed to continue and be reasonably maintained; provided, that such activity or structure shall not be expanded or enlarged in any manner that increases the extent of its nonconformity.

15. Additional Considerations.

a. Site-specific considerations may warrant additional performance standards, to be determined during the permit process, to ensure the protection of critical areas.

b. Development-specific considerations may warrant additional performance standards based on level of impact to critical areas. (Ord. 656 § 3, 2014).

16.12.460 Frequently flooded areas.

A. Classification. Frequently flooded areas shall be those floodways and associated floodplains designated by the Federal Emergency Management Agency (FEMA) flood hazard classifications as delineated on the most current available flood insurance rate maps for Grant County, or as subsequently revised by FEMA, as being within the 100-year floodplain, or those floodways and associated floodplains delineated by a comprehensive flood hazard management plan adopted by Grant County board of commissioners, as being within the 100-year floodplain or having experienced historic flooding. For the purpose of this chapter, in case of conflict between FEMA flood hazard maps and the comprehensive flood hazard management plan designations, the more restrictive designation shall apply.

B. Maps and References. In addition to the critical areas checklist prepared by the applicant and any site reconnaissance conducted by

the Department, the shoreline administrator shall use the following maps and references to assist in making a determination pursuant to CCC 16.12.400(I):

1. FEMA flood insurance rate maps (FIRM), most current available.

C. Development Standards. In addition to the general provisions of these regulations and the requirements of the underlying zoning district, the following minimum standards shall apply to development activities within and adjacent to frequently flooded areas:

1. All development within frequently flooded areas shall comply with this section regarding structural safeguards to reduce risk to human life, health and property from flooding, and other pertinent ordinances and codes.

2. Any use or development shall not alter the normal movement of surface water in a manner that would cause the unnatural diversion of floodwater to otherwise flood-free areas.

3. Where frequently flooded areas coincide with other designated critical areas, critical areas reports and mitigation plans shall address any combined functions and values.

4. Filling and grading in frequently flooded areas shall occur only upon a determination by a qualified professional that the filling or grading will not increase flood hazards to others.

5. Bank Stabilization Projects. Where consistent with other regulations, protection of structures, public roadways or sole access routes in existence before the effective date of this chapter shall be allowed. Such projects shall be designed to minimize adverse impacts to property, public improvements, and ecological functions.

6. Utilities shall be located above the base flood elevation (BFE), preferably three or more feet.

7. All new construction and substantial improvements shall be constructed using flood resistant materials and using methods and practices that minimize flood damage.

8. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

9. No rise in the BFE shall be allowed. Post and piling techniques are preferred and are presumed to produce no increase in the BFE.

10. Modification of stream channels shall be avoided. (Ord. 656 § 3, 2014).

16.12.470 Existing structures and development.

Lawfully existing structures and previously approved developments prior to the adoption of this chapter shall be allowed to continue as exemptions from this chapter. It is the intention of this chapter to allow these nonconforming uses to continue and to allow previously approved developments to commence without any additional review procedures. (Ord. 656 § 3, 2014).

16.12.480 Warning and disclaimer of liability.

This chapter does not imply that land outside resource lands and critical areas activities that are permitted within such areas will be free from exposure or damage resulting from catastrophic natural disasters which can, and will, occur on rare occasions. This chapter shall not impose or create any liability on the part of the city, elected or appointed officials, and/or employees thereof, for any damages that result from reliance on this chapter or any administration decision lawfully made hereunder. (Ord. 656 § 3, 2014).

Article VI. Administration and Enforcement

16.12.500 Roles and responsibilities.

A. Shoreline Administrator.

1. The town mayor or his/her designee shall serve as the shoreline administrator, and in the case of a shoreline substantial development permit (SDP) to grant or deny the permit. The administrator shall administer the shoreline permit and notification systems, and shall be responsible for coordinating the administration of shoreline regulations with zoning enforcement, building permits, and all other regulations regulating land use and development in the town.

2. The shoreline administrator or his/her designee shall be familiar with regulatory measures pertaining to shorelines and their use, and, within the limits of his or her authority, shall cooperate in the administration of these measures. Permits issued under the provisions of this shoreline regulation shall be coordinated with other land use and development regulatory measures of the town. The shoreline administrator shall establish procedures that advise all parties seeking building permits or other development authorization of the need to consider possible shoreline applications. It is the intent of the town, consistent with its regulatory obligations, to simplify and facilitate the processing of shoreline substantial development permits.

3. The shoreline administrator or his/her designee shall ensure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights. Shoreline goals and policies should be pursued through the regulation of development of private property only to an extent that is consistent with all relevant constitutional and other legal limitations (where applicable, statutory limitations such as those contained in Chapter 82.02 RCW and RCW 43.21C.060) on the regulation of private property.

4. The shoreline administrator shall apply this article's provisions for shoreline critical areas.

B. Hearing Examiner.

1. The hearing examiner shall have the authority to decide on appeals from administrative decisions issued by the shoreline administrator of this SMP.

2. The hearing examiner may grant or deny shoreline variances and shoreline conditional use permits, following an open record hearing.

C. Town Council. The town council is vested with authority to:

1. Initiate an amendment to this SMP according to the procedures prescribed in WAC 173-26-100.

2. Adopt all amendments to this SMP. Substantive amendments shall become effective immediately upon adoption by Ecology. (Ord. 656 § 3, 2014).

16.12.510 Interpretation.

A. Under the administrative provisions, the shoreline administrator shall have authority to interpret this SMP when such interpretation is clearly consistent with the goals and policies of this SMP and the SMA.

B. The town shall consult with Ecology if formal written interpretations are developed as a result of a lack of clear guidance in the Act, the SMP guidelines, or this master program to ensure that any are consistent with the purpose and intent of Chapter 90.58 RCW and Chapter 173-26 WAC. (Ord. 656 § 3, 2014).

16.12.520 Statutory noticing requirements.

At a minimum the town shall provide notice in accordance with WAC 173-27-110, and may provide for additional noticing requirements. (Ord. 656 § 3, 2014).

16.12.530 Application requirements.

A. A complete application for a shoreline substantial development, shoreline conditional use, or shoreline variance permit shall contain, at a minimum, the information listed in WAC 173-27-180.

B. The shoreline administrator shall provide written informational materials, procedures, instructions, and forms required to submit an application for a shoreline substantial development permit, variance, or conditional use permit.

C. These materials should include but are not limited to a plan cover sheet; a Joint Aquatic Resource Permits Application (JARPA form); SEPA checklist; fee schedule; review criteria; process and timelines to assist potential applicants and interested parties on the permit application submittal and review process.

D. The shoreline administrator may vary or waive these requirements according to administrative application requirements on a case-by-case basis.

E. The shoreline administrator may require additional specific information depending on the nature of the proposal and the presence of sensitive ecological features or issues related to compliance with other requirements, and the provisions of this SMP. (Ord. 656 § 3, 2014).

16.12.540 Shoreline substantial development permits.

A. A shoreline substantial development permit shall be required for all development on shorelines, unless the proposal is specifically exempted per CCC 16.12.570. Shoreline substantial development permits shall be processed with Type II permit review procedure as set forth in Chapter 14.09 CCC, Review and Approval Process.

B. A shoreline substantial development permit shall be granted only when the development proposed is consistent with:

1. The policies and procedures of the Act, Chapter 90.58 RCW.
2. The applicable provisions of Chapter 173-27 WAC.
3. This SMP.

C. The town may attach conditions to the approval of permits as necessary to ensure consistency of the project with the SMA and this SMP.

D. Nothing shall interfere with the town's ability to require compliance with all other applicable plans and laws. (Ord. 656 § 3, 2014).

16.12.550 Shoreline conditional use permits.

A. Uses specifically classified or set forth in this SMP as conditional uses shall be subject to review and condition by the shoreline administrator and by Ecology. Applications for a shoreline conditional use permit shall be processed with Type III permit review procedure as set forth in Chapter 14.09 CCC, Review and Approval Process.

B. Other uses which are not classified or listed or set forth in this SMP may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in this SMP.

C. Uses which are specifically prohibited by this SMP may not be authorized as a conditional use.

D. Review Criteria for SCUP. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized; provided, that the applicant demonstrates all of the following:

1. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program.

2. That the proposed use will not interfere with the normal public use of public shorelines.

3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program.

4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located.

5. That the public interest suffers no substantial detrimental effect.

E. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

F. In authorizing a conditional use, special conditions may be attached to the permit by the town or Ecology to prevent undesirable effects of the proposed use and/or to ensure consistency of the project with the SMA and this SMP.

G. Nothing shall interfere with the town's ability to require compliance with all other applicable plans and laws. (Ord. 656 § 3, 2014).

16.12.560 Shoreline variance permits.

A. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this SMP where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this SMP would impose unnecessary hardships on the applicant or thwart the poli-

cies set forth in RCW 90.58.020. Variances from the use regulations of the SMP are prohibited. Applications for shoreline variance permits shall be processed with Type III permit review procedure as set forth in Chapter 14.09 CCC, Review and Approval Process.

B. Review Criteria.

1. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

2. Variance permits for development and/or uses that will be located landward of the OHWM, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

a. That the strict application of the bulk, dimensional or performance standards set forth in the SMP precludes, or significantly interferes with, reasonable use of the property.

b. That the hardship described in subsection (B)(2)(a) of this section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the SMP, and not, for example, from deed restrictions or the applicant's own actions.

c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP and will not cause adverse impacts on the shoreline environment.

d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.

e. That the variance requested is the minimum necessary to afford relief.

f. That the public interest will suffer no substantial detrimental effect.

3. Variance permits for development and/or uses that will be located waterward of the OHWM, as defined in RCW 90.58.030(2)(b), or within any wetland as

defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property.

b. That the proposal is consistent with the criteria established under subsections (B)(2)(a) through (f) of this section.

c. That the public rights of navigation and use of the shorelines will not be adversely affected.

4. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment. (Ord. 656 § 3, 2014).

16.12.570 Exemptions from shoreline substantial development permits.

A. An exemption from the shoreline substantial development permit process is not an exemption from compliance with the SMA or this SMP, or from any other regulatory requirements. All proposed uses, activities, or development occurring within shoreline jurisdiction must conform to the intent and requirements of Chapter 90.58 RCW, the SMA, and this SMP whether or not a permit or other form of authorization is required.

B. Letters of exemption shall be issued by the town when an exemption applies or when a letter of exemption is required by the provisions of WAC 173-27-050 and as follows:

1. Any person claiming exemption from the substantial development permit requirements shall make an application to the shoreline administrator for such an exemption in the manner prescribed by the shoreline administrator, except that no written statement of exemption is required for emergency development pursuant to WAC 173-27-040(2)(d).

2. The shoreline administrator is authorized to grant or deny requests for statements of exemption from the shoreline substantial development permit requirement for uses and developments within shorelines that are specifically listed in subsection D of this section. The statement shall be in writing and shall indicate the specific exemption of this program that is being applied to the development, and shall provide a summary of the shoreline administrator's analysis of the consistency of the project with this program and the Act. The letter shall be sent to the applicant and maintained on file in the offices of the shoreline administrator.

3. Statements of exemption may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of this program and the Act.

4. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. The shoreline administrator's decision may be appealed pursuant to CCC 16.12.610.

5. Exempt activities requiring a JARPA shall not be conducted until a statement of exemption has been obtained from the shoreline administrator.

C. Interpretations of Exemptions.

1. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the shoreline substantial development permit process.

2. A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use must obtain a shoreline conditional use permit even though the development or use does not require a shoreline substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this SMP, such development or use can only be authorized by approval of a shoreline variance.

3. The burden of proof that a development or use is exempt from the permit process is on the applicant.

4. If any part of a proposed development is not eligible for exemption, then a shoreline substantial development permit is required for the entire proposed development project.

5. The town may attach conditions to the approval of exempted developments and/or uses as necessary to ensure consistency of the project with the SMA and this SMP. Additionally, nothing shall interfere with each responsible local government's ability to require compliance with all other applicable laws and plans.

D. The town shall exempt from the shoreline substantial development permit requirement the shoreline developments listed below:

1. Any development of which the total cost or fair market value does not exceed \$6,414 or as adjusted by the state Office of Financial Management, if such development does not materially interfere with the normal public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment or materials.

2. Normal maintenance or repair of existing legally established structures or developments, including damage by accident, fire, or elements. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location, and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

3. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compli-

ance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the shoreline administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit that would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, these regulations, or this program, shall be obtained. All emergency construction shall be consistent with the policies and requirements of this chapter, Chapter 90.58 RCW, and this program. As a general matter, seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

4. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of the Columbia Basin Project or an irrigation system, including return flow and artificially stored ground water from the irrigation of lands.

5. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

6. Operation and maintenance of existing and future system of dikes, ditches, drains, or other facilities on irrigable lands where water is being drained from irrigation runoff or shallow groundwater levels artificially recharged through irrigation, and that are created, developed or utilized primarily as a part of an agricultural drainage or diking system.

7. Any project with a certification from the governor pursuant to Chapter 80.50 RCW (certification from the state Energy Facility Site Evaluation Council).

8. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

a. The activity does not interfere with the normal public use of surface waters.

b. The activity will have no significant adverse impact on the environment

including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values.

c. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity.

d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions.

9. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control published by the Department of Agriculture or Ecology jointly with other state agencies under Chapter 43.21C RCW.

10. A public or private project that is designed to improve fish or wildlife habitat or fish passage when all of the following apply:

a. The project has been approved by WDFW.

b. The project has received hydraulic project approval (HPA) by WDFW pursuant to Chapter 77.55 RCW.

c. The town has determined that the project is substantially consistent with the local shoreline master program. The town shall make such determination in a timely manner and provide it by letter to the applicant.

d. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs.

11. Any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW or to Ecology when it conducts a remedial action under Chapter 70.105D RCW.

12. Other than conversions to nonforest land use, forest practices regulated under Chapter 76.09 RCW are not subject to additional regulations under the Act or this program (RCW 90.58.030(2)(d)(ii)). (Ord. 656 § 3, 2014).

16.12.580 Duration of permits.

The duration of permits shall be consistent with WAC 173-27-090. (Ord. 656 § 3, 2014).

16.12.590 Initiation of development.

A. Each permit for a substantial development, shoreline conditional use or shoreline variance issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until 21 days from the date of receipt with Ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until the conclusion of all review proceedings initiated within 21 days from the date of receipt of the decision. The date of filing for a substantial development permit is the date of actual receipt by the Department of Ecology of a local government's final decision on the permit. With regard to a permit for a shoreline variance or a shoreline conditional use, date of filing means the date a responsible local government or applicant receives the written decision of Ecology. When a substantial development permit and a conditional use or variance permit are required for a development, the submittal on the permits shall be made concurrently.

B. Permits for substantial development, shoreline conditional use, or shoreline variance may be in any form prescribed and used by the town including a combined permit application form. Such forms will be supplied by the town.

C. A permit data sheet shall be submitted to Ecology with each shoreline permit. The permit data sheet form shall be consistent with WAC 173-27-990. (Ord. 656 § 3, 2014).

16.12.600 Review process.

A. After the town's approval of a shoreline conditional use or variance permit, the town shall submit the permit to the Department of Ecology for approval, approval with conditions, or denial. Ecology shall render and transmit to the town and the applicant its final decision approving, approving with conditions, or disapproving the permit within 30 days of the date of submittal by the town pursuant to WAC 173-27-110.

B. The Department of Ecology shall review the complete file submitted by the town on shoreline conditional use or variance permits and any other information submitted or available that is relevant to the application. Ecology shall base its determination to approve, approve with conditions or deny a conditional use permit or variance on consistency with the policy and provisions of the SMA and, except as provided in WAC 173-27-210, the criteria in WAC 173-27-160 and 173-27-170.

C. The town shall provide timely notification of the Department of Ecology's final decision to those interested persons having requested notification from local government pursuant to WAC 173-27-130. (Ord. 656 § 3, 2014).

16.12.610 Appeals.

A. Appeals of Shoreline Permit Decisions. Town of Coulee City's decisions on shoreline permits may be appealed to the following "bodies" in this sequence, as applicable:

1. Town of Coulee City hearing examiner or in accordance with Chapter 14.11 CCC, Appeals, and CCC 14.11.030, Administrative appeals.

2. State Shorelines Hearings Board (SHB) in Tumwater.

3. SHB decisions may be appealed to superior court.

4. Superior court decisions may be appealed to the court of appeals.

5. Appeals court decisions may be appealed to the Washington Supreme Court.

6. Appeals to the SHB and courts are governed by RCW 90.58.180 and 43.21B.001, Chapter 34.05 RCW Part V, and Chapter 461-08 WAC.

B. All requests for review of any final permit decisions under Chapter 90.58 RCW and Chapter 173-27 WAC are governed by the procedures established in RCW 90.58.180 and Chapter 461-08 WAC, the rules of practice and procedure of the Shorelines Hearings Board. (Ord. 656 § 3, 2014).

16.12.620 Amendments to permits.

A. A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the SMP and/or the policies and provisions of Chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision.

B. Revisions to permits shall be considered consistent with WAC 173-27-100. (Ord. 656 § 3, 2014).

16.12.630 Enforcement.

A. The Act provides for a cooperative program between the town of Coulee City and the Department of Ecology to implement and enforce the provisions of the Act and this master program. This section provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, and orders to take corrective action, in accordance with WAC 173-27-270, 173-27-280, 173-27-290, and 173-27-300 and Chapter 18.60 CCC, Enforcement. The enforcement means and penalties provided herein are not exclusive and may be taken or imposed in conjunction with, or in addition to, any other civil enforcement actions and civil penalties, injunctive or declaratory relief, criminal prosecution, actions to recover civil or criminal penalties, or any other action or sanction authorized by this section, or any other provision of the Town of Coulee City Code and Land Use Code, or any other provision of state or federal law and regulation.

B. The shoreline administrator, with the assistance of the town's attorney, shall have authority to commence and prosecute any enforcement action authorized by this section. In determining the appropriate enforcement actions to be commenced and prosecuted, the administrator shall consider the following factors:

1. The nature of the violation.
2. The extent of damage or potential future risk to the shoreline environment and its

ecological functions or to the public health and safety, caused by or resulting from, whether directly or indirectly, the alleged violation.

3. The existence of knowledge, intent, or malice on behalf of the violator.

4. The economic benefit or advantage that accrued to the violator(s) as a result of the violation.

5. The estimated actions and costs of providing adequate mitigation, restoration, rehabilitation, or enhancement, to repair or minimize any substantial adverse impacts upon the shoreline environment and its ecological functions, or the public health and safety.

C. The shoreline administrator may commence and prosecute enforcement action jointly with the Department of Ecology. Pursuant to Chapter 173-27 WAC, the Department of Ecology may initiate and prosecute enforcement action separate from the shoreline administrator. (Ord. 656 § 3, 2014).

16.12.640 Cumulative effects of shoreline developments.

A. The town will periodically evaluate the effectiveness of the shoreline master program update for achieving no net loss of shoreline ecological functions with respect to shoreline permitting and exemptions. At the end of 2015 and at the end of every other year thereafter the shoreline administrator shall prepare a report of shoreline development permits, conditional permits and variances including the exempt use activity approvals and the locations and effects of each, by type and classifications. The report should include activities involving development, conservation, restoration, mitigation and enforcement. It should summarize the net change of developments (including new development, decommissioning of structures and protected areas) using indicators such as linear length of stabilization and flood hazard structures, number of over-water structures (piers, docks, etc.), road length within shoreline, number of waterbody road crossings, number of levees/dikes, acres of impervious surface areas, acres of vegetation, acres of permanently protected areas or areas with limited development. Compliance and enforcement activity will also be tracked.

B. The shoreline administrator will, to the extent feasible, coordinate with other departments of the town or as adjacent jurisdictions, to assess cumulative effects of shoreline development. (Ord. 656 § 3, 2014).

16.12.650 Amendments to shoreline master program.

A. Amendments to the program shall be processed as legislative decisions pursuant to WAC 173-26-110 as mentioned in this subsection. A complete submittal shall include two copies of the following, where applicable:

1. Documentation (i.e., signed resolution or ordinance) that the proposal has been approved by the local government.

2. If the proposal includes text amending a master program document of record, it shall be submitted in a form that can replace or be easily incorporated within the existing document.

3. Amended text shall show strikeouts for deleted text and underlining for new text, clearly identifying the proposed changes. At the discretion of the Department, strikeouts and underlined text may not be required provided the new or deleted portions of the master program are clearly identifiable.

4. Amended environment designation map(s), showing both existing and proposed designations, together with corresponding boundaries described in text for each change of environment. All proposals for changes in environment designation and redesignation shall provide written justification for such based on existing development patterns, the biophysical capabilities and limitations of the shoreline being considered, and the goals and aspirations of the local citizenry as reflected in the locally adopted comprehensive land use plan.

5. A summary of proposed amendments together with explanatory text indicating the scope and intent of the proposal, staff reports, records of the hearing, and/or other materials which document the necessity for the proposed changes to the master program.

6. Evidence of compliance with Chapter 43.21C RCW, the State Environmental Policy Act, specific to the proposal.

7. Evidence of compliance with the public notice and consultation requirements of WAC 173-26-100.

8. Copies of all public, agency and tribal comments received, including a record of names and addresses of interested parties involved in the local government review process or, where no comments have been received, a comment to that effect.

9. A copy of the master program submittal checklist completed in accordance with WAC 173-26-201(2)(f) and (3)(a) and (h).

10. For comprehensive master program updates, copies of the inventory and characterization, use analysis, restoration plan and cumulative impacts analysis.

B. Any locally approved amendments to the SMP will not become effective until approved by the State Department of Ecology. (Ord. 656 § 3, 2014).

16.12.660 Definitions.

A. Definitions.

1. “Act” means the Washington State Shoreline Management Act, Chapter 90.58 RCW.

2. “Adjacent,” for purposes of applying Article V of this chapter, Critical Areas, means immediately adjoining (in contact with the boundary of the influence area) or within a distance less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. “Adjacent” shall mean any activity or development located:

a. On site immediately adjoining a critical area.

b. A distance equal to or less than the required critical area buffer width and building setback.

3. “Adoption by rule” means an official action by the Department to make a local government shoreline master program effective through rule consistent with the requirements of the Administrative Procedure Act, Chapter 34.05 RCW, thereby incorporating the adopted shoreline master program or amendment into the state master program.

4. “Agency consultation” means consultation with state or federal agencies, including

but not limited to those listed below, for the intended purposes. “Agency consultation” does not mean “Endangered Species Section 7 Consultation.”

a. Washington Department of Fish and Wildlife and/or the U.S. Fish and Wildlife Service for the purpose of making a preliminary determination regarding the presence of priority habitats and species and the potential impacts of a development proposal on such habitats and species.

b. The Washington State Department of Natural Resources Natural Heritage Program for the purpose of making a preliminary determination regarding impacts of a development proposal on rare or sensitive plant and animal species associated with wetlands and aquatic ecosystems.

c. The Washington State Department of Ecology for the purpose of making a preliminary determination regarding impacts of a development proposal on wetlands and aquatic ecosystems.

d. The Washington State Department of Ecology for the purpose of making a preliminary determination regarding impacts of a development on groundwater resources and aquifer recharge areas.

e. The Washington State Department of Natural Resources Division of Geology and Earth Science for the purpose of making a preliminary determination regarding geologically hazardous areas, especially earthquakes and seismic activity.

f. The Natural Resource Conservation Service for the purpose of making a preliminary determination regarding geologically hazardous areas as they pertain to slope, soil type, other soil characteristics, and other erosive properties of soils.

5. “Alteration,” for purposes of applying Article V of this chapter, Critical Areas, 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, dredging, channelizing, clearing (vegetation), applying pesticides, discharging waste, construction, compaction, excavation, modifying for storm water management, relocating, or other activities that change the existing land-

form, vegetation, hydrology, wildlife, or habitat value, of critical areas.

6. “Amendment” means a revision, update, addition, deletion, and/or re-enactment to an existing shoreline master program.

7. “Applicant” means a person who files an application for a permit under this SMP and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.

8. “Approval” means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the Department of Ecology for review and official action pursuant to this chapter; or an official action by the Department of Ecology to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

9. “Aquaculture” means the culture or farming of fish, shellfish, or other aquatic plants and animals.

10. “Aquifer recharge area” means an area that, due to the presence of certain soils, geology, and surface water, acts to recharge ground water by percolation.

11. Assessed Value. Assessed valuation shall be as established by the county assessor’s office, unless otherwise provided by a market appraisal institute (MAI) appraisal.

12. “Associated wetlands” are those wetlands which are in proximity to, and either influence or are influenced by, a stream subject to the Act.

13. “Average grade level” means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

14. “Base flood” means a flood having a one percent chance of being equaled or

exceeded in any given year. Also referred to as the “100-year flood.” Designated on flood insurance rate maps with the letters A or V.

15. “Base flood elevation” means the water surface elevation of the base flood. “Basement” means any area of a building having its floor subgrade (below ground level) on all sides.

16. “Best management practices” (BMPs) means conservation practices or systems of practice and management measures that:

a. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment.

b. Minimize adverse impacts on surface water and ground water flow, circulation patterns, and the chemical, physical, and biological characteristics of wetlands.

c. Protect trees and vegetation designated to be retained during and following site construction.

d. Provides standards for proper use of chemical herbicides within critical areas.

17. “Boating facilities” includes boat launches and upland boat storage, marinas and other boat moorage structures or uses.

18. “Breakwater” means an offshore structure whose primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave caused erosion. Breakwaters are generally built parallel to shore, and may or may not be connected to land, and may be floating or stationary.

19. “Buffer” means the zone contiguous with a critical area that is required for the continued maintenance, function, and structural stability of the critical area.

20. “Clearing” means the cutting, killing, grubbing, or removing of vegetation or other organic material by physical, mechanical, chemical, or any other similar means.

21. “Conservation easement” means a reservation or encumbrance on particular piece of real property that precludes building improvement(s) intended for human habitation or other structures or activities that would frus-

trate the primary purpose of the easement as a buffer.

22. “Compensation project” means actions specifically designed to replace project-induced critical area and buffer losses. Compensation project design elements may include, but are not limited to, land acquisition, planning, construction plans, monitoring, and contingency actions.

23. “Compensatory mitigation” means types of mitigation used to replace project-induced critical area and buffer losses or impacts.

24. “Critical aquifer recharge area (CARA)” means areas designated by WAC 365-190-080(2) that are determined to have critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2).

25. “Critical facility” means a facility for which even a slight chance of impact from a hazard event might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency installations, and installations that produce, use, or store hazardous materials or hazardous waste.

