ORDINANCE NO. 189

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ADOPTING THE UNIVERSITY PLACE MUNICIPAL CODE, AS COMPILED, EDITED AND PUBLISHED BY CODE PUBLISHING COMPANY OF SEATTLE, WASHINGTON, AS THE OFFICIAL CODE OF THE CITY OF UNIVERSITY PLACE, AND REPEALING ORDINANCE NOS. 1, 2, 3, 21, 22, 30, 53, 87, 88, AND 105.

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WHEREAS, Code Publishing Company of Seattle, Washington, has contracted with City of University Place, Washington, to prepare the University Place Municipal Code, as authorized by RCW 35.21.500 through 35.21.570 inclusive,

WHEREAS, Code Publishing Company has compiled, edited and published the University Place Municipal Code,

WHEREAS, there are several ordinances of the City that should have been repealed because the City adopted subsequent ordinances that superseded the regulations provided for by the earlier ordinances; and,

WHEREAS, the Council of the City of University Place has inspected the University Place Municipal Code as compiled, edited and published by Code Publishing Company and is satisfied that said code is correct and accurate codification of the ordinances of University Place, Washington, and

WHEREAS, The City Council of the City of University Place, Washington is satisfied that the provisions of RCW 35.21.500 though 35.21.570 inclusive have in all ways been complied with; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Adoption. Pursuant to RCW 35.21.500 through 35.21.570, there is hereby adopted the University Place Municipal Code as compiled, edited and published by Code Publishing Company, Seattle, Washington.

Section 2. Title, Citation, Reference. This code shall be known as the "University Place Municipal Code" and it shall be sufficient to refer to said code as the "municipal code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "University Place Municipal Code." Further reference may be had to titles, chapters, sections and subsections of the University Place Municipal Code" and such references shall apply to that numbered title, chapter section or subsection as it appears in the code.

Section 3. Codification authority. This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the City of University Place codified pursuant to the provisions of RCW 35.21.500 through35.21.570.

Section 4. Ordinances Passed Prior To Adoption of the Code. The last ordinance included in the initial code is Ordinance No. 185 passed January 20, 1998. The following ordinances, passed subsequent to Ordinance No. 185, but prior to adoption of the Code, are ordinance Nos. 186 through 188.

Section 6. Repealer. Ordinance Numbers 1, 2, 3, 21, 22, 30, 53, 87, 88, and 105 are hereby repealed with the adoption of the University Place Municipal Code.

Section 7. Reservation of Prosecutions. The adoption of this code shall not affect any prosecution for violations of ordinances, which violations were committed prior to the effective date of the adoption of the Municipal Code, nor shall the adoption of the Municipal Code be construed as a waiver of any license, fee, or penalty due and owing at the effective date of the code adoption, nor shall adoption affect the validity of any bond or cash deposited with the City pursuant to the terms of any ordinance, upon its codification; but rather, all rights and obligations pertaining under ordinances in effect prior to codification shall remain in full force and effect.

Section 8. Severability. If any section, subsection, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The City declares that it would have enacted this code, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

Section 9. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON THIS 20th DAY OF APRIL, 1998.

Debbie Klosowski

Debbie Klosowski, Mayor

ATTEST:

Susan Matthew, City Clerk

APPROVED AS TO FORM:

Timothy X. Sullivan, City Attorney

Date of Publication: 4/22/98
Effective Date: 4/27/98

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Ordinance #189

CITY OF UNIVERSITY PLACE

MUNICIPAL

CODE

UNOFFICIAL DOCUMENT

A Codification of the General Ordinances

of the City of University Place, Washington

Codified, Indexed, and Published by

CODE PUBLISHING COMPANY

Seattle, Washington

1998



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PREFACE

Citation to the University Place Municipal Code: This code should be cited as UPMC; i.e., "see UPMC 3.08.010". A UPMC title should be cited UPMC Title 3. A UPMC chapter should be cited Chapter 3.08 UPMC. A UPMC section should be cited UPMC 3.08.010. Through references should be made as UPMC 3.08.010 through 3.08.040. Series of sections should be cited as UPMC 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 UPMC 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 UPMC, 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 most sections is enclosed in parentheses at the end of the section. References to ordinances are abbreviated; thus "(Ord. 22 § 1, 1997; Ord. 19 § 2, 1996)" refers to section 1 of Ordinance No. 22 and section 2 of Ordinance No. 19. "Formerly" followed by an UPMC 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 UPMC number consult the codification tables.

Index: UPMC Titles 1 through 23 are indexed in the index. The index includes complete cross-referencing and is keyed to the section numbers described above.

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

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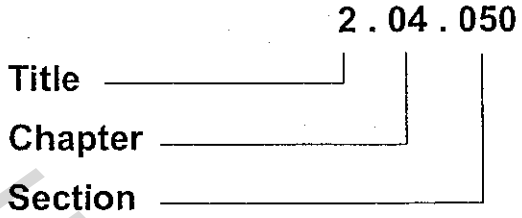
How to Amend the Code

Code Structure and Organization

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



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

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

Additions

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

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

-or-

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

A specific subsection can also be added when appropriate:

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

Amendments

If the ordinance amends existing code provisions, specify the affected section or chapter numbers in the ordinance. This kind of amendment typically adds a section to an existing chapter, or amends an existing section. For example:

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

-or-

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

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

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

Repeals

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

Section 2. Section 5.05.020, License, is repealed.

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TABLE OF REVISED PAGES

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

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

The "Page" column lists all page numbers in sequence. The "Revised Date" column reflects the latest revision date (e.g., "(Revised 2/98)") and printing of pages in the up-to-date volume. A "—" indicates that the page has not been revised since the 1998 publication.

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Title 1

GENERAL PROVISIONS

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1.05	City Logo
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Chapter 1.05

CITY LOGO

Sections:

1.05.010 Findings.
1.05.020 Adoption.
1.05.030 Purpose.
1.05.040 Unauthorized use.
1.05.050 Penalty for violation.

1.05.010 Findings.

The city council finds that the logo of the city adopted in UPMC 1.05.020 is a symbol of the authority of the city and a valuable asset of its population. The city council desires to insure that only appropriate uses are made of the city logo.
(Ord. 69 § 1, 1995).

1.05.020 Adoption.

The city adopts the symbol depicted below as its city logo.



The city logo depicted above is a stylized portrayal of views from the bluffs of the City of University Place featuring the Narrows Bridge and the Olympic Mountains, with a spray of the state flower, the rhododendron, in the foreground. The words "City of University Place" and "Incorporated 1995" are integrated into the design.
(Ord. 69 § 2, 1995).

1.05.030 Purpose.

The city logo shall be used for official purposes only, or as authorized by the city council.
(Ord. 69 § 3, 1995).

1.05.040 Unauthorized use.

A. Except as authorized by the city council, the city logo shall not be used on or in connection with any advertising or promotion for any product, business, organization, service, or article, whether offered for sale, for profit or offered without charge.

B. No person shall use a symbol that imitates the city logo or that is deceptively similar in appearance to the city logo.

C. The city logo may be used for illustrative purposes by the news media if the reproduction is incidental to a publication or broadcast, and may be used in political cartoons.
(Ord. 69 § 4, 1995).

1.05.050 Penalty for violation.

Any person who willfully violates this chapter is guilty of a misdemeanor and subject to punishment as set forth in Chapter 1.15 UPMC, General Penalty Provisions. The city's right to prosecute under this section shall not affect its right to pursue civil or injunctive relief under federal or state laws.
(Ord. 69 § 5, 1995).

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Chapter 1.10

CITY FLOWER

Sections:

1.10.010 Designated.
1.10.020 Quality of life.
1.10.030 Cultivation.

1.10.010 Designated.

The city council designates the rhododendron as the official flower of the City of University Place.
(Ord. 92 § 1, 1996).

1.10.020 Quality of life.

The city council and the citizens recognize that the planting and cultivation of rhododendrons and other native vegetation enhances the quality of life in our community.
(Ord. 92 § 2, 1996).

1.10.030 Cultivation.

Each resident is encouraged to plant and cultivate the "University Place City" Rhododendron and other varieties of rhododendrons for the general beautification of our community and to enhance the quality of life.
(Ord. 92 § 3, 1996).

Chapter 1.15

GENERAL PENALTY PROVISIONS

Sections:

1.15.010 General civil penalty.
1.15.020 General criminal penalty.
1.15.030 Failure to respond to a civil infraction.

1.15.010 General civil penalty.

Unless specific penalties other than as set forth in this section are established in an ordinance of the city for a violation of that ordinance, a violation of a city ordinance is punishable by a fine of up to $500.00 for each day that a violation occurs. In any court or administrative hearing to determine whether a violation has occurred the city shall have the burden of proving by a preponderance of the evidence that a violation occurred.

This section does not preempt the specific penalties set forth in ordinances of the city setting forth other penalties for violations of those ordinances.
(Ord. 44 § 1, 1995).

1.15.020 General criminal penalty.

For all ordinances of the city which set forth that a violation of the ordinance shall constitute a misdemeanor, upon conviction an offender shall be punished by imprisonment in the county or city jail for a period up to 90 days and a fine of up to $1,000, or by both such fine and imprisonment. In addition, a defendant may be assessed court costs, jury fees and such other fees or costs as may be authorized in statute or court rules.

In any court proceeding to enforce this section, the city shall have the burden of proving by evidence beyond a reasonable doubt that a violation occurred. In a proceeding under this section a defendant shall be accorded each and every right protected under the Constitutions of the United States of America and the state of Washington, all applicable federal, state and local laws, and applicable court rules promulgated by the Washington Supreme Court and the inferior courts under the authority of the Washington Supreme Court.
(Ord. 44 § 2, 1995).

1.15.030 Failure to respond to a civil infraction.

It shall be a misdemeanor to fail to respond to a notice of civil infraction issued by a police officer or

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such other officers of the city as may be authorized to issue civil infractions.

In any court proceeding to enforce this section, the city shall have the burden of proving beyond a reasonable doubt both that the violator was personally served with the notice of civil infraction and that the violator willfully failed to respond to the infraction by either appearing in court as directed or by paying the fine for the infraction.
(Ord. 44 § 3, 1995).

Chapter 1.20

ENFORCEMENT

Sections:

1.20.010 Purpose.
1.20.020 Definitions.
1.20.030 Voluntary correction.
1.20.040 Notice of civil violation.
1.20.050 Hearing before the hearings examiner.
1.20.060 Abatement by the city.
1.20.070 Criminal penalties.
1.20.080 Alternative abatement procedures.
1.20.090 Additional enforcement procedures.
1.20.100 Conflicts.
1.20.110 Meaning of terms.

1.20.010 Purpose.

The purpose of this chapter is to establish an efficient system to enforce the development and use regulations of the city, to provide an opportunity for a prompt hearing and decision on alleged violations of these regulations, and to establish monetary penalties for violations. This chapter shall apply to violations of the public nuisance provisions of UPMC Title 9, Public Safety, UPMC Title 19, Zoning, and other sections making reference to this chapter.
(Ord. 100 § 1, 1996).

1.20.020 Definitions.

As used in this chapter, unless a different meaning is plainly required:

"Abate" means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a civil violation by such means in such a manner and to such an extent as the applicable department director determines is necessary in the interest of the general health, safety and welfare of the community.

"Act" means doing or performing something.

"Applicable department director" means the director of the department or his or her designee or any designated alternate empowered by ordinance or by the city manager to enforce a city ordinance or regulation including the assigned code enforcement official.

"Civil violation" means a violation for which a monetary penalty may be imposed as specified in this chapter. Each day or portion of a day during which a violation occurs or exists is a separate violation.

"Development" means the erection, alteration, enlargement, demolition, maintenance or use of

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any structure or the alteration or use of any land above, at or below ground or water level, and all acts authorized by a city regulation.

"Emergency" means a situation which, in the opinion of the applicable department director, requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.

"Hearings examiner" means the University Place hearings examiner and the office thereof established pursuant to Chapter 2.20 UPMC.

"Omission" means a failure to act.

"Person" means an individual, firm, association, partnership, corporation or any entity, public or private.

"Person responsible for the violation" means any person who has an interest in the property.

"Regulation" means and includes the following, as now or hereafter amended:

1. The public nuisance provisions of UPMC Title 9, Public Safety, and UPMC Title 19, Zoning;

2. All other city ordinances making reference to this chapter;

3. All standards, regulations and procedures adopted by the city making reference to this chapter; and

4. The terms and conditions of any permit or approval issued by the city, or any concomitant agreement with the city pursuant to city ordinances making reference to this chapter.

"Repeat violation" means a violation of the same regulation in any location by the same person for which voluntary compliance previously has been sought within two years or a notice of civil violation has been issued within two years.

"Violation" means an act or omission contrary to a city regulation.

(Ord. 100 § 2, 1996).

1.20.030 Voluntary correction.

A. Applicability. This section applies whenever the applicable department director determines that a violation of a regulation has occurred or is occurring.

B. General. The applicable department director or designee shall attempt to secure voluntary correction by contacting the person responsible for the violation where possible, explaining the violation and requesting correction.

C. Issuance of Voluntary Correction Agreement. A voluntary correction agreement may be entered into between the person responsible for the violation and the city, acting through the applicable department director or designee.

1. Content. The voluntary correction agreement is a contract between the city and the person responsible for the violation under which such person agrees to abate the violation within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:

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

b. The street address or a description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and

c. A description of the violation and a reference to the regulation which has been violated; and

d. The necessary corrective action to be taken, and a date or time by which correction must be completed; and

e. An agreement by the person responsible for the violation that the city may inspect the premises as may be necessary to determine compliance with the voluntary correction agreement; and

f. An agreement by the person responsible for the violation that the city may abate the violation and recover its costs and expenses and/or a monetary penalty pursuant to this chapter from the person responsible for the violation if terms of the voluntary correction agreement are not met; and

g. An agreement that by entering into the voluntary correction agreement, the person responsible for the violation waives the right to a hearing before the hearings examiner under this chapter regarding the matter of the violation and/or the required corrective action.

2. Right to a Hearing Waived. Upon entering into a voluntary correction agreement, the person responsible for the violation waives the right to a hearing before the hearings examiner under this chapter regarding the matter of the violation and/or the required corrective action. Notice of the waiver must be contained in the voluntary correction agreement.

3. Extension – Modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by the applicable department director if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation but unforeseen circumstances render correction under the original conditions unattainable.

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4. Abatement by the City. The city may abate the violation in accordance with UPMC 1.20.060 if the terms of the voluntary correction agreement are not met.

5. Collection of Costs. If the terms of the voluntary correction agreement are not met, the person responsible for the violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with 1.20.040(E), plus all costs and expenses of abatement, as set forth in UPMC 1.20.060(D).
(Ord. 100 § 3, 1996).

1.20.040 Notice of civil violation.

A. Issuance.

1. When the applicable department director determines that a violation has occurred or is occurring and the city is unable to secure voluntary correction, pursuant to UPMC 1.20.030, the applicable department director may issue a notice of civil violation to the person responsible for the violation.

2. The applicable department director may issue a notice of civil violation without having attempted to secure voluntary correction as provided in UPMC 1.20.030 under the following circumstances:

a. When an emergency exists; or

b. When a repeat violation occurs; or

c. When the violation creates a situation or condition which cannot be corrected; or

d. When the person knows or reasonably should have known that the action is in violation of a city regulation; or

e. The person cannot be contacted or refuses to communicate or cooperate with the city in correcting the violation.

B. Content. The notice of civil violation shall include the following:

1. The name and address of the person responsible for that violation; and

2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and

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

4. The required corrective action and a date and time by which the correction must be completed after which the city may abate the unlawful condition in accordance with UPMC 1.20.060; and

5. The date, time and location of an appeal hearing before the hearings examiner which will be at least 10 days but no more than 45 days from the date the notice of civil violation is issued; and

6. A statement indicating that the hearing will be canceled and no monetary penalty will be assessed if the applicable department director approves the completed, required corrective action at least 48 hours prior to the hearing; and

7. A statement that the costs and expenses of abatement incurred by the city pursuant to UPMC 1.20.060(D) and a monetary penalty in an amount per day for each violation as specified in subsection (E) of this section may be assessed against the person to whom the notice of civil violation is directed as specified and ordered by the hearings examiner.

C. Service of Notice. The applicable department director or designee shall serve the notice of civil violation upon the person responsible for the violation, either personally or by mailing a copy of the notice of civil violation to such person at their last known address. If the person responsible for the violation cannot be personally served within Pierce County and if an address for mailed service cannot be ascertained, notice shall be served by posting a copy of the notice of civil violation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if by posting the facts showing that due diligence was used in attempting to serve the person personally or by mail.

D. Extension. Extensions of the time specified in the notice of civil violation for correction of the violation may be granted at the discretion of the applicable department director or by order of the hearings examiner.

E. Monetary Penalty. The monetary penalty for each violation per day or portion thereof shall be $500.00.

F. Continued Duty to Correct. Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom the notice of civil violation was issued of the duty to correct the violation.

G. Collection of Monetary Penalty.

1. The monetary penalty constitutes a personal obligation of the person to whom the notice of civil violation is directed. Any monetary penalty

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assessed must be paid to the city within 10 calendar days from the date of mailing of the hearings examiner's decision or a notice from the city that penalties are due.

2. The city attorney is authorized to take appropriate action to collect the monetary penalty. (Ord. 100 § 4, 1996).

1.20.050 Hearing before the hearings examiner.

A. Notice. A person to whom a notice of civil violation is issued will be scheduled to appear before the hearings examiner not less than 10 calendar days but no more than 45 days after the notice of civil violation is issued. Extensions may be granted at the discretion of the applicable department director.

B. Prior Correction of Violation. The hearing will be canceled and no monetary penalty will be assessed if the applicable department director approves the completed required corrective action at least 48 hours prior to the scheduled hearing.

C. Procedure. The hearings examiner shall conduct a hearing on the civil violation pursuant to the rules of procedure of the hearings examiner. The applicable department director and the person to whom the notice of civil violation was directed may participate as parties in the hearing and each party may call witnesses. The city shall have the burden of proof to demonstrate by a preponderance of the evidence that a violation has occurred and that the required corrective action will correct the violation. The determination of the applicable department director as to the need for the required corrective action shall be accorded substantial weight by the hearings examiner in determining the reasonableness of the required corrective action.

D. Decision of the Hearings Examiner.

1. The hearings examiner shall determine whether the city has established by a preponderance of the evidence that a violation has occurred and that the required correction will correct the violation and shall affirm, vacate, or modify the city's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.

2. The hearings examiner shall issue an order to the person responsible for the violation which contains the following information:

a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;

b. The required corrective action;

c. The date and time by which the correction must be completed;

d. The monetary penalties assessed based on the criteria in subsection (D)(3) of this section;

e. The date and time after which the city may proceed with abatement of the unlawful condition if the required correction is not completed.

3. Assessment of Monetary Penalty. Monetary penalties assessed by the hearings examiner shall be in accordance with the monetary penalty in UPMC 1.20.040(E).

a. The hearings examiner shall have the following options in assessing monetary penalties:

i. Assess monetary penalties beginning on the date the notice of civil violation was issued and thereafter; or

ii. Assess monetary penalties beginning on the correction date set by the applicable department director or an alternate correction date set by the hearings examiner and thereafter; or

iii. Assess less than the established monetary penalty set forth in UPMC 1.20.040(E) based on the criteria of subsection (D)(3)(b) of this section; or

iv. Assess no monetary penalties.

b. In determining the monetary penalty assessment, the hearings examiner shall consider the following factors:

i. Whether the person responded to staff attempts to contact the person and cooperated with efforts to correct the violation;

ii. Whether the person failed to appear at the hearing;

iii. Whether the violation was a repeat violation;

iv. Whether the person showed due diligence and/or substantial progress in correcting the violation;

v. Whether a genuine code interpretation issue exists; and

vi. Any other relevant factors.

c. The hearings examiner may double the monetary penalty schedule if the violation was a repeat violation. In determining the amount of the monetary penalty for repeat violations the hearings examiner shall consider the factors set forth in subsection (D)(3)(b) of this section.

4. Notice of Decision. The hearings examiner shall send by certified mail return receipt requested a copy of the decision to the person to whom the notice of a civil violation was issued and

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to the applicable department director within 10 working days of the hearing.

E. Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the examiner will enter an order with findings pursuant to subsection (D)(2) of this section and assess the appropriate monetary penalty pursuant to subsection (D)(3) of this section. The city will enforce the hearings examiner's order and recover all related expenses, plus the cost of the hearing and any monetary penalty from that person.

F. Appeal to Superior Court. An appeal of the decision of the hearings examiner must be filed with superior court within 30 calendar days from the date the hearings examiner's decision was personally served upon or was mailed to the person to whom the notice of civil violation was directed, or is thereafter barred.
(Ord. 100 § 5, 1996).

1.20.060 Abatement by the city.

A. The city may abate a condition which was caused by or continues to be a civil violation when:

1. The terms of voluntary correction agreement pursuant to UPMC 1.20.030 have not been met; or

2. A notice of civil violation has been issued pursuant to UPMC 1.20.040 and a hearing has been held pursuant to UPMC 1.20.050 and the required correction has not been completed by the date specified in the hearings examiner's order; or

3. The condition is subject to summary abatement as provided for in subsection (B) of this section.

B. Summary Abatement. Whenever any violation of a regulation causes a condition the continued existence of which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the city may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the violation as soon as reasonably possible after the abatement.

C. Authorized Action by the City. Using any lawful means, the city may enter upon the subject property and may remove or correct the condition which is subject to abatement. The city may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

D. Recovery of Costs and Expenses. The costs, including incidental expenses, of correcting the violation shall be billed to the person responsible for the violation and/or the owner, lessor, tenant or other person entitled to control, use and/or occupy the property and shall become due and payable to the city within 10 calendar days. The term "incidental expenses" includes but is not limited to personal costs, both direct and indirect, including attorneys' fees; costs incurred in documenting the violation; hauling, storage and disposal expenses; and actual expenses and costs of the city in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and the costs of any required printing and mailing.
(Ord. 100 § 6, 1996).

1.20.070 Criminal penalties.

A. Any person who knowingly and unlawfully obstructs, hinders, or delays a city official in the enforcement of this chapter shall be guilty of a misdemeanor.

B. Any person who knowingly and unlawfully violates a decision and ordinance issued by the hearings examiner shall be guilty of a misdemeanor.

C. Any person who knowingly and unlawfully hinders, delays or obstructs the enforcement of an agreement between the City of University Place and a person responsible for a violation shall be guilty of a misdemeanor.
(Ord. 100 § 7, 1996).

1.20.080 Alternative abatement procedure.

Any property on which violations of this chapter remain uncorrected after issuance of a notice of violation may, in addition to the procedures outlined above, be abated in accordance with the following additional procedures pursuant to RCW 35.21.310:

A. When requested by the applicable department director and approved by the hearings examiner, the matter of a pending violation may be submitted to the city council for consideration whenever the violation consists of debris upon property constituting a fire hazard or a menace to public health, safety or welfare. In such instance, the procedures set forth in UPMC 1.20.030

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through 1.20.060 shall be complied with to the extent not in conflict herein except that the decision of the hearings examiner pursuant to UPMC 1.20.050(D) shall be in the form of a recommendation to the city council. This alternate procedure may be requested by the applicable department director at any time prior to the hearing before the hearings examiner and only if the hearings examiner makes a finding that the violation constitutes a fire hazard or a menace to public health, safety or welfare requiring removal or destruction of the debris constituting the violation. After consideration, the council may, by resolution, either accept, reject or modify the hearings examiner's recommendation and require the property owner to abate the violation by removal or destruction, at his or her cost and expense, within a time specified in the resolution.

B. The resolution shall not be passed until the property owner is given at least five days' notice of the pendency of the proposed resolution. Such notice shall be served by the applicable department director pursuant to UPMC 1.20.040(C). The notice, either accompanied with or incorporated into the hearings examiner's recommendation, shall describe the property involved, the nature of the hazardous condition, the corrective action required, and the date of the council meeting during which the matter will be considered.

C. If the nuisance is not abated by the property owner within the time fixed in the resolution, the applicable department director may abate the same and mail a bill to the property owner covering the cost to the city of such abatement, including the applicable department director's expense. If the property owner fails or refuses to pay the bill immediately, the applicable department director shall file a lien therefor against the property, which lien shall be in the same form, filed with the same officer and within the same time and manner and enforced and foreclosed as is provided by law for liens for labor and material.
(Ord. 100 § 8, 1996).

1.20.090 Additional enforcement procedures.

The provisions of this chapter are not exclusive, and may be used in addition to other enforcement provisions authorized by city ordinance except as precluded by law.
(Ord. 100 § 9, 1996).

1.20.100 Conflicts.

In the event of a conflict between this chapter and any other provision of the city or city ordinances providing for a civil penalty, this chapter shall control. Provisions of the public safety code in UPMC Title 9, Public Safety, do not apply to this chapter.
(Ord. 100 § 10, 1996).

1.20.110 Meaning of terms.

For the purposes of this code, whenever "civil infraction" and "civil penalty" are used in any code, ordinance or regulation of the city, these terms shall be deemed to have the same meaning as the terms "civil violation" and "monetary penalty," respectively, as used herein.
(Ord. 100 § 11, 1996).

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Title 2

ADMINISTRATION

Chapters:

2.05	City Offices
2.10	City Manager
2.12	City Treasurer
2.15	City Officials
2.20	Hearings Examiner
2.25	Planning Commission
2.30	Public Records
2.35	Emergency Management

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Chapter 2.05

CITY OFFICES

Sections:

2.05.010 Hours of operation.

2.05.010 Hours of operation.

The hours of operation of city offices will be from 8:00 a.m. through 5:00 p.m., Monday through Friday; provided, that the city manager may alter the hours of operation of city offices on a temporary basis, as the city manager deems necessary for the efficient operation of the city.
(Ord. 9 § 1, 1995).

Chapter 2.10

CITY MANAGER

Sections:

2.10.010 Office established – Appointment.
2.10.020 Duties.
2.10.030 Creation of departments, offices and positions.

2.10.010 Office established – Appointment.

Pursuant to RCW 35A.13.010 and 35A.13.090, there is hereby established for the City of University Place the office of city manager. Such office shall be appointive and all appointments to such office shall be made by the city council.
(Ord. 68 § 1, 1995).

2.10.020 Duties.

The city manager shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the city. The city manager shall be eligible to attend all meetings of the city council, regular and executive. The city manager shall be the chief purchasing agent of the city and shall have such purchasing and contracting authority as provided by ordinance. The city manager shall have all the powers and shall perform each and all of the duties specified by Chapter 35A.13 RCW, together with any other duties or authority which may be conferred upon such office by the city council or by the laws of the state of Washington pertaining to city managers, or the ordinances of the city, as they now exist or may hereafter be amended.
(Ord. 94 § 2, 1996; Ord. 68 § 2, 1995).

2.10.030 Creation of departments, offices and positions.

The city manager is authorized to create, eliminate, consolidate and modify such departments, offices and positions as the manager may find necessary or advisable for the efficient operations of the city and to determine the powers and duties of each department, office and position. The city manager may delegate to any officer or position any duties required or authorized to be performed by the city manager. The city manager shall designate an acting city manager to be responsible during extended absences of the city manager from the city.
(Ord. 68 § 3, 1995).

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Chapter 2.12

CITY TREASURER

Sections:
2.12.010 Established.

2.12.010 Established.

The city finance manager is hereby designated as the city treasurer, pursuant to RCW 35A.42.010. (Ord. 179 § 1, 1997).

Chapter 2.15

CITY OFFICIALS

Sections:
2.15.010 Oath required.
2.15.020 Bond required.

2.15.010 Oath required.

Before entering upon the performance of the duties of office, any city officer shall take an oath or affirmation, as set forth below, for the faithful performance of the officer's duties. The oath or affirmation shall be filed with the Pierce County department of records and elections.

OATH OF OFFICE

I, _____, do solemnly swear that I will faithfully and impartially and to the best of my ability perform the duties of the office of _____, in accordance with the laws of the State of Washington, and all other applicable legal enactments of the City of University Place, Washington.

By:_____

SUBSCRIBED AND SWORN before me this ___ day of _____, 1995.

_____
Notary Public in and for the State of Washington residing at _____.
My commission expires _____ .

(Ord. 11 § 1, 1995).

2.15.020 Bond required.

Prior to entering upon the performance of duties, the city manager, assistant city manager, and the city clerk shall be required to furnish an official bond, to be renewed annually, conditioned on the honest and faithful performance of their duties. The premium on the bond(s) shall be paid by the city. The amount of the bond(s) shall be:

City Manager	$50,000
Assistant City Manager	$50,000
City Clerk	$10,000

(Ord. 11 § 2, 1995).

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Chapter 2.20

HEARINGS EXAMINER

Sections:

2.20.010 Purpose.
2.20.020 Creation of office.
2.20.030 Appointment and terms.
2.20.040 Qualifications.
2.20.050 Conflict of interest and freedom from improper influence.
2.20.060 Powers.
2.20.070 Applications.
2.20.080 Report by department.
2.20.090 Public hearing.
2.20.100 Examiner's decision and recommendation – Findings required.
2.20.110 Reconsideration.

2.20.010 Purpose.

Recognizing:

A. The need to separate the city's land use regulatory function from its land use planning function;

B. The need to ensure and expand the principles of appearance of fairness and due process in public hearings; and

C. The need to provide an efficient and effective land use regulatory system which integrates the public hearing and decision-making process for land use matters.

It is the purpose of this chapter to provide an administrative system which will best satisfy these needs.
(Ord. 64 § 1, 1995).

2.20.020 Creation of office.

The office of hearings examiner is hereby created. The hearings examiner shall act on behalf of the city council in considering and applying the land use regulatory codes of the City of University Place, and such other matters as the city council deems it appropriate for the hearings examiner to handle.
(Ord. 64 § 2, 1995).

2.20.030 Appointment and terms.

The examiner shall be appointed by the city manager.
(Ord. 64 § 3, 1995).

2.20.040 Qualifications.

The hearings 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 examiner to conduct administrative or quasi-judicial hearings on land use regulatory codes and other matters deemed appropriate by the city council, and must have expertise and experience in at least one of the following areas: Land use planning, environmental sciences, law, architecture or economics. The examiner shall hold no other appointive or elective public office or position in the city government.
(Ord. 64 § 4, 1995).

2.20.050 Conflict of interest and freedom from improper influence.

The examiner shall not conduct or participate in any hearing or decision in which the examiner or any of the following persons has a direct or substantial financial interest: The examiner's spouse, sibling, child, parent, in-laws, partner; any business in which the examiner is then serving or has served within the previous two years; or any business with which such examiner is negotiating for, or has had arrangement or understanding concerning, possible partnership or employment. Any actual or potential interest shall be disclosed prior to such hearing.

Participants in the hearing process have the right, insofar as possible, to have the examiner and the city council members free from personal interest or prehearing contacts on matters considered by them. It is recognized that there is a countervailing public right to free access to public officials on any matter. Therefore, the examiner and city council members shall reveal any substantial interest or prehearing contact made with them concerning the proceeding at the commencement of such proceeding. If such interest or contact impairs the examiner or council member'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.

No council member, city official, or any other person shall interfere, or attempt to interfere, with the examiner in the performance of the examiner's designated duties.
(Ord. 64 § 5, 1995).

2.20.060 Powers.

The examiner shall receive and examine available information, including environmental impact statements, conduct public hearings, and prepare

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records thereof. The hearing by the examiner, as provided for in UPMC 2.20.090, shall constitute the hearing by the city council except for area wide zonings recommended to the city council by the planning commission, in which case the city council shall hold a public hearing.

The examiner's decision on all applications coming before the examiner, including appeals of administrative decisions, will be final; except for applications for quasi-judicial rezoning, in which case the hearings examiner's decision will be a recommendation to the city council. Pursuant to UPMC 2.20.120, appeals of the hearings examiner's decisions may be taken to the city council. The examiner's decision shall be based upon the policies of the comprehensive plan, shoreline master program, standards set forth in the various land use regulatory codes of the city, or any other applicable program adopted by the city council. When acting upon any of the applications above, the examiner and/or city council may attach any reasonable conditions found necessary to make the project compatible with its environment and to carry out the goals and policies of the city's comprehensive plan, shoreline master program, or other applicable plans or programs adopted by the city council. Such conditions may include, but not be limited to the:

A. Exact location and nature of development, including additional building and parking area setbacks, screenings in the form of landscaped berms, landscaping, or fencing;

B. Mitigating measures to eliminate or lessen the environmental impact of the development;

C. Provision for low- and moderate-income housing;

D. Hours of use or operation or type and intensity of activities;

E. Sequence and scheduling of development;

F. Maintenance of the development;

G. Duration of use and subsequent removal of structures;

H. Granting of easements for utilities or other purposes and dedication of land or other provisions for public facilities, the need for which the examiner finds would be generated in whole or in significant part by the proposed development.
(Ord. 64 § 6, 1995).

2.20.070 Applications.

Applications shall be submitted to the planning department, which shall be responsible for assigning a date of public hearing for such application.
(Ord. 64 § 7, 1995).

2.20.080 Report by department.

When such application has been set for public hearing the planning department shall coordinate and assemble comments and recommendations of other city departments and governmental agencies having an interest in the subject application and shall prepare a report summarizing the factors involved and other appropriate departments' findings and recommendations. At least seven days prior to the scheduled hearing, the report shall be filed with the examiner and copies thereof shall be mailed to the applicant and shall be made available for use by any interested party at the cost of reproduction.
(Ord. 64 § 8, 1995).

2.20.090 Public hearing.

Before rendering a decision on any application, the 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 ordinance governing the application or appeal.

The examiner shall have the power to prescribe rules and regulations for the conduct of hearings under this section, subject to confirmation by the city council, and also to issue summons for and compel the appearance of witnesses, to administer oaths, and to preserve order. The privilege of cross-examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the examiner.
(Ord. 64 § 9, 1995).

2.20.100 Examiner's decision and recommendation – Findings required.

When the examiner renders a decision or recommendation, such examiner shall make and enter findings from the record and conclusions thereof which support such decision.

The findings and conclusions pertaining to land use regulatory matters shall set forth and demonstrate the manner in which the decision or recommendation carries out and helps to implement the

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goals and policies of the comprehensive plan and the standards set forth in the various land use regulatory codes; provided, that in any case where a quasi-judicial rezoning of property is recommended, at least one of the following circumstances shall be found to apply:

A. That substantial evidence was presented demonstrating the subject rezoning appears not to have been specifically considered at the time of the last area land use analysis and area zoning; or

B. That the property is potentially zoned for the rezoning being requested pursuant to the policies set forth in the comprehensive plan and conditions have been met which would indicated the change is appropriate; or

C. That since the last previous land use analysis of the area and area zoning of the subject property, authorized public improvements, permitted private development or other circumstances affecting the subject property have undergone significant and material change.

Within 30 days of the conclusion of a hearing, the examiner shall render a written decision, including findings and conclusions, and shall transmit a copy of such decision by certified mail to the applicant and by first class mail to other parties of record in the case requesting the same; provided, however, upon a finding of the existence of unusual circumstances and with the concurrence of the applicant, the examiner may extend said 30-day time period.

In the case of an application for quasi-judicial rezoning, the examiner shall file a recommendation with the city clerk at the expiration of the 14-day period provided for a rehearing, or within seven days from the date of decision on a reconsideration, if one is requested; provided, however, upon a finding of the existence of unusual circumstances and with the concurrence of the applicant, the examiner may extend said seven-day period. Thereupon, the clerk shall place the ordinance on the council agenda.
(Ord. 64 § 10, 1995).

2.20.110 Reconsideration.

Any aggrieved person having standing under the ordinance governing such application and feeling that the decision of the examiner is based on errors of procedure, law, or fact may make a written request for review by the examiner within 14 days of the issuance of the examiner's decision or recommendation. This request shall set forth the alleged errors, and the examiner may, after review of the record, take such further action as he deems proper and may render a revised decision.
(Ord. 64 § 11, 1995).

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Chapter 2.25

PLANNING COMMISSION

Sections:

2.25.010 Established.
2.25.020 Purpose.
2.25.030 Membership.
2.25.040 Appointment term.
2.25.050 Vacancies and removal of members.
2.25.060 Organization.
2.25.070 Voting.
2.25.080 Conflict of interest.
2.25.090 Consultants and advisors.
2.25.100 Powers and duties.
2.25.110 Staff support.

2.25.010 Established.

The city council hereby establishes the City of University Place planning commission.
(Ord. 174 § 1, 1997).

2.25.020 Purpose.

The purposes of the planning commission are to advise the city council on the following topics: growth management, general land use and transportation planning, long range capital improvement plans and other matters as directed by the city council. The planning commission shall also hold hearings on and develop a comprehensive plan for the city and make recommendations to the city council on amendments to the comprehensive plan, the zoning code and map, and the development regulations of the city.
(Ord. 174 § 2, 1997).

2.25.030 Membership.

The planning commission shall be comprised of nine members. Members shall be city residents, except one member may reside outside the city. The planning commission shall be appointed by the city council and be advisory to the council. Members of the planning commission shall serve without compensation. No more than two members shall be engaged in the same kind of occupation, business, trade or profession. In addition, it is desirable, but not mandatory, that the planning commission members be drawn from throughout the city.
(Ord. 174 § 3, 1997).

2.25.040 Appointment term.

Members of the planning commission shall be appointed for four-year terms. For the first planning commission, to provide for staggered terms, commissioners shall draw lots to determine which three commissioners shall serve two-year terms, which three shall serve three-year terms, and which three shall serve four-year terms. Terms shall expire on December 31st. A commission member whose term has expired shall continue to hold office until a successor has been appointed.
(Ord. 174 § 4, 1997).

2.25.050 Vacancies and removal of members.

Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term in the same manner as for an original appointment. Members may be removed by the city council for inefficiency or nonperformance of duty, misconduct, or malfeasance in office. A planning commission member may be removed for having more than two unexcused absences, or four excused absences, during a 12-month period.
(Ord. 174 § 5, 1997).

2.25.060 Organization.

The city council may appoint the planning commission chairperson. If the city council chooses not to appoint a chair, the planning commission shall elect a chair from its members. The commission shall elect its own vice chairperson, and create and fill such other offices as it may determine it requires. The vice chairperson shall preside in the absence of the chairperson. The chairperson and vice chairperson shall be voting members of the commission. The commission shall hold at least one regular meeting each month for not less than 10 months in each year. A majority of the members of the commission shall constitute a quorum. The commission shall adopt rules for transaction of business, and shall keep a written record of meetings, transactions, and findings which shall be a public record. The commission shall keep a tape recording or other verbatim record of any public hearing.
(Ord. 174 § 6, 1997).

2.25.070 Voting.

A majority vote of a quorum of the planning commission shall be necessary to legally act on any matter before the commission.
(Ord. 174 § 7, 1997).

2.25.080 Conflict of interest.

A member of the planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or the

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spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member; any business in which the member is then serving or has served within the previous two years; or any business for which the member is negotiating or for which the member has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken. In addition, a member shall not participate in any quasi-judicial proceeding which would involve a violation of the appearance of fairness doctrine.
(Ord. 174 § 8, 1997).

2.25.090 Consultants and advisors.

The commission may recommend to the city council the retention of a planning consultant, or other consultants as may be needed, to assist the commission in its studies and reviews. Upon approval by the city council, the consultant shall be hired by the city. In addition, the commission, through its chairperson, may request formal opinions or recommendations from the city attorney, public works director/city engineer, or planning and community development director on any matter pending before it.
(Ord. 174 § 9, 1997).

2.25.100 Powers and duties.

The planning commission will assist the city council as follows:

A. Develop and recommend a comprehensive plan and development codes that comply with state growth management regulations;

B. Involve citizens in the planning process in a variety of ways such as hearings, workshops, forums and resource or focus groups;

C. Review and recommend on all proposals for amendments to the comprehensive plan, zoning map, zoning code and other development codes;

D. Such other duties as may be assigned by the city council.
(Ord. 174 § 10, 1997).

2.25.110 Staff support.

The planning and community development director shall appoint staff to support commission tasks and shall hire consultants for technical needs as funds are budgeted and approved by the city council.
(Ord. 174 § 11, 1997).

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Chapter 2.30

PUBLIC RECORDS

Sections:

2.30.010 Relationship to Public Records Disclosure Act.
2.30.020 Disclosure of public records.
2.30.030 Definitions.
2.30.040 Copyright enforcement.
2.30.050 Maintenance of records.
2.30.060 Exemptions.
2.30.070 Procedure for inspection or copying.
2.30.080 Reimbursement for copying costs.
2.30.090 Decision on public records requests – Procedure for review of decision.
2.30.100 Disclosure prohibited by other statutes.
2.30.110 Administrative rules.
2.30.120 Misuse – Adoption of Pierce County Code.
2.30.130 Misuse – Adoption of other laws.

2.30.010 Relationship to Public Records Disclosure Act.

This chapter constitutes the city's rules and regulations to carry out and implement the Public Records Disclosure Act, Chapter 42.17 RCW. Except as provided in this chapter, Chapter 42.17 RCW shall apply to all city public records.
(Ord. 20 § 1, 1995).

2.30.020 Disclosure of public records.

Unless exempt from disclosure under this chapter, public records shall be available for inspection and copying in accordance with this chapter.
(Ord. 20 § 2, 1995).

2.30.030 Definitions.

A. "Public record" means (1) any writing, (2) any computer data and data bases and computer generated documents, maps and drawings and (3) any software and special applications for software developed by city officers and employees in the scope of their employment, containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the city regardless of physical form or characteristics.

B. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of 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. 20 § 3, 1995).

2.30.040 Copyright enforcement.

The city recognizes that any software and special applications for software developed by city officers and employees in the scope of their employment are owned by the city pursuant to the copyright laws, 17 U.S.C., Sections 101 and 201. The city will make available to all requestors a license to use such software so as to make use of all public data.
(Ord. 20 § 4, 1995).

2.30.050 Maintenance of records.

A. All substantive and procedural rules of general applicability, including but not limited to ordinances and resolutions of the city council, minutes of the regular meetings of the city council, and statements of general policy, and all public contracts, deeds, easements and leases shall be indexed and maintained in the office of the city clerk for the use of the city and of the general public.

B. All other records of the city relating to the specific function or responsibility of a particular city department shall be maintained for the use of the department and the general public in the office of the department. The department shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records:

1. Final opinions and orders made in the adjudication of cases;

2. Statements of policy and interpretations of policy which have been adopted by the city;

3. Administrative staff manuals and instructions to staff that affect a member of the public;

4. Planning policies and goals, and interim and final planning decisions;

5. Factual staff reports and studies, factual consultants reports and studies, scientific reports and studies and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

6. Correspondence, and materials referred to therein, by and with the city relating to any regula-

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tory, supervisory, or enforcement responsibilities of the city, whereby the city determines, opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.
(Ord. 20 § 5, 1995).

2.30.060 Exemptions.

A. The following shall be exempt from public inspection and copying:

1. Personal information in files maintained for employees, appointees, or elected officials, to the extent that disclosure would violate their right to privacy, as defined in RCW 42.17.255.

2. Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would be prohibited to such persons by RCW 82.32.330 or violate the taxpayer's right to privacy, as defined in RCW 42.17.255, or result in unfair competitive disadvantage to the taxpayer.

3. Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy, as defined in RCW 42.17.255.

4. Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property; provided, that if at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern.

5. Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

6. Except as provided by Chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency including the city, relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

7. Valuable formulae, designs, drawings, and research data obtained by the city within five years of the request for disclosure when disclosure would produce private gain and public loss. The exemption of this subsection (7) shall not include software and special applications for software developed by city officers and employees in the scope of their employment.

8. Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by the city in connection with any city action.

9. Records which are relevant to a controversy to which the city is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

10. Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

11. Financial and commercial information and records supplied by businesses during application for loans or program services provided by Chapters 43.160, 43.163, 43.168, and 43.330 RCW.

12. All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

13. The residential addresses and residential telephone numbers of employees or volunteers of the city which are held by the city in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

14. The residential addresses and residential telephone numbers of the customers of a city utility contained in the records or lists held by the city utility of which they are customers.

15. Client records maintained by the city under any domestic violence program as defined in RCW 70.123.020 or rape crisis center as defined in RCW 70.125.030.

16. Information that identifies a person who, while a city employee: (a) seeks advice, under an informal process established by the city, in order to ascertain his or her rights in connection with a possible unfair practice under Chapter 49.60 RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed.

17. License applications under RCW 9.41.070.

18. Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the

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relationship between the child and the alleged perpetrator.

19. A law enforcement authority may not request inspection or copying of records of any person which belong to a city electrical utility, unless the authority provides the city electrical utility with a written statement in which the authority states that it suspects that the particular person to whom the records pertain has committed a crime and the authority has a reasonable belief that the records could determine or help determine whether the suspicion might be true.

20. Any other record which is exempt from disclosure under any state law.

B. The exemptions from public disclosure set forth in this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

C. Inspection or copying of any specific records exempt under this section may be permitted if the Pierce County superior court finds, after a hearing with notice thereof to every person interested and to the city, that the exemption of such records is clearly unnecessary to protect any individuals right of privacy or any vital governmental function.

D. Nothing in this section shall affect a positive duty of the city to disclose or a positive duty to withhold information which duty to disclose or withhold is contained in any other law.
(Ord. 20 § 6, 1995).

2.30.070 Procedure for inspection or copying.

A. Persons wishing to inspect or copy city records shall first make such request to the city clerk or the department head of the city department which maintains the requested records. If the requestor does not know which department maintains the records, the request shall be made to the city clerk. The city clerk shall direct the requestor to the appropriate department. All assistance necessary to help the requestor locate the particular record shall be provided promptly either by the city clerk or by the particular department maintaining the records. The provision of such assistance shall not unreasonably disrupt the normal operations of the city clerk, the department, or the assisting employee.

B. The city clerk or other city employee shall not distinguish among persons requesting records. Persons requesting records shall not be required to provide information as to the purpose for the request, except to establish whether the inspection or copying would violate RCW 42.17.260(5) or other statute or ordinance which exempts or prohibits disclosure of specific information or records to certain persons.
(Ord. 20 § 7, 1995).

2.30.080 Reimbursement for copying costs.

A. Copies of written records, maps, photographs including slides, audio tape recordings, video tape recordings and diskettes shall be made and provided by the city upon request and payment of the actual cost of reproducing the same, which cost shall be established by city council resolution.

B. Labor and mailing costs shall be included in the cost of reproduction. The costs of reproduction provided for by resolution shall include, but not be limited to, the following records: street maps, zoning maps, zoning codes, ordinances, public meeting minutes, resolutions, verbatim transcripts, deeds, contracts, and other records of the character contemplated in UPMC 2.30.010.

C. Where the request is for a certified copy, there shall be an additional charge in the amount established by city council resolution to cover the additional expense and time required for certification.

D. The city clerk or a department head may provide copies of city records at no charge to individuals or government agencies doing business with the city, if the city clerk or department head determines such action is in the best interests of the city.
(Ord. 20 § 8, 1995).

2.30.090 Decision on public records requests – Procedure for review of decision.

A. Upon receiving an oral or written request to inspect or copy a public record, the city clerk or the department head shall grant the request unless the city clerk or department head determines that the record requested is or may be exempt from disclosure in whole or in part, in

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which case the city clerk or department head shall require that the requestor complete a written request for public records form.

B. A department head shall immediately deliver a completed written request for public records form to the city clerk.

C. Upon receiving a completed written request for public records form, the city clerk shall determine whether the requested record is exempt by law from inspection and copying in whole or in part. Within five business days of the date of receipt by the city of the written request for a record, the city clerk shall:

1. Provide the record; or

2. Acknowledge that the city has received the request and provide a reasonable estimate of the time the city will require to respond to the request; or

3. Deny the public record request.

Additional time 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. If a public records request is unclear, the city clerk may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the city need not respond to the request.

D. If the city clerk determines that the document is exempt in part but can be made available after deletion of exempt portions, or after deletion of portions which would violate personal privacy or vital governmental interests, the request shall be granted; provided, that such exempt portions shall first be deleted. If the city clerk determines to deny the request, in whole or in part, a written statement of the specific reasons for the denial shall be provided to the requestor.

E. A decision by the city clerk denying inspection shall be reviewed by the city attorney. Such review shall be deemed complete at the end of the second business day following the denial of inspection and shall constitute final city action for the purposes of judicial review. The requestor shall be notified by mail of the decision to grant or deny the request.
(Ord. 20 § 9, 1995).

2.30.100 Disclosure prohibited by other statutes.

The city shall not be required by this chapter to permit public inspection and copying of any record to the extent public disclosure of the record is prohibited, restricted or limited by any state or federal statute or regulation including, but not limited to, Chapter 10.97 RCW, the Washington State Criminal Records Privacy Act, Chapter 13.50 RCW, relating to release of records by juvenile justice or care agencies, or Chapter 46.52 RCW, relating to accident reports and abandoned vehicles.
(Ord. 20 § 10, 1995).

2.30.110 Administrative rules.

The city manager, upon recommendation of the city clerk, may issue rules for the implementation of this chapter.
(Ord. 20 § 11, 1995).

2.30.120 Misuse – Adoption of Pierce County Code.

Pursuant to RCW 35A.12.140 and 35A.13.180, the city adopts by reference PCC 2.04.120, Misuse of Public Records, as presently constituted or hereinafter amended, as a regulation of the city.
(Ord. 50 § 1, 1995).

2.30.130 Misuse – Adoption of other laws.

To the extent that any provision of the Pierce County Code, or any other law, rule or regulation referenced in PCC 2.04.120 is necessary or convenient to establish the validity and enforceability of the misuse of public records section, then such provision of the Pierce County Code and chapter, or other law, rule or regulation, is hereby adopted by reference.
(Ord. 50 § 2, 1995).

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Chapter 2.35

EMERGENCY MANAGEMENT

Sections:

2.35.010 Purpose.
2.35.020 Policy.
2.35.030 Definitions.
2.35.040 Organization.
2.35.050 Plan and program.
2.35.060 Director – Emergency management responsibilities.
2.35.070 Chain of command.
2.35.080 Director – Emergency powers.
2.35.090 Private liability.
2.35.100 Penalty.

2.35.010 Purpose.

The purposes of this chapter are to provide for the preparation and carrying out of plans for emergency mitigation, preparedness, response and recovery for persons and property within the city in the event of an emergency or disaster. Additionally the purpose is to provide for the coordination of emergency functions and services of the city with other public agencies and affected private persons, corporations and organizations.
(Ord. 117 § 1, 1996).

2.35.020 Policy.

It is the policy of the city to make effective preparation for and use of manpower, resources, and facilities to deal with any emergency or disaster that may occur. Emergencies and disasters by their very nature may disrupt or destroy existing systems and the capability of the city to respond to protect life, public health, public and private property and to provide essential city services. Therefore, citizens are advised to be prepared to be on their own for up to 72 hours should an emergency or disaster occur.
(Ord. 117 § 2, 1996).

2.35.030 Definitions.

A. "Emergency or disaster" shall mean an event or set of circumstances which: (1) demands immediate attention to preserve public health, protect life, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences, or (2) reaches such a dimension or degree of destructiveness as to warrant the emergency services director proclaiming the existence of a disaster or the Governor declaring a state of emergency in accordance with appropriate local or state statute.

B. "Emergency management" shall mean the preparation for and the carrying out of all emergency functions, other than those for which the military forces are primarily responsible, to mitigate, prepare for, respond to and recover from emergencies and disasters, and to aid victims suffering from injury or property damage resulting from disasters caused by all hazards, whether natural or manmade, and to provide support for search and rescue operations for persons and property in distress.

C. "Emergency services director" shall mean the city manager or authorized designee.
(Ord. 117 § 3, 1996).

2.35.040 Organization.

The emergency management organization of the city shall include a disaster and emergency management team. The team shall be comprised of the city manager who shall serve as chair; the community services director or designee; the director of public works; the director of planning and community development; the city attorney; the city clerk; the chief of police; and the chief of Pierce County Fire Protection District No. 3 or designee.
(Ord. 117 § 4, 1996).

2.35.050 Plan and program.

The emergency services director shall prepare an emergency management plan and program for the city no later than June 30, 1997. The emergency management plan and program shall be submitted to the city council for approval. The plan and program shall also be transmitted to the director of the Department of Community, Trade and Economic Development for certification of consistency with the state comprehensive emergency management plan. Upon approval by the city council and certification by the state, the emergency management plan and program shall become the official emergency management plan of the city.
(Ord. 117 § 5, 1996).