26. “Critical areas” include the following areas and ecosystems: aquifer recharge areas (i.e., areas with a critical recharging effect on aquifers used for potable water); fish and wildlife habitat conservation areas; frequently flooded areas; geologically hazardous areas; and wetlands.

27. “Crown” means the area of a tree containing leaf- or needle-bearing branches.

28. “Cultural and historic resources” means buildings, sites, and areas having archaeological, historical, cultural, or scientific value or significance.

29. “Data maps” means that series of maps maintained by the town of Hartline for the purpose of graphically depicting the boundaries of resource lands and critical areas.

30. “Developable area” means a site or portion of a site that may be utilized as the location of development, in accordance with the rules of this SMP.

31. “Development” means a use consisting of the construction or exterior alteration of

structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulk heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level.

32. “Development application” means an application tendered under the provision of subdivision and zoning ordinances for a conditional use permit, rezone or planned development, or an application submitted pursuant to the subdivision and zoning ordinance for a preliminary major subdivision or short plat.

33. “Development permit” means any permit issued by the town of Coulee City, or other authorized agency, for construction, land use, or the alteration of land.

34. “DSH” means the diameter at standard height; the diameter of the trunk measured 54 inches (four and one-half feet) above grade.

35. “Ecological functions” or “shoreline functions” means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem.

36. “Ecology” means the Washington State Department of Ecology.

37. “Ecosystem-wide processes” means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

38. “Erosion” means the process by which soil particles are mobilized and transported by natural agents such as wind, rain, frost action, or stream flow.

39. “Erosion hazard area” means those areas that, because of natural characteristics including vegetative cover, soil texture, slope gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

40. “Feasible” means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions: (a) the action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (b) the action provides a reasonable likelihood of achieving its intended purpose; and (c) the action does not physically preclude achieving the project’s primary intended legal use. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action’s infeasibility, the reviewing agency may weigh the action’s relative public costs and public benefits, considered in the short- and long-term time frames.

41. “FEMA – Federal Emergency Management Agency” means the agency that oversees the administration of the National Flood Insurance Program (44 CFR).

42. “Fill” means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

43. “Fish and wildlife habitat conservation areas” means areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-130. These areas include:

a. Federally designated endangered, threatened and sensitive species. Areas with which federally designated endangered, threatened and sensitive species have a primary association. Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the

National Marine Fisheries Service should be consulted for current listing status.

b. State designated endangered, threatened and sensitive species. Areas with which state designated endangered, threatened and sensitive species have a primary association.

c. State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the state of Washington identified by the Washington Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species) and WAC 232-12-011 (state threatened and sensitive species). The state Department of Fish and Wildlife maintains the most current listing and should be consulted for current listing status.

d. State Priority Habitats and Areas Associated with State Priority Species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the state Department of Fish and Wildlife.

e. Habitats and Species of Local Importance. Habitats and species of local importance are those identified by the city, including but not limited to those habitats and species that, due to their population status or sensitivity to habitat manipulation, warrant protection. Habitats may include a seasonal range or habitat element with which a species has a primary association, and which, if

altered, may reduce the likelihood that the species will maintain and reproduce over the long-term.

f. All areas within the city meeting the definition of one or more critical areas defined above are hereby designated critical areas and are subject to the provisions of the SMP.

44. "Flood event" means any rise in the surface elevation of a waterbody to a level that causes the inundation or submersion of areas normally above the ordinary high water mark.

45. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff or surface waters from any source.

46. "Flood hazard area" means any area subject to inundation by the base flood or risk from channel migration including, but not limited to, an aquatic area, wetland, or closed depression.

47. "Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance and Mitigation Administration has delineated both the areas of special flood hazard and the risk premium zones (44 CFR Part 59).

48. "Flood insurance study" means the official report provided by the Federal Insurance and Mitigation Administration that includes the flood profiles, the FIRM, and the water surface elevation of the base flood (44 CFR Part 59).

49. "Flood protection elevation" means an elevation that is one foot or more above the base flood elevation.

50. "Floodplain" is synonymous with 100-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the Act.

51. "Floodproofing" means adaptations that ensure a structure is substantially resistant to the passage of water below the flood protec-

tion elevation and resists hydrostatic and hydrodynamic loads and effects of buoyancy.

52. "Floodway" means the area, as identified in a master program, that either: (a) has been established in Federal Emergency Management Agency flood insurance rate maps or floodway maps; or (b) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occur with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

53. "Floodway dependent structure," for purposes of applying Article V of this chapter, Critical Areas, means structures such as, but not limited to, dams, levees and pump stations, stream bank stabilization, and related recreational structures, bridge piers and abutments, and fisheries enhancement or stream restoration projects.

54. "Formation" means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

55. "Formation, confining" means the relatively impermeable formation immediately overlaying a confined aquifer.

56. "Frequently flooded areas" means lands in the floodplain subject to a one percent or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the shoreline administrator, in accordance with WAC 365-190-080(3). Classifications of frequently flooded areas include, at a minimum, the 100-year floodplain designations of the Federal Emer-

gency Management Agency (FEMA) and National Flood Insurance Protection (NFIP).

57. "Functions" and "values," for purposes of applying Article V of this chapter, Critical Areas, mean the beneficial roles served by critical areas, including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, conveyance and attenuation, ground water recharge and discharge, erosion control, and recreation. "Functions" and "values" may be considered independently, with functions being measured indicators such as water quality, hydrologic functions, and habitat functions and values being nonmeasured indicators such as local importance, potential qualities, or recreational benefits.

58. "Geologically hazardous areas" means areas susceptible to erosion, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible commercial, residential, or industrial development is sited in areas of significant hazard.

59. "Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts on adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

60. "Grading" means the movement or redistribution of the soil, sand, rock, gravel,

sediment, or other material on a site in a manner that alters the natural contour of the land.

61. “Groin” means a barrier type of structure extending from the stream bank into a waterbody for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water or deposition of materials.

62. “Ground cover” means all types of vegetation other than trees.

63. “Guidelines” means those standards adopted by the Department to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the Department in developing and amending master programs.

64. “Hazard areas” means areas designated as geologically hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse, or other geologically hazardous conditions, including steep slopes.

65. “Hazard tree” means any tree with any significant structural defect, disease, extreme size or combinations of these which make it subject to failure, as determined by the shoreline administrator or her/his designee.

66. “Hazardous substance(s)” means:

a. A hazardous substance as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any substance designated pursuant to Section 311(b)(2)(A) of the Clean Water Act (CWA); any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress); any toxic pollutant listed under Section 307(a) of the CWA; or any imminently hazardous chemical substance or mixture with respect to which the United States Environmental Protection Agency has taken action pursuant to Section 7 of the Toxic Substances Control Act.

b. Hazardous substances that include any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or

waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100.

67. “High-intensity land use” means land uses consisting of commercial, urban, industrial, institutional, retail, residential with more than one unit per acre, agricultural (dairies, nurseries, raising and harvesting crops, requiring annual tilling, raising and maintaining animals), high-intensity recreation (golf courses, ball fields), and hobby farms.

68. “Heavy equipment” means such construction machinery as backhoes, treaded tractors, dump trucks, and front-end loaders.

69. “Hydraulic project approval (HPA)” means a permit issued by the state of Washington’s Department of Fish and Wildlife for modification to waters of the state in accordance with Chapter 77.55 RCW.

70. “Impervious surface area” means any nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to, roof tops, swimming pools, paved or graveled roads and walkways or parking areas, and excluding landscaping and surface water retention/detention facilities.

71. “In-stream structures” function for the impoundment, diversion, or use of water for hydroelectric generation and transmission (including both public and private facilities), flood control, irrigation, water supply (both domestic and industrial), recreation, or fisheries enhancement.

72. “Invasive, nonnative vegetation species” means the plants listed for Eastern Washington in Washington State Noxious Weed Board Publication No. 820-264E (N/6/09), or the latest version of this document.

73. “Isolated wetland” means those wetlands and their buffers that are outside of the following critical areas and their buffers, where applicable: lake, river, stream, or wetland. Isolated wetlands have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

74. “Landslide” means episodic down slope movement of a mass of soil or rock that

includes, but is not limited to, rock falls, slumps, mudflows, and earth flows.

75. "Landslide hazard areas" means areas that are potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

76. "Low-intensity land use" includes, but is not limited to, forestry and open space (such as passive recreation and natural resources preservation).

77. "May" means the action is acceptable, provided it conforms to the provisions of this chapter.

78. "Mine hazard area" means areas underlain by, adjacent to, or affected by mine workings such as adits, gangways, tunnels, drifts or air shafts.

79. "Minor utility project" means the placement of a utility pole, street sign, anchor, vault, or other small component of a utility facility, where the disturbance of an area is less than 75 square feet.

80. "Mitigation sequencing" means the process of avoiding, reducing, or compensating for the adverse environmental impact(s) of a proposal, including the following actions, listed in the order of preference, a. being the most preferred:

a. Avoiding the adverse impact altogether by not taking a certain action or parts of an action.

b. Minimizing adverse impacts 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.

c. Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment.

d. Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of the action.

e. Compensating for the adverse impact by replacing, enhancing, or providing substitute resources or environments.

f. Monitoring the adverse impact and the compensation projects and taking appropriate corrective measures.

81. "Moderate-intensity land use" includes, but is not limited to, residential at a density of one unit per acre or less, moderate intensity open space (parks), agriculture (moderate intensity land uses such as orchards and hay fields).

82. "Monitoring" means the collection of data by various methods for the purpose of understanding natural systems and features, evaluating the impact of development proposals on such systems, and/or assessing the performance of mitigation measures imposed as conditions of development.

83. "Must" means a mandate; the action is required.

84. "Native growth protection easement (NGPE)" means an easement granted to the town of Coulee City for the protection of native vegetation within a critical area or its associated buffer.

85. "Native vegetation" means plant species that are indigenous to the region.

86. "Nonconforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Act or the applicable master program, or amendments thereto, but which does not conform to present regulations or standards of the program. Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following are considered conforming structures: setbacks, buffers, or yards; area; bulk; height; or density.

87. "New construction" means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this SMP.

88. "Non-water-oriented uses" means those uses that are not water-dependent, water-related, or water-enjoyment.

89. "Normal maintenance" means those usual acts that are necessary to prevent a property's decline, lapse, or cessation from a lawfully established condition.

90. "Normal repair" means to restore a structure or development to a state comparable to its original condition including, but not limited to, its size, shape, configuration, location

and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse impacts on shoreline resources or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development, and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse impacts on shoreline resources or environment.

91. “Ordinary high water mark (OHWM)” means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change or change through Banks Lake hydrology thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Department. Where the OHWM cannot be found, it shall be the line of mean high water. For braided streams, the OHWM is found on the banks forming the outer limits of the depression within which the braiding occurs. The OHWM for Banks Lake is measured at 1,570 feet level.

92. “Practical alternative” means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impact on critical areas.

93. “Primitive trail” means unimproved, unpaved but physically defined pathway for nonmotorized movement.

94. “Priority habitat” means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- Comparatively high fish or wildlife density;

- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;
- Important fish or wildlife seasonal range;
- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration;
- Unique or dependent species; or
- A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife.

A priority habitat may also be described by a successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

95. “Priority species” means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

a. Criterion 1 – State listed or state proposed species. State listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the Department of Fish and Wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

b. Criterion 2 – Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate.

c. Criterion 3 – Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

d. Criterion 4 – Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

96. “Provisions” means policies, regulations, standards, guideline criteria or environment designations.

97. “Public access” means both physical and visual access. Public access includes the ability of the general public to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Examples are listed below:

a. Visual Access. Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters.

b. Physical Access. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a walkway, trail, bikeway, park, canoe and kayak hand launch site, or other area serving as a means of physical approach to public waters.

98. “Public agency” means every town, city, state, or federal office, every officer, every institution, whether educational, correctional, or other, and every department, division, board, and commission that provides services or recommendations to the public or other such agencies.

99. “Qualified professional” means a person with experience and training in the pertinent discipline, and who is a qualified expert with expertise appropriate for the relevant critical area or shoreline subject. A qualified professional must have obtained a B.S., B.A. or equivalent degree or certification in biology, engineering, environmental studies, fisheries, geomorphology, landscape architecture, forestry or related field, and two years of related work experience.

a. A qualified professional for wildlife, habitats or wetlands must have a degree in biology, zoology, ecology, fisheries, or related field, and professional experience in Washington State.

b. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.

c. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

d. A qualified professional for vegetation management must be a registered landscape architect, certified arborist, biologist, or professional forester with a corresponding degree or certification.

e. A qualified archaeologist must be a person qualified for addressing cultural and historical resources protection and preservation, with a degree in archaeology, anthropology, history, classics or other germane disciplines with a specialization in archaeology and/or historic preservation and with a minimum of two years’ experience in preparing cultural resource site assessments reports.

100. “Recreational development” means the modification of the natural or existing environment to accommodate commercial and public facilities designed and used to provide recreational opportunities to the public. Commercial recreational development should be consistent with commercial development defined herein.

101. “Recreational vehicle” means a vehicle designed primarily for recreational camping, travel, or seasonal use that has its own mode of power or is mounted on or towed by another vehicle, including, but not limited to, travel trailers, folding camping trailer, truck camper, motor home, and multi-use vehicles.

102. “Residential development” entails one or more buildings, structures, lots, parcels or portions thereof that are designed, used or intended to be used as a place of abode for human beings. These include single-family residences, residential subdivisions, short residential subdivisions, attached dwellings, and

all accessory uses or structures normally associated with residential uses. Accessory residential uses include, but are not limited to, garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas and guest cottages. Hotels, motels, dormitories or any other type of overnight or transient housing are excluded from the residential category and must be considered commercial uses depending on project characteristics.

103. “Restore,” “restoration,” or “ecological restoration” means the re-establishment or upgrading of impaired natural or enhanced ecological shoreline processes or functions. This may be accomplished through measures including but not limited to re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

104. “Riparian habitat” means areas adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems that mutually influence each other.

105. “Salmonid” means a member of the fish family Salmonidae.

106. “Section 404 permit” means a permit issued by the Army Corp of Engineers for the placement of dredge or fill material waterward of the OHWM or clearing in waters of the United States, including wetlands, in accordance with 33 United States Code (U.S.C.) Section 1344.

107. “Seismic hazard areas” means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

108. “Shall” means a mandate; the action must be done.

109. “Shoreline areas” and “shoreline jurisdiction” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030.

110. “Shoreline master program” or “master program” means the comprehensive use plan for a described area, and the use reg-

ulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a town or town approved under Chapter 90.58 RCW shall be considered an element of the town or town’s comprehensive plan. All other portions of the shoreline master program for a town or town adopted under Chapter 90.58 RCW, including use regulations, shall be considered a part of the town or town’s development regulations.

111. “Shoreline modifications” means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

112. “Shoreline stabilization” means actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, wind, or wave action. These actions include structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, planning and regulatory measures to avoid the need for structural stabilization.

113. “Should” means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

114. “Significant vegetation removal” means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts on functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

115. “Snag” means the remaining trunk of a dying, diseased, or dangerous tree that is reduced in height and stripped of all live branches.

116. “Species and habitats of local importance” means those species that may not be endangered, threatened, or critical from a state-wide perspective, but are of local concern due to their population status, sensitivity to habitat manipulation, or other educational, cultural, or historic attributes. These species may be priority habits, priority species, and those habitats and species identified in the critical areas code as having local importance (e.g., elk).

117. “Species, threatened and endangered” means those native species that are listed by the state Department of Fish and Wildlife pursuant to RCW 77.12.070 as threatened (WAC 232-12-011) or endangered (WAC 232-12-014), or that are listed as threatened or endangered under the federal Endangered Species Act (16 U.S.C. 1533).

118. “Start of construction” means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit issuance date. For cumulative tracking, the permit may extend beyond the specified time frame to the time of permit completion. The actual start means either the first 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 foundation or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, 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.

119. “Steep slopes” means those slopes (excluding town-approved geotechnical engineered slopes) 40 percent or steeper within a vertical elevation change of at least 10 feet. A slope is defined by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief.

120. “Stream” means any portion of a channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state, including areas in which fish may spawn, reside, or pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses which flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, storm water runoff devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

121. “Structure” means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water.

122. “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 50 percent of the assessed value of the structure before the damage occurred.

123. “Substantial improvement” means any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which exceeds 50 percent of the assessed value of the structure before the improvement or repair is started. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term can exclude:

a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications

that have been identified by the local code enforcement or building official and are the minimum necessary to ensure safe living conditions.

b. Any alteration of a historic structure; provided, that the alteration will not preclude the structure's continued designation as a historic structure.

124. "Substantially degrade" means to cause significant ecological impact.

125. "Topping" means the severing of main trunks or stems of vegetation at any place above 25 percent of the vegetation height.

126. "Town" means town of Coulee City.

127. "Transportation facilities" are those structures and developments that provide for the movement of people, goods and services. These include roads and highways, railroad facilities, bridges, parking facilities, bicycle paths, trails and other related facilities.

128. "Tree removal" means the removal of a tree, through either direct or indirect actions, including but not limited to: (a) clearing, damaging or poisoning resulting in an unhealthy or dead tree; (b) removal of at least half of the live crown; or (c) damage to roots or trunk that is likely to destroy the tree's structural integrity.

129. "Trees" means any living woody plant characterized by one main stem or trunk and many branches and having a diameter of four inches or more measured 24 inches above ground level.

130. "Unavoidable" means adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.

131. "Urban growth" means activities that make intensive use of land for the location of building, 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.

132. "Urban growth, characterized by" means lands having urban growth on them, or land located in relationship to an area with urban growth on it as to be appropriate for

urban growth; or any and all incorporated areas.

133. "Utility" means a service and/or facility that produces, transmits, carries, stores, processes, or disposes of electrical power, gas, potable water, storm water, communications (including, but not limited to, telephone and cable), sewage, oil, and the like.

134. "Vegetation" means plant life growing below, at, and above the soil surface.

135. "Vegetation alteration" means any clearing, grading, cutting, topping, limbing, or pruning of vegetation.

136. "Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

137. "Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that foster shoreline enjoyment.

138. "Water-oriented use" means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

139. "Water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of

surface water pursuant to RCW 90.03.250 through 90.03.340.

140. “Water-related use” means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water.

b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

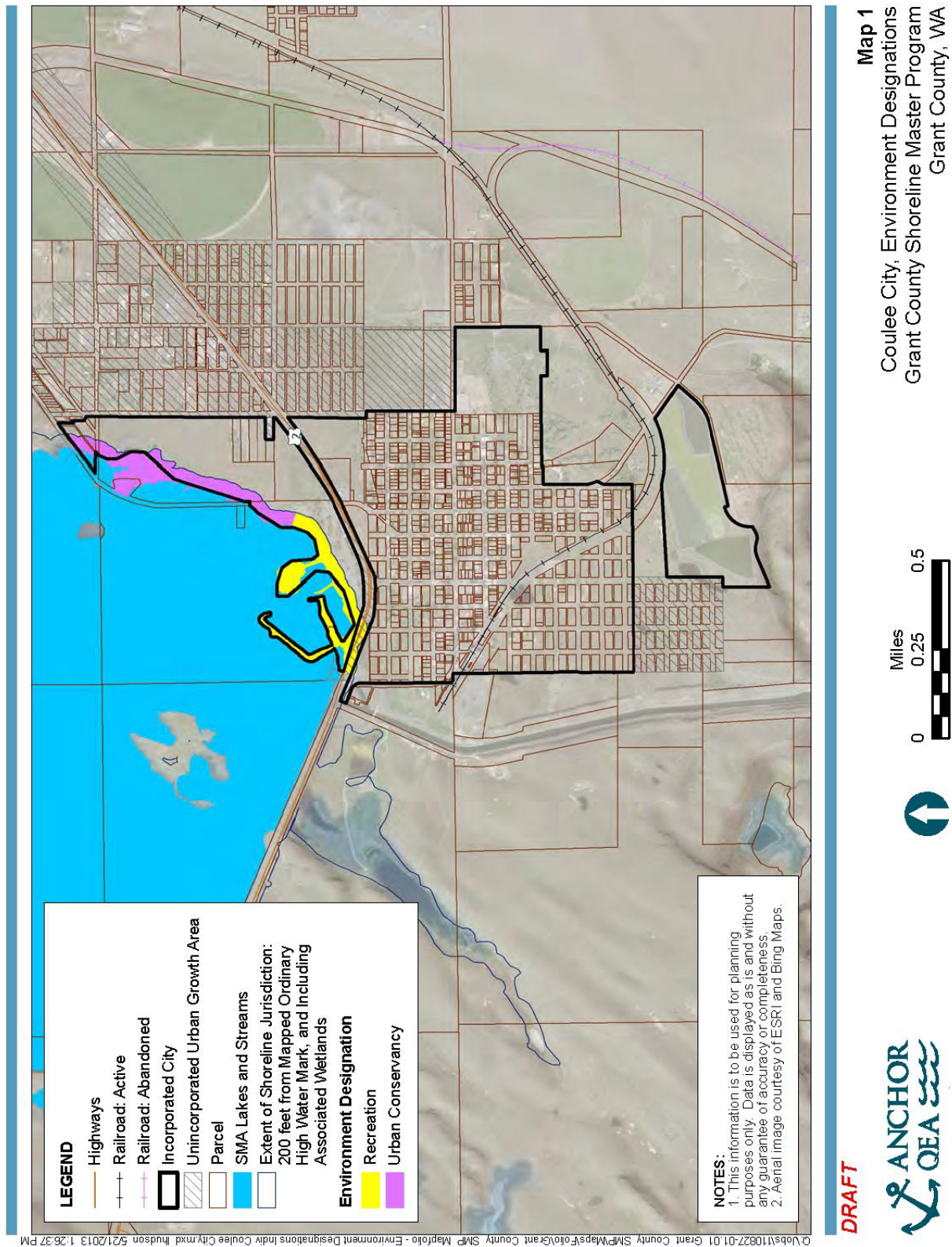
141. “Water resources inventory area (WRIA)” means one of 62 watersheds in the state of Washington, each composed of the drainage areas of a stream or streams, as established in Chapter 173-500 WAC as it existed on January 1, 1997.

142. “WDFW” means the Washington Department of Fish and Wildlife.

143. “Weir” means a structure generally built perpendicular to the shoreline for the purpose of diverting water or trapping sediment or other moving objects transported by water.

144. “Wetlands” are areas that are inundated or saturated by surface or ground water 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 nonwetland 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 nonwetland areas to mitigate the conversion of wetlands. (Ord. 656 § 3, 2014).

16.12.670 Shoreline environment designation map.



(Ord. 656 § 3, 2014).

Title 17

SUBDIVISIONS

Chapters:

- 17.04 General Provisions**
- 17.08 Subdivision Procedures**
- 17.12 Minimum Standards**
- 17.16 Administration**
- 17.20 Violation – Penalty**
- 17.30 Appeals**

Chapter 17.04**GENERAL PROVISIONS**

Sections:

- 17.04.010 Short title.
- 17.04.020 Definitions.
- 17.04.030 Purpose and intent.
- 17.04.040 Enactment.
- 17.04.050 Exemptions.
- 17.04.060 Contiguous parcels.

17.04.010 Short title.

This title shall be known and cited as “the town of Coulee City land division code.” (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.04.020 Definitions.

As used in this title:

A. “Administrator” means the mayor or his/her designee.

B. “Binding site plan” means a drawing to a scale specified by local ordinance which:

1. Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open space, and any other matters specified by local regulations;

2. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan;

3. Contains provisions making any development be in conformity with the site plan; and

4. Contains specific provisions for enforcement and penalties for nonconformance with the approved site plan.

C. “Comprehensive plan” means the comprehensive plan for the town including amendments.

D. “Contiguous” means adjoining or touching one another by way of a common boundary, regardless of intervening private easements.

E. “Dedication” means the deliberate appropriation of land by its owner for any general or public use.

F. “Easement” means a quantity of land over which a specified privilege or use, distinct from ownership, is granted a nonowner.

G. “Land division” means the creation of any lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, and is inclusive of all types of land divisions defined and described in this title, including without limitation short subdivisions, binding site plans, subdivisions, plat alterations and including the redivision of previously divided land.

H. “Lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

I. “Plat” means a map or presentation of a subdivision showing thereon the division of a tract or parcel of lands into lots, blocks, streets, and alleys or other divisions and dedications.

J. “Plat, final” means the final drawing of the land division and dedications, prepared for filing with the county auditor, and containing all elements and requirements set forth in this title.

K. “Plat, preliminary” means a neat, approximate drawing of a proposed subdivision, designed to act as a basis for approval or disapproval of the general layout of streets, alleys, lots, blocks and other elements as required in this title.

L. “Plat, short” means a map or presentation of a short subdivision.

M. “Subdivider” means any person, partnership, corporation or other legal entity who undertakes to create a short subdivision or subdivision of property.

N. “Subdivision” means the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership; and all divisions or redivisions of land containing dedications and/or new streets and/or expansion of municipal facilities and/or the creation of any municipal improvements.

O. “Subdivision, short” means the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership. It

shall not involve any new streets, roads, or the extension of municipal facilities, or the creation of any municipal improvements or dedications. The land being divided shall not have been part of a short subdivision within the previous five years. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.04.030 Purpose and intent.

The intent of this title is to control the division of land within the corporate limits of the town in order to guide the community's growth in a logical and orderly manner as prescribed by the comprehensive plan of Coulee City. The purpose of this title is to regulate the division of land and to promote the public health, safety, and general welfare in accordance with standards established by the town to prevent the overcrowding of land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on the streets; to provide for adequate light and air; to facilitate adequate provision of water, sewerage, parks and recreation requirements; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies; to adequately provide for the housing and commercial needs of the citizens of the town; and to require uniform monumenting of subdivisions and conveyancing by accurate legal description. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.04.040 Enactment.

The council of the town does ordain as follows: This title establishing short subdivision, subdivision and binding site plan regulations for the town in accordance with the provisions of Chapter 58.17 RCW, Laws of the State of Washington, is pursuant to the recommendation of the Coulee City council. As such, the regulations set forth in this title shall apply to all lands within the existing and future corporate boundaries of the town. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.04.050 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 the 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 final plat of a short subdivision, subdivision or binding site plan. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.04.060 Contiguous parcels.

Contiguous parcels of land in the same ownership, if previously platted or under a separate deed from one another, may be sold separately without constituting a subdivision, providing each lot sold separately meets the dimensional 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 short subdivision, subdivision or binding site plan as applicable. (Ord. 533 § 1, 2004; Ord. 441, 1995).

Chapter 17.08

SUBDIVISION PROCEDURES

Sections:

Article I. Short Subdivisions Generally

- 17.08.010 Defined.
- 17.08.020 Redivisions.

Article II. Short Subdivision Procedures

- 17.08.030 Application procedure – Generally.
- 17.08.040 Preapplication meeting.
- 17.08.050 Application contents.
- 17.08.060 Mapped information required.
- 17.08.070 Written information required.
- 17.08.080 Clerk’s responsibility.
- 17.08.100 Administrator’s responsibility.
- 17.08.110 Signature and recording.
- 17.08.120 Appeal.

Article III. Subdivisions Generally

- 17.08.130 Lands to be governed.

Article IV. Preliminary Plats

- 17.08.150 Purpose.
- 17.08.160 Preapplication meeting.
- 17.08.170 Application contents.
- 17.08.180 Mapped information required.
- 17.08.190 Written information required.
- 17.08.200 Clerk’s responsibility.
- 17.08.230 Hearing examiner’s responsibility.
- 17.08.240 Effective period of approval.

Article V. Improvements

- 17.08.250 Construction of improvements.

Article VI. Final Plat

- 17.08.260 Application – Generally.
- 17.08.270 Application.
- 17.08.280 Mapped information required.
- 17.08.290 Written information.
- 17.08.300 Clerk’s responsibility.
- 17.08.310 Engineer’s responsibility.

- 17.08.320 Council’s responsibility.
- 17.08.330 Signature and recording.
- 17.08.340 Period of approval.

Article VII. Binding Site Plans

- 17.08.350 Purpose.
- 17.08.360 Applicability.
- 17.08.370 Application.
- 17.08.380 Review.
- 17.08.390 Required improvements.
- 17.08.400 Conditions of approval.
- 17.08.410 Revision.
- 17.08.420 Appeals.
- 17.08.430 Filing of final plan.

Article I. Short Subdivisions Generally

17.08.010 Defined.

Divisions of land into four lots or less and to which this title is applicable in accordance with CCC 17.04.050 and 17.04.060 shall be known as “short subdivisions” and shall be governed by this chapter. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.020 Redivisions.

Land contained within a short subdivision shall not be short subdivided again for a period of five years from the date of recording of said short subdivision. Redivision within those five years shall require application as a subdivision. (Ord. 533 § 1, 2004; Ord. 441, 1995).

Article II. Short Subdivision Procedures

17.08.030 Application procedure – Generally.

The purpose of this chapter is to set the information requirements necessary for the hearing examiner to evaluate a proposed short subdivision and to take action within 30 days from the date of application per RCW 58.17.140. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.040 Preapplication meeting.

The applicant, or his representative, before preparation of the short plat, shall schedule a preapplication meeting with town staff to

determine subdivision, zoning, and comprehensive plan requirements, and to ensure consistency with CCC Title 14, Development Code Administration. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.050 Application contents.

Application shall be made to the town together with payment of a fee as provided in the town's fee schedule and providing information required in CCC 17.08.060 and 17.08.070. An application form shall be available from the town and shall contain the following information: name, address, telephone number of the applicant; legal owner of the parcel to be short subdivided; legal description of the parcel; zoning classification; and the date of application. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.060 Mapped information required.

The applicant shall submit the following information on the proposed plat map:

A. Proposed Plan. A neat map showing boundaries of the property, lot area in square feet, proposed lot lines, lot dimensions, existing rights-of-way, street dimensions, easements, north point, scale and date, name of owner or authorized person, and the name and phone number of the person preparing the map(s);

B. Utilities. Location and sizes of existing utilities, including sewer and water, fire hydrants, storm drains, electricity and communication lines;

C. Structures. Location of any existing structures;

D. Hazards. Location of any hazard areas as indicated on the town's hazard maps, showing areas subject to flooding, landslides, wetlands, sinkholes, and other hazards;

E. Open Spaces. Locations and square footage of open spaces, including common open spaces and existing buffers, screens and landscape areas. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.070 Written information required.

The applicant shall submit the following written information:

A. Title Report. A preliminary title report, indicating any taxes or assessments against the property;

B. Ownership. Ownerships of the property, covenants, restrictions, and collective maintenance agreements, if applicable;

C. SEPA checklist, if applicable. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.080 Clerk's responsibility.

The town clerk shall ensure that all information is present from the application and shall prepare a separate file for each application. The clerk shall then coordinate gathering the input from those persons whose expertise is needed in reviewing the proposed short subdivision, such as a planner, fire chief, public works, police chief, utility purveyors, and any other agency or department with jurisdiction and the mayor. Such input must be received within 15 days of the date of the letter of complete application. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.100 Administrator's responsibility.

A. The administrator shall examine the proposed short subdivision for conformance with Chapter 17.12 CCC, Minimum Standards. Based upon this review, the hearing examiner shall, within 30 days of the date of the application:

1. Grant final approval, with or without conditions; or

2. Grant preliminary approval on conditions that improvements are constructed, conditions met, or revisions made. Final approval shall take place once the conditions have been met and verified; or

3. Return the application for revisions and resubmittal; or

4. Disapprove the short subdivision's application.

B. In approving the short subdivision, the administrator must make a formal written finding of fact that the proposed short subdivision is in conformity with the current comprehensive plan and zoning ordinance. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.110 Signature and recording.

A. Upon approval by the administrator, the applicant shall have a registered surveyor prepare a short plat map on reproducible media, such as Mylar, to be filed with the county auditor, after review and approval by the town.

B. The plat map shall be 18 inches by 24 inches in size with a two-inch left side border and one-half-inch border on the remaining three sides. The ink shall be permanent.

C. The plat map shall be submitted to the town containing:

1. Grant County assessor certification;
2. Grant County treasurer certification;
3. Notarized signatures of all property owners;
4. Space available for signature of the mayor, town clerk, plat administrator (if different than the mayor) and county auditor.

D. The applicant shall submit the following with the approved short plat map:

1. All applicable recording and copy fees;
2. Two digital copies of the short plat map in a format approved by the town (one copy must be submitted to the county assessor for signatures).

E. Once signed, it shall be the responsibility of the town clerk (or designee) to record the short plat map with the county auditor and to obtain a Mylar and paper copies of the confirmed short plat.

F. The short subdivision shall not be final until the short plat is filed with the county auditor. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.120 Appeal.

The decision of the administrator may be appealed in writing as provided for in CCC Title 14, Development Code Administration. (Ord. 533 § 1, 2004; Ord. 441, 1995).

Article III. Subdivisions Generally**17.08.130 Lands to be governed.**

Divisions of land which shall be governed by this title are those in accordance with CCC 17.04.050 and 17.04.060 and which contain five or more lots and/or dedication of land, new streets or roads, extension of municipal

facilities and/or the creation of any municipal improvements and shall be known as “subdivisions.” (Ord. 533 § 1, 2004; Ord. 441, 1995).

Article IV. Preliminary Plats**17.08.150 Purpose.**

A. The purpose of this article is to set the information requirements necessary for the hearing examiner to evaluate a proposed project. Final decision on the preliminary plat shall be made within 90 days of the receipt of a complete application.

B. The preliminary plat shall be the basis for the approval or disapproval of the general layout of the subdivision. Therefore, the hearing examiner shall identify any changes, additions or conditions in the site plan or in the requirements during the preliminary plat review. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.160 Preapplication meeting.

The applicant, or his representative, before preparation of the preliminary plat, shall schedule a preapplication meeting with the town to determine subdivision, zoning, and comprehensive plan requirements, and to ensure consistency with CCC Title 14, Development Code Administration. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.170 Application contents.

Application shall be made to the town together with payment of a fee as provided for in the town’s fee schedule and providing information required in CCC 17.08.180 and 17.08.190. An application form shall be available from the town and shall contain the following information: name, address, telephone number of the applicant; legal owner of the parcel to be short subdivided; legal description of the parcel; zoning classification; and the date of application. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.180 Mapped information required.

The applicant shall submit eight copies of the preliminary plat map giving the information set out in this section. The preliminary plat map shall be a neat and accurate drawing, pre-

pared and stamped by a surveyor licensed by the state of Washington. The map shall be drawn on 18-inch by 24-inch paper. There shall be a two-inch border on the left side of the drawing and one-half-inch borders on the remaining three sides. Black permanent ink shall be used. A scale of 100 feet to the inch shall be used.

A. Proposed Plan. A plat map shall be submitted showing the following:

1. A map showing section lines, property boundaries;
2. Lots and blocks with numbers;
3. Existing monuments of record;
4. Location, width, and name of all existing and proposed streets, sidewalks, easements, and rights-of-way within or adjacent to the proposed plat;
5. Location of significant physical features such as water bodies, rock outcroppings and large trees/vegetation within or adjacent to the proposed plat;
6. Contours with intervals of five feet;
7. North point, scale and date;
8. Name of owner or authorized person;
9. Engineer or surveyor preparing the map(s);
10. Name of the proposed subdivision;
11. Vicinity map identifying adjacent subdivisions and streets.

B. Site Plan. A site plan shall be submitted on a separate sheet of paper and shall illustrate the following:

1. Utilities. Location and sizes of proposed and existing utilities, including sewer and water, fire hydrants, storm drains, electricity and communication lines;
2. Hazards. Location of hazard areas as indicated on the town's hazard map showing areas subject to flooding, landslides, wetlands, sinkholes or other hazards;
3. Open Spaces. Locations and square footage of open spaces, including common areas of open space, and existing buffers, screens and landscape areas;
4. Current zoning of the property;
5. Significant physical features, such as buildings and transmission lines. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.190 Written information required.

The applicant shall submit the following written information:

A. Neighboring Land Owners. Names and addresses of fee simple owners of all lands within 300 feet of the perimeters of the proposed plat, for use in sending out required notices. If adjoining lands are owned by the same owner as the proposed plat, the 300 feet shall start at the extremities of the land owned by this person;

B. Ownerships. Ownerships of the property, covenants, restrictions, and collective maintenance agreements, if applicable;

C. SEPA checklist. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.200 Clerk's responsibility.

A. The town clerk or designee shall ensure that all information is present from the applicant and shall prepare a separate file for each application.

B. The town clerk shall then coordinate gathering the input from those persons whose expertise is needed in reviewing the proposed preliminary plat, such as public works, public utility, police and fire departments. Such input shall be received, in writing, within 15 days of the date of application.

C. The town clerk shall schedule a public hearing before the hearing examiner. Notices shall meet the requirements of RCW 58.17.090, and the cost of providing such notice shall be borne by the subdivider. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.230 Hearing examiner's responsibility.

A. The hearing examiner is responsible for making all final decisions on the preliminary plat applications.

B. Upon receipt of the information and data from the clerk, the hearing examiner shall then set and conduct a public hearing and approve, approve with conditions or disapprove the preliminary plat.

C. In approving the plat, the hearing examiner must make formal written findings of fact that the proposed subdivision is in conformance with the current comprehensive plan and

zoning ordinance, as well as those items identified in RCW 58.17.110. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.240 Effective period of approval.

Preliminary plat approval shall become void if a final plat is not submitted within three years, unless extended by the town council, who may give one 12-month extension if the applicant has attempted in good faith to submit the final plat within the three-year period. (Ord. 533 § 1, 2004; Ord. 441, 1995).

Article V. Improvements

17.08.250 Construction of improvements.

Following approval of the preliminary plat, the subdivider shall:

A. Prepare construction plans and specifications for the improvements required, and submit them to the designated town official for verification that they conform to Chapter 17.12 CCC, Minimum Standards;

B. Prepare construction plans and specifications for the improvements required, and submit them to the town engineer for his/her verification that they conform to Chapter 17.12 CCC, Minimum Standards. The town engineer shall have 15 days to approve, conditionally approve, or disapprove the submitted plans;

C. Furnish the town with a performance bond or similar instruments in the amount of 125 percent of the cost as estimated by the town engineer. This performance bond shall be furnished the town to cover all utilities and road improvements proposed for the subdivision;

D. Complete improvements according to the approved plans and specifications within the effective period of preliminary plat approval per CCC 17.08.240. The town engineer shall make all inspections necessary to ensure that improvements are constructed according to plans and specifications. The town engineer has the authority to stop construction and to require immediate correction if the work does not meet specifications. The town engineer shall notify the town council of completion and compliance. If applicable, the performance bond may then be released;

E. The subdivider shall reimburse the town for any inspection expenses, and, upon completion of the improvements, shall provide the town with “as-built” plans;

F. A bond shall be provided by the subdivider securing the town the successful operations of the improvements for a period of two years after final approval. (Ord. 533 § 1, 2004; Ord. 441, 1995).

Article VI. Final Plat

17.08.260 Application – Generally.

Following the completion of improvements, within the effective time period of preliminary approval of any land division, application may be made for final plat approval. Per RCW 58.17.140, the town, following review authority, shall within 30 days of the application approve, disapprove or return to the applicant the final plat.

A. Short subdivision or binding site plan is approved by the administrator.

B. The final plat of a subdivision is approved by the town council according to the procedures identified in CCC Title 14, Development Code Administration. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.270 Application.

Application shall be made to the town clerk together with the payment of a fee as provided in CCC 17.16.050 and providing information required in CCC 17.08.280 and 17.08.290. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.280 Mapped information required.

Mapped information shall be a reproducible plat with six copies, prepared and stamped by a land surveyor licensed in the state of Washington, giving the following information:

A. Final Plan. A map with boundary lines with accurate bearings and distances of the plat and lots thereof; north point and to a scale of 100 feet to the inch; location, name and widths of all public rights-of-way and other features of the plat; plat names, lot and block numbers, centerlines of all streets with bearings, dis-

tances and radii of curves; all dimensions along the lines of each lot, control points; and a vicinity map at a scale of 400 feet to the inch;

B. Utilities and Street Profiles. Street, sewer and water profiles and a plan of all sewer and water lines (as-built), including "T's" and other intersections submitted on separate sheets, prepared and stamped by an engineer licensed in the state of Washington. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.290 Written information.

Written information shall be:

- A. Current title report;
- B. Certification from the county treasurer that all taxes have been paid;
- C. Bond for successful operations of improvements per CCC 17.08.250(F);
- D. Copy of restrictive covenants, if applicable;
- E. Surveyor's certificate;
- F. Dedications and acknowledgments;
- G. Forms for signature of approval by the clerk, town engineer and mayor;
- H. Acknowledgement by the county assessor;
- I. A form for the county auditor's recording certificate. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.300 Clerk's responsibility.

The town clerk shall ensure that all required information is present and shall transmit the file to the town engineer for his review. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.310 Engineer's responsibility.

The town engineer shall review the final plat and report on the following within 10 days of the date of the final plat application. The town engineer shall confirm the following:

- A. The proposed final plat bears the required certificates and statements of approval;
- B. The title report conforms the title of the land and the proposed subdivision is vested in the names of the owners' whose signature appears on the plat certificate;

C. The facilities and improvements required to be provided by the subdivider meet the specifications of the town and have been satisfactorily completed;

D. The proposed final plat has been signed by the registered land surveyor or engineer responsible for the plat. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.320 Council's responsibility.

Upon completion of the review of the final plat by the town engineer, it shall be forwarded to the appropriate review authority for its determination within the 30-day time limit for a decision.

A. If the review authority finds that the proposed final plat makes appropriate provisions for the public health, safety, general welfare and for such open spaces, drainage ways, streets, alleys and other public ways, water supplies and sanitary sewers; that the public use and interest will be served by the platting of such subdivision; and that it conforms to laws and regulations in effect at the time of the preliminary plat approval (RCW 58.17.170), then it shall approve.

B. If the review authority finds that the proposed final plat does not make such appropriate provisions and that the public use and interest will not be served, then the town council may disapprove or return to the applicant the proposed final plat.

C. Acceptance of the final plat shall be completed by the signatures of the town engineer, the town clerk, and the mayor. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.330 Signature and recording.

A. Upon approval of the final plat by the review authority, it is the responsibility of the applicant to submit the final plat to the town clerk along with applicable fees for recording and copying.

B. The applicant shall have a registered surveyor prepare a final plat map on reproducible media, such as Mylar, to be filed with the county auditor.

C. The plat map shall be 18 inches by 24 inches in size with a two-inch left side border and one-half-inch border on the remaining three sides. The ink shall be permanent.

D. The plat map shall be submitted to the town containing:

1. Grant County assessor certification;
2. Grant County treasurer certification;
3. Notarized signatures of all property owners;

4. Space available for signature of the mayor, town clerk, plat administrator (if different than the mayor) and county auditor.

E. The applicant shall submit the following with the approved final plat map:

1. All applicable recording and copy fees;
2. Two digital copies of the final plat map in a format approved by the town (one copy must be submitted to the county assessor for signatures).

F. Once signed, it shall be the responsibility of the town clerk (or designee) to record the final plat map with the county auditor and to obtain Mylar and paper copies of the confirmed final plat.

G. Land divisions shall not be final until the final plat is filed with the county auditor. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.340 Period of approval.

A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150(1) and (3) for a period of five years after final plat approval unless the town council finds that a change in conditions creates a serious threat to the public health and safety in the subdivisions. (Ord. 533 § 1, 2004; Ord. 441, 1995).

Article VII. Binding Site Plans

17.08.350 Purpose.

The purpose of this chapter is to accommodate the division of land for the purpose of sale, lease or transfer into commercial or industrial lots, tracts or parcels, or for a division for the purpose of lease when no residential structure other than mobile homes or travel

trailers are permitted to be placed upon the land without having to use the procedure for a subdivision or short subdivision, as authorized in Chapter 58.17 RCW. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.08.360 Applicability.

The following shall be processed according to these provisions:

A. The division of land for sale or lease of commercially or industrially zoned property;

B. The division of property for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land; and

C. Divisions of land into lots or tracts if:

1. Such division is the result of subjecting a portion of a parcel or tract of land to either Chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land;

2. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;

3. A city, town, or county has approved the binding site plan for all such land;

4. Such approved binding site plan is recorded in the county or counties in which such land is located; and

5. The binding site plan contains thereon the following statement:

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof.

(Ord. 533 § 1, 2004).

17.08.370 Application.

A. Application for a binding site plan shall be made to the town on forms prescribed by the administrator. The application shall be accompanied by 10 copies of the site plan drawing or drawings and one reproducible drawing on stable base Mylar polyester film or equivalent material.

B. The site plan shall conform to the following requirements:

1. Shall be a neat and accurate drawing at a scale of not less than one inch for each 200 feet on a sheet or sheets measuring 18 by 24 inches;

2. Shall show the location of all existing structures and all existing or proposed lots, streets, roads, improvements, utilities and open spaces;

3. Shall show all existing and proposed easements;

4. Shall show existing and proposed storm water drainage systems;

5. Shall bear all inscriptions setting forth such appropriate limitations and conditions for the use of the land.

C. The application shall be accompanied by an application fee as identified in the town's fee schedule. (Ord. 533 § 1, 2004).

17.08.380 Review.

A. Upon receipt of a completed binding site plan application and the required drawings and fee, the town shall send a copy of the application and a copy of the drawing to all agencies with jurisdictions over the proposal for their review and comments. The agencies shall be given 14 days to submit their written comments.

B. After the expiration of the review period, the town shall schedule a meeting of the agencies with jurisdiction, to be held no later than 14 days following the expiration of the review period.

C. The town and agencies with jurisdiction shall examine the proposed binding site plan for compliance with the provisions of this chapter and other applicable laws and regulations, and shall determine whether the pro-

posed plan serves and makes appropriate provisions for the public health, safety and general welfare. (Ord. 533 § 1, 2004).

17.08.390 Required improvements.

Prior to approval of any binding site plan, the town shall ensure that the following improvements will be provided to sufficiently service the anticipated uses throughout the proposed plan:

A. Adequate water supply;

B. Adequate sewage disposal;

C. Appropriate storm drainage;

D. Adequate fire hydrants;

E. Appropriate access to all anticipated uses within the plan;

F. Provision for all appropriate deeds, dedications and/or easements;

G. Adequate public utilities as applicable, pursuant to the appropriate utility purveyor requirements. (Ord. 533 § 1, 2004).

17.08.400 Conditions of approval.

A. Prior to the binding site plan being approved, it shall be revised to accurately reflect all required improvements and shall include all applicable inscriptions deemed necessary by the town, setting forth such appropriate limitations and conditions for the use of the land;

B. Shall be surveyed, by a registered land surveyor, along the perimeter boundary of the property contained within the binding site plan;

C. The plan must be certified for filing by the town before it is filed with the county auditor. (Ord. 533 § 1, 2004).

17.08.410 Revision.

Alteration of an approved and recorded binding site plan shall be accomplished as set forth herein for a new binding site plan and shall be subject to all procedures and requirements established in this chapter. (Ord. 533 § 1, 2004).

17.08.420 Appeals.

Any decision of the town on a binding site plan may be appealed in writing as provided for in CCC Title 14, Development Code Administration. (Ord. 533 § 1, 2004).

17.08.430 Filing of final plan.

When the binding site plan is approved, the town shall transmit the final plan to the county auditor for recording. The applicant shall pay all costs associated with this recording. (Ord. 533 § 1, 2004).

Chapter 17.12**MINIMUM STANDARDS**

Sections:

17.12.010 Minimum standards.

17.12.010 Minimum standards.

The following minimum standards are applicable to land divisions within Coulee City:

A. Conformance to the intent and purpose of the comprehensive plan;

B. Conformance to the zoning ordinance or land development ordinance and health regulations;

C. Subdivision design which is appropriate to the intended use; the character of the surrounding area; and which gives consideration to flooding potential, fire protection and police protection;

D. Adequate water supply and sewage disposal;

E. A fire hydrant within 300 feet of each lot and with fire flow to the satisfaction of the fire chief;

F. Storm drainage facilities adequate to drain the short subdivision or subdivision yet cause no impact to other property owners. Storm drains shall be used wherever possible as opposed to open ditches;

G. Minimum lot frontage as required by the zoning ordinance or land development ordinance;

H. No direct access from lots onto high volume arterials except where no other access is possible;

I. Utility easements shall be at least 10 feet wide;

J. Underground utilities, wherever possible, including but not limited to electric, telephone, and cable TV lines;

K. All lots shall have access to a public right-of-way;

L. A street system designed for safety, convenience and integration with other streets;

M. Street intersections shall have adequate sight distance;

N. Widths of rights-of-way and paving shall meet town specifications;

O. Cul-de-sacs shall not exceed 660 feet in length, shall have a right-of-way radius of at least 45 feet, and shall have a paved radius of at least 30 feet;

P. Alleys shall be at least 20 feet in width, if applicable;

Q. Where an abutting public right-of-way is substandard in width, additional right-of-way shall be deeded to bring it up to standard on that side;

R. Improvements shall include two-inch asphalt paving with adequate ballast, curbs and gutters, and four-foot-wide sidewalks and be constructed to standards of the American Public Works Association;

S. If a subdivider is required by the town to install water mains and/or sewer mains larger than his subdivision requires to implement the development of the comprehensive plan, the town will negotiate the installation of the larger main(s) and reimburse the subdivider for the additional cost of the larger facilities. If bids are required, then a percentage of the cost will be determined prior to bid award; and

T. Plat and all streets shall be named, and names shall not be used which duplicate or which may be confused with those already in existence. (Ord. 533 § 1, 2004; Ord. 441, 1995).

Chapter 17.16

ADMINISTRATION

Sections:

17.16.010 Variances.

17.16.020 Environmental impact statements.

17.16.030 Scope of terms.

17.16.040 Review of title provisions.

17.16.050 Fee schedule – Costs to be paid by the subdivider.

17.16.060 Transfer or construction prior to final plat approval.

17.16.010 Variances.

The procedures and criteria relating to variances in the town zoning ordinance (Chapter 18.44 CCC), and any further revisions, are adopted for variances from the requirements of this title. Any subdivider may make application for a variance for any portion of CCC 17.08.150 through 17.08.250; provided, the request is received concurrently with the application of the proposed short subdivision or subdivision. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.16.020 Environmental impact statements.

In the event that an environmental impact statement is required on a proposed short subdivision or subdivision, then any pending time period requirements of this title shall be stayed until such time as an environmental impact statement has been completed and filed with the town clerk. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.16.030 Scope of terms.

The word “may” as used herein is permissive as indicating a use of discretion in making a decision; the word “shall” as used herein is mandatory. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.16.040 Review of title provisions.

It shall be the responsibility of the council to review and update this title every five years. Furthermore, changes and/or additions shall be made whenever it is deemed necessary. Rec-

ommendations for changes and/or additions shall be made by the planning commission or the council, who shall hold a public hearing, and shall approve or disapprove the recommendations. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.16.050 Fee schedule – Costs to be paid by the subdivider.

A. A schedule as set out in subsection B of this section shows the fees to be charged the subdivider, plus other costs the divider is responsible for that are incurred by a land division application. These fees and requirements may be amended at any time by an action of the council.

B. Fee Schedule and Costs to be Paid by the Subdivider.

1. Short subdivision application: Contact town clerk for current fees as established by the town council. Fee schedule shall be posted in the town clerk's office.

2. Binding site plan application: Contact town clerk for current fees as established by the town council. Fee schedule shall be posted in the town clerk's office.

3. Preliminary plat application: Contact town clerk for current fees as established by the council. Fee schedule shall be posted in the town clerk's office.

4. Review plans and specifications of improvements by town engineer (as required): at cost.

5. Construction of improvements: at cost.

6. Inspection of construction of improvements by town engineer as required: at cost.

7. Notices of public hearing: at cost.

8. Final plat application: Contact town clerk for current fees as established by the town council. Fee schedule shall be posted in the town clerk's office.

9. Review of final plat by town engineer: at cost.

10. Final plat recording: at cost.

11. Performance Bonds.

a. Construction: at cost.

b. Successful operation: at cost. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.16.060 Transfer or construction prior to final plat approval.

An agreement to sell or otherwise transfer a lot prior to recording of the final plat is subject to RCW 58.17.205. Construction or placing of a structure on a lot may be started prior to recording of the final plat, and is subject to all applicable codes and regulations of the town; provided, that no occupancy permit may be issued prior to the recording of the final plat. (Ord. 533 § 1, 2004; Ord. 441, 1995).

Chapter 17.20

Chapter 17.30

VIOLATION – PENALTY

APPEALS

Sections:

17.20.010 Violation – Penalty.

Sections:

17.30.010 Purpose.

17.20.010 Violation – Penalty.

A. Violators of this title will be guilty of a civil infraction, and each parcel illegally sold or transferred shall constitute a separate offense.

B. Violations and penalties shall be as established in CCC Title 14, Development Code Administration.

C. The county auditor shall refuse to accept for filing any segregation of land in violation of this title. (Ord. 533 § 1, 2004; Ord. 441, 1995).

17.30.010 Purpose.

Appeals of any decision of the town pursuant to this title shall be as provided for in CCC Title 14, Development Code Administration. (Ord. 533 § 1, 2004; Ord. 441, 1995).