2.35.060 Director – Emergency management responsibilities.

The emergency services director (the city manager or designee as set forth below) has direct responsibility for the organization, administration and operation of the emergency management

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plan for the city. The emergency services director is responsible for directing the emergency operations of departments of the City of University Place. The emergency services director shall have such other duties as may by assigned to the director by the city council. The emergency services director is hereby empowered:

A. To request the city council, if the city council is in session, to proclaim the existence of or threatened existence of a disaster or an emergency, and the termination thereof. If the city council is not in session, to issue a proclamation declaring the existence of a disaster or an emergency, subject to confirmation by the city council at the earliest practical time; and

B. To direct coordination and cooperation between the staff of the departments and services of the city in carrying out the provisions of the emergency management plan and program, and to resolve questions of authority and responsibilities that may arise between them; and

C. To develop and implement appropriate mutual aid agreements.
(Ord. 117 § 6, 1996).

2.35.070 Chain of command.

If the city manager for any reason is unable either to act as emergency services director or to communicate to the disaster and emergency management team, the city manager's choice of an authorized designee to act as both chair pro tem of the disaster and emergency management team and acting emergency services director, then the members of the team in the sequence set forth in UPMC 2.35.040 shall serve both as acting chair of the team and acting emergency services director. An acting emergency services director shall have the same authority to act as the director.
(Ord. 117 § 7, 1996).

2.35.080 Director – Emergency powers.

In the event of a proclamation of a disaster or emergency as provided in this chapter, or upon the proclamation of an emergency by the Governor, the emergency services director is hereby empowered:

A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations are confirmed at the earliest practical time by the city council.

B. To delegate to individuals, as necessary, the authority to accomplish specific or general emergency actions in conduction with the emergency response.

C. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people and to bind the city for the fair value thereof, and, if required immediately, to commandeer the same for public use.

D. To require emergency services of any city employee and in the event of the city council's or emergency services director's proclamation of the existence or threatened existence of a disaster or the proclamation of a state of emergency by the Governor in the region in which the City of University Place is located, to command the aid of as many citizens of the City of University Place as may be deemed necessary in the execution of the director's duties, and such persons to be entitled to all privileges, benefits and immunities as are provided by state law for registered emergency workers.

E. To execute all of the special powers conferred upon the director by this chapter, by any other statute, agreement or lawful authority, as necessary.
(Ord. 117 § 8, 1996).

2.35.090 Private liability.

No individual, firm, association, corporation or other party owning, maintaining or controlling any building or premises, who voluntarily and without compensation grants to the city a license or privilege or otherwise permits the city to inspect, designate and use the whole or any part or parts of such building or premises for the purpose of sheltering persons during an actual, impending, mock or practice emergency or disaster, or their successors in interest, or the agents or employees of any of them, shall be subject to liability for injuries sustained by any person while in or upon said building or premises as a result of any act or omission in connection with the upkeep or maintenance thereof, except a willful act of misconduct, when such a person has entered or gone into or upon said building or premises for the purpose of seeking refuge therein during an emergency or disaster or an attack by enemies of the United States or

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during a disaster drill, exercise or test ordered by a lawful authority.
(Ord. 117 § 9, 1996).

2.35.100 Penalty.

Any person who shall:

A. Willfully obstruct, hinder, or delay any member of the emergency management organization of the city in the enforcement of any lawful rule or regulation issued pursuant to this section or in the performance of any duty imposed upon such member by virtue of this section;

B. Do any act forbidden by any lawful rules or regulations issued pursuant to this section if such act is of such a nature as to imperil the lives or property of inhabitants of the city or to prevent, hinder or delay the protection thereof;

C. Wear, carry or display, without authority, any means of identification specified by the emergency management agency of the state shall, upon conviction, be fined in a sum not exceeding $1,000, or by imprisonment for a period not exceeding 90 days, or by both such fine and imprisonment, at the discretion of the court.
(Ord. 117 § 10, 1996).

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Title 3

PERSONNEL

Chapters:

3.05 Indemnification Policy
3.10 City Credit Cards

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Chapter 3.05

INDEMNIFICATION POLICY

Sections:

3.05.010 Definitions.
3.05.020 Legal representation.
3.05.030 Exclusions.
3.05.040 Determination of exclusion.
3.05.050 Representation and payment of claims – Conditions.
3.05.060 Effect of compliance with conditions.
3.05.070 Failure to comply with conditions.
3.05.080 Reimbursement of incurred expenses.
3.05.090 Conflict with provisions of insurance policies.
3.05.100 Claims.

3.05.010 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where in the context clearly indicates a different meaning:

A. "Employee" shall mean any person who is or has been employed by the city; and shall also mean any person who has been formally designated by the council as serving the city in an interim capacity, during the city's preincorporation interim period, notwithstanding that such persons are serving on a voluntary, temporary basis, without compensation.

B. "Official" shall mean any person who is serving or has served as an elected or appointed city official or officer, and any person who is serving or has served as an appointed member of any city board, commission, committee or other appointed position with the city. The term "appointed" as used herein shall mean a person formally appointed by the city council or as authorized by state law or city ordinance.

C. "Volunteer" shall mean any person who, without monetary compensation, serves or has served the City of University Place under the explicit authorization and direction of a city department.

(Ord. 33 § 1, 1995).

3.05.020 Legal representation.

A. As a condition of service or employment, the city shall provide to an official, employee, or volunteer, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such official, employee, or volunteer may have concluded service or employment with the city, such legal representation as may be reasonably necessary to defend a claim or lawsuit filed against such official, employee, or volunteer resulting from any conduct, act, or omission of such official, employee, or volunteer performed or omitted on behalf of the city in their capacity as a city official, employee, or volunteer, which act or omission is within the scope of their service or employment with the city. This chapter is subject to repeal or modification at the sole discretion of the city council; provided, that such repeal or modification shall apply prospectively only, and shall have no effect upon the obligation to indemnify and/or defend against any claim which is based, in whole or in part, upon any act or omission of an official, occurring prior to the effective date of the repeal or modification.

B. The legal services shall be provided by the office of the city attorney unless:

1. Any provision of an applicable policy of insurance provides otherwise; or

2. A conflict of interest or ethical bar exists with respect to such representation.

C. In the event that outside counsel is retained under subsection (B)(2) of this section, the city shall indemnify the employee from the reasonable costs of defense; provided, that in no event shall the officer or employee be indemnified for attorneys' fees in excess of the hourly rates established by the city's contract with the attorney selected by the city. The officer or employee shall be liable for all hourly charges in excess of such rate.

(Ord. 33 § 2, 1995).

3.05.030 Exclusions.

A. In no event shall protection be offered under this chapter by the city to:

1. Any dishonest, fraudulent, criminal, willful, intentional or malicious act or course of conduct of an official, employee, or volunteer;

2. Any act or course of conduct of an official, employee, or volunteer which is not performed on behalf of the city;

3. Any act or course of conduct which is outside the scope of an official's, employee's, or volunteer's service or employment with the city; or

4. Any lawsuit brought against an official, employee, or volunteer, by or on behalf of the city.

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B. Nothing in this section shall be construed to waive or impair the right of the city council to institute suit or counterclaim against any official, employee, or volunteer, nor to limit its ability to discipline or terminate an employee.

C. The provisions of this chapter shall have no force or effect with respect to any accident, occurrence or circumstance for which the city or the official, employee, or volunteer is insured against loss or damages under the terms of any valid insurance policy; provided, that this chapter shall provide protection, subject to its terms and limitations, above any loss limit of such policy. The provisions of this chapter are intended to be secondary to any contract or policy of insurance owned or applicable to any official, employee, or volunteer. The city shall have the right to require an employee to utilize any such policy protection prior to requesting the protection afforded by this chapter.
(Ord. 33 § 3, 1995).

3.05.040 Determination of exclusion.

The determination of whether an official, employee, or volunteer shall be afforded a defense by the city under the terms of this chapter shall be made by the city council on the recommendation of the city manager. The decision of the city council shall be final as a legislative determination and shall be based upon a finding that the claim or suit against an official, employee, or volunteer meets or does not meet the criteria of this chapter. Nothing in this section shall preclude the city from undertaking an officer's or employee's defense under a reservation of rights. The determination as to whether to furnish a defense as provided under this chapter to a member or members of the city council shall be made without the vote of such member of the city council unless the inclusion of such member or members is required for quorum; provided, that if a claim or lawsuit affects a quorum or greater number of the members of the city council, all such affected members shall retain their voting privileges under this section.
(Ord. 33 § 4, 1995).

3.05.050 Representation and payment of claims – Conditions.

The provisions of this chapter shall apply only when the following conditions are met:

A. In the event of any incident or course of conduct potentially giving rise to a claim for damage, or the commencement of a suit, the official, employee, or volunteer involved shall, as soon as practicable, give the city attorney written notice thereof, identifying the official, employee or volunteer involved, all information known to the official, employee, or volunteer with respect to the date, time, place and circumstances surrounding the incident or conduct giving rise to the claim or lawsuit, as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses.

B. Upon receipt thereof, the official, employee, or volunteer shall forthwith deliver any claim, demand, notice or summons or other such process relating to any such incident or conduct to the city attorney, and shall cooperate with the city attorney or an attorney designated by the city attorney, and, upon request, assist in making settlement of any suit and enforcing any claim for any right of subrogation against any persons or organizations that may be liable to the city because of any damage or claim of loss arising from such incident or course of conduct, including, but not limited to, rights of recovery for costs and attorneys' fees arising out of state or federal statute upon a determination that the suit brought is frivolous in nature.

C. Such official or employee shall attend interviews, depositions, hearings, and trials and shall assist in securing and giving evidence and obtaining attendance of witnesses all without any additional compensation to the official, employee, or volunteer, and, if an employee has left the employ of the city, no fee or compensation shall be provided.

D. Such official, employee, or volunteer shall not accept nor voluntarily make any payment, assume any obligation, or incur any expense relating to such claim or suit, other than for first aid to others at the time of any incident or course of conduct giving rise to any such claim, loss or damage.
(Ord. 33 § 5, 1995).

3.05.060 Effect of compliance with conditions.

If legal representation of an official, employee, or volunteer is undertaken by the city attorney, all of the conditions of representation are met, and a judgment is entered against the official, employee, or volunteer, or a settlement made, the city shall pay such judgment or settlement not otherwise covered by insurance; provided, that the city may,

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at its discretion, appeal as necessary such judgment.
(Ord. 33 § 6, 1995).

3.05.070 Failure to comply with conditions.

If any official, employee, or volunteer fails or refuses to comply with any of the conditions of UPMC 3.05.050, or elects to provide his or her own representation with respect to any such claim or litigation, all of the provisions for indemnification in this chapter shall be inapplicable, and have no force or effect with respect to any such claim or litigation.
(Ord. 33 § 7, 1995).

3.05.080 Reimbursement of incurred expenses.

A. If the city determines that an official, employee, or volunteer does not come within the provisions of this chapter, and a court of competent jurisdiction later determines that such claim does come within the provisions of this chapter, the city shall pay any judgment rendered against the official, employee, or volunteer, and reasonable attorneys' fees incurred in defending against the claim. The city shall pay any costs and reasonable attorneys' fees incurred in obtaining the determination that such claim is covered by the provisions of this chapter; provided, if a court of competent jurisdiction determines that such claim does not come within the provisions of this chapter, the official, employee, or volunteer shall pay the city's costs and reasonable attorneys' fees incurred in obtaining the determination that such claim is not covered under the provisions of this chapter.

B. If the city determines that a claim against a city official, employee, or volunteer does not come within the provisions of this chapter, and a court of competent jurisdiction later finds that such claim does not come within the provisions of this chapter, the city shall be reimbursed for costs or expenses incurred in obtaining the determination that such claim is not covered by the provisions of this chapter.
(Ord. 33 § 8, 1995).

3.05.090 Conflict with provisions of insurance policies.

The indemnification provisions of this chapter do not constitute a policy of insurance, and nothing contained in this chapter shall be construed to modify or amend any provision of any policy of insurance where any city official, employee, or volunteer thereof is the named insured. In the event of any conflict between this chapter and the provisions of any such policy of insurance, the policy provisions shall be controlling; provided, however, that nothing contained in this section shall be deemed to limit or restrict any employee's, volunteer's, or official's right to full coverage pursuant to this chapter, it being the intent of this chapter and this section to provide the coverage detailed in this chapter only outside and beyond insurance policies which may be in effect, while not compromising the terms and conditions of such policies by not conflicting provision contained in this chapter.
(Ord. 33 § 9, 1995).

3.05.100 Claims.

The provisions of this chapter shall apply to any claim or lawsuit against an official, employee, or volunteer pending without regard to the date of the events or circumstances which are the basis of such claim or lawsuit.
(Ord. 33 § 10, 1995).

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Chapter 3.10

CITY CREDIT CARDS

Sections:

3.10.010 Use of credit cards for purchases or acquisitions.
3.10.020 Distribution, authorization and control, credit limits and payment of bills.

3.10.010 Use of credit cards for purchases or acquisitions.

City departments of the City of University Place, Washington are authorized to use credit cards for official government purchases and acquisitions. (Ord. 106 § 1, 1996).

3.10.020 Distribution, authorization and control, credit limits and payment of bills.

A. Distribution. Credit cards may be distributed to those city officials and employees who, in the opinion of the city manager, or his/her designee, have job responsibilities which would benefit or otherwise be facilitated by the use of a credit card.

B. Authorization and Control. The city manager or his/her designee shall develop and implement guidelines and accounting controls to ensure the proper usage of credit cards and credit card funds.

C. Credit Limits. The city manager, or his/her designee, shall set credit limits on each credit card issued; provided, that in no event shall such credit limit exceed $2,500 for any individual credit card. Cash advances on credit cards are specifically prohibited by law.

D. Payment of Bills. The city manager, or his/her designee, shall establish and implement a written procedure for the payment of all credit card bills.
(Ord. 106 § 2, 1996).

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Title 4

REVENUE AND FINANCE

Chapters:

4.05	Payment of Claims and Obligations
4.10	*Reserved*
4.15	Sales and Use Tax
4.20	Real Estate Excise Tax
4.25	Leasehold Excise Tax
4.30	Gambling Tax
4.35	Utility Tax
4.40	Funds
4.45	City Service Fees
4.50	Bidding and Purchasing

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Chapter 4.05

PAYMENT OF CLAIMS AND OBLIGATIONS

Sections:

4.05.010 Payment of claims or obligations of the city.

4.05.010 Payment of claims or obligations of the city.

Pursuant to RCW 35A.40.020, payment of claims or obligations of the city shall be by check. The qualified public depository, whereon such checks are to be drawn, shall be Key Bank of Washington, University Place Branch. City officers authorized to sign checks shall be the city manager, assistant city manager, and the assistant to the city manager. Checks shall be signed by any two of the foregoing authorized signatories.
(Ord. 8 § 1, 1995).

Chapter 4.10

(Reserved)

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Chapter 4.15

SALES AND USE TAX

Sections:

Article I. Initial Sales and Use Tax

4.15.010 Imposition.
4.15.020 Administration – Collection.
4.15.030 Inspection of records – Agreement with Department of Revenue.
4.15.040 Penalty.

Article II. Violations

4.15.050 Authority to adopt Pierce County Code.
4.15.060 Adoption of administrative rules.
4.15.070 Adoption of certain other laws.

Article III. Additional Sales and Use Tax

4.15.110 Imposition.
4.15.120 Administration – Collection.
4.15.130 Inspection of records – Agreement with Department of Revenue.
4.15.140 Penalty.

Article I. Initial Sales and Use Tax

4.15.010 Imposition.

A. Imposition. There is imposed a sales and/or use tax, as the case may be, upon every taxable event as defined in Chapter 82.14 RCW, as the same now exists or may hereafter be amended, which occurs within the city limits. The tax shall be imposed upon and collected from those persons from whom the state sales and/or use tax is collected pursuant to Chapters 82.08 and 82.12 RCW, as the same now exist or may hereafter be amended.

B. Tax Rate. The rate of tax imposed by subsection (A) of this section shall be one-half of one percent of the selling price or value of the article used as the case may be; provided, that during such period as there is in effect a sales and/or use tax imposed by Pierce County pursuant to RCW 82.14.030(1), the rate imposed by this chapter shall be as provided in RCW 82.14.030(1), as the same now exists or may hereafter be amended. The rate as of the effective date of the ordinance codified in this section shall be 425/1000th of one percent.
(Ord. 15 § 1, 1995).

4.15.020 Administration – Collection.

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW 82.14.050, as the same now exists or may hereafter be amended.
(Ord. 15 § 2, 1995).

4.15.030 Inspection of records – Agreement with Department of Revenue.

The city consents to the inspection of such records as are necessary to qualify the city for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330, as the same now exists or may hereafter be amended. The city manager is authorized to enter into an agreement with the Department of Revenue for the administration of the tax.
(Ord. 15 § 3, 1995).

4.15.040 Penalty.

It is unlawful for any seller to fail or refuse to collect taxes with intent to violate the provisions of this chapter, or to gain some advantage or benefit, whether direct or indirect, or for any buyer to refuse to pay any tax due under the provisions of this chapter. Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof punished pursuant to state law or city ordinance.
(Ord. 15 § 4, 1995).

Article II. Violations

4.15.050 Authority to adopt Pierce County Code.

Pursuant to RCW 35A.12.140 and 35A.13.180, the city adopts by reference PCC 4.28.060, as presently constituted or hereinafter amended, as a regulation of the city.
(Ord. 54 § 1, 1995).

4.15.060 Adoption of administrative rules.

There are hereby further adopted by reference any and all implementing and administrative rules and enforcement remedies now in effect regarding sales or use tax violations adopted pursuant to Chapter 2.06 PCC and PCC 4.28.060 except that, unless the context requires otherwise, any reference to the "county" or to "Pierce County" shall refer to the City of University Place, and any refer-

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ence to county staff shall refer to the city manager or designee.
(Ord. 54 § 2, 1995).

4.15.070 Adoption of certain other laws.

To the extent that any provision of the Pierce County Code, or any other law, rule or regulation referenced in the adopted sales and use tax section is necessary or convenient to establish the validity, enforceability or interpretation of the code section, then such provision of the Pierce County Code and chapter, or other law, rule or regulation, is hereby adopted by reference.
(Ord. 54 § 3, 1995).

Article III. Additional Sales and Use Tax

4.15.110 Imposition.

A. Imposition. In addition to other taxes which may be imposed by the city, there is imposed a separate sales and/or use tax, as the case may be, upon the same taxable events and upon which the tax imposed pursuant to RCW 82.14.030(1) is levied, as the same exists or may hereafter be amended, and as specifically authorized by RCW 82.14.030(2).

B. Tax Rate. The rate of tax imposed by this section, which shall be in addition to the rate of tax permitted to be imposed by city ordinance pursuant to RCW 82.14.030(1), as the same now exists or may hereafter be amended, shall be one-half of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax); provided, that if Pierce County shall impose a sales and/or use tax pursuant to RCW 82.14.030(2), as the same now exists or may hereafter be amended, at a rate that is equal to or greater than the rate imposed under this chapter, then said county shall receive 15 percent of the city tax; provided further, that if Pierce County shall impose a sales and/or use tax pursuant to RCW 82.14.030(2), at a rate that is less than the rate imposed under this section, the county shall receive that amount of revenues from the city tax equal to 15 percent of the rate of tax imposed by the county.
(Ord. 16 § 1, 1995).

4.15.120 Administration – Collection.

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW 82.14.050, as the same now exists or may hereafter be amended.
(Ord. 16 § 2, 1995).

4.15.130 Inspection of records – Agreement with Department of Revenue.

The city consents to the inspection of such records as are necessary to qualify the city for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330, as the same now exists or may hereafter be amended. The city manager is authorized to enter into an agreement with the Department of Revenue for the administration of the tax.
(Ord. 16 § 3, 1995).

4.15.140 Penalty.

It is unlawful for any seller to fail or refuse to collect taxes with intent to violate the provisions of this chapter, or to gain some advantage or benefit, whether direct or indirect, or for any buyer to refuse to pay any tax due under the provisions of this chapter. Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof punished pursuant to state law or city ordinance.
(Ord. 16 § 5, 1995).

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Chapter 4.20

REAL ESTATE EXCISE TAX

Sections:

Article I. Initial Real Estate Excise Tax

4.20.010 Excise tax on real estate sales.
4.20.020 County to collect payment.
4.20.030 Tax is obligation of seller.
4.20.040 Tax lien on real property.
4.20.050 Duties of county treasurer.
4.20.060 Payment due.
4.20.070 Refunds.
4.20.080 Penalty.

Article II. Additional Real Estate Excise Tax

4.20.110 Additional excise tax on real estate sales.
4.20.120 County to collect payment.
4.20.130 Tax is obligation of seller.
4.20.140 Tax lien on real property.
4.20.150 Duties of county treasurer.
4.20.160 Payment due.
4.20.170 Refunds.
4.20.180 Penalty.

Article I. Initial Real Estate Excise Tax

4.20.010 Excise tax on real estate sales.

A. Imposition. Pursuant to RCW 82.46.010, there is imposed an excise tax on each sale of real property constituting a taxable event as defined in Chapter 82.45 RCW, as the same now exists or may hereafter be amended. The tax imposed under this section shall be collected from persons who are taxable by the state under Chapter 82.45 RCW, as the same now exists or may hereafter be amended, and such tax shall comply with all applicable rules, regulations, laws and court decisions regarding real estate excise taxes as imposed by the state under Chapters 82.45 and 82.46 RCW, as the same now exists or may hereafter be amended.

B. Tax Rate. The rate of tax imposed by this section pursuant to RCW 82.46.010(2), as the same now exists or may hereafter be amended, shall be one-quarter of one percent of the selling price of all real property upon which this tax is imposed.

C. Use of Proceeds. All proceeds from the tax imposed by this section shall be placed by the city manager, or designee, in a real estate excise tax fund and shall be used solely for financing capital projects, as defined in RCW 82.46.010(6), specified in the capital facilities plan element of the city's comprehensive plan, or for housing relocation assistance under RCW 59.18.440 and 59.18.450.
(Ord. 18 § 1, 1995).

4.20.020 County to collect payment.

The county treasurer shall collect the tax imposed by this chapter. The county treasurer shall place one percent of the proceeds of the taxes imposed and collected by this chapter in the county current expense fund to defray costs of collection. The remaining proceeds from city taxes imposed by this chapter shall be distributed to the city monthly.
(Ord. 18 § 2, 1995).

4.20.030 Tax is obligation of seller.

The taxes imposed by this chapter are the obligation of the seller and may be enforced through the action of debt against the seller or in the manner prescribed for the foreclosure of mortgages.
(Ord. 18 § 3, 1995).

4.20.040 Tax lien on real property.

The taxes imposed by this chapter and any interest or penalties thereon is a specific lien upon each piece of real property sold from the time of sale or until the tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other.
(Ord. 18 § 4, 1995).

4.20.050 Duties of county treasurer.

The taxes imposed by this chapter shall be paid to and collected by the county treasurer. The county treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales. A receipt issued by the county treasurer for the payment of the tax imposed herein shall be evidence of the satisfaction of the lien imposed in this chapter and may be recorded in the manner prescribed for recording

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satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the Pierce County department of records and elections for filing or recording until the tax is paid and the stamp affixed thereto. In case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the county treasurer.
(Ord. 18 § 5, 1995).

4.20.060 Payment due.

The tax imposed by this chapter shall become due and payable immediately at the time of the sale, and, if not so paid within 30 days thereafter, shall bear interest at the maximum rate permitted by law from the time of sale until the date of payment.
(Ord. 18 § 6, 1995).

4.20.070 Refunds.

If, upon written application by taxpayer to the county treasurer for a refund, it appears that tax has been paid in excess of the amount actually due or upon a sale or other transfer declared to be exempt, such excess amount or improper payment shall be refunded by the county treasurer to the taxpayer; provided, that no refund shall be made unless the state has first authorized the refund of an excessive amount or an improper amount paid, unless such improper amount was paid as a result of miscalculation. Any refund made shall be withheld from the next monthly distribution to the city.
(Ord. 18 § 7, 1995).

4.20.080 Penalty.

It is unlawful for any person to fail or refuse to pay taxes with intent to violate the provisions of this chapter. Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, punished pursuant to state law or city ordinance.
(Ord. 18 § 9, 1995).

Article II. Additional Real Estate Excise Tax

4.20.110 Additional excise tax on real estate sales.

A. Imposition. Pursuant to RCW 82.46.035, there is imposed an additional excise tax on each sale of real property constituting a taxable event as defined in Chapter 82.45 RCW, as the same now exists or may hereafter be amended. The tax imposed under this chapter shall be collected from persons who are taxable by the state under Chapter 82.45 RCW, as the same now exists or may hereafter be amended, and such tax shall comply with all applicable rules, regulations, laws and court decisions regarding real estate excise taxes as imposed by the state under Chapters 82.45 and 82.46 RCW, as the same now exists or may hereafter be amended.

B. Tax Rate. The rate of tax imposed by this section pursuant to RCW 82.46.035, as the same now exists or may hereafter be amended, shall be one-quarter of one percent of the selling price of all real property upon which this tax is imposed.

C. Use of Proceeds. All proceeds from the tax imposed by this section shall be used solely for the financing of capital projects specified in a capital facilities plan element of a comprehensive plan approved by the city council.
(Ord. 73 § 1, 1995).

4.20.120 County to collect payment.

The county treasurer shall collect the tax imposed by this chapter. The county treasurer shall place one percent of the proceeds of the taxes imposed and collected by this chapter in the county current expense fund to defray costs of collection. The remaining proceeds from city taxes imposed by this chapter shall be distributed to the city monthly.
(Ord. 73 § 2, 1995).

4.20.130 Tax is obligation of seller.

The taxes imposed by this chapter are the obligation of the seller and may be enforced through the action of debt against the seller or in the manner prescribed for the foreclosure of mortgages.
(Ord. 73 § 3, 1995).

4.20.140 Tax lien on real property.

The taxes imposed by this chapter and any interest or penalties thereon is a specific lien upon each piece of real property sold from the time of sale or until the tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other.
(Ord. 73 § 4, 1995).

4.20.150 Duties of county treasurer.

The taxes imposed by this chapter shall be paid to and collected by the county treasurer. The county treasurer shall cause a stamp evidencing

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satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales. A receipt issued by the county treasurer for the payment of the tax imposed herein shall be evidence of the satisfaction of the lien imposed in this chapter and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the Pierce County department of records and elections for filing or recording until the tax is paid and the stamp affixed thereto. In case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the county treasurer.
(Ord. 73 § 5, 1995).

4.20.160 Payment due.

The tax imposed by this chapter shall become due and payable immediately at the time of the sale, and if not so paid within 30 days thereafter, shall bear interest at the maximum rate permitted by law from the time of sale until the date of payment.
(Ord. 73 § 6, 1995).

4.20.170 Refunds.

If, upon written application by taxpayer to the county treasurer for a refund, it appears that tax has been paid in excess of the amount actually due or upon a sale or other transfer declared to be exempt, such excess amount or improper payment shall be refunded by the county treasurer to the taxpayer; provided, that no refund shall be made unless the state has first authorized the refund of an excessive amount or an improper amount paid, unless such improper amount was paid as a result of miscalculation. Any refund made shall be withheld from the next monthly distribution to the city.
(Ord. 73 § 7, 1995).

4.20.180 Penalty.

It is unlawful for any person to fail or refuse to pay taxes with intent to violate the provisions of this chapter. Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof, punished pursuant to state law or city ordinance.
(Ord. 73 § 9, 1995).

Chapter 4.25

LEASEHOLD EXCISE TAX

Sections:

4.25.010 Imposed.
4.25.020 Contract authorized.
4.25.030 Penalty.

4.25.010 Imposed.

Pursuant to RCW 82.29A.040, as the same now exists or may hereafter be amended, the city imposes a leasehold excise tax as authorized by Chapter 82.29A RCW, as the same now exists or may hereafter be amended. The tax shall be equal to four percent of taxable rent.
(Ord. 19 § 1, 1995).

4.25.020 Contract authorized.

Pursuant to RCW 82.29A.080, as the same now exists or may hereafter be amended, the city manager is authorized to enter into a contract prior to the effective date of this chapter with the Department of Revenue for the administration and collection of the tax.
(Ord. 19 § 2, 1995).

4.25.030 Penalty.

It is unlawful for any person to fail or refuse to pay taxes with intent to violate the provisions of this chapter. Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof punished pursuant to state law or city ordinance.
(Ord. 19 § 4, 1995).

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Chapter 4.30

GAMBLING TAX

Sections:

4.30.010 Imposed.
4.30.020 Exemptions.
4.30.030 Administration of tax.
4.30.040 Charitable, nonprofit organization – Declaration of intent to conduct gambling activity – Reduced taxes on punchboards and pull-tabs.
4.30.050 Tax due date – Delinquency.
4.30.060 Financial records.
4.30.070 Definitions.
4.30.080 Unlawful acts.
4.30.090 Penalty.

4.30.010 Imposed.

Pursuant to RCW 9.46.110, as the same now exists or may hereafter be amended, there is levied upon all persons, associations or organizations a tax on all gambling activities occurring within the city as permitted by state law at the following rates:

A. Bingo or raffles at a rate of 10 percent of the gross revenues received therefrom, less the amount awarded as cash or merchandise prizes, except for qualifying nonprofit organizations as set forth in UPMC 4.30.040, which shall be taxed at a rate of five percent of the gross revenues received therefrom, less the amount awarded as cash or merchandise prizes;

B. Amusement games at a rate of two percent of the sum of the gross revenues received therefrom, less the amount paid for as prizes, and which rate will generate an amount sufficient to pay the actual costs of enforcement of the provisions of this chapter and Chapter 9.46 RCW;

C. Punchboards or pull-tabs at a rate of five percent of gross receipts;

D. Social card games at 20 percent of gross revenue.
(Ord. 180 § 1, 1997).

4.30.020 Exemptions.

No tax shall be imposed pursuant to this chapter on bingo or amusement games when such gambling activities, or any combination thereof, are conducted by a bona fide charitable or nonprofit organization as defined in RCW 9.46.020, as the same now exists or may hereafter be amended, which organization has no paid operating or management personnel for the gambling activities and has gross income from bingo or amusement games, or any combination thereof, not exceeding $5,000 per year, less the amount paid for as prizes. No tax shall be imposed on the first $10,000 of net proceeds from raffles conducted by bona fide charitable organizations.
(Ord. 180 § 2, 1997).

4.30.030 Administration of tax.

The administration and collection of the tax imposed by UPMC 4.30.010 shall be by the city clerk and pursuant to the rules and regulations of the Washington State Gambling Commission. The city clerk is instructed and authorized to adopt appropriate reporting requirements, to ensure the effective administration of license holders exempt from the payment of the tax and to make such further rules and regulations for the purpose of carrying out the provisions of this chapter.
(Ord. 180 § 3, 1997).

4.30.040 Charitable, nonprofit organization – Declaration of intent to conduct gambling activity – Reduced taxes on punchboards and pull-tabs.

A. For the purpose of identifying the persons, associations and organizations that shall be subject to the tax imposed by UPMC 4.30.010, any organization qualifying as a bona fide charitable or nonprofit corporation pursuant to Chapter 9.46 RCW, who desires to conduct or operate any bingo game, raffle or amusement game which requires licensing as provided in and authorized by Chapter 9.46 RCW, as the same now exists or may be hereafter amended, shall, prior to commencement of any such activity, file with the city clerk a sworn declaration of intent to conduct or operate such activity, together with a copy of the license issued in accordance with Chapter 9.46 RCW, as the same now exists or may be hereafter amended, as amended. Thereafter, for any period covered by such state license or any renewal thereof, any such licensed bona fide charitable or nonprofit corporation shall, on or before the fifteenth day of the month following the end of the month in which the tax accrued, file with the city clerk a sworn statement, on a form to be provided and prescribed by the city clerk, for the purpose of ascertaining the tax due for the preceding monthly period.

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B. Effective August 1, 1997, any organization qualifying as a bona fide charitable or nonprofit organization pursuant to the provisions of Chapter 9.46 RCW, who desires to utilize punchboards or pull-tabs pursuant to Chapter 9.46 RCW, shall make such intention known to the city clerk, and shall remit to the City of University Place and there is hereby levied an excise or tax computed at the rate of 10 percent based on gross receipts from the operation of the games less the amount awarded as cash or merchandise prizes. Gross income received in the conduct of such activity, computed by multiplying the number of chances played on said board or pull-tab times the price or value of each individual chance or play. Cash or merchandise awarded is computed by the amount of cash paid or cost of merchandise awarded.
(Ord. 180 § 4, 1997).

4.30.050 Tax due date – Delinquency.

A. Tax imposed by UPMC 4.30.010 shall be due and payable in monthly installments, and remittance therefor shall accompany such return and be made on or before the fifteenth day of the month following the month in which the tax accrued.

B. For each payment due, if such payment is not made by the due date thereof, there shall be added a penalty and interest as follows:

1. If paid one – 10 days late, there shall be a penalty of 10 percent added to the amount of tax due.

2. If paid 11 – 20 days late, there shall be a penalty of 15 percent added to the amount of tax due.

3. If paid 21 – 30 days late, there shall be a penalty of 20 percent added to the amount of tax due.

4. If paid 31 – 60 days late, there shall be a penalty of 25 percent added to the amount of tax due.

5. In addition to the above penalty, the city will charge the taxpayer interest on all taxes due at the rate of one percent per month or portion thereof that said amounts are past due.
(Ord. 180 § 5, 1997).

4.30.060 Financial records.

It shall be the responsibility of all officers, directors and managers of any corporation conducting any gambling activities subject to taxation under this chapter to make available at all reasonable times such financial records as the city clerk may require to determine full compliance with this chapter.
(Ord. 180 § 6, 1997).

4.30.070 Definitions.

For the purposes of this chapter, the terms used herein shall have the same meanings as defined in Chapter 9.46 RCW, as the same now exists or may hereafter be amended.
(Ord. 180 § 7, 1997).

4.30.080 Unlawful acts.

It is unlawful for any person liable for the tax imposed by this chapter to fail to pay the tax when due or for any person to make any false or fraudulent return or any false statement in connection with the return.
(Ord. 180 § 8, 1997).

4.30.090 Penalty.

Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof punished pursuant to state law or city ordinance.
(Ord. 180 § 9, 1997).

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Chapter 4.35

UTILITY TAX

Sections:

Article I. Utility Tax

4.35.010 Definitions.
4.35.020 Utility tax levied – Rate.
4.35.030 License requirement.
4.35.040 Allocation of income – Cellular telephone service.
4.35.050 Remittance.
4.35.060 Taxpayer engaged in more than one business.
4.35.070 Deductions.
4.35.080 Record retention requirements.
4.35.090 Tax delinquency – Unlawful acts.
4.35.100 Quitting, selling, or transferring business.
4.35.110 Tax not exclusive.
4.35.120 Rate changes.
4.35.130 Appeal procedure.
4.35.140 Over or underpayment of tax.

Article II. Utility Tax Refund

4.35.210 Definitions.
4.35.220 Refund application procedures.
4.35.230 Refund amounts.
4.35.240 Refund period.

Article I. Utility Tax

4.35.010 Definitions.

Unless the context clearly indicates otherwise, the words, phrases and terms used in this chapter shall have the following meanings:

A. "Cable television" means a system providing service pursuant to a franchise issued by the City of University Place under the Cable Communications Policy Act of 1984 as amended (Public Law No. 98-549, 47 U.S.C. 521 (Supp.) or any system that employs antennae, microwave, wires, waveguides, cables, coaxial cables, or other conductors, equipment or facilities designed, construed or used for the purpose of:

1. Collecting and amplifying local and distant broadcast television signals and distributing and transmitting them;

2. Transmitting original cablecast programming not received through television broadcast signals; or

3. Transmitting television pictures, film and videotape programs not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers; provided, however, that "cable television service" shall not include entities that are subject to charges as "commercial TV stations" under 47 U.S.C. Section 148.

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

C. "City manager" means the city manager of University Place and his or her designees or agents.

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

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

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account of losses. Further deductions and exceptions from gross income upon which the fee or tax described in this chapter is computed are set forth in UPMC 4.35.070.

F. "Person or persons" means persons of either sex, firms, copartnerships, corporations, limited liability companies, and other associations, whether acting by themselves or through servants, agents or employees.

G. "Taxpayer" means any person liable for the license fee or tax imposed by this chapter.

H. "Tax year or taxable year" means:

1. The year commencing January 1st and ending on December 31st of such year; or

2. The taxpayer's fiscal year when permission is obtained from the city manager to use that period as the tax year; or

3. The year commencing December 15th and ending on December 14th of the following calendar year when permission is obtained from the city manager to use that period as the tax year.

I. "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 cable, microwave, or similar communication or transmission system. The term includes cooperative or farmer line telephone companies or associations operating an exchange. Telephone business also includes cellular telephone service. Telephone business does not include the providing of competitive telephone service, the providing of cable television service, nor the providing of broadcast services by radio and television stations.
(Ord. 78 § 1, 1995).

4.35.020 Utility tax levied – Rate.

There is levied on and shall be collected from every person a tax for the act or privilege of engaging in certain business activities, measured by the application of the respective rates against gross income as follows:

A. Telephone Business. Upon every person engaged in or carrying on any telephone business (including cellular telephone service) within the City of University Place a fee or tax equal to two and one-half percent of the total gross income from such business in the City of University Place. Tax liability imposed under this section shall not apply to that portion of gross income derived from charges to another telecommunications company, as defined in RCW 80.04.010, for connecting fees, switching charges, or carrier access charges relating to intrastate toll telephone services, or for access to, or charges for, interstate services, or charges for network telephone service that is purchased for the purpose of resale.

B. Cable Television. Upon every person engaged in or carrying on the business of transmitting television signals by means of a cable distribution system, commonly known as cable television or "CATV," a tax equal to two and one-half percent of the total gross income derived from such business in the City of University Place during the current calendar year for which license is required.

C. Natural or Manufactured Gas. Upon every person engaged in or carrying on the business of transmitting, distributing, selling and furnishing natural and/or manufactured gas, a tax equal to two and one-half percent of the total gross income from such business in the City of University Place.

D. Solid Waste. Upon every person engaged in or carrying on the business of collecting solid waste, recyclable materials or yard waste, a tax equal to two and one-half percent of the total gross income from such business in the City of University Place, but not including income from the sale of recyclable materials or yard waste.
(Ord. 78 § 2, 1995).

4.35.030 License requirement.

Any person subject to taxation under the provisions of this chapter is required to obtain an occupation license from the City of University Place. On and after March 1, 1996, no person subject to payment of the tax herein shall engage in any business, occupation, or activity in the City of University Place without first obtaining and holding a valid license to do so, which license shall be known as an "occupation license" for which the applicant will pay no charge. Such "occupation license" shall expire at the end of the calendar year in which it is issued and a new license shall be required for each calendar year, unless the taxpayer is transacting business on a fiscal year with the prior consent of the city manager, obtains an occupation license for the period of its current fiscal year which shall be deemed the tax year for

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such taxpayer. In such case, the occupation license shall expire at the end of the taxpayer's tax year.

Application for an "occupation license" shall be made to the City of University Place's community services department which shall provide the forms therefor and shall issue the license.

Any person engaging in or carrying on more than one business, occupation, pursuit or privilege within the City of University Place that is subject to taxation under this chapter shall apply for and obtain an "occupation license" and shall pay the tax imposed on each of the same. Each "occupation license" shall be numbered, shall show the name, place and character of business of the taxpayer, and such other information as the city manager shall deem necessary, and shall be conspicuously posted in the place of business for which it is issued at all times. Such license shall be personal and nontransferable.

No person to whom an "occupation license" has been issued pursuant to this chapter shall suffer or allow any other person for whom a separate license is required to operate under or display that person's license, nor shall such other person operate under or display such license.

Any taxpayer who engages in or carries on any business subject to tax hereunder without obtaining and maintaining a valid "occupation license" to do so shall be guilty of a violation of this chapter for each day during which the business is so engaged in or carried on and the taxpayer who fails or refuses to pay the license fee or tax on any part thereof on or before the due date shall be deemed to be operating without having a license to do so.
(Ord. 78 § 3, 1995).

4.35.040 Allocation of income – Cellular telephone service.

A. Service Address. Payments by a customer for the telephone service from telephones without a fixed location shall be allocated among taxing jurisdictions to the location of the customer's principal service address during the period for which the tax applies.

B. Presumption. There is a presumption that the service address a customer supplies to the taxpayer is current and accurate, unless the taxpayer has actual knowledge to the contrary.

C. Roaming Phones. When the service is provided while a subscriber is roaming outside the subscriber's normal cellular network area, the gross income shall be assigned consistent with the taxpayer's accounting system to the location of the originating cell site of the call, or to the location of the main cellular switching office that switched the call.

D. Dispute Resolution. If there is a dispute between or among the City of University Place and one or more other cities, as to the service address of a customer who is receiving cellular telephone services and the dispute is not resolved by negotiation among the parties, then the dispute shall be resolved by the City of University Place and the other city or cities by submitting the issue for settlement to the Association of Washington Cities (AWC). Once the taxes on the disputed revenues have been paid to one of the contesting cities, the cellular telephone service company shall have no further liability with respect to additional taxes on the disputed revenues so long as it changes its billing records for future revenues to comport with the settlement facilitated by AWC.
(Ord. 78 § 4, 1995).

4.35.050 Remittance.

A. Monthly Remittance. The tax imposed by this chapter shall be reported and remitted to the City of University Place monthly on or before the last day of the subsequent month. If a taxpayer commences to engage in business at any time other than the first day of the month, then the taxpayer's first return and tax payment shall be based upon and cover the portion of the month during which the taxpayer engaged in business.

B. Returns. The remittance shall be in legal tender and shall be accompanied by a return on a form to be provided and prescribed by the city manager. The taxpayer shall be required to swear or affirm in writing on the return that the information therein given is full and true and that the taxpayer knows it to be so. If the total tax for which any person is liable under this chapter is not reasonably expected to exceed $100.00 in any month, the taxpayer may file a written request with the city manager to file and pay taxes due under this chapter annually. Such requests are subject to approval by the city manager.
(Ord. 78 § 5, 1995).

4.35.060 Taxpayer engaged in more than one business.

Any person engaged in, or carrying on more than one activity or business subject to the tax

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imposed by this chapter, shall pay the tax so imposed on each such business or activity.
(Ord. 78 § 6, 1995).

4.35.070 Deductions.

In computing the tax imposed by this chapter, the following may be deducted from the measure of the tax:

A. Adjustments made to a billing or to a customer account or to a telecommunications company accrual account in order to reverse a billing or charge that had been made as a result of third-party fraud or other crime and was properly a debt of a customer and for which the taxpayer can provide documentation to the City of University Place.

B. All cash discounts allowed and actually granted to customers of the taxpayer during the tax year and for which the taxpayer can provide documentation to the City of University Place.

C. Amounts derived from transactions in interstate or foreign commerce, or from business done for the government of the United States, its officers or agents in their official capacity, and any amount paid by the taxpayer to the United States or the state of Washington, as excise taxes.

D. The amount of credit losses actually sustained by taxpayers whose regular books are kept on an accrual basis.

E. Amounts derived from business which the City of University Place is prohibited from taxing under the Constitution or the laws of this state or the United States.
(Ord. 78 § 7, 1995).

4.35.080 Record retention requirements.

It shall be the duty of every person required to obtain an occupation license and liable for payment of any tax imposed by this chapter to keep and preserve for a period of five years such books and records as will accurately reflect the amount of gross income from the business, and from which can be determined the amount of any tax for which the person may be liable under the provisions of this chapter. The term "books and records" as used in this section includes but is not limited to copies of the taxpayer's federal income tax returns, federal excise tax returns, state of Washington excise tax returns, and copies of income tax and excise tax audits made by the United States or the state of Washington and furnished to such person. The taxpayer's books and records shall be available for examination at all reasonable times by the city manager and his or her duly authorized agents.

In the case of any taxpayer who does not keep the necessary books and records within the City of University Place for examination, it shall be sufficient if such person produces the same within the City of University Place as instructed or required by the city manager.

Any taxpayer who fails, neglects, or refuses to produce such books and records in accordance with this chapter, or fails to file a return, in addition to being subject to other civil and criminal penalties provided by this chapter, is subject to a tax assessment in an amount determined by the city manager in accordance with the provisions of this chapter, which tax assessment shall be deemed prima facie correct and shall be the amount of fee or tax owing to the City of University Place by the taxpayer unless the person can prove otherwise by competent evidence. The taxpayer shall be notified by mail by the city manager of the amount of tax assessment imposed pursuant to this section, together with any penalty and/or interest due, and the total of such amounts shall thereupon become immediately due and payable.
(Ord. 78 § 8, 1995).

4.35.090 Tax delinquency – Unlawful acts.

A. Penalties and Interest. For each payment due, if such payment is not made by the due date thereof, there shall be added penalty and interest as follows:

1. If paid one – 10 days late, there shall be a penalty of 10 percent added to the amount of tax due.

2. If paid 11 – 20 days late, there shall be a penalty of 15 percent added to the amount of tax due.

3. If paid 21 – 30 days late, there shall be a penalty of 20 percent added to the amount of tax due.

4. If paid 31 – 60 days late, there shall be a penalty of 25 percent added to the amount of tax due.

5. In addition to the above penalty, the City of University Place shall charge the taxpayer interest on all taxes due at the rate of one percent per month or portion thereof that said amounts are past due.

6. The tax imposed by this chapter, and all penalties and interest thereon, shall constitute a debt to the City of University Place, and may be collected by court proceedings in the same man-

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ner as any other debt which remedy shall be in addition to all other available remedies. Any judgment entered in favor of the City of University Place may include an award to the City of University Place of all court and collection costs including attorneys' fees to the extent permitted by law. Amounts delinquent more than 60 days may be assigned to a third party for collection, in which case the amount of any collection charges shall be in addition to all other amounts owed. Amounts due shall not be considered paid until the City of University Place has received payment for the full amount due or has discharged the amount due and not paid.

B. Unlawful Acts. It is unlawful for any person liable for the tax imposed by this chapter to fail to pay the tax when due or for any person, firm, or corporation to make any false or fraudulent return or any false statement in connection with the return.

C. Criminal Penalties. Any person who intentionally violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof punished pursuant to state law or city ordinance.
(Ord. 78 § 9, 1995).

4.35.100 Quitting, selling, or transferring business.

Whenever any taxpayer quits business, or sells out, exchanges, or otherwise disposes of such business, any tax payable under this chapter shall become immediately due and payable, and such taxpayer shall, within 10 days thereafter, make a return and pay the tax due; and any person who becomes a successor shall become liable for the full amount of any unpaid tax, interest, and penalties and shall withhold from the purchase price an amount sufficient to pay any tax due from the taxpayer until such time as the taxpayer shall produce a receipt from the City of University Place showing payment in full of any tax due or a certificate that no tax is due. If such tax, interest or penalty has not been paid by the taxpayer within 10 days from the date of such sale, exchange, or disposal, the successor shall become liable for the payment of the full amount of tax, interest and penalties. The successor's liability shall be limited to the purchase price or fair market value of the business purchased if no cash transaction took place. No successor shall be liable for any tax due from the taxpayer from whom the successor has acquired a business or stock of goods if the successor gives written notice to the city manager of such acquisition and no assessment is issued by the city manager within six months of receipt of such notice against the former operator of the business. Taxpayer's account will remain on an active status and be subject to all taxes, penalties, and interest until such time as the city manager is notified in writing that the taxpayer has discontinued business activity within the City of University Place. Nothing in this chapter is intended nor shall it be construed to prohibit the successor from engaging in business in the City of University Place pending resolution of the successor's tax liability.
(Ord. 78 § 10, 1995).

4.35.110 Tax not exclusive.

The tax levied herein shall be additional to any license fee or tax imposed or levied under any other law or under any other ordinance of the City of University Place.
(Ord. 78 § 11, 1995).

4.35.120 Rate changes.

No change in the rate of tax upon persons engaging in the business of furnishing natural gas or in the telephone business, including cellular telephone service, shall apply to business activities occurring before the effective date of the change. Furthermore, except for a change in the tax rate authorized by RCW 35.21.870, no change in the rate of the tax on the business of furnishing natural gas or the telephone business may take effect sooner than 60 days following the enactment of the ordinance establishing the change. The City of University Place shall send to each cellular telephone service company at the address on its occupation license, a copy of any ordinance changing the rate of tax upon cellular telephone service promptly upon its enactment.
(Ord. 78 § 12, 1995).

4.35.130 Appeal procedure.

Any taxpayer aggrieved by the amount of the fee or tax found by the city manager to be required under the provisions of this chapter may, upon full payment of the amount assessed, appeal from such finding by filing a written notice of appeal with the city clerk within 14 days from the date such taxpayer was notified in writing of such amount. The clerk shall, as soon as practicable, fix a time and place for the hearing of such appeal before the hearings examiner, which time shall be not more than 60 days after the filing of the notice of appeal, and shall cause a notice of the time and

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place thereof to be delivered or mailed to the appellant. At such hearing before the hearings examiner, the taxpayer shall be entitled to be heard and to introduce evidence in his or her own behalf. The hearings examiner shall render a decision, together with findings of fact and conclusions of law, based upon the evidence presented at the time of the hearing and all material on file in the case. The hearings examiner's decisions shall indicate the correct amount of the fee or tax owing. The hearings examiner's decision shall be final. The appellant or the City of University Place may appeal the decision of the hearings examiner to the Superior Court of Washington in and for Pierce County within 30 days after the date of the hearings examiner's decision. The hearings examiner may, by subpoena, require the attendance of any person, and may also require him/her to produce any pertinent books and records. Any person served with such subpoena shall appear at the time and place therein stated and produce the books and records required, if any, and shall testify truthfully under oath administered by the hearings examiner as to any matter required of him/her pertinent to the appeal, and it shall be unlawful for him/her to fail or refuse so to do.
(Ord. 78 § 13, 1995).

4.35.140 Over or underpayment of tax.

In the event that any person makes an overpayment, and within two years of the date of such overpayment makes application for a refund or credit, the person's claims shall be allowed and a refund made by the City of University Place upon determination by the city manager that no other sums are owed by the person to the City of University Place. If a person determines that the tax has been underpaid and without notice by any party pays the amount due to the City of University Place, such amount shall not be subject to penalty.
(Ord. 78 § 14, 1995).

Article II. Utility Tax Refund

4.35.210 Definitions.

The words, phrases and terms used in this chapter shall have the following meanings:

A. "Low income" means a household earning less than 50 percent of median income as defined by the U.S. Department of Housing and Urban Development, as verified by Pierce County department of social services through the community development block grant regulations, as amended annually.

B. "Household" means a single service address such as house or apartment number, regardless of the number of persons living at the service address.

C. "Senior citizen" means a person 62 years of age or older.

D. "Disabled person" means a person retired from regular gainful employment by reason of a physical or mental disability. Physical or mental disability means the condition of being disabled, resulting in the inability to pursue an occupation because of physical or mental impairment. A doctor's signed statement constitutes proof of such disability and shall be required before the exemption may be granted. This statement shall indicate the expected period or term of the disability.
(Ord. 122 § 1, 1996; Ord. 82 § 1, 1996).

4.35.220 Refund application procedures.

A. Eligible senior or disabled persons who meet low income criteria shall apply each year by June 30th to City Hall for a refund as a credit for payment of utility tax paid during the preceding year.

B. Each applicant will be asked to sign a sworn statement that his or her household's income meets the refund program's low income criteria.

C. To establish eligibility, seniors must bring a driver's license or birth certificate as proof of age and disabled persons must bring a signed doctor's statement.
(Ord. 82 § 2, 1996).

4.35.230 Refund amounts.

All eligible households will be entitled to an annual refund of $10.00, with an additional $10.00 refunded for gas utility customers.
(Ord. 122 § 2, 1996; Ord. 82 § 3, 1996).

4.35.240 Refund period.

Refunds shall be calculated for that period of the preceding calendar year during which the utility tax was assessed.
(Ord. 82 § 4, 1996).

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Chapter 4.40

FUNDS

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4.40.005 Authorization.

The council hereby establishes the funds in this chapter for the City of University Place.
(Ord. 179 § 2, 1997).

4.40.010 Petty cash fund – Established.

The city treasurer is hereby authorized to establish a petty cash fund up to but not exceeding $500.00 for the efficient carrying out of the purposes for which said fund is established. This fund is established for the purpose of making minor authorized disbursements. The fund shall be administered by the city treasurer in accordance with regulations providing for such lawful administration.
(Ord. 176 § 1, 1997; Ord. 10 § 1, 1995).

4.40.020 Petty cash fund – Appropriation of funds.

A. A sum of up to but not exceeding $500.00 is appropriated from the city general fund to the city petty cash fund. The finance division will assure that the petty cash fund is reconciled and replenished at least monthly so that the balance remaining in petty cash, plus the amount of the replenishment check, equals the authorized $500.00 amount.

B. Petty Cash Procedures. The finance manager will establish and implement written procedures for the appropriate and lawful disbursement of petty cash.
(Ord. 176 § 2, 1997; Ord. 10 § 2, 1995).