Title 18
ZONING^{1, 2}

Chapters:

- 18.04 General Provisions**
- 18.08 Definitions**
- 18.12 Use Districts**
- 18.16 Planned Developments**
- 18.20 R – Residential District**
- 18.24 MU – Mixed Use District**
- 18.28 C – Commercial District**
- 18.32 I – Industrial District**
- 18.36 District Use Chart**
- 18.40 General Use Regulations and Standards**
- 18.44 Variances**
- 18.48 Conditional Use Permits**
- 18.52 Nonconforming Uses**
- 18.56 Amendments**
- 18.60 Enforcement**
- 18.64 Marijuana Control**

1. Prior legislation: Ordinance 467.

2. Code reviser's note: Ord. 702 readopts Title 18 CCC with no changes for the purpose of a Comprehensive Plan update.

Chapter 18.04**GENERAL PROVISIONS¹**

Sections:

- 18.04.010 Title.
- 18.04.020 Purpose.
- 18.04.030 Authority.
- 18.04.040 Compliance.
- 18.04.050 Scope.
- 18.04.060 Interpretation – Conflicting provisions.
- 18.04.070 Relationship to other regulations.
- 18.04.080 Severability.
- 18.04.090 Administration.

18.04.010 Title.

This title shall be known as the “Coulee City zoning ordinance.” (Ord. 532 § 1 (1.1), 2004).

18.04.020 Purpose.

The general purposes of this title are to promote the public health, safety, general welfare and interest in the town by:

A. Establishing a desirable pattern of land use that reflects the needs of the residents of the town;

B. Ensuring the efficient use of public investment in community facilities, roads and utilities;

C. Providing clear and stable guidelines for public and private development;

D. Providing flexible means to stimulate creativity while maintaining sufficient control to achieve the objectives of the town’s comprehensive plan;

E. Establishing adequate building setbacks and regulations to ensure adequate light, air and open space as well as preventing the spread of fire;

F. Providing for residential, commercial, recreational and industrial sites that satisfy the needs of the residents of the town;

G. Preventing and abating conditions considered by the town and its residents to be nuisances that degrade the value of property and quality of life;

H. Furthering the goals and policies of the town’s comprehensive plan;

I. Complying with the provisions of Chapter 35.63 RCW and the Growth Management Act, both as amended. (Ord. 532 § 1 (1.2), 2004).

18.04.030 Authority.

This title is adopted pursuant to the provisions of Chapters 35.63 and 36.70A RCW, both as amended, which empower the town to enact a zoning ordinance and provide for its administration and amendment. (Ord. 532 § 1 (1.3), 2004).

18.04.040 Compliance.

After the effective date of the ordinance codified in this title, no building or structure shall be erected, reconstructed, altered, or relocated; nor shall any building, structure, or premises be used for any purpose unless such action is in compliance with the provisions of this title. (Ord. 532 § 1 (1.4), 2004).

18.04.050 Scope.

This title shall apply to all lands located within the town of Coulee City to the extent authorized under the constitution and laws of the state of Washington and of the United States. (Ord. 532 § 1 (1.5), 2004).

18.04.060 Interpretation – Conflicting provisions.

The provisions of this title shall be held to constitute the minimum requirements for the protection of the public health, safety and welfare of the people of the town of Coulee City. It is not the intent of this title to interfere with, abrogate or annul any private easement, covenant or other agreement between parties; provided, that where this title or other official ordinance or ordinances impose greater restriction upon the use of land or buildings, or require a larger space than is imposed or required by said private ordinances, the provisions of the official ordinances shall control. (Ord. 532 § 1 (1.6), 2004).

1. Prior legislation: Ordinance 370.

18.04.070 Relationship to other regulations.

Other official ordinances, regulations and plans have a direct impact on the development of land in the town. These include but are not necessarily limited to, the Coulee City urban area comprehensive plan, capital facilities plan, subdivision ordinance, environmental (critical areas) ordinance, the building code, and other ordinances, regulations and plans of other agencies. The number and type of such ordinances may vary over time. Wherever provisions of these or other official regulations overlap or conflict with provisions of this zoning title, the more restrictive provisions, to the extent lawful, shall govern, and the zoning ordinance provisions will be met as a minimum. (Ord. 532 § 1 (1.7), 2004).

18.04.080 Severability.

Shall any chapter, section, subsection, paragraph, sentence, clause or phrase of this title be declared unconstitutional or invalid by any reason by a court of competent authority, such decision shall not affect the validity of the remaining portion of this title. (Ord. 532 § 1 (1.8), 2004).

18.04.090 Administration.

The mayor or his/her designee shall have the authority and duty to administer the provisions of this title. The mayor or his/her designee may adopt, and revise as required, such instructions, policies and forms as are necessary to carry out the provisions of this title. (Ord. 532 § 1 (1.9), 2004).

Chapter 18.08**DEFINITIONS¹**

Sections:

18.08.010 Definitions generally.

18.08.020 Definitions.

18.08.010 Definitions generally.

For the purpose of this title, unless it is plainly evident from the context that a different meaning is intended, certain words and terms are herein defined. The word “shall” is always mandatory, words in present tense include the future, the singular includes the plural, and plural includes the singular. (Ord. 532 § 1 (2.1), 2004).

18.08.020 Definitions.

“Accessory use” or “accessory building” means a use, structure, building, or portion of a building, devoted to an activity or use subordinate to the principal use of the premises, but located on the same building site as the principal use.

“Accessory dwelling” is a separate living unit (apartment) integrated within a single-family dwelling, or one located as a detached accessory dwelling located on the same building site as a single-family dwelling.

“Administrator” or “zoning administrator” means the mayor of the town of Coulee City or his/her designee.

“Adult family home” means the regular family abode of a person or persons, licensed by the state of Washington, who are providing personal care, room and board to more than one but not more than four people with functional disabilities who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six persons may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law (RCW 70.128.110).

1. Prior legislation: Ordinance 370.

“Agriculture” means the tilling of soil, raising of crops and horticulture, except that vegetable gardens occupying less than 5,000 square feet and up to 10 fruit trees are exempt from this definition.

“Alley” means a public or private way or easement permanently reserved as a secondary means of access to abutting property, generally running down the middle of a block of lots not intended for general circulation.

“Animal shelter” means a building or structure (including outdoor fenced cages or yards) for the care of lost, abandoned, homeless or injured animals, whether domestic or wild.

“Applicant” means any person, entity or government agency that applies for a development proposal, permit or approval subject to review under town ordinances.

“Application” means a request for any permit or approval required from the town for proposed development or action, including without limitation, building permits, conditional uses, binding site plans, short subdivisions, major subdivisions, variances, site plan development permits, site plan reviews and site-specific zoning district reclassifications.

“Arterial street” means a roadway designed to carry a high proportion of the total urban area traffic, and usually either serves traffic going from the central business district to outlying residential areas, or traffic entering and leaving the urban area. They also provide a connection to collector streets, and provide intra-community continuity while maintaining identifiable neighborhoods.

“Assisted living facility” means a residential facility, licensed by the state of Washington, designed for and occupied by at least one person per unit who is able to live independently and without 24-hour supervision; and providing centralized services for the residents including meals, recreation, housekeeping, laundry and transportation.

“Automobile-oriented use” means any use of land which provides a service directly to a motor vehicle; or which provides goods or services to the occupants of a motor vehicle while seated therein; or which is a freestanding eating establishment characterized by over-the-counter service of pre-prepared or quickly pre-

pared food which is ready to eat and packaged primarily for consumption in vehicles or off-premises. For the purpose of this title, automobile-oriented uses shall include, but not be limited to, such uses as service stations, car washes, drive-in banks, drive-in laundries or dry cleaners, and freestanding drive-in or carry-out eating establishments. Automobile-oriented uses shall not be interpreted to include vehicle sale, rental and service establishments.

“Auto towing – secured” means a temporary storage area associated with a licensed towing company for impounded vehicles that complies with all applicable federal, state and local regulations.

“Automobile wrecking yard” means an area in which is conducted the dismantling and/or wrecking of used motor vehicles, machinery or trailers, or the storage or sale of dismantled, obsolete or wrecked vehicles or parts, or the storage of motor vehicles unable to be moved under the power of the vehicle.

“Average grade” means the average of the natural or existing topography at the center of all exterior walls of a building or structure to be placed on a site.

“Bed and breakfast” means an owner-occupied single-family dwelling in which not more than three bedrooms for not more than six guests total are rented for money or other consideration to the traveling public, with provision of meals only to the guests of the facility.

“Boarding house,” “lodging house” or “rooming house” mean a dwelling unit having only one kitchen, and used for the lodging (with or without meals) (permanent or semi-permanent), for compensation, of at least two but not more than five persons in addition to the related family members or operator of such dwelling unit.

“Buildable area” means that portion of the land that remains on a lot after the minimum open space requirements (coverage, yards, and setbacks) have been excluded from the building site.

“Building” means a structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

“Building coverage” means the amount of land covered, occupied or permitted to be covered/occupied by a building or buildings, usually expressed in square feet or percentage of land on the lot, and measured horizontally at the foundation.

“Building height” means the vertical distance from grade to the highest point of the building.

“Building line” means a line, fixed parallel to the lot line, beyond which a building cannot extend.

“Bus stop” means a facility where bus passengers are picked up and dropped off, including waiting areas, but not including service or storage facilities for buses.

“Bus terminal” means a facility used for the storage and service of buses.

“Caretaker’s residence” means a residential dwelling unit accessory to an agricultural, commercial or industrial use for occupancy by the owner, caretaker or watchman.

“Collector street” means a roadway designed to provide access service and traffic circulation within residential neighborhoods and commercial/industrial areas. They differ from the arterial streets in that they may penetrate residential neighborhoods, distributing traffic from arterials to the ultimate destination or vice-versa.

“Commercial kennel” means any premises or building (including a residence) in which dogs or other domestic animals are housed, kept, groomed, bred, boarded, trained and/or sold, all for compensation at a profit (a commercial enterprise).

“Common open space” means that portion of a lot or parcel not developed, built upon or occupied by buildings, parking areas, driveways and the like; other than minimal appurtenances such as walkways designed and intended to make such open space usable and accessible, and the use of which is intended for and accessible to all of the persons residing in the development of which the open space is a part.

“Comprehensive plan” means the town of Coulee City comprehensive plan.

“Conditional use” means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not disrupt the public welfare; and are mentioned explicitly in the discussion of each zoning district in the body of this title.

“Congregate care facility” means any home or other institution which is advertised, announced or maintained for the express or implied purpose of providing lodging, meal service or personal care for three or more elderly and/or people with functional disabilities, not related by blood or marriage to the operator, whether or not they receive public assistance. Such facilities shall be licensed by the state and shall include congregate care facilities that are facilities operated under contract with the state.

“Convalescent center” or “nursing home” means a facility other than a home, licensed by the state of Washington, used to house and provide nursing, dietary and other personal services for the elderly and people with functional disabilities.

“Corner lot” means a lot that abuts two or more intersecting streets.

“County” means Grant County.

“Day care center” means a state-licensed agency that regularly provides care to children during part of the 24-hour day as defined in RCW 35.63.170 as it now exists or as may be hereafter amended, and conducted in a place of business other than a residence. For the purposes of this title a day care center may include preschool activity.

Day care provider, family. See “Family day care home.”

“Density” means the average number of dwelling units per acre.

“Designated manufactured home” means a manufactured home that meets the following:

A. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;

B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal or similar roof of not less than 3:12 pitch; and

C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built International Building Code single-family residences.

“Developer” means any person, corporation, government agency, partnership or other entity that makes application for a proposal, permit, approval or action governed by the ordinances of the town.

“Development” means any manmade use or change to improved or unimproved real estate, including without limitation: the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings or any other structures; mining, filling, stockpiling; excavation and grading; and divisions of land.

“Drive-in use” means an establishment which by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in a motor vehicle, that provides for the ordering and pick-up of food from the window of a vehicle.

“Duplex” means a single structure containing two dwelling units designed for occupancy by two families and connected by a common vertical wall or, in the case of a multi-story building, by common ceiling and floor.

“Dwelling” means a building or portion thereof designed exclusively for residential purposes, including one-family, two-family, multiple-family or apartment dwellings and manufactured homes, as defined herein.

Dwelling, multifamily. See “Multifamily dwelling.”

Dwelling, single-family. See “Single-family dwelling.”

“Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking and sanitation.

“Engineer” means an individual licensed as a civil engineer pursuant to Chapter 18.48 RCW as now exists or may be hereafter amended.

“Family day care home” means a person, licensed by the state of Washington, regularly providing care during part of the 24-hour day

to 12 or fewer children in the family abode of the person or persons under whose direct care the children are placed.

“Farmers market” means a site used for the retail sale of fresh agricultural products, grown either onsite or offsite, but may include as incidental and accessory to the principle use, the sale of factory sealed or prepackaged food products, arts, crafts, plants, flowers and other nonfood items. This definition does not include the sale of animals or used products similar to a flea market.

“Fence” means any arrangement of wood, stone, brick, metal, chain link or other similar material running around, along, or by the side of any open area to prevent or restrict passage or to mark a boundary. The term “fence” shall include walls, hedges and similarly designed plantings that restrict vision, but it does not include the use of materials that are not generally used and/or sold specifically for fencing, such as plywood, corrugated tin, metal or fiberglass roofing panels, etc.

“Floor area” means the total area of all floors of a building as measured to the outside surfaces of exterior walls and including hall, stairways, elevator shafts and basements. Minimum floor area calculations shall not include attached or detached garages, porches, decks or balconies.

“Front lot line” means that boundary of a lot that is located along an existing or dedicated public street.

“Front yard” means a yard extending across the full width of the lot and lying between the front lot line of the lot and the building setback line.

“Grade” (adjacent ground elevation) is the lowest point of elevation of 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 (per International Building Code).

Grade, average. See “Average grade.”

Grade, natural. See “Natural grade.”

“Group care facility” means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a 24-hour basis.

“Halfway house” means a home for juvenile delinquents or adult offenders leaving correctional and/or mental institutions or rehabilitation centers for alcohol and/or drug users.

“Hazardous waste” means all dangerous and extremely hazardous waste as defined in RCW 70.105.010.

“Hazardous waste storage” means the holding of dangerous waste for a temporary period as regulated by state dangerous waste regulation, Chapter 173-303 WAC.

“Hazardous waste treatment” means the physical, chemical or biological processing of dangerous wastes to make them less dangerous, safer for transport, amenable for storage, or reduced in volume.

Hazardous waste treatment/storage facility, offsite. See “Offsite hazardous waste treatment and storage facility.”

Hazardous waste treatment/storage facility, onsite. See “Onsite hazardous waste treatment and storage facility.”

“Hobby kennel” means a lot or building in which four or more dogs or cats are kept which are four months of age or more.

“Home fruit stand” means a building, structure or land area used for the seasonal sale of fresh fruit or vegetables that are grown onsite.

“Home occupation” means an occupation carried on entirely within a residence, which activity is clearly incidental to the use of the residence as a dwelling, and does not change the residential characteristic of a business in the ordinary meaning of the term.

“Home occupation – A” means a home occupation, as defined herein, that does not involve customers coming and going from the residence, and within which only family members are employed.

“Home occupation – B” means a home occupation, as defined herein, that may involve customers coming and going from the residence, and which one other person than family members may be employed.

“Hotel” means any building containing six or more guestrooms where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite.

“Housing for people with functional disabilities” means housing used, or intended for use, by persons with functional disabilities. The term includes, but is not limited to, adult family homes, residential care facilities and housing for any supported living arrangement, as herein defined.

“Impervious surface” means any material or structure that prevents the natural absorption of water into the earth.

“Industrial park” means a large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility.

“Interior lot” means a lot that has frontage on one street only.

“Junk” means old or scrap copper, brass, rope, rags, batteries, paper, boxes, cardboard, glass, tires, mattresses, hay, grass, straw, weeds, litter or trash, rubber debris, waste, old appliances and furniture, any combustible or flammable waste or rubbish, building materials or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

“Junkyard” means any lot, parcel, tract of land, building, structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of waste paper, rags, scrap metal, vehicular parts, glass, used building materials, household appliances, brush, wood or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor or recreational vehicles or any other type of junk. This definition shall not include recycling drop-off stations.

Kennel, commercial. See “Commercial kennel.”

Kennel, hobby. See “Hobby kennel.”

“Livable space” means that part of a dwelling unit that meets all building code requirements for sleeping quarters.

“Livestock” means swine, sheep, goats, poultry, rabbits, cattle, horses, and all other nondomestic animals.

“Local access street” means a roadway designed to provide access to abutting land and to collector and arterial streets. They offer the lowest level of mobility, particularly to through traffic in residential neighborhoods.

“Lot” means a parcel or tract of land.

“Lot area” means the total land space or area contained within the boundary lines of any lot, tract or parcel of land, exclusive of public and private rights-of-way, and may be expressed in square feet or acres.

Lot, corner. See “Corner lot.”

“Lot coverage” means the amount of land covered or permitted to be covered by buildings or other improvements that create impervious surfaces, and by driveways and parking areas, usually measured in terms of percentage of total lot area.

“Lot depth” means the average horizontal distance between the front lot line and the rear lot line.

Lot, interior. See “Interior lot.”

“Lot line” means the property line bounding a lot.

Lot line, front. See “Front lot line.”

Lot line, rear. See “Rear lot line.”

Lot line, side. See “Side lot line.”

Lot, through. See “Through lot.”

“Lot width” means the average horizontal distance between the side lot lines.

“Manufactured home” means a structure constructed after June 15, 1976, and in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance.

Manufactured home, designated. See “Designated manufactured home.”

“Manufactured home park” means a lot, parcel or tract of land, improved or unimproved, occupied or designed to be occupied by two or more manufactured homes on a rent or lease basis and operated as a single development.

“Micro-brewery/winery” means a plant where beer and/or wine are annually produced on a scale of 250,000 gallons or less.

“Mini-storage” means a building(s) or site used for temporary indoor or outdoor storage on a commercial basis (excluding the storage of hazardous materials and waste).

“Mobile home” means a structure transportable in one or more sections that are eight feet or more in width and 32 feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976.

“Modular home” means a residential structure that is constructed in a factory in accordance with the International Building Code and bearing the appropriate insignia indicating such compliance, transported to the building site in modules and assembled onsite on a permanent foundation.

“Motel” means a hotel designed to accommodate the automobile tourist and provide parking conveniently located near each guestroom. Facilities may include kitchenettes in the room for temporary cooking use.

“Multifamily dwelling” means three or more living units under the same ownership where land has not been divided, i.e., triplex, quadraplex and apartment units.

“Multiple use building” means a building containing uses for more than one land use classification.

“Natural grade” means the elevation of the ground surface in its natural state, before human-made alterations.

“Nonconforming building or structure” means a building, structure, or portion thereof that was legally in existence, either constructed or altered prior to the effective date of the ordinance codified in this title, which does not conform with the requirements of this title.

“Nonconforming lot” means a parcel of land, in separate ownership, and of record prior to the effective date of the ordinance codified in this title, which does not conform with the dimensional or area requirements of this title.

“Nonconforming use” means a lawful existing structure or use at the time the ordinance codified in this title becomes accepted, which does not conform with the requirements of the zone in which it is located.

“Nursery (greenhouse)” means a facility, structure or use of land for the commercial production of bedding plants, street stock or associated horticultural products.

“Offsite hazardous waste treatment and storage facility” means those treatment and storage facilities which treat and store waste from generators on properties other than those on which the offsite facilities are located. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.

“Off-street parking” means an area devoted to the parking of vehicles and located within the boundaries of a lot.

“Onsite hazardous waste treatment and storage facility” means those treatment and storage facilities that treat and store wastes generated on the same geographically contiguous or bordering property. These facilities must comply with the state siting criteria adopted in accordance with RCW 20.105.210.

“Open space” means that portion of a lot or parcel not developed or built upon or occupied by buildings, parking areas, driveways and the like; generally the front, rear and side yards of a lot.

Open space, common. See “Common open space.”

Open space, usable. See “Usable open space.”

“Parking area” means an open area, other than a street or alley, which contains one or more parking spaces and the aisles which provide access to such spaces.

Parking, off-street. See “Off-street parking.”

“Parking space” means an unobstructed space or area, other than a street or alley, which is permanently reserved and maintained for the parking of one motor vehicle.

“People with functional disabilities” means:

A. A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:

1. Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living; or

2. Needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible; or

3. Having a physical or mental impairment which substantially limits one or more of such person’s major life activities; or

4. Having a record of having such an impairment; and

B. A person being regarded as having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance.

“Planning commission” means the town of Coulee City planning commission.

“Preschool” means a place where prekindergarten children are taught that meets all state and town requirements to conduct such activity.

“Principal use” means the specific and primary purpose for which land or a building is occupied, arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

“Professional office” means an office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers and surveyors, and persons engaged in other similar occupations.

“Property line” means a line bounding and indicating the ownership, or intended ownership, of a parcel of land.

“Rear lot line” means a property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length that is either parallel to the front lot line, or intersects the two other lot lines at points most distant from the front lot line.

“Rear yard” means a yard extending across the full width of the lot and lying between the back line of the lot and the building setback line, and typically abutting platted alleys. Corner lots with two front yards shall designate one rear yard area; and, when applicable, the yard abutting a platted alley shall be the rear yard.

“Recreational facilities” means a structure or use designed to provide indoor or outdoor recreation opportunities for the public.

“Recreational vehicle” means a portable structure such as a motor home, travel trailer, equivalent facilities in or on an automotive vehicle, tent, or other short-term recreational shelter designed as temporary living quarters for travel, recreation and vacation uses.

“Recreational vehicle park” means a parcel or tract of land under single ownership or control having designated areas for rent to one or more persons for temporary parking or placement of a recreational vehicle, as opposed to permanent year-round occupancy.

“Recreational vehicle site” means a plot of ground within a recreational vehicle park available for accommodation of a recreational vehicle.

“Recycling center” means a facility where discarded recyclable products such as aluminum and tin cans, glass, paper, and other similar individual consumer products are deposited and stored for future reprocessing (excluding drop stations).

“Recycling drop station” means a facility or area for consumer deposit of small recyclable household items (glass, paper, aluminum, etc.) in enclosed containers which are collected and emptied on a regular basis without processing, crushing or other handling, and which does not create a nuisance due to odor, noise, appearance, rodent or bug attraction.

“Repair, small engine” includes the repair of lawn mowers, chainsaws and similar size equipment.

“Residential care facility” means a facility, licensed by the state, that cares for at least five but not more than 15 people with functional disabilities, that has not been licensed as an adult family home pursuant to RCW 70.128.010.

“Right-of-way” means the platted, dedicated, or reserved portion of a development for purposes of a street or alley for vehicular and/or pedestrian access.

“Setback” means the required distance between structures and all lot lines. The term “setback” is synonymous with the term “yard.”

“Side lot line” means any property line not a front or rear lot line.

“Side yard” means a yard between the side line of the lot and the nearest point of the building, exclusive of eaves and cornices on pitched roofs, and extending from the front yard to the rear yard.

“Sign” means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a structure or land, and which directs attention to a product, place, activity, person, institution, business, or profession.

“Single-family dwelling” means a detached residential living unit containing sufficient facilities to function as an independent self-contained housekeeping unit.

“Small appliance” means indoor household appliances weighing 50 pounds or less that can be hand-carried by one person.

Small engine repair. See “Repair, small engine.”

“Storage facilities, bulk” means either enclosed or outdoor areas designed for the storage of either large quantities of materials or materials of a large size.

“Street” means a public right-of-way for roadway, sidewalk and utility installation.

Street, arterial. See “Arterial street.”

Street, collector. See “Collector street.”

Street, local access. See “Local access street.”

“Street side yard” means a yard area that is adjacent to a public street right-of-way, but that does not provide the primary vehicular access to the residential structure, and that does not serve as the street address for the residence.

“Structural alteration” means any change to the supporting members of a structure, including but not limited to, foundations, bearing walls or partitions, columns, beams, girders, trusses or any structural change in the roof or exterior walls.

“Structure” means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include but are not

limited to buildings; manufactured, modular, mobile homes; walls; fences; billboards and poster panels.

“Supported living arrangement” means a living unit owned or rented by one or more persons with functional disabilities who receive assistance with activities of daily living, instrumental activities of daily living, and/or medical care from an individual or agency licensed and/or reimbursed by a public agency to provide such assistance.

“Temporary use” means a use located on a lot, for a period not to exceed six months, with the intent to discontinue such use after the time period expires.

“Through lot” means a lot that fronts on two parallel or nearly parallel streets.

“Town” means the town of Coulee City.

“Town council” means the town council of the town of Coulee City.

“Town engineer” means an engineer selected by the mayor.

“Usable open space” means undeveloped or unbuilt portions of land designed and maintained in a manner which makes such open space accessible and usable by and for the persons for whom the space is intended.

“Use” means the purpose for which land or a structure is primarily designed, arranged or intended; or for which it is primarily occupied or maintained.

“Use district” means a specific zoned area or district designated on the official zone map. Such area is subject to all the regulations applicable to the district that are contained in this title.

“Variance” means an official permit to do something normally forbidden by regulations, especially by building in a way or for a purpose normally forbidden by a zoning law or building code. As used in this section, a variance is authorized only for height, area, and size of structures or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district.

“Vocational school” means a school for educating, training or retraining persons in a trade, vocation or other technical field.

“Warehouse” means a structure used for the storage of goods and materials.

“Yard” means an open space on a lot, lying between the property line and building line, which is unobstructed from the ground upward except as otherwise provided for in this title.

Yard, front. See “Front yard.”

Yard, rear. See “Rear yard.”

Yard, side. See “Side yard.”

Yard, street side. See “Street side yard.”

“Zoning district” means a section of the town designated in this title in which requirements of the use of land and building and development standards are prescribed.

“Zoning envelope” means the three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks and other bulk regulations.

“Zoning map” means the map delineating the boundaries of districts that, along with the zoning text of this title, comprise the zoning ordinance of the town of Coulee City. (Ord. 532 § 1 (2.2), 2004).

Chapter 18.12**USE DISTRICTS¹**

Sections:

- 18.12.010 Use districts and regulations established.
- 18.12.020 Zoning map.
- 18.12.030 Interpretation of zoning map and district boundaries.

18.12.010 Use districts and regulations established.

To carry out the purpose of this title, the town is divided into the following districts:

- R – Residential District;
- MU – Mixed Use District;
- C – Commercial District;
- I – Industrial District.

These use districts and standards specific to each district are established for uses throughout the town and are described in the different sections of this title. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered except in compliance with the provisions of this title. (Ord. 532 § 1 (3.1), 2004).

18.12.020 Zoning map.

The location and boundaries of the districts designated in this title are established as shown on the map entitled the “Coulee City Zoning Map.” The zoning map shall be dated with the effective date of the ordinance codified in this title, and signed by the mayor and the clerk of the town of Coulee City. The signed map shall be maintained on file with the clerk of the town of Coulee City and is made a part of this title. (Ord. 532 § 1 (3.2), 2004).

18.12.030 Interpretation of zoning map and district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the town council shall interpret the district boundaries. In making said interpretations, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed as following such center lines;

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

C. Boundaries indicated as approximately following the corporate limits of the town shall be construed as following the corporate limits of the town;

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracts;

E. Boundaries indicated as approximately following the centerlines of streams, rivers, lakes, or other bodies of water shall be construed to follow such centerlines;

F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E of this section shall be so construed. Distances not specifically indicated on the Coulee City zoning map shall be determined by the scale of the map;

G. Where physical or cultural features existing on the ground are at variance with those shown on the Coulee City zoning map or in other circumstances not covered by subsections A through F of this section, the administrator shall interpret the district boundaries. (Ord. 532 § 1 (3.3), 2004).

1. Prior legislation: Ordinances 370, 478 and 499.

Chapter 18.16**PLANNED DEVELOPMENTS**

Sections:

- 18.16.010 Purpose.
- 18.16.020 Description.
- 18.16.030 Where permitted – Permitted uses.
- 18.16.040 Minimum project size.
- 18.16.050 Permitted modifications.
- 18.16.060 Permitted density.
- 18.16.070 Open space, onsite recreation and critical areas.
- 18.16.080 Onsite recreation and/or open space design requirements.
- 18.16.090 Dedicated lands.
- 18.16.100 Project description and association documents.
- 18.16.110 Binding site plan.
- 18.16.120 Phased developments.
- 18.16.130 Minor adjustments and amendments.
- 18.16.140 Expiration.

18.16.010 Purpose.

The purpose of this chapter includes but is not limited to the following:

- A. To allow for creative, flexible development equal to or superior to traditional lot-by-lot development;
- B. To permit diversity in the location and type of structures;
- C. To preserve open space, natural vegetation, water courses, critical areas, historic buildings and places and other community values;
- D. To provide more efficient use of land by facilitating a more economical arrangement of buildings, streets, utilities and land use;
- E. To provide for a variety of housing types in one development with architectural design compatibility;
- F. To provide integrated landscape development; and
- G. To provide for the integration of new development into the existing community while protecting and preserving the values of the surrounding neighborhood. (Ord. 532 § 1 (4.1), 2004).

18.16.020 Description.

There are two types of planned developments established by this code. Unless otherwise specifically stated, all provisions of this chapter shall apply to both types of planned developments.

A. Residential Planned Development (RPD). This is a PD devoted solely to full-time residential uses. It is intended to promote more economical and efficient use of the land, while providing a harmonious variety of housing choices within a single residential project.

B. Mixed Use Planned Development (MUPD). This is a PD that is intended to provide for a variety of different residential, recreational and tourist/resort-related land uses within a single development area. It is intended to promote the mix of these uses in an integrated, coordinated and comprehensively designed development project that offers a high level of urban amenities and preserves the natural and scenic qualities of open spaces and critical areas. (Ord. 532 § 1 (4.2), 2004).

18.16.030 Where permitted – Permitted uses.

Planned developments, when approved in accordance with all applicable codes and this chapter, are established as a development permit and, as such, do not reclassify the existing zoning district designation.

A. An RPD may be permitted within the residential and/or mixed use zoning districts, provided it is consistent with the comprehensive plan. An RPD may include the following uses, which uses shall be specifically identified and approved in the development permit application review and approval process:

1. A combination of residential dwellings such as single-family attached, single-family detached, modular homes, duplexes, townhouses, and other similar dwellings in accordance with this chapter and the Coulee City zoning code;
2. Manufactured homes are also allowed to be part of an RPD, however the placement of manufactured homes shall be specifically included and approved as part of the initial development permit application;

3. Accessory uses specifically designed to meet the needs of the residents of the RPD such as garages, carports, personal and recreational vehicle storage, and other similar non-commercial uses;

4. Developed recreational facilities for the residents of the RPD, such as clubhouses, tennis or racquetball courts, ball fields, trails, sports fields, spa facilities, horse arenas and riding academies, parks, undeveloped recreational areas, open space areas and other similar type uses; and

5. Shared boat docks, launch facilities, and marinas for the residents of the RPD compatible with the purposes of this chapter and the Coulee City shoreline master program.

B. An MUPD may only be permitted in the mixed use zoning district, provided it is consistent with the comprehensive plan. An MUPD may include the following uses, which uses shall be specifically identified and approved in the development permit application review and approval process:

1. A combination of residential dwellings such as single-family attached, single-family detached, modular homes, duplexes, townhouses, full-time and time-share condominiums and other similar dwellings in accordance with this chapter and the Coulee City zoning code;

2. Accessory uses specifically designed to meet the needs of the residents of the MUPD such as garages, carports, personal and recreational vehicle storage, and other similar non-commercial uses;

3. Developed recreational facilities, such as clubhouses, tennis or racquetball courts, ball fields, trails, sports fields, spa facilities, horse arenas and riding academies, parks, undeveloped recreational areas, open space areas and other similar type uses;

4. Other commercial uses as identified in Chapter 18.36 CCC, District Use Chart;

5. Shared boat docks, launch facilities, and marinas compatible with the purposes of this chapter and the Coulee City shoreline master program;

6. Hotels, motels, guest ranches, and other similar resort facilities with a primary focus on visitor accommodations and recre-

ational opportunities that capitalize on the area's natural environment and amenities; and

7. Accessory uses specifically designed to meet the needs of the users of the MUPD such as resort-related retail sales, micro-breweries, wineries, restaurants and drinking establishments within multi-use buildings, personal services, game, card and arcade rooms, exercise facilities, etc. (Ord. 532 § 1 (4.3), 2004).

18.16.040 Minimum project size.

Planned developments shall be located on sites at least one acre in size. (Ord. 532 § 1 (4.4), 2004).

18.16.050 Permitted modifications.

All zoning and subdivision requirements may be modified and approved through a planned development in the interest of the expressed purposes above except for the following, provided the specific requirement to be modified is identified in the planned development application and approval materials:

A. Permitted uses;

B. Yard areas and setbacks on the exterior boundary of the planned development;

C. Surveying standards; and

D. Engineering design and construction standards of public improvements other than street standards. (Ord. 532 § 1 (4.5), 2004).

18.16.060 Permitted density.

The following standards apply to both an RPD and an MUPD:

A. The maximum number of dwelling units permitted per acre for a PD shall be determined by utilizing the maximum density levels established by the comprehensive plan and zoning regulations, and the amount of public benefit or design elements provided within the proposed development. In all districts, exceeding the maximum density permitted within the district requires the connection to a domestic water and sanitary sewer system.

B. Additional density shall be achieved by incorporating the following items into the design and construction of the PD:

1. Onsite storm water drainage retention facilities shall be integrated as usable recreation areas.

2. Landscaping shall be planted adjacent and along the entire frontage of public and/or private street rights-of-way on the property being developed, as well as along the exterior perimeter of the overall PD. Planting areas shall be a minimum of five feet in width and consist of a minimum of 60 percent deciduous trees at least four feet high at the time of planting on no greater than 50-foot centers. Suitable groundcover including grasses and/or low growing shrubs to complement the trees shall also be provided.

3. At least two covered parking spaces shall be provided for all residential dwelling units. Covered parking shall be in the form of carports, garages, or above/below ground parking garages.

4. Developed pedestrian and nonmotorized facilities shall be incorporated into the overall design of the PD, and may include sidewalks, pathways and/or trails that connect features within the development as well as connecting to the overall community.

5. Natural drainage ways shall be incorporated into the overall PD design and left undisturbed or enhanced with native ornamental landscaping when applicable.

6. Significant existing natural features shall be maintained on the site, including without limitation, topography, significant tree stands, or particularly noteworthy trees, view points or other important natural features found onsite.

7. Significant recreational areas shall be developed and equipped with such features as swimming pools, tennis courts, commercial grade playground equipment, a community center or other significant features.

8. Accessory features such as benches, trash cans, tables and other similar attributes to enhance the character of the open space or other features shall be provided in the development.

9. Pedestrian access, open space and recreation amenities shall be provided and incorporated into the PD, when the PD adjoins cultural/historical sites or water bodies such as ponds, creeks, rivers or lakes, when applicable.

10. The PD shall incorporate some other unique site and/or design features not listed above that distinguish it from a typical subdivision.

C. In no case shall the overall density of the PD exceed the 10 units per acre. Where allowed by the particular zoning district, the density of a manufactured home park shall not exceed six units per acre. (Ord. 532 § 1 (4.6), 2004).

18.16.070 Open space, onsite recreation and critical areas.

Within any RPD and within any MUPD that incorporates any type of residential uses, a minimum of 25 percent of the overall area shall be established as open space and/or recreation facilities. Up to five percent of the unbuildable land (i.e., storm water ponding areas, steep slopes, etc.) may be considered for inclusion in the required open space land upon a showing that such lands can and will be used for a specified recreational purpose. The following standards apply to both an RPD and an MUPD:

A. The open space and/or onsite recreation areas may include a combination of natural areas, parks, landscaped areas, trails, and/or visual corridors; provided, that a majority of the areas are contiguous, useable space;

B. Where critical areas are determined to be located within the boundaries of either type of PD, they shall be protected and used in conformance with Coulee City's critical areas code, and may be counted toward the overall required open space/recreation areas. (Ord. 532 § 1 (4.7), 2004).

18.16.080 Onsite recreation and/or open space design requirements.

The following are minimum design requirements for PDs that incorporate onsite recreation and/or open space:

A. The location, shape, size and character of the open space shall be configured appropriate to the scale and character of the planned density, expected population and topography of the area. Onsite recreation areas shall be centrally located in the development and

designed for active and passive recreation unless otherwise approved by the hearing examiner.

B. A minimum of 60 percent of the onsite recreation or open space shall be concentrated and/or connected into large usable areas. The remaining 40 percent may be designated as buffers, entry features, recreation facilities, streetscape, and/or used for a natural trail system or other uses approved by the hearing examiner.

C. Onsite recreation areas or open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the PD; provided, that the building coverage of such buildings or structures shall not exceed 50 percent of the minimum onsite recreation or open space required. (Ord. 532 § 1 (4.8), 2004).

18.16.090 Dedicated lands.

All lands dedicated for the preservation of critical areas, creation of open space or establishment of recreation facilities shall be protected in perpetuity by recorded covenants, approved by the town, which restrict uses to only those specified in the approved PD site plan and provide for the maintenance of the open space in a manner which assures its continuing use for the intended purpose. Dedicated open space may be held in common interest by all of the property owners within the planned development, a public or private entity empowered to manage and maintain the open space, or by other appropriate legal measures that ensure the continuation of the open space/recreation areas. Restrictions shall be placed upon the title to all dedicated areas and on the face of the binding site plan indicating that:

A. All land uses and development shall be limited to the stated purpose of the dedicated property.

B. If the open space/recreation areas are held in common interest by all of the property owners within the planned development, then all property owners within the planned devel-

opment shall be mutually responsible for the maintenance and preservation of the dedicated lands.

C. That dedicated lands shall be maintained free of any liens or encumbrances that could interfere with the stated purpose of the dedication. (Ord. 532 § 1 (4.9), 2004).

18.16.100 Project description and association documents.

A written explanation of the design concept, planned features of the development, measures taken to meet the purposes of this chapter, the proposed sequence and timing of development, the provisions of ownership and management when developed, and covenants or other controls which might influence the development, operation or maintenance of the planned residential development shall be submitted with the site plan. An outline of the documents of the owners association, by-laws, deeds, covenants and agreement governing ownership, maintenance and operation of the planned unit development shall be submitted with the binding site plan. Planned unit development covenants shall include a provision whereby unpaid taxes on all property owned in common shall constitute a proportioned lien on all property of each owner in common. The town may require that it be a third party beneficiary of certain covenants with the right but not obligation to enforce the same. (Ord. 532 § 1 (4.10), 2004).

18.16.110 Binding site plan.

A binding site plan is required for all PDs, and shall include all the required certificates of a final plat and the following:

A. All information required on a preliminary plat;

B. The location of all existing and proposed structures;

C. A detailed landscape plan indicating the location of existing vegetation to be retained, location of vegetation landscaping structures to be installed, the type of vegetation by common name and/or taxonomic designation, the installed and mature height of all vegetation;

D. Schematic plans and elevations of proposed building(s) with samples of all exterior finish material and colors, the type and location of all exterior lighting, signs and accessory structures;

E. Utility, street and storm water drainage plans that indicate the facilities, layout and capacities necessary to serve the entire PD;

F. Inscriptions or attachments setting forth the limitations and conditions of development; and

G. The provisions ensuring the development will be in conformance with the site plan. (Ord. 532 § 1 (4.11), 2004).

18.16.120 Phased developments.

If a planned development is expected to be completed in more than two years from the date of preliminary plat approval, the planned development will be divided into phases or divisions of development, numbered sequentially in the order construction is to occur. The preliminary plat for each phase shall be approved separately. Each division of development in a multiphase planned development shall meet all the requirements of the approved planned development independently. (Ord. 532 § 1 (4.12), 2004).

18.16.130 Minor adjustments and amendments.

PDs may be modified prior to final plat approval according to the provisions below.

A. Minor adjustments to an approved PD may be reviewed administratively, without requiring an additional hearing, provided the “minor adjustments” are characterized by those which may affect the precise dimensions, siting of buildings or lot lines, but which do not affect the type, character and/or architectural style of buildings; increase the total amount of building floor area; increase the number of dwelling units; decrease or substantially change the location of required buffers; decrease the amount of required parking; decrease onsite recreation or open space areas and/or increase the number of points of ingress and egress to the site.

B. Modifications that exceed the conditions of a PD approval, are inconsistent with the intent of the approved PD, and/or are not “minor adjustments,” as determined by the town, shall be considered a request for a major revision to the PD and shall be reviewed and approved in accordance with the procedures of this chapter as a new application. The new application shall be reviewed according to the applicable regulations in effect at the time of new application. (Ord. 532 § 1 (4.13), 2004).

18.16.140 Expiration.

A binding site plan for a PD expires unless final approval is obtained from the town and recorded by the Grant County auditor within two years from the date of approval. For a PD that includes phases as permitted by this chapter, the PD shall expire unless final approval is obtained for the first phase from the town, with subsequent phases falling within the identified phasing schedule, and recorded by the Grant County auditor within two years from the date of approval. Minor revisions to the phasing schedule of a PD that has not expired pursuant to this section may be granted by the town, provided the schedule is consistent with the overall timeframe anticipated for build-out of the PD. An applicant who files a written request with the town within 30 days before the expiration date shall be granted a one year extension upon a showing of a good faith effort to file the binding site plan. (Ord. 532 § 1 (4.14), 2004).

Chapter 18.20**R – RESIDENTIAL DISTRICT¹**

Sections:

18.20.010 Purpose.

18.20.020 Permitted, accessory, conditional and prohibited uses.

18.20.030 Standards.

18.20.010 Purpose.

The purpose of the R residential zoning district is to provide an area for residential uses, including single-family homes and duplexes as permitted uses, and for multifamily uses through an appropriate public hearing review process, consistent with the goals and policies of the Coulee City comprehensive plan. It is further the purpose of this district to preserve residential neighborhoods by encouraging the establishment of “buffer” uses between commercial and residential areas and to encourage development in these areas in relationship to the rest of the community. This district retains and enhances established neighborhoods, as well as providing guidance to the development of new areas, making them compatible and consistent with existing development. (Ord. 532 § 1 (5.1), 2004).

18.20.020 Permitted, accessory, conditional and prohibited uses.

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 18.36 CCC, District Use Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable town of Coulee City rules and regulations are complied with. (Ord. 532 § 1 (5.2), 2004).

18.20.030 Standards.

In addition to the applicable requirements of this code, including without limitation Chapter 18.40 CCC, General Use Regulations and

Standards, all development authorized in this zoning district shall meet the following minimum standards:

A. The maximum height of all structures shall be 25 feet, except that the maximum height for multifamily structures permitted through a planned development process shall be 40 feet.

B. All residential dwellings shall contain a minimum 720 square feet of livable floor area, excluding decks, porches, patios or other attached accessory structures.

C. Accessory buildings or structures shall be clearly incidental to the residential use of the lot, such as storage of personal property, including private garages.

D. No hookups to the municipal water and sewer facilities shall be made to any premises which is not constructed in compliance with the terms of this title.

E. Maximum density of development in this district shall be five units per acre, except that multifamily uses allowed through a planned development process may include up to 10 units per acre, provided all other applicable provisions of this code are met.

F. All outdoor trash, garbage and refuse storage areas associated with multifamily uses shall be screened on all sides from public view and, at a minimum, be enclosed with a five-and-one-half-foot-high wood, concrete or masonry wall, or sight-obscuring fence and landscaping on all sides.

G. An owner of a vacant residential lot may be allowed to construct a storage building prior to the development of a single-family residence providing all of the following conditions are met:

1. All structures, regardless of total size, shall be subject to obtaining a building permit;

2. The applicant shall submit a site plan as part of the building permit review that identifies and reserves a location for the development of a single-family residence;

3. The structure footprint shall not exceed 20 percent of the total lot area;

4. The structure must be fully enclosed; including a roof, walls along the full perimeter of the building, and walls the full height from

1. Prior legislation: Ordinances 370 and 485.

the ground to the eaves. Any entry point shall have a closable door;

5. No outside storage is permitted. (Ord. 695 § 1, 2018; Ord. 532 § 1 (5.3), 2004).

Chapter 18.24**MU – MIXED USE DISTRICT**

Sections:

18.24.010 Purpose.

18.24.020 Permitted, accessory, conditional
and prohibited uses.

18.24.030 Standards.

18.24.010 Purpose.

The purpose of the MU mixed use zoning district is to provide an area characterized by a mix of residential as well as commercial and recreational activities that cater to both the residents of the community and to tourists and travelers. Uses may include single-family residences, multifamily apartments, RV parks and campgrounds, golf courses and driving ranges, resort facilities, personal and professional services, offices and retail commercial activities. (Ord. 532 § 1 (6.1), 2004).

**18.24.020 Permitted, accessory, conditional
and prohibited uses.**

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 18.36 CCC, District Use Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable town of Coulee City rules and regulations are complied with. (Ord. 532 § 1 (6.2), 2004).

18.24.030 Standards.

In addition to the applicable requirements of this code, including without limitation Chapter 18.40 CCC, General Use Regulations and Standards, all development authorized in this zoning district shall meet the following minimum standards:

A. For all types of residential uses, the development standards of the R residential district shall apply.

B. For authorized nonresidential uses, the minimum lot size, depth and width shall be sufficient to accommodate the use(s) in accordance with this title and other applicable pro-

visions of the CCC including without limitation the requirements for off-street parking, landscaping, signs, etc.

C. For authorized nonresidential uses, the maximum building height shall be 40 feet.

D. For authorized nonresidential uses, the maximum lot coverage shall be 70 percent.

E. Storage of materials and merchandise, other than for display purposes, shall be located outside of required front yard areas and it shall be screened from public view. (Ord. 532 § 1 (6.3), 2004).

Chapter 18.28**C – COMMERCIAL DISTRICT¹**

Sections:

18.28.010 Purpose.

18.28.020 Permitted, accessory, conditional
and prohibited uses.

18.28.030 Standards.

18.28.010 Purpose.

The purpose of the commercial zoning district is to promote retail and wholesale businesses and to provide shopping and business services to the entire community. It is the further purpose of this zone to protect and improve the area for the benefit of town businesses, property owners and the general public. (Ord. 532 § 1 (7.1), 2004).

18.28.020 Permitted, accessory, conditional and prohibited uses.

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 18.36 CCC, District Use Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable town of Coulee City rules and regulations are complied with. (Ord. 532 § 1 (7.2), 2004).

18.28.030 Standards.

In addition to the applicable requirements of this code, including without limitation Chapter 18.40 CCC, General Use Regulations and Standards, all development authorized in this zoning district shall meet the following minimum standards:

A. Building height in this district shall be regulated as set forth in the building codes adopted by the town in CCC Title 15, Buildings and Construction.

B. Visual screening of trash areas and other service areas of the development shall be provided through landscaping, fencing or other methods which provide for visual screening

and which prevent blowing trash. Whenever feasible, trash and service areas will be located to the rear of the structure.

C. When parcels in this district adjoin different use districts, particularly a residential district, a buffer area shall be created by increasing side and rear yard setbacks to those required in CCC 18.40.020. Without interfering with a required access point for trash and other service areas or required parking areas, a visual screen of landscaping and/or fencing shall be provided within required yard areas.

D. Display and any other exterior lighting shall be of low-intensity, as well as designed and operated to minimize glare, project toward the property, avoid illuminating nearby properties and prevent hazards for public traffic.

E. A caretaker's residence shall be a secondary, subordinate part of the commercial activities onsite, located within the primary commercial building, and it shall be used only for housing a person or persons responsible for the security and operation of the commercial venture.

F. Minimum lot sizes, widths and depths: none. It is the intent that each enterprise or use be located on a site commensurate with its use and sufficient to meet the requirements for off-street parking, loading and unloading, and setback requirements, where applicable.

G. Minimum setbacks – Front: none.

H. Minimum setbacks – Side and rear: None, except when abutting a residential district where there is no intervening right-of-way, the setback requirement is 10 feet. Where an alley exists between districts, the setback shall be five feet from the property line/alley right-of-way. (Ord. 532 § 1 (7.3), 2004).

1. Prior legislation: Ordinances 370 and 478.

Chapter 18.32**I – INDUSTRIAL DISTRICT**

Sections:

18.32.010 Purpose.

18.32.020 Permitted, accessory, conditional
and prohibited uses.

18.32.030 Standards.

18.32.010 Purpose.

The purpose of the industrial zoning district is to provide an area that protects existing industrial uses, as well as establishing opportunities for further industrial development. This district supplies sufficient area, organized in a concentrated, positive working environment, to accommodate a broad range of industrial type activities. (Ord. 532 § 1 (8.1), 2004).

**18.32.020 Permitted, accessory, conditional
and prohibited uses.**

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 18.36 CCC, District Use Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable town of Coulee City rules and regulations are complied with. (Ord. 532 § 1 (8.2), 2004).

18.32.030 Standards.

In addition to the applicable requirements of this code, including without limitation Chapter 18.40, General Use Regulations and Standards, all development authorized in this zoning district shall meet the following minimum standards:

A. Building height in this district shall be regulated as set forth in the building codes adopted by the town in CCC Title 15, Buildings and Construction.

B. Visual screening of trash areas and other service areas of the development shall be provided through landscaping, fencing or other methods which provide for visual screening and which prevent blowing trash. Where feasible, trash and service areas will be located to the rear of the structure.

C. When parcels in this district adjoin different use districts, particularly a residential district, a buffer area shall be created by increasing side and rear yard setbacks to those required in CCC 18.40.020. Without interfering with a required access point for trash and other service areas or required parking areas, a visual screen of landscaping and/or fencing shall be provided within required yard areas.

D. Display and any other exterior lighting shall be of low-intensity, as well as designed and operated to minimize glare, project toward the property, avoid illuminating nearby properties and prevent hazards for public traffic.

E. A caretaker's residence shall be a secondary, subordinate part of the industrial activities onsite, located within the primary industrial building, and it shall be used only for housing a person or persons responsible for the security and operation of the commercial venture.

F. Minimum lot sizes, widths and depths: none. It is the intent that each enterprise or use be located on a site commensurate with its use and sufficient to meet the requirements for off-street parking, loading and unloading, and setback requirements, where applicable.

G. Minimum setbacks – Front: 10 feet from the property line when no parking areas are to be located in the front yard area.

H. Minimum setbacks – Side and rear: 10 feet from the property line. Where an alley exists, the setback shall be five feet from the property line/alley right-of-way. When an industrial use abuts any residential district, the setback requirement shall be 25 feet. (Ord. 532 § 1 (8.3), 2004).

Chapter 18.36**DISTRICT USE CHART**

Sections:

18.36.010 Purpose.

18.36.020 District use chart.

18.36.010 Purpose.

A district use chart is established and contained herein as a tool for the purpose of determining the specific uses allowed in each use district. (Ord. 728 § 1, 2024; Ord. 532 § 1 (9.1), 2004).

18.36.020 District use chart.

The use chart located on the following pages is made a part of this section, and the below acronyms apply to said use chart. For listed uses, if a cell within the chart is blank under a specific district column, that use is prohibited. For unlisted uses, the administrator shall determine if said unlisted use is similar to one that is already enumerated in the use chart and may therefore be allowed, subject to the requirements associated with that use and other applicable provisions of the Coulee City Code.