4.40.030 Change funds – Authorization.

The parks and recreation division, permit services center, senior/recreation center, and community services department (reception desk) are each authorized to maintain a change fund for the purpose of making change. The funds shall be administered by a custodian appointed by the finance manager, in accordance with regulations providing such lawful administration.
(Ord. 177 § 1, 1997).

4.40.040 Change funds – Appropriation of funds.

A sum of up to but not exceeding $100.00 each is appropriated from the city general fund balance to the change funds for the parks and recreation division, the permit services center, and the senior/recreation center. A sum of up to but not exceeding $50.00 is appropriated from the city general fund balance to the change fund for the community services department (reception desk). Change fund custodians shall assure that their change fund and any accompanying receipts are reconciled on a daily basis.
(Ord. 177 § 2, 1997).

4.40.050 Change fund procedures.

The finance manager will establish and implement written procedures for the appropriate and lawful administration of the change funds.
(Ord. 177 § 3, 1997).

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4.40.060 General fund (RCW 35.37.010 and 35A.37.010).

A. Purpose. The general fund is established to account for all receipt and disbursement transactions associated with ordinary city operations that are not required to be accounted for in another fund.

B. Revenue Sources. Taxes and general revenues, including but not limited to property taxes, local sales taxes, franchise fees, gambling taxes, liquor taxes, utility taxes, fines and forfeitures, license fees, permits, recreation fees, and miscellaneous other revenues that support general government operations.
(Ord. 179 § 2, 1997).

4.40.070 Street fund.

A. Purpose. This fund is established to account for the receipt and disbursements of state-levied unrestricted motor vehicle fuel taxes.

B. Revenue Sources. Specific revenue sources shall include, but not be limited to, unrestricted motor vehicle fuel taxes, transportation related fees, permits, interest earnings, and such other sources as may be authorized by the city council.
(Ord. 179 § 2, 1997).

4.40.080 Arterial street fund.

A. Purpose. This fund is established to receive and disburse all monies received by the city as distributions, pursuant to RCW 46.68.100(2), of the motor vehicle fuel taxes imposed by the state. These revenues are to be used exclusively for the construction, improvement, chip sealing, sealcoating, and repair of arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120; or for the payment of any municipal indebtedness which may be incurred for the above noted expenditures related to arterial highways and city streets.

B. Revenue Sources. Motor vehicle fuel tax distributions pursuant to RCW 46.68.100(2), interest earnings, and other revenue sources as may be authorized by the city council.
(Ord. 179 § 2, 1997).

4.40.090 Real estate excise tax fund.

A. Purpose. This fund is established to account for the receipt and disbursement of the real estate excise tax authorized by RCW 82.46.010, and dedicated for capital purposes defined in RCW 35.43.040. Such expenditures may include public buildings and facilities, parks, and debt service associated with such capital oriented projects.

This fund is also established to account for the receipt and expenditure of the real estate excise tax authorized pursuant to the Growth Management Act (RCW 82.46.035), which restricts those revenues to financing capital projects specified in a capital facilities plan.

B. Revenue Sources. Real estate excise taxes authorized by RCW 82.46.010 and 82.46.035, interest earnings, and other revenue that may be authorized by the city council.
(Ord. 179 § 2, 1997).

4.40.100 Path and trails reserve fund.

A. Purpose. This fund is established to accumulate the annually unexpended portion of the motor vehicle fuel tax designated to establish and maintain paths and trails within the right-of-way of city streets for pedestrians, equestrians, or bicyclists, pursuant to RCW 47.30.050, which requires that at least one-half of one percent of the total amount of funds annually received from the motor vehicle fund be expended for paths and trails purposes.

B. Revenue Sources. Motor vehicle fuel taxes received from the motor vehicle fund according to the provisions of RCW 46.68.100, and interest earnings.
(Ord. 179 § 2, 1997).

4.40.110 Surface water management fund.

A. Purpose. This fund is established to administer and account for all receipts and disbursements related to the city's surface and storm water management system. All service charges shall be deposited in this fund for the purpose of paying all or any part of the cost and expense of maintaining and operating surface and storm water management facilities, all or any part of the cost and expense of planning, constructing and improving any such facilities, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bond issued for such purpose.

B. Revenue Sources. Revenues supporting this fund's activities include various storm and surface water charges, interest earnings, and other revenue sources as may be authorized by the city council.
(Ord. 179 § 2, 1997).

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4.40.120 Strategic reserve fund.

A. Purpose. This fund is established to set aside financial resources to be used to mitigate adverse situations occurring as the result of severe short-term revenue shortfalls or expenditures resulting from emergencies, or as otherwise designated by the city council.

B. Revenue Sources. This fund shall be financed by transferring undesignated and unreserved fund balance in the general fund at the end of each calendar year or by other appropriation, as deemed appropriate by the city council.
(Ord. 179 § 2, 1997).

4.40.130 Councilmanic debt service fund.

A. Purpose. This fund is established to account for the debt service, and debt service related costs, on all city council approved general obligation bonds or other general obligation debt.

B. Revenue Sources. Allocations of the city's regular levy property taxes, operating transfers from the real estate excise tax fund or other funds, or other revenue sources as may be designated by the city council.

C. Other General Information. The authorizing ordinances for the bond sale and the related bond debt service schedule provide budget authority for this fund.
(Ord. 179 § 2, 1997).

4.40.140 Capital projects – Parks fund.

A. Purpose. The fund is established to account for receipts and disbursements related to acquisitions, design, construction and any other related park capital project expenditures. These fund appropriations shall not lapse at the end of any calendar year but shall remain in effect until the project is complete.

B. Revenue Sources. Revenues supporting this fund's activities include bond proceeds, grant proceeds, interfund transfers and other revenue sources as may be authorized by the city council.

C. Fund Administration. The city treasurer or his or her designee shall maintain a separate record of accounts showing the receipts and disbursements of each and every grant assigned to this fund. The department assigned, by the terms of the city's acceptance of said grant, to administer any program or activity financed wholly or in part by the grant financially controlled by this fund, shall approve all expenditures therefrom and shall maintain such records and documents, and prepare such reports of a nonfinancial nature as may be required by the grantor agency or the city council.
(Ord. 179 § 2, 1997).

4.40.150 Capital projects – Public works fund.

A. Purpose. The fund is established to account for receipts and disbursements related to acquisition, design, construction and any other related street, traffic, and surface water management capital project expenditures. These fund appropriations shall not lapse at the end of any calendar year but shall remain in effect until the project is complete.

B. Revenue Sources. Revenues supporting this fund's activities include bond proceeds, grant proceeds, mitigation fees, interfund transfers, and other revenue sources as may be authorized by the city council.

C. Fund Administration. The city treasurer or his/her designee shall maintain a separate record of accounts showing the receipts and disbursements of each and every grant assigned to this fund. The department assigned, by the terms of the city's acceptance of said grant, to administer any program or activity financed wholly or in part by the grant financially controlled by this fund, shall approve all expenditures therefrom and shall maintain such nonfinancial records and documents, and prepare such reports as may be required by the grantor agency or the city council.
(Ord. 179 § 2, 1997).

4.40.160 Capital projects – Municipal facilities fund.

A. Purpose. The fund is established to account for receipts and disbursements related to acquisitions, design, construction and any other related park capital project expenditures. These fund appropriations shall not lapse at the end of any calendar year but shall remain in effect until the project is complete.

B. Revenue Sources. Revenues supporting this fund's activities include bond proceeds, grant proceeds, interfund transfers and other revenue sources as may be authorized by the city council.

C. Fund Administration. The city treasurer or his or her designee shall maintain a separate

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record of accounts showing the receipts and disbursements of each and every grant assigned to this fund. The department assigned, by the terms of the city's acceptance of said grant, to administer any program or activity financed wholly or in part by the grant financially controlled by this fund, shall approve all expenditures therefrom and shall maintain such records and documents, and prepare such reports of a nonfinancial nature as may be required by the grantor agency or the city council.
(Ord. 179 § 2, 1997).

4.40.170 Fleet and equipment fund.

A. Purpose. This fund shall be used as the means through which to account for all costs associated with operating, maintaining and replacing the city's nonproprietary owned vehicular and other motorized equipment. This fund shall own and depreciate all nonproprietary fund assets of this nature, and shall accumulate reserves for the replacement of these assets. This fund shall be used to pay salaries and operating costs, including equipment and furniture, associated with its administration, and costs required to repair, replace, purchase and operate equipment owned by this fund.

B. Revenue Sources. Interfund charges shall recover equipment maintenance and operating costs, equipment replacement and acquisition costs, and the cost of fund administration. Other revenues may include interest earnings, proceeds from the sale of assets, interfund transfers, and other revenue sources designated by the city council.

C. Other General/Financial Information.

1. Revenues. Revenues shall be recorded as either replacement reserves or for maintenance and operations. Replacement reserve cash shall be maintained in a separate cash account in the accounting records. The replacement reserve shall only be used for vehicle and equipment replacement purposes.

2. Charges. Charges for rental of such equipment shall be sufficient to cover the repair, replacement, purchase and operation thereof. Maintenance and operation costs may also be recovered on an actual cost basis, rather than through monthly or other rate structures.
(Ord. 179 § 2, 1997).

4.40.180 Community information services fund.

A. Purpose. This fund shall serve as the vehicle through which to account for all costs associated with information systems, telecommunications, cable, geographical information services (GIS), postage operations, and copier and duplication service for the city. This fund shall own and depreciate all assets related to these functions which are not otherwise owned by proprietary funds of the city. It shall accumulate reserves for the replacement of these assets. This fund shall be used to pay salaries and operation costs, including equipment and furniture, associated with its administration and costs required to repair, replace, purchase and operate equipment owned by this fund.

B. Revenue Sources. Interfund charges shall be made to recover equipment maintenance and operating costs, equipment replacement and acquisition costs, and the cost of fund administration. Other revenues may include interest earnings, proceeds from the sale of assets, interfund transfers, and other revenue sources designated by the city council.

C. Other General/Financial Information. Revenues recorded shall be specified as either for replacement reserves or for maintenance and operation. Replacement reserve cash shall be maintained in a separate cash account in the accounting records. The replacement reserves shall only be used for equipment replacement purposes.

Charges for the use of such equipment shall be sufficient to cover the repair, replacement, purchase and operation thereof.

All information system equipment purchased by other city funds of a nonproprietary nature shall be donated to this city fund effective January 1, 1996. All subsequent acquisitions shall be likewise donated to this fund.
(Ord. 179 § 2, 1997).

4.40.190 Property management fund.

A. Purpose. The property management fund is established to account for all costs associated with the maintenance and operation of city-owned facilities and properties as specified by the city treasurer or his or her designee. City building facilities and furnishings shall be owned by this fund. Maintenance/operation costs and replacement recovery shall be charged to city funds and departments. Debt service payments on specified facility acquisi-

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tions may also be included in this fund along with revenues dedicated to these payments.

B. Revenue Sources. Interfund charges shall be made, as necessary, to recover maintenance and operating costs, furnishing and facility replacement and acquisition costs, and the cost of fund administration. Other revenues may include interest earnings, proceeds from the sale of assets, lease payments, interfund transfers, and other revenue sources designated by the city council.

C. Other General/Financial Information. Revenues recorded shall be specified as either for replacement reserves or for maintenance and operations. Replacement reserve cash shall be maintained in a separated cash account in the accounting records.
(Ord. 179 § 2, 1997).

4.40.200 Risk management fund.

A. Purpose. This fund is the vehicle for financial administration of the city's comprehensive risk management/self-insurance program.

B. Revenue Sources. Monies may be paid into this fund from time to time from various city operating funds as insurance premiums. Fund revenues may also include interest earnings, operating transfers and other revenue sources as may be designated by the city council.
(Ord. 179 § 2, 1997).

4.40.210 University Place retirement system fund.

A. Purpose. This fund is established to provide a means of accumulating the assets necessary to provide the benefits, which become payable under the City of University Place employees' retirement plan, adopted by Resolution No. 118. This fund shall account for all transactions associated with this plan and its administration. This is a defined contribution plan to which the city and employee make contributions. This fund accounts for all plan related expenditures and receipts.

B. Revenue Sources. Revenues include required employee and employer contributions, interest earnings, investment gains/losses, interfund transfers, and other sources designated by the city council.
(Ord. 179 § 2, 1997).

4.40.220 Deferred compensation fund.

This is an agency fund used to account for assets related to the city's employee tax deferred compensation program.
(Ord. 179 § 2, 1997).

4.40.230 Investment control fund.

This is an agency fund established to account for investment transactions. It is used to record the amount of pooled monies invested from all city funds. Interest earned on the pooled investments is distributed to individual city funds.
(Ord. 179 § 2, 1997).

4.40.240 Donations fund.

A. Purpose. This special revenue fund is established to receive donations of cash designated for specific purposes identified by the donor.

B. Revenue Sources. Cash contributions from various sources. Investment earnings shall be placed in the general fund.
(Ord. 179 § 2, 1997).

4.40.250 Curran Apple Orchard fund.

A. Purpose. This is an expendable trust fund established to receive donations of cash designated by the donor for specific purposes. This fund shall be a project-based fund that shall record all transactions associated with the donations. The city manager is authorized to accept any donations and gifts made on behalf of the Curran Apple Orchard project, to be used for the improvement, maintenance and general administration of the orchard as an edible urban park.

B. Revenue Sources. Cash contributions from various sources. Investment earnings shall be placed in the general fund.

C. Fund Administration. The city treasurer or his or her designee is authorized to expend any monies maintained within the fund, unless otherwise provided by ordinance.
(Ord. 179 § 2, 1997).

4.40.260 Authorization for interfund loan.

The University Place city council does hereby authorize the city treasurer, or his/her designee, to make interfund loans of those municipal monies which are otherwise legally available for investment purposes, where such loans would be necessary to ensure compliance with the provisions of RCW 43.09.210.
(Ord. 179 § 3, 1997).

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4.40.270 Procedures for interfund loan.

The following procedures shall be used for the establishment and accounting of all interfund loans made pursuant to this chapter.

A. The city treasurer or his or her designee shall approve all interfund loans and provide in the written authorization a planned schedule of repayment of the loan principal and shall set a reasonable rate of interest (based upon the external rate available to the municipality) to be paid to the lending fund.

B. Interest shall be charged in all cases unless:

1. The borrowing fund has no independent sources of revenue other than the lending fund;

2. The borrowing fund is normally funded by the lending fund; or

3. The lending fund is the general fund, which, being unrestricted, can loan interest free, except to a proprietary fund.

C. The borrowing fund must anticipate sufficient revenues to be in a position over the period of the loan to make the specified principal and interest payments.

D. The term of loan should whenever practicable be restricted to a period of one year, but in no case shall the term of loan exceed three years, except for those funds which are legally permitted to support one another through appropriations, transfers, advances, or other means.

E. Only the portion of a given fund which, in the prudent management of municipal finances as determined by the city treasurer, is clearly inactive or in excess of current needs may be loaned to other municipal funds or invested.

F. Appropriate accounting records shall be maintained to reflect the balances of loans payable and receivable in every fund affected by such transactions.

(Ord. 179 § 4, 1997).

4.40.280 Additional authority.

The council further hereby grants to the city treasurer, or his or her designee, the authority to make interim, temporary loans from one fund to another during the course of the fiscal year. The term of such loan shall not exceed the end of the fiscal year in which loan was made.

(Ord. 179 § 5, 1997).

4.40.290 Interest earnings.

When not otherwise specified by ordinance, interest earnings accruing on idle cash balances in funds of the city shall be apportioned to the general fund.

(Ord. 179 § 6, 1997).

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Chapter 4.45

CITY SERVICE FEES

Sections:

4.45.010 Established.

4.45.010 Established.

In addition to any fees established in other city ordinances, the city may establish or amend fees by resolution for services provided by the city.
(Ord. 12 § 1, 1995).

Chapter 4.50

BIDDING AND PURCHASING

Sections:

4.50.010 Authorizing the city manager to negotiate and execute public works construction change orders.
4.50.020 Purchasing policies adopted.

4.50.010 Authorizing the city manager to negotiate and execute public works construction change orders.

The city manager or designee is hereby authorized to negotiate and execute public works construction change orders on behalf of the city in an amount not to exceed 10 percent of the total contract award for a construction project or $50,000, whichever amount is less.
(Ord. 97 § 1, 1996).

4.50.020 Purchasing policies adopted.

The purchasing policies of the City of University Place are hereby adopted as set forth on Exhibit A:

EXHIBIT A

PURCHASING POLICY OF THE CITY OF UNIVERSITY PLACE

Materials, professional services, and supplies purchased for the City of University Place will be approved at the staff authority levels, at the dollar limits shown, and in accordance with the requirements established below.

DOLLAR LEVEL	APPROVAL LEVEL	REQUIREMENTS
Over $20,000[1] Contract	City Council	Written Quotes or Proposals
$10,000 – $20,000[1] Contract/Letter of Agreement	City Manager	Telephone or Written Quotes
$1,000 – $9,999 Contract/Letter of Agreement	Department Directors	Telephone or Written Quotes

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$0 – $999 Contract/Letter of Agreement/ Purchase Order	Unit Manager	Best Purchasing Practice
$0 – $50 Petty Cash/ Credit Card/Field Purchase Order	Unit Manager or Designee	Signed Receipt of Field Purchase Order

[1]When the city manager determines that exigent circumstances require immediate action, the city manager's purchase authority is increased from $20,000 to $30,000.
(Ord. 94 § 1, 1996).

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Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

5.05	Application and Issuance
5.10	Special Events
5.15	Adult Entertainment Businesses
5.20	Panoram Devices

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Chapter 5.05

APPLICATION AND ISSUANCE

Sections:

5.05.010 Definitions.
5.05.020 Business license required.
5.05.030 Separate licenses required.
5.05.040 Requirements for peddlers and solicitors.
5.05.050 Change in nature or location of business.
5.05.060 Exemptions.
5.05.070 Processing procedure.
5.05.080 Inspections – Right of entry.
5.05.090 Term of license.
5.05.100 Renewal of license.
5.05.110 Posting of license.
5.05.120 Penalty for late application.
5.05.130 Penalties and violations.
5.05.140 Mailing of notices.
5.05.150 Revocation – Suspension – Denial.
5.05.160 Effect of registration denial, revocation or suspension.
5.05.170 Notice of hearing.
5.05.180 Appeal period.
5.05.190 Decision of the hearings examiner.
5.05.200 Appeal to the superior court.
5.05.210 Emergency suspension.
5.05.220 Nonconforming uses.

5.05.010 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed in this section, except where the context clearly indicates a different meaning:

A. "Business" shall mean and include vocations, occupations, professions, enterprises, and establishments and all other activities and matters conducted for private profit or benefit, either directly or indirectly, anywhere within the city.

B. Peddlers and Solicitors.

1. "Peddler" means any person who goes from house to house or place to place, within the City of University Place, selling and providing immediate delivery or performance, or offering for sale and immediate delivery or performance, any goods, wares, merchandise, services, or anything of value to persons not commercial users or sellers of such commodities or services.

2. "Solicitor" means any person who goes from house to house or place to place, within the City of University Place, taking or offering to take orders for the sale of goods, wares, merchandise, services, or anything of value for future delivery or performance from persons not commercial users or sellers of such commodities or services.

The terms "peddler" or "solicitor" shall include any person, firm, or corporation which employs, hires, or engages others to act as peddlers or solicitors, as employees, agent, or independent contractor, but shall not include any person making solicitations for charitable or religious purposes or while exercising political free speech.

C. "Person" means any individual, corporation, company, firm, joint stock company, copartnership, joint venture, trust, business trust, club, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, receiver, administrator, executor, assignee, or trustee in bankruptcy.

D. "Premises" shall mean and include all lands, structures and places, and also any personal property which either is affixed to, or is used in connection with, any such business conducted on such premises.

(Ord. 144 § 1, 1997; Ord. 119 § 1, 1996).

5.05.020 Business license required.

No person shall transact, engage in or carry on any business, trade, profession, occupation, calling or activity without first having been issued a business license unless such activity is exempt as provided in UPMC 5.05.060.

(Ord. 119 § 2, 1996).

5.05.030 Separate licenses required.

A separate business license shall be obtained for each separate location within the city at which the business is conducted. A separate business license shall be obtained for each different and discrete business conducted within the city by any person, whether at the same location, as another licensed business.

(Ord. 119 § 3, 1996).

5.05.040 Requirements for peddlers and solicitors.

A. License or Facsimile Copy Must be Carried on Person While Peddling or Soliciting. Each licensee which employs, hires, or engages others to act as peddlers or solicitors shall furnish as credentials to each employee, agent, independent contractor, or other person peddling or soliciting for or on behalf of such licensee, a facsimile copy

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of its license upon which shall appear the typed or printed name and address and the signature of the person to whom such facsimile copy is issued. Such facsimile copies will be issued by the city clerk, who will maintain a listing of all persons to whom facsimile copies are issued. A licensee shall be responsible for the conduct and acts performed within the scope of employment or contract of any person peddling or soliciting for on or behalf of the licensee, and shall maintain a list of all persons to whom facsimile copies have been issued. It shall be unlawful for any licensee or any person to peddle or solicit without having in their possession such license, or a facsimile copy thereof, which shall be shown to all prospective buyers, and to any police officer, deputy sheriff, or license officer of the city upon the request of such officer. Such facsimile copies shall be nontransferable and shall at all times remain in the possession of the person to whom issued. Whenever any person to whom a facsimile copy has been issued ceases to act as a peddler or solicitor for or on behalf of such licensee, notification thereof shall be given to the city clerk by the licensee and the facsimile copy issued to such person shall be surrendered to the licensee.

B. Hours During Which Peddling is Allowed. It is unlawful for any person to peddle or solicit, except during the following hours, without the specific prior consent of the prospective buyer:

1. October 1st through April 30th – between 10:00 a.m. and 6:00 p.m. of any day.

2. May 1st through September 30th – between 10:00 a.m. and 8:00 p.m. of any day.

C. Unlawful to Peddle or Solicit on Posted Premises. It is unlawful for any peddler or solicitor to ring the bell, or knock on the door, or otherwise attempt to gain admittance for the purpose of peddling or soliciting at any residence or dwelling at which a sign bearing the words "No Peddlers or Solicitors" (or words of similar import indicating that peddlers or solicitors are not wanted on said premises) is painted, affixed, or otherwise exposed to public view; provided, that this section shall not apply to any peddler or solicitor who rings the bell, knocks on the door, or otherwise attempts to gain admittance to such residence or dwelling at the invitation or with the consent of the occupant thereof. (Ord. 144 § 2, 1997; Ord. 119 § 4, 1996).

5.05.050 Change in nature or location of business.

Each business license shall authorize a particular type of business at the designated location. Any change in the nature of the business shall necessitate a new application for a business license. A change of location shall be reported in writing to the city clerk within 10 days of the change and, if in compliance with zoning and business regulatory ordinances, the existing business license shall be transferred to the new location. (Ord. 119 § 5[4], 1996).

5.05.060 Exemptions.

The following shall be exempt from the provisions of this chapter:

A. Casual or isolated sales made by persons who are not engaged in the ongoing business of selling the type of property involved, providing that not more than four such sales events are made during any tax year.

B. All businesses which are exempt from master business license registration under WAC 458-20-101(2)(a) that:

1. Earn less than $12,000/year; and
2. Do not have a business name; and
3. Have no employees; and
4. Do not sell retail products or perform activities that are subject to retail sales tax.

C. Minors engaged in babysitting, delivery of newspapers, lawn mowing, car washing, and similar activities.

D. Any instrumentality of the United States, state of Washington, or any political subdivision thereof, with respect to the exercise of governmental functions.

E. All special events sponsored by the city, but not to include participating commercial peddlers.

F. Nonprofit organizations, including but not limited to religious, civic, charitable, benevolent, nonprofit, cultural or youth organizations.
(Ord. 129 § 1, 1996; Ord. 119 § 6[5], 1996).

5.05.070 Processing procedure.

The city clerk shall issue registrations in the name of the city to all persons qualified under the provisions of this article and shall:

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A. Adopt all forms and prescribe the information required to implement this chapter.

B. Submit all applications to the planning and community development department, planning division and building division, the police department, and/or the fire district, as necessary, for their endorsements as to compliance by applicant with all city regulations which they have the duty of enforcing.

C. Notify any applicant of the acceptance or rejection of this application and shall, upon denial of any registration, state in writing the reason for rejection and the process for appeal.

D. Deny any application for registration upon written findings that the granting would be detrimental to public peace, health, or welfare, or that such application for registration is not in compliance with any applicable city regulation.

E. When any such registration is denied, the applicant may appeal such decision to the hearings examiner pursuant to the process described in UPMC 5.05.170.

F. When the issuance is denied, and any action instituted by the applicant to compel its issuance, such applicant shall not engage in the business for which the registration was refused unless or until the registration is issued pursuant to an administrative or judicial judgment.
(Ord. 119 § 7[6], 1996).

5.05.080 Inspections – Right of entry.
The city clerk, or designee, or authorized representative of the planning and community development department, specifically including the code enforcement officer, the police department, or the fire district, are authorized to make such inspections of licensed premises and take such action as may be required to enforce the provisions of any business license or regulation ordinance.
(Ord. 119 § 8[7], 1996).

5.05.090 Term of license.
All business licenses shall be effective for the calendar year of issuance. Licenses issued during a given calendar year shall be effective from the date of issue until December 31st of the same year. Unless renewed, as provided in this chapter, each business license shall expire and be of no force or effect on January 1st of the following year, unless sooner revoked as provided in this chapter.
(Ord. 119 § 9[8], 1996).

5.05.100 Renewal of license.
All business licenses shall be renewed on or before January 1st of the calendar year of issuance, if the business is to be continued. Application for renewal shall be made on forms prescribed by the city clerk.
(Ord. 119 § 10[9], 1996).

5.05.110 Posting of license.
It shall be unlawful for any person to engage in business at any location within the city without posting and displaying, prominently and in clear view, the valid business license authorizing such business at such location.
(Ord. 119 § 11[10], 1996).

5.05.120 Penalty for late application.
Any applicant or licensee who shall fail to make application for an original business license, or for renewal of an existing business license prior to January 30th of the applicable year, shall be subject to penalty computed as follows:

A. Delinquent from one to 30 days inclusive: a penalty of $10.00.

B. Delinquent from 31 days to 45 days inclusive: a penalty of $20.00.

C. Delinquent for more than 45 days: a penalty of $50.00.
(Ord. 119 § 12[11], 1996).

5.05.130 Penalties and violations.
A. Criminal Penalties. Any person violating any of the terms of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be punished as provided in RCW 9A.20.021(3).

B. Civil Penalties. Any person who fails to comply with the provisions of this chapter is, in addition to any criminal penalties, subject to a maximum civil penalty of $5,000 for each day or portion of the day that the violation continues.

C. Other Legal Remedies. Nothing in this chapter limits the right of the city to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.
(Ord. 144 § 3, 1997; Ord. 119 § 13[12], 1996).

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5.05.140 Mailing of notices.

Any notices required by this chapter to be mailed to any registrant or applicant shall be sent by ordinary mail, addressed to the address of the registration or applicant as shown by the records of the city clerk, or, if no such address is shown, to such address the city clerk is able to ascertain by reasonable effort. Failure of the registrant or applicant to receive such mail notice shall not release the registrant or applicant from any fees or penalties thereon, nor shall such failure operate to extend any time limit set by the provisions of this chapter.
(Ord. 119 § 14[13], 1996).

5.05.150 Revocation – Suspension – Denial.

A registration issued under this chapter may be revoked, suspended, or denied for any one or more of the following reasons:

A. Failure to comply with any federal, state, or local laws or regulations;

B. Failure to comply with any of the terms and conditions imposed by the city on the issuance of the registration;

C. Failure to operate the business or activity in accordance with any federal, state or local law or regulation;

D. Conduct of the business or activity in a manner which endangers the public health, welfare, or safety;

E. When the registration was procured by fraud or false representation of facts;

F. When the registration was issued through mistake or inadvertence;

G. When the registration application contains false or misleading statements, evasions or suppression of material facts.
(Ord. 119 § 15[14], 1996).

5.05.160 Effect of registration denial, revocation or suspension.

If any registrant has a business registration denied or revoked for any reason, a new business registration shall not be granted to the registrant and/or any entity in which the registrant has an ownership interest for a minimum period of one year from the date of such denial or revocation and all business activity shall immediately cease from the date of such denial or revocation. The city clerk may suspend a license for no more than six months. During the period of any suspension, all business activity shall cease.
(Ord. 119 § 16[15], 1996).

5.05.170 Notice of hearing.

Prior to suspension or revocation of a registration under this chapter, the registrant shall be notified in writing of the grounds for suspension or revocation of the registration. Deposit in the U.S. mail by registered mail of the notice of suspension or revocation by the city clerk shall constitute compliance with this section. Suspension or revocation of the registration shall occur 10 days after the date of the mailing of the notice of suspension or revocation unless such action is appealed by registrant in the manner described in this chapter.
(Ord. 129 § 2, 1996; Ord. 119 § 17[16], 1996).

5.05.180 Appeal period.

A registrant under this chapter must appeal the decision for revocation, suspension or denial within 10 days of the mailing of the notice of revocation, suspension or denial by filing a notice of appeal with the city clerk. Upon receipt by the city clerk of the appeal notice, a hearing shall be held before a hearings examiner designated by the city. Notice of the hearing shall be given to the appellant at least 10 days prior to the hearing. At such hearing, the appellant shall be entitled to be heard and introduce evidence on his or her own behalf.
(Ord. 129 § 3, 1996; Ord. 119 § 18[17], 1996).

5.05.190 Decision of the hearings examiner.

The decision of the hearings examiner shall be rendered within five days of the close of the hearing. The decision shall be in writing and shall:

A. Affirm the city clerk's decision; or

B. Revise or modify the city clerk's decision.
(Ord. 119 § 19[18], 1996).

5.05.200 Appeal to the superior court.

The decision of the hearings examiner is final unless an appeal of the decision of the hearings examiner is filed with superior court within 30 calendar days from the date the hearings examiner's decision was personally served upon or was mailed to the appellant. The decision for suspension or revocation of a license under this chapter shall be stayed during administrative and judicial review, but refusal to issue an initial license shall not be stayed.
(Ord. 119 § 20[19], 1996).

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5.05.210 Emergency suspension.

In the event of conduct or activities which create an eminent risk of harm to public health, safety or welfare, the registration of such business may be summarily suspended upon notice to the registrant; provided, that the registrant shall be entitled to a hearing before a hearings examiner designated by the city upon a written appeal being filed with the city clerk by the registrant within 10 days of the registration suspension. In the event of an appeal by registrant, a hearing shall be provided within 10 days of notice of appeal. The provisions of UPMC 5.05.200 shall apply to any appeal of the hearings examiner decision regarding emergency suspension.
(Ord. 119 § 21[20], 1996).

5.05.220 Nonconforming uses.

Registration does not constitute vesting nor ratification of a nonconforming use. The purpose of this chapter is to identify and register businesses which are active in the city. Identification is necessary to protect public health, safety, and the welfare of the community. The issuance of a business license by the city does not constitute either approval of a business or the use of any particular parcel in the city for a business purpose. By issuing a business license, the city shall not be precluded from taking enforcement action against any use which is not authorized in the zone in which it is occurring. The procurement of a business license does not vest the licensee with any rights to continue a nonconforming use.
(Ord. 129 § 4, 1996).

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.
5.10.080 Exemptions from fees.
5.10.090 Permit application.
5.10.100 Permit requirements.
5.10.110 Permit issuance.
5.10.120 Permit conditions.
5.10.130 Denial of application.
5.10.140 Indemnification.
5.10.150 Insurance required.
5.10.160 Revocation or suspension.
5.10.170 Penalty for violation.

5.10.010 Purpose and policy.

Certain uses, because of their infrequent occurrence and temporary nature, are classified as "special events." These types of uses are temporary in nature, of limited duration and may be associated with promotions, holidays, city festivals, etc. These special events shall be allowed by special events permit granted by the director.

Partnerships between the city, event sponsors and the community are valuable in ensuring successful events. Therefore, the city will strive to accommodate special events. The city recognizes that events can be difficult to implement successfully and that the city requirements may represent a significant portion of the event's costs. When setting fees and conditions for events, the city will be sensitive to their impacts on the event's costs while balancing the city's obligation to protect public health and safety. It is the city's goal to have successful special events that enrich and enliven the community.
(Ord. 109 § 1, 1996).

5.10.020 Intent.

It is the specific intent of this chapter and any procedures adopted hereunder to place the obligation of complying with the requirements of this chapter upon the applicant or sponsor, and no provision thereof is intended to impose any duty upon the city or any of its officers, employees or agents. Nothing contained in this chapter or any procedures adopted is intended to be or shall be con-

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strued 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 hereof.
(Ord. 109 § 2, 1996).

5.10.030 Definitions.

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

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

B. "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.

C. "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.

D. "Director" shall mean the director of planning and community development of the City of University Place or appointed designee.

E. "Other special event" shall mean events that are not typically allowed by the zoning district, which, because of the nature of the use, deserve special consideration and/or conditions to mitigate impacts. These events may include the following: street fair, arts and crafts show, carnival, circus, or other similar transient amusement or recreational activities, block party, rally, dance, or other events that occur on private or public property and/or on a city street, sidewalk, alley or other public right-of-way.

F. "Parade" shall mean a march or procession consisting of any number of persons, animals, or vehicles, or a combination thereof, on any city street, sidewalk, alley, or other right-of-way, which obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls.

G. "PCD" shall mean the planning and community development department of the City of University Place.

H. "Permit application fee" shall mean the fee to be paid by the special events permit applicant at the time the application is filed with the planning and community development department. Such fee shall be set by the city council.

I. "Permittee" shall mean any person or organization who has been issued a special events permit by the planning and community development department. The permittee shall have authority, subject to approval by the city, to determine participation in commercial activities during a special event.

J. "Real estate sales event" shall mean a scheduled showcasing of a number of new houses in a subdivision for the purpose of viewing by interested parties and for sales promotion, which may, but not necessarily, require the closure of a street, or a portion thereof, to vehicular and/or pedestrian traffic. This definition does not include typical sales open houses for individual houses.

K. "Refundable deposit" shall mean the amount of money required of a permittee by the public works department 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.

L. "Special events permit" shall mean the permit issued by PCD after the applicant has met all applicable reviews and requirements set forth in this chapter.

M. "Temporary structure" shall mean any structure which is moved onto or erected on a lot or right-of-way for the purpose of servicing a temporary event. Temporary structures include, but are not limited to: booths for tickets, games, vendors selling wares, and food or other concessions; tents, portable lavatories, gazebos, mobile offices or job shacks, etc.
(Ord. 109 § 3, 1996).

5.10.040 Exemptions.

The provisions of this chapter shall not apply to:

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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 director to not require (to be exempt from) a special events permit.
(Ord. 109 § 4, 1996).

5.10.050 Administration.
The director of the planning and community development department shall, after consultation with appropriate departments and agencies, have discretionary authority regarding special events permits. The director's discretion includes, but is not limited to: the determination of the types of events that need a special events permit; the need for liability insurance and the amount of coverage necessary. The director may approve, modify, or condition an application for a special events permit. The director may waive the time limits set for applications.
(Ord. 109 § 5, 1996).

5.10.060 Permit required.
Any person desiring to conduct or sponsor a special event in the City of University Place 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 from PCD.

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 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.
(Ord. 109 § 6, 1996).

5.10.070 Permit fee.
The fee for issuance of a special events permit shall be set by resolution of the city council.
(Ord. 109 § 7, 1996).

5.10.080 Exemptions from fees.
A. 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. Factors that may be considered in evaluating whether or not the fee applies include the nature of the event; the extent of commercial activity, such as the sales of food, goods and services; product advertising or promotion, or other business participation in the event; the use or application of any funds raised; if part of an annual tradition or a series, previous events in the sequence; and the public perception of the event.

B. No fee shall apply to a block party with an anticipated attendance of 300 people or fewer that closes off a residential street segment no more than one block in length, a sidewalk or alley abutting a park, or an unopened right-of-way for eight hours or less during daylight hours, and does not need police service for crowd control.

C. No fees shall be imposed under this chapter on events that are authorized by a special ordinance which sets out fees or charges for that particular event.

D. Fees may be waived for special events sponsored by nonprofit agencies and which further the goals and objectives of the city.
(Ord. 109 § 8, 1996).

5.10.090 Permit application.
A. A preapplication conference with staff is required prior to filing application materials with PCD. This conference is for PCD to provide the applicant with information on application requirements and for the applicant to describe the nature of the event to PCD.

B. Any person wishing to sponsor a special event shall apply for a special events permit by filing an application with PCD, at least 45 days prior to the date on which the event is to begin or occur.

C. The director 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 director, and the applicant has agreed in writing to comply with the terms and conditions of the permit.

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D. The director or designee shall, in consultation with appropriate city departments, review and decide upon each application for a special events permit.
(Ord. 109 § 9, 1996).

5.10.100 Permit requirements.

A. Time Limit. No specific special event shall last longer than 45 calendar days maximum.

B. Uses Allowed as "Special Events". Special event uses are to be temporary and may include principle and associated accessory uses that may not be normally allowed in a particular zoning district. Specific uses allowed as special events shall either fit one or more of the special event types described in the definitions section, or be allowed as per the interpretive authority and discretion of the director.

C. Signage. Temporary signage will be allowed subject to UPMC 19.45.415, including size and location requirements, with the following exceptions:

1. Number of Temporary Signs. The total number of temporary signs for a special event shall not exceed five large event signs, and six off-premises/directional signs.

2. Size Limit. Maximum size for large event signs shall not exceed 30 square feet each; maximum size for directional signs shall not exceed four square feet each.

3. Time Limit. The director may issue temporary sign permits for each individual sign which shall terminate within 45 days total from the date of issuance, including the time after the event needed to remove signs (no extension periods allowed for special event signage).

4. Removal. Temporary signs shall be removed within three days of the last day of the special event. This time is to be included in the 45 day maximum limit for temporary signage.

D. Temporary Structures.

1. Setbacks. Normal setbacks required by the zone do not apply for the special event. However, in instances where the structure (or event at the structure) may cause undue nuisance to adjoining properties, placement of structures in relation to adjoining properties is left to the discretion of the director.

2. Removal. Temporary structures shall be removed within three days of the last day of the special event.

E. Parking.

1. Location. Developed or undeveloped lots adjoining or in close proximity to the special event site may be used as temporary parking facilities for the event. If public right-of-way is to be used for parking, other than in legally designated spaces, a right-of-way use permit shall be requested as part of the review process for the special event.

2. Parking Plans. Parking plans shall be submitted showing the site of the parking area(s), including approximate number of spaces, ingress/egress ways, maneuvering aisles, reserved handicapped stalls, etc.

F. Street Closures.

1. Street closures and use of portions of right-of-way for special events may be permitted subject to approval of a right-of-way use permit issued in conjunction with the special events permit.

2. Provisions shall be made for emergency vehicle access through easily removable barriers or permeable (crashable) gates.

G. Police, Fire, Medical Facilities, Parks and Public Works Crews.

1. Fire, police, medical services, parks and public works crews shall be provided as deemed necessary by the reviewers of the special events permit application.

2. Expenses for fire, police, medical services, and parks and public works crews needed for coverage and cleanup at the special event shall be the responsibility of the permittee, even if the permit fee has been waived.
(Ord. 109 § 10, 1996).

5.10.110 Permit issuance.

The director shall approve, conditionally approve, or deny an application based on the recommendations of city departments involved in the review process of the application for a special events permit and the grounds specified herein. If the application is denied or conditionally approved, the director shall inform the applicant of the grounds for denial, or the reason for a change in the date, time, route, or location of the event. The applicant shall be notified of any permit conditions at the time the application is approved.
(Ord. 109 § 11, 1996).

5.10.120 Permit conditions.

The director may condition the issuance of a special events permit by imposing reasonable requirements concerning time, place, and manner

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of the event, and such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic. Such conditions include but are not limited to:

A. Alteration of the date, time, hours of operation, route, or location of the event proposed on the event application.

B. Conditions concerning the area of assembly and disbanding of an event along a route.

C. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street.

D. Conditions where traffic congestion may be anticipated, encouraging use of transit and car pooling.

E. Requirements for the use of traffic cones or barricades.

F. Requirements for the provision of first aid and sanitary facilities.

G. Requirements for the provision of fire, police, emergency medical protection and parks and public works crews for maintenance and cleanup, if necessary.

H. Requirements for coordination with the fire department and emergency personnel for emergency treatment and evacuation of people who may need immediate care, cardiopulmonary resuscitation or ambulance service; emergency communication; fire suppression equipment with structures; maintenance of unobstructed emergency passageways.

I. Requirement for use of event monitors and providing notice of permit conditions to event participants.

J. Restrictions on the number and type of vehicles, animals, or structures at an event.

K. Compliance with animal protection ordinances and laws.

L. Requirements for use of garbage containers, cleanup and restoration of city and private property.

M. Restrictions on the use of amplified sound.

N. Notice to residents and/or businesses regarding any activity which would require a street closure.
(Ord. 109 § 12, 1996).

5.10.130 Denial of application.
A special event may be denied based upon a determination that:

A. The event would seriously endanger public safety;

B. The event would seriously inconvenience the general public;

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 fails 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 identified by the director or his/her designee.
(Ord. 109 § 13, 1996).

5.10.140 Indemnification.
A. Prior to the issuance of the special events permit, the permit applicant and authorized officer of the sponsoring organization must agree to reimburse the City of University Place for any costs incurred by the city in repairing damage to city property occurring in connection with the permitted event.

B. Permittee agrees to defend, indemnify and save harmless the city, its appointed and elective officers and employees from and against all loss

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or expense, including but not limited to judgments, settlements, attorneys' 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 resulting 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 this 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 director has the authority to require a refundable deposit as suggested by the public works department for reimbursement of the costs for cleanup services.
(Ord. 109 § 14, 1996).

5.10.150 Insurance required.

A. As required by the director, the permittee shall provide PCD with proof of commercial general liability insurance generally in the amount of $1,000,000 combined single limits per occurrence, and an endorsement naming the City of University Place as an additional insured must be provided.

B. If a special event activity will occur on city-owned or leased property, the lessee shall also be named as an additional insured. Written approval from the lessee for the requested activity shall be provided to the director.

C. Certificates of insurance shall be submitted to the city for approval 14 working days prior to the event. Acceptability of insurance is subject to approval by the city's risk manager.
(Ord. 109 § 15, 1996).

5.10.160 Revocation or suspension.

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 director if:

A. The applicant, in the information supplied, has made misstatement of material fact, 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;

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

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

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

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

F. 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 its costs incurred if the cancellation occurs at the request of an applicant who is in compliance with this chapter.
(Ord. 109 § 16, 1996).

5.10.170 Penalty for violation.

Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed $1,000 or by imprisonment not exceeding 90 days or both such fine and imprisonment. Each day or portion of a day which a violation is committed constitutes a separate offense.
(Ord. 109 § 17, 1996).

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Chapter 5.15

ADULT ENTERTAINMENT BUSINESSES

Sections:

5.15.010 Findings of fact.
5.15.020 Definitions.
5.15.030 License required.
5.15.040 Restrictions on issuing licenses.
5.15.050 Requirements for and processing of adult entertainment establishment license.
5.15.060 Requirements and processing of applications for manager or entertainer license.
5.15.070 License fees.
5.15.080 Appeal of the denial of the issuance or renewal of a license.
5.15.090 Standards of conduct and operation for live adult entertainment establishments.
5.15.100 License expiration.
5.15.110 License suspension or revocation.
5.15.120 Liquor Control Board rules.
5.15.130 Public nuisance.
5.15.140 Remedies not exclusive.
5.15.150 Violation – Penalty.

5.15.010 Findings of fact.

Based on public testimony, other evidence presented to it, and on the evidence considered by other cities which have investigated the impacts of live adult entertainment businesses establishments, the city council makes the following findings of fact:

A. The secondary effects of the activities defined and regulated in this chapter are detrimental to the public health, safety, morals, and general welfare of the citizens of the City of University Place and, therefore, such activities must be regulated.

B. Regulation of the adult entertainment industry is necessary because in the absence of such regulation significant criminal activity has historically and regularly occurred. This history of criminal activity in the adult entertainment industry has included prostitution, illegal employment of minors, narcotics and alcoholic beverage law violation, breaches of the peace, tax evasion, and the presence within the industry of individuals with hidden ownership interests and outstanding arrest warrants.

C. Proximity between entertainers and patrons during live adult entertainment performances can facilitate sexual contact, the spread of sexually transmitted diseases, prostitution, and other crimes. Concerns about crime, the transmission of diseases and public sexual activity are legitimate and compelling concerns of the city which demand reasonable regulation of live adult entertainment establishments to protect the public health, safety and general welfare.

D. The activities described in subsections (B) and (C) of this section occur, in the absence of regulation, regardless of whether the live adult entertainment is presented in conjunction with the sale of alcoholic beverages liquor.

E. It is necessary to license entertainers in the live adult entertainment industry to prevent the exploitation of minors, to ensure that each such entertainer is an adult, and to ensure that such entertainers have not assumed a false name, which would make regulation of the entertainer difficult or impossible.

F. It is necessary to have a licensed manager on the premises of live adult entertainment establishments at such times as such establishments are offering adult entertainment so that there will at all necessary times be an individual responsible for the overall operation of the adult entertainment establishment, including the actions of members of the public, entertainers and other employees.

G. The license fees required in this chapter are necessary as nominal fees imposed as necessary regulatory measures designed to help defray the substantial expenses incurred by the city in regulating the adult entertainment industry.

H. Hidden ownership interests for the purposes of skimming profits and avoiding the payment of taxes have historically occurred in the adult entertainment industry in the absence of regulation. These hidden ownership interests have historically been held by organized and white collar crime elements. For the city to effectively protect the public health, safety, morals and general welfare of its citizens and effectively allocate its law enforcement resources it is important that the city be fully apprised of the actual ownership of adult entertainment establishments, and identities and backgrounds of persons responsible for management and control of the live adult entertainment performed in those establishments.

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I. It is not the intent of this chapter to suppress or censor any expressive activities protected by the First Amendment of the United States Constitution or Article 1, Section 5 of the Washington State Constitution, but rather to enact time, place and manner regulations which address the compelling interests of the city to mitigate the secondary effects of adult entertainment establishments while conforming with the standards described by the Washington Supreme Court in the case of Ino Ino, Inc. v. Bellevue.
(Ord. 173 § 1, 1997).

5.15.020 Definitions.

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

A. "Adult entertainment" shall mean:

1. Any exhibition, performance or dance of any type conducted in a commercial premises for a member of the public where such exhibition, performance or dance involves a person who is unclothed or in such costume, attire, or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

2. Any exhibition, performance or dance of any type conducted in a commercial premises for a member of the public where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation, or relation to the following specified sexual activities:

a. Human genitals in a state of sexual stimulation or arousal;

b. Acts of human masturbation, sexual intercourse, oral copulation, bestiality, or sodomy; or

c. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast; or

3. Any exhibition, performance or dance conducted in a commercial premises that is intended to sexually stimulate any member of the public. This includes, but is not limited to, any such exhibition, performance, or dance performed for, arranged with, or engaged in with fewer than all members of the public on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition, or dance. For purposes of example and not limitation, such exhibitions, performances, or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.

B. "Adult entertainment establishment" shall mean any commercial premises to which the public is invited or admitted and where adult entertainment is provided on a regular basis and as a substantial part of the premises' activity.

C. "Applicant" shall means the individual or entity seeking a live adult entertainment establishment license in the City of University Place.

D. "Applicant control persons" shall mean all partners, corporate officers, and directors and any other individuals in the applicant's business organization who holds a significant interest in the live adult entertainment business, based on responsibility for management of the live adult entertainment business establishment.

E. "Clerk" shall mean the city clerk or such other employee or agent of the City of University Place who is designated to administer this chapter.

F. "Employee" shall mean any and all persons, including managers, entertainers, and independent contractors, who work in or at or render any services directly related to the operation of any live adult entertainment establishment.

G. "Entertainer" shall mean any person who provides live adult entertainment within a live adult entertainment establishment, whether or not a fee is charged or accepted for such entertainment.

H. "Liquor" shall mean a beverage as defined in RCW 66.04.010.

I. "Live adult entertainment establishment" shall mean a commercial premises to which a member of the public is invited or admitted and where an entertainer provides live adult entertainment to a member of the public on a regular basis or as a substantial part of the premises activity.

J. "Manager" shall mean any person who manages, directs, administers, or is in charge of the

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affairs and/or the conduct of any portion of any activity involving live adult entertainment occurring at any adult entertainment establishment, and includes an assistant manager working with or under the direction of a manager to carry out such affairs or conduct.

K. "Member of the public" shall mean a customer, patron, club member, or person, other than an employee, who is invited or admitted to a live adult entertainment establishment.

L. "Nude" or "semi-nude" shall mean a state of complete or partial undress in such costume, attire, clothing so as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

M. "Operator" shall mean any person operating, conducting, or maintaining a live adult entertainment establishment.

N. "Person" shall means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons, however organized.

O. "Sexual conduct" shall means an act of:

1. Sexual intercourse within its ordinary meaning, occurring upon a penetration, however slight; or

2. A penetration of the vagina or anus, however slight, by an object; or

3. A contact between persons involving the sex organs of one person and the mouth or anus of another; or

4. Masturbation, manual or instrumental, of oneself or one person by another; or

5. Touching of the sex organs, anus, or female breasts, whether clothed or unclothed, of oneself or of one person by another.

(Ord. 173 § 2, 1997).

5.15.030 License required.

A. A person may not conduct, manage or operate a live adult entertainment establishment unless the person is the holder of a valid and subsisting license from the city.

B. An entertainer, employee or manager may not knowingly work in or about, or knowingly perform a service or entertainment directly related to the operation of, an unlicensed live adult entertainment establishment.

C. An entertainer may not perform in a live adult entertainment establishment unless the person is the holder of a valid and subsisting license from the city.

D. A manager may not work in a live adult entertainment establishment unless the person is the holder of a valid and subsisting license from the city.

(Ord. 173 § 3, 1997).

5.15.040 Restrictions on issuing licenses.

The city clerk may issue licenses as provided for in this chapter except:

A. No license may be issued to a natural person who has not attained the age of 21 years with respect to live adult entertainment establishments where intoxicating liquors are served or provided;

B. No license may be issued to a natural person who has not attained the age of 18 years with respect to live adult entertainment establishments where intoxicating liquors are not served or provided;

C. No license may be issued to a person whose place of business is conducted by a manager or agent unless the manager or agent has obtained a manager's license;

D. No license may be issued to a partnership, unless all of the members of the partnership are qualified to obtain a license. The license must be issued to the manager or agent of the partnership; and

E. No license may be issued to a corporation, unless all of the officers and directors of the corporation are qualified to obtain a license under this chapter. The license must be issued to the manager or agent of the corporation.

(Ord. 173 § 4, 1997).

5.15.050 Requirements for and processing of adult entertainment establishment license.

A. An application for a live adult entertainment establishment license shall be submitted to the city clerk in the name of the person or entity proposing to operate a live adult entertainment estab-

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lishment on the business premises and shall be signed by such person and certified as true under penalty of perjury. An application shall be submitted on a form supplied by the city, which shall require the following information:

1. The name of the applicant, location and doing-business-as name of the proposed live adult entertainment establishment, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property;

2. For the applicant and for each applicant control person, provide: names; any aliases or previous names, if any; driver's license number, if any; social security number, if any; and business, mailing, and residential address; and business telephone number;

3. If the applicant is a partnership, whether the partnership is general or limited, and if a corporation, date and place of incorporation; evidence that the partnership or corporation is in good standing under the laws of Washington; and name and address of the registered agent for service of process;

4. Whether the applicant or a partner, corporate officer, or director of the applicant holds another license under this chapter or a license for a similar live adult entertainment or sexually oriented business, including a motion picture theater and a panoram, whether from the City of University Place, another city, county, or state, and, if so, the name and address of each other licensed business;

5. A summary of the business history of the applicant and each applicant control person in owning or operating live adult entertainment or other sexually oriented businesses, providing names, addresses and dates of operation for such businesses, and whether any business license or live adult entertainment establishment license has been revoked or suspended, and the reason for the suspension or revocation;

6. For the applicant and all applicant control persons, any and all criminal convictions or forfeitures within five years immediately preceding the date of the application, other than parking offenses or minor traffic infractions including the dates of conviction, nature of the crime, name and location of court and disposition;

7. For the applicant and all applicant control persons, a description of business, occupation or employment history for the three years immediately preceding the date of the application;

8. Authorization for the city, its agents and employees to seek information to confirm any statements set forth in the application;

9. Two two-inch by two-inch color photographs of the applicant and applicant control persons, taken within six months of the date of application showing only the full face;

10. For the applicant and all applicant control persons, a complete set of fingerprints prepared at the Pierce County department of public safety or on forms prescribed by the department;

11. A scale drawing or diagram showing the configuration of the premises for the proposed live adult entertainment establishment, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, rest rooms and service areas shall be clearly marked on the drawing. An application for a license for a live adult entertainment establishment shall include building plans which demonstrate conformance with the city's building codes;

12. The application must demonstrate compliance with the provisions of the city's zoning code concerning allowable locations for adult entertainment establishments.