ALW – Allowed, Permitted Use

ACC – Accessory Use

CUP – Conditional Use Permit

PD – Planned Development

District Use Chart	R	MU	C	I
Accessory Dwelling	ACC	ACC		
Accessory Structure	ACC	ACC	ACC	ACC
Adult Family Home	ALW	ALW		
Ag-Related Industry			ALW	ALW
Agricultural Building, Commercial		CUP	ALW	ALW
Agricultural Building, Private	CUP	ALW	ALW	ALW
Animal Clinic, Hospital		CUP	ALW	ALW
Animal Shelter			ALW	
Arboretums and Gardens	CUP	CUP	ALW	
Arts and Crafts, Antique Sales, Variety Stores		CUP	ALW	
Asphalt Paving Plant				ALW
Assisted Living Facility	CUP	ALW		
Auto Towing – Secured			ALW	ALW
Auto/Truck Sales and Service			ALW	ALW
Bakery, Retail		CUP	ALW	ALW
Bakery, Wholesale			CUP	ALW
Bed and Breakfast, Boarding/Lodging House	ALW	ALW		
Beverage Industry			CUP	ALW
Boat Launches, Water-Related Activities	CUP	CUP	ALW	
Boat Sales and Service		CUP	ALW	ALW
Building/Construction Materials, Manufacture/Assembly/Fabrication			CUP	ALW
Bulk Fuel Distributor			CUP	ALW

District Use Chart	R	MU	C	I
Bus Stop, Transfer Station/Park and Ride	ALW	ALW	ALW	
Canning/Packing Foods			CUP	ALW
Car Rental		CUP	ALW	ALW
Car Wash		CUP	ALW	ALW
Caretaker's Residence	ACC	ACC	ACC	ACC
Cement/Concrete Plant				ALW
Cemeteries, Mausoleums		CUP	ALW	ALW
Chemical, Pharmaceuticals, Cosmetics Manufacture/Processing/Packaging			CUP	ALW
Churches (Parsonages)	ALW	ALW	ALW	
Clinic, Medical, Dental, Etc.	ALW	ALW	ALW	
Commercial Composting				ALW
Commercial Copiers/Printers			ALW	ALW
Communications, TV/Radio Stations, Telephone Exchanges			ALW	ALW
Community Club, Grange, Lodge, Convention, Info and/or Community Centers	CUP	ALW	ALW	
Condominiums – Residential	PD	PD		
Condominiums – Time Share and Similar Resort Operations		PD	PD	PD
Congregate Care Facility, Convalescent Home/Nursing Home		ALW	ALW	
Construction Contractor's Offices/Yards			ALW	ALW
Convenience Store		CUP	ALW	ALW
Courts of Law, Detention Facility/Jail			ALW	
Cultural and/or Historical Facilities	CUP	ALW	ALW	
Day Care Center	ALW	ALW	ALW	
Dry Cleaners, Laundromats		CUP	ALW	ALW
Duplex Dwelling	ALW	ALW		
Education Services, Instructional Child Care (Preschool)	CUP	CUP	ALW	
Electronic Product Manufacture/Assembly			ALW	ALW
Entertainment: Bowling Alleys, Drive-In Theater, Game/Arcade Room, Roller-Skating Rink, Theaters		CUP	ALW	
Exercise Facility, Athletic Club		CUP	ALW	
Fabricated Metal Products, Sheet Metal, Welding			CUP	ALW
Fairgrounds		CUP	ALW	
Family Day Care Home, Family Day Care Provider	ACC	ACC	ALW ¹	

District Use Chart	R	MU	C	I
Farm Equipment Sales/Service			ALW	ALW
Farmers Market		CUP	ALW	ALW
Feed Lot				ALW
Feed Store		ALW	ALW	ALW
Financial/Lending Institution (Bank, Etc.)		CUP	ALW	
Food Processing			CUP	ALW
Food Service, Drive-up		CUP	ALW	ALW
Food Service, Mobile		CUP	ALW	
Foster Home	ACC	ACC		
Funeral Home/Crematorium			ALW	ALW
Gambling: Mini-Casinos, Game, Card Rooms		CUP	CUP	CUP
Gas/Service Station		CUP	ALW	ALW
Golf Course/Driving Range, Miniature Golf		CUP	ALW	
Government Uses and Structures, Municipal Buildings, Fire/Police Station	ALW	ALW	ALW	
Guest Ranches, Lodging Facilities		CUP		ALW
Gun/Sportsmen's Club		CUP	ALW	ALW
Hardware/Garden Store – Lumber Yard			ALW	ALW
Heating and Plumbing Sales and Services			ALW	ALW
Heliports, Airports			CUP	CUP
Home Fruit Stand	CUP	ALW	ALW	
Home Occupation – A	ACC	ACC		
Home Occupation – B	CUP	CUP		
Horse Boarding/Training, Riding Stable		CUP		ALW
Hospital	CUP	CUP	ALW	
Hotels/Motels		CUP	ALW	ALW
Kennels, Commercial			CUP	CUP
Kennels, Hobby	CUP	CUP	ALW	ALW
Libraries, Public	ALW	ALW	ALW	
Livestock				
Manufacture, Apparel			CUP	ALW
Manufacture/Assembly, Furniture Products			CUP	ALW
Manufacture/Assembly, Glass Products			CUP	ALW
Manufacture/Assembly, Hardware Product			CUP	ALW
Manufacture/Assembly, Leather Products				ALW
Manufacture/Assembly, Machinery/Heavy Equipment			CUP	ALW
Manufacture/Assembly, Paper Products			CUP	ALW
Manufacture/Assembly, Plastic Products			CUP	CUP

District Use Chart	R	MU	C	I
Manufacture/Assembly/Fabrication, Manufactured Homes. Travel Trailers, Campers			CUP	ALW
Manufactured Home Park	PD	PD	PD	
Manufactured Home, Designated Manufactured Home	ALW	ALW		
Manufactured Home, Sales			ALW	ALW
Marinas/Water-Related Commercial Use		CUP	ALW	ALW
Marine and/or Fishing Supplies Sales		CUP	ALW	ALW
Medical/Scientific Research, Product Manufacture/Assembly			CUP	ALW
Micro-Brewery/Winery		CUP	ALW	ALW
Mineral Extraction, Crushing, Screening, Etc.			CUP	ALW
Mobile Home				
Mobile Home for the Aged	CUP	CUP		
Multifamily Dwelling	PD	PD		
Municipal Shop/Maintenance Buildings			ALW	ALW
Museums, Art Galleries	CUP	CUP	ALW	
Newspaper Publishing			ALW	ALW
Nursery, Commercial/Retail/Wholesale		ALW	ALW	ALW
Paperboard Containers Manufacture			CUP	ALW
Parcel Delivery Service, Packaging, Crating		CUP	ALW	ALW
Parking Lots – Commercial or Public			ALW	ALW
Personal Services (Barber, Salon, Etc.)	CUP	CUP	ALW	
Pet Services		CUP	ALW	
Pharmacies		CUP	ALW	
Post Office	CUP	CUP	ALW	
Poultry	ACC	ACC	ACC	ACC
Prefabricated Wood Products			CUP	ALW
Printing, Publishing, Binding			ALW	ALW
Professional Services (Lawyer, Etc.)	CUP	CUP	ALW	
Racetrack/Speedway (Horse, Mini-Sprint, Etc.)		CUP	ALW	ALW
Recreation: Parks and Recreation Facilities, Playfields, Public Fishing Access, Fish/Wildlife Habitat Areas	CUP	ALW	ALW	
Recreational Vehicle Park or Tent Campground (stay up to 14 days)		CUP	ALW	ALW
Recycling Center			ALW	ALW
Rendering Plants				CUP
Repair Services, Electronics/Appliances		CUP	ALW	ALW

District Use Chart	R	MU	C	I
Restaurant, Diner, Coffee Shop	CUP	CUP	ALW	ALW
Retail – Textiles, Sporting Goods		CUP	ALW	ALW
Retail Sales and Service; Department, Furniture, Home Furnishing, Merchandise			ALW	ALW
Retail Stores (Grocery, Food, Etc.)		CUP	ALW	ALW
Rubber Products			CUP	ALW
RV Sales and Services		CUP	ALW	ALW
Sales, Distribution of Hazardous Materials			CUP	ALW
Short Term Rentals (STR), House Vacation Rentals				
Single-Family Dwelling	ALW	ALW	ALW ²	ALW ²
Slaughterhouse				ALW
Storage Facility; Enclosed, Outdoor, Self Storage, Mini-Storage, RV, Boat			CUP	CUP
Taverns, Bars, Cocktail Lounges		CUP	ALW	ALW
Temporary Buildings for Construction Purposes	ALW	ALW	ALW	ALW
Tractor, Trailer Sales			ALW	ALW
Trade/Vocational School		CUP	ALW	ALW
Tree Fruit Production, Vineyard		ALW		ALW
Truck Stops			ALW	ALW
Truck, Freight Terminals				ALW
Utility Uses and Structures, Including Cell Towers		CUP	CUP	CUP
Vehicle Repair and Service Shops		CUP	ALW	ALW
Warehousing, Storage			ALW	ALW
Wastewater Treatment Facilities			ALW	ALW
Water Treatment Facilities	ALW	ALW	ALW	ALW
Wrecking/Junk Yard				CUP

¹ Only existing residential structures within commercial zoning are permitted to have family day care homes.

² Only existing residences as of the date of adoption of the ordinance codified in this title.

(Ord. 728 § 1, 2024; Ord. 557 § 1, 2006; Ord. 532 § 1 (9.2), 2004).

Chapter 18.40**GENERAL USE REGULATIONS
AND STANDARDS**

Sections:

- 18.40.010 Purpose.
- 18.40.020 General requirements.
- 18.40.030 Building height measurement.
- 18.40.040 Swimming pools.
- 18.40.050 Fences.
- 18.40.060 Yards and setbacks.
- 18.40.070 Residential performance standards.
- 18.40.080 Storage standards.
- 18.40.090 Accessory dwellings.
- 18.40.100 Livestock standards.
- 18.40.110 Storm water runoff.
- 18.40.120 Clear view triangle.
- 18.40.130 Level of service.
- 18.40.140 Septic systems.

18.40.010 Purpose.

The purpose of the general regulations is to provide a concise reference to requirements that are common to many different zoning districts, thereby providing a more efficient utilization of this title. (Ord. 532 § 1 (10.1), 2004).

18.40.020 General requirements.

In order to provide for orderly development and to ensure the public health, safety, and welfare of the community, land use activity, buildings or structures shall not be erected, moved or utilized on any lot, tract or parcel of land except in compliance with this chapter and other applicable ordinances. Building and dimensional requirements shall be as provided below:

Zone	Minimum Lot Size (square feet)	Minimum Lot Width	<u>Setbacks</u>			Maximum Lot Coverage	Maximum Density
			Front	Rear	Side		
R	5,000 or 2 lots (sf) 9,000 (duplex) 1,000 for each additional unit more than 2	50'	15'	15' without alley 5' with alley	5'	35%	5 units/acre (single-family, duplex) 10 units/acre (multifamily)
MU	5,000 or 2 lots (sf) 9,000 (duplex) 1,000 for each additional unit more than 2	50'	15'	15' without alley 5' with alley	5'	35% Res. 70% Nonres.	10 units/acre
C*	0	0'	0'	0'	0'	0	N/A
I**	0	0'	10'	10' or 5' adj to alley	10'	0	N/A

*For the C district, when a commercial use abuts a residential district where there is no intervening right-of-way, the rear and/or side yard setback requirement is 10 feet, except where an alley exists between districts, the setback shall be five feet from the property line/alley right-of-way.

**For the I district, when an industrial use abuts a residential district, the rear and/or side yard setback requirement shall be 25 feet.

(Ord. 664 § 1, 2015; Ord. 532 § 1 (10.2), 2004).

18.40.030 Building height measurement.

A. Building Height. Any building or structure or portion thereof hereafter erected in any use district shall not exceed the maximum height specified in the district, except as provided in subsection B of this section, or as enumerated elsewhere in this title.

B. The following types of structures or structural parts are not subject to the building height limitation of this title: aerials, belfries, chimneys, church spires, cupolas, domes, fire and hose towers; flagpoles, grain elevators, monuments, radio or television antennas, communication towers and associated antennas, water towers, windmills and other similar projections. (Ord. 532 § 1 (10.3), 2004).

18.40.040 Swimming pools.

Above- and below-ground swimming pools, spas, and hot tubs fencing and safety features must be compliant with the current version of the International Residential Code (IRC) and International Building Code (IBC). (Ord. 708 § 1, 2020; Ord. 532 § 1 (10.4), 2004).

18.40.050 Fences.

Fences are not subject to setback/yard requirements; however, height of fences in all districts shall be as follows:

A. Front Yard. Forty-eight inches maximum height as measured from the finished grade of the lot. On corner lots and when located within a clear view triangle as described in this code, no solid or other sight-obstructing fence or other physical obstruction shall be higher than 42 inches as measured from the established road grade. Chain link or other decorative fences that do not obstruct vision of the intersection may be 48 inches in height.

B. Side Yard. A maximum of 48 inches in height as measured from the finished grade of the lot within 10 feet of the front lot line, at which point it may be a maximum of six feet in height as measured from the finished grade of the lot.

C. Rear Yard. Six feet maximum height from the finished grade of the lot. (Ord. 544 § 1, 2005; Ord. 532 § 1 (10.5), 2004).

18.40.060 Yards and setbacks.

The minimum yards and setbacks for permitted, accessory and conditional uses in all districts shall be as identified in the table in CCC 18.40.020 and the following provisions, except as may be provided elsewhere in this code:

A. Corner lots shall be considered to have two front yards, and one of the remaining two yard areas shall be designated a “rear” yard as defined in this code.

B. Detached garages or other detached accessory structures (pertinent to any residence) may be erected within five feet of any side or rear property line if the structure is a minimum distance of 10 feet from any other building or structure. Not more than 50 percent of a required rear yard area shall be covered by buildings or structures.

C. Cornices, eaves, gutters, sunshades and other similar architectural features may project not more than two feet into a required yard. Chimneys are considered a part of a structure or a building and are not permitted to project into a required yard.

D. Cul-de-Sacs or Irregular Lots. No building or structure shall be erected where the front building setback line measures less than 60 feet wide, except when located in a manufactured home park or if specifically approved as a part of a planned residential development. (Ord. 532 § 1 (10.6), 2004).

18.40.070 Residential performance standards.

All residential dwellings shall meet the following provisions as a minimum standard. Manufactured home placement in approved parks is excluded from these provisions.

A. Manufactured homes shall be no more than five years beyond the date of manufacture at the time a placement permit is requested from the town.

B. The minimum width of the main body of the home, as assembled on the site, shall not be less than 24 feet, as measured across the narrowest portion.

C. Siding materials shall be wood, masonry, masonry, stucco, vinyl, or other comparable materials, however, not including corrugated tin. The exterior siding material shall extend to the top of the foundation or skirting.

D. Manufactured homes shall have a foundation or skirting that is similar in appearance to the foundations of site-built housing.

E. The first finished floor level of a single story residence shall be 15 inches or less above the finished grade of the lot. Manufactured homes shall be recessed (pit-set) to achieve this. Residential dwellings located on a sloping lot shall meet the following provisions:

1. Up to 50 percent of the perimeter of the residence may be back-filled or bermed with soil; and

2. The fill or berm shall extend outward a minimum of 10 feet from the residence into the front yard setback and a minimum of five feet in the side and rear yard area of the residence. The fill or berm shall be sloped away from the residence with a slope of one quarter of one inch to one foot, 10 feet out from the residence in the front yard or rear yard and two feet from the side yards. The remaining area shall have a slope of three horizontal feet to one vertical foot. A retaining wall may be constructed to satisfy the three to one slope requirement, provided it meets the minimum requirements of the town's adopted building code. (Ord. 532 § 1 (10.7), 2004).

18.40.080 Storage standards.

A. General. It is unlawful and a violation of this title for the owner of any premises in the town, the owner's agent, or the occupant of any premises in the town to store, keep or accumulate junk and/or junk vehicles on such property, or to allow anyone else to store, keep or accumulate junk and/or junk vehicles on such property. Any violations of these provisions shall be considered a public nuisance and

shall be subject to the enforcement procedures described herein as well as those described in Chapter 8.32 CCC.

B. All permitted storage shall be considered accessory. Storage of unlicensed, inoperable vehicles and/or any other materials shall be located entirely within an enclosed building or shall be screened from view of the surrounding properties with a sight-obscuring fence and/or landscaping, except as otherwise required by this title. No storage of materials shall be located within any required front yard. Storage of scrap lumber, metals, glass and other material sold or offered for sale is prohibited within residential districts.

C. The repair of any personal automobile, truck or other vehicle of any kind upon the public streets or alleys in any residential district is prohibited. Said repair of personal vehicles shall only be conducted within a fully enclosed garage or other suitable structure meeting all of the applicable dimensional standards of this code. In no instance shall a vehicle of any kind be stored on a building site so as to obstruct sidewalks or create a traffic hazard.

D. No more than a total of five cars, trucks, boats and recreational vehicles per dwelling may be located outside of an enclosed building on any lot in a residential district. Off-street storage or off-street parking areas shall be provided for all recreational vehicles, including but not limited to boats, motor homes, travel trailers, or similar type recreational vehicles. The storage of recreational vehicles shall be prohibited within a required front yard in a residential district, except within established driveways, or on the public right-of-way. For the purposes of this code, "storage" means that a recreational vehicle is parked for more than 30 days.

E. Refuse storage shall be prohibited within a required front yard and within required rear or side yards when adjacent to a residential district. Single-family and duplex dwellings shall be exempt from this provision.

F. Cargo containers may be used for accessory storage units within the mixed use, commercial and industrial zoning districts. (Ord. 532 § 1 (10.8), 2004).

18.40.090 Accessory dwellings.

A. Accessory dwellings shall be limited in size to no greater than the primary structure on the tax parcel.

B. All other applicable provisions of the zoning district and general regulations shall apply to the accessory dwelling, including without limitation minimum floor area, setbacks, lot coverage, and other development standards that may be found in the Coulee City Municipal Code.

C. There shall not be more than one accessory dwelling located on a lot in addition to the primary single-family residence, and for the purposes of calculating residential density, shall not count as a dwelling unit.

D. The accessory dwelling will be required to obtain and maintain a separate water and sewer connection. (Ord. 696 § 1, 2018; Ord. 532 § 1 (10.9), 2004).

18.40.100 Livestock standards.

A. When permitted according to Chapter 18.36 CCC, District Use Chart, the keeping of livestock and poultry shall meet the following minimum provisions:

1. The minimum pasture area necessary to keep animals shall be as follows:

a. Fourteen thousand square feet for one or two larger animals such as ponies, horses, mules, cows, etc., with an additional 7,000 square feet of contiguous pasture area needed for one additional animal. Young animals under one year of age are exempt.

b. Four thousand five hundred square feet for smaller animals such as sheep, goats, etc. with a maximum number of two animals per pasture with an additional 2,300 square feet of contiguous pasture area needed for one additional animal. Young animals under six months of age are exempt.

c. A maximum of six rabbits, turkeys or geese (or any combination thereof up to six total) will be permitted per ownership. A maximum of 12 chickens or ducks (or any combination thereof up to 12 total) will be permitted per ownership. Young animals under six months of age are exempt.

d. Pigs will not be allowed within the town limits except in the case of potbelly pigs

that are treated as a household, family pet, and except as provided for in conjunction with youth development projects authorized in subsections B and C of this section.

e. Exotic or unique animals will be classified within one of the above categories according to similar size, weight or type of animal, as determined by the administrator, and subject to the applicable regulations.

2. The property shall be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust and general nuisances and shall be in compliance with the health district regulations.

3. Adequate measures shall be taken to properly dispose of animal wastes. Accumulation of animal waste shall be prohibited from being stored closer than 100 feet from any off-premises dwelling and/or any domestic or irrigation wells.

4. Barns, shelters or other buildings or structures for the keeping of feeding of cattle, horses, goats, sheep, poultry or other similar animals or birds shall be located a minimum of 50 feet from any off-premises dwellings. Rabbit hutches are exempt from this requirement.

5. Pastures are defined as that area that is enclosed within a perimeter fence, and shall not include that portion of the property used for residential purposes. Pasture areas shall be maintained with a permanent, uniform top cover (vegetation). Said vegetation shall not include noxious weeds.

6. All livestock and poultry shall be kept in enclosures so constructed and maintained as to prevent the livestock from breaking through, out, or over the same and roaming at large through the town.

B. Temporary projects (six months or less) associated with youth development organizations such as 4-H or FFA are exempt from the minimum pasture requirements herein; however, these projects must be registered with the town within 30 days of obtaining the animal on a standard form which lists the name and address of the youth, the name of the youth organization, the number and type of animal(s) as well as location, and a parent or guardian signature. (All other applicable provisions of

subsection A of this section, particularly subsections (A)(2) through (A)(5), will be enforced for youth development projects.)

C. Youth development organization projects which involve a period of more than six months will require a special approval by the planning commission at their regularly scheduled meeting, with possible conditions including but not limited to pasture size, location, fencing, etc. (Ord. 532 § 1 (10.10), 2004).

18.40.110 Storm water runoff.

Storm water shall be directed to the town's system where available, or shall be retained and disposed of onsite in an approved system designed for such runoff. (Ord. 532 § 1 (10.11), 2004).

18.40.120 Clear view triangle.

A clear view triangle shall be maintained for vision safety purposes on all corner lots and intersecting public/private roads, including intersections with public and private roads and alleyways. No solid or other sight-obstructing fence, sign, utility structure, associated landscaping or other sight obstruction between 42 inches and eight feet in height above the existing road grade shall be placed within the triangle. The clear view triangle shall be determined by measuring 25 feet from the point of intersection of the two property lines, along the property lines adjacent to each street. The third side of the triangle shall be a line connecting the end points of the first two sides of the triangle. Where an existing structure encroaches upon the required clear view triangle as described above, the triangle shall be determined by measuring the distance from the point of intersection of the two property lines down each side of the street until the triangle is not interfered with by the existing structure. (Ord. 709 § 1, 2020; Ord. 544 § 2, 2005; Ord. 532 § 1 (10.12), 2004).

18.40.130 Level of service.

A. New building and development shall not be permitted if it negatively affects the established level of service standards for transportation in the comprehensive plan.

B. Mitigation measures shall include, but are not limited to, traffic demand management strategies that are consistent with the comprehensive plan.

C. Exemption.

1. Highways of statewide significance. (Ord. 557 § 1, 2006).

18.40.140 Septic systems.

Any failing septic that is found polluting a "water of the state" shall be required to take corrective actions, such as hooking up to the town sewer system. (Ord. 557 § 1, 2006).

Chapter 18.44**VARIANCES¹**

Sections:

18.44.010 Authorized when – Conditions for granting.

18.44.010 Authorized when – Conditions for granting.

The town may authorize variances from the specific requirements of this section where it can be shown that, owing to special circumstances related to a specific piece of property, the literal interpretation of this title would cause unnecessary hardship. No variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. The hearing examiner is empowered to issue variances after holding a public hearing and making a finding of fact that:

A. The hardship created by the application of the regulation is peculiar to the property in question and conditions not affecting other properties in the same district; the hardship is not due to acts of the owner(s) or previous owner(s) of the property; and any other person owning the property would be burdened with the same hardship.

B. The granting of the variance shall not be inconsistent with the purposes of this section and must not in any way result in a hardship to other property owners.

C. The granting of the variance shall be for the correction of any inequity which application of the regulations might impose.

D. The variance requested is the minimum variance from the provisions and standards of this title which will alleviate the hardship. (Ord. 532 § 1 (11.1), 2004).

1. Prior legislation: Ordinance 370.

Chapter 18.48**CONDITIONAL USE PERMITS¹**

Sections:

- 18.48.010 Purpose.
- 18.48.020 Additional conditions which may be imposed.
- 18.48.030 Conditions for granting.
- 18.48.040 Alterations to existing uses.
- 18.48.050 General requirements.
- 18.48.060 Mobile homes for the aged.
- 18.48.070 Day care center.
- 18.48.080 Bed and breakfast.

18.48.010 Purpose.

Conditional uses are those uses and activities that may be appropriate, desirable, convenient or necessary in the district within which they are allowed, however, due to inherent characteristics of the use, may be injurious to the public health, safety, welfare or interest unless appropriate conditions are established. This chapter describes the criteria for review, authority for action on and minimum conditions applied to certain uses. The requirements of this chapter and the authorization to conduct a conditional use do not supersede, and in fact rely upon, other requirements and standards of this title and other ordinances. (Ord. 532 § 1 (12.1), 2004).

18.48.020 Additional conditions which may be imposed.

In permitting a conditional use, the hearing examiner may impose any additional conditions which he/she considers necessary to protect the best interest of the surrounding property or the town as a whole, including the following:

- A. Increasing the required lot size or yard dimensions;
- B. Limiting the heights or coverage of buildings because of obstruction to view and reduction of light and air to adjoining properties;

C. Controlling the number and location of vehicular access points to the property;

D. Increasing the street width;

E. Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property in character in keeping with the surrounding area;

F. Requiring a performance bond in an amount which would guarantee compliance with town regulations and conditions imposed by the hearing examiner. (Ord. 532 § 1 (12.2), 2004).

18.48.030 Conditions for granting.

Conditional use permits may be issued by the hearing examiner after holding a public hearing and making a finding that:

A. The proposed use will be consistent with the general and specific objectives of the comprehensive plan and all subarea plans.

B. The proposed use will be designed, constructed, operated and maintained so as to be consistent with and appropriate in appearance with the existing or intended character of the general vicinity.

C. The traffic generated by the proposed use will be mitigated so as not to burden the traffic circulation system in the vicinity.

D. The proposed use will be adequately served by facilities and services such as highways, streets, law enforcement, fire protection, storm water drainage, refuse disposal, domestic water and sanitary sewers and schools; or that persons or agencies responsible for the establishment of the proposed use shall provide adequate services.

E. The proposed use will not create excessive additional requirements at public cost for public facilities and services.

F. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reasons of excessive production of traffic, noise, smoke, fumes, vibration, glare or odors.

G. Adequate buffering devices such as fencing, landscaping, or topographic characteristics will be in place as needed to mitigate

1. Prior legislation: Ordinance 370.

and protect adjacent properties from potential adverse impacts of the proposed use, including visual and/or auditory effects.

H. Conditional use permits shall comply with the Coulee City Code and all applicable local, state and/or federal regulations. (Ord. 532 § 1 (12.3), 2004).

18.48.040 Alterations to existing uses.

A change in use, expansion or contraction of site area, or alteration of structures or uses which are classified as conditional and existed prior to the effective date of the ordinance codified in this title shall conform to the provisions of this chapter. (Ord. 532 § 1 (12.4), 2004).

18.48.050 General requirements.

A. The town shall determine whether the conditional use permit will run with the land or be personal. If the conditional use is personal, the permit is nontransferable to other persons. The town may require the permit to be recorded with the county auditor as a covenant on the property.

B. The conditional use permit must be acted upon within one year from the date of approval or the permit shall expire. The holder of the permit may request an extension of time before the expiration date and the administrator may grant one extension of time of up to one year past the original expiration date.

C. The conditional use permit, even if issued to the person, applies only to the property on which it was issued and may not be transferred to any other property.

D. A conditional use permit may be denied if the town finds the proposed use cannot be conditioned so that the required findings can be made. (Ord. 532 § 1 (12.5), 2004).

18.48.060 Mobile homes for the aged.

Temporary placement of a mobile home as a home for the aged may be allowed in all residential districts by conditional use permit with the following minimum provisions:

A. Mobile homes only, as defined in Chapter 18.08 CCC; provided, the mobile home shall bear a date of manufacture no older than 10 years from the date of application for the conditional use permit;

B. Minimum lot size of 5,000 square feet with a minimum frontage width of 50 feet shall be allowed;

C. The use of which is necessary for the aged. The minimum age allowed is 55 years;

D. Mobile home size and width requirements for the particular zone in which it is placed will not apply. All other zoning and building codes will apply;

E. Utilities shall be connected and shall meet the specifications of the appropriate regulatory agency;

F. Occupancy is limited to two persons and the necessary number of care givers living in the home, as identified during the conditional use permit application process;

G. Landscaping, parking and other conditions may be attached as required by the town;

H. Annual renewal shall be required and administered by the town clerk without requiring a new hearing; and

I. When the original need for the mobile home ceases, the mobile home shall be removed and all utilities shall be discontinued by the town within 30 days. (Ord. 532 § 1 (12.6), 2004).

18.48.070 Day care center.

Day care centers may be allowed as provided for in Chapter 18.36 CCC, District Use Chart, by conditional use permit with the following minimum provisions:

A. Strict compliance with all regulations and restrictions of the licensing requirements for day care centers administered by the state of Washington;

B. Sixty-foot frontage on a public street;

C. All play areas shall be fenced and screened in a manner approved by the town so as to minimize noise and visual interference with the adjoining neighborhood;

D. Prior to final approval of the conditional use permit, the applicant must submit a certificate of compliance with all applicable code requirements from the building inspector of the town and the fire chief of the town;

E. Adequate turnarounds and passenger loading area must be provided. The town shall consider the traffic safety of the location for pickup and delivery of children. (Ord. 532 § 1 (12.7), 2004).

18.48.080 Bed and breakfast.

Bed and breakfast facilities may be allowed as provided for in Chapter 18.36 CCC, District Use Chart, by conditional use permit with the following minimum provisions:

A. The bed and breakfast facility shall be the principal residence of the owner;

B. A bed and breakfast facility shall be compatible with the residential character of the neighborhood and the owners shall provide screening with shrubs, fencing and other suitable materials to minimize the impact upon the residential character of the neighborhood;

C. The applicant for a conditional use permit for a bed and breakfast guest house shall, at the time of filing the application, provide evidence to the town of compliance with all health, building and fire regulations;

D. All applications for bed and breakfast guest house conditional use permits shall be accompanied with a floor plan and lot plan setting forth bathrooms and bedrooms to be used for bed and breakfast guest house facilities, their size, location and the lot plan showing the location of off-street parking, its size and any additions to premises and screening;

E. Meals shall only be served to paying guests, not the general public. (Ord. 532 § 1 (12.8), 2004).

Chapter 18.52

NONCONFORMING USES¹

Sections:

18.52.010 Purpose and intent.

18.52.020 Permitted when – Discontinuance – Conditional use.

18.52.030 Change to nonconforming use.

18.52.040 Conformance after damage required.

18.52.050 Nonconforming structures.

18.52.060 Nonconforming lots.

18.52.070 Establishment.

18.52.010 Purpose and intent.

Within the districts established by this title or amendments that may later be adopted, there may exist lots, uses and structures which were lawful before the ordinance codified in this title was passed or amended, but which would be prohibited, regulated or restricted under the terms of this title or future amendments. The purpose of this chapter is to address the legal status of nonconforming uses, buildings/structures, or lots by creating provisions through which a nonconformance may be maintained, altered, reconstructed, expanded or terminated.

It is the intent of this chapter to permit these legal nonconformities to continue until they are removed. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Ultimately it is the intent of this chapter to encourage the discontinuance or termination of nonconformity and the changing of nonconformity to a conforming or more conforming use, building, or lot. (Ord. 532 § 1 (13.1), 2004).

1. Prior legislation: Ordinance 370.

**18.52.020 Permitted when –
Discontinuance – Conditional
use.**

The lawful use of any building, land or premises existing at the time of the passage of the ordinance codified in this title, although such does not conform to the provisions thereof, may be continued; but if such legal nonconforming use is discontinued for a period of 12 months or more, any future use of said building, land, or premises shall be in conformity with the provisions of this title, except that, if the property owner applies for and is granted a conditional use permit prior to the end of the twelfth month, consistent with the criteria established herein, said use may be continued as provided for in the conditional use permit. To permit a legal nonconforming use to continue after a discontinuance of the 12 months, the following findings shall be made in granting the conditional use permit:

A. That the continuation requested would not be contrary to the public health, safety or welfare; and

B. That the continuation is compatible with the character of the neighborhood; and it does not significantly jeopardize future development of the area in compliance with the provisions and the intent of the zoning district; and

C. That the significance of the hardship asserted by the applicant is more compelling than, and reasonably overbalances, the public interest resulting from the denial of the continuation requested; and

D. That the use or building/structure was lawful at the time of its inception; and

E. That the approval of the requested continuation will not significantly adversely impact nearby properties.

F. The request for continuation shall be denied if one or more of the above provisions are not met.

G. If granted, conditions may be attached to the requested continuation in order to assure that the nonconforming use is improved, arranged, designed and operated to be compatible with the objectives of the comprehensive plan, applicable development regulations and neighboring land uses and transportation systems. (Ord. 532 § 1 (13.2), 2004).

18.52.030 Change to nonconforming use.

A legal nonconforming use shall not be changed to another nonconforming use. A nonconforming use changed to a conforming or a more conforming use shall not thereafter be changed back to a nonconforming use. (Ord. 532 § 1 (13.3), 2004).

**18.52.040 Conformance after damage
required.**

If a building, other than a private residence, containing a legal nonconforming use is damaged or destroyed by any means to the extent of more than 80 percent of its actual value based on the assessed valuation placed upon it at the time of its destruction, the building and the land upon which it was located shall thereafter conform to the regulations for the use district within which they are located.

If a private residence, including outbuildings associated therewith, containing a legal nonconforming use is damaged or destroyed by any means to any extent, the nonconforming use will be allowed to continue only if said residence and/or outbuilding is rebuilt and/or repaired and the nonconforming use is resumed within 12 months from the date when the damage or destruction occurred. The mayor of the town of Coulee City shall have the authority to grant an extension of time for the rebuild/repair of the residence/outbuilding and/or the resumption of the nonconforming use of no more than six months.

If a building containing a legal nonconforming use is damaged or destroyed to some extent which is less than 80 percent of its assessed value, the building and the land upon which it is located will be allowed to continue the nonconforming use only if said building is rebuilt and/or repaired and the nonconforming use is resumed within 12 months from the date when the damage or destruction occurred. The mayor of the town of Coulee City shall have the authority to grant an extension of time for the rebuild/repair of the building and/or the resumption of the nonconforming use of no more than six months.

The owner of such damaged or destroyed premises shall, within 90 days from the date when said damage and/or destruction occurs,

clean and remove any debris from the premises so that the same shall not constitute a public nuisance or otherwise threaten the public health, safety, and welfare. (Ord. 566, 2007; Ord. 532 § 1 (13.4), 2004).

18.52.050 Nonconforming structures.

A. A legal nonconforming structure may be altered or enlarged, if:

1. Alterations to the structure do not increase the nonconformity in any way;
2. Alterations are necessary to meet town, state, or federal requirements; or
3. Alterations meet the existing requirements of the zone in which the structure is located.

B. A legal nonconforming structure may be restored, if damaged less than 80 percent of its value by fire or other hazard, in the same loca-

tion and dimensions as existed before the damage occurred if restoration begins within 12 months of the date the damage occurred. Upon a showing of hardship or conditions causing delay which are beyond the control of the applicant, the mayor may grant an extension of time for up to six additional months. (Ord. 532 § 1 (13.5), 2004).

18.52.060 Nonconforming lots.

Where there are two contiguous platted lots that equal a total lot frontage of 50 feet, a residential structure and its customary accessory buildings may be erected. This provision shall apply even though such lot fails to meet the other minimum dimensional requirements of the underlying zoning district; provided, that such structure is allowed within that zoning district and all uses of the nonconforming lot shall comply with all other provisions of this title including setbacks, dimensional standards and lot coverage requirements. (Ord. 532 § 1 (13.6), 2004).

18.52.070 Establishment.

The burden of establishing that any nonconformity is a legal nonconformity as defined herein shall, in all cases, be upon the owner of such alleged nonconformity and not upon the town. Determination of the nonconforming status of a lot, use, building or structure is an administrative function of the administrator. Property owners asserting existing nonconforming status shall submit such information as the administrator deems necessary to substantiate or document the claim to the existing nonconformance. Documentation submitted by the property owner must ascertain the date the nonconformity was established and that it conformed to the applicable development regulations in effect at that time. Documentation may consist of such historical items as utility statements, property tax bills, real estate contracts, leases, building permits, dated photographs, newspaper clippings and other relevant documentation, when applicable. Unsubstantiated anecdotal evidence cannot be accepted for the determination of existing nonconforming status. (Ord. 532 § 1 (13.7), 2004).

Chapter 18.56

AMENDMENTS¹

Sections:

18.56.010 Scope.

18.56.020 Initiation of text amendments.

18.56.030 Rezones.

18.56.010 Scope.

After review and recommendation by the planning commission, the town council may supplement or change by ordinance any of the provisions, zone district boundaries, or zone district classifications hereon. (Ord. 532 § 1 (14.1), 2004).

18.56.020 Initiation of text amendments.

Amendments to the text of this title may be initiated by the town council, the planning commission or interested citizens, subject to a fee as established by the town council. (Ord. 532 § 1 (14.2), 2004).

18.56.030 Rezones.

A. Initiation. Amendments to the zone district boundaries or zone classifications may be initiated by the town council, planning commission or petition of owners of 51 percent of the area of the properties to be rezoned.

B. Required Findings. Amendments to the zone district boundaries or classification may be made if all the following findings are made:

1. The amendment is consistent with the comprehensive plan;

2. The amendment is consistent with the purposes of this title;

3. The amendment is consistent and compatible with the uses and zoning of the surrounding property;

4. There have been significant changes in the circumstances of the property to be rezoned or surrounding properties to warrant a change in classification;

5. The property is practically and physically suited for the uses allowed in the proposed zoning classification; and

1. Prior legislation: Ordinance 370.

6. The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

C. Burden of Proof. The applicant must demonstrate that the proposed rezone meets the conditions of the required findings above. (Ord. 532 § 1 (14.3), 2004).

Chapter 18.60

ENFORCEMENT¹

Sections:

18.60.010 Purpose.

18.60.020 Compliance required.

18.60.030 Violation – Penalty.

18.60.040 Notice of violation and order.

18.60.050 Violation – Civil enforcement and penalties.

18.60.010 Purpose.

The purpose of this chapter is to ensure compliance, abate noncompliance and punish violations of this title. The provisions of this chapter shall be applied and interpreted to accomplish this purpose. (Ord. 532 § 1 (15.1), 2004).

18.60.020 Compliance required.

No person, corporation, partnership, association, or other legal entity shall fail or refuse to comply with, or interfere with or resist the enforcement of the provisions of this title and/or any condition of approval imposed by the town council, planning commission, or administrator, or a lawful land use order or directive of a town official. Any such act or failure to act shall constitute a violation under this chapter. (Ord. 532 § 1 (15.2), 2004).

18.60.030 Violation – Penalty.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of, any of the provisions of this title shall be deemed guilty of a civil infraction, and shall be punishable as set forth above. Each day that a violation is permitted to exist shall constitute a separate offense. Violation of this section shall constitute a civil infraction offense which shall be punishable by a fine not to exceed the sum of \$250.00. (Ord. 532 § 1 (15.3), 2004).

1. Prior legislation: Ordinance 370.

18.60.040 Notice of violation and order.

Upon the determination that one or more violations have been committed, the administrator shall issue a notice of violation and order.

A. The notice of violation and order shall, at a minimum, contain the following:

1. The name and address of each record owner, taxpayer and occupier of the property which is the subject of the violation(s) and, when applicable, the contractor(s);

2. The street address or a legal description sufficient for identification of the property;

3. The tax parcel number(s) of the property;

4. A description of each violation, including applicable sections of this title and/or conditions of approval;

5. An order that the use, acts or omissions which constitute violation(s) must cease;

6. A statement of the corrective action required for each violation, with a date by which such action must be completed;

7. A warning: "The failure or refusal to complete corrective action by the date required may result in enforcement action, civil penalties and/or criminal penalties as provided in town ordinances"; and

8. A statement of the right to appeal the notice of violation and order.

B. The notice of violation and order shall be served upon each record owner, taxpayer and occupier and, when applicable, the contractor(s). Service of the notice of violation and order shall be by personal service or by both regular first class mail and certified mail, return receipt requested, addressed to each person's last known address. Service by mail shall be deemed completed three days after mailing.

C. The appeal of a notice of violation and order shall be filed with the administrator within 10 days after service on the appellant. (Ord. 532 § 1 (15.4), 2004).

18.60.050 Violation – Civil enforcement and penalties.

The failure or refusal to complete corrective action by the date set forth in a notice of violation and order shall subject the person(s) to

whom the notice of violation and order was directed to the following enforcement actions and penalties:

A. The administrator may revoke, modify or suspend any permit, variance, subdivision, or other land use or development approval issued for the subject property.

B. A civil penalty of \$250.00 per day per violation until corrective action is completed.

C. The town may enter upon the subject property and complete all corrective action. The actual costs of labor, materials and equipment, together with all direct and indirect administrative costs, incurred by the town to complete the corrective action shall be paid by the record owner(s) and shall constitute a lien against the subject property until paid. A notice of claim of lien shall be recorded with the county auditor. Interest shall accrue on the amount due at the rate of 12 percent per annum. In any action to foreclose the lien against the subject property, all filing fees, title search fees, service fees, other court costs and reasonable attorney's fees incurred by the town shall be awarded as a judgment against the record owner(s) and shall be foreclosed upon the subject property together with the principal and accrued interest.

D. The town may obtain temporary, preliminary and permanent injunctive relief from the superior court.

E. Subsections A through D of this section are cumulative remedies and the taking of action under one subsection does not constitute an election of remedies by the town. (Ord. 532 § 1 (15.5), 2004).

Chapter 18.64**MARIJUANA CONTROL**

Sections:

- 18.64.010 Authority.
- 18.64.020 Purpose.
- 18.64.030 Definitions.
- 18.64.040 Marijuana production and processing.
- 18.64.050 Retail marijuana sales.
- 18.64.060 Locational criteria.
- 18.64.070 No town liability – Indemnification.
- 18.64.080 Limitations.

18.64.010 Authority.

The provisions of this chapter are implemented pursuant to Initiative 502 under the authority of RCW 69.51A.140. (Ord. 653 § 1, 2014).

18.64.020 Purpose.

The purpose of this chapter is to further clarify the provisions of Initiative 502 and Chapter 69.50 RCW as it pertains to the use of land within the town and to establish zoning regulations for the location and establishment within the town of marijuana producers, processors, and retailers that are licensed by the state of Washington under Initiative No. 502. (Ord. 653 § 1, 2014).

18.64.030 Definitions.

The terms “director,” “marijuana,” “marijuana-infused products,” “marijuana producer,” “marijuana processor,” “marijuana retailer,” “retail outlet,” and “useable marijuana” shall have the meaning set forth in Chapter 69.50 RCW and Chapter 314-55 WAC, as now adopted or hereafter amended. The definitions in this section apply throughout this chapter, and the town also adopts the definitions in WAC 314-55-010 and RCW 69.50.101. (Ord. 653 § 1, 2014).

18.64.040 Marijuana production and processing.

State licensed marijuana producers and processors may locate in the town of Coulee City pursuant to the following restrictions:

A. Marijuana producers and processors must comply with all requirements of state law and the Washington State Liquor Control Board’s regulations.

B. Marijuana producers and processors may locate only in the I industrial zone. The cultivation of marijuana is considered to be production of a product for resale. Production of marijuana is limited to the industrial zoning district wherein manufacturing uses are permitted. The processing of marijuana is considered to be a manufacturing activity. Processing of marijuana and marijuana products is limited to the industrial zoning district wherein manufacturing and industrial processing uses are permitted.

C. Marijuana producers and processors shall not locate on a site or in a building in which nonconforming production or processing uses have been established in any zone other than the I industrial zone.

D. Marijuana producers and processors shall not operate as an accessory or subordinate to a primary use or as a home occupation.

E. Marijuana producers and processors shall insure that all processing activities shall occur within an enclosed structure. Outdoor cultivation as may be permitted by the state is expressly prohibited.

F. Marijuana producers and processors shall not locate within 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged 21 years or older. The distances shall be computed as straight line measurements.

G. Marijuana production and processing facilities shall be ventilated so that the odor from the marijuana cannot be detected by a person with a normal sense of smell from any adjoining use or property.

H. A screened and secured loading dock, approved by the town planner, shall be required. The objective of this requirement is to provide a secure, visual screen from the public right-of-way and adjoining properties, and prevent the escape of odors when delivering or transferring marijuana, useable marijuana, and marijuana-infused products. (Ord. 653 § 1, 2014).

18.64.050 Retail marijuana sales.

The sale of marijuana is a retail activity. Sale of marijuana is limited to the industrial and commercial zoning districts and is prohibited in all other zones. State licensed marijuana retailers may locate in the town of Coulee City pursuant to the following restrictions:

A. Marijuana retailers must comply with all requirements of state law and the Washington State Liquor Control Board's regulations.

B. Marijuana retailers may locate only in the industrial and commercial zones and shall be prohibited from locating in any other zone, including the residential zone and mixed use zone.

C. Marijuana retailers shall not locate in a building in which nonconforming retail uses have been established in any residential or mixed use zone.

D. Marijuana retailers shall not operate as an accessory or subordinate to a primary use or as a home occupation.

E. Marijuana retailers shall not locate within 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged 21 years or older. The distances shall be computed as straight line measurements.

F. Marijuana odor shall be contained within the retail outlet so that odor from the marijuana cannot be detected by a person with a normal sense of smell from any abutting use or property. If marijuana odor can be smelled from any abutting use or property, the marijuana retailer shall be required to implement mea-

sures, including, but not limited to, the installation of ventilation equipment necessary to contain the odor. (Ord. 653 § 1, 2014).

18.64.060 Locational criteria.

The review process for marijuana producers, marijuana processors and marijuana retailers shall include a determination and finding as to whether or not the proposed use is compatible with adjoining uses. The facility shall be designed, located, constructed and buffered to blend in with its surroundings and mitigate significant adverse impacts on adjoining properties and the community. Special attention shall be given to minimizing odor, noise, light, security, glare and traffic impacts.

In addition to the security requirements in Chapter 315-55 WAC, during nonbusiness hours, all recreational marijuana producers, processors and retailers shall store all useable marijuana, marijuana-infused product, and cash in a safe or in a substantially constructed and locked cabinet. The safe or cabinet shall be incorporated into the building structure or securely attached thereto. For useable marijuana products that must be kept refrigerated or frozen, these products may be stored in a locked refrigerator or freezer container in a manner approved by the town planner, provided the container is affixed to the building structure.

Marijuana producers, marijuana processors and marijuana retailers are required to acquire all necessary business licenses and are required to comply with municipal tax regulations and all other applicable town ordinances. (Ord. 653 § 1, 2014).

18.64.070 No town liability – Indemnification.

A. By accepting a permit issued pursuant to this chapter, the licensee waives and releases the town, its officers, elected officials, employees, volunteers and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of federal, state or local laws and regulations.

B. By accepting a permit issued pursuant to this chapter, all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the town, its officers, elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the recreational marijuana business that is the subject of the license. (Ord. 653 § 1, 2014).

18.64.080 Limitations.

A. Nothing in this chapter is intended to be, nor should be considered to be, an allowance for less restricted activity than is permitted by state law and the rules and regulations of the Liquor Control Board.

B. Nothing in this chapter is intended to be, nor should be considered to be, a limitation on the town from protesting the granting of a permit(s) or the renewal of a permit(s).

C. No part of this chapter is intended to or shall be deemed to conflict with federal law, including, but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 et seq., the Uniform Controlled Substances Act (Chapter 69.50 RCW), nor to otherwise permit any activity that is prohibited under either Act, or any other local, state or federal law, statute, rule or regulation. Nothing in this chapter shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of medical cannabis or recreational marijuana in any manner not authorized by Chapter 69.51A or 69.50 RCW. Nothing in this chapter shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance, as defined herein. (Ord. 653 § 1, 2014).

1 – 94	Burned in fire	132	Sewer system (Repealed by 164)
95	Pool and billiard tables, and card table licenses (Repealed by 436)	133	Street repairs (Special)
96	Show licenses (Repealed by 436)	134	Bowling alley licensing (Repealed by 436)
97	Pool room licenses (Repealed by 302)	135	Vagrants (Repealed by 436)
98	Animals at large (Repealed by 621)	136	Water system rates (Repealed by 391)
99	Tax on dogs (Repealed by 182)	137	Volunteer fire department (Repealed by 380)
100	Appointment of nonelective officers, committees (Repealed by 436)	138	Solicitors, peddlers, and hawkers regulations (Repealed by 401)
101	Dray licenses (Repealed by 436)	139	Amends § 2 and repeals § 1A of Ord. 129, dance halls (Repealed by 402)
102	Traffic and automobile regulations (Repealed by 436)	140	Amends § 3 of Ord. 131, police judge (Special)
103	Bicycles on sidewalks (Repealed by 588)	141	Volunteer fire department (Repealed by 436)
104	Vicious animals running at large (Repealed by 436)	142	Town salaries (Special)
105	Gambling prohibited (Repealed by 436)	143	Repair and improvement of streets bids (Special)
106	Fireworks prohibited (Repealed by 436)	144	Compensation and hours of town treasurer (Special)
107	Streets, alleys, and sidewalk regulations (12.04, 12.08)	145	Compensation of town clerk (Special)
108	Burning within fire limits (Repealed by 436)	146	Appointment of town attorney (Repealed by 436)
109	Injury to fire bell (Repealed by 436)	147	Compensation of town marshal (Special)
110	Property protection (Repealed by 386)	148	Amends § 1 of Ord. 140, compensation of police judge (Special)
111	Disorderly conduct (Repealed by 644)	149	(Missing)
112	Intoxicating liquors prohibited (Repealed by 384)	150	Dogs running at large (Repealed by 174, 182)
113	Fire limits established (Repealed by 436)	151	Fire limits established (Repealed by 436)
114	Conduct of minors (Repealed by 436)	152	Franchise to Public Utility District No. 2 (Special)
115	Hawkers, auctioneers and peddlers licensing (Repealed by 436)	153	Moving buildings regulations (Repealed by 390)
116	City elections and nomination of city officers (Repealed by 436)	154	Sidewalk construction permits (12.08)
117	Electric wiring permits (Repealed by 436)	155	Automobile and truck regulations (Repealed by 436)
118	Fireworks regulations (Repealed by 400)	156	Taxicab regulations (Repealed by 436)
119	Driving over fire hose, obstructing fire department (9.12, 10.16)	157	Trailer camps and coaches (Repealed by 466)
120	Hall and jail fund (Repealed by 436)	158	Street vacation (Special)
121	Intoxicating liquors (9.04)	159	Pool and billiard table licensing (Repealed by 302)
122	Amends § 8 of Ord. 121, intoxicating liquors (Repealed by 384)	160	Town salaries (Special)
123	Penalty for ordinance violations (Repealed by 436)	161	Street vacation (Special)
124	Water system (Repealed by 391)	162	Street vacation (Special)
125	Water superintendent (Repealed by 436)	163	Sewer system improvements (Special)
126	Peddlers, solicitors and canvassers licensing (Repealed by 436)	164	Sewer system connection (Repealed by 436)
127	Mechanical amusement devices (Repealed by 302)	165	Garbage disposal system (Repealed by 436)
128	Water works system improvements (Special)	166	Park board (Repealed by 436)
129	Public dance halls licensing (Repealed by 402)	167	(Missing)
130	Amends § 1 and adds § 1A of Ord. 129, public dance halls (Repealed by 402, 436)	168	(Missing)
131	Police judge (Special)	169	Water service rates (Repealed by 391)
		170	Sewer service rates and charges (Repealed by 391)
		171	Salaries (Special)

172	Amends § 4 and adds § 5 to Ord. 151, fire limits (Repealed by 436)	211	(Missing)
173	Amends § 1 of Ord. 159, pool and billiard table licensing (Repealed by 302)	212	(Missing)
174	Dog licensing, repeals Ord. 150 (Repealed by 182)	213	(Missing)
175	Prohibits electrical interference with radio reception (Repealed by 436)	214	(Missing)
176	Amends § 5 of Ord. 164, sewer system (Repealed by 436)	215	Street vacation (Special)
177	Nuisances (Repealed by 422)	216	(Missing)
178	Sale of intoxicating liquors (Repealed by 384)	217	Emergency expenditure, water reservoir maintenance (Special)
179	Municipal park and playground fund (Repealed by 436)	218	Adds §§ 8 – 11 to Ord. 182, dog licensing (Repealed by 436)
180	Firearms prohibited (Repealed by 387)	219	Town salaries (Special)
181	Concealed weapons, theft (Repealed by 388)	220	Street vacation (Special)
182	Dog licensing; repeals Ords. 99, 150, 174 (Repealed by 436)	221	Incarceration in county jail (1.08)
183	Amends § 1 of Ord. 122, sale of intoxicating liquors (Repealed by 384)	222	Amends § 3 of Ord. 206, electric utility tax (Repealed by 233)
184	Theft and fraud (Repealed by 389)	223	Town salaries (Special)
185	Construction of nonresidential buildings (Repealed by 436)	224	Town salaries (Special)
186	Amends § 2 of Ord. 185, construction of nonresidential buildings (Repealed by 436)	225	Dog licensing (Repealed by 436)
187	Punch boards (Repealed by 404)	226	Street vacation (Special)
188	Caucus of citizens, nomination of offices (Repealed by 230, 242)	227	Debris from fire (8.16)
189	Dogs running at large (Repealed by 436)	228	Town salaries (Special)
190	General obligation bonds (Special)	229	Street vacation (Special)
191	Amends § 1 of Ord. 122, liquor sales (Repealed by 384)	230	Municipal elections, repeals Ord. 188 (Repealed by 436)
192	Street improvements (Special)	231	Electric utility tax (Repealed by 233)
193	Annexation (Special)	232	Town salaries (Special)
194	Deed for public school (Special)	233	Repeals Ords. 206 and 231 (Repealer)
195	Street vacation (Special)	234	Restricted building zone (Repealed by 370)
196	Street vacation (Special)	235	Adds §§ 6 and 7 to Ord. 151 and 172, construction in fire zones (Repealed by 436)
197	Street vacation (Special)	236	Street vacation (Special)
198	Street vacation (Special)	237	Appropriations – emergency expenditure, street improvements (Special)
199	Water supply emergency (Special)	238	Street vacation (Special)
200	Tax for park funds (Repealed by 436)	239	Street vacation (Special)
201	Electric power tax (Repealed by 436)	240	Sale of real estate (Special)
202	Sales tax (Repealed by 436)	241	Street vacation (Special)
203	Speed limits (Repealed by 383)	242	Municipal elections, repeals Ord. 188 (2.16)
204	Amends § 1 of Ord. 203, speed limits (Repealed by 383)	243	Adds § 9 to Ord. 234, building zone (Repealed by 370)
205	Street improvements (Special)	244	Water service tax (Repealed by 391)
206	Tax on electric utility (Repealed by 233)	245	Amends § 3 of Ord. 225, dogs at large (Repealed by 436)
207	Weed removal (Repealed by 518)	246	Appropriations – emergency expenditure, mosquito control (Special)
208	Litter regulations (Repealed by 381)	247	Garbage dump permit (Repealed by 624)
209	Street vacation (Special)	248	Appropriations – emergency expenditure, street improvements (Special)
210	Bicycles and play vehicles (Repealed by 588)	249	Street vacation (Special)
		250	Ad valorem tax levy (Special)
		251	Appropriations – emergency expenditure, nondepartmental expense (Special)
		252	Alley vacation (Special)