B. An application shall be deemed complete upon the applicant's provision of all information requested above, including identification of "none" where that is the correct response, and the applicant's verification that the application is complete. The clerk may request other information or clarification in addition to that provided in a complete application where necessary to determine compliance with this chapter.

C. A nonrefundable application fee must be paid at the time of filing an application to defray the costs of processing the application.

D. Each applicant shall verify, under penalty of perjury, that the information contained in the application is true.

E. If, subsequent to the issuance of a live adult entertainment establishment license, any person or entity acquires a significant interest based on responsibility for management or operation of the business, notice of such acquisition shall be provided in writing to the city clerk no later than 21 days following such acquisition. The notice to the clerk shall include the same information required

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for the original live adult entertainment establishment license application.

F. The adult entertainment establishment license, if granted, shall state on its face the name of the person or persons to whom it is issued, the expiration date, the doing-business-as name and the address of the licensed live adult entertainment establishment. The license shall be posted in a conspicuous place at or near the entrance to the adult entertainment establishment so that the license can be easily read at any time the business is open.

G. A person granted a live adult entertainment establishment license pursuant to this chapter shall not operate the live adult entertainment establishment under a name not specified on the license, nor shall a person operate a live adult entertainment establishment under a designation or at a location not specified on the license.

H. Upon receipt of the complete application and fee, the clerk shall provide copies to the police, the fire district, and the city's permit center for their investigation and review to determine compliance of the proposed adult entertainment establishment with the laws and regulations which each department administers. Each department shall, within 30 days of the date of application, inspect the application and premises and shall make a written report to the clerk whether such application and premises complies with the laws administered by each department. No license may be issued unless each department reports that the application and premises comply with the relevant laws. If the premises is not yet constructed, the departments shall base their recommendation as to premises compliance on their review of the drawings submitted in the application. Any adult entertainment establishment license approved prior to the construction of the premises shall contain a condition that the premises may not be open for business until the premises have been inspected and determined to be in substantial conformance with the drawings submitted with the application. A department shall recommend denial of a license under this subsection if it finds that the proposed live adult entertainment establishment is not in conformance with the requirements of this chapter or other ordinances of the city. A recommendation for denial shall cite the specific reason therefor, including applicable laws.

I. A live adult entertainment establishment license shall be issued by the clerk within 30 days of the date of the filing a complete license application and fee, unless the clerk determines that the applicant has failed to meet any of the requirements of this chapter, failed to provide information required under this section, or made a false, misleading or fraudulent statement of material fact on the application for a license. The clerk shall grant an applicant's request for a reasonable extension of time in which to provide all information required for a complete license application. If the clerk finds that the applicant has failed to meet any of the requirements for issuance of a live adult entertainment establishment license, the clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable law. If the clerk fails to issue or deny the license within 30 days of the date of filing of a complete application and fee, the applicant shall be permitted, subject to all other applicable laws, to operate the business for which the license was sought until notification by the clerk that the license has been denied, but in no event may the clerk extend the application review time for more than an additional 20 days.
(Ord. 173 § 5, 1997).

5.15.060 Requirements and processing of applications for manager or entertainer license.

A. No person shall work as a manager, assistant manager or entertainer at a live adult entertainment establishment without a valid and subsisting manager's or entertainer's license issued by the city. All applications for a manager's or entertainer's license shall be signed by the applicant and notarized or certified to be true under penalty of perjury. All applications shall be accompanied by a nonrefundable application fee. The clerk shall submit the license application to the city police for review, investigation and recommendation. All applications shall be submitted on a form supplied by the city, which shall require the following information:

1. The applicant's name, home address, home telephone number, date and place of birth, fingerprints taken by the Pierce County department of public safety at its headquarters or any of its precincts, social security number, and any stage names or nicknames used in entertaining.

2. The name and address of each live adult entertainment establishment at which the applicant intends to work.

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3. Documentation that the applicant has attained the age of 18 years. Any two of the following shall be accepted as documentation of age:

a. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;

b. A state-issued identification card bearing the applicant's photograph and date of birth;

c. An official passport issued by the United States of America;

d. An immigration card issued by the United States of America; or

e. Any other identification that the city determines to be acceptable.

4. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other city, county, or state within five years immediately preceding the date of the application, except parking violations or minor traffic infractions.

5. A description of the applicant's principal activities or services to be rendered.

6. Two two-inch by two-inch color photographs of the applicant, taken within six months of the date of application, showing only the full face.

7. Authorization of the city, its agents and employees to investigate and confirm any statements set forth in the application.

B. The clerk may request additional information or clarification when necessary to determine compliance with this chapter.

C. Every adult entertainer shall provide his or her license to the live adult entertainment establishment manager on duty on the premises prior to the entertainer's performance. The manager shall retain the licenses of the adult entertainers readily available for inspection by the city at any time during business hours of the adult entertainment establishment.

D. A manager's or an entertainer's license shall be issued by the clerk within 14 days from the date the complete application and fee are received unless the clerk determines that the applicant has failed to provide any information required to be supplied according to this chapter, has made any false, misleading or fraudulent statement of material fact in the application, or has failed to meet any of the requirements for issuance of a license under this chapter. If the clerk determines that the applicant has failed to qualify for the license applied for, the clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable laws. If the clerk has failed to approve or deny an application for a live adult entertainment manager's license within 14 days of the filing of a complete application, the applicant may, subject to all other applicable laws, commence work as a manager in a duly licensed adult entertainment establishment until notified by the clerk that the license has been denied, but in not event may the clerk extend the application review time for more than an additional 20 days.

E. An applicant for an adult entertainer's license shall be issued a temporary license upon receipt by the city of a complete license application and fee. The temporary license automatically expires on the fourteenth day following the filing of the complete application and fee unless the clerk fails to approve or deny the application, in which case the temporary license is valid until the clerk approves or denies the application or until the final determination of an appeal from a denial of the application. The clerk may not extend the application review time for more than an additional 20 days.

(Ord. 173 § 6, 1997).

5.15.070 License fees.

The city council shall by resolution fix the fees for live adult entertainment establishment licenses, live adult entertainment manager's licenses, and live adult entertainer's licenses. The license fee shall be based on the costs to the city to process and investigate license applications and to enforce the licensing provisions of this chapter.

(Ord. 173 § 7, 1997).

5.15.080 Appeal of the denial of the issuance or renewal of a license.

A. An applicant may appeal the action of the clerk in refusing to issue or renew a license under this chapter. The applicant must file a notice of appeal with the clerk within 10 days of issuance of the notice of refusal to issue or renew. Appeals shall be heard by a hearings examiner. The hearing must be held within 30 days of the filing of the notice of the appeal. At the hearing, the appellant and other interested persons may appear and be heard, subject to the rules of the hearings examiner. The hearings examiner shall render a decision in writing within 15 days of the close of the hearing.

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B. An applicant may appeal a decision of the hearings examiner rendered under subsection (A) of this section by filing a petition for a writ of certiorari, prohibition or mandamus in the Pierce County superior court within 10 days of the date the decision of the hearings examiner is mailed to the applicant.
(Ord. 173 § 8, 1997).

5.15.090 Standards of conduct and operation for live adult entertainment establishments.

A. An employee of a live adult entertainment establishment must adhere to the following standards of conduct while in an area in which a member of the public is allowed to be present:

1. An employee shall not be unclothed or in such less than opaque and complete attire, costume, or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, except upon a stage at least 18 inches above the immediate floor level and removed at least eight feet from the nearest member of the public.

2. An employee or entertainer mingling with a member of the public shall not be unclothed or in less than opaque and complete attire, costume, or clothing as described in subsection (A)(1) of this section, nor shall any male employee at any time appear with his genitals in a discernibly turgid state, even if completely and opaquely covered, or wear or use any device or covering which simulates the same.

3. An employee or entertainer mingling with a member of the public shall not wear or use any device or covering exposed to view which simulates the female breast below the top of the areola, vulva, genitals, anus, or buttocks.

4. An employee or entertainer shall not caress, fondle, or erotically touch a member of the public or another employee. An employer shall not encourage or permit any patron to caress, fondle, or erotically touch an employee.

5. An employee or entertainer shall not perform an actual or simulated act of sexual conduct or an act which constitutes a violation of Chapter 7.48A RCW, the Washington Moral Nuisances Statute, or any ordinance of the city regulating offenses against public morals.

6. An employee mingling with a member of the public shall not conduct a dance, performance, or exhibition in or about the nonstage area of the live adult entertainment establishment unless that dance, performance, or exhibition is performed at a distance of at least four feet from the member of the public for whom the dance, performance, or exhibition is performed. The distance of four feet is measured from the torso of the dancer to the torso of the member of the public.

7. A tip or gratuity offered to or accepted by an entertainer shall not be offered or accepted prior to any performance, dance, or exhibition provided by the entertainer. An entertainer performing upon any stage area shall not accept any form of gratuity offered directly to the entertainer by a member of the public. A gratuity offered to an entertainer performing upon a stage area must be placed into a receptacle provided for receipt of gratuities by the management of the live adult entertainment establishment or provided through a manager on duty on the premises. A gratuity or tip offered to an entertainer conducting a performance, dance, or exhibition in or about the nonstage area of the adult entertainment establishment shall be placed into the hand of the entertainer or into a receptacle provided by the entertainer, and not be placed upon the person or into the clothing of the adult entertainer.

B. At a live adult entertainment establishment the following are required:

1. Admission must be restricted to persons of the age of 18 years or older. An owner, operator, manager, or other person in charge of a live adult entertainment establishment may not knowingly permit or allow a person under the age of 18 years to be in or upon the premises;

2. Neither the performance, nor any photograph, drawing, sketch, or other pictorial or graphic representation of the performance, displaying a portion of the breasts below the top of the areola or a portion of the pubic hair, buttocks, genitals or anus may take place or be located so as to be visible to a minor who is or might be outside of the live adult entertainment establishment; and

3. A member of the public shall not be permitted to enter into a nonpublic portion of the live adult entertainment establishment that includes but is not limited to the dressing rooms of the entertainers, other rooms provided for the benefit of employees, or the kitchen or storage areas. However, a person delivering goods and materials, food and beverages, or performing maintenance or repairs to the premises or equipment on the premises may be permitted into a nonpublic area to the extent required to perform the person's job duties.

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C. The responsibilities of the manager of a live adult entertainment establishment include but are not limited to:

1. A licensed manager shall be on duty at a live adult entertainment establishment at all times while either adult entertainment is being provided or members of the public are present on the premises. The name and the license of the manager must be prominently posted during business hours. The manager is responsible for verifying that a person who provides adult entertainment within the premises possesses a current and valid entertainer's license issued by the city.

2. The licensed manager on duty shall not be an entertainer.

3. The manager or an assistant manager licensed under this chapter must maintain visual observation of each member of the public at all times an entertainer is present in the public or performance areas of the live adult entertainment establishment. If there is more than one performance area, or the performance area is of such a size or configuration that one manager or assistant manager is unable to visually observe, at all times, such entertainer, each employee, and each member of the public, a manager or assistant manager licensed under this chapter must be provided for each public or performance area or portion of a public or performance area visually separated from other portions of the live adult entertainment establishment.

4. The manager is responsible for and must ensure that the actions of members of the public, the entertainers, and all other employees comply with this chapter.

D. 1. The performance area of the live adult entertainment establishment where adult entertainment is provided shall be a stage or platform at least 18 inches in elevation above the level of the patron seating areas, and shall be separated by a distance of at least eight feet from all areas of the premises to which a member of the public has access. A continuous railing affixed to the floor and measuring at least three feet in height and located at least eight feet from all points of the performance area must be installed on the floor of the premises to separate the performance area and the patron seating areas. The stage and the entire interior portion of cubicles, rooms, or stalls wherein adult entertainment is provided must be visible from the common areas of the premises and at least one manager's station. Visibility shall not be blocked or obstructed by doors, curtains, drapes, or any other obstructions.

2. Sufficient lighting shall be provided in and equally distributed in throughout the public areas of the premises so that all objects are plainly visible at all times. The minimum lighting level shall be such that in any part of the premises which is open to members of the public, a program, menu, or list printed in eight point type will be readable by the human eye with 20/20 vision from two feet away.

3. A sign at least two feet by two feet with letters at least one inch high must be continuously displayed in the public area of the premises stating the following:

> This live adult entertainment establishment is regulated by ordinances of the City of University Place. Entertainers are:
>
> 1. Not permitted to engage in any type of sexual conduct.
>
> 2. Not permitted to appear semi-nude or nude, except on stage.
>
> 3. Not permitted to accept tips or gratuities in advance of their performance.
>
> 4. Not permitted to accept tips or gratuities directly from patrons while performing upon any stage area.

4. a. All papers, records, and things required to be kept under this chapter must be open to inspection by the clerk during the hours the licensed premises are open for business, upon two days' written notice. The purpose of the inspections must be to determine whether the papers, records, and things meet the requirements of this chapter.

b. A live adult entertainment establishment must maintain and retain for a period of two years the name, address, and age of each person employed or otherwise retained or allowed to perform on the premises as an entertainer, including independent contractors and their employees. This information must be open to inspection by the clerk during hours of operation of the business upon 24 hours' notice to the licensee.

5. In order to ensure compliance with this chapter, all areas of a licensed live adult entertainment establishment that are open to a member of the public must be open to inspection by agents and employees of the city during the hours the premises are open for business. The purpose of the inspections must be to determine if the

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licensed premises are operated in accordance with this chapter. Unannounced inspections are necessary to ensure compliance with this chapter.

E. A live adult entertainment establishment may not be operated or otherwise open to the public between the hours of 2:00 a.m. and 10:00 a.m.

F. 1.This chapter does not prohibit:

a. Plays, operas, musicals, or other dramatic works which are not obscene;

b. Classes, seminars and lectures held for serious scientific or educational purposes and which are not obscene; or

c. Exhibitions, performances, expressions, or dances which are not obscene.

2. The exemptions in subsection (F)(1) of this section does not apply to sexual conduct as defined in UPMC 5.15.020 or the sexual conduct described in RCW 7.48A.010(2)(b)(ii) and (iii).

3. Whether or not activity is obscene shall be determined by considerations of the standards set forth in RCW 7.48.010(2).

(Ord. 173 § 9, 1997).

5.15.100 License expiration.

A. Every license issued under this chapter shall expire on the thirty-first day of December of each year. A license fee shall not be prorated, except that if the original application for license is made subsequent to June 30th then one-half of the annual license fee may be accepted for the remainder of the year. A license issued under this chapter is not assignable.

B. Application for renewal of a license issued under this chapter must be made to the clerk no later than 30 days before the expiration of a live adult entertainment establishment license and no later than 14 days before the expiration for live adult entertainment manager's and entertainer's licenses. The clerk shall issue the renewal license in the same manner and on payment of the same fees as for an original application under this chapter. The clerk shall assess and collect an additional charge, computed as a percentage of the license fee, on an application not made on or before the date as follows:

Days Past Due	Additional Percentage of License Fees
7 – 30	25
31 – 60	50
61 and over	75

C. The clerk shall renew a license upon application; provided, that the application complies with the requirements of this chapter unless the clerk is aware of a fact that would disqualify the applicant from being issued the license for which the applicant seeks renewal.

D. The clerk shall provide written notice to the licensee of the decision to not renew a license. The notice must include the reason for the decision to not renew and inform the licensee of the right to appeal the decision to the hearings examiner.

(Ord. 173 § 10, 1997).

5.15.110 License suspension or revocation.

A. The clerk may, at any time upon the recommendation of the law enforcement agency of the city, and as provided below, suspend or revoke any license issued under this chapter:

1. If the license was procured by fraud or false representation of fact; or

2. For the violation of, or failure to comply with, the provisions of this chapter by the licensee or by the licensee's servant, agent, or employee when the licensee knew or should have known of the violations committed by the servant, agent, or employee; or

3. For the conviction of the licensee of a crime or offense involving prostitution, promoting prostitution, a liquor law violation, a transaction involving controlled substances, as defined in Chapter 69.50 RCW, or a violation of Chapter 9.68A RCW, committed on the premises, or the conviction of the licensee's servant, agent, or employee of any crime or offense involving prostitution, promoting prostitution, a liquor law violation, or transactions involving controlled substances, as defined in Chapter 69.50 RCW, committed on the premises in which the licensee's live adult entertainment establishment is conducted when the licensee knew or should have known of the violations committed by the servant, agent, or employee. A license may be suspended or revoked under this subsection only if the conviction of the crime or offense occurred within 24 months of the decision to suspend or revoke the license.

B. The clerk shall revoke a license procured by fraud or misrepresentation. If another violation of this chapter or other applicable ordinance, statute, or regulation is found, the license shall be suspended for 30 days upon the first violation, 90 days upon the second violation with a 24-month

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period, and revoked for a third and subsequent violations within a 24-month period, not including a period of suspension.

C. The clerk shall provide at least 10 days' prior written notice to the licensee of the decision to suspend or revoke the license stating the reasons for the decision to suspend or revoke. The notice shall inform the licensee of the right to appeal the decision to the hearings examiner and shall state the effective date of such revocation or suspension. A licensee who wishes to appeal the clerk's decision must file a notice of appeal with the clerk within 10 days of the clerk's notice of the decision to suspend or revoke the license. The hearing must be conducted within 45 days of the filing of the notice of appeal under the rules and procedures of the city's hearings examiner. The hearings examiner shall render a decision within 15 days following the close of the appeal hearing. A person aggrieved by the decision of the hearings examiner and wishing to appeal that decision must seek review in the Pierce County superior court by filing a petition for writ of certiorari, prohibition or mandamus within 10 days of the date the hearings examiner's decision was mailed to the applicant. The decision of the clerk must be stayed during the pendency of an appeal under this chapter except as provided in subsection (D) of this section.

D. If the University Place building official, or fire marshal or the Pierce County health department find that a condition exists upon the premises of a live adult entertainment establishment which constitutes a threat of immediate serious injury or damage to persons or property, the official may immediately suspend a license issued under this chapter pending a hearing in accordance with subsection (C) of this section. The official shall issue a notice setting forth the basis for the action and the facts that constitute a threat of immediate serious injury or damage to persons or property, and informing the licensee of the right to appeal the suspension to the hearings examiner under the same appeal provisions set forth in subsection (C) of this section. However, a suspension based on threat of immediate serious injury or damage shall not be stayed during the pendency of the appeal.
(Ord. 173 § 11, 1997).

5.15.120 Liquor Control Board rules.

A license issued under this chapter is subject to the rules of the Washington State Liquor Control Board relating to the sale of intoxicating liquor. If there is a conflict between this chapter and the applicable rules of the Washington State Liquor Control Board, the rules of the Washington State Liquor Control Board control.
(Ord. 173 § 12, 1997).

5.15.130 Public nuisance.

A. A live adult entertainment establishment operated, conducted or maintained in violation of this chapter or another ordinance of the city or of the state of Washington is unlawful and a public nuisance. The city may, in addition to or in lieu of other remedies in this chapter, commence an action to enjoin, remove, or abate the nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as have jurisdiction to grant such relief as will abate or remove the public nuisance, and restrain and enjoin any person from operating, conducting, or maintaining a live adult entertainment establishment contrary to this chapter.

B. A live adult entertainment establishment operated, conducted or maintained contrary to Chapter 7.48 RCW is unlawful and a public and moral nuisance and the city may, in addition to or in lieu of other remedies in this chapter, commence an action to abate, remove, or enjoin the public and moral nuisance, or impose a civil penalty, in the manner provided for in Chapter 7.48A RCW.
(Ord. 173 § 14, 1997).

5.15.140 Remedies not exclusive.

The remedies found in this chapter are not exclusive and the City may seek other legal or equitable relief, including but not limited to enjoining an act or practice that constitutes or will constitute a violation of a business license ordinance or other regulation of this chapter.
(Ord. 173 § 15, 1997).

5.15.150 Violation – Penalty.

Any person violating any of the terms of this chapter shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of up to $1,000, or by imprisonment of up to 90 days, or by both such fine and imprisonment.
(Ord. 173 § 13, 1997).

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Chapter 5.20

PANORAM DEVICES

Sections:

5.20.010 Findings of fact.
5.20.020 Definitions.
5.20.030 Panoram premises license required.
5.20.040 Panoram device license required.
5.20.050 Panoram operator's license required.
5.20.060 License fee – Terms – Assignment – Renewals.
5.20.070 License application – Report by city departments.
5.20.080 Issuance of licenses.
5.20.090 Suspension or revocation of licenses – Notices – Summary suspension.
5.20.100 Appeal and hearing.
5.20.110 Premises regulations.
5.20.120 Unlawful acts.
5.20.130 Violations and penalties.
5.20.140 Compliance.
5.20.150 Severability.

5.20.010 Findings of fact.

The City of University Place takes notice and specifically relies upon the experiences of and studies utilized by other cities and counties in combating the specific adverse impacts of sexually-oriented businesses including panoram or "peep show" establishments. This includes, but is not limited to, the studies relied upon, findings of fact entered by and litigation involving the cities of Federal Way, Tukwila, SeaTac and Shoreline in their respective panoram ordinance provisions.
(Ord. 175 § 1, 1997).

5.20.020 Definitions.

As used in this chapter, the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

A. "Applicant" means the individual or entity seeking any form of panoram license in the City of University Place.

B. "Applicant control persons" means all partners, corporate officers and directors and any other individuals in the applicant's business organization who hold a significant interest in the panoram business, based on responsibility for management or control of the panoram business, regardless of whether such person's name appears on corporate filings, license applications, or other official documents of the applicant.

C. "Clerk" means the City of University Place city clerk or such other employee or agent of the city who acts as the licensing official under this chapter.

D. "Panoram," "preview," "picture arcade" or "peep show" means any device which, for payment of a fee, membership fee or other charge, is used to view, exhibit or display a film or videotape. All such devices are denominated in this chapter by the terms "panoram" or "panoram device." The terms "panoram" and "panoram device" as used in this chapter do not include games which employ pictures, views or video displays, or gambling devices regulated by the state.

E. "Panoram premises" means any premises or portion of any premises on which any panoram device is located and to which members of the public are admitted. The term "panoram premises" as used in this chapter does not include movie or motion picture theater auditoriums capable of seating more than five people.

F. "Panoram station" means a portion of any panoram premises on which a panoram device is located and where a patron or customer would ordinarily be positioned while watching the panoram device.
(Ord. 175 § 1, 1997).

5.20.030 Panoram premises license required.

A. It is unlawful to display, exhibit, expose or maintain any panoram device upon any premises to which members of the public are admitted unless there is a valid and current panoram premises license for such premises.

B. A separate panoram premises license is required for each panoram premises and the same shall at all times by conspicuously posted and maintained therein.

C. The clerk shall prescribe the form of such license, number the same, and shall indicate thereon the number of panoram devices which may be operated thereunder, and the location of the license panoram premises.
(Ord. 175 § 1, 1997).

5.20.040 Panoram device license required.

A. It is unlawful to exhibit or display for public use any panoram device upon any panoram pre-

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mises without first having obtained a panoram device license for each such panoram device.

B. Panoram device licenses shall be issued for specific panoram premises only and shall not be transferable.

C. The current panoram device license for each panoram device shall be securely attached to each panoram device in a conspicuous place.

D. The clerk shall prescribe the form of such license and number the same.
(Ord. 175 § 1, 1997).

5.20.050 Panoram operator's license required.

It is unlawful to own and exhibit or display for public use, or to place with another, by lease or otherwise, for public use, exhibit or display, any panoram device without a valid and current panoram operator's license. The clerk shall prescribe the form of such license and shall number the same.
(Ord. 175 § 1, 1997).

5.20.060 License fee – Terms – Assignment – Renewals.

A. The license year for licenses under this chapter shall be from January 1st to December 31st. All licenses under this chapter shall expire on December 31st of each year. Except as hereinafter provided, all license fees under this chapter shall be payable on an annual basis. Annual license fees shall be as follows:

1. Panoram premises license – $200.00 per year;

2. Panoram device license – $50.00 per year for each device; and

3. Panoram operator license – $500.00 per year.

B. License fees under subsection (A) of this section shall not be prorated, except that if the original application of a license is made subsequent to June 30th in any year, the license fee for the remainder of that year shall be one-half of the annual license fee. Licenses issued under this chapter may not be assigned or transferred to other premises, operators or devices.

C. On or before December 31st of each year, a licensee under this chapter shall file an application for renewal of each license he wishes to use in the next license year. An application for renewal of a license shall be filed in the same manner as an original application for such a license and shall be accompanied by a renewal fee in an amount equal to the license fee applicable to an original application for such a license under this section. On renewal applications filed after December 31st, the clerk shall assess and collect an additional charge as follows:

1. If the application is more than six but less than 31 days late, the additional charge is 10 percent of the renewal fee; and

2. If the application is more than 30 but less than 61 days late, the additional charge is 25 percent of the renewal fee.
(Ord. 175 § 1, 1997).

5.20.070 License application – Report by city departments.

A. Any person seeking a panoram premises license, panoram operator's license or panoram device license shall file a written application with the clerk on a form provided by the clerk for that purpose.

The clerk, upon presentation of a complete application, shall refer such application to the police department and other appropriate city departments or contractors for a full investigation as to the truth of the statements contained therein and as to any or all other matters which would aid the clerk in determining compliance with this chapter and other applicable law. Upon receipt of any complete application for a license, the clerk shall further issue a temporary license, pending disposition of the application or the completion of the term of any license suspension issued pursuant to this chapter. The temporary license shall expire upon issuance of a license or renewal thereof or notice of nonissuance. The holder of a temporary license is subject to all requirements, standards, and penalty provisions of this chapter.

B. Applicants for any license or renewal thereof under this chapter shall provide information as follows:

1. With each application for a panoram premises license or renewal thereof, applicants shall provide:

a. The name, address and telephone number of each person applying for the license;

b. The name, address and telephone number of each person holding an ownership, leasehold or interest in the panoram premises;

c. The name, address and telephone number of the manager or other person responsible for the operation of the premises;

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d. The address of the premises;

e. The number of panoram devices to be located on the premises; and

f. A sketch or drawing sufficient to show the layout of the premises, including all information necessary to determine whether the premises complies with the provisions of this chapter.

2. With each application for a panoram device license or renewal thereof, applicants shall provide:

a. The name, address and telephone number of each person applying for the license;

b. The name, address and telephone number of each person holding an ownership, leasehold or other interest in the panoram device;

c. The name, address and telephone number of each person responsible for the operation of the panoram device;

d. The address at which the panoram device is to be located; and

e. A description of the panoram device, including make, model and serial number.

3. With each application for a panoram operator's license or renewal thereof, applicants shall provide:

a. For the applicant and for each applicant control person: names; any aliases or previous names; driver's license number, if any; social security number, if any; business, mailing, and residential address; and business and residential telephone number.

b. If a partnership, whether general or limited, provide for all general partners the same information required under subsection (3)(a) of this section.

c. If a corporation, date and place of incorporation, evidence that it is in good standing under the laws of Washington, and name and address of any registered agent for service of process.

d. Whether the applicant or any partner, corporate officer, or director of the applicant holds any other licenses under this chapter or any license for similar adult entertainment or sexually oriented business, including motion picture theaters and panorams, from the city or another city, county or state, and if so, the names and addresses of each other licensed business.

e. A summary of the business history of the applicant and applicant control persons in owning or operating the adult entertainment or other sexually oriented businesses, providing names, addresses and dates of operation for such businesses, and whether any business license or adult entertainment license has been revoked or suspended, and the reason therefor.

f. For the applicant and all applicant control persons, any and all criminal convictions or forfeitures within five years immediately preceding the date of the application, other than parking offenses or minor traffic infractions, including the dates of conviction, nature of the crime, name and location of court and disposition.

g. For the applicant and all applicant control persons, a description of business, occupation or employment history for the three years immediately preceding the date of the application.

h. The location and doing-business-as name of the proposed adult cabaret, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property.

i. Two two-inch by two-inch color photographs of the applicant and applicant control persons, taken within six months of the date of application showing only the full face.

j. A complete set of fingerprints for the applicant or each applicant control person, taken by University Place police department employees (or Pierce County sheriff's department employees).

(Ord. 175 § 1, 1997).

5.20.080 Issuance of licenses.

A. Upon receipt of any application, the clerk shall issue a temporary license or renewal thereof, pursuant to UPMC 5.20.070, or notice of nonissuance and the reasons therefor.

B. The clerk shall issue the permanent license or licenses applied for if and only if, after an investigation, the clerk finds:

1. That the business for which a license is required herein will be conducted in a building, structure and location which complies with the requirements and standards of this chapter; and

2. That the applicant, his or her employee, agent, partner, director, officer, stockholder or manager has not knowingly made any false, misleading or fraudulent statement of material fact in the application for a license, or in any report or record required to be filed with the clerk.

(Ord. 175 § 1, 1997).

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5.20.090 Suspension or revocation of licenses – Notices – Summary suspension.

The clerk may, upon 10 days' notice, temporarily suspend or permanently revoke any license issued pursuant to this chapter where one or more of the following conditions exist:

A. The license was procured by fraud or misrepresentation of a material fact in the application or in any report or record required to be filed with the clerk; or

B. The building, structure, equipment or location of the business for which the license was issued does not comply with the requirements or the standards of this chapter; or

C. The licensee, his or her employee, agent, partner, director, officer or manager has knowingly allowed or permitted in or upon the panoram premises any violations of this chapter or acts made unlawful under this chapter.
(Ord. 175 § 1, 1997).

5.20.100 Appeal and hearing.

A. Any person aggrieved by the action of the clerk in refusing to issue or renew any license under this chapter or in temporarily suspending or permanently revoking any license under this chapter shall have the right to appeal such action to the city hearings examiner, or to such other hearing body as may hereafter be established by the city council for the hearing of such appeals, by filing a notice of appeal with the clerk within 10 days of receiving notice of the action from which appeal is taken. The filing of such appeal shall stay the action of the clerk.

B. The hearing body, upon receipt of a timely notice of appeal, shall set a date for a hearing of such appeal within 30 days from the date of such receipt, unless extended by mutual agreement or for good cause shown. The hearing shall be de novo. The hearing body shall hear testimony, take evidence and may hear oral argument and receive written briefs.

C. The decision of the hearing body on an appeal from a decision of the clerk shall be based upon a preponderance of the evidence. The burden of proof shall be on the city.

D. Any person aggrieved by the decision of the hearings examiner or other designated hearing body shall have the right to appeal the decision to the superior court by writ of certiorari filed and served upon the city within 14 calendar days after the date of the hearings examiner's or other hearing body's decision.
(Ord. 175 § 1, 1997).

5.20.110 Premises regulations.

It shall be unlawful and a violation of this chapter for a panoram operator, or anyone owning or controlling a panoram premises, to cause, maintain, or permit to exist any condition in violation of this section; and the clerk shall not license any panoram premises which do not conform to the requirements of this section, and shall revoke or suspend the license of any panoram premises, and the license of any operator thereof, which do not maintain conformity with these requirements.

A. The interior of every panoram station shall be visible from a continuous main aisle and shall not be obscured by any curtain, door, wall, or other form of partition or enclosure.

B. The panoram stations on any panoram premises shall be separated by partitions constructed of wood or other solid and opaque material. No openings in such partitions for ventilation or other purposes shall extend higher than 12 inches from the floor or lower than 84 inches from the floor. Any such opening shall be covered with a permanently affixed wire mesh or other cover not capable of penetration by solid matter.

C. The licensee shall not permit any doors to other areas on the premises which are available for use by persons other than the licensee or employees of the licensee to be locked during business hours.

D. The licensee shall maintain illumination equally distributed in all parts of the premises available for use by the public at all times when the premises are open or when any member of the public is permitted to enter and remain therein.

E. The entire floor area of a panoram booth or stall must be level with the continuous main aisle. No steps, ramps or risers are allowed in any such booth or stall.

F. The licensee shall permanently post and maintain on the interior and exterior of each booth or stall on the panoram premises a sign with two-inch lettering on a contrasting background stating:

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Occupancy of this booth is at all times limited to only one person.
Violations are subject to criminal prosecution.

G. The licensee shall not operate or maintain any warning system or device, of any nature or kind, for the purpose of warning customers or patrons or any other persons occupying panoram booths or stalls located on the licensee's premises that police officers or city health, fire, licensing or building inspectors are approaching or have entered the licensee's premises.

H. A licensed panoram operator shall be on the premises at all times that the panoram premises is open to the public for business.

I. No person under the age of 18 shall be permitted to enter any panoram premises.
(Ord. 175 § 1, 1997).

5.20.120 Unlawful acts.

A. A panoram station subject to the requirements of this chapter may only be occupied by one person at any one time. It is unlawful for any person to occupy such a booth or stall at the same time it is occupied by any other person.

B. It is unlawful to stand or kneel on any chair or seating surface in a panoram booth or stall.

C. It is unlawful for any owner, operator, manager, employee or other person in charge of premises for which a panoram location license is required to warn, aid and abet the warning of, customers or patrons or any other persons occupying panoram booths or stalls located on the licensee's premises that police officers or health, fire, licensing or building inspectors are approaching or have entered the licensee's premises.

D. It is unlawful within any panoram premises for any person to masturbate, or expose to view any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, penis, vulva or genitals.
(Ord. 175 § 1, 1997).

5.20.130 Violations and penalties.

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter, including the premises regulations enumerated in UPMC 5.20.110, shall upon conviction thereof be guilty of a misdemeanor and shall be punished by a fine of not more than $1,000, or by imprisonment of a period of not more than 90 days, or by both such fine and imprisonment.

Each such person shall be guilty of a separate offense for each and every day, or part of day, during which any violation of any provision of this chapter is committed, continued, or permitted. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter shall be deemed a public nuisance and may be abated as such, and each day that such condition continues shall be regarded as a new and separate offense. All costs expended by the city in any such nuisance abatement or other action, including police investigation costs and attorney fees, shall be recoverable as part of any judgment in the city's favor.
(Ord. 175 § 1, 1997).

5.20.140 Compliance.

All persons and premises regulated pursuant to this chapter shall comply with this chapter within 30 days of the effective date of the ordinance codified in this chapter.
(Ord. 175 § 1, 1997).

5.20.150 Severability.

Should any section, paragraph, sentence, clause or phrase of this chapter, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this chapter be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this chapter or its application to other persons or circumstances.
(Ord. 175 § 1, 1997).

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Title 7

CRIMINAL CODE

Chapters:

7.05 County Provisions Adopted
7.10 Disorderly Conduct

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Chapter 7.05

COUNTY PROVISIONS ADOPTED

Sections:

7.05.010 Authority to adopt Pierce County Code.

7.05.010 Authority to adopt Pierce County Code.

Pursuant to RCW 35A.12.140 and 35A.13.180, the city adopts by reference Chapters 9.16 and 9.20 PCC, as presently constituted or hereinafter amended, as regulations of the city.
(Ord. 51 § 1, 1995).

Chapter 7.10

DISORDERLY CONDUCT

Sections:

7.10.010 Definitions.
7.10.020 Creating an offense of disorderly conduct during lawful assemblies and meetings of the city.
7.10.030 Penalties.

7.10.010 Definitions.

The following terms shall have the following meanings as used in this chapter:

A. "Duly appointed commission, committee or board of the city" means the planning commission, the park and recreation commission, the community oriented police services committee and any other official commission, committee or board which is established by the city council by either resolution or ordinance;

B. "Intentionally disrupt" means:

1. To intentionally, unreasonably and without lawful authority disrupt any lawful assembly or meeting; or

2. To refuse or intentionally fail to cease such activity when ordered to do so by the mayor, mayor pro tem, chair, hearing examiner or presiding officer in charge of the lawful assembly or meeting so long as the order to cease such activity has not been overruled by the members of such body;

C. "Lawful assembly or meeting" means any official meeting held by the city council, the city's hearing examiner, or any duly appointed commission, committee or board of the city for which prior advance public notice has been given either by posting, mailing or by publication as required by state law or by city ordinance or resolution.
(Ord. 160 § 1, 1997).

7.10.020 Creating an offense of disorderly conduct during lawful assemblies and meetings of the city.

A person is guilty of disorderly conduct if the person intentionally disrupts any lawful assembly or meetings of the city without lawful authority.
(Ord. 160 § 2, 1997).

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7.10.030 Penalties.

Disorderly conduct shall be a misdemeanor punishable as provided in RCW 9A.20.021(3). (Ord. 160 § 3, 1997).

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Title 8

ANIMAL REGULATIONS

Chapters:

8.05 Animal Control Regulations
8.10 Animal Facilities

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Chapter 8.05

ANIMAL CONTROL REGULATIONS

Sections:

8.05.010 Pierce County animal control regulations adopted.
8.05.020 Copy to be available.
8.05.030 PCC 6.02.070 amended.
8.05.040 PCC 6.03.035 added.
8.05.050 PCC 6.03.045 added.
8.05.060 PCC 6.03.090 amended.
8.05.070 PCC 6.04.055 added.
8.05.080 PCC 6.04.010 amended.
8.05.090 PCC 6.04.020 amended.
8.05.100 PCC 6.04.030 amended.
8.05.110 PCC 6.04.040 amended.
8.05.120 PCC 6.04.060 amended.
8.05.130 PCC 6.04.080 amended.
8.05.140 PCC 6.07.030 amended.

8.05.010 Pierce County animal control regulations adopted.

The city adopts by reference PCC Title 6 except as amended by this chapter, as now in effect and as may be subsequently amended, as the interim animal control regulations for the city, except that any reference to unincorporated Pierce County shall refer to the City of University Place.
(Ord. 178 § 1, 1997; Ord. 42 § 1, 1995).

8.05.020 Copy to be available.

One copy of PCC Title 6, as amended by Ordinance No. 178, shall be available in the office of the city clerk for use and examination by the public.
(Ord. 178 § 2, 1997; Ord. 42 § 2, 1995).

8.05.030 PCC 6.02.070 amended.

PCC 6.02.070, adopted by reference in Ordinance No. 42, is amended to read as follows:

6.02.070 Redemption of Dogs.

The owner of any dog impounded under this Chapter may redeem said dog within forty-eight hours from time of impounding by paying to the animal control agency a redemption fee of $25.00 for the first time impounded within any one year period. A redemption fee of $50.00 for the second impound within any one year period, and a redemption fee of $75.00 for the third or subsequent impound within any one year period shall be collected. If a dog is wearing a current pet license at the time of the first such impound, no redemption fee shall be collected. In addition to the redemption fee, the redeemer shall pay, as a boarding charge for the caring and keeping of such dog, the sum of $6.00 per day for each day, including the first and last days, that the dog is retained by the impounding authority. This boarding charge will be collected for all dogs retained by the impounding authority, including dogs wearing a current pet license at the time of their first impound within any one year period. If such dog is not redeemed by the owner within forty-eight hours, then any person may redeem it within the next forty-eight hours by complying with the above provision, and in case such dog is not redeemed at the end of such time, it may be humanely destroyed or otherwise disposed of within the discretion of the animal control agency.

(Ord. 178 § 1 Exh. A (1), 1997).

8.05.040 PCC 6.03.035 added.

A new Section 6.03.035 is added to PCC Title 6, adopted by reference in Ordinance No. 42, to read as follows:

6.03.035 Livestock at Large.

No person owning or in control of any livestock is to allow such livestock to enter or trespass upon private property without the express permission of the owner or caretaker of such property. No person owning or in control of any livestock is to allow such livestock to enter or trespass upon public property, with the exception of public streets and rights-of-way, without the express permission of the owner.

(Ord. 178 § 1 Exh. A (2), 1997).

8.05.050 PCC 6.03.045 added.

A new Section 6.03.045 is added to PCC Title 6, adopted by reference by Ordinance No. 42, to read as follows:

6.03.045 Confinement of an Animal in a Motor Vehicle.

No owner or person shall confine any animal in a motor vehicle in such a manner that places the animal in a life- or health-threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventila-

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tion or other protection from the extreme temperature. An animal control officer or law enforcement officer who reasonably believes that an animal is in imminent danger due to exposure to extreme temperatures may take reasonable steps to protect the animal including impounding the animal by removing the animal from the vehicle.

(Ord. 178 § 1 Exh. A (3), 1997).

8.05.060 PCC 6.03.090 amended.

PCC 6.03.090, adopted by reference in Ordinance No. 42, is amended to read as follows:

6.03.090 Habitually Noisy Animal – Civil Violation.

It is unlawful for the owner or other person having control or custody of any animal to allow such animal to habitually howl, yelp, bark, or make other noises which unreasonably disturb another person. Allowing an animal to habitually howl, yelp, bark or make other noises which unreasonably disturb another person shall carry a minimum penalty of $100.00 and a maximum penalty of $250.00. In addition to any such fine, the hearing examiner may declare the animal a nuisance, order that it be confined or impounded, declare the necessary measures which the owner must comply with to confine the animal, and impose on the owner or custodian of the animal all expenses of impoundment, including shelter, food, and veterinary expenses.

Upon receipt of a complaint of a noisy animal, the animal control officer shall notify the owner or custodian in writing of the nature of the complaint. If there is a second complaint within a three-month period, the animal control officer shall issue a Notice of Civil Violation. The notice shall be served on the owner or custodian in person or by certified mail. The notice shall state:

1. The description of the animal or animals.
2. The name and address of the animal's owner or custodian.
3. The number of complaints received within a three-month period.
4. The date and time of each such complaint.
5. The substance of each complaint.
6. The range of penalties which may be imposed.
7. The date, time and place of the hearing before the University Place Hearing Examiner.

At the hearing the City shall have the burden of proving by a preponderance of the evidence that the animal or animals habitually howl, yelp, bark, or make other noises which unreasonably disturb another person. The decision of the Hearing Examiner may be appealed to Superior Court within fourteen (14) days after it is issued.

(Ord. 178 § 1 Exh. A (4), 1997).

8.05.070 PCC 6.04.055 added.

A new Section 6.04.055 is added to PCC Title 6, adopted by reference by Ordinance No. 42, to read as follows:

6.04.055 Dog Bite.

It shall be unlawful for any person to keep or harbor any dog which, unprovoked, bites a human being while off the dog owner's property, and the dog may be seized and impounded for the protection of the public. The court may order the dog to be destroyed, if in the court's judgment such dog represents a continuing threat or serious harm to human beings.

(Ord. 178 § 1 Exh. A (5), 1997).

8.05.080 PCC 6.04.010 amended.

PCC 6.04.010, adopted by reference in Ordinance No. 42, is amended to read as follows:

6.04.010 Licenses Required.

It is unlawful for any person to own, keep, or have control of a dog or cat over the age of eight weeks, whether confined or not, within the corporate boundaries of the City of University Place without having a current license tag attached to the collar or harness which is worn by the dog or cat. Any dog or cat which is off the premises of its owner must have a current license, regardless of its age. If any dog and/or cat which is required to be licensed is found without a current license, it may be seized and impounded by the animal control agency or the law enforcement agency of the City of University Place. Additionally, such

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seizure and impoundment will not preclude the issuance of a criminal complaint. Hunting dogs, during a controlled hunt, need not wear a license tag.

(Ord. 178 § 1 Exh. A (6), 1997).

8.05.090 PCC 6.04.020 amended.

PCC 6.04.020, adopted by reference in Ordinance No. 42, is amended to read as follows:

6.04.020 Purchase of License.

All dog or cat licenses shall be obtained by paying the required license fee in the amounts and within the time limits as provided in this Chapter to the City of University Place or to such other agency as the City authorizes to issue licenses and collect license fees. The license shall remain in force for a period of twelve months from the date of issuance, expiring on the last day of the twelfth month. There is no prorating of any license fee. Renewal licenses will retain the original expiration period whether renewed prior to, on or after their respective renewal month. The applicant shall be furnished with such license and a metal tag. The tag shall be attached to a collar or harness which will be worn by the dog or cat at all times. The shape of the tag shall not be the same two consecutive years.

(Ord. 178 § 1 Exh. A (7), 1997).

8.05.100 PCC 6.04.030 amended.

PCC 6.04.030, adopted by reference by Ordinance No. 42, is amended to read as follows:

6.04.030 License Fees.

The license fees for the ownership, keeping, or having control of dogs and/or cats in the City shall be as follows:

A. Adult Dogs: altered	–	–$ 7.00
Adult Dogs:		
altered fee after 1/1/98		$10.00
unaltered	–	–$50.00
B. Juvenile Dogs:	–	–$ 2.00
Juvenile Dogs:		
fee after 1/1/98	–	–$ 3.00
C. Adult Cats: altered	–	–$ 4.00
Adult Cats:		
altered fee after 1/1/98		$ 6.00
unaltered	–	–$50.00
D. Juvenile Cats:	–	–$ 2.00
Juvenile Cats:		
fee after 1/1/98	–	–$ 3.00
E. Reduced rates for senior citizens, sixty-five years of age or older:		
1. Dogs: altered	–	–$ 4.00
Dogs:		
altered fee after 1/1/98		$ 6.00
unaltered	–	–$28.00
2. Cats: altered	–	–$ 2.00
Cats:		
altered fee after 1/1/98		$ 3.00
unaltered	–	–$28.00

In order to receive the fee advantage for altered dogs and cats, an individual must provide either proof of alteration from a licensed veterinarian or a written statement from a licensed veterinarian that the spay/neuter procedure would be harmful to the animal.

(Ord. 178 § 1 Exh. A (8), 1997).

8.05.110 PCC 6.04.040 amended.

PCC 6.04.040, adopted by reference by Ordinance No. 42, is amended to read as follows:

6.04.040 Late Payment Penalty.

A. Any person who fails to obtain a license 30 days after the license expiration date but before 60 days of the expiration date shall pay a penalty of ten dollars ($10.00) per license. Any person who fails to obtain a license after 60 days of the license expiration date shall pay a penalty of $20.00 per license.

(Ord. 178 § 1 Exh. A (9), 1997).

8.05.120 PCC 6.04.060 amended.

PCC 6.04.060, adopted by reference by Ordinance No. 42, is amended to read as follows:

6.04.060 Penalty for Violation.

A person who violates any of the provisions of Sections 6.04.010, 6.04.020, or 6.04.030 of this Chapter shall, upon conviction thereof, be found guilty of a misdemeanor with a maxi-

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mum penalty limited to a fine in an amount not to exceed $250.00.

(Ord. 178 § 1 Exh. A (10), 1997).

8.05.130 PCC 6.04.080 amended.

PCC 6.04.080, adopted by reference by Ordinance No. 42, is amended to read as follows:

6.04.080 Impounding Dogs at Large.

The agency authorized by the City of University Place to enforce animal control laws shall impound dogs constituting the public nuisance described by Section 6.04.070. Upon impounding the dogs, the agency shall ascertain whether any of them are licensed, and if so, shall as soon as practicable notify the person to whom the licenses were issued that the dog or dogs have been impounded and can be redeemed. Any dog impounded pursuant to Sections 6.04.070 through 6.04.100 shall be held forty-eight hours, during which time any person may redeem it. In case any such dog is not redeemed within ninety-six hours, it shall be humanely destroyed or otherwise disposed of by the impounding agency. The fee for redeeming dogs and/or cats impounded pursuant to Sections 6.04.070 through 6.04.100 shall be as set forth in Section 6.02.070.

(Ord. 178 § 1 Exh. A (11), 1997).

8.05.140 PCC 6.07.030 amended.

PCC 6.07.030, adopted by reference by Ordinance No. 42, is amended to read as follows:

6.07.030 Confinement of Potentially Dangerous Dogs.

Following a declaration of potentially dangerous dog and the exhaustion of the appeal therefrom, it shall be unlawful for the person owning or harboring or having care of such potentially dangerous dog to allow and/or permit such dog to:

A. Be unconfined on the premises of such person; or

B. Go beyond the premises of such person unless such dog is securely leashed and humanely muzzled or otherwise securely restrained.

C. Potentially dangerous dogs must be tattooed or have a microchip implanted for permanent identification. This information must be on record at the offices of The Humane Society for Tacoma and Pierce County.

D. The residence or property where a potentially dangerous dog is confined must have a warning sign conspicuously posted and visible from all streets and public rights-of-way adjacent thereto, clearly stating "Warning, Potentially Dangerous Dog," with letter size not smaller than two and one-half inches in height.

(Ord. 178 § 1 Exh. A (12), 1997).

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Chapter 8.10

ANIMAL FACILITIES

Sections:

8.10.010 Adoption by reference.
8.10.020 Amending and clarifying governmental references.
8.10.030 Definition of "hobby kennel or cattery" amended.
8.10.040 Penalty.

8.10.010 Adoption by reference.

Chapter 5.24 PCC, Commercial Kennel or Cattery, Hobby Kennel, Foster Kennel, Private Kennel, Grooming Parlor, or Pet Shop is hereby adopted by reference as a regulation of the City of University Place (excepting only PCC 5.24.160). One copy of Chapter 5.24 PCC shall be available in the office of the city clerk for use and examination by the public.
(Ord. 138 § 1, 1997).

8.10.020 Amending and clarifying governmental references.

Any allusions in Chapter 5.24 PCC, as adopted by reference by the city, shall be construed as follows: A reference to "Pierce County" shall mean the "City of University Place;" any reference to the "Pierce County Council" shall mean the "City of University Place city council;" any allusion to "fees" shall mean the city's fee resolution; any allusion to the "Pierce County hearing examiner" shall mean the "City of University Place hearings examiner;" any allusion to the "Pierce County prosecutor" shall mean the "City of University Place city attorney;" any allusion to "enforcement officer" or the "Pierce County sheriff" shall mean the "City of University Place law enforcement personnel" or "city code enforcement officer;" and any allusion to "Pierce County departments and staff" shall mean the "City of University Place city manager or his designee."
(Ord. 138 § 2, 1997).

8.10.030 Definition of "hobby kennel or cattery" amended.

The definition of a "hobby kennel or cattery" contained in PCC 5.24.020, adopted by reference in UPMC 8.10.010, is amended to set the minimum number of adult dogs and/or cats kept at five instead of six.
(Ord. 141 § 1, 1997).

8.10.040 Penalty.

Any person convicted of a violation of this chapter shall be deemed guilty of a misdemeanor, and, in addition to any other remedies or penalties specifically provided for herein, may be punished by a fine of not more than $1,000, or by imprisonment not to exceed 90 days in the county jail, or by both such fine and imprisonment.
(Ord. 138 § 3, 1997).

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Title 9

PUBLIC SAFETY

Chapters:

9.05	County Provisions Adopted
9.10	Alarms
9.15	Abandoned and Junk Vehicles
9.20	Fireworks
9.25	Weapons
9.30	Refuse on Rights-of-Way

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Chapter 9.05

COUNTY PROVISIONS ADOPTED

Sections:

9.05.010 Authority to adopt Pierce County Code.
9.05.020 Adoption of administrative rules.
9.05.030 Adoption of certain other laws.
9.05.040 PCC 8.72.110, Exemptions, amended.

9.05.010 Authority to adopt Pierce County Code.

Pursuant to RCW 35A.12.140 and 35A.13.180, the city adopts by reference Chapters 8.08, Public Nuisances; 8.12, Food Service Sanitation; 8.16, Smoking in Public Places; 8.20, Rodent Control; 8.30, Solid Waste Handling System; 8.32, Solid Waste Collection and Disposal Regulations; 8.34, Underground Storage Tanks; 8.36, On-Site Sewage Disposal Systems; 8.38, Infectious Waste Management; 8.40, Public Water Systems; 8.44, Swimming Pools; 8.72, Motor Vehicles and Public Disturbance Noise; 8.76, Noise Pollution Control; 8.84, Tire Storage Yards, of PCC Title 8, Health and Welfare, as presently constituted or hereinafter amended, as regulations of the city.
(Ord. 49 § 1, 1995).

9.05.020 Adoption of administrative rules.

There are hereby further adopted by reference any and all implementing and administrative rules and enforcement remedies now in effect regarding health and welfare that have been adopted pursuant to Chapter 2.06 PCC, and PCC Title 8 except that, unless the context requires otherwise, any reference to the "county" or to "Pierce County" shall refer to the City of University Place, and any reference to county staff shall refer to the city manager or designee.
(Ord. 49 § 2, 1995).

9.05.030 Adoption of certain other laws.

To the extent that any provision of the Pierce County Code, or any other law, rule or regulation referenced in the health and welfare chapters is necessary or convenient to establish the validity, enforceability or interpretation of these regulations, then such provision of the Pierce County Code and chapter, or other law, rule or regulation, is hereby adopted by reference.
(Ord. 49 § 3, 1995).

9.05.040 PCC 8.72.110, Exemptions, amended.*

PCC 8.72.110, Exemptions, is hereby amended to read as follows:

A. Between the hours of 7:00 a.m. and 9:00 p.m. on Monday through Friday and between 8:00 a.m. and 8:00 p.m. on Saturdays, Sundays and holidays, the following shall be exempt from this chapter; however, other state and local restrictions may apply:

1. Sounds originating from a single residential property as a result of temporary projects for the construction, maintenance, or repair of homes, grounds, and appurtenances;

2. Sounds created by the discharge of firearms on authorized shooting or firing ranges;

3. Sounds created by blasting;

4. Sounds created by aircraft engine testing and maintenance not related to flight operations; provided, that aircraft testing and maintenance shall be conducted at remote sites whenever possible;

5. Sounds created by the installation or repair of essential utility services;

6. Sounds created by the discharge of legal fireworks are exempt from this chapter only during the specific days, times, and in the locations where discharge is allowable pursuant to existing state and local law (e.g., Chapter 5.08 PCC);

7. Sounds originating from forestry activities (although they are not similarly exempted from Chapter 8.76 PCC).

B. The following shall be exempt from this chapter; however, other state and local restrictions may apply:

1. Sounds from electrical substations and existing stationary equipment used in the conveyance of water or wastewater by a utility;

2. Sounds from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours which would affect exemptions under this regulation require approval of the Tacoma-Pierce County health department;

3. Sounds commonly associated with an existing commercial operation which has been approved through a public hearing process and is operating in compliance with any permit conditions;

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4. Sounds commonly associated with an existing commercial operation which was established prior to the effective date of any land use regulation(s) and is thereby nonconforming;

5. Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations;

6. Sounds created by surface carriers engaged in interstate commerce by railroad;

7. Sounds created by warning devices not operated continuously for more than five minutes (bells, chimes, and carillons);

8. Sounds created by safety and protective devices where noise suppression could defeat the intent of the device or is not economically feasible;

9. Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health, safety, or welfare of the community;

10. Sounds originating from motor vehicle or motorcycle racing events at existing authorized facilities, or being sanctioned by a responsible authority under valid permit or license;

11. Sounds originating from officially sanctioned parades and other public events under valid permit or license;

12. Sounds emitted from petroleum refinery boilers during startup of said boilers; provided, that the startup operation is performed during daytime hours whenever possible.

C. Exceptions to this chapter:

The city public works director, or his designee, may, when work is of urgent necessity and in the interest of public safety and convenience, permit construction noises and construction in public rights-of-way and public facilities at hours other than those listed in subsection (A). Any such permission shall be granted in writing.

(Ord. 146 § 1, 1997).

* Unless extended by the city council by ordinance, the provisions of this section shall expire at 11:59 p.m. on June 30, 1998. The expiration of this section shall have no effect on any civil or criminal proceeding relating to a violation which occurred while the section is in effect.

Chapter 9.10

ALARMS

Sections:

9.10.010 Authority to adopt Pierce County Code.
9.10.020 Permit fee.
9.10.030 Permit revocation.
9.10.040 Service charges.

9.10.010 Authority to adopt Pierce County Code.

Pursuant to RCW 35A.12.140 and 35A.13.180, the city adopts by reference Chapter 8.64 PCC, Alarm Systems, as amended by this chapter, as a regulation of the city.
(Ord. 67 § 1, 1995).

9.10.020 Permit fee.

PCC 8.64.020(C), Permit Fee, is amended to read as follows:

C. Permit Fee. Each permit shall be given a unique number which shall not be transferable. The department shall charge a $15.00 application fee, except that no fee shall be charged for alarms installed prior to the effective date of this chapter, if a permit application for such existing alarm system is filed with the department before July 1, 1993. In addition, no fee shall be charged persons who reside in the City of University Place and have registered an alarm system prior to August 31, 1995, with the sheriff's department, as required by this chapter. The $15.00 application fee will be charged for all applications from persons who reside in the City of University Place received as of August 31, 1995, the city's official date of incorporation. The application fee will be immediately transferred to the City of University Place.

(Ord. 67 § 2, 1995).

9.10.030 Permit revocation.

PCC 8.64.030(B), Notice of Revocation, is amended to read as follows:

B. Notice of Revocation. The sheriff shall notify such permittee in writing by first class mail of the revocation of his/her alarm permit and the grounds therefor. The notice shall specify the specific date of revocation, which

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shall be no sooner than 10 days after the notice is deposited by mail.

(Ord. 67 § 3, 1995).

9.10.040 Service charges.

PCC 8.64.050(B) is amended to read as follows:

B. Service charges shall be transferred to the City of University Place.

(Ord. 67 § 4, 1995).

Chapter 9.15

ABANDONED AND JUNK VEHICLES

Sections:

9.15.010 Purpose.
9.15.020 Definitions.
9.15.030 Exemptions.
9.15.040 Nuisance declared.
9.15.050 Inoperable vehicles.

9.15.010 Purpose.

The purposes of this chapter are to provide for the abatement of abandoned and junk vehicles as nuisances as provided for by RCW 46.55.240 and to provide for the regulation of inoperable vehicles on private property. Abatement and regulation are necessary to preserve and enhance the aesthetic character of the city's neighborhoods, protect property values and rights and to reduce health and safety problems associated with junk vehicles.

(Ord. 101 § 1, 1996).

9.15.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A. "Abandoned vehicle" means any vehicle left on a public right-of-way or on private property without the consent of the property owner for a period of 72 hours or longer.

B. "Junk vehicle" means any vehicle certified under RCW 46.55.230 and meeting at least three of the following criteria:

1. Is three years old or older;

2. Is extensively damaged, such damage including, but not limited to, any of the following: A broken window or windshield or missing wheels, tires, motor or transmission;

3. Is apparently inoperable;

4. Has an approximate fair market value equal only to the approximate value of the scrap in it.

C. "Inoperable vehicle" means a vehicle which is apparently inoperable or which requires repairs in order to be operated legally on the public roads, such as repair or replacement of a window, windshield, wheel, tire, motor or transmission.

D. "Enforcement officer" means the City of University Place building official, his or her designee,

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or a City of University Place law enforcement official.
(Ord. 101 § 2, 1996).

9.15.030 Exemptions.

The provisions of this chapter shall not apply to:

A. A vehicle or part thereof that is completely enclosed within a building in a lawful manner, so as not to be visible from adjacent or nearby public or private property.

B. A vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dismantler or licensed vehicle dealer and is fenced in accordance with the provisions of RCW 46.55.130.
(Ord. 101 § 3, 1996).

9.15.040 Nuisance declared.

The storage or retention of abandoned or junk vehicles on private property or a public right-of-way is declared a public nuisance which is subject to abatement and removal as set forth below:

A. The cost of abatement and removal may be assessed against the registered owner of the vehicle(s) if the identity of the owner can be determined, unless the owner in the transfer of ownership has complied with RCW 46.12.101. Alternatively, the cost may be assessed against the owner of the property on which the vehicle is stored.

B. The enforcement officer may inspect and certify that a vehicle meets the definition of a junk or abandoned vehicle. The officer shall provide notice to the last registered owner of record and the property owner of record that a hearing may be requested before the hearings examiner and that if no hearing is requested within 15 days, the vehicle will be removed.

C. If a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the county assessor records and the legal owner of record of the vehicle, unless the vehicle condition is such that identification numbers are not available.

D. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement for consideration and deny responsibility for the presence of the vehicle, with the reasons for the denial. If it is determined that the vehicle was placed on the property without the consent of the landowner and that the landowner has not acquiesced in its presence, then the cost of removal shall not be assessed against the landowner.

E. After notice has been given of the intent of the city to abate and dispose of the vehicle and after a hearing, if requested, has been held, the vehicle may be removed at the request of a law enforcement officer of the city and disposed of by a licensed vehicle wrecker or tow truck operator, with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.

F. The city may, within 30 days after removal of an abandoned or junk vehicle from private property, file for recording with the county auditor a claim for lien for the costs of removal.
(Ord. 101 § 4, 1996).

9.15.050 Inoperable vehicles.

The storage of inoperable vehicles on residentially zoned property is limited as provided for in the city zoning regulations and must be screened from neighboring properties and the public right-of-way. Failure to provide for view screening in accordance with city ordinances shall be subject to enforcement and the penalties outlined in Chapter 1.20 UPMC.
(Ord. 101 § 5, 1996).

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Chapter 9.20

FIREWORKS

Sections:

9.20.010 Sale, possession, and use of fireworks.
9.20.020 Violation – Penalty.

9.20.010 Sale, possession, and use of fireworks.

A. It is hereby declared to be unlawful within the city for any person to sell, at retail or wholesale, or to offer for sale, at retail or wholesale, fireworks to any person under 16 years of age.

B. It shall be the responsibility of any seller of fireworks to obtain and/or require proof of age of any customer at the time of purchase, which proof requirement may be satisfied by inspecting the customer's valid Washington State photo driver's license or valid Washington State photo identification card or the equivalent thereof issued by another state or jurisdiction.

C. It is unlawful for any person under 16 years of age to possess or to discharge any fireworks within the city without direct supervision of an adult.

D. It is unlawful to sell, purchase, discharge, or use common fireworks in the city except as provided below:

1. It is lawful to sell and purchase common fireworks within the city from 12:00 noon on the twenty-eighth of June until 9:00 p.m. on July 4th.

2. It is lawful to discharge and use common fireworks within the city as follows:

a. On June 28th through July 3rd, between the hours of 9:00 a.m. and 11:00 p.m.;

b. On July 4th between the hours of 9:00 a.m. and 12:00 midnight; and

c. On December 31st between the hours of 6:00 p.m. and 1:00 a.m. on January 1st of the subsequent year.

3. It is lawful to purchase and use common fireworks as provided for in RCW 70.77.311(2); provided, that a permit is obtained in advance from the city's fire marshal.

(Ord. 184 § 1, 1998; Ord. 103 § 1, 1996).

9.20.020 Violation – Penalty.

A. Any person violating any provision of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine in an amount not exceeding $1,000, or by imprisonment in jail for a term not exceeding 90 days, or by both.

B. Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this chapter or Chapter 70.77 RCW shall be subject to seizure by a police officer or by the city's fire marshal or designee.

(Ord. 184 § 2, 1998; Ord. 103 § 2, 1996).

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Chapter 9.25

WEAPONS

Sections:

9.25.010 Firing of weapons prohibited.
9.25.020 Applicability.
9.25.030 Self-defense.
9.25.040 Definitions.
9.25.050 Penalty.

9.25.010 Firing of weapons prohibited.

It shall be unlawful for any person to shoot or discharge any firearm, airgun, or bow and arrow; or to hunt any game animal; or to set a trap for any animal within the city limits of the City of University Place.
(Ord. 170 § 1, 1997; Ord. 71 § 1, 1995).

9.25.020 Applicability.

UPMC 9.25.010 does not apply to:

A. Any person engaged in military, law enforcement, or school district security activities;

B. Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

C. Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

D. Any person engaging in practice in the use of a firearm or target shooting at an established range authorized by the City of University Place, or any other area where the discharge of a firearm is not prohibited;

E. Any person setting a trap for any nongame animal which would normally be considered a nuisance, such as, but not limited to, old world rats and mice;

F. Any person engaged in the use of an airgun or bow and arrow while target practicing, providing that the target is stationary and is in front of a safe backstop. The person firing the weapon must be positioned close enough to the target and backstop to be considered safe and to ensure that no projectiles miss or go beyond the backstop.
(Ord. 170 § 2, 1997;Ord. 71 § 2, 1995).

9.25.030 Self-defense.

Nothing in this chapter prohibits an individual from discharging a weapon in self-defense at his or her residence.
(Ord. 71 § 3, 1995).

9.25.040 Definitions.

All terms in this chapter have their normal and customary definitions, or as defined in Chapters 9.41 or 77.08 RCW.
(Ord. 170 § 3, 1997;Ord. 71 § 4, 1995).

9.25.050 Penalty.

Any person who violates any of the provisions of UPMC 9.25.010 and 9.25.020 shall be guilty of a misdemeanor.
(Ord. 71 § 5, 1995).

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Chapter 9.30

REFUSE ON RIGHTS-OF-WAY

Sections:

9.30.010 Authority to adopt Pierce County Code.
9.30.020 Adoption of administrative rules.
9.30.030 Adoption of certain other laws.

9.30.010 Authority to adopt Pierce County Code.

Pursuant to RCW 35A.12.140 and 35A.13.180, the city adopts by reference Chapter 12.40 PCC, Refuse on Rights-of-Way, as presently constituted or hereinafter amended, as a regulation of the city. (Ord. 47 § 1, 1995).

9.30.020 Adoption of administrative rules.

There are hereby further adopted by reference any and all implementing and administrative rules and enforcement remedies now in effect regarding refuse on rights-of-way that have been adopted pursuant to Chapters 2.06 and 12.40 PCC except that, unless the context requires otherwise, any reference to the "county" or to "Pierce County" shall refer to the City of University Place, and any reference to County staff shall refer to the city manager or designee. (Ord. 47 § 2, 1995).

9.30.030 Adoption of certain other laws.

To the extent that any provision of the Pierce County Code, or any other law, rule or regulation referenced in the attached chapter is necessary or convenient to establish the validity, enforceability, or interpretation of the refuse on rights-of-way chapter, then such provision of the Pierce County Code and chapter, or other law, rule or regulation, is hereby adopted by reference. (Ord. 47 § 3, 1995).

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Title 10

TRAFFIC*

Chapters:

10.05	County Provisions Adopted
10.10	Speed Limits
10.15	Parking
10.20	Traffic Engineer
10.25	Bicycles
10.30	Weight Limits

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* Code reviser's note: One copy of each statute or portion of statute adopted by reference by this title is authenticated and recorded by the city clerk. Not less than one copy of each statute or portion of each statute is available in the office of the city clerk for use and examination by the public.

Chapter 10.05

COUNTY PROVISIONS ADOPTED

Sections:

10.05.010 Authority to adopt Pierce County Code.
10.05.020 Adoption of administrative rules.
10.05.030 Adoption of certain other laws.

10.05.010 Authority to adopt Pierce County Code.

Pursuant to RCW 35A.12.140 and 35A.13.180, the city adopts by reference Chapters 10.08, 10.16, 10.20 and 10.28 PCC, as presently constituted or hereinafter amended, as regulations of the city.
(Ord. 46 § 1, 1995).

10.05.020 Adoption of administrative rules.

There are hereby further adopted by reference any and all implementing and administrative rules and enforcement remedies now in effect regarding vehicles and traffic that have been adopted pursuant to Chapters 2.06, 10.08, 10.16, 10.20 and 10.28 PCC except that, unless the context requires otherwise, any reference to "county" or to "Pierce County" shall refer to the City of University Place, and any reference to county staff shall refer to the city manager or designee.
(Ord. 46 § 2, 1995).

10.05.030 Adoption of certain other laws.

To the extent that any provision of the Pierce County Code, or any other law, rule or regulation referenced in Chapters 10.08, 10.16, 10.20 and 10.28 PCC is necessary or convenient to establish the validity, enforceability or interpretation of these chapters, then such provision of the Pierce County Code and chapter, or other law, rule or regulation, is hereby adopted by reference.
(Ord. 46 § 3, 1995).

Chapter 10.10

SPEED LIMITS

Sections:

10.10.010 Speed limits.
10.10.020 Penalty.
10.10.030 Enforcement.

10.10.010 Speed limits.

Chapter 10.40 PCC, Speed Limits, and WAC 308-330-423 are hereby adopted by reference to establish motor vehicle speed limits within the city.
(Ord. 55 § 1, 1995).

10.10.020 Penalty.

A violation of the established speed limits shall be an infraction and punished in accordance with WAC 308-330-710.
(Ord. 55 § 2, 1995).

10.10.030 Enforcement.

Officers of the police department, or such officers as are authorized to provide police services to the city, shall enforce the provisions of this chapter.
(Ord. 55 § 6, 1995).

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Chapter 10.15

PARKING

Sections:

10.15.010 Parking restrictions.
10.15.020 Parking violations.
10.15.030 Enforcement.

10.15.010 Parking restrictions.

The city adopts by reference the parking regulations previously enacted for streets within the city by Pierce County and set forth in Chapter 10.24 PCC.
(Ord. 55 § 3, 1995).

10.15.020 Parking violations.

A violation of the parking regulations shall be an infraction and punished in accordance with the bail schedule on file at the Pierce County district court.
(Ord. 55 § 4, 1995).

10.15.030 Enforcement.

Officers of the police department, or such officers as are authorized to provide police services to the city, shall enforce the provisions of this chapter.
(Ord. 55 § 6, 1995).

Chapter 10.20

TRAFFIC ENGINEER

Sections:

10.20.010 City manager authorized to appoint public works director as city traffic engineer.
10.20.020 Street closures.

10.20.010 City manager authorized to appoint public works director as city traffic engineer.

The city manager is hereby authorized to appoint the public works director as the city's traffic engineer with the authority to perform all functions allowed in the Revised Code of Washington and Chapter 308-330 WAC.
(Ord. 104 § 1, 1996).

10.20.020 Street closures.

A. The city shall contract with a qualified engineer to serve as traffic engineer. The traffic engineer shall have the authority granted by WAC 308-330-265 and 308-330-270, including any amendments thereto.

B. The city manager upon the advice of the traffic engineer may close any city street to traffic to protect the public safety.

C. The city manager, upon the advice of the city police chief, or such officer authorized to act in that capacity, may close any city street to traffic for purposes of public events or privately sponsored events such as, but not limited to, street fairs.
(Ord. 55 § 5, 1995).

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Chapter 10.25

BICYCLES

Sections:

10.25.010 Definitions.
10.25.020 Bicycle helmet required.
10.25.030 Bicycle races and events – Helmet required.
10.25.040 Bicycle leasing or loan – Helmet required.
10.25.050 Penalties – Traffic infraction.

10.25.010 Definitions.

As used in this chapter, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

A. "Bicycle" means every device propelled solely by human power upon which a person or persons may ride, having two tandem wheels, either of which is 16 inches or more in diameter, or three wheels, any one of which is more than 20 inches in diameter (RCW 46.04.071). Within this chapter, the term "bicycle" shall include any attached trailers, side cars, and/or other device being towed by a bicycle.

B. "Guardian" means a parent, legal guardian, an adult with custody, or temporary guardian who maintains responsibility, whether voluntary or otherwise, for the safety and welfare of a person under the age of 18 years.

C. "Public area" means public roadways, bicycle paths, parks, or any right-of-way or publicly-owned facility under the jurisdiction of the City of University Place.
(Ord. 108 § 1, 1996).

10.25.020 Bicycle helmet required.

A. Any person bicycling or riding as a bicycle passenger on or in tow of a bicycle upon any public area in the City of University Place shall wear a bicycle helmet and shall have either the neck or chin strap of the helmet fastened securely while the bicycle is in motion.

B. No person shall transport another person on or in tow of a bicycle upon any public area in the jurisdiction of the City of University Place, unless the passenger is wearing a helmet.

C. A parent or guardian is responsible for requiring that a child under the age of 16 years wears a bicycle helmet while bicycling or riding as a passenger on a bicycle in any public area in the City of University Place, and has the neck or chin strap of the helmet fastened securely.
(Ord. 108 § 2, 1996).

10.25.030 Bicycle races and events – Helmet required.

A. Any person managing a bicycle race, an organized event involving bicycling, or a bicycle tour in the public areas of the City of University Place shall require that all participants on or in tow of bicycles wear a bicycle helmet.

B. The person managing any such event shall include the bicycle helmet requirement in any promotional brochures and on registration materials.
(Ord. 108 § 3, 1996).

10.25.040 Bicycle leasing or loan – Helmet required.

A. Any person engaging in the business of renting or loaning (e.g. "a test drive") any bicycle for use in any public place in the City of University Place shall supply the persons leasing or using bicycles with bicycle helmets, along with the bicycles, unless the bicycle riders and passengers possess bicycle helmets of their own for use with the bicycle.

B. The rental papers (contract, agreement, or receipt) must advise the person renting the bicycle of the bicycle helmet requirements of this chapter.
(Ord. 108 § 4, 1996).

10.25.050 Penalties – Traffic infraction.

A. Effective January 1, 1997, any person violating any of the provisions of this chapter shall have committed a traffic infraction and shall be liable for monetary penalties as set forth in Chapter 46.63 RCW, not to exceed $25.00.

B. The court may waive, reduce, or suspend the penalty and clear the notice of violation as a warning for an individual who has not received a notice of violation of this chapter within one year, and provides proof that he or she has acquired a bicycle helmet at the time of appearance in court.

C. Each rental and each event under UPMC 10.25.040 shall be a separate violation.
(Ord. 108 § 5, 1996).

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Chapter 10.30

WEIGHT LIMITS

Sections:

10.30.010 Established.
10.30.020 Exceptions.
10.30.030 Posting of signs.
10.30.040 Enforcement.
10.30.050 Violations.

10.30.010 Established.

All through travel by motor trucks, with or without trailers, having a gross weight in excess of 10,000 pounds, is hereby prohibited on Chambers Creek Road West between Chambers Lane West to 67th Avenue West, with the exceptions set forth in UPMC 10.30.020.
(Ord. 185 § 1, 1998).

10.30.020 Exceptions.

The following vehicles are exempt from the weight limit established by UPMC 10.30.010 on Chambers Creek Road West: school buses, emergency vehicles, or trucks delivering perishable commodities or commodities necessary for the health and welfare of local residents; provided, such vehicles are used for local transport, service or delivery to locations which are accessed from Chambers Creek Road West between Chambers Lane West and 67th Avenue West.
(Ord. 185 § 2, 1998).

10.30.030 Posting of signs.

The department of public works shall post signs at each end of that portion of Chambers Creek Road subject to the weight limit and at other appropriate locations. This chapter shall not become effective until such signs are in place.
(Ord. 185 § 3, 1998).

10.30.040 Enforcement.

Any duly authorized police officer of the City of University Place, having probable cause to believe that a vehicle is violating this chapter, shall have the authority to stop any such vehicle to determine (a) its point of origin and destination, and (b) its weight. The officer has authority to order that a vehicle be driven to a public or private scale to be weighed.
(Ord. 185 § 4, 1998).

10.30.050 Violations.

A violation of this chapter shall be a traffic infraction, punishable by the fines and penalties set forth in RCW 46.44.105 as amended.
(Ord. 185 § 5, 1998).

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Title 11

(Reserved)

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Title 12

UTILITIES

Chapters:

12.05 County Provisions Adopted
12.10 Water Quality Standards
12.15 Storm Drainage and Surface Water Management
12.20 Waste Disposal

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Chapter 12.05

COUNTY PROVISIONS ADOPTED

Sections:

12.05.010 Authority to adopt Pierce County Code.
12.05.020 Adoption of administrative rules.
12.05.030 Adoption of certain other laws.

12.05.010 Authority to adopt Pierce County Code.

Pursuant to RCW 35A.12.140 and 35A.13.180, the city adopts by reference Chapters 13.04, 13.06 and 13.08 PCC, as presently constituted or hereinafter amended, as regulations of the city.
(Ord. 48 § 1, 1995).

12.05.020 Adoption of administrative rules.

There are hereby further adopted by reference any and all implementing and administrative rules, enforcements and remedies now in effect regarding public sanitary sewer systems that have been adopted pursuant to Chapters 2.06, 13.04, 13.06 and 13.08 PCC except that, unless the context requires otherwise, any reference to the "county" or to "Pierce County" shall refer to the City of University Place; any reference to the Pierce County executive shall refer to the city manager, and any reference to county staff shall refer to the city manager or designee.
(Ord. 48 § 2, 1995).

12.05.030 Adoption of certain other laws.

To the extent that any provision of the Pierce County Code, or any other law, rule or regulation referenced in the public sanitary sewer chapters is necessary or convenient to establish the validity, enforceability or interpretation of these, then such provision of the Pierce County Code and chapter, or other law, rule or regulation, is hereby adopted by reference.
(Ord. 48 § 3, 1995).

Chapter 12.10

WATER QUALITY STANDARDS

Sections:

12.10.005 Purpose.
12.10.015 Definitions.
12.10.025 Discharges into City of University Place waters.
12.10.035 Best management practices.
12.10.045 Administration.
12.10.050 Enforcement.
12.10.060 Hazards.
12.10.070 Criminal penalty.
12.10.080 Civil penalties.
12.10.090 Construction – Intent.

12.10.005 Purpose.

The purpose of this chapter is to protect the city's surface and ground water quality by providing minimum requirements for reducing and controlling the discharge of contaminants. The city council recognizes that water quality degradation can result either directly from one discharge or through the collective impact of many small discharges. Therefore, this chapter prohibits the discharge of contaminants into surface and storm water and ground water, and outlines preventive measures to restrict contaminants from entering such waters. These measures include the implementation of best management practices (BMPs) by the residents of the City of University Place.

The city council finds this chapter is necessary to protect the health, safety and welfare of the residents of the City of University Place and the integrity of the city's resources for the benefit of all by: minimizing or eliminating water quality degradation; preserving and enhancing the suitability of waters for recreation, fishing, and other beneficial uses; and preserving and enhancing the aesthetic quality and biotic integrity of the water. The city council recognizes that implementation of this chapter is required under the federal Clean Water Act, 33 U.S.C. 1251 et seq. In meeting the intent of the Clean Water Act, the city council also recognizes the importance of maintaining economic viability while providing necessary environmental protection and believes this chapter helps achieve both goals.
(Ord. 41 § 1, 1995).

12.10.015 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

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A. "AKART" means an acronym for "all known, available, and reasonable methods of prevention, control, and treatment." AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge.

B. "Best management practices" or "BMPs" mean the best available and reasonable physical, structural, managerial, or behavioral activities that, when used singly or in combination, eliminate or reduce the contamination of surface and/or ground waters.

C. "Chapter" means this chapter and any administrative rules and regulations adopted to implement this chapter.

D. "City" means the City of University Place.

E. "Clean Water Act" means 33 U.S.C. 1251 et seq., as amended.

F. "Department" means the City of University Place department of planning.

G. "Director" means the director of the City of University Place department of planning, other department directors specified in enforcement procedures established pursuant to this chapter, or any duly authorized representatives of such directors.

H. "Discharge" means to throw, drain, release, dump, spill, empty, emit, or pour forth any matter to flow, run, or seep from land or be thrown, drained, released, dumped, spilled, emptied, emitted, or poured into water.

I. "Drainage facility" means the system that collects, conveys, and stores surface and storm water conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities and other drainage structures and appurtenances, both natural and artificial.

J. "Ground water" means all waters that exist beneath the land surface or beneath the bed of any stream, lake, or reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

K. "National Pollutant Discharge Elimination System" or "NPDES" means the national program for controlling pollutants from point source discharges directly into waters of the U.S. under the Clean Water Act.

L. "National Pollutant Discharge Elimination System Permit" means an authorization, license, or equivalent control document issued by the Environmental Protection Agency or the Washington State Department of Ecology to implement the requirements of the NPDES program.

M. "Person" means an individual, their agents or assigns, municipality; political subdivision; government agency; partnership; corporation; business; or any other entity.

N. "Source control BMP" means a BMP to prevent contaminants from entering surface and storm water and/or ground water including the modification of processes to eliminate the production or use of contaminants. Source control BMPs can be either structural or nonstructural. Structural source control BMPs involve the construction of a physical structure on-site, or other type of physical modification to a site; for example, building a covered storage area. A nonstructural source control BMP involves the modification or addition of managerial or behavioral practices; for example, using less toxic alternatives to current products or sweeping parking lots.

O. "State Waste Discharge Permit" means an authorization, license, or equivalent control document issued by the Washington State Department of Ecology in accordance with Chapter 173-216 WAC.

P. "Storm Water BMP Manual" or "manual" means the manual and supporting documents as appropriate describing best management practices, design, maintenance, procedures, and guidance which has been approved by the City of University Place city council.

Q. "Surface and storm water" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

R. "Treatment BMP" means a BMP intended to remove contaminants once they are already contained in storm water. Examples of treatment

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BMPs include oil/water separators, biofiltration swales, and wet-settling basins.
(Ord. 41 § 1, 1995).

12.10.025 Discharges into City of University Place waters.

A. Prohibited Discharges.

1. It is unlawful for any person to discharge any contaminants into surface and storm water, ground water or Puget Sound. Contaminants include, but are not limited to, the following:

a. Trash or debris;

b. Construction materials;

c. Petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil;

d. Antifreeze and other automotive products;

e. Metals in either particulate or dissolved form;

f. Flammable or explosive materials;

g. Radioactive material;

h. Batteries;

i. Acids, alkalis, or bases;

j. Paints, stains, resins, lacquers, or varnishes;

k. Degreasers and/or solvents;

l. Drain cleaners;

m. Pesticides, herbicides, or fertilizers;

n. Steam cleaning wastes;

o. Soaps, detergents, or ammonia;

p. Swimming pool backwash (diatomaceous earth);

q. Chlorine, bromine, and other disinfectants;

r. Heated water;

s. Domestic animal wastes;

t. Sewage;

u. Recreational vehicle waste;

v. Animal carcasses;

w. Food wastes;

x. Bark and other fibrous materials;

y. Collected lawn clippings, leaves, or branches;

z. Silt, sediment, or gravel;

aa. Dyes (except as stated in subsection (C)(1) of this section);

bb. Chemicals, not normally found in uncontaminated water;

cc. Any hazardous material or waste, not listed above.

2. Unlawful Connections. Any connection, identified by the director, that could convey anything not composed entirely of surface and storm water directly to surface and storm water or ground water is considered an unlawful connection and is prohibited with the following exceptions: connections conveying allowable discharges, connections conveying discharges pursuant to an NPDES permit (other than a NPDES storm water permit) or a state waste discharge permit, and connections conveying effluent from on-site sewage disposal systems to subsurface soils.

B. Allowable Discharges. The following types of discharges shall not be considered prohibited discharges for the purpose of this chapter unless the director of the department of planning determines that the type of discharge, whether singly or in combination with others, is causing significant contamination of surface and storm water or ground water:

1. Potable water;

2. Potable water line flushing;

3. Uncontaminated water from crawl space pumps or footing drains;

4. Lawn watering;

5. Residential car and boat washing;

6. Dechlorinated swimming pool water;

7. Materials placed as part of an approved habitat restoration or bank stabilization project;

8. Natural uncontaminated surface water or ground water;

9. Flows from riparian habitats and wetlands;

10. The following discharges from boats: engine exhaust, cooling waters, effluent from sinks, showers and laundry facilities and treated sewage from Type I and Type II marine sanitation devices; and

11. Other types of discharges as determined by the director of the department of planning.

C. Exceptions.

1. Dye testing is allowable but requires verbal notification to the department of community development at least one day prior to the date of test; provided, however, the Pierce County health department is exempt from this requirement.

2. If a person has properly designed, constructed, implemented and is maintaining BMPs, and is carrying out AKART as required by this chapter and in the storm water BMP manual, and contaminants continue to enter surface and storm water or ground water, or the person can demonstrate that there is no additional contaminants being discharged from the site above the background conditions of the water entering the site; that person shall not be in violation of subsection (A) of this section. Such person however, is still liable for prohibited discharges through unlawful

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connections, dumping, spills, improper maintenance of BMPs, or other discharges that allow contaminants to enter surface and storm water or ground water.

3. Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with the chapter, to avoid an imminent threat to public health or safety, shall be exempt from this section. The director of the department of planning may specify actions that qualify for this exception in city procedures. The person responsible for emergency response activities should take steps to ensure that the discharges resulting from such activities are minimized to the greatest extent possible. In addition, this person shall evaluate BMPs and the site plan, where applicable, to restrict recurrence.

(Ord. 41 § 1, 1995).

12.10.035 Best management practices.

A. Best Management Practices.

1. The city council understands that the Pierce County surface water management division is developing a storm water best management practices manual. The manual shall present BMPs and procedures for existing facilities and activities and for new development activities not covered by the city's surface water design manual. The manual shall describe the types of regulated activities; the types of contaminants generated by each activity, and the contaminant's effect on water quality; the required source control BMPs and available treatment BMPs; and a schedule for BMP implementation.

2. Once the manual is completed, the city council will review and may adopt the manual as the city's BMP manual. If adopted, the director will be charged with the implementation of the manual.

3. In applying the BMP manual, the director shall first require the implementation of source control BMPs. If these are not sufficient to prevent contaminants from entering surface and storm water or ground water, the director may require implementation of treatment BMPs, utilizing AKART. The city will provide available technical assistance, materials and information on outside financial assistance options to persons required to comply with this chapter.

B. Exemptions.

1. Persons implementing BMPs through another federal, state or local program will not be required to implement the BMPs prescribed in the city's manual, unless the director determines the alternative BMPs to be ineffective at reducing the discharge or contaminants. If the other program requires the development of a plan, the person shall make their plan available to the city upon request. Persons who qualify for exemptions include, but are not limited to, persons who are:

a. Required to obtain a general or individual NPDES permit for storm water discharges from the Washington State Department of Ecology;

b. Implementing and maintaining, as scheduled, a Pierce County conservation district-approved farm management plan;

c. Permitted under a Washington State Department of Ecology NPDES general or individual permit for commercial dairy operations;

d. Implementing BMPs in compliance with the city's zoning ordinance – development standards: animals, home occupation, home industry;

e. Implementing BMPs in compliance with the management program of the county's municipal NPDES permit;

f. Engaged in forest practices, with the exception of Class IV, and Class IVA special general forest practices. This section will apply to Class IV general forest practices occurring on lands platted after January 1, 1960, or on lands being converted to another use, or where the activity is taking place in areas designated by the Washington State Department of Natural Resources as "lands with a likelihood of future conversion"; or regulatory authority is otherwise provided to local government by RCW 76.09.240; or

g. Identified by the director of the department of planning as being exempt from this section.

2. Persons conducting normal single-family residential activities will not be required to implement the BMPs prescribed in the city's manual, unless the director determines that these activities pose a hazard to public health, safety, or welfare, endanger any property, or adversely affect the safety and operation of city right-of-way, utilities, and/or other property owned or maintained by the city. The city council intends to consider the application of BMPs to single-family residential activities after completion of the storm water BMP manual.

(Ord. 41 § 1, 1995).

12.10.045 Administration.

The director is authorized to promulgate and adopt administrative rules and regulations for the

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purpose of implementing and enforcing the provisions of this chapter. The director will coordinate the implementation and enforcement of this chapter with relevant departments of Pierce County government as well as neighboring cities.
(Ord. 41 § 1, 1995).

12.10.050 Enforcement.

A. The director is authorized to carry out enforcement actions pursuant to the enforcement and penalty provisions of Chapter 1.20 UPMC. The director is authorized to enforce against prohibited discharges resulting from unlawful connections and intentional acts, such as dumping, immediately upon the effective date of the ordinance codified in this chapter. The director will be authorized to enforce against all other prohibited discharges upon the effective date of the storm water BMP manual.

B. The director shall gain compliance with this chapter by requiring the implementation of BMPs and, when necessary, AKART. The director shall initially rely on education and informational assistance as much as possible to gain compliance with this chapter, unless the director determines a violation is a result of a flagrant act that should be addressed through immediate penalties or poses a hazard as defined in UPMC 12.10.060.

C. The director shall develop and implement additional enforcement procedures. These procedures shall indicate how the city will investigate and respond to reports or instances of noncompliance with this chapter and shall identify by title the official(s) responsible for implementing the enforcement procedures.

D. The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

1. The director may observe best management practices or examine or sample surface and storm water or ground water as often as may be necessary to determine compliance with this chapter. Whenever an inspection of a property is made, the findings shall be recorded and a copy of the inspection report shall be furnished to the owner or the person in charge of the property after the conclusion of the investigation and completion of the inspection report.

2. When the director has reason to believe that any person is violating this chapter, the director may require the violator to sample and analyze any discharge, surface and storm water, ground water, and/or sediment, in accordance with sampling and analytical procedures or requirements determined by the director. If the violator is required to complete this sampling and analysis, a copy of the analysis shall be provided to the department of community development.

E. In addition to any other penalty or method of enforcement, the prosecuting attorney may bring actions for injunctive or other relief to enforce this chapter.
(Ord. 41 § 1, 1995).

12.10.060 Hazards.

Whenever the director determines that any violation of this chapter poses a hazard to public health, safety, or welfare, endangers any property, or adversely affects the safety and operation of city right-of-way, utilities, and/or other property owned or maintained by the county or city, the person holding title to the subject property, and/or other person or agent in control of said property, upon receipt of notice in writing from the director shall within the period specified therein address the cause of the hazardous situation in conformance with the requirements of this chapter.

Notwithstanding any other provisions of this chapter, whenever it appears to the director that conditions covered by this chapter exist requiring immediate action to protect the public health and/or safety, the director is authorized to enter at all times in or upon any such property, public or private, for the purpose of inspecting and investigating such emergency conditions. The director may without prior notice order the immediate discontinuance of any activity leading to the emergency condition. Failure to comply with such order shall constitute a misdemeanor as specified in Chapter 1.20 UPMC.
(Ord. 41 § 1, 1995).

12.10.070 Criminal penalty.

Any willful violation of an order issued pursuant to UPMC 12.10.050 or 12.10.060 for which a criminal penalty is not prescribed by state law is a misdemeanor.
(Ord. 41 § 1, 1995).

12.10.080 Civil penalties.

The enforcement provisions for water quality are intended to encourage compliance with this chapter. To achieve this, violators will be required to take corrective action and comply with the requirements of this chapter, and may be required to pay a civil penalty for the redress of ecological,

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recreational, and economic values lost or damaged due to the unlawful action.

A. The provisions in this section are in addition to and not in lieu of any other penalty, sanction or right of action provided by law.

B. Any person in violation of this chapter shall be subject to civil penalties assessed as follows:

1. An amount reasonable determined by the director to be equivalent to the economic benefit the violator derives from the violation as measured by the great of the resulting increase in market value of the property or business value received by the violator, or savings of construction or retrofitting costs realized by the violator performing any act in violation of this chapter; and

2. An amount, not to exceed $25,000, that is reasonable based upon the nature and gravity of the violation and the cost to the city of enforcing this chapter against the violator.

C. Any person who, through an act of commission or omission, aids or abets in a violation shall be considered to have committed the violation for the purposes of the civil penalty.

D. Each violator is jointly and severally liable for a violation of this chapter. The director may take enforcement action, in whole or in part, against any violator. The decisions whether to take enforcement action, what type of action to take, and which person to take action against, are all entirely within the director's discretion. Factors to be used in taking such enforcement actions shall be:

1. Awareness of the violation;

2. Ability to correct the violation;

3. Cooperation with government agencies;

4. Degree of impact or potential threat to water or sediment quality, human health, or the environment.

In the event more than one person is determined to have violated the provisions of this chapter, all applicable civil penalties may be imposed against each person, and recoverable damages, costs, and expenses may be allocated among the persons on any equitable basis. Factors that may be considered in determining an equitable allocation include:

1. Awareness of the violation;

2. Ability to correct the violation;

3. Ability to pay damages, costs and expenses;

4. Cooperation with government agencies;

5. Degree of impact or potential threat to water or sediment quality, human health, or the environment.

E. Penalties may be reduced based upon one or more of the other following mitigating factors:

1. The person responded to city attempts to contact the person and cooperated with efforts to correct the violation;

2. The person showed due diligence and/or substantial progress in correcting the violation; or

3. An unknown person was the primary cause of the violation.

Payment of a monetary penalty pursuant to this chapter does not relieve the person of the duty to correct the violation.

F. All civil penalties recovered during the enforcement of this chapter shall be deposited into the surface water management fund and shall be used for the protection of surface and storm water or ground water as set forth in this chapter, through education or enhanced implementation.
(Ord. 41 § 1, 1995).

12.10.090 Construction – Intent.

This chapter is enacted as an exercise of the city's power to protect and preserve the public health, safety and welfare. Its provision shall be exempted from the rule of strict construction and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. This chapter is not enacted to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

The primary obligation of compliance with this chapter is placed upon the person holding title to the property. Nothing contained in this chapter is intended to be or shall be construed to create or form a basis for liability for the city, the department, its officers, employees or agents for any injury or damage resulting from the failure of the person holding title to the property to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter by the city, department, its officers, employees or agents.
(Ord. 41 § 1, 1995).

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Chapter 12.15

STORM DRAINAGE AND SURFACE WATER MANAGEMENT

Sections:

12.15.010 Utility established.
12.15.020 Powers and authority.
12.15.030 Assumption of responsibility.
12.15.040 Interlocal agreement.
12.15.050 Collection of fees.
12.15.060 Presentation to city council.

12.15.010 Utility established.

The City of University Place hereby establishes a storm drainage and surface water management utility to provide for the future operation and control of storm drainage and surface water management within the city and hereby exercises jurisdiction and control thereof.
(Ord. 57 § 1, 1995).

12.15.020 Powers and authority.

The City of University Place hereby elects to exercise all lawful powers and authority for the construction, acquisition, and condemnation of property rights, maintenance, management, operations and regulation of storm drainage and surface water runoff systems including, without limitation, all lawful powers to fix, alter, regulate, and control the charges and conditions of the use thereof.
(Ord. 57 § 3, 1995).

12.15.030 Assumption of responsibility.

The city does not assume responsibility or control over past actions for loss or damages which have occurred and which may occur as a result of the operation of the existing storm drainage and surface water management system by the city of Tacoma and Pierce County and disclaims any responsibility therefor.
(Ord. 57 § 4, 1995).

12.15.040 Interlocal agreement.

The city manager is hereby directed and authorized to develop an interlocal agreement with Pierce County and the city of Tacoma for the transfer of all assets pertaining to said storm water utility now lying with the City of University Place or those which are necessarily part of the system, or alternatively, to develop an interlocal agreement for the mutual operation and support of the storm drainage and surface water management utility by the City of University Place and Pierce County lying within the drainage basins.
(Ord. 57 § 5, 1995).

12.15.050 Collection of fees.

The city manager is hereby directed and authorized to collect the storm drainage and surface water management fees imposed hereunder in an orderly manner, by an agreement with Pierce County or the Pierce County assessor.
(Ord. 57 § 6, 1995).

12.15.060 Presentation to city council.

The city manager is hereby directed to present to the city council for their final approval the agreements for the continued operation of the storm drainage and surface water management utility within the City of University Place and for the collection of the fees thereof.
(Ord. 57 § 7, 1995).

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Chapter 12.20

WASTE DISPOSAL

Sections:

12.20.010 Purpose.
12.20.020 Definitions.
12.20.030 Collection.
12.20.040 Solid waste containers and surrounding premises.
12.20.050 Limitations on refuse collection services.
12.20.060 Recycling.
12.20.070 Yard waste.
12.20.080 Materials requiring special disposal, handling, equipment, or other precautions.
12.20.090 Unlawful burial, burning, dumping or disposal on land or water.
12.20.100 Presumption of responsibility for unlawful disposal or dumping.
12.20.110 Civil penalties.
12.20.120 Criminal penalties.

12.20.010 Purpose.

The maintenance of public health and sanitation require an orderly system for the removal and disposal of solid waste collected within the City of University Place.
(Ord. 128 § 1, 1996).

12.20.020 Definitions.

A. Can or Unit.

1. Can. A can made of durable, corrosion-resistant, nonabsorbent material, watertight, with a close fitting cover and two handles. Can size shall exceed 20 gallons but not 32 gallons or four cubic feet. A can shall not weigh more than 65 pounds when filled or more than 12 pounds when empty.

2. Other Units. A customer may occasionally place extra solid waste into a box, carton, or trash bag, as long as the extra box, carton, or bag does not exceed 32 gallons in capacity nor weigh more than 45 pounds. Such extra box, carton, or trash bag shall be tagged for pickup using special tags supplied by the hauler.

B. "Yard waste cart or toter" means a large (90-gallon) moveable container with a hinge-type lid with a tight fit and a thick-skinned, one-piece balanced weight body which sits on wheels. If a customer supplies the cart, it must be compatible with the hauler's equipment.

C. "Container" means a detachable container which is left at a customer's premises and emptied into the collector's truck and is lifted by mechanical means.

D. "Drop box" means a container which is placed on a collector's truck by mechanical means, hauled to a disposal site, emptied and then returned to a customer's premises.

E. "Hazardous or dangerous wastes" means any solid waste designated as dangerous or hazardous waste by the State Department of Ecology under Chapters 70.105 and 70.105A RCW.

F. "Hauler" means a refuse collection company possessing an unrevoked registration certificate issued by the Pierce County health officer or his/her duly authorized representative pursuant to Chapter 8.32 PCC, and under a franchise agreement for such collection with the City of University Place.

G. "Infectious wastes" means any biohazardous or biomedical wastes as defined in WAC 480-70-150.

H. "Loose material" means material not set out in bags or containers. Also includes materials which must be shoveled.

I. "Micro-can" means a can made of durable, corrosion-resistant, nonabsorbent material, and equipped with a watertight, close fitting cover. A micro-can shall not exceed 10 gallons, one-and-one-quarter cubic feet, 20 pounds (including contents), nor weigh more than 10 pounds when empty.

J. "Mini-can" means a can made of durable, corrosion-resistant, nonabsorbent material and equipped with a watertight, close fitting cover. A mini-can shall not exceed 20 gallons, two-and-one-half cubic feet, 40 pounds (including contents), nor weigh more than 10 pounds when empty.

K. "Recycling bin or container" means a bin or container specifically designed or designated for the collection of recyclables and provided by the hauler.

L. "Solid waste" means as defined under RCW 70.95.030(20), including sewage sludge. Solid waste shall not include septage from septic tanks,

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hazardous or dangerous wastes, or problem wastes as defined in Chapters 173-303 and 173-304 WAC, and Chapters 70.105 and 70.105A RCW.

M. "Uncompacted material" means material which has not been compressed by any mechanical device either before or after it is placed in the receptacle provided by the hauler.

N. "WUTC" shall mean the Washington Utilities and Transportation Commission.

O. "Yard waste" consists of leaves, brush, tree trimmings, grass clippings, weeds, shrubs, garden waste from vegetable gardens, and other organic materials resulting from landscape pruning and maintenance as generated from residences. Branches or roots must be smaller than four inches in diameter, and branches and brush must be of a size to fit within the closed toter. Yard waste does not include stumps, demolition materials, wood, rocks, glass, plastics, metal, concrete, sheetrock, asphalt, or any other nonorganic land clearing or demolition debris, meat, fish, bones, or fatty foods such as dairy products or cooking oil, or large amounts of dirt.

P. "Yard waste bin or container" means a bin or container specifically designed or designated for the collection of yard waste and provided by the hauler.
(Ord. 128 § 2, 1996).

12.20.030 Collection.

A. Authorized Haulers. Solid waste collection shall be made by refuse collection companies possessing a valid health certificate from Pierce County and operating pursuant to a franchise agreement with the City of University Place.

B. Unlawful to Haul Without Franchise or Permit. It shall be unlawful for any person, other than those under franchise or contract to the city, to collect solid waste within the City of University Place for profit.

C. Compliance with Road or Street Weight Limits. An authorized hauler shall comply with city's general vehicle weight load limits and with any lower weight limits that may be posted on a particular road, street, or bridge.
(Ord. 128 § 3, 1996).

12.20.040 Solid waste containers and surrounding premises.

A. Responsibility for Sanitary Condition. The owner and/or occupant of any premises shall be responsible for the safe and sanitary storage of all solid wastes accumulated at those premises until they are removed to a disposal site or interim solid waste handling site.

B. Requirements for Covers and Replacement of Damaged Containers. All refuse cans and detachable containers shall be kept tightly covered and in good condition for solid waste storage and handling, and refuse cans and detachable containers which leak or have jagged edges or holes shall not be used.

C. Hauler-Provided Containers. Customers shall not damage, destroy, or remove any recycling, yard waste, or other containers that may be provided by the hauler. Any damage, including markings such as graffiti, shall be regarded as an unlawful injury to property punishable under this chapter and other applicable University Place city laws.

D. Odors. Residential and commercial refuse customers shall subscribe to a level of service that provides for a frequency of collection sufficient so that objectionable odors shall not be emitted from the containers.

E. Screens or Enclosures Around Solid Waste Containers.

1. New Commercial or Multifamily Buildings. It shall be the duty of the owner, or the occupant as the owner's agent, to establish and at all times maintain on the premises a screened or enclosed storage site for refuse cans and/or containers. The city's refuse hauler shall, upon request and without charge, make available to the owner or occupant technical engineering and planning assistance for the design and planning of refuse container storage areas. Consultation with the refuse hauler is encouraged, as failure to build a suitable screen or enclosure could disrupt service until the building owner makes corrections at his or her expense.

2. Existing Commercial or Multifamily Buildings Wishing to Build Screens or Enclosures. The requirement to have a screen or enclosure shall not be imposed retroactively on existing buildings. Nonetheless, the owner or manager of any commercial or multifamily building who wishes to build an enclosure or screen should consult with the

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refuse hauler to ensure that an enclosure or screen is built to acceptable standards. Failure to build a suitable screen or enclosure may result in the disruption of service until the building owner makes corrections at his or her expense.
(Ord. 128 § 4, 1996).

12.20.050 Limitations on refuse collection services.

A. Refusal of Service. An authorized hauler may refuse to provide service if:

1. Street, Road or Driveway Conditions. The hauler believes the condition of a private street, private road, or private driveway makes it impractical or dangerous to persons or property to operate refuse vehicles. For example, inadequate turnaround space may make it impractical for a refuse truck to enter a driveway.

2. Vicious Animal. Hauler may refuse to enter private property to pickup solid waste while an animal considered or feared to be vicious is loose. The customer is required to confine the animal on pickup days.

3. Placement of Refuse Containers or Cans. Hauler may refuse to collect cans from curbside customers which are located more than five feet away from the curb or edge of the roadway.

4. Leaking or Damaged Containers or Cans. Hauler may refuse to collect solid waste from leaking or damaged containers.

5. Improperly Constructed Screen or Enclosure Around Container(s). If a screen or enclosure is built around a solid waste container(s) in such a way as to hamper access or to make access unsafe, then the hauler may refuse service until corrections are made.

6. Excessive Weight. The hauler reserves the right to refuse pickup if the following weights are exceeded:

a. Residential Units.

10-gallon container (micro-can)	20 pounds
20-gallon container	40 pounds
32-gallon container	65 pounds

b. Commercial or Multifamily Yard Containers.

90-gallon yard waste containers	200 pounds
Rear load commercial containers	250 pounds per yard

c. Packer or Drop Boxes. Hauler reserves the right to reject pickup of any stationary packer or drop box which, upon reasonable inspection:

i. Appears to be overloaded; and/or

ii. Would cause applicable vehicle load limitations to be exceeded; or

iii. If transported by the collector, would violate load limitation on vehicle operation; or

iv. Negatively impacts or otherwise damages road surface integrity.

7. Notification. If the hauler refuses to collect solid waste for any of the above reasons, the hauler shall leave a note on the solid waste container explaining the reason why the solid waste was not collected. If conditions such as a vicious animal make it impractical to leave a note on the container itself, then the hauler will be required to send a letter within three business days explaining why the hauler was unable to provide service.

B. Missed or Skipped Days of Service.

1. Weather or Poor Road Conditions. A hauler may fail to pickup refuse on a designated day if weather or poor road conditions makes it unsafe to provide service. As long as the uncollected solid waste is collected on the next regularly scheduled service date, no credit will be given to a customer's account. Such uncollected solid waste placed at curb side by customer on the next regularly scheduled service date will be collected by hauler at no additional charge to customer.

2. Holidays. When pickup is missed due to the hauler's observance of a holiday, hauler will provide service on an alternate day at no additional cost to the customer.

C. Litter or Debris Around Solid Waste Containers. Hauler is not responsible for cleaning litter, debris, or other solid waste scattered around solid waste cans or containers. Hauler is solely responsible for the collection and disposal of solid wastes located within proper containers.

D. Hauler Not Responsible for Articles Left Near Cans. Other than to offer reasonable care, the hauler assumes no responsibility for articles left on or near refuse cans or containers.

E. Damages Outside the Control of the Hauler. Where a hauler is requested to provide service, and damage occurs to a customer's driveway due to reasons not in the control of the hauler, the hauler will assume no responsibility.
(Ord. 128 § 5, 1996).

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12.20.060 Recycling.

A. Residential Recycling. Residential can customers who sign up for recycling service will receive three stacking bins for newspaper, mixed paper, glass, tin, and aluminum cans to be placed at the curb on a scheduled two-week cycle. The day of the week assigned for recycling pickup shall be the same week day assigned for solid waste pickup. In other words, if a hauler picks up a customer's solid waste on Tuesday, then recycling pickup shall also occur on Tuesdays.

B. Multifamily Recycling. Recycling service is a mandatory service for residents living in "multiple-family dwellings" whose owners or managers have elected to sign up for recycling service. An appropriate size and number of outdoor collection sites and/or recycling bins will be provided by the company for each multiple-family dwelling. Materials to be collected are: newspaper, mixed paper, cardboard, glass, tin and aluminum cans.

C. Recycling as a Means for Minimizing City's Waste Stream. Whereas the city supports recycling as a means for minimizing the city's waste stream, the city's policy is to create financial incentives for recycling through the structuring of rates.

D. Anti-Scavenging of Recyclables. Once residential recyclable materials and residential yard waste materials have been set out on the curbside or at other locations as authorized by the city, ownership of those recyclable and yard waste materials passes to the refuse hauler. It shall be unlawful for any person other than the hauler to remove or collect any such recyclable materials or yard waste materials once they are set out on the curb side or other approved location. However, any occupant may donate recyclable and yard waste materials to any noncommercial entity or may provide or deliver to such entities recyclable or yard waste materials delivered to a location where it is legal to accept such materials. Such donations shall not be placed curbside in hauler-provided recycling bins.
(Ord. 128 § 6, 1996).

12.20.070 Yard waste.

A. Yard Waste Collection. Haulers will collect yard waste from yard waste customers on a scheduled two-week cycle. The day of the week assigned for yard waste pickup shall be the same week day assigned for solid waste pickup. In other words, if a hauler picks up a customer's solid waste on Thursday, then recycling pickup shall also occur on Thursdays.

B. Yard Waste Mixed with Other Wastes Will Not Be Collected As Yard Waste. Hauler will not collect yard waste, if the yard waste is mixed with other materials. Hauler will leave a note on the container explaining why it could not be collected. If customer is unable to separate out yard waste, then customer may place the mixed yard waste into a regular refuse can. Hauler will bill the pickup of mixed yard waste from a refuse can at regular can rates.

C. Yard Waste Container. Hauler will provide a 90-gallon container to each yard waste customer. (Ord. 128 § 7, 1996).

12.20.080 Materials requiring special disposal, handling, equipment, or other precautions.

A. Conformance to Local, State, and Federal Requirements. All waste which is generated and/or placed for collection and collected within the city for disposal shall be in compliance with the Resource Conservation Recovery Act as amended (42 U.S.C. 6901, et seq.), Chapter 70.95 RCW, Pierce County board of health rules and regulations, the requirements of this chapter, and all other applicable federal, state, and local environmental health laws, rules, or regulations.

B. Hot Ashes or Other Hot Materials, Dirt, Sand, Rocks, Gasoline, Solvents, Oil, Paint or Dangerous or Hazardous Wastes. No hot ashes or other hot materials, dirt, sand, rocks, gasoline, solvents, oil, paint, or dangerous or hazardous wastes shall be placed in any refuse can or container for collection or removal.

As used in this section, "dangerous or hazardous waste" means any solid waste designated as dangerous or hazardous waste by the State Department of Ecology under Chapters 70.105 and 70.105A RCW. Hauler is not responsible for collecting or disposing of any hazardous or dangerous wastes. The generator of hazardous or dangerous wastes is responsible for disposing of such wastes in compliance with Washington Department of Ecology rules and regulations.

C. Infectious Wastes. Customers must make special arrangements for the collection of infectious wastes. Such arrangements shall not interfere with the city's franchise obligations. It is

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unlawful to deposit infectious wastes into regular refuse containers.

D. Testing. When a hauler or disposal facility determines that testing and/or analysis of any solid waste is required to determine whether hazardous, prohibited, or other dangerous wastes are present, the actual costs for such testing and/or analysis will be paid by the customer.

E. Special Materials May Be Subject to Higher Rates. Hauler shall not collect any hazardous or dangerous wastes with the exception of infectious wastes. Hauler may collect infectious wastes, if special arrangements are made for such collection.

Hauler may collect other nonhazardous, special materials, but such materials may be subject to time charges or other special fees. Examples of special materials include loose and/or bulky materials, demolition materials, car or truck tires, and appliances. A complete list of special materials subject to extra charges or fees is available at both City Hall and the offices of authorized refuse haulers, and may be amended from time-to-time upon approval by the city manager or designee.

F. Dead Animals Weighing More Than Three Pounds. It shall be the duty of every person in possession, charge, or control of any dead animal or upon whose premises the same may be located to forthwith cause the dead animal to be removed and properly disposed of by the Humane Society or a licensed veterinarian and to pay the required disposal fee.

G. Loose Materials. Customers shall separately bag loose materials such as shavings, confetti or styro packing before placing into a refuse container.
(Ord. 128 § 8, 1996).

12.20.090 Unlawful burial, burning, dumping or disposal on land or water.

A. Burning of Yard Waste or Solid Waste. Burning of yard wastes or solid wastes is prohibited within the city per RCW 70.94.743 and 70.94.775.

B. Burial of Solid Wastes. It shall be unlawful to bury solid waste on any land, regardless of ownership, within the city. This provision does not, however, prohibit a person from composting yard wastes on his or her property.

C. Disposal into Water. It is unlawful for any person to dump, throw or otherwise deposit any type of waste into the waters of the city.

D. Disposal into a Container Owned by Another Person. It shall be unlawful to dispose of refuse or other solid waste by placing such waste into a collection container which another person owns or pays for the use of without that person's express consent.

E. Disposal Only into Approved Containers – No Dumping. It shall be unlawful to deposit, throw, or place any refuse or other solid waste in any land, alley, street or other public place, or to deposit, throw or place any refuse or other solid waste on any private property, regardless of ownership, unless the refuse or other solid waste is placed in a solid waste cans, containers, or toters, the covers of which shall not be removed except when necessary for the depositing or removing of waste.
(Ord. 128 § 9, 1996).

12.20.100 Presumption of responsibility for unlawful disposal or dumping.

A person is presumed to be responsible for illegally depositing litter or debris upon a property or public right-of-way by the discovery of two or more pieces of litter within such illegally deposited litter which are identifiable to such person by means of a name, address or other mark of identification contained on such items.
(Ord. 128 § 10, 1996).

12.20.110 Civil penalties.

A person who violates any provision of this chapter is punishable by a fine up to $1,000 for each day that a violation occurs. In any court or administrative hearing to determine whether a violation has occurred, the city shall have the burden of proving by a preponderance of the evidence that a violation occurred. The city may, at its discretion, give a person up to 72 hours to correct a violation before imposing any fines.
(Ord. 128 § 11, 1996).

12.20.120 Criminal penalties.

A person who willfully violates any provision of this chapter shall be guilty of a misdemeanor. Upon conviction, an offender shall be punished by imprisonment for a period up to 90 days, by a fine of up to $1,000, or both by such fine and imprisonment. In addition, a defendant may be assessed

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court costs, jury fees and such other fees or costs as may be authorized in statute or court rules. (Ord. 128 § 12, 1996).

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Title 13

PUBLIC WORKS AND ENGINEERING

Chapters:

Division I. General

13.05 Street and Alley Vacation Procedures

Division II. Public Works Standards

13.10 General Public Works Considerations
13.15 Transportation
13.20 Storm Drainage
13.25 Earthworks

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Division I. General

Chapter 13.05

STREET AND ALLEY VACATION PROCEDURES

Sections:

13.05.010 Definitions.
13.05.020 Statement of purpose.
13.05.030 Initiation of vacation.
13.05.040 Petition for vacation.
13.05.050 Petition fees.
13.05.060 Survey, vicinity map, plat map and legal description.
13.05.070 Setting of hearing.
13.05.080 Staff report.
13.05.090 Notice of hearing.
13.05.100 Protest.
13.05.110 Hearing and committee report.
13.05.120 City council decision.
13.05.130 Limitation on vacations of streets abutting bodies of water.
13.05.140 Vacation by ordinance.
13.05.150 Compensation for vacation.
13.05.160 Appraisals.
13.05.170 Payment of compensation of conveyance.
13.05.180 Recording of ordinance.

13.05.010 Definitions.

A street or alley "vacation" means that the public is letting go of, or "vacating", the public interest in a property. After a street or an alley is vacated, the public no longer has a right to use the property for access.
(Ord. 66 § 1, 1995).

13.05.020 Statement of purpose.

The purpose of this chapter is to establish procedures, notice requirements and fees for the vacation of streets and alleys within the city. This chapter is intended to implement the authority granted to the city by Chapter 35.79 RCW and RCW 35A.47.020 and to conform to their provisions. In case of conflict between this chapter and those statutes, the statutory provisions shall be controlling.
(Ord. 66 § 2, 1995).

13.05.030 Initiation of vacation.

The owners of an interest in any real property abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the city council. In the alternative, the city council may itself initiate a vacation by resolution. The petition or resolution shall be filed with the city clerk.
(Ord. 66 § 3, 1995).

13.05.040 Petition for vacation.

The petition shall be in a form prescribed by the director of community development and shall contain a name, address and telephone number of a representative for the petitioners. The petition shall also discuss the criteria set forth in UPMC 13.05.110. The sufficiency of the petition shall be governed by RCW 35A.01.040.
(Ord. 66 § 4, 1995).

13.05.050 Petition fees.

Every petition for the vacation of any street or alley, or any part thereof, shall be accompanied by a fee in an amount established by resolution of the city to defray the administrative costs incurred in processing the petition and publishing, posting and mailing notices, plus any consulting costs incurred by the city during the review process. The fee shall not be refunded under any circumstances.
(Ord. 66 § 5, 1995).

13.05.060 Survey, vicinity map, plat map and legal description.

A. Every petition shall be accompanied by:

1. A survey;

2. A vicinity map showing the general area of the proposed vacation;

3. A plat map prepared and sealed by a professional land surveyor, registered in the state of Washington, indicating the specific parcels abutting the proposed street or alley to be vacated; and

4. An exact legal description of the portion of road to be vacated prepared and sealed by a professional land surveyor, registered in the state of Washington.

B. Flagging which indicates the boundaries of the street or alley shall be installed when the survey is conducted.
(Ord. 66 § 6, 1995).

13.05.070 Setting of hearing.

Upon receipt of the petition, the fee and all required documents, the city clerk shall forward the petition and required documents to the director of community development, or the director's designee, who shall determine whether the petition

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has been signed by the owners of more than two-thirds of the property abutting the part of the street or alley to be vacated. If the petition has been signed by the required percentage of such owners, the director, or the director's designee, shall bring the petition before the city council within 30 days of receipt of the petition, and the city council shall, by resolution, fix a time when the petition will be heard and determined by the city council, or committee of the city council, which time shall be not more than 60 days nor less than 20 days after the date of adoption of the resolution. Where the city council initiates the vacation by resolution, that resolution shall fix a time when the proposed vacation will be heard by the city council or a committee of the city council.
(Ord. 66 § 7, 1995).

13.05.080 Staff report.

The community development department shall prepare a report concerning the proposed vacation, which report shall address the criteria (see UPMC 13.05.120) to be considered by the city council in determining whether to vacate the street or alley, and such other information as deemed appropriate by the department. In preparing the report, the department shall solicit comments from the police, fire and public works departments and may solicit comments from other governmental agencies and utility companies having jurisdiction or utilities within the boundaries of the city. The report shall be submitted to the city council, or the city council committee hearing the matter, and to the representative of the petitioners, not less than five days before the hearing.
(Ord. 66 § 8, 1995).

13.05.090 Notice of hearing.

Upon the passage of the resolution fixing the time for hearing the petition or proposal for vacation, the city clerk shall give not less than 20 days' notice to the time, place and purpose of the hearing by:

A. Publishing written notice once in the city's official newspaper;

B. Posting a placard in a conspicuous place at each end of the street or alley sought to be vacated; and

C. Mailing written notice to all petitioners at the address on the petition and all owners of property abutting the street or alley proposed to be vacated, as shown on the records of the Pierce County assessor. In addition, notice shall be given to the owners of property which lie within 300 feet beyond the street or alley to be vacated, measuring in both directions from the area to be vacated. The community development department shall send the same written notice to the representative of the petitioners at the address on the petition. The placards shall be highly visible and at least 11 by 14 inches in size, and shall include a map showing the location of the street or alley proposed to be vacated.
(Ord. 66 § 9, 1995).

13.05.100 Protest.

If 50 percent or more of the owners of the abutting property file written objections to a city council-initiated vacation with the city clerk, prior to the time of the hearing, the city shall be prohibited from proceeding with the vacation.
(Ord. 66 § 10, 1995).

13.05.110 Hearing and committee report.

The hearing on the petition proposal shall be held before the city council, or a committee of the city council, upon the day fixed by resolution or at the time to which a hearing may be adjourned. Following the hearing, the committee shall report its recommendation on the petition or proposal to the city council, which may adopt or reject the recommendation. If a hearing is held before a committee, it shall not be necessary to hold a hearing before the city council.
(Ord. 66 § 11, 1995).

13.05.120 City council decision.

Following the hearing and receipt of committee report, if applicable, the city council shall determine whether to vacate the street or alley. The determination shall include, but not be limited to, consideration of the following criteria:

A. Whether a change of use or vacation of the street or alley will better serve the public good;

B. Whether the street or alley is no longer required for public use or public access;

C. Whether the substitution of a new and different public way would be more useful to the public;

D. Whether conditions may so change in the future as to provide a greater use or need than presently exists; and

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E. Whether objections to the proposed vacation are made by owners of private property (exclusive of petitioners) abutting the street or alley or other governmental agencies or members of the general public.
(Ord. 66 § 12, 1995).

13.05.130 Limitation on vacations of streets abutting bodies of water.

A. If the street or alley to be vacated, or any portion of the street or alley to be vacated, abuts a body of fresh or salt water, the city shall not vacate such street or alley unless the following additional criteria and the requirements are met:

1. The vacation is sought to enable the city to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses;

2. The city, by resolution, declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: port, beach or water access, boat moorage, launching sites, park, public view, recreation, or education; or

3. The vacation is sought to enable the city to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the streets or alleys sought to be vacated abut had the properties included in the plan not been vacated.

B. Before adopting a resolution vacating a street or alley under subsection (A)(2) above, the city shall:

1. Compile an inventory of all rights-of-way within the city that abut the same body of water that is abutted by the street or alley sought to be vacated;

2. Conduct a study to determine if the street or alley to be vacated is suitable for use by the city for any of the following purposes: Port, boat moorage, launching sites, beach or water, access, park, public view, recreation, or education;

3. Hold a public hearing on the proposed vacation in the manner required by this chapter, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular official indicating his or her objection; and

4. Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under subsection (B)(2) of this section, and that the vacation is in the public interest.

No vacation shall be effective until the fair market value has been paid for the street or alley that is vacated. Moneys received from the vacation may be used by the city only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites.
(Ord. 66 § 13, 1995).

13.05.140 Vacation by ordinance.

If the city council determines to grant the vacation, the action shall be made by ordinance in conformance with UPMC 13.05.120 and with such conditions or limitations as the city council deems necessary and proper to preserve any desired public use or benefit. The ordinance may contain a provision retaining or requiring conveyance of easements for construction, repair and maintenance of existing and future utilities and services.
(Ord. 66 § 14, 1995).

13.05.150 Compensation for vacation.

A. Where a vacation has been initiated by petition, the owners of the property abutting the area vacated shall pay to the city, prior to the effective date of the ordinance vacating the area, a sum equal to one-half of the appraised value of the area vacated plus the full cost of physical closure and road repairs as required by the director of community development; provided, that where the vacation was initiated by the city or was required by the city as a condition of a permit or approval, the owners of property abutting the area vacated shall not be required to pay such sum; and provided further, that where the area vacated was acquired at public expense, the owners of property abutting the area vacated shall pay to the city a sum equal to the full appraised value of the area to be vacated.

B. Conveyance of other property acceptable to the city may be made in lieu of the required payment, whether required to mitigate adverse impacts of the vacation or otherwise. When the conveyance is made for street purposes, one-half of the fair market value of the land conveyed shall be credited to the required payment. When the conveyance is made in fee for purposes other

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than street purposes, the full appraised value of the land conveyed shall be credited to the required payment.

C. When the value of the in-lieu parcel is less than the required payment, the petitioners shall pay the difference to the city. When the value of the in-lieu parcel exceeds the required payment, the city shall pay the difference to the petitioners.
(Ord. 66 § 15, 1995).

13.05.160 Appraisals.

A. The director of community development shall determine the appraised value of the area vacated based on an appraisal from a state-certified real estate appraiser who has an MAI or SRA designation from the Appraisal Institute. To obtain such appraisal, the director shall present to the representatives of the petitioners a list of three such certified and designated appraisers from which the representatives of the petitioners shall select one appraiser. The petitioner shall pay for the appraisal if the director is not satisfied with the appraisal, the director may order a second appraisal from a state-certified real estate appraiser who has an MAI or SRA designation from the Appraisal Institute. The city shall pay for the second appraisal.

B. The director shall use the appraisal having the highest value for the area vacated. The director of community development shall determine the fair market value or full appraisal value of the real property proposed to be granted or dedicated to the city in lieu of cash payment under UPMC 13.05.150 in accordance with the appraisal procedure in subsection (A) of this section.
(Ord. 66 § 16, 1995).

13.05.170 Payment of compensation of conveyance.

After determining the appraisal of the value of the street or alley to be vacated, pursuant to UPMC 13.05.160, the director of community development shall notify the representatives of the petitioners of the amount of compensation. The payment shall be delivered to the director who, upon receipt of the payment, shall transmit it to the city finance department for deposit in the street fund and shall make a written report of the payment to the city council. If the petitioner has been authorized to deliver an instrument granting or dedicating to the city a parcel or parcels of land in lieu of cash payment, as contemplated in UPMC 13.05.150, the director, at the petitioner's expense, may obtain either a policy of title insurance insuring title of the property in the city, or a certificate of title as to the title thereof, and upon receipt of such policy or certificate, shall transmit it to the city council.
(Ord. 66 § 17, 1995).

13.05.180 Recording of ordinance.

A certified copy of the ordinance vacating a street or alley, or part thereof, shall be recorded by the city clerk in the office of the Pierce County auditor.
(Ord. 66 § 18, 1995).

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Division II. Public Works Standards

Chapter 13.10

GENERAL PUBLIC WORKS CONSIDERATIONS

Sections:

13.10.010 Standard specifications.
13.10.015 Shortened designation.
13.10.020 Applicability.
13.10.025 Definitions and terms.
13.10.030 Changes to standards.
13.10.040 Design standards.
13.10.045 Plan checklist.
13.10.050 Plan review, construction permit and permit processing.
13.10.055 Construction control.
13.10.060 Inspection.
13.10.070 Fees.
13.10.080 Permits.
13.10.085 Exemptions.
13.10.090 Financial guarantees.
13.10.100 Utility locations.
13.10.110 Easements.
13.10.120 Pavement cutting.
13.10.130 Utility extension.
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13.10.150 Call before you dig.
13.10.160 Violation – Penalty.
13.10.170 Severability.
13.10.180 Variations.
13.10.190 Appeals.

13.10.010 Standard specifications.

Design detail, workmanship, and materials shall be in accordance with the current edition of the "Standard Specifications for Road, Bridge and Municipal Construction", the "APWA Amendments to Division One", and the "Standard Plans for Road, Bridge and Municipal Construction", all written and promulgated by the Washington State Chapter of the American Public Works Association and the Washington State Department of Transportation, except where these standards provide otherwise.

The following specifications shall be applicable when deemed pertinent by the director of public works, when specifically cited in the standards or standards of any agency funding a project.

A. Conditions and standards as set forth in the most current edition City of Tacoma Water System Plan.

B. Conditions and standards as set forth in the most current edition of the Pierce County Public Works and Utilities Comprehensive Sanitary Sewer Plan.

C. Conditions and standards as set forth in the most current edition of the University Place Comprehensive Land Use Plan.

D. King County Surface Water Manual Design Manual.

E. Criteria set forth in the Local Agency Guidelines as amended and approved by Washington State Department of Transportation.

F. City and County Design Standards for the Construction of Urban and Rural Arterial and Collector Roads Promulgated by the City Engineers Association of Washington, May 24, 1989.

G. Conditions and standards as set forth in the WSDOT Design Manual as amended and approved by WSDOT.

H. U.S. Department Transportation Manual on Uniform Traffic Control Devices (MUTCD), as amended and approved by Washington State Department of Transportation.

I. WDOT Construction Manual as amended and approved by Washington State Department of Transportation.

J. Rules and regulations of the State Board of Health regarding public water supplies, as published by the State Department of Health.

K. Conditions and standards as set forth in the State of Washington Department of Ecology "Criteria for Sewage Works Design", most current edition.

L. Conditions and Standards as set forth by the State of Washington, Department of Labor and Industries.

M. Criteria set forth in "Transportation and Land Development" by V.G. Stover and F. Koepke and the Institute of Transportation Engineers.

N. Design criteria of federal agencies including Department of Housing and Urban Development and the Federal Housing Administration.

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O. Other specifications not listed above as may apply when required by the City of University Place.

P. Highway Capacity Manual, Special Report 209, Third Edition, 1994.

Q. I.T.E. Trip Generation Manual, 5th Edition.

R. A.A.S.H.T.O., A Policy on Geometric Design of Highways and Streets, 1994.

S. Uniform Building Code, current edition.

T. King County Road Standards, 1993 (for drainage structures, and appurtenances only).

U. Tacoma Electrical Code.
(Ord. 142 § 1 Exh. A (1.010), 1997).

13.10.015 Shortened designation.
These City of University Place public works standards shall be cited routinely in the text as the "standards".
(Ord. 142 § 1 Exh. A (1.015), 1997).

13.10.020 Applicability.
These standards shall govern all new construction and upgrading of facilities both in the right-of-way and on private property for transportation and transportation related facilities, storm drainage facilities and sewer and water improvements.
(Ord. 142 § 1 Exh. A (1.020), 1997).

13.10.025 Definitions and terms.
1. "Average daily traffic (ADT)" means the average number of vehicles passing a specified point during a 24-hour period. Annual average daily traffic (AADT) denotes that daily traffic that is averaged over one calendar year.

2. "Building" means any structure used or intended for supporting or sheltering any use or occupancy.

3. "City engineer" means the city engineer or his duly authorized representative.

4. "Clearing" means the cutting, moving on site, or removal of standing or fallen timber (including stumps); the removal or moving on site of stumps; or the cutting or removal of brush, grass, ground cover, or other vegetative matter from a site in a way which exposes the earth's surface of the site. In addition to the above, clearing is an activity which does not require reforestation per an approved Forest Practices Application/Notification issued by the Department of Natural Resources.

5. "Commercial driveway" means a driveway which is used to provide access to business and nonresidential enterprises, including but not limited to sales, service, industry, churches or other quasi-public buildings.

6. "Developer" means any person, firm, partnership, association, joint venture, or corporation or any other entity responsible for a given project.

7. "Development" means any manmade change to improved or unimproved real estate including but not limited to buildings or the structures, placement of manufactured home/mobile home, mining, dredging, clearing, filling, grading, paving, excavation, drilling or the subdivision of property.

8. "Director of public works" means the City of University Place public works director or his duly authorized representative.

9. "Driveway" means any area, construction, or facility between a public road and private property which provides access for vehicles from the public roadway to or from private property.

10. "Dwelling" means any building or portion thereof which contains not more than two dwelling units.

11. "Dwelling unit" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooling, and sanitation for not more than one family.

12. "Easement" means the right to use a defined area of property for specific purpose/purposes as set forth in the easement document, on a plat or short plat, or as required for purposes as set forth herein.

13. "Emergency vehicle access" means an all weather drivable surface constructed and maintained in accordance with this chapter, that provides emergency access between a public or private street and 150 feet of all portions of an exterior wall of the first story of any structure requiring EV access as measured by an approved route around the exterior the building.

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14. "Engineer" means any Washington State licensed professional engineer who represents the developer.

15. "Grading" means any excavating, filling, clearing or creating of impervious surface or combination thereof.

16. "Grubbing" means the removal and disposing of all unwanted vegetative matter from underground, such as sod, stumps, roots, buried logs, or other debris.

17. "Horizon year" means the year in which future conditions are to be evaluated.

18. "Lot of street frontage" means the distance between the two points where the lot lines intersect the boundary of public street right-of-way.

19. "Major tenant improvement" shall mean a tenant improvement where within a 12-month period the cumulative value of the improvement to the interior and/or exterior of the structure exceeds 25 percent of the value of the structure.

20. "Plans" means the plans, profiles, cross sections, elevations, details, and supplementary specifications, signed by a licensed professional engineer and approved by the director of public works, which show the location, character, dimensions, and details of the work to be performed.

21. "Private street" means privately owned and maintained vehicular access provided for any access tract, easement, or other legal means to serve no more than four dwelling units or businesses on separate parcels or unlimited dwelling units or businesses situated on a single parcel.

22. "Project" is a general term encompassing all phases of the work to be performed and is synonymous to the terms "improvement" or "work".

23. "Public street" means publicly owned and maintained street.

24. "Residential driveway" means a driveway which is used to provide access to a single-family resident.

25. "Right-of-way" is a general term denoting public land, property, or interest therein (e.g., and easement) acquired for or devoted to a public street, public access or public use.

26. "Road" is used interchangeably with street.

27. "Roadway" is used interchangeably with road, street or streetway.

28. "Shared driveway" means a driveway which is used to provide access to a duplex on one lot or two single-family residences on separate parcels which use one access.

29. "Street" is used interchangeably with road.

30. "Streetway" is used interchangeably with road, street or roadway.

31. "Traffic signal warrants" list criteria that establishes the need to install a traffic signal as outlined in the Manual of Uniform Traffic Control Devices, U.S. Department of Transportation, Federal Highway Administration.

32. Use of Pronoun. As used herein, the singular shall include the plural, and the plural the singular; any masculine pronoun shall include the feminine or neuter gender and vice versa; and the term "person" includes natural person or persons, firm, copartnership, corporation or association, or combination thereof.

33. "Utility" means a company providing public service including, but not limited to, gas, oil, electric power, street lighting, telephone, telegraph, water, sewer, or cable television, whether or not such company is privately owned or owned by a governmental entity.
(Ord. 142 § 1 Exh. A (1.025), 1997).

13.10.030 Changes to standards.

From time to time, changes may be needed to add, delete, or modify the provisions of these standards. These standards may be changed and, upon approval of the director of public works, shall become effective and shall be incorporated into the existing provisions.
(Ord. 142 § 1 Exh. A (1.030), 1997).

13.10.040 Design standards.

A. Detailed plans, prepared by a licensed engineer, must be submitted to the city permit center for plan review and approval prior to the commencement of any construction. Applicant's engineer shall be a professional engineer, registered as such in the state of Washington. All plans must be signed and stamped by the applicant's engineer prior to submittal for plan review. Final plans

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shall be approved by the director of public works prior to the start of construction.

B. Five folded copies of the plans are required to be submitted to the city for review. All drawings shall be on 22-inch by 34-inch sheet size. Original sheets shall be good quality reproducible ink on mylar. Original mylar drawings of the approved plan shall be provided and shall become the property of the City of University Place. The drawings shall also be provided to the city in digital format utilizing AutoCAD software in the version utilized by the city at the time of plan approval. Drawing files will be provided on three-and-one-half-inch discs (or other media format acceptable to the city). A reproducible copy of the drawing will be returned to the applicant's engineer.

C. Plans and profile drawings are required for all proposed transportation-related improvements, street illumination, traffic signalization, storm drainage facilities, and sewer and water improvements. For specific minimum requirements, see the plan checklist in UPMC 13.10.045. On occasion, the scope of a project (i.e., relocating one hydrant) may not require engineered plans and can instead be handled via a right-of-way permit. This option will be decided during technical review committee presubmission conference.

D. Specifications shall be required and submitted with the plans if general notes do not adequately cover the project requirements.
(Ord. 142 § 1 Exh. A (1.040), 1997).

13.10.045 Plan checklist.

A. Standard Items – Water, Sanitary Sewer, Storm Sewer, Street, Lighting, And Signal.

( ) Vicinity Map
( ) Legend (APWA Standard Symbols)
( ) North Arrow
( ) Scale Bar
( ) Datum – Bench Mark Elevation and Location (on all sheets where elevations are referenced)
( ) Title Block:
  ( ) Title:
  ( ) Design By:
  ( ) Drawn By:
  ( ) Date:
  ( ) Checked By:
  ( ) Signature Approval Block:
  ( ) Sheet Number of Total Sheets:
( ) Section, Township and Range (every plan/profile sheet)
( ) Engineers' Stamp (signed and dated)
( ) Project Title (cover sheet)
( ) Utility System Map (showing all proposed utilities on one drawing)
( ) Revision Block

B. Plan Portion Standard Items.

( ) Centerline and Stations
( ) Edge of Pavement and Width
( ) Right-of-Way and Width
( ) Proposed Survey Monumentation Locations and Details
( ) Sidewalk and Width
( ) Roadway Sections
( ) Existing Utilities (above and below ground)
( ) Adjacent Property Lines, Ownership, Parcel Number, and Street Address
( ) Contour Lines (2-foot intervals)
( ) Identify Street Names, Rights-of-Way, Lots
( ) Identify Match Existing Sheet Numbers and Stations
( ) Easements, Width and Type
( ) Define Survey Baseline
( ) Stations for Structures
( ) Flow Direction Arrows
( ) Flood Plane Boundary (if applicable)

C. Profile Portion Standard Items.

( ) Profile Grades (decimal FT./FT.)
( ) Existing Ground
( ) Scale (horizontal and vertical)
( ) Stationing
( ) Vertical Elevation Increments
( ) Existing Utilities (if available)

Misc.:

( ) Detail Sheet
( ) General Notes

D. Sanitary Sewer.

"Documented" compliance with Pierce County Public Works and Utilities requirements.

E. Water.

"Documented" compliance with Tacoma Public Utilities Department requirements.

F. Storm Sewer.

( ) Drainage and Erosion Control Plan Report:
  ( ) Cover Sheet
  ( ) Table of Contents
  ( ) Section 1 – Proposed Project Description
  ( ) Section 2 – Existing Conditions
  ( ) Section 3 – Infiltration Rates/Soils Report
  ( ) Section 4 – Wells
  ( ) Section 5 – Fuel Tanks

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( ) Section 6 – Sub-Basin Description
( ) Section 7 – Analysis of the 100-Year Flood
( ) Section 8 – Aesthetic Considerations for Facilities
( ) Section 9 – Downstream Analysis
( ) Section 10 – Covenants, Dedications, Easements
( ) Section 11 – Homeowners – Articles of Incorporation
( ) Project Engineer's Certificate
( ) Facility Summary Form
( ) Engineer's Estimate

( ) Erosion Control Plan Report:
( ) Section 1 – Construction Sequence and Procedure
( ) Section 2 – Trapping Sediment
( ) Section 3 – Permanent Erosion Control and Site Restoration
( ) Section 4 – Geotechnical Analysis and Report
( ) Section 5 – Inspection Sequence

( ) Drawings and Specifications:
( ) Vicinity Map
( ) Project Boundaries
( ) Sub-Basin Boundaries
( ) Off-Site Area Tributary to Project
( ) Contours (2-foot intervals)
( ) Major Drainage Features
( ) Flow Path

( ) Site Map:
( ) Existing Topography at Least 50 Feet Beyond Site Boundaries
( ) Finished Grades
( ) Existing Structures within 1,000 Feet of Project Boundary
( ) Utilities
( ) Easements, Both Existing and Proposed
( ) Environmentally Sensitive Areas
( ) 100-Year Floodplain Boundary
( ) Existing and Proposed Wells within 1,200 Feet of Proposed Retention Facility
( ) Existing and Proposed Fuel Tanks
( ) Existing and Proposed On-Site Sanitary Systems within 100 Feet of Detention/Retention Facilities

( ) Detention/Retention Facilities
( ) Proposed Structures Including Roads and Parking Surfaces
( ) Lot Dimensions and Areas
( ) Proposed Drainage Facilities and Sufficient Cross-Sections and Details to Build

( ) Plan View – Conveyance System:
( ) Station and Number at Each Manhole/Catch Basin
( ) Manhole/Catch Basin Type and Size
( ) Manhole/Catch Basin Rim Elevation
( ) Flow Direction with Arrow on Pipe/Channel
( ) Type and Size of Pipe
( ) Length of Pipe in Lineal Feet

( ) Profile View – Conveyance System:
( ) Station and Number at Each Manhole/Catch Basin
( ) Rim Elevation
( ) Invert In and Out
( ) Length of Pipe in Lineal Feet
( ) Grades (FT./FT.)
( ) Design Velocity

( ) Work Map:
( ) Unit Area (including off-site contributing areas)
( ) Percentage Impervious
( ) Average Slope
( ) Estimated Ultimate Infiltration Rate
( ) Conveyance Date, Identifier (for reference to model output), Length, Slope, Inverts
( ) Overland Flow Paths and Distances
( ) Soil Types
( ) Spot Water Surface Elevations, Discharges and Velocities for the Design Event

( ) Erosion Control Drawing:
( ) Soil Types
( ) Locations of Soil Pits and Infiltration Tests
( ) Construction Entrance Detail
( ) Silt Fences and Traps
( ) Mulching and Vegetation Plan
( ) Clearing and Grubbing Limits
( ) Existing and Finished Grade
( ) Details and Locations of all BMPs Recommended
( ) Location and Details of Temporary Sediment Ponds

( ) Maintenance Report:
( ) Required Type and Frequency of Long-Term Maintenance Organization
( ) Identification of Responsible Maintenance Organization
( ) Frequency of Sediment Removal
( ) Cleaning of Catch Basins
( ) Vegetation Control
( ) Annual Cost Estimate of Maintenance

( ) Construction Inspection Report

( ) Misc.:
( ) Detail Sheet
( ) Storm General Notes

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G. Street.
Plan View:
( ) Flow Direction Arrows at Curb Returns Showing Grade
( ) Spot Elevations on Curb Returns
( ) Station PC, PT, PI and Intersections
( ) Curve Information Delta, Radius, Length and Tangent
( ) BCR and ECR (Begin Curb Radius, End Curb Radius)
( ) Identify All Field Design Situations
( ) Typical Sections
( ) Pavement Marking Details with Station and Offset
( ) Sidewalks
  ( ) Driveway Approach
    ( ) Station
    ( ) Width, Material (AC, PCC)
    ( ) Driveway Type
    ( ) Accessibility Ramps – Detail and Type
Profile View:
( ) Vertical Information VPI, BVC, EVC, AP, Low Point, High Point
( ) Show Grades in Decimal Form with (+ or -) Slope
( ) Super Elevated Roadways
  ( ) Detail – Show Transitions
  ( ) Special Detail Showing Gutter Flowing Adequately
Misc.:
( ) Detail Sheet
( ) Street General Notes
( ) AASHTO Street Design Worksheet, With Soils Report, if Applicable

H. Illumination and Signals.
( ) Lighting
  ( ) Station and Offset to Fixtures
  ( ) Pole Type, Including Manufacturer and Model Number
  ( ) Mounting Height, Arm Length, Anchor Bolt Size and Pattern
  ( ) Power Source
    ( ) Wire Size, Type, Conduit
    ( ) Line Loss Calculations
  ( ) Luminaire Type, Lamp Wattage
  ( ) Location of Service Disconnects (5 percent max. voltage drop from source to farthest luminaire)
  ( ) J-Box Location (include station and offset)
( ) Signal (follow WSDOT specs unless otherwise required by the city)
  ( ) Station and Offset Signal Base, Cabinets, Ped. Lead, Loops, Etc.
  ( ) Wiring Schedule
    ( ) Signal Heads and Mounting Assembly
    ( ) Detection Loops
    ( ) Opticom
    ( ) Control Cabinet, Size and Layout
    ( ) Power Source
    ( ) Conduit
    ( ) Wire Size and Type
  ( ) Construction Notes
  ( ) J-Box Schedule
  ( ) Pedestrian Signal Type with Push Button
( ) Controller Type, Configuration, and Wiring Schematic
Misc.:
( ) Detail Sheet
( ) Lighting General Notes
( ) Line Loss Calculations

I. Miscellaneous.
( ) Easements and/or Dedication Deeds
( ) Contract Documents/Specifications
Additional Items:
( ) Sheet Index (on title sheet if required)
( ) Field Verify Note on DWG. – Expose Connection Points and Verify Fittings 48 Hours Prior to Distributing Shut-Down Notices
( ) Call Before You Dig Note
( ) Signing – Temporary and Permanent
( ) Channelization
( ) Location of Cluster Mailboxes
( ) Location of School Bus (and/or Pierce Transit) Bus Shelter/Pad
(Ord. 142 § 1 Exh. A (1.040), 1997).

13.10.050 Plan review, construction permit and permit processing.

All permit applications shall be made to the city's permit center. All plans which are required to be submitted to the city for review prior to the issuance of a permit shall be submitted to the permit center.

Permit applications which are governed by UPMC Title 22 shall be processed according to the procedures thereunder. For all other public works permits, processing shall proceed as follows: After submittal of a complete application to the permit center and payment of all necessary fees, a cursory check of the plans against the plan checklist will be made by city staff. Any necessary easements or dedications shall be submitted for review along with the plans. If the plans, easements and dedications meet the minimum checklist requirements, they will be routed to begin the plan review process.

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After initial review, the applicant's engineer will be requested to submit the original drawings for approval or will be notified of additional required revisions. Additional review time will be required if revisions are necessary.

If plans require an additional submittal, additional fees will be levied as established by resolution of the city council. "Additional submittal" shall mean any subsequent submittal of construction drawings, specifications, drainage calculations, and/or other information that requires additional plan checking pertaining to the construction of the project.

Permit will be issued and approved plans will be returned to the applicant, only after receipt of all applicable financial guarantees, easement dedications, payment of application, review, permit, and inspection fees.

Plans that have been approved more than 180 days before construction begins (i.e., preconstruction meeting scheduled and inspection fees paid) shall be subject to re-review based on the hourly rate as establish for additional submittals.

All construction permits expire 180 days after issuance if construction has not commenced. Verification of start of work is a recorded inspection. A permit may be renewed for 180 days at the discretion of the city engineer.
(Ord. 142 § 1 Exh. A (1.050), 1997).

13.10.055 Construction control.

Work performed for the construction or improvement of city roads and utilities whether by or for a private developer, by city forces, or by a city contractor, shall be done to the satisfaction of the city and in accordance with approved plans. It is emphasized that no work shall be started until such plans are approved and applicable permits issued. Any revision to such plans shall be approved by the city before being implemented. Failure to receive the city's approval can result in removal or modification of construction at the contractors or developers expense to bring the work into conformance with approved plans.
(Ord. 142 § 1 Exh. A (1.055), 1997).

13.10.060 Inspection.

All work performed within the public right-of-way, easements and/or private property, as described in these standards, whether by or for a private developer, by city forces, or by a city contractor, shall be done to the satisfaction of the city and in accordance with the WSDOT/APWA Standard Specification, any approved plans and these standards. Unless otherwise approved, any revision to construction plans must be approved by the city before being implemented.

It is the responsibility of the developer, contractor, or their agents to notify the city in advance of the commencement of any authorized work. A preconstruction meeting and/or field review shall be required before the commencement of work. Inspection fees shall be paid on or before the preconstruction meeting. Any necessary easements or dedications are required before plan approval.

It is the responsibility of the developer, contractor or their agents to have an approved set of plans and any necessary permits on the job site whenever work is being accomplished.

The city shall have authority to enforce these standards as well as other referenced or pertinent specifications. The city will appoint project engineers, assistants and inspectors as necessary to inspect the work and they will exercise such authority as the city engineer may delegate.

All specific inspections, test measurements or actions required of all work and materials are set forth in their respective chapters herein. Tests shall be performed at the owner's expense.

Failure to comply with the provisions of these standards may result in stop work orders, removal of work accomplished, or other penalties as established by ordinance.

A project is considered final when a letter of acceptance is issued by the city to the party responsible for the project.
(Ord. 142 § 1 Exh. A (1.060), 1997).

13.10.070 Fees.

Fees, charges or financial guarantee requirements shall be as established by the city council by a resolution adopting a fee, charge, and financial guarantee requirement schedule. The city council shall further set the dollar penalty for failure to pay said fee or charge in a timely manner by passage of such resolution. A copy of the "fees and charges" resolution can be found in the office of the city clerk. It is the applicant's responsibility to verify that the fees are current.

The initial plan check fee is due at the time of submittal of the permit application.

All additional plan check fees are due prior to issuance of the construction permit and release of approved plans.

Inspection fees – see fee resolution.

In addition, there are various miscellaneous service and connection fees and charges. We strongly urge all applicants to request an estimate of these fees and charges from the appropriate utility providers as soon as practical.

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Notice: Pursuant to RCW 36.70B.070 a permit application must be accompanied by the necessary application fees to allow the permit to be processed for issuance. An application is incomplete within the meaning of RCW 36.70B.070 and UPMC Title 22 unless it is accompanied by all fees necessary to complete processing the application. (Ord. 142 § 1 Exh. A (1.070), 1997).

13.10.080 Permits.

Before any person, firm or corporation shall commence or permit any other person, firm or corporation to commence any work to clear land, plane fill, stockpile, grade, pave, level, alter, construct, repair, remove, excavate or place any pavement, sidewalk, crosswalk, curb, driveway, gutter, drain, sewer, water, conduit, tank, vault, street banner or any other structure, utility or improvement located over, under or upon any public right-of-way or property in the City of University Place, or place any structure, building, barricade, material, earth, gravel, rock, debris or any other material or thing tending to obstruct, damage, disturb, occupy, or interfere with the free use thereof or any improvement situated therein, or cause a dangerous condition, the appropriate permit shall be obtained from the city. A separate permit shall be obtained for each separate project.

If the city lets a contract for a public works project, the city shall waive all fees for permits required by the contractor to complete the project. Unless expressly approved by the city council, city participation in a local improvement district shall not waive permit fees.

Much of the work covered under these standards will require multiple authority review and approvals. Several types of permits and approvals require prior approval from the authority before a building or other permit can be issued. Any questions regarding information about permits, approvals and agreements should be directed to the appropriate departments.

The following general categories describe some of the activities requiring permits, approvals and/or agreements from the city prior to proceeding with the activity:

A. Environmental Review. For most projects, an environmental checklist must be completed by the applicant and submitted along with plans, specifications, and other information when approval or permits are being requested for a project. The planning and community development department conducts the environmental review and makes a SEPA threshold determination for the city.

B. Construction Permits.

1. Site Development Permit. A site development permit is required for any project which alters property to provide new or additional access, to pave parking lots, alters drainage patterns, requires erosion control, and/or constructs roadways and utility extensions.

2. Clearing and Grubbing Permit. A clearing and grubbing permit will be required for cutting, clearing and/or the grubbing of an area greater than 20,000 square feet in single ownership.

3. Grading Permit. A grading permit is required for any grading, filling or excavation work unless exempted by Uniform Building Code Appendix Chapter 33 as adopted by City of University Place.

4. Right-of-Way Permit. A right-of-way permit is required for any work within the right-of-way as outlined at the beginning of this chapter. Such work may include utilities work, telecommunications work, lane closures, driveways, curbs, sidewalks, and haul routes. Permission to temporarily close a street or portion thereof for construction activities is obtained through the right-of-way permit.

All construction permits expire 180 days after issuance if construction has not commenced. Verification of start of work is a recorded inspection. A permit may be renewed for six months at the discretion of the city engineer.

C. Approvals and Other Permits. There are several other permits or approvals which may be required and referred to in these standards: site plan review; plat and short plat approvals; building permit and certificate of occupancy.

In addition, there are several other city approvals which may have to be obtained prior to the above listed permits and which may affect the standards as contained in this document: reclassification; conditional use; planned development district; shoreline substantial development permit. (Ord. 142 § 1 Exh. A (1.080), 1997).

13.10.085 Exemptions.

The following work is exempt from the permit requirements of these standards:

A. Construction or maintenance of public roads or flood control projects when done by a public agency and the project has a completed environmental checklist, has been approved by the Wash-

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ington State Department of Transportation (WSDOT), City of University Place, or the city engineer, and the work is in existing public right-of-way or easement dedicated to or owned by the City of University Place.

B. Cutting and clearing and/or grubbing of any area under single ownership less than 20,000 square feet and except in sensitive areas, landslide and erosion hazard or wetlands.

C. The stockpiling or broadcasting of less than 150 cubic yards of topsoil, peat, sawdust, mulch, bark, chips or solid nutrients on a lot, tract, or parcel of land, per year, except within wetlands, except in floodplains and except in sensitive areas.

D. The installation of utilities in accordance with a valid city permit, well drilling activities, installation of sanitary drain fields, or excavation for soil logs, except within wetlands and except in sensitive areas.

E. The excavation or filling required to accommodate only the footprint of a proposed single-family residential structure in preparation for the proposed construction. The following conditions apply:

1. A building permit application has been accepted by the city.

2. The proposed structure is not located within 100 feet of a wetlands.

3. The proposed structure is located a minimum of 50 feet from a drainage course.

4. The proposed structure is not located in a floodplain.

5. The proposed structure is not located in a sensitive area.

F. Emergency sandbagging, diking, ditching, filling or similar work during or after period of extreme weather conditions when done to protect life or property.

Properties contiguous to each other and owned by the same person are considered to be one tract with regards to the exemptions discussed above. (Ord. 142 § 1 Exh. A (1.085), 1997).

13.10.090 Financial guarantees.

Standard forms have been developed by the city and approved by the city attorney's office and the city manager or his/her designee(s). These forms must be used for all projects being reviewed and accepted by the city. The most recent version of these forms approved by the city council must be used.

Financial guarantees shall be on a city form or on a form acceptable to the city and will not be released by the city until the required improvements are constructed in accordance with the approved plans. All improvements financially guaranteed must be constructed and/or completed within three years from the date of issuance of the site development permit and if not, the financial guarantee must be paid to the city to be used for completion of the required construction.

Financial guarantee forms are at the end of this chapter and, when required, shall be used when making a submittal to the city.

Irrevocable letters of credit or other types of financial guarantees may be approved if acceptable to the city attorney and city manager or his/her designee.

Financial guarantees under $5,000 must be by an assignment of funds.

All financial guarantees shall run continuously until released by the city and shall not be subject to expiration or cancellation without written authorization from the city.

The city may require a financial guarantee or withhold the certificate of occupancy of the structure to guarantee compliance with these regulations.

To determine the amount of the financial guarantee, an estimate shall be submitted to the city by the engineer detailing the work to be accomplished and the cost thereof. The estimate shall be based on current construction costs. The city will review the engineer's estimate and, if acceptable, will establish the financial guarantee at 125 percent of the engineer's estimate to allow for inflation and administration expenses should the city have to complete the project.

A. Site Development Construction Guarantee. Prior to issuance of a permit, the applicant will be required to submit a financial guarantee to the city to assure compliance with the provisions of these regulations, the permit, and accepted plans.

1. A financial guarantee may be submitted to the city in lieu of construction of the required improvements except in situations where the required work involves a safety or public welfare issue. Project approval shall not be granted until all required safety and public welfare issues are completed to the satisfaction of the city.

a. An engineer's estimate shall be submitted to the city by the engineer detailing the quantity of work to be done in the city right-of-way.

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The estimate shall be based on current construction costs and shall be stamped and signed by the engineer.

An executed contract for the total project between a licensed, bonded contractor and the project applicant may be substituted in lieu of the engineer's estimate.

b. The city shall review the engineer's estimate or the executed contract, and if it is in order the city will establish the amount of the financial guarantee. The financial guarantee shall be 125 percent of the engineer's estimate or of the executed contract to allow for inflation and engineering administration expenses should the city have to complete the project.

2. The applicant will be allowed a two-year time period from the acceptance of the financial guarantee in which to complete the work after which the financial guarantee is subject to default to the city who will complete the work and use the guarantee for reimbursement. The applicant shall remain financially responsible for any and all costs exceeding the amount of the original financial guarantee.

3. Final approval of the street construction plans will not be given or a construction permit issued until a financial guarantee is submitted an the amount necessary when so required by the city.

B. Private Storm Drainage Maintenance Financial Guarantee. Prior to issuance of a building permit or approval of a plat, the applicant will be required to submit a financial guarantee to the city to guarantee the maintenance of the private storm drainage system within the development.

1. The city shall require a bond or other financial surety acceptable to the city to guarantee that the applicant will correct any defect or subsequent problem in a dedicated improvement, including the satisfactory functioning of the project's drainage and/or drywell system caused by improper design, faulty construction, poor housing construction practices, or other reasons determined by the city. The guarantee shall not exceed 7.5 percent of the construction cost of the project as determined by the city. The guarantee shall remain in effect for a period of 18 months from the time that the city accepts the street and/or storm drainage system for maintenance. The applicant shall remain financially responsible for any and all costs exceeding the amount of the original financial guarantee.

2. The guarantee shall be submitted to the city before the improvements are dedicated to the city or, if applicable, before the posted construction bond is released back to the applicant at the applicant's option.

C. Public Road and Storm Drainage Cleaning Financial Guarantee. An assignment of funds will also be required of the building permit applicant to guarantee the cleaning of the public roads and storm drainage systems adjacent to or within the development. Cleaning frequency will be determined by the city and must continue until written notification is received from the city.

The assignment of funds must be submitted to the city upon application for a building permit and prior to issuance of the permit. The guarantee will be held by the city until the structure and the front yard landscaping has been completed.

The amount of the street cleaning guarantee will be $150.00/lot for plats and $1,000 to $5,000 for commercial developments, as determined by the city.

D. Procedure for Releasing Financial Guarantee for Private Storm Drainage Construction. Upon receipt of an acceptable letter of completion from the engineer, the city will release the applicable financial guarantee unless the city determines a drainage problem exists as a direct result of the development. If the applicant fails to correct the drainage problem, the city may seek to foreclose on the financial guarantee to obtain the funds to correct the deficiency.

E. Procedure for Releasing Financial Guarantee for Private Storm Drainage Maintenance. Upon approval of the final inspection of all structures, and acceptance of a form supplied by the city, and completed by the developer, stating that the storm drainage system has been cleaned of all debris, dirt, sediment, etc., the city will release the applicable financial guarantee.
(Ord. 142 § 1 Exh. A (1.090), 1997).

13.10.100 Utility locations.

A. Utilities shall be located as required by public works and the utility provider. Where existing utilities are in place, new utilities shall conform to these standards as nearly as practical and yet be compatible with the existing installations. Deviations of location shall be approved by the director of public works and/or the utility provider as may be applicable. Existing utilities shall be shown using the best information available. This verification may require exploration/excavation (potholing) if utilities are in conflict with proposed design.

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The contractor/developer shall be responsible for utility locates in conjunction with their project until final public works approval is given.

B. All new utilities shall be installed in compliance with city standards, the utility provider's standards and under the supervision of the utility owning said facility. New and existing facilities shall comply with provisions as set forth in franchise agreements between the city and the utility.

Utilities converted from overhead to underground on existing roadways may be located within the right-of-way.

C. A right-of-way permit is required of any utility, except city owned facilities and utilities, who hold a franchise agreement with the city for any work done within the right-of-way and shall comply with all provisions as set forth in UPMC 13.10.080.
(Ord. 142 § 1 Exh. A (1.100), 1997).

13.10.110 Easements.

A. The office of the city attorney will process and arrange for the recording of all easements and other dedications of property to the city. All easements and dedications must be in a form acceptable to the city attorney prior to issuance of a permit. After the documents are recorded with the Pierce County auditor, a conformed copy will be filed in the project file and the auditor stamped copy shall be filed with the city clerk. Recording fees shall be collected from the applicant at the time of application.

B. Easement widths shall be 15 feet for a single utility and 20 feet for dual utilities. Construction easements shall be 30 feet minimum in total width, including the permanent easement. When trench depths dictate or where pipe diameter or vault widths exceed four feet, a wider easement may be required by the city engineer.

C. Easements are required to be submitted in draft, unsigned for review and approval prior to plan approval. Signed copies are required prior to plan approval. Any change in design which places an amenity, i.e., water, sewer, sidewalk, etc., outside of the easement may necessitate stopping of construction until plans and easements can be resubmitted and approved. Plan review fee shall be based on the rate as established for an additional submittal fee. Easements will be filed by the city upon satisfactory completion of work.
(Ord. 142 § 1 Exh. A (1.110), 1997).

13.10.120 Pavement cutting.

Expect as may be required by law, franchise or license, all pavement types shall not be cut for a period of 36 months after the pavement has been constructed or resurfaced. Untrenched construction techniques such as pushing, jacking, or boring shall be explored on all new or existing pavement road crossing. Information on which roads have been recently constructed or resurfaced may be obtained from the public works department upon request. Except for work performed under emergency conditions, or as a result of a city construction or maintenance project, an additional permit fee may be charged for pavements cutting during the said 36-month period.
(Ord. 142 § 1 Exh. A (1.120), 1997).

13.10.130 Utility extension.

A. Anyone who wishes to extend any public utility should contact the engineering department of the utility provider for an extension/connection fee estimate and any special extension requirements.

B. Utility mains shall be extended to and through the extremes of the property being developed for loop closures and/or future development as determined by the utility provider and the City of University Place.
(Ord. 142 § 1 Exh. A (1.130), 1997).

13.10.140 Traffic control.

A. The developer/contractor shall be responsible for interim traffic control during construction on or along traveled roadways. Traffic control shall follow the guidelines of the WSDOT/APWA Standard Specifications. All barricades, signs and flagging shall conform to the requirements of the MUTCD.

Signs must be legible and visible and should be removed at the end of each work day if not applicable after construction hours.

B. When road closures and detours cannot be avoided the contractor/developer shall notify the department of public works construction inspectors. The city may require a detour plan to be prepared, submitted and approved prior to closing any portion of a city roadway.
(Ord. 142 § 1 Exh. A (1.140), 1997).

13.10.150 Call before you dig.

All developers/contractors are responsible for timely notification of all utilities in advance of any construction in right-of-way or utility easements.

Code Check Document

The utilities one-call underground location center phone number is 1-800-424-5555.
(Ord. 142 § 1 Exh. A (1.150), 1997).

13.10.160 Violation – Penalty.

A. General.

1. Failure to comply with any of these regulations will be cause for withholding or withdrawing approval of the overall project plans, revocation of the site development permit, suspension of building inspections, forfeiture of the financial guarantee submitted to the city, and/or nonacceptance of the work by the city.

2. The city is authorized to make inspections and take such actions as required to enforce these regulations. The city representative shall present proper credentials and make a reasonable effort to contact the property owner before entering onto private property.

3. A site development application will not be issued on any parcel that has a valid nonconversion forest practices permit for a period of six years from the date of the forest practice application approval.

4. The city may require the property owner to remove or replace illegal earthwork and/or restore and reclaim an illegally graded parcel. Earth material brought onto a parcel must be removed to a properly-permitted disposal site.

B. Enforcement Powers. The city may remove, correct, or replace any improperly constructed facility, structure, or portion thereof which was allowed through an issued site development permit, and all expenses incurred by the city shall be paid by the property owner or applicant. If the city is required to bring an action to recover such costs, the city will recover reasonable attorney's fees and interest at 12 percent per annum to run from the date the work was completed by the city. Applicants must agree to this provision as a condition of issuance of any permit authorized by these regulations.

C. Penalties.

1. Violation of any of the provisions of these regulations by an applicant or engineer shall be a misdemeanor. Each day or portion of a day during which a violation of these regulations is continued, committed, or permitted shall constitute a separate offense.

2. Any work carried out contrary to the provisions hereof shall constitute a public nuisance and may be enjoined as provided by the statutes of the state of Washington.
(Ord. 142 § 1 Exh. A (1.160), 1997).

13.10.170 Severability.

If any part of these regulations shall be found invalid, all other parts shall remain in effect.
(Ord. 142 § 1 Exh. A (1.170), 1997).

13.10.180 Variations.

Variations may be authorized by the city only upon submittal and approval of information, plans, and/or design data by the engineer which indicates that the requested variation is based upon sound engineering judgment, and that requirements for safety, environmental considerations, function, appearance, and maintainability are fully met and the variation is in the best interest of the public. All variations must be approved by the city in writing prior to the start of construction.
(Ord. 142 § 1 Exh. A (1.180), 1997).

13.10.190 Appeals.

Any person or agency aggrieved by an act or decision of the city under these regulations may appeal to the City of University Place hearings examiner pursuant to the provisions of UPMC Title 22, as now enacted or hereafter amended. Administration, including staff report preparation and public hearing notification, shall be prepared by the city. The applicant shall file the appeal with the city on the form entitled "Appeal of a Decision of an Administrative Official", available at the City of University Place planning department. Payment of appeal fees shall be in accordance with the city's fee resolution, or the most recent version thereof, with said fees payable to the city before acceptance of the appeal by the city for processing.
(Ord. 142 § 1 Exh. A (1.190), 1997).

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Chapter 13.15

TRANSPORTATION

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Article I. General Considerations

13.15.010 General.

The overall goal of this chapter is to encourage the uniform development of an integrated, fully accessible public transportation system that will facilitate present and future travel demand with minimal environmental impact to the community as a whole.

This chapter provides minimum development standards supplementing the applicable standards as set forth in UPMC 13.10.010.
(Ord. 142 § 1 Exh. A (2A.010), 1997).

13.15.020 Standardized format for traffic analyses.

A. Introduction. A traffic impact analysis (TIA) is a specialized study of the impacts a certain type

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and size of development will have on the surrounding transportation system. The traffic impact analysis is an integral part of the development impact review process. It is specifically concerned with the generation, distribution, and assignment of traffic to and from the development. The purpose of a TIA is to determine what impact development traffic will have on the existing and proposed street network and what impact the existing and projected traffic on the street system will have on the development. "Development" means site actions that trigger SEPA requirements. This may include previous development on a site with consideration to cumulative impacts for the purpose of making a SEPA threshold decision.

These guidelines have been prepared to establish the requirements for a traffic impact analysis. The public works department will be responsible under SEPA as well as city ordinances for determining the need for a traffic impact analysis.

B. When Required. To adequately assess a development traffic impact on the transportation system and level of traffic service (LOS) the public works department may require a traffic impact analysis (TIA). The requirement for a TIA will be based on the size of the development proposed, existing street and intersection conditions, traffic volumes, accident history, community concerns, and other pertinent factors relating to traffic impacts attributable to developments.

If a site action requires an environmental checklist be prepared, a TIA may be required if any of the following conditions are met. The public works department may require the preparation of a TIA if one or more of the following conditions are satisfied:

1. The development generates 10 or more trips in the peak hour(s) at any given intersection.

This would include site generated traffic for all turning movements for the peak hour(s) at all affected intersections. The public works department may require analysis for the a.m. and/or p.m. peak hour.

2. The development lies within an area that contains an existing or proposed local improvement districts (LID), local/state transportation improvement areas programmed for development reimbursements or at locations that have latecomer agreements.

3. The development proposed a use of the subject property which would increase the amount of site-generated traffic.

4. The original TIA is more than two years old or where the increase in traffic volume as measured by ADT, peak hour, or peak hour of the critical movement is more than 10 percent.

If the department of public works has made the determination to require a TIA, the general guidelines to content and structure shall follow the format outlined in subsection (D).

C. Qualifications for Preparing TIA Documents. Impact analyses (TIA) shall be conducted under the direction of a responsible individual or firm acceptable to the public works department. The TIA shall be prepared by an engineer licensed to practice in the state of Washington with special training and experience in traffic engineering and who is a member of the Institute of Transportation Engineers (ITE). The developer shall provide the public works department the credentials of the individual(s) selected to perform the TIA.

D. Scope of Work. The level of detail and scope of work of a TIA may vary with the size, complexity, and location of the development. A TIA shall be a thorough review of the immediate and long-range effects of the development on the transportation system.

1. Development Prospectus.

a. Provide a reduced copy of the site plan showing the type of development, street system, rights-of-way limits, access points, and other features of significance in the development. The site plan shall also include pertinent off-site information such as locations of adjacent intersections and driveways, land use descriptions, street right-of-way limits for the existing roadways and other features of a significance. Exhibit "A" illustrates an example site plan for reference purposes.*

b. Provide a vicinity map of the project area showing the transportation system to be impacted by the development. Exhibit "B" illustrates an example vicinity map for reference purposes.*

c. Discuss specific development characteristics such as type of development proposed (single-family, multifamily, retail, industrial, etc.), internal street network, proposed access locations, parking requirements, zoning, and other pertinent factors attributable to the development.

d. Discuss project completion and occupancy schedule for the development. Identify horizon years for traffic analysis purposes.

2. Existing Conditions.

a. Discuss street characteristics including functional classification, number of traveled lanes, lane width, shoulder treatment, bicycle path corridors and traffic control at study intersections.

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A figure shall be used to illustrate existing transportation facilities.

b. Identify safety and access problems including discussions on accident history, sight distance restrictions, traffic control, and pedestrian conflicts.

c. Obtain all available traffic data from the City of University Place and surrounding jurisdictions if applicable. If data is unavailable, the individual or firm preparing the TIA shall collect the necessary data to supplement the discussions and analysis in the TIA.

d. Conduct manual peak hour turning movement counts at study intersections if traffic volume data is more than two years old, unless otherwise required by the public works department. A copy of the reduced data shall be attached to the TIA when submitted to public works for review.

e. A figure shall be prepared showing existing average daily traffic (ADT) and peak(s) hour traffic volumes on the adjacent streets and intersections in the study area. Complete turning movement volumes shall be illustrated as shown in Exhibit "C".* This figure shall represent the base-line traffic volumes for analysis purposes.

3. Development Traffic. This element of the TIA shall be conducted initially to identify the limits of the study area. The study area shall include all pertinent intersections and streets impacts by development traffic. The limits of the study area shall be representative of the specific conditions outlined in subsection (B) of these guidelines.

The threshold requirement of development traffic exceeding 10 vehicles in the peak hour(s) on the adjacent streets and intersections shall apply.

The individual or firm preparing the TIA shall submit to the public works department a figure illustrating the proposed trip distribution for the development. The trip generation shall be included in a table format on the figure with the peak hour traffic volumes assigned to the study area in accordance with the trip distribution. Once approved by the public works department, a formal "scoping" by the public works department of the development proposal shall be conducted to clearly identify the study area and contents expected in the TIA. Exhibit "D" shows an example figure for reference purposes.*

The methodology and procedures used in preparing the trip generation and trip distribution elements of the TIA are as follows:

a. Trip Generation. Site-generated traffic of developments shall be estimated using the latest edition of the ITE Trip Generation Manual. Variations of trip rates will require the approval of public works. Trip rate equations will be utilized for estimating site generated traffic. Average trip rates shall be used for all land use categories where applicable and/or required by public works.

Site traffic shall be generated for p.m. and/or a.m. peak hour periods as required by public works. Adjustments made for passer-by and mixed-use traffic volumes shall follow the methodology outlined in the latest edition of the ITE Trip Generation Manual. A passer-by traffic volume discount for commercial centers shall not exceed 25 percent.

For multi-use and/or phased projects, a trip generation table shall be prepared showing proposed land use, trip rates, and vehicle trips for daily and peak hour periods and appropriate traffic volume discounts if applicable.

b. Trip Distribution. The trip distribution for a development shall be approved by public works and prior to the formal scoping of the TIA. The methodology shall be clearly defined and discussed in detail in the TIA. Information on transportation modeling, regional distribution models, transportation analysis zones, and employment density areas may be available from Pierce County and/or the public works department. Available information can be used to assist in the preparation of the trip distribution model. A regional trip distribution map may be required by public works for large scale development projects. Exhibit "E" shows an example figure for reference purposes.*

The TIA shall identify other transportation modes that may be applicable, such as transit use, bicycle and pedestrian facilities. Developments are encouraged to implement transportation demand management practices such as flex time for employees and ridesharing programs including carpools, van pools, shuttle buses, etc.

4. Future Traffic.

a. Future Traffic Conditions Not Including Site Traffic. Future traffic volumes shall be estimated using information from transportation models for applying an annual growth rate to the base-line traffic volumes. The future traffic volumes shall be representative of the horizon year for project development. Public works shall determine an appropriate growth rate, if that option is utilized.

In addition, proposed on-line development projects shall be taken into consideration when forecasting future traffic volumes. The increase in traffic from proposed on-line projects shall be compared to the increase in traffic by

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applying an annual growth rate.

If modeling information is unavailable, the greatest traffic increase from either the on-line developments or the application of an annual growth rate shall be used to forecast the future traffic volumes.

b. Future Traffic Conditions Including Site Traffic. The site-generated traffic shall be assigned to the street network in the study area based on the approved trip distribution model. The site traffic shall be combined with the forecasted traffic volume to show the total traffic conditions estimated at development completion. A figure will be required showing daily and peak period turning movement volumes for each traffic study intersection. Exhibit "F" shows an example figure for reference purposes.* In addition, a figure shall be prepared showing the base-line volumes with site-generated traffic added to the street network. This figure will represent site specific traffic impacts to existing conditions.

5. Traffic Operations. The level of service (LOS) and capacity analysis shall be conducted for each pertinent intersection in the study area as determined by public works. The methodology and procedures for conducting the capacity analysis shall follow the guidelines specified in the Highway Capacity Manual-Special Report 209, 1994 Manual. The individual or firm preparing the TIA shall calculate the intersection LOS for each of the following conditions:

a. Existing peak hour traffic volumes (figure required).

b. Existing peak hour traffic volumes including site-generated traffic (figure required).

c. Future traffic volumes not including site traffic (figure required).

d. Future traffic volumes including site traffic (figure required).

e. Level of service results for each traffic volume scenario (table required).

The level of service table shall include LOS results for a.m. and p.m. peak periods if applicable. The table shall show LOS conditions with corresponding vehicle delays for signalized intersections and LOS conditions for the critical movements at unsignalized intersections. For signalized intersections, the LOS conditions and average vehicle delay shall be provided for each approach and the intersection as a whole.

The capacity analyses for existing signalized intersections shall include existing phasing, timing, splits and cycle lengths in the analysis as observed and measured during the peak hour traffic periods. All traffic signal system operational data will be made available by the City of University Place and adjacent jurisdictions if applicable.

If the "new development" is scheduled to be completed in phases, the TIA shall conduct a LOS analysis for each separate development phase. The incremental increases in site traffic from each phase shall be included in the LOS analysis for each proceeding year of development completion. A figure will be required for each horizon year of phased development.

If the development impacts a traffic signal coordination system currently in operation, public works may require the TIA to include operational analysis of the system. Timing plans and proposed modifications to the coordination system may be required.

The capacity analysis shall be conducted using a city approved software package. The computer worksheets, along with a three-and-one-half-inch floppy disk of each capacity analysis, shall be submitted concurrently with the TIA document to public works. For unsignalized intersections, the Highway Capacity Manual methodology shall be used. A copy of the capacity analyses worksheets shall be submitted concurrently with the TIA document.

6. Mitigation. The TIA shall include a proposed mitigation plan. The mitigation may be either the construction of necessary transportation improvements or contributions to the city for the developments fair share costs for identified future transportation improvements. Level of service of "E" and "F" shall be used as the threshold for determining appropriate mitigating measures on roadways and intersections in the study area. Mitigating measures shall be required to the extent that the transportation facilities operate at a level of service "D" condition or better upon completion of the development.

The following guidelines shall be used to determine appropriate mitigating measures of traffic impacts generated by new developments.

a. On transportation facilities where the need to construct improvements, by the horizon year of the development, the cost for the mitigation will be entirely borne by the development. However, in the event public works identifies more than one development under simultaneous review, cumulative impacts and distribution of mitigation costs may be considered. A latecomers agreement could be formulated by the development for reimbursement for mitigation costs.

b. On transportation facilities programmed for improvements as part of a city project, the adverse traffic impacts of the develop-

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ment will be considered mitigated by providing a proportionate share contribution of the costs for the proposed improvements. The proportionate share of local costs for the improvements shall be based on the percentage of development traffic generated through the intersection. The percentage shall be based on the total projected peak hour traffic volumes for the horizon year of the transportation facility.

If the transportation facility currently operates less than level of service "D", the development shall be required to make interim facility improvements to maintain the existing level of service operation on the facility. The cost of the interim improvements will be deducted from the development's proportionate share of costs for the programmed facility improvements only if the cost of the interim improvements is less than the ultimate proportionate share. If the interim improvements cannot be incorporated into the ultimate improvements programmed for the transportation facility, there will be no reimbursement for interim costs incurred.

c. On transportation facilities where the existing level of service condition is less than LOS "D" and where no improvements are programmed to improve capacity and traffic operations, the "new development" shall mitigate the intersection to an acceptable level of service "D" condition or wait until the improvements are implemented by the city or other developments. Improvements made by the city prior to the development of the subject project shall be reimbursed by the development based on a proportionate fair share costs of the facility improvements.

d. Unsignalized intersections that currently operate less than a level of service "D" condition shall be analyzed for traffic signal and intersection improvements. If three or more traffic signal warrants are satisfied, signal and intersection improvements will be required as a mitigating measure for the development. If at least three traffic signal warrants are not satisfied by the development's horizon year, the TIA shall determine if traffic signal warrants and intersection improvements would be needed within a five-year period after the development's horizon year. The development would be required to provide a proportionate share cost as a traffic mitigation fee towards future traffic signal and intersection improvements if warranted within the five-year period.

However, if traffic signal warrants are not satisfied after a five-year period from the development's horizon year, mitigation fees would not be required from the development for traffic signal improvements.

e. Signalized intersections where the projected level of service condition is at "D", but where one or more of the level of service conditions on the approaches falls below level of service "D", mitigating measures may be required to improve the capacity and traffic operations at the intersection. The city reserves the right to review all adverse traffic impacts at these intersections and to determine appropriate mitigating measures.

f. Where there are no bicycle lanes on abutting streets which have been identified in the city's capital improvement plan as streets to have bicycle lanes, the applicant shall provide sufficient right-of-way to allow the construction of the planned bicycle lane.

g. To mitigate pedestrian impacts, a concrete gutter/curb/sidewalk section shall be constructed along abutting streets. For formal plats, to provide for the safety of school children walking to the bus, concrete curbs, gutters, and sidewalks shall be provided along each side of all interior plat roads.

To mitigate pedestrian impacts, a bus stop shelter on a concrete pad shall be constructed where Pierce Transit and/or the school district has identified a need for a bus stop to serve the development and the citizens of University Place. Design standards for the bus shelter shall be provided by Pierce Transit and/or the school district.

(Ord. 142 § 1 Exh. A (2A.020), 1997).

* Exhibits A – F are available in the office of the city clerk.

Article II. Streets

13.15.030 General.

Street design must provide for the maximum loading conditions anticipated. The width and grade of the pavement must conform to specific standards set forth herein for safety and uniformity.

(Ord. 142 § 1 Exh. A (2B.010), 1997).

13.15.040 Design standards.

The design of streets and roads shall depend upon their type and usage. The design elements of city streets shall conform to city standards as set forth herein and current design practice as set forth in UPMC 13.10.010. Standard designs of pavement structures are shown on the street details at end of this chapter. Alternate pavement structures may be used based on the criteria as outlined in UPMC 13.15.190.

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The layout of streets shall provide for the continuation of existing principal streets in adjoining subdivisions or of their proper projection when adjoining property is not subdivided. Minor streets, which serve primarily to provide access to abutting property, shall be designed to encourage through nonmotorized traffic (pedestrians and bicycles). See the Minimum Public Street Design Standards Table.

A. Alignment. Alignment of major arterials and collectors shall conform as nearly as possible with that shown in the comprehensive plan.

B. Grade. Street grade should conform closely to the natural contour of the land. In some cases a different grade may be required by the director of public works. The minimum allowable grade shall be 0.5 percent. The maximum allowable grade shall be 15 percent, depending upon the street classification.

C. Width. The pavement and right-of-way width depend upon the review against current standards, street classification. The table of Minimum Street Design Standards show the minimum widths allowed.

Street widths shall be measured from face of curb to face of curb on streets with cement concrete curb and gutter.

D. The general notes in UPMC 13.15.045 shall be included on any plans dealing with street design in addition to all applicable requirements in UPMC 13.10.040.

E. Parking and fire lanes shall be provided in accordance with the requirements of zoning and fire codes.

F. Bus stops, pullout, and other bus transit amenities shall be in accordance with the requirements of Pierce Transit.
(Ord. 142 § 1 Exh. A (2B.020), 1997).

13.15.045 Street construction.

A. All workmanship and materials shall be in accordance with City of University Place standards and the most current copy of the State of Washington Standard Specifications for Road, Bridge, and Municipal Construction.

B. The contractor shall be responsible for all traffic control in accordance with MUTCD. Prior to disruption of any traffic, traffic control plans shall be prepared and submitted to the city for approval. No work shall commence until all approved traffic control is in place.

C. All curb and gutter, street grades, sidewalk grades, and any other vertical and/or horizontal alignment shall be staked by an engineering or surveying firm capable of performing such work.

D. Where new asphalt joins existing, the existing asphalt shall be cut to a neat vertical edge and tacked with asphalt emulsion type CSS-1 in accordance with the standard specifications. The new asphalt shall be feathered back over existing to provide for a seal at the saw cut location and the joint sealed with grade AR-4000W paving asphalt.

E. Compaction of subgrade, rock, and asphalt shall be in accordance with the standard specifications.

F. Form and subgrade inspection by the city is required before pouring concrete. Twenty-four hours' notice is required for form inspection.

G. The city will procure and install street name and regulatory signs at the contractor's/developer's expense. Signs shall be requested at the time construction begins.

H. Temporary erosion control/water pollution measures shall be required in accordance with the King County Surface Water Design Manual. At no time will silts and debris be allowed to drain into an existing or newly installed facility.
(Ord. 142 § 1 Exh. A (2B.020), 1997).

13.15.050 Functional classification.*

A. Functional Classification Elements. Streets and highways are most effectively classified by their function, according to the character of the service they are intended to provide. The primary functions of streets and highways are to provide mobility and to provide access, and the degree to which these functions are provided is considered an integral part of classifying streets. The functional classification system creates a hierarchy of a classified streets.

For example, a freeway provides a high degree of mobility limited access (available only at interchanges) that could be spaced several miles apart. Higher vehicle speeds and volumes are typical on these types of facilities and are, in fact, desirable. On the other hand, a local street within a residential neighborhood provides a high degree

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of access by way of numerous driveways to adjacent lots, and lower vehicle speeds and volumes are desired. Between these two extremes are the remainder of the streets, commonly called the arterial system, that must provide both mobility and access.

Streets are grouped into a number a different classifications for administrative, planning, and design purposes. For example, the classification system can be used for planning new routes, improvements to existing streets, and planning for area development in concert with the transportation network and providing minimum design standards or criteria to encourage the use of the street as intended.

The main considerations for classifying streets into functional groups are the travel desires of the public, land service needs based on existing and expected land use, and the overall continuity of the system. A classification plan which fits the various classes of streets together into a logical pattern and assigns realistic improvement standards to each class will promote the highest overall level of service for the funds that are available.

City definitions for each functional classification are presented below. A table of design elements, the standard, and application for each functional classification are in the pages that follow. Geometric design criteria follow each functional classification table. The city transportation plan will include transportation plans for modes other than passenger vehicles. These modal plans are intended to overlay onto the functional classification system. For example, the bicycle plan would overlay the function classification system to identify those streetways that should include bicycle facilities as a design element of the streetway.

The city functional classification system directly addresses all streets that are under the jurisdiction of the city.

City streets are divided into major (or principal) arterials, secondary arterials, collector arterials and local access streets in accordance with regional transportation needs and the functional use each serves. Function is the controlling element for classification and shall govern rights-of-way, road width, and road geometrics. The following list is provided to assist the developer in determining the classification of a particular street. New streets will be classified by the director of public works.

MAJOR ARTERIALS

STREET NAME	FROM	TO
BRIDGEPORT WAY W	27 ST W	35 ST W
BRIDGEPORT WAY W	67 AVE W	300' N/O 75 ST W
BRIDGEPORT WAY W	CHAMBERS LN W	6 AVE W
BRIDGEPORT WAY W	CIRQUE DR W	CHAMBERS LN W
BRIDGEPORT WAY W	44 ST W	CIRQUE DR W
BRIDGEPORT WAY W	35 ST W	40 ST W
BRIDGEPORT WAY W	40 ST W	44 ST W
BRIDGEPORT WAY W	19 ST W	27 ST W
CIRQUE DR W	ORCHARD ST W	67 AVE W
CIRQUE DR W	67 AVE W	BRIDGEPORT WAY W
LAKEWOOD	HANNAH-PIERCE/ORCHARD	66 ST W
ORCHARD ST W	HANNAH-PIERCE RD W	CIRQUE DR W
ORCHARD ST W	CIRQUE DR W	40 ST W
REGENTS BLVD W	27 ST W	67 AVE W
27 ST W	REGENTS	BRIDGEPORT WAY W

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SECONDARY ARTERIALS

STREET NAME	FROM	TO
27 ST W	SUNSET DR W	BRIDGEPORT WAY W
27 ST W	GRANDVIEW DR W	SUNSET DR W
40 ST W	ELWOOD DR W	SUNSET DR W
40 ST W	ALAMEDA AVE W	FIRCREST C/L
40 ST W	SUNSET DR W	BRIDGEPORT WAY W
40 ST W	OLYMPIC BLVD W	ELWOOD DR W
40 ST W	BRIDGEPORT WAY W	67 AVE W
64 ST W	GRANDVIEW DR W	CHAMBERS CRK RD W
67 AVE W	40 ST W	35 ST W
67 AVE W	27 ST W	REGENTS BLVD W
67 AVE W	BRIDGEPORT WAY W	CIRQUE DR W
67 AVE W	44 ST W	40 ST W
67 AVE W	35 ST W	27 ST W
CHAMBERS CRK RD W	STEILACOOM C/L	64 ST W
CHAMBERS CRK RD W	64 ST W	CHAMBERS LN W
CHAMBERS CRK RD W	CHAMBERS LN W	67 AVE W
CHAMBERS LN W	CHAMBERS CRK RD W	BRIDGEPORT WAY
CIRQUE DR W	BRIDGEPORT WAY W	SUNSET DR W
CIRQUE DR W	ELWOOD DR W	BECKONRIDGE DR
CIRQUE DR W	BECKONRIDGE DR W	GRANDVIEW DR W
CIRQUE DR W	SUNSET DR W	ELWOOD DR W
GRANDVIEW DR W	BECKONRIDGE DR W	CIRQUE DR W
GRANDVIEW DR W	35 ST W	OLYMPIC DR W
GRANDVIEW DR W	OLYMPIC DR W	BECKONRIDGE DR W
GRANDVIEW DR W	27 ST W	35 ST W
GRANDVIEW DR W	CIRQUE DR W	64 ST W
MILDRED ST W	96 ST E	19 ST W
OLYMPIC BLVD W	GRANDVIEW DR W	40 ST W

COLLECTOR ARTERIALS

STREET NAME	FROM	TO
19 ST W	350' W/O CRYSTAL SPRGS	GRANDVIEW DR W
19 ST W	GRANDVIEW DR W	R/R X-ING R9202A
27 ST W	VISTA PL W (CITY)	E DAY IS. BLVD W
27 ST W	GRANDVIEW DR W	VISTA PL W (CITY)
31 ST W	SOUNDVIEW DR W	VISTA PL W
31 ST W	SOUNDVIEW DR W	LEMONS BEACH RD W
35 ST W	SUNSET DR W	BRIDGEPORT WAY W
35 ST W	BRIDGEPORT WAY W	67 AVE W
35 ST W	GRANDVIEW DR W	SUNSET DR W
37 ST W	67 AVE W	FIRCREST C/L @ 63 AVE W
44 ST W	BRIDGEPORT WAY W	SUNSET DR W
44 ST W	ALAMEDA AVE W	67 AVE W
44 ST W	SUNSET DR W	ELWOOD DR W
44 ST W	67 AVE W	BRIDGEPORT WAY W
54 ST W	79 ST W	75 AVE CT
79 ST W	54 ST W	CIRQUE DR W

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ALAMEDA EXTENSION	CHAMBERS LN W	CIRQUE DR W
ALAMEDA AVE W	40 ST W	44 ST W
ALAMEDA AVE W	44 ST W	51 ST CT W
BECKONRIDGE DR W	CIRQUE DR W	GRANDVIEW DR W
ELWOOD DR W	44 ST W	CIRQUE DR W
ELWOOD DR W	40 ST W	44 ST W
ELWOOD DR W	PARKWAY W	27 ST W
GRANDVIEW DR W	19 ST W	27 ST W
LEMONS BEACH RD W	31 ST W	TACOMA C/L
SUNSET DR W	44 ST W	CIRQUE DR W
SUNSET DR W	27 ST W	35 ST W
SUNSET DR W	27 ST W	19 ST W
SUNSET DR W	40 ST W	44 ST W
SUNSET DR W	35 ST W	40 ST W

B. Function Classification Definitions.

1. Major Arterials. Major arterials provide service for major traffic movements within the city. They serve major centers of activity, intra-area travel between University Place and other suburban centers, between larger communities, and between major trip generators. Major arterials serve the longest trips and carry the major portion of trips entering and leaving the overall area. Typically they are one of the highest traffic volume corridors in the city. The design year ADT is approximately 5,000 to 30,000 vehicles per day or more. They frequently carry important intra-urban and inter-city bus routes.

The spacing of major arterials usually varies from about one mile in highly developed business areas to five miles or more in rural areas. Service to abutting land should be subordinate to the provision of travel service to major traffic movements; this service should be incidental to the primary functional responsibility of the street. It is desirable to place arterials on community and neighborhood boundaries or adjacent to, but not through, major shopping centers, parks, and other homogeneous areas.

2. Secondary Arterials. Secondary arterials interconnect with and augment the major arterial system. Secondary arterials connect major arterials to collector arterials and small generators. They provide service to medium-size trip generators, such as less intensive commercial development, high schools and some junior high/grade schools, warehousing areas, active parks and ballfields, and other land uses with similar trip generation potential. They distribute travel to smaller geographic areas and communities than those identified with the major arterial system. They provide service to trips of moderate length of a somewhat lower level of travel mobility than major arterials. The design year ADT is approximately 2,500 to 15,000.

Spacing of secondary arterials is usually less than one mile in fully developed areas. They provide intra-community continuity and are typically a continuous street with a direct rather than a meandering alignment. They may carry local bus routes. Secondary arterials allow for more emphasis on land access than the major arterial system. They usually do not penetrate identifiable neighborhoods.

3. Collector Arterials. Collector arterials distribute trips from major and secondary arterials to the ultimate destination, or may collect traffic from local streets and channel it into the major and secondary arterials systems. They carry a low proportion of traffic traveling through the entire subarea; carry a high proportion of local traffic with an origin or destination within that area. Design year ADT is approximately 2,500 to 15,000. They may be on a somewhat meandering alignment and need not be particularly long or continuous. Spacing is typically about one-quarter mile in developed areas. Collector arterials provide both land access service and traffic circulation within residential neighborhoods, commercial, and industrial areas. They may penetrate identifiable residential neighborhoods.

4. Local Street System. The local street system provides circulation and access for residential neighborhoods away from the arterial system. The local street system consists of local access and minor access streets.

For developments or neighborhoods of moderate size or larger, the streets serving as primary access to and from the bordering arterial system should be considered for collector arterial classification with no direct lot access and abutting residences oriented away from it. Traffic generators, such as schools or churches, within residential

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areas should be considered within the local circulation pattern, not only from within the subdivision, but from adjacent neighborhoods as well. There should be a limited number of access points with the arterial streets that border the subdivision.

Local streets should be designed for relatively uniform low volume of traffic upon full development, particularly for local access and minor access streets. The system should be designed to discourage excessive speeds and should minimize the necessity for traffic control devices. Internal streets with direct lot access should be discontinuous so as to discourage through traffic.

a. Local feeder streets serve as primary access to the development from the adjacent street system. It distributes traffic from the local street minor in residential neighborhoods and channels it to the arterial system. There are usually no bus routes, with the exception of possible school buses. It directly serves any major traffic generators within the neighborhood, such as an elementary school or a church. It usually serves one moderate size neighborhood or a combination of a few small developments, rather than interconnecting two or more larger neighborhoods. It serves little, if any, through traffic generated outside the neighborhood. Typical ADT may range from about 400 to 1,500. Abutting residences are oriented away from the feeder.

b. Minor access provides direct access from abutting land to the local access streets. There are usually no bus routes on local access streets. They are typically an internal subdivision street providing circulation within the subdivision or between subdivisions. Service to through-traffic is deliberately discouraged. Minor access streets can never be a higher classification. Typical ADT may range from about 300 to 1,000.

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MINIMUM PUBLIC STREET DESIGN STANDARDS

Design Standard	Major Arterial	Secondary Arterial	Collector Arterial	Local Road Feeder	Local Roadway Minor
Minimum Right-of-Way	83' to 90'	56' to 70'	54' to 66'	60'	56'
Parking Lane	None	None	None	Both sides 8' wide	Both sides 8' wide
Minimum/ Maximum Grade	0.7% – 8%	0.7% – 8%	0.7% – 15%	0.7% – 15%	0.7% – 15%
Curb and Gutter	Cement Concrete Curb and Gutter Both Sides	Cement Concrete Curb and Gutter Both Sides	Cement Concrete Curb and Gutter Both Sides	Cement Concrete Curb and Gutter Both Sides	Cement Concrete Curb and Gutter Both Sides
Sidewalks	Both Sides: 5' wide (commercial areas may require up to 10' widths at discretion of the public works department)	Both Sides: 5' wide (commercial areas may require up to 10' widths at discretion of the public works department)	Both Sides: 5'	Both Sides: 5'	Both Sides: 5'
Planter Strip	Both Sides 3' to 4.5' wide	Both Sides 3' to 4.5' wide	Both Sides 4.5' wide	Both Sides 4.5' wide	Both Sides 4.5' wide
Bike Lanes	Both Sides	Both Sides	Both Sides	Optional	Optional
Cul-De-Sac Radius (pave-ment width)	N/A	N/A	N/A	N/A	50' Paved Radi-us (residential)
Intersection Curb Radius	35'	35'	35'	35'	25'
Minimum Centerline Radius for Normal Crown	w/superelevation* per AASHTO w/o superelevation 600'	w/superelevation* per AASHTO w/o superelevation 600'	150'	150'	As Approved
Stopping Site Distance	325'	325'	200'	200'	As Approved

* Maximum superelevation = 6%

Intersection Spacing

Distance between major arterial	One mile +/-
Distance from major arterial to secondary arterials	One-half mile +/-
Distance from major and secondary arterials to collector arterials	One-quarter mile +/-
Spacing of intersections on arterial shall be	300 feet or more
Spacing of intersections on local access roads shall be	150 feet or more

The intent of spacing is to minimize the number of intersections on arterials and local road feeders. (Ord. 142 § 1 Exh. A (2B.030), 1997).*

* Prior legislation: Ordinance 22 adopted Chapter 12.08 PCC and Ordinance 94-77 as an interim road classification plan.

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13.15.060 Naming.

Streets and roads shall be named according to specific criteria established by city.

An address number will be assigned to all new buildings at the time the building permit is issued. It is then the owner's responsibility to see that the house numbers are placed clearly and visibly at the main entrance to the property or at the principal place of ingress.

The developer must check with the building official regarding the naming of streets. This should be done at the time the preliminary plat is submitted and again upon approval of the final plat. The building official will insure that the name assigned to a new street is consistent with policies of the city.

(Ord. 142 § 1 Exh. A (2B.040), 1997).

13.15.070 Signing.

The developer is responsible for providing all traffic control signs. Traffic control signing shall comply with the provisions as established by the U.S. Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD).

Street designation signs, including poles and hardware, will be paid for by the developer but will be designed, furnished and installed by the city to establish uniformity unless otherwise indicated by the city. A written request must be submitted to the city public works department when signing is needed and the developer will be billed upon completion. Street designation signs shall display street names, district destinations and grid numbers.

(Ord. 142 § 1 Exh. A (2B.050), 1997).

13.15.080 Right-of-way.

Right-of-way is determined by the functional classification of a street. Arterials shall have a right-of-way of 54 to 90 feet depending on classification. Local access feeder and minor streets shall have a right-of-way of 60 and 56 feet respectively. See Minimum Public Street Design Standards Table for specific additional information. See Minimum Public Street Design Standards Table for radius requirements at cul-de-sac "bulb".

Additional roadside easements may be required to facilitate roadway maintenance.

Right-of-way requirements may be increased if additional lanes, pockets, transit lanes, bus loading zones, operational speed, bike lanes, utilities, schools or other factors are proposed and/or required by the city.

Right-of-way shall be conveyed to the city on a recorded plat or by a right-of-way dedication deed. All costs of same to be borne by the property owner/developer.

(Ord. 142 § 1 Exh. A (2B.060), 1997).

13.15.090 Private streets and alleys.

A. Private streets may be allowed under the following conditions:

1. Permanently established by commonly-owned tract (or easement if situation requires) providing access to serve no more than four dwelling units or businesses on separate parcels, or unlimited dwelling units or businesses situated on one parcel when approved as a planned development district (PDD) and sufficient to accommodate required improvements, to include provisions for future use by adjacent property owners when applicable.

2. Have a minimum 20-foot paved surface, and have a sidewalk five feet in width on one side of such design that prevents parking on the sidewalk.

3. Private street serving single-family, multi-family, mobile home, or commercial uses shall be accessible at all times for emergency and public service vehicle use.

4. Will not result in landlocking of present or future parcels, conflict with any transportation or street improvement plan, nor obstruct public street circulation.

5. Covenants have been approved by the city and recorded which provide for maintenance of the private streets and associated parking areas by the owner, private road maintenance agreement, or homeowners' association or other legal entity.

6. If parking on a private street is requested, an additional eight feet of pavement shall be provided on each side of the street where parking is to be allowed.

7. Construction and inspection standards for public road apply for private roads unless otherwise noted within these guidelines.

B. Alleys are considered private roads and are governed by the following criteria:

1. Allowed for primary access only when lots served have full frontage on a public street.

2. Serves a maximum of 30 lots, with a maximum length of 400 feet, no cul-de-sacs and no dead ends if serving more than four lots.

3. When an alleyway is to be provided with utilities, the alley shall be located within a utility easement.

4. Minimum alley tract (easement if circumstances require) width of 20 feet with a pavement

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surface of 16 feet (including thickened edge), based on a five-foot structure setback from property line or edge of tract (easement). For differing structure setback requirements, alley configuration shall be designated to provide for safe turning access to properties.

5. Alleyways shall be provided with a paved surface, a thickened edge on one side and cross slope in one direction.

6. Alleys will be allowed only when lots have frontage on a public street.

7. Alley entry shall be provided by a driveway cut.

8. Construction and inspection standards for public roads apply for alleys unless otherwise noted within these guidelines.

C. Acceptance as Public Streets. Acceptance of private streets as public streets will be considered only if the street(s) meet all applicable public street standards, including right-of-way widths.

MINIMUM PRIVATE STREET AND ALLEY DESIGN STANDARDS

Design Standard	Private Street	Alley (Residential Only)
Minimum Right-of-Way (Tract)	26' (with an additional 6' utility esmt. outside tract)	20'
Service Area	4 Dwelling Units Maximum	30 Lots Maximum
Minimum Pavement Width	20'	16'
Parking Lane	None*	None
Minimum and Maximum Grade	0.5% – 15.0%	0.5% – 15.0%
Curb Type	Vertical Curb	Wedge Curb or None if in 2% V-section
Sidewalk	5' One Side (within tract)	None
Cul-De-Sac Radius (pavement width)	45	None
Intersection Curb Radius	10	10
Design Speed (MPH)	15	10

* Pavement width and tract width shall increase eight feet for each parking lane desired.

(Ord. 142 § 1 Exh. A (2B.070), 1997).

13.15.100 Developments on substandard streets.

All new developments which obtain access from substandard public or private streets shall be required to construct all necessary street improvements to bring any street up to current city standards prior to final approval. Such improvements shall be made from the point of access to the closest intersection of a public street that meets current standards. Street improvements may include but are not limited to curb and gutter, sidewalk, street storm drainage, street lighting, traffic signal modification, relocation or installation, utility relocation, and street widening all per these standards.

(Ord. 142 § 1 Exh. A (2B.075), 1997).

13.15.110 Street frontage improvements.

A. All developments or major tenant improvements shall install street frontage improvements at the time of construction as required by the department of public works. Such improvements may include curbs, gutters, bike lanes, planter strips, medians, sidewalks, bus stops, bus shelters, bus pads, bus pullout, street storm drainage, street lighting system, traffic signal modification, relocation or installation, utility relocation, landscaping and irrigation, and street widening all per these standards. Plans shall be prepared and signed by a licensed civil engineer registered in the state of Washington.

B. All frontage improvements shall be made across the full frontage of property from centerline to right-of-way line.

C. Exceptions. When the director of public works deems that the above such improvements cannot be accomplished at the time of building construction, a recorded agreement on forms provided by the department of public works shall be completed which provide for these improvements

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to be installed at a later date by the applicant or by the applicant's signing of a waiver of protest in a local improvement district (LID) in the description of the city.
(Ord. 142 § 1 Exh. A (2B.080), 1997).

13.15.120 Cul-de-sac.

Streets designed to have one end permanently closed shall be no longer than 150 feet. At the closed end, there shall be a widened "bulb" having a minimum paved traveled radius as shown in the Minimum Public Street Design Standards Table. Within an easement dedicated to the public, developer shall install five-foot-wide concrete sidewalk(s) from the end of the cul-de-sac to the nearest public road per Option A or Option B in drawings, Figure 1-06. Required easement width shall be determined by the director of public works.
(Ord. 142 § 1 Exh. A (2B.090), 1997).

13.15.130 Hammerhead turnaround.

Hammerheads will be allowed on streets which serve four lots or less and must be approved by the city fire marshal. See standard hammerhead detail, drawing 2-32, at the end of this chapter.
(Ord. 142 § 1 Exh. A (2B.100), 1997).

13.15.140 Temporary dead ends.

Where a street is temporarily dead ended, turnaround provisions must be provided where the road serves more than one lot. The turnaround may be a hammerhead with a minimum distance on both sides at the centerline intersection of 60 feet to facilitate emergency vehicle turnaround.
(Ord. 142 § 1 Exh. A (2B.110), 1997).

13.15.150 Medians.

Raised, landscaped medians shall be provided along all major and secondary arterial roadways. Medians will include pedestrian landing/refuge areas to make it safer to cross wide streets, where appropriate. Medians shall be designed so as not to limit turning radius or sight distance at intersections. A detailed landscaping and irrigation plan prepared by a professional landscaped architect registered in the state of Washington shall be submitted to the public works department for review and approval. The developer is required to pay all water system connection fees and charges associated with installation of irrigation system.
(Ord. 142 § 1 Exh. A (2B.120), 1997).

13.15.160 Intersections.

A. Traffic control will be as specified in the Manual on Uniform Traffic Control Devices (MUTCD) or as modified by the director of public works as a result of appropriate traffic engineering studies.

B. Street intersection shall be laid out so as to intersect as nearly as possible at right angles. Sharp angled intersections shall be avoided. For reasons of traffic safety, a "T" intersection (three-legged) is preferable to the crossroad (four-legged) intersection for local access streets. For safe design, the following types of intersection features should be avoided:

1. Intersections with more than four intersecting streets;

2. "Y" type intersections where streets meet at acute angles;

3. Intersections adjacent to bridges and other sight obstructions.

C. Spacing between adjacent intersecting streets, whether crossing or "T", should be as follows:

When highest classification involved is:	Minimum centerline offset should be:
Major Arterial	350 feet
Secondary Arterial	300 feet
Collector Arterial	200 feet
Local Road Feeder	150 feet
Local Road Minor	150 feet

When different class streets intersect, the higher standard shall apply on curb radii. Deviations to this may be allowed at the direction of the director of public works.

D. On sloping approaches at an intersection, landings shall be provided with grade not to exceed one foot difference in elevation for a distance of 30 feet approaching any arterial or 20 feet approaching a collector or local access street, measured from nearest right-of-way line (extended) of intersecting street.
(Ord. 142 § 1 Exh. A (2B.130), 1997).

13.15.170 Driveways.

A. General.

1. Details of driveway sections are located at the end of this chapter.

2. All abandoned driveway areas on the same frontage shall be removed and the curbing

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and sidewalk or shoulder and ditch section shall be properly restored.

3. All driveways shall be constructed of Portland concrete cement and shall be subject to the same testing and inspection requirements as curb, gutter, and sidewalk construction.

4. Joint-use driveways serving two adjacent parcels are permitted upon formal written agreement by both property owners and approval of the city. The agreement shall be a recorded easement for both parcels of land specifying joint usage. Joint use driveways shall be a minimum of 15 feet wide and paved along that portion which serves both parcels.

5. Grade breaks, including the tie to the roadway, shall be constructed as smooth vertical curves. The maximum change in driveway grade shall be eight percent within any 10 feet of distance on a crest and 12 percent within any 10 feet of distance in a sag vertical curve.

6. Residential and commercial driveway widths are discussed in subsection (C)(1) of this section.

7. No commercial driveway shall be approved where backing onto the sidewalk or street will occur.

8. All driveway locations must be shown on the plat mylars and/or on the site development plans. Residential driveway locations for lots in formal plats are not restricted to any location unless so noted on the plat mylar.

9. New driveway locations created by the platting of property shall be unified whenever possible to create the fewest number of accesses onto a city street.

B. Arterial Streets.

1. No driveway may access an arterial within 75 feet (measured along the arterial) of any other such arterial street access on either side of the street; provided, that such access may be located directly opposite another access.

2. No driveway access shall be allowed to an arterial street within 150 feet of the nearest right-of-way line of an intersecting street.

3. Within the limitations set forth above, access to arterial streets within the city shall be limited to one driveway for each tract of property separately owned. Properties contiguous to each other and owned by the same person are considered to be one tract.

4. Driveways giving direct access onto arterials may be denied if alternate access is available. Deviations of these standards may be permitted by the director of public works.

5. Wherever a potential access exists to any property from both a public road and a private easement, the city may refuse access to the public road.

6. The public works department and Pierce Transit will determine the minimum separation that will be allowed between an existing bus stop and a proposed driveway.

C. Residential Driveways.

1. Residential driveways shall be constructed the maximum practical distance, but in no event less than 35 feet or the posted speed limit in feet, whichever is greater, from a side street or intersection. The distance is measured from the road right-of-way line to the nearest edge of the driveway.

2. Wherever a potential access exists to any property from both a public road and a private easement, the city may refuse access to the public road.

D. Width.

1. The maximum driveway width for two-way access drives onto an arterial or collector shall be 24 feet for residential, 30 feet for commercial uses, and 35 feet for industrial uses. Maximum driveway widths for one way access drives onto an arterial or collector shall be 20 feet for residential, 20 feet for commercial, and 25 feet for industrial uses. A road approach or wider driveway width may be approved by the director of public works where a substantial percentage of oversized vehicle traffic exists, where divisional islands are desired, or where multiple exit or entrance lanes are needed.

2. The maximum two-way driveway width onto a local access street shall be 24 feet for residential uses and 26 feet for commercial uses.

3. The maximum one way driveway width shall be 15 feet for residential and 22 feet for commercial driveways. Parking lot circulation and signing needs shall be met on site. The public right-of-way shall not be utilized as part of a one way parking lot flow.

4. Road approaches and/or ingress and egress tapers may be required in industrial and commercially zoned areas as directed by the director of public works. Tapers shall be designed per Institute of Transportation Engineers publication "Transportation and Land Development" by V.G. Stover and F. Koepke.

5. Commercial drive aisles from the driveway section through the associated parking lot(s) shall be a minimum of 24 feet and shall meet all

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the requirements of the planning department and the fire marshal.
(Ord. 142 § 1 Exh. A (2B.140), 1997).

13.15.180 Sight obstruction.

The following sight clearance requirements take into account the proportional relationship between speed and stopping distance.

The sight distance area is a clear-view triangle formed on all intersections by extending two lines of specified length (A) and (B) as shown below from the center of the intersecting streets along the centerlines of both streets and connecting those endpoints to form the hypotenuse of the triangle. See sight obstruction detail, drawing 2-30, at the end of this chapter.

Sight Distance Triangle:

A. Stop or Yield Controlled Intersection.

	Sight Distance (Ft.)	
	(A)	(B)
Speed Limit	**Arterial Street**	**Local Street**
20 mph	200	*
25 mph	250	*
30 mph	300	*
35 mph	350	*
40 mph	400	*

*Sight distance measured from a point on the minor road 15 feet from the edge (extended) of the major road pavement and measured from a height of eye at 3.50 feet on the minor road to height of object at 4.25 feet on the major road.

B. Uncontrolled Intersection.

	Sight Distance (Ft.)	
	(A)	(B)
Speed Limit	**Arterial Street**	**Local Street**
20 mph	90	90
25 mph	110	110
30 mph	130	130
35 mph	155	155
40 mph	180	180

C. The vertical clearance area within the sight distance triangle shall be free from obstructions to a motor vehicle operator's view between a height of three feet and 10 feet above the existing surface of the street.

D. Exclusions. Sight obstructions that may be excluded from these requirements include: fences in conformance with this chapter, utility poles, regulatory signs, trees trimmed from the base to a height of 10 feet above the street, places where the contour of the ground is such that there can be no cross visibility at the intersection, saplings or plant species of open growth habits and not in the form of a hedge which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross view, buildings constructed in conformance with the provisions of appropriate zoning regulations and pre-existing buildings.
(Ord. 142 § 1 Exh. A (2B.150), 1997).

13.15.190 Surfacing requirements.

All streets in the City of University Place will be paved with either asphalt concrete or Portland cement concrete, in strict compliance with these standards.

The pavement design shall meet the requirements in the latest publication of the AASHTO Guide for Design of Pavement Structures. The pavement section shall be designed and stamped by an engineer currently licensed in the state of Washington.

One soil sample per each 500 LF of centerline with three minimum per project representative of the roadway subgrade shall be taken by a qualified soils technician hired by the developer and delivered to a soil lab in order to determine a statistical representation of the existing soil conditions.

Soil tests shall be performed by an engineering firm specializing in soils analysis and currently licensed in the state of Washington.

The soils report, signed and stamped by a soils engineer licensed by the state of Washington, shall be based on actual soils tests and submitted with the plans. All depths indicated are a minimum compacted depth.

Construction of streets paved with asphalt concrete shall conform to Section 5-04 of the Standard Specifications. Pavement material will be Class "B" asphalt concrete and be constructed at least two inches thick (minimum compacted thickness) over the prepared crushed surface, top course, or asphalt treated base. Mechanical spreading and finishing will be as described in Section 5-04.3(9) of the Standard Specifications. Compaction will be performed by the equipment and methods presented in Section 5-04.3(10) of the Standard Specifications, and surface smoothness shall satisfy the requirement of Section 5-04.3(13) of the Standard Specifications.

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Portland cement concrete streets will be constructed as specified in Section 5-05 of the Standard Specifications.

Permanent pavement patching will be performed as described in the pavement repair detail listed herein (Figure 2-8), and in compliance with Section 5-04 of the Standard Specifications. All fill material will be placed in lifts no thicker than six inches and mechanically compacted to 95 percent of standard density, as described in Section 2-03 of the Standard Specifications and to the satisfaction of the city inspector.
(Ord. 142 § 1 Exh. A (2B.160), 1997).

13.15.200 Temporary street patching.

Temporary restoration of trenches shall be accomplished by using two-inch Class B Asphalt Concrete Pavement when available or two-inch medium-curing (MC-250) Liquid Asphalt (cold mix), two-inch Asphalt Treated Base (ATB), or steel plates. ATB used for temporary restoration may be dumped directly into the trench, bladed and rolled. After rolling, the trench must be filled flush with asphalt concrete pavement to provide a smooth riding surface.

All temporary patches shall be maintained by the contractor until such time as the permanent pavement patch is in place.

If the contractor is unable to maintain a patch for whatever reason, the city will patch it at actual cost plus overhead and materials.
(Ord. 142 § 1 Exh. A (2B.170), 1997).

13.15.210 Trench backfill and restoration.

Trench restoration shall be either by a patch or patch plus overlay as required by the city.

A. All trench and pavement cuts shall be made by spade bladed jackhammer or sawcuts. The cuts shall be a minimum of one foot outside the trench width.

B. All trenching shall be backfilled with crushed surfacing materials conforming to Section 2-04 of the WSDOT/APWA Standard Specifications. The trench shall be compacted to 95 percent maximum density, as described in Section 2-03 of the WSDOT/APWA Standard Specifications.

If the existing material is determined by the city to be suitable for backfill, the contractor may use the native material except that the top eight inches of trench shall be two-and-one-half inch minus ballast. All trench backfill materials shall be compacted to 95 percent density.

Backfill compaction shall be performed in six-inch lifts.

Replacement of the asphalt concrete or Portland cement concrete shall be of existing depth plus one inch, or three inches, whichever is greater. Replacement of Portland cement concrete shall match existing thickness of adjacent concrete or six inches, whichever is greater.

C. Tack shall be applied to the existing pavement and edge of cut and shall be emulsified asphalt grade CSS-1 as specified in Section 9-02.1(6) of the WSDOT/APWA Standard Specifications. Tack coat shall be applied as specified in Section 5-04 of the WSDOT/APWA Standard Specifications.

D. Asphalt concrete Class B shall be placed on the prepared surface by an approved paving machine and shall be in accordance with the applicable requirements of Section 5-04 of the WSDOT/APWA Standard Specifications, except that longitudinal joints between successive layers of asphalt concrete shall be displaced laterally a minimum of 12 inches unless otherwise approved by the director of public works. Fine and coarse aggregate shall be in accordance with Section 9-03.8 of the WSDOT/APWA Standard Specifications. Asphalt concrete over two inches thick shall be placed in equal lifts not to exceed two inches each.

All street surfaces, walks or driveways within the street trenching areas affected by the trenching shall be feathered and shimmed to an extent that provides a smooth-riding connection and expeditious drainage flow for the newly paved surface. Shimming and feathering as required by the director of public works shall be accomplished by raking out the oversized aggregates from the Class B mix as appropriate.

Surface smoothness shall be per Section 5-04.3(13) of the WSDOT/APWA Standard Specifications. The paving shall be corrected by removal and repaving of the trench only.

E. All joints shall be sealed using paving asphalt AR4000W.

F. When trenching within the roadway shoulder(s), the shoulder shall be restored to its original or better condition.

G. The final patch shall be completed as soon as possible and shall be completed within 30 days after first opening the trench. This time frame may

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be adjusted if delays are due to inclement paving weather, or other adverse conditions that may exist. Delaying of final patch of overlay work is allowable only subject to the director of public work's approval. The director of public works may deem it necessary to complete the work within 30 days' time frame and not allow any time extension. If this occurs, the contractor shall perform the necessary work as directed by the director of public works.
(Ord. 142 § 1 Exh. A (2B.180), 1997).

13.15.220 Staking.

All surveying and staking shall be performed by an engineering or surveying firm capable of performing such work. The engineer or surveyor directing such work shall be licensed as a professional engineer or professional land surveyor by the state of Washington.

A preconstruction meeting shall be held with the city prior to commencing staking. All construction staking shall be inspected by the city prior to construction.

The minimum staking of streets shall be as directed by the director of public works or as follows:

A. Stake centerline every 50 feet in tangent sections and 25 feet in curved sections plus grade breaks, PVCs, PVTs, high points and low points, with cut and/or fill to subgrade.

B. Stake top of ballast and top of crushed surfacing at centerline and edge of pavement at the above-described intervals.

C. Stake top back of curb at the above-described intervals with cut or fill to finished grade.
(Ord. 142 § 1 Exh. A (2B.190), 1997).

13.15.230 Testing.

Testing shall be required at the developer's or contractor's expense. The testing shall be ordered by the developer or contractor. Testing shall be performed by an engineering firm currently licensed in the state of Washington. Testing shall be done on all materials and construction as specified in the WSDOT/APWA Standard Specifications and with frequency as specified herein.

In addition, the city shall be notified before each phase of street construction commences (i.e., staking, grading, subgrade, ballast, base, top course, and surfacing).

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TESTING AND SAMPLING FREQUENCY GUIDE

ITEM	TYPE OF TESTS	MINIMUM NO.	FREQUENCY
GRAVEL BORROW	GRADING AND SE	1 EACH	1 – 4,000 TON
SAND DRAINAGE BLANKET	GRADING	1 EACH	1 – 4,000 TON
CSTC	GRADING, SE AND FRACTURE	1 EACH	1 – 2,000 TON
CSBC	GRADING, SE AND FRACTURE	1 EACH	1 – 2,000 TON
BALLAST	GRADING, SE AND DUST RATIO	1 EACH	1 – 2,000 TON
BACKFILL/SAND DRAINS	GRADING	1 EACH	1 – 2,000 TON
GRAVEL BACKFILL FOR:			
FOUNDATIONS	GRADING, SE AND DUST RATIO	1 EACH	1 – 1,000 TON
WALLS	GRADING, SE AND DUST RATIO	1 EACH	1 – 1,000 TON
PIPE BEDDING	GRADING, SE AND DUST RATIO	1 EACH	1 – 1,000 TON
DRAINS	GRADING	1 EACH	1 – 100 TON
PCC STRUCTURES: (Sidewalk, curb and gutter, foundations)			
COARSE AGGREGATE	GRADING	1 EACH	1 – 1,000 TON
FINE AGGREGATE	GRADING	1 EACH	1 – 500 TON
CONSISTENCY	SLUMP	1 EACH	1 – 100 CY
AIR CONTENT	AIR	1 EACH	1 – 100 CY
CYLINDERS (28 DAY)	COMPRESSIVE STRENGTH	2 EACH	1 – 100 CY
CEMENT:	CHEMICAL AND PHYSICAL CERTIFICATION	1	1 – JOB
ASPHALT CEMENT CONCRETE:			
BLEND SAND	SE	1 EACH	1 – 1,000 TON
MINERAL FILLER	S.G. AND PI, CERTIFICATION	1	1 – JOB
COMPLETED MIX	FRACTURE, SE, GRADING ASPHALT CONTENT	1 EACH	1 – 1,000 TON
	COMPACTION	2 EACH	5 – 400 TON
ASPHALT TREATED BASE:			
COMPLETED MIX	SE, GRADING, ASPHALT CONTENT	1 EACH	1 – 1,000 TON
	COMPACTION	1 EACH	5 – CONTROL LOT*
ASPHALT MATERIALS	CERTIFICATION	1	1 – JOB
RUBBERIZED ASPHALT:	CERTIFICATION	1	1 – JOB
COMPACTION TESTING:			
EMBANKMENT	COMPACTION	1 EACH	1 – 500 LF
CUT SECTION	COMPACTION	1 EACH	1 – 500 LF
CSTC	COMPACTION	1 EACH	1 – 500 LF
CSBC	COMPACTION	1 EACH	1 – 500 LF
BALLAST	COMPACTION	1 EACH	1 – 500 LF
TRENCH BACKFILL	COMPACTION	1 EACH	1 – 500 LF

SE = Sand Equivalency

* A control lot shall be a normal day's production. For minor quantities 200 tons or less per day, a minimum of two gauge readings shall be taken.

(Ord. 142 § 1 Exh. A (2B.200), 1997).

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Article III. Sidewalks, Curbs and Gutters

13.15.240 General.

All properties within commercial zones of the city, properties abutting arterial or local access streets and properties upon which there are to be public buildings shall, in conjunction with new construction or a major tenant improvement, have curbs, gutters, and sidewalks constructed along abutting streets.
(Ord. 142 § 1 Exh. A (2C.010), 1997).

13.15.250 Design standards.

Plans for the construction of sidewalks, curbs and gutters are to be submitted as part of the street plans when applicable.

The city has set forth minimum standards as outlined in this section which must be met in the design and construction of sidewalks, curbs and gutters. Because these are minimum standards, they may be modified by the director of public works should the director feel circumstances require increased or decreased widths. Ten-foot-wide sidewalks may be required on major and secondary arterials at the discretion of the public works department.
(Ord. 142 § 1 Exh. A (2C.020), 1997).

13.15.260 Sidewalks.

Sidewalks shall be constructed of commercial concrete, minimum four inches thick except in driveway approaches where the minimum thickness shall be six inches. When the sidewalk, curb and gutter are contiguous, the width of the sidewalk shall be measured from back of curb to back of sidewalk.

A. Arterial Streets. Sidewalks, curbs and gutters shall be required on both sides of all arterial streets interior to the development. Sidewalks, curbs and gutters shall also be required on the development side of streets abutting the exterior of said development. Arterial streets for purposes of this subsection shall include major arterials, secondary arterials and collector arterials.

B. Local Access Streets. Sidewalks shall be required on both sides of local access streets which are interior to the development and on the development side of local and minor access streets abutting the exterior of said development including cul-de-sacs.

C. The design and construction of all sidewalks, curbs, and gutters shall meet the following minimum standards:

The width of sidewalks shall be as shown in the minimum street design standards and the street design drawings. The design of all sidewalks shall provide for a gradual rather than an abrupt transition between sidewalks of different widths or alignments.

D. Form and subgrade inspections by the city are required before sidewalk is poured.

E. Monolithic pour of curb, gutter and sidewalk will not be allowed.

F. For driveway requirements, see UPMC 13.15.170.
(Ord. 142 § 1 Exh. A (2C.030), 1997).

13.15.270 Curb and gutter.

Cement concrete curb and gutter shall be used for all street edges unless otherwise approved by the director of public works. All curbs and gutters shall be constructed of commercial concrete as shown on drawing 2-14.

Extruded curb and gutter per WSDOT/APWA Standard Specifications is allowed.

Form and subgrade inspections by the city are required before curb and gutter are poured.
(Ord. 142 § 1 Exh. A (2C.040), 1997).

13.15.280 Handicap accessibility ramps.

All sidewalks must be constructed to provide for accessibility ramps in accordance with the standards of state law.

Accessibility ramps shall be constructed of commercial cement. Form and subgrade inspections by the city are required before accessibility ramps are poured.
(Ord. 142 § 1 Exh. A (2C.050), 1997).

13.15.290 Bus pads.

Bus stop pads shall be installed to Pierce Transit specifications as part of frontage improvements where bus stops currently exist or will be created where no pads currently present.
(Ord. 142 § 1 Exh. A (2C.060), 1997).

13.15.300 Staking.

The criteria set forth in UPMC 13.15.220 for engineering and surveying qualifications and preconstruction meetings shall be adhered to in addition to the following:

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The minimum staking of curb, gutter and sidewalk shall be as directed by the director of public works or as follows:

Stake top of back of curb every 50 feet in tangent sections and 25 feet in curved sections plus grade breaks, PVCs, PVTs, high point and low points, with cut or fill to finished grade.
(Ord. 142 § 1 Exh. A (2C.070), 1997).

13.15.310 Testing.

Testing shall be required at the developer's or contractor's expense on all materials and construction as specified in the WSDOT/APWA Standard Specifications.

At a minimum, one slump test and two test cylinders shall be taken once per day. All other testing frequencies shall be as specified in the Testing and Sampling Frequency Guide in UPMC 13.15.230.

In addition, the city shall be notified before each phase of sidewalk, curb and gutter construction commences.
(Ord. 142 § 1 Exh. A (2C.080), 1997).

Article IV. Bikeways

13.15.320 General.

Bike lane construction is required on all arterial streets adjacent to any development or redevelopment where the estimated cost of improvements on such properties exceeds 25 percent of the value of the existing structures, or plat or short plat approval or when the need for such a bike lane is indicated by the public works department.
(Ord. 142 § 1 Exh. A (2D.010), 1997).

Article V. Illumination

13.15.330 General.

All developments requiring a site development permit review shall provide street lights in accordance with the standards for such improvements of the city and they shall be owned and operated by the city if located within public rights-of-way. Street lighting located on private properties shall be under a maintenance agreement and maintained by the homeowners' association.
(Ord. 142 § 1 Exh. A (2E.010), 1997).

13.15.340 Design standards.

A street lighting plan submitted by the applicant and approved by the public works director shall be required for all street light installations. Type of installation shall be as set forth in WSDOT/APWA Standard Specifications and as directed by the city except where noted herein.

All public street light designs shall be prepared by an engineering firm capable of performing such work. The engineer shall be licensed by the state of Washington. All developments shall submit the lighting plan on a separate sheet. After system is completed and approved, a set of "as built" mylars shall be submitted to the city as a permanent record.

Lights shall be located in accordance with the Illumination Standards Table and details 2-17 through 2-17.4. In addition, intersections shall be illuminated to 1.5 times the highest foot candle requirement of the streets surrounding the intersection. Exception: In residential and intermediate classes, local and collector streets intersecting other local and collector streets do not need 1.5 times the illumination provided a luminaire is placed at the intersection.

For the purposes of this section, area classes are determined by zoning as follows:

Commercial
- Community Center
- Mixed Use District

Industrial

Moderate Intensity Employment Center

Residential
- Moderate Density Single-Family
- High Density Residential District

As new zones are created, they will be classified by the director of public works. If road widths differ from those in the Illuminations Standards Table, other spacing will be determined by the director of public works using the following criteria:

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AVERAGE MAINTAINED HORIZONTAL ILLUMINATION (FOOT CANDLES)

Road Class	Residential
Local Feeder and Minor	0.4
Collector Arterial	0.6
Secondary Arterial	0.8
Major Arterial	0.8

Uniformity Ratio: 6:1 average: minimum for local
4:1 average: minimum for collector
3:1 average: minimum for secondary and major arterial

Dirt Factor = 0.85, lamp lumen depreciation factor – .073
Minimum Weak Point Light = 0.2fc except residential local street
Average Illumination at Intersections = 1.5 times the illumination required on the more highly illuminated street

400 watt initial lamp lumens = 50,000
200 watt initial lamp lumens = 22,000
150 watt initial lamp lumens = 16,000
100 watt initial lamp lumens = 9,500

Line loss calculations shall show that no more than five percent voltage drop occurs in any circuit. Lamp load factor shall equal 1.2. Pole foundations shall be per drawing 2-17. Poles shall be as follows:

	40' MH* 6' Single Arm	30' MH 6' Single Arm	40' MH 8' Twin Arm
General Electric	RRTA40SA6S.01B	RRTA30SA6S7.01B	RRTA40SA8D10.02B
HapCo	50700-001	21-585	50701-013
Lexington	3608-45806T4	2908-40705T4	3608-60106T4
Valmont	21-40006CS0845	21-30006BS0845	22-400088CS1060

*MH = Mounting Height

ILLUMINATION STANDARDS

Road Class	Luminaire HPS (watt)	Mounting Height (feet)	Curb Overhang (feet)	Maximum Spacing One Side (feet)	Maximum Spacing Both Sides (Opposite) (feet)
Local	150	30	5	185	–
Collector Arterial	150	30	5	185	–
Secondary Arterial	400	40	5	–	240
Major Arterial	400	40	5	–	240

All luminaries to be flat lens, medium cut off, IES Type III distribution, General Electric power door or city approved equal.
100 watt catalog number GE M2AC10S3A1GMC31
150 watt catalog number GE M2AC15S3A1GMC31
200 watt catalog number GE M4AC20S3A1GMC31
400 watt catalog number GE M4AC40S3A1GMC31

All street light electrical installations including wiring conduit and power connections shall be located underground.
The general notes in UPMC 13.15.345 need to be included on any plans dealing with street design in addition to all applicable requirements as set forth in UPMC 13.10.040.
(Ord. 142 § 1 Exh. A (2E.020), 1997).

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13.15.345 Street light construction.

A. All workmanship, materials and testing shall be in accordance with the most current Washington State Department of Transportation/American Public Works Association Standard Specifications for Road, Bridge, and Municipal Construction, National Electrical Code and City of University Place Development Guidelines unless otherwise specified below. In cases of conflict the most stringent guideline shall apply. When the most stringent guideline is not clear, the director of public works will make the determination. The electrical contractor shall be familiar with all above stated publications and guidelines as they will be strictly enforced by the city.

B. All safety standards and requirements shall be complied with as set forth by the State of Washington Department of Labor and Industries.

C. The contractor shall be responsible for all traffic control in accordance with the Manual on Uniform Traffic Control Devices. Prior to disruption of any traffic, traffic control plans shall be prepared and submitted to the city for approval. (See WSDOT Standard Plans K2 – K21.) No work shall commence until all approved traffic control is in place.

D. A preconstruction meeting shall be held with the City of University Place prior to the start of construction.

E. All approvals and permits required by the City of University Place shall be obtained by the contractor prior to the start of construction.

F. It shall be the responsibility of the contractor to have a copy of an approved set of plans on the construction site at all times.

G. All surveying and staking shall be done by a surveying or engineering firm licensed in the state of Washington.

H. Temporary erosion control/water pollution measures shall be required in accordance with Section 1-07.15 of the WSDOT/APWA Standard Specifications and the King County Surface Water Design Manual. At no time will silts and debris be allowed to drain into an existing or newly installed facility.

I. If construction is to take place in the county right-of-way, the contractor shall notify the county and obtain all the required approvals and permits.

J. The contractor shall be fully responsible for the location and protection of all existing utilities. The contractor shall verify all utility locations prior to construction by calling the Underground Locate Line at 1-800-422-5555 a minimum of 48 hours prior to any excavation. The contractor will also be responsible for maintaining all locate marks once the utilities have been located.

K. Electrical permits and inspections are required for all street lighting installations within the City of University Place. The contractor is responsible for obtaining permits prior to construction. These permits are available from the electrical inspection permit counter at Tacoma Public Utilities, 3628 South 35th Street, Tacoma. Prior to installation of any materials the electrical contractor shall submit for approval by the city two copies of material catalog cuts, specifications, shop drawings and/or wiring diagrams. Any materials purchased or labor performed prior to such approval shall be at the contractor's risk. Mounting heights, arm length, power source, luminaire type and bolt patterns shall follow UPMC 13.15.340. Modifications of any portion of the lighting system will not be allowed without prior approval by the city.

L. A rated service disconnect shall be provided for every branch circuit. Light branch circuit breakers shall be 40 amp minimum. The location and installation of the disconnect shall conform to the National Electric Code (NEC) and City of University Place Standards. The service disconnect shall by of a type equal to a "MYERS" MEUGL-M100C-UM or "UNICORN" CPIIIB-0111A Service, 120/240 VAC, CALTRANS TYPE 3B or city approved equal, with two lighting relays, one three position test switch (Auto/Off/Manual) and one photocell. The photocell shall face north unless otherwise directed by the city. (See Drawing 2-19.)

M. Service entrance conductors shall be a minimum size of #2 copper. All lighting wire shall be stranded copper with a minimum size of #8 with insulation suitable for wet locations. Phasing tape will not be allowed. All wire shall be installed in schedule 40 PVC conduit with a minimum diameter of one-and-one-quarter inches. All conduit shall be installed in the "utility ditch" or as otherwise directed by the city. A bushing or bell end shall be used at the end of every conduit. All

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splices shall be in the nearest junction box. Wire nuts will not be allowed. All splices will be made with Type C copper fittings, centered and encased in a 3-M Scotchcast epoxy kit, rated at 600 Volts, Type 82-A1, 82-B1 or city approved equal. If more than one circuit passes through a junction box each is to have a PCV sleeve clearly identifying the circuit. (WSDOT Standard Specification 8-20.3). A 500-volt megger test will be performed by the electrical contractor on each circuit between conductor and ground prior to acceptance of the lighting system. The insulation resistance shall not be less than six megaohms to ground 2,500 feet and over nor less than eight megaohms under 2,500 feet. A functional test will be performed by the city, in which it is demonstrated that each and every part of the system functions as specified or intended herein. (WSDOT Standard Specifications 8-20.3(11).

N. Each luminaire pole shall have an in-line, fused, water tight electrical disconnect located at the base of the pole. Access to these fused disconnects shall be through the hand-hole on the pole. The hand-hole shall be facing away from oncoming traffic from the adjacent street. Load side of in-line fuse to luminaire head shall be cable and pole bracket wire, two conductor, 19-strand copper #10 and shall be supported at the end of the luminaire arm by an approved means. (Drawing 2-17.2). Fuse, size, disconnect installation and grounding in pole shall conform to WSDOT Standards.

O. City approved pull boxes or junctions boxes shall be installed per WSDOT Standard Plan J-11a in all street lighting installations. Junction boxes shall be incorporated into the back edge of sidewalk or as directed by city. Where no sidewalks exists, junction boxes shall have a concrete pad per University Place Drawing 2-17.4. No conduit run shall be more than 200 feet between Junction Boxes. A junction box shall be located within 10 feet of each luminaire pole and at every road crossing. No conduit shall be installed in the roadway except at designated road crossings. Conduit entering the junction box shall be perpendicular to the sides of the box and a minimum of six but no more than eight inches below the lid. Boxes shall be clearly and indelibly marked as lighting boxes by the legend "L.T." or "LIGHTING". All J-Boxes shall be supported by a minimum six-inch crushed gravel pad. A three-eighths-inch expansion joint shall be installed between concrete sidewalk and junction box.

P. All lighting poles shall be as specified in UPMC 13.15.340. In existing developed areas, the city may require the use of other poles to establish uniformity within the developed area. After installation and before acceptance by the city all poles shall be free of dents and marks. Sonotube shall be removed to below ground level. Pole bases shall be grouted and all luminaire heads shall be plumb and level.

Q. Cement concrete bases shall follow City of University Place Development Guidelines Drawing 2-17 Luminaire Foundation detail. Conduit shall extend between three and six inches above the concrete base.

R. Any modification to approved lighting plans shall be reviewed and approved by the city prior to installation. Any approved modifications shall be shown on a mylar as-built supplied to the city after the lighting installation is completed and before final acceptance. It shall be the responsibility of the electrical contractor to ensure these as-builts are provided to the city.
(Ord. 142 § 1 Exh. A (2E.020), 1997).

13.15.350 Staking.
The criteria set forth in UPMC 13.15.220 for engineering and surveying qualifications and preconstruction meetings shall apply as well as the following:

A. Location and elevation to the center of every pole base.

B. Location and elevation of each service disconnect.
(Ord. 142 § 1 Exh. A (2E.040), 1997).

13.15.360 Testing.
All illumination systems shall be subject to an electrical inspection. Lamp, photocell and fixture shall be under warranty for a period of one year.
(Ord. 142 § 1 Exh. A (2E.050), 1997).

Article VI. Signals

13.15.370 General.
Signals shall be installed per the requirements. This work shall consist of furnishing and installing a complete and functional traffic control system of controllers, signals, 3M Opticom systems and appurtenances as required by the city.
(Ord. 142 § 1 Exh. A (2F.010), 1997).

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13.15.380 Design standards.

Signal system shall be designed in accordance with the specifications as set forth in the WSDOT Design Manual and WSDOT/APWA Standard Specifications unless otherwise authorized by the city.

All public signal designs shall be prepared by an engineering firm capable of performing such work. The engineer shall be licensed by the state of Washington.

(Ord. 142 § 1 Exh. A (2F.020), 1997).

13.15.390 Induction loops.

Induction loops shall be constructed per WSDOT/APWA Standard Specification 8-20.3(14)C and the following:

A. Loops shall not be cut into final lift of new asphalt.

B. Loops shall be installed in crushed surfacing top course (CSTC) before paving or shall be cut in existing asphalt or leveling course to subbase before intersection is overlaid.

(Ord. 142 § 1 Exh. A (2F.030), 1997).

13.15.400 Staking.

The criteria set forth in UPMC 13.15.220 for engineering and surveying qualifications and pre-construction meetings shall apply as well as the following:

A. Location, with cut and fill to center of all pole bases shall be marked in the field.

B. Location of junction box shall be marked in the field.

C. Location of all corners of controller base shall be marked in the field.

D. Location of service disconnect shall be marked in the field.

(Ord. 142 § 1 Exh. A (2F.040), 1997).

13.15.410 Testing.

All signals shall be subject to any necessary electrical inspections as well as requirements as set forth in the WSDOT Design manual and the WSDOT/APWA Standard Specifications.

A signal system shall not be approved or accepted by the city until the signal has performed correctly to the city's satisfaction for a 30-day "check-out" period as outlined below.

Controller and cabinet testing may be required by WSDOT District 3 laboratory and/or the City of University Place. All specifications and materials samples shall be submitted to the city for review and approval prior to installation.

(Ord. 142 § 1 Exh. A (2F.050), 1997).

13.15.420 Check-out procedure.

The contractor shall call for an intersection check-out after completing the controller cabinet installation along with all other signal equipment complete with wiring connections. All parts and workmanship shall be warranted for one year from date of acceptance.

New signals shall operate without any type of failure for a period of 30 days. The contractor shall have a representative available to respond to system failure within 24 hours during the 30-day "check-out" period.

Failure of any control equipment or hardware within the "check-out" period shall restart the 30-day "check-out" period.

(Ord. 142 § 1 Exh. A (2F.060), 1997).

Article VII. Roadside Features

13.15.430 General.

Miscellaneous features included herein shall be developed and constructed to encourage the uniform development and use of roadside features wherever possible. The director of public works shall have the discretion to allow or not allow the installation of new, or the occupation of existing miscellaneous features within the right-of-way as requested by the public from time to time.

(Ord. 142 § 1 Exh. A (2G.010), 1997).

13.15.440 Design standards.

The design and placement of roadside features included herein shall adhere to the specific requirements as listed for each feature, and, when applicable, to the appropriate standards as set forth in UPMC 13.10.010 and 13.10.040.

(Ord. 142 § 1 Exh. A (2G.020), 1997).

13.15.450 Staking.

The criteria set forth in UPMC 13.15.220 for engineering and surveying qualifications and pre-construction meetings shall apply.

(Ord. 142 § 1 Exh. A (2G.030), 1997).

13.15.460 Testing.

Testing shall be required at the developer's or contractor's expense on all materials and construction as specified in the WSDOT/APWA Stan-

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dard Specifications and with a frequency as specified in the WSDOT Construction Manual. (Ord. 142 § 1 Exh. A (2G.040), 1997).

13.15.470 Survey monuments.

A. All existing survey control monuments which will be disturbed or destroyed during construction shall be referenced prior to construction and replaced after construction by a professional land surveyor licensed by the state of Washington. All applicable RCWs and WACs will be complied with, including but not limited to, Chapters 332-120 and 332-130 WAC and Chapter 58.09 RCW. The monuments shall be replaced with the proper type as outlined in subsections (B) or (C) below at the expense of the responsible builder or developer.

B. Street Type: major arterial, secondary arterial, bus routes and truck routes. A precast concrete monument with cast iron monument case and cover installed per City of University Place Standards is required.

C. Street Type: collector arterial, local access feeder, and local access minor. A poured-in-place concrete surface monument per City of University Place Standards is required.

D. Monument Locations. Appropriate monuments as outlined in subsections (B) or (C) above shall be placed:

1. At all street intersections;

2. At the PC and PTs of all horizontal curves or at the PI if it lies in the traveled roadway;

3. At all DLC corners, section corners, quarter corners and sixteenth corners that fall within the subdivision. Where these points fall outside of the pavement or sidewalks, a poured-in-place monument per City of University Place standards shall be set so that the top of the monument is one foot below the surface of the ground.

E. The monument case shall be installed after the final course of surfacing has been placed. (Ord. 142 § 1 Exh. A (2G.050), 1997).

13.15.480 Bus stops, shelters, and amenities.

A. Pierce Transit shall determine the required necessity and locations of all new bus stops, pull outs, shelters and other associated amenities required as frontage improvements for new developments for public transportation.

B. The University Place School District will use the following criteria in placement and design of school bus stops:

1. A school bus stop shall be required for each new residential subdivision or apartment complex where school children are to be boarding or deboarding unless it is determined by the school district that a new bus stop is not required because adjacent facilities already exist for the site.

2. Placement shall be determined by the school district and the city.

3. Location of school bus stops shall be designed with safety as a paramount concern. Major arterials with high traffic counts should be avoided where possible and only used when bus pull outs are available and significant protection provided for children.

4. School bus stops shall be designed to compliment the residential environment and provide convenient location and access for neighborhood children including sidewalk access.

5. Every effort shall be made to make school bus stops and sidewalk access to school bus stops a safe and friendly pedestrian environment.

6. Pierce Transit and the school district should make every effort to coordinate the location of bus stops.

C. The physical location of any bus stop shall be primarily determined by the following considerations: maximizing safety, operational efficiency, and minimizing impacts to adjacent property. Bus pullouts may be required on all arterial roads for safe bus loading and to minimize impacts on traffic flow of buses stopping. Additionally, bus pull outs may be required on local access roads if road geometrics require, such as determined by the city and the school district.

D. All transit and school bus stops shall be identified in some fashion. This may include pavement marking and bus stop signs. Contact Pierce Transit for details on Pierce Transit sites.

E. Passenger shelters are required at all bus pullouts, transfer centers, and bus stops as part of frontage improvements for developments. The following requirements apply to bus shelters.

1. Passenger shelters for Pierce Transit sites and school district sites shall be designed to standards of Pierce Transit, provide protection from the elements, and reasonably vandalism resistant for easy maintenance.

Specifications for bus shelters:

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a. Bus shelters shall be models 4x2S-GL246.5 or larger as manufactured by Ace Aluminum Company, phone number (209) 268-5506, or approved equal.

b. Anchors/Footing. Anchors and footing shall be constructed in accordance with Pierce Transit specifications.

c. Benches. Benches shall be constructed in accordance with Pierce Transit's current standard.

d. Assembly. The whole shelter structure and components shall be easily and rapidly assembled.

e. Installation Equipment. All necessary installation equipment shall be included with the delivery of shelters.

f. No advertising will be allowed on or within any portion of any bus shelter or benches.

2. Pierce Transit shelters shall be maintained by Pierce Transit. School bus stop shelters shall be maintained by the subdivision's homeowners' association or apartment owner, which ever is appropriate.

F. Designing quality into the walk to and wait at a bus stop facility is an important design consideration. A pedestrian friendly environment shall be designed into all bus stop locations and surrounding service area to make bus stop use easy, friendly, and safe.

The following pedestrian friendly criteria shall be applied by the planning and community development department during the review of bus stop facilities in conjunctions with developments.

1. Provide concrete walkways constructed to sidewalk standards linking various sections of subdivision and developments to peripheral streets with bus stops.

2. In designing walkways provide access through mid-blocks to decrease distances to bus facilities and flexibility to pedestrians.

3. Provide accessibility ramps and other facilities consistent with barrier free design standards along walkways leading to bus stops.

4. Developments enclosed by walls or fences shall provide openings or gates for walkways to provide direct access between developments and bus facilities.

5. Use street signs to mark pedestrian walkways.

6. Separate roads and parking areas from pedestrian pathways by grade separations, landscaping and other devices. Per these standards, a planting strip with trees shall be provided to buffer sidewalks or walkways from streets and parking areas. When possible a second row of trees should be provided between the sidewalk and adjacent property.

7. Provide pedestrian facilities such as lighting, signs, trash cans as warranted by anticipated use.

8. Street systems should be designed so as to minimize pedestrian travel to bus stops.

(Ord. 142 § 1 Exh. A (2G.060), 1997).

13.15.490 Mailboxes.

A. During construction, existing mailboxes shall be accessible for the delivery of mail or, if necessary, moved to a temporary location. Temporary relocation shall be coordinated with the U.S. Postal Service. The mailboxes shall be reinstalled at the original location or, if construction has made it impossible, to a location as outlined below and approved by the U.S. Postal Service.

B. Location.

1. Bottom or base of box shall be 36 inches to 42 inches above the road surface.

2. Front of mailbox 18 inches behind vertical curb face or outside edge of shoulder.

3. Clustered mailboxes are required for developments. Contact the U.S. Postal Service for details. See drawing 2-18.

C. Mailboxes shall be set on posts strong enough to give firm support but not to exceed four-by-four-inch wood or one-and-one-half-inch diameter pipe, or material and design with comparable breakaway characteristics.

(Ord. 142 § 1 Exh. A (2G.070), 1997).

13.15.500 Guard rails.

For purposes of design and location, all guard rails along roadways shall conform to the criteria of the Washington State Department of Transportation Design Manual as may be amended or revised.

(Ord. 142 § 1 Exh. A (2G.080), 1997).

13.15.510 Retaining walls.

A. Rock walls may be used for erosion protection of cut or fill embankments up to a maximum height of eight feet in stable soil conditions which will result in no significant foundation settlement or outward thrust upon the walls. For heights over six feet or when soil is unstable, structural wall of acceptable design stamped by a licensed structural engineer shall be used. Rock walls over six feet high shall be subject to inspection by a geotechnical engineer as outlined in the following

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paragraph. All retaining walls over six feet in height shall meet yard setback requirement of the zone.

Any rock wall over 30 inches high in a fill section shall require an engineered design by a geotechnical engineer. The geotechnical engineer shall continuously inspect the installation of the wall as it progresses and shall submit to the city inspection reports, including compaction test results and photographs taken during the construction, documenting the techniques used and the degree of conformance to the geotechnical engineer's design.

In the absence of such a rock wall design, walls having heights over four feet or walls to be constructed in conditions when soil is unstable require a structural wall having a design approved by the public works department or the building department if outside the right-of-way. The design of structural walls shall be by a professional engineer qualified in retaining wall design. Structural walls require issuance of a building permit prior to construction.

Any proposed retaining wall supporting a surcharge less than 15 feet from the base shall be designed by a geotechnical engineer.

B. The rock material shall be as nearly rectangular as possible. No stone shall be used which does not extend through the wall. The rock material shall be hard, sound, durable and free from weathered portions, seams, cracks and other defects. The rock density shall be a minimum of 160 pounds per cubic foot.

C. The rock wall shall be started by excavating a trench having a depth below subgrade of one half the base course or one foot (whichever is greater).

D. Rock selection and placement shall be such that there will be minimum voids and, in the exposed face, no open voids over six inches across in any direction. The final course shall have a continuous appearance and shall be placed to minimize erosion of the backfill material. The larger rocks shall be placed at the base of the rockery so that the wall will be stable and have a stable appearance. The rock shall be placed in a manner such that the longitudinal axis of the rock shall be at right angles or perpendicular to the rockery face. The rocks shall have all inclining faces sloping to the back of the rockery. Each course of rocks shall be seated as tightly and evenly as possible on the course beneath. After setting each course of rock, all voids between the rocks shall be chinked on the back with quarry rock to eliminate any void sufficient to pass a two-inch square probe.

E. The wall backfill shall consist of quarry spalls with a maximum size of six inches and a minimum size of four inches or as specified by a licensed engineer. This material shall be placed to a 12-inch minimum thickness between the entire wall and the cut or fill material. The backfill material shall be placed in lifts to an elevation approximately six inches below the top of each course of rocks as they are placed, until the uppermost course is placed. Any backfill material on the bearing surface of one rock course shall be removed before setting the next course.

F. Perforated drainage pipe and filter fabric shall be installed as per drawing 2-26. This pipe requirement may be waived by the engineer upon a showing by the developer that no subsurface water problem exists.
(Ord. 142 § 1 Exh. A (2G.090), 1997).

13.15.520 Street trees.

It is the goal of the city to aesthetically enhance public roads by the use of plantings and landscaping where practical. Therefore, the street trees on the following table shall be employed when planting street trees in or along the public right-of-way.

A. Planting Theme.

1. Ratio: Three street trees to one accent tree.

2. Species: See following table.

B. Planting Size. Trees two- to three-inch caliper, measured six inches above the base. Ground cover (i.e., ivy), four-inch pot spaced 18 to 20 inches on center or one-gallon pots at 20 inches on center. Low growth shrubs (i.e., juniper), one-gallon pots at three feet on center. Shrubs (i.e., rhododendron) 18 to 24 inches in height at five feet on center three-gallon pot at five feet on center.

C. Location. Trees shall be centered in the planter strip or median. Trees shall be spaced 35 feet on center starting 15 feet from the side property line. Tree spacing may be adjusted slightly to allow a 10-foot clear zone on either side of a driveway.

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D. Maintenance. All developments required to plant street trees will also be required to maintain the trees for the life of the project, regardless of ownership.

E. Exceptions to the planting theme may be made by the director of public works and the director of planning and community development. Exceptions include but are not limited to screening industrial areas, planting around historical sites, maintaining natural vegetation that better serves as street landscaping or beautification.

STREETS AND LANDSCAPING PLANTS

TREES:

Sweet Gum – Liquidamber styraciflua
Red Oak – Quercus rubra
Red Maple – Acer rubrum
Douglas Fir – Pseudotsuga menziesii
Canada Hemlock – Tsuga canadensis
Deodar Cedar – Cedrus deodara
Pennsylvania Marshall Green Ash – Fraxinus species

ACCENT TREES:

Norway Maple – Acer platanoides
Crabapple – Malus species
Carriere Thorn – Crataegus iavallei
Downy Serviceberry – Amelanebier canadensis
Flowering Cherry – Prunus species
Japanese Black Pine
Austrian Pine
Flowering Cherry Kwanzan – Prunus species
Thundering Flowering Plum

SHRUBS:

Photina – Photinia fraseri
Viburnum – Viburnum
Japanese Privet – Ligustrum texanum
Smooth Sumac – Rhus glabra
Siberian Dogwood – Cornusalba sibirica

GROUNDCOVERS:

Wintercreeper – Euonymus fortunei
Baltic Ivy – Hedera helix baltica
Saint Johns Wort – Hypericum calycinum
Bearberry Cotoneaster – Cotoneaster dammeri
Japanese Spruge – Pachysandra terminalis

(Ord. 142 § 1 Exh. A (2G.100), 1997).

13.15.530 Temporary signs and banners.

No temporary signs or banners shall be permitted in the right-of-way without the expressed permission in writing of the city engineer, and any such object(s) in the right-of-way without written permission is declared illegal. Temporary signs and banners allowed in the right-of-way shall meet the requirements for temporary signs in the zoning code, except setback requirements. Temporary signs in the right-of-way shall be located as close to the outside edge of the right-of-way as possible. (Ord. 142 § 1 Exh. A (2G.120), 1997).

Article VIII. Emergency Vehicle Access

13.15.540 Purpose.

Emergency vehicle access shall be provided from a public or private street to a parcel(s) of land that has a structure(s) on it. This access is exempt from any normal setbacks established for public or private streets. Emergency vehicle access shall be provided and maintained in accordance with the provisions of these standards.

A. Abbreviated Designation. Emergency vehicle access will be cited routinely in the text as the "EV access."

B. Applicability. EV access shall be required for every building hereafter constructed or installed when any portion of an exterior wall of the first story is located more than 150 feet from the edge of the driving surface of the private or public street providing access to the parcel(s) of land on which that building is located as measured by an approved route around the exterior of the building.

C. Exemptions.

1. When buildings are protected with an approved automatic fire sprinkler system, the provisions of this section may be modified by the city after conferring with the local fire chief.

2. When an EV access cannot be installed in conformance with these standards due to topography, waterways, nonnegotiable grades, or other similar conditions, the city, after conferring with the local fire chief, may allow an exemption to these standards by requiring additional fire protection as specified in Section 10.301(b) of the most current edition of the Uniform Fire Code as adopted by the city.

3. All common residential accessory buildings similar to Group M-1 occupancies (private garages, carports, sheds, some agricultural buildings, tanks, towers and fences over six feet tall) as defined by the most current edition of the Uniform Building Code as adopted by the city.

4. A one-time expansion, remodel, or alteration of existing uses or structures if the proposed

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change does not exceed 25 percent of the floor area of the existing use or structure.

D. Environmental Considerations. When an environmental checklist is required, it shall be submitted to the city environmental official for the work shown on the EV access construction plans. Before the project plans are given final approval by the city, a declaration of nonsignificance or a final environmental impact statement must be issued, and all appeal periods must have expired.
(Ord. 142 § 1 Exh. A (2H.010), 1997).

13.15.550 Administration.

A. Submittal Procedure. A site plan shall be submitted to the city and fire chief in accordance with the site plan submittal standards of the proposed building permit. Site plan details shall include, but not be limited to, location and size of the EV access, location of structures, and parcel or lot configuration.

B. Fees. Fees for EV access review are set by separate resolution adopted by the city council.

C. Variances. The city hearings examiner shall have the authority to grant a variance from the provisions of this chapter, when, in the opinion of the city hearings examiner, the conditions as set forth in subsection (1) below have been found to exist. In such cases a variance may be granted which is in harmony with the general purpose and intent of this chapter so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.

Prior to the public hearing on any proposed variance, the hearings examiner shall notify the fire district of the hearing and request comments and concerns that the fire district may have about the variance.

1. Required Showings for a Variance. Before any variance may be granted, it shall be shown:

a. That there are special circumstances applicable to the subject property such as shape, topography, location, or surroundings that do not apply generally to the other property in the same vicinity;

b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity but which because of special circumstances is denied to the property in question;

c. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity in which the subject property is located;

d. That such variance is based on sound engineering judgment, and that requirements for safety, function, and maintainability are fully met. The city may grant a variance to this chapter only upon submittal of additional information, plans and/or design data by an engineer showing that the requested variance is safe, in the best interest of the public, and will not impose undo maintenance costs on city maintenance forces, if applicable.

2. City Hearings Examiner May Impose Conditions on Variances. When granting a variance, the city hearings examiner shall determine that the circumstances do exist as required by subsection (C)(1) of this section, and attach specific conditions to the variance which will serve to accomplish the standards, criteria, and policies established by this chapter.

D. Appeals. Any person aggrieved by any act or decision of the examiner under this chapter may appeal to the council pursuant to the provisions of city appeals ordinance, as now enacted or hereafter amended.

E. Inspections. The city reserves the right to enter onto the property during construction and after completion of the EV access to inspect it for compliance with the conditions of the permit.

The city reserves the right to periodically inspect all EV accesses.

F. Enforcement. The applicant must have the EV access constructed in compliance with the conditions of the permit before the project will receive final inspection approval.

Prior to issuance of the occupancy permit on commercial structures, a letter of compliance shall be submitted to the city verifying that the EV access has been completed to the standards in this document.

Failure to construct and/or maintain the EV access as approved, will result in on-site inspections and potential citation under the current edition of the Uniform Fire Code.
(Ord. 142 § 1 Exh. A (2H.020), 1997).

13.15.560 EV access requirements.

A. Length. If an EV access is required, it shall extend from the public or private street to within 150 feet of all portions of an exterior wall of the first story of any structure requiring said EV access as measured by an approved route around the exterior of the building.

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B. Width. EV access serving not more than two dwelling units shall not be less than 15 feet. EV access for all other projects shall not be less than 20 feet with no parking allowed, 26 feet with parking on one side and 32 feet with parking on both sides.

C. Vertical Clearance. EV access shall have an unobstructed vertical clearance of not less than 13 feet six inches. The city, after conferring with the local fire chief, may allow a reduction in the vertical clearance; provided such reduction does not impair access by emergency vehicles, and approved signs are installed and maintained indicating the established vertical clearance.

D. Construction Guidelines. EV access shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. Individual single-family EV access surface treatment may be gravel. Multifamily and higher uses must be paved.

E. Turning Radii. A minimum outside turning radius of 45 feet shall be provided for all EV access.

F. Turnarounds. A dead end EV access in excess of 150 feet in length shall be provided with a turnaround conforming to the cul-de-sac or hammerhead details, drawings 2-32 and 2-33, provided at the end of this chapter. A turnaround shall be provided within 150 feet of the end of the EV access.

G. Bridges and Structures. All bridges and structures, including drainage structures, on an EV access shall be capable of carrying a minimum design load of HS-20 per AASHTO Standards Specified for Highway Bridges. The design and as-builts for all bridges shall be certified by a licensed structural engineer.

H. Gates (If Applicable). A building permit issued by the city is required when gates are installed over private streets. In order for the city to issue the building permit, the following requirements must be met:

1. Locked gates shall have rapid entry capabilities compatible with the local fire district requirements.

2. Gates which serve 10 or more dwelling units will have an Opticom activation system or an equivalent and compatible system that is approved by the fire chief.

3. All electrically-activated gates will have default capabilities to the unlocked position.

4. The minimum clear width of a gate shall be compatible with the required width of the EV access.

5. Gates that might be obstructed by the accumulation of snow shall not be installed.

The city shall provide notice to the appropriate fire district for a new gate.

I. Number of Access. More than one EV access may be required for commercial developments when it is determined by the city that access by a single street may be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access, unless mitigation acceptable to the city is provided.

J. Grade. The maximum street grade (vertical profile grade) of an EV access shall be 15 percent. All sections of EV access with grades of over 12 percent shall be paved with 0.17 feet, compacted depth, of asphalt concrete.

K. Obstruction. The required width of an EV access shall not be obstructed in any manner, including parked vehicles. Minimum required widths and clearances established under these standards shall be maintained at all times.

L. Signs. When required by the city, approved signs or other approved notices shall be provided and maintained for EV access to identify such streets and prohibit the obstruction thereof, or both. "No parking – Fire Lane" signs shall be installed using fire district's requirements.

M. Approval of EV Access Location. Plans for all EV access shall be approved by the fire chief and the city before a building permit is issued. All construction for the EV access must be completed prior to city approval of the final building inspection.

(Ord. 142 § 1 Exh. A (2H.030), 1997).

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Chapter 13.20

STORM DRAINAGE

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13.20.010 General.

The standards established by this chapter are intended to represent the minimum standards for the design and construction of storm drainage facilities.

The King County Surface Water Design Manual and the King County Road Standards are considered a part of this chapter and the public works standards. The King County Surface Water Design Manual sets forth the minimum drainage and erosion control requirements as supplemented herein. The King County Road Standards will supplement these standards only for drainage structures and appurtenances. All standards and guidelines addressed in this document shall supersede that expressed in the above referenced documents.

(Ord. 142 § 1 Exh. A (3.010), 1997).

13.20.020 Design standards.

The design of storm drainage and/or retention/detention systems shall depend on their type and local site conditions. The design elements of storm drainage systems shall conform to city standards as set forth herein and follow current design practice as set forth in UPMC 13.10.010 and 13.10.040. The following design considerations shall apply:

A. No retention/detention facility shall be located in an area that is used to satisfy an open space requirement unless it enhances a recreational amenity.

Use of designated open space areas for stormwater detention/retention and for infiltration shall satisfy all conditions of the City of University Place for usability and landscape conformity.

Because the primary purpose of consolidated open space is to provide usable area for recreation activities, buffer zones, and green belt areas, the open space must be designed for this intent. Any use of this area for stormwater detention/retention must clearly be subordinate to and not detract from open space uses. Because active recreation requires primarily flat topography, the usable open space will be predominantly flat. In no event shall slopes exceed 4:1 where drainage facilities are present and a minimum of 50 percent of the linear slope length shall not exceed 7:1. Design of the combined facility, as well as ease of access into and out of the facility, will be considered by the city in review of the design of such facilities.

Open space also serves an aesthetic function by providing areas of green space that are attractive and an amenity to the project site. Storm drainage facilities which serve as open space must provide the impression that the open space is area available for park uses.

The city shall make the sole determination whether the proposed stormwater facilities are compatible with open space and satisfy the intent of the city for open space amenities.

B. The use of commercial parking lots for detention of stormwater will be reviewed by the director of public works and approved or denied based on the design. The detention area shall be situated away from areas of pedestrian movement unless means for rapid closing of the areas is incorporated in the design, and the maximum depth of water in parking lot storage shall be limited to 12 inches.

C. Maximum catch basin spacing shall be 300 feet on arterials and collectors and 500 feet on all other street classifications. No surface water shall cross any roadway.

The general notes on construction in UPMC 13.20.040 shall be included on any plans dealing with storm systems.

(Ord. 142 § 1 Exh. A (3.020), 1997).

13.20.030 Maintenance.

As a condition of storm drainage system plan approval the applicant shall maintain the drainage system as shown on the drainage plans. The drainage system shall be maintained and preserved until such time as the applicant or owner and the city agree that the system should be altered in some manner or eliminated. The applicant shall be required to record a maintenance agreement to maintain the storm drainage system.

(Ord. 142 § 1 Exh. A (3.025), 1997).

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13.20.040 Construction.

A. All workmanship and materials shall be in accordance with City of University Place standards and the most current edition of the State of Washington Standard Specifications for Road, Bridge and Municipal Construction (WSDOT/APWA) and King County Road Standards (for drainage structures and appurtenances).

B. Temporary erosion/water pollution measures shall be required in accordance with the King County Surface Water Design Manual.

C. Comply with all permits and other requirements by the city or other governing authority or agency.

D. A preconstruction meeting shall be held with the City of University Place public works department prior to the start of construction.

E. All storm mains and retention/detention areas shall be staked for grade and alignment by an engineering or surveying firm capable of performing such work.

F. Storm drain pipe shall meet the following requirements:

1. Plain concrete pipe conforming to the requirements of AASHTO M 86, Class 2.
2. Reinforced concrete pipe conforming to the requirements of AASHTO M 170.
3. PVC pipe shall conform to ASTM D 3034 SDR 35 or ASTM F 789 with joints and gaskets conforming to ASTM D 3212 and ASTM F 477.
4. Ductile iron pipe conforming to the requirements of AWWA C 151, thickness class as shown on the plans.
5. Polyethylene smooth wall pipe per Advanced Drainage Systems (ADS) N-12 constructed per WSDOT/APWA Standard Specifications 7-04.

G. Special structures, oil/water separators and outlet controls shall be installed per plans and manufacturer's recommendations.

H. Provide traffic control plan(s) as required in accordance with MUTCD.

I. Call underground locate line, 1-800-424-5555, minimum 48 hours prior to any excavations.

J. Where connections require "field verifications", connection points will be exposed by contractor and fittings verified 48 hours prior to distributing shut-down notices.

K. On-site erosion control measures shall be the responsibility of the developer. Any problems occurring before final acceptance of the storm system by the engineer shall be corrected by the applicant.

L. In case erosion or sedimentation occurs to off-site property, all construction work within the development that will further aggravate the situation must cease and the owner/contractor will immediately commence restoration methods. Restoration activity will continue until such time as the erosion and sedimentation no longer occurs off-site.

M. All erosion and sedimentation control devices shown on this drawing shall be installed prior to or at the first stage of site preparation.

N. Should the temporary erosion and sedimentation control measures as shown on this drawing not prove adequate to control erosion and sedimentation, the applicant/contractor shall install additional facilities as necessary to protect adjacent properties, sensitive areas, natural water courses and/or storm drainage systems.

O. In any area which has been stripped of vegetation and where no further work is anticipated for a period of 30 days or more, all disturbed areas must be immediately stabilized with mulching, grass planting or other approved erosion control treatment applicable to the time of year in questions. Grass seeding alone will be acceptable only during the months of April through September inclusive. Seeding may proceed, however, whenever it is in the interest of the applicant/contractor, but must be augmented with mulching, netting or other treatment.

P. The engineer/owner/contractor will be responsible for field locating the clearing limits and establishing those boundaries with bright colored flagging. The contractor shall clear to the limits as established on this plan and flagging in the field.

Q. Tie impervious surfaces (roofs, streets, drives, etc.) to the completed drainage system as soon as possible.

R. The necessary facilities shall be maintained on site to prevent debris, dust, and mud from

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impacting public facilities and other property owners.

S. All work associated with stabilizing the disturbed areas shall be in accordance with Section 8-01 of the 1994 Standard Specifications for Road, Bridge, and Municipal Construction, or the latest version thereof unless approved otherwise by the city.

T. All erosion control measures shall remain in place and be properly maintained until the disturbed areas have been stabilized.

U. The city shall be responsible for the inspection and acceptance of all clearing and grading work and erosion and sedimentation control facilities. The applicant shall notify the city 48 hours in advance of each required inspection.

1. Inspection No. 1 – Installation of erosion control facilities/prior to clearing.

2. Inspection No. 2 – Completion of clearing.

3. Inspection No. 3 – Upon completion of excavation, filling, and earthwork.

4. Inspection No. 4 – Completion of project.

5. Inspection No. 5 – Work in city right-of-way.

(Ord. 142 § 1 Exh. A (3.025), 1997).

13.20.050 Conveyance.

A. Pipe. Storm drain pipe within a public right-of-way or easement shall be sized to carry the maximum anticipated runoff from the possible contributing area.

The minimum main size shall be 12 inches in diameter. Laterals lines may be six inches in diameter. Nothing shall preclude the city from requiring the installation of a larger sized main if the city determines a larger size is needed to serve adjacent areas or for future service.

All pipe for storm mains shall comply with one of the following types:

1. Polyvinyl Chloride. PVC pipe per Section 7-04 of the current WSDOT Standard Specifications.

2. Plain Concrete. Plain concrete pipe per WSDOT/APWA Standard Specifications as set forth in Section 7-04.

3. Reinforced Concrete. Reinforced concrete pipe per WSDOT/APWA Standard Specifications as set forth in Section 7-04.

4. Ductile Iron. Ductile iron pipe per Section 9-30, WSDOT Standard Specifications.

5. Polyethylene: PE smooth wall pipe per Advanced Drainage Systems (ADS) N-12 constructed per WSDOT/APWA Standard Specifications Section 7-04.

B. Channels. The city encourages the use of open vegetated channels to convey stormwater runoff when possible. Any open channels proposed to be located within public right-of-way shall require special approval from the director of public works.

(Ord. 142 § 1 Exh. A (3.027), 1997).

13.20.060 Staking.

All surveying and staking shall be performed by an engineering or surveying firm capable of performing such work. The engineer or surveyor directing such work shall be licensed as a professional engineer or professional land surveyor by the state of Washington.

A preconstruction meeting shall be held with the city prior to commencing staking. All construction staking shall be inspected by the city prior to construction.

The minimum staking of storm sewer systems shall be as directed by the city engineer or as follows:

A. Stake centerline alignment every 50 feet with cut or fill to invert of pipe.

B. Stake location of all catch basins, manholes and other fixtures for grade and alignment with cut or fill to grate or lid and invert of all pipes.

C. Grade stake or slope stake (as appropriate) at intervals, sufficient to control location, size and depth of retention/detention facilities.

(Ord. 142 § 1 Exh. A (3.030), 1997).

13.20.070 Trench excavation.

A. Clearing and grubbing where required shall be performed within the easement or public right-of-way as permitted by the city and/or governing agencies. Debris resulting from the clearing and grubbing shall be disposed of by the owner or contractor in accordance with the terms of all applicable permits.

B. Trenches shall