253	1972 ad valorem tax levy (Special)	292	1977 ad valorem tax levy (Special)
254	Sales and use tax (Repealed by 436)	293	1977 budget (Special)
255	Water service security deposit (Repealed by 391)	294	Amends § 5 of Ord. 164, water connection charges (Repealed by 391)
256	1972 budget (Special)	295	Street vacation (Special)
257	Town salaries (Special)	296	Street vacation (Special)
258	Appropriations – emergency expenditure, purchase of ambulance (Special)	297	Dog regulations (Repealed by 436)
259	Water service tax (Repealed by 272)	298	Regulation of land surveyors (5.16)
260	Use of town park and swimming beach (Repealed by 555)	299	1978 ad valorem tax levy (Special)
261	1973 ad valorem tax levy (Special)	300	1980 ad valorem tax levy (Special)
262	Payment to Grant County Council on Alcoholism based on liquor sales (3.24)	301	Burial of utility wires (13.12)
263	1973 budget (Special)	302	Repeals Ords. 97, 127, and 159 (Repealer)
264	Appointment of officer to take messages relating to water, sewer, park and street service (Repealed by 436)	303	1979 ad valorem tax levy (Special)
265	Curfew for minors (Repealed by 385)	304	Transfer of funds (Special)
266	Street vacation (Special)	305	Street vacation (Special)
267	Revenue bonds for park system (Special)	306	Street vacation (Special)
268	Depositing vehicle parts and bodies at town dump (Repealed by 436)	307	Amends § 1 of Ords. 169 and 170, and § 2 of Ord. 164, water and sewer service charges (Repealed by 391)
269	Appropriations – emergency expenditure, repair of town equipment (Special)	308	Town salaries (Special)
270	1974 ad valorem tax levy (Special)	309	Ambulance service charges (Repealed by 376)
271	1974 budget (Special)	310	Street vacation (Special)
272	Repeals Ord. 259 (Repealer)	311	Street vacation (Special)
273	Town salaries (Special)	312	Adds § 2A to Ord. 309, ambulance service charges (Repealed by 376)
274	Building construction in fire zone, repeals existing building restrictions in fire zone (Repealed by 436)	313	1981 ad valorem tax levy (Special)
275	Street vacation (Special)	314	Revenue bonds for water system improvements (Special)
276	Street vacation (Special)	315	Revenue warrants for water improvements (Special)
277	Revenue bonds for park system (Special)	316	Appropriations – emergency expenditure, town clerk salary (Special)
278	Amends § 1 of Ord. 265, curfew for minors (Repealed by 385)	317	Town salaries (Special)
279	1975 ad valorem tax levy (Special)	318	Collection of water bills (Repealed by 391)
280	Franchise for electrical distribution (Special)	319	1982 ad valorem tax levy (Special)
281	Amends 1974 budget (Special)	320	1982 budget (Special)
282	Amends § 4 of Ord. 225, dog licenses (Repealed by 436)	321	Capital improvement fund warrants for water project (Special)
283	Adopts RCW Ch. 46.61, traffic (10.04)	322	Annexation (Special)
284	Building permits (Repealed by 371)	323	Amends § 2 of Ord. 322, annexation (Special)
285	(Missing)	324	Amends 1982 budget (Special)
286	Revenue bonds for waterworks (Special)	325	1983 ad valorem taxes (Special)
287	Town garbage charges (Repealed by 436)	326	(Missing)
288	Town salaries (Special)	327	Sewer system surcharge (Special)
289	1976 ad valorem tax levy (Special)	328	CATV franchise (Special)
289A	1976 budget (Special)	329	Alley vacation (Special)
290	Amends 1976 budget (Special)	330	Alley vacation (Special)
291	Dumping burning materials (Repealed by 436)	331	1984 ad valorem tax levy (Special)
		332	Number not used
		333	1984 budget (Special)
		334	Alley vacation (Special)
		335	Street vacation (Special)

336	Feeding gulls in city park (Repealed by 555)	378	1991 budget (Special)
337	Alley vacation (Special)	379	Water and sewer connection charges (Repealed by 391)
338	Alley vacation (Special)	380	Volunteer fire department (Repealed by 474)
339	1985 ad valorem tax levy (Special)	381	Sharp objects; repeals Ord. 208 (8.28)
340	State environmental policy act (SEPA) (16.04)	382	Backflow prevention devices (13.16)
341	1985 budget (Special)	383	Speed limits; repeals Ords. 203 and 204 (10.12)
342	Sales and use tax (3.04)	384	Amends §§ 8 and 9 of Ord. 121, intoxicating liquors; repeals § 5 of Ord. 121 and Ords. 112, 122, 178, 183 and 191 (9.04)
343	1986 ad valorem tax levy (Special)	385	Curfew for minors; repeals Ords. 265 and 278 (Repealed by 613)
344	CATV franchise (Special)	386	Damage to town property; repeals Ord. 110 (9.12)
345	1986 budget (Special)	387	Discharging firearms; repeals Ord. 180 (Repealed by 582)
346	Stop intersections (Repealed by 436)	388	Theft, weapons; repeals Ord. 181 (Repealed by 645)
347	Lodging excise tax (3.12)	389	Theft; repeals Ord. 184 (Repealed by 645)
348	Dog regulations and licensing (Repealed by 461)	390	Moving buildings; repeals Ord. 153 (15.08)
349	Ambulance service charges (Repealed by 436)	391	Water system operation; repeals Ords. 124, 136, 169, 170, 244, 255, 294, 307, 318, 364 and 379 (Repealed by 453)
350	1987 ad valorem tax levy (Special)	392	1991 budget amendment (Special)
351	Electric utility tax (Repealed by 616)	393	1992 ad valorem tax levy (Special)
352	1987 budget (Special)	394	1991 budget amendment (Special)
353	1988 ad valorem tax levy (Special)	395	1992 budget (Special)
354	1988 budget (Special)	396	Resource lands and critical areas (16.08)
355	Outdoor burning (Repealed by 420, 426)	397	Real estate excise tax (3.08)
356	Temporary street closure (Special)	398	TV fund (3.20)
357	Ambulance service charges (Repealed by 376)	399	Stadium fund (3.20)
358	Amends Ord. 344, CATV franchise reassignment (Special)	400	Fireworks; repeals Ord. 118 (8.08)
359	Public street established (Special)	401	Solicitors, peddlers and transient vendors; repeals Ord. 138 (5.08)
360	Abandoned vehicles (Repealed by 516)	402	Public dances, cabarets; repeals Ords. 129, 130 and 139 (Repealed by 618)
361	1989 ad valorem tax levy (Special)	403	Annexation (Special)
362	Temporary street closure (Special)	404	Gambling tax; repeals Ord. 187 (3.28)
363	1989 budget (Special)	405	Annexation (Special)
364	Amends § 1 of Ord. 307, water and sewer service charges (Repealed by 391)	406	1993 ad valorem tax levy (Special)
365	Street vacation (Special)	407	Capital improvement fund (3.20)
366	Retirement provisions for volunteer fire department (Repealed by 380)	408	Fire control services (2.20)
367	1990 ad valorem tax levy (Special)	409	1993 budget (Special)
368	Amends 1989 budget (Special)	410	Admissions tax (3.32)
369	1990 budget (Special)	411	Alley vacation (Special)
370	Zoning (18.04, 18.08, 18.12, 18.20, 18.28, 18.44, 18.48, 18.52, 18.56, 18.60)	412	State highway access (12.12)
371	Administration and enforcement of building code, repeals Ord. 284 (Repealed by 528)	413	Alley vacation (Special)
372	Claims clearing fund (3.20)	414	1994 ad valorem tax levy (Special)
373	1991 ad valorem tax levy (Special)	415	Amends 1993 budget (Special)
374	Ambulance replacement fund (Repealed by 454)	416	Sewer service (13.08)
375	Police vehicle fund (3.20)	417	1994 budget (Special)
376	Ambulance rates and charges; repeals Ords. 309, 312 and 357 (2.12)	418	Council meeting time (Not codified)
377	Dangerous, potentially dangerous dogs (Repealed by 461)		

419	Adopts Uniform Code for the Abatement of Dangerous Buildings, 1991 Edition (Repealed by 553)	454	Ambulance replacement fund; repeals Ord. 374 (3.20)
420	Outdoor burning; repeals Ord. 355 (Repealed by 426)	455	Bond issuance (Special)
421	Street vacation (Special)	456	1998 tax levy (Special)
422	Nuisances; repeals Ord. 177 (Repealed by 580)	457	Ambulance reserve fund (3.20)
423	Adopts Model Traffic Ordinance (10.04)	458	Equipment reserve fund (3.20)
424	Street vacation (Special)	459	Sewer reserve fund (3.20)
425	Statutory firearms exemption (Repealed by 582)	460	Adopts 1998 budget (Special)
426	Outdoor burning; repeals Ords. 355 and 420 (Repealed by 427)	461	Dogs; repeals Ords. 348 and 377 (6.04, 6.07)
427	Outdoor burning; repeals Ord. 426 (Repealed by 622)	462	Combines office of clerk and treasurer (2.24)
428	Fire equipment replacement fund (3.20)	463	Alley vacation (Special)
429	1995 ad valorem tax levy (Special)	464	Amends § 4 of Ord. 416 and § 6 of Ord. 453, sewer and water system connection charges (13.04, 13.08)
430	Changes name of fund (Not codified)	465	Council meeting time (2.08)
431	1995 budget (Special)	466	Adds Ch. 5.12, mobile homes and mobile home parks; repeals Ord. 157 (5.12)
432	Changes specific council meeting times (Not codified)	467	Adds Ch. 18.28, manufactured homes; repeals § 7 of Ord. 370 (Title 18)
433	Alley vacation (Special)	468	Recreational vehicle parking (10.20)
434	Street and alley vacation (Special)	469	Adds section to, and amends §§ 1 – 4 of, Ord. 260, town park and swimming area (Repealed by 555)
435	Civil penalty (Repealed by 579)	470	Amends 1998 budget (Special)
436	Repeals Ords. 95, 96, 100, 101, 102, 104, 105, 106, 108, 109, 113 – 117, 120, 123, 125, 126, 130, 134, 135, 141, 146, 151, 155, 156, 164, 165, 166, 172, 175, 176, 179, 182, 185, 186, 189, 200, 201, 202, 218, 225, 230, 235, 245, 254, 264, 268, 274, 282, 287, 291, 297, 346 and 349 (Repealer)	471	Amends §§ 3.01 and 3.02 of Ord. 370, zoning (Repealed by 478)
437	Amends 1995 budget (Special)	472	Council meeting time (Not codified)
438	Interfund loan repayment schedule (Special)	473	Public records (2.28)
439	1996 tax levy (Special)	474	Fire department; repeals Ord. 380 (2.04)
440	Adopts 1996 budget (Special)	475	Adopts 1999 budget (Special)
441	Subdivisions (17.04, 17.08, 17.12, 17.16, 17.20, 17.30)	476	Alley vacation (Special)
442	Sewer system surcharge (Repealed by 451)	477	Amends §§ 5 and 11 of Ord. 453, water system (13.04)
443	Public disturbance noise (Repealed by 614)	478	Amends §§ 3 and 6 of Ord. 370, zoning; repeals Ord. 471 (18.12, 18.28)
444	Side sewers (13.20)	479	Annexation (Special)
445	1997 tax levy (Special)	480	Amends § 3.12.010, lodging tax (3.12)
446	Adopts 1997 budget (Special)	481	Annexation; amends Ord. 370, zoning (Repealed by 485)
447	Bond issuance (Special)	482	Alley vacation (Special)
448	Reschedules January 1997 council meeting (Special)	483	Adopts 2000 budget (Special)
449	Amends 1996 sewer improvement fund budget (Special)	484	Street vacation (Special)
450	Annexation (Special)	485	Annexation, repeals Ord. 481; amends Ord. 370, zoning (18.20)
451	Amends Ord. 416 § 2, sewer rates; repeals Ord. 442 (13.08)	486	Street vacation (Special)
452	Cross-connections (13.24)	487	Purchasing policy (3.36)
453	Water system; repeals Ord. 391 (13.04)	488	Street vacation (Special)
		489	Amends Ords. 451 and 453, utility rates (13.08)
		490	Alley vacation (Special)
		491	Street vacation (Special)
		492	Street and alleyway vacation (Special)
		493	Adopts 2001 budget (Special)

494	Street and alley vacation procedures (12.16)	529	Street vacation (Special)
495	Amends Ord. 489, utility rates (Repealed by 661)	530	Adopts 2005 budget (Special)
496	Amends Ord. 400, fireworks (8.08)	531	Adopts comprehensive plan (Special)
497	Dumping at park wastewater tanks (Repealed by 555)	532	Adopts Title 18, zoning code (18.04, 18.08, 18.12, 18.16, 18.20, 18.24, 18.28, 18.32, 18.36, 18.40, 18.44, 18.48, 18.52, 18.56, 18.60)
498	Adopts 2002 budget (Special)	533	Adopts Title 17, subdivisions (17.04, 17.08, 17.12, 17.16, 17.20, 17.30)
499	Amends § 3 of Ord. 478 and § 3.02 of Ord. 370, zoning map (18.12)	534	Amends 2004 budget (Special)
500	Repeals § 9 of Ord. 453 (Repealer)	535	Development code administration (14.01, 14.03, 14.05, 14.07, 14.09, 14.11, 14.13, 14.15)
501	No parking areas (10.24)	536	Adds Ch. 2.50 [2.60], hearing examiner (2.60)
502	Amends 2001 budget (Special)	537	Amends Ord. 489; repeals §§ 2 and 3 of Ord. 515, water rates (13.08)
503	Amends § 1 of Ord. 371, building codes enforcement (Repealed by 528)	538	Stopping, standing and parking (10.28)
504	Mayor's appointment of police officers (2.32)	539	Alley vacation (Special)
505	Water and sewer line extension (13.10)	540	Park self-registration (Repealed by 555)
506	Building code appeals (Repealed by 528)	541	Abandoned vehicles; repeals Ord. 516 (8.04)
507	Refinancing loan agreement (Special)	542	Permit processing fees (14.17)
508	Adds § 8.32.020(L), nuisances (Repealed by 580)	543	Transfers jurisdiction of county road (Special)
509	City park prohibitions (Repealed by 555)	544	Amends zoning code Ch. 10, §§ 5 and 12 (18.40)
510	Establishes and closes water funds (Special)	545	Amends 2005 budget (Special)
511	Adopts 2003 budget (Special)	546	Amends 2005 budget (Special)
512	Interim zoning and subdivision codes (Expired)	547	Park boat launching and moorage (Repealed by 555)
512-A	Interim zoning and subdivision codes (Expired)	548	Water connection permits; repeals § 10 of Ord. 453 (13.04, 13.08)
512-B	Interim zoning and subdivision codes (Expired)	549	Amends 2005 budget (Special)
513	Prohibits feeding feral cats (6.08)	550	Mayor salary (2.32)
514	Water and sewerage service business tax (Repealed by 616)	551	Amends 2005 budget (Special)
515	Amends Ord. 489; repeals § 8 of Ord. 453, water and sewer rates (13.04, 13.08)	552	Adopts 2006 budget (Special)
516	Abandoned vehicles; repeals Ord. 360 (Repealed by 541)	553	Repeals Ord. 419, Uniform Code for the Abatement of Dangerous Buildings (Repealer)
517	Cross-connection policy implementation (13.24)	554	Amends 2005 budget (Special)
518	Repeals Ord. 207, weed abatement (Repealer)	555	Coulee City Community Park rules and regulations; repeals Ords. 260, 336, 469, 497, 509, 540 and 547 (12.20)
519	Water pollution control revolving fund loan agreements (Special)	556	Water and sewer improvement fund assessments (13.04, 13.08)
520	General obligation bonds issuance (Special)	557	Adds § 18.40.130 and 18.40.140; amends § 18.36.020, zoning (18.36, 18.40)
521	Amends § 8.32.100, nuisances (Repealed by 580)	558	Amends §§ 16.08.030, 16.08.040 and 16.08.160, critical areas (16.08)
522	Adds Ch. 2.50, planning commission (2.50)	559	Amends comprehensive plan (Special)
523	Adopts 2004 budget (Special)	560	Amends § 5 of Ord. 453, water system (13.04)
524	Amends 2003 budget (Special)	561	Amends 2006 budget (Special)
525	General obligation bonds issuance (Special)		
526	Police terminology (1.16)		
527	Amends 2004 budget (Special)		
528	Building codes; repeals Ords. 371, 503 and 506 (Repealed by 726)		

562	Amends 2006 sewer improvement fund budget (Special)	599	Amends 2010 budget (Special)
563	Rules of procedure for proceedings before the hearing examiner (2.62)	600	Adopts 2011 budget (Special)
564	Amends 2006 budget (Special)	601	Amends 2011 budget (Special)
565	Adopts 2007 budget (Special)	602	Amends 2011 budget (Special)
566	Amends § 18.52.040, conformance after damage required (18.52)	603	Street vacation (Special)
567	Bonds issuance (Special)	604	Amends § 13.04.105, water turn-off and turn-on charge (13.04)
568	Amends 2007 budget (Special)	605	Amends 2011 budget (Special)
569	Amends 2007 budget (Special)	606	Moratorium on medical marijuana collective gardens (Special)
570	Amends 2007 budget (Special)	607	Amends 2011 budget (Special)
571	Adopts 2008 budget (Special)	608	Adopts 2012 budget (Special)
572	Amends Ord. 562, 2006 sewer improvement fund budget (Special)	609	Authorizes interfund loan (Special)
573	Park reserve fund (3.20)	610	Amends Ord. 465, council meetings (2.08)
574	Amends §§ 12.20.060 and 12.20.160, Coulee City community park (12.20)	611	Amends § 3.36.010, purchasing policy (3.36)
575	Amends 2008 budget (Special)	612	Extends moratorium on medical marijuana collective gardens (Special)
576	Adopts 2009 budget (Special)	613	Repeals Ch. 9.20, curfew for minors (Repealer)
577	Adds Ch. 1.14, administrative enforcement (1.14)	614	Repeals Ch. 9.32, public disturbance noise (Repealer)
578	Amends Ch. 14.13, development code administration and enforcement (14.13)	615	Amends §§ 8.32.010 and 8.32.030, nuisances (8.32)
579	Repeals and replaces Ch. 1.12, general penalty (1.12)	616	Adds Ch. 3.14; repeals Chs. 3.16 and 3.18, utility occupational tax (3.14)
580	Repeals and replaces Ch. 8.32, nuisances (8.32)	617	Amends 2012 budget (Special)
581	Repeals Ch. 9.28, concealed weapons (Repealer)	618	Amends §§ 5.08.020, 5.12.070, 5.16.020 and 5.16.030; repeals Ch. 5.04, business licenses and regulations (5.08, 5.12, 5.16)
582	Repeals Ch. 9.24, firearms (Repealer)	619	Amends §§ 6.04.070, 6.04.110 and 6.04.140, dogs (6.04)
583	Amends § 2 of Ord. 538, stopping, standing, and parking (10.28)	620	Extends moratorium on medical marijuana collective gardens (Special)
584	Amends §§ 13.04.060 and 13.08.050, water and sewer connection charges (13.04, 13.08)	621	Repeals Ch. 6.12, livestock (Repealer)
585	Amends 2009 budget (Special)	622	Repeals Ch. 8.12, outdoor burning (Repealer)
586	Amends 2009 budget (Special)	623	Amends § 8.16.030, fire debris (8.16)
587	Amends 2009 budget (Special)	624	Repeals Ch. 8.20, garbage dump (Repealer)
588	Repeals and replaces Ch. 10.08, motorized foot scooters and other wheeled recreational devices (Repealed by 672)	625	Amends Ch. 8.28, glass and sharp objects (8.28)
589	Amends §§ 12.20.010 and 12.20.080, park rates and fees (12.20)	626	Amends 2012 budget (Special)
590	Adopts 2010 budget (Special)	627	Water rates (Repealed by 661)
591	Amends 2009 budget (Special)	628	Adopts 2013 budget (Special)
592	Water improvement assessment (13.04) (Did not pass)	629	Payment of claims or obligations (3.40)
593	Adds Ch. 5.10, special events (5.10)	630	Amends § 2.32.010, police officer appointment (2.32)
594	Amends 2010 budget (Special)	631	Amends § 12.20.010, park rates and fees (12.20)
595	Amends 2010 budget (Special)	632	Repeals § 12.20.080, regulation of park fees (Repealer)
596	Amends 2010 budget (Special)	633	Amends § 2.08.010, council meetings (2.08)
597	Amends § 3.18.010, sale of water – tax established (Repealed by 616)		
598	Amends 2010 budget (Special)		

634	Amends § 12.20.130, cost of wastewater dump site (12.20)	669	Adds § 13.04.150, water system unlawful acts (13.04)
635	Moratorium on medical marijuana collective gardens and medical cannabis dispensaries (Special)	670	Amends § 12.20.160, boat launching fee (12.20)
636	Departmental travel expense limitations for 2013 (Special)	671	Amends § 12.20.130, cost of wastewater dump site (12.20)
637	Water and sewer operating funds (3.20)	672	Repeals Ch. 10.08, motorized foot scooters and other wheeled recreation devices (Repealer)
638	Amends 2013 budget (Special)	673	Adopts 2016 budget (Special)
639	Amends § 12.20.010, park rates and fees (12.20)	674	Amends 2015 budget (Special)
640	Amends § 12.20.020, hookup sites (12.20)	675	Adds Ch. 10.08, wheeled all-terrain vehicles (10.08)
641	Amends § 12.20.030, tent and dry site (12.20)	676	Adds Ch. 10.09, golf carts (10.09)
642	Drinking water state revolving fund (3.20)	677	Adds §§ 13.08.070, 13.08.080, 13.08.090 and 13.08.100, sewer use regulations (13.08)
643	Water rate increases (13.04)	678	Authorizes interfund loan (Repealed by 681)
644	Repeals Ch. 9.08, disorderly conduct (Repealer)	679	Amends 2016 budget (Special)
645	Repeals Ch. 9.16, fraud – theft (Repealer)	680	Amends Ch. 12.20, Coulee City community park (12.20)
646	Amends 2013 budget (Special)	681	Authorizes interfund loan; repeals Ord. 678 (Special)
647	Adds Ch. 1.18, voluntary compliance agreements (1.18)	682	Amends 2016 budget (Special)
648	Interim zoning regulations for marijuana producers, processors and retailers (Not codified)	683	Adds Ch. 12.30, complete streets (12.30)
649	Adopts 2014 budget (Special)	684	Amends § 8.08.030, fireworks penalty (8.08)
650	Adds Ch. 1.10, town seal and logo (1.10)	685	Amends § 10.20.040, recreational vehicle parking (10.20)
651	Moratorium on medical marijuana collective gardens and medical cannabis dispensaries (Expired)	686	Amends § 12.20.060, group reservation rates (12.20)
652	Adds Ch. 16.12, shoreline regulations (Repealed by 656)	687	Adopts 2017 budget (Special)
653	Adds Ch. 18.64, marijuana control (18.64)	688	Amends 2016 budget (Special)
654	Amends § 8.08.020, fireworks (8.08)	689	Adds § 10.12.020, speed limits in school and playground zones (10.12)
655	Adds § 8.08.030, fireworks (8.08)	690	Amends 2017 budget (Special)
656	Adds Ch. 16.12; repeals Ord. 652, shoreline regulations (16.12)	691	Adopts 2018 budget (Special)
657	Amends § 13.04.010, water system (13.04)	692	Amends 2017 budget (Special)
658	Adopts 2015 budget (Special)	693	Amends 2018 budget (Special)
659	Amends 2014 budget (Special)	694	Amends § 3.36.010, purchasing policy (3.36)
660	Repeals and replaces § 13.04.070, water system (13.04, 13.08)	695	Amends § 18.20.030, residential district standards (18.20)
661	Repeals and replaces Ch. 13.06, utility rate discounts (13.06)	696	Amends § 18.40.090, accessory dwelling standards (18.40)
662	Amends 2015 budget (Special)	697	Amends Ch. 12.20, Coulee City Community Park (12.20)
663	Amends Ord. 405, annexation (Special)	698	Amends §§ 3.20.020, 3.20.070 and 3.20.080, fire and ambulance funds (3.20)
664	Amends § 18.40.020, zoning (18.40)	699	Amends 2018 budget (Special)
665	Amends § 8.08.020, fireworks (8.08)	700	Adopts 2019 budget (Special)
666	Adds Ch. 10.06, truck regulations (10.06)	701	Adds Ch. 12.24, snow removal (12.24)
667	Amends § 12.20.060, community park group reservation rates (12.20)	702	Readopts Title 18, zoning (Title 18)
668	Amends § 13.04.130, service apparatus repairs (13.04)		

703	Amends Comprehensive Land Use Plan (Special)
704	Adopts 2020 budget (Special)
705	Amends 2019 budget (Special)
706	Amends Ch. 13.04, water system (13.04)
707	Amends Ch. 13.08, sewer system (13.08)
708	Amends § 18.40.040, swimming pools (18.40)
709	Amends § 18.40.120, clear view triangle (18.40)
710	Temporarily removes interest charges and late fees on utility accounts (Special)
711	Adopts 2021 budget (Special)
712	Amends 2020 budget (Special)
713	Amends § 10.06.050, heavy vehicle routes (10.06)
714	Adds §§ 3.20.150 and 3.20.160, rodeo and library funds (3.20)
715	Adopts 2022 budget (Special)
716	Amends § 3.20.020, ambulance reserve fund (3.20)
717	Adds § 1.04.010, town hall office hours (1.04)
718	Amends § 2.20.010, fire control service contracts (2.20)
719	Amends Ch. 12.20, Coulee City Campground (12.20)
720	Adopts 2023 budget (Special)
721	Amends 2022 budget (Special)
722	Adds § 3.20.170, emergency services fund (3.20)
723	Moratorium on new short-term rentals (Special)
724	Adopts 2024 budget (Special)
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726	Building codes; repeals Ord. 528 (15.04)
727	Adopts Grant County critical areas ordinance (16.08)
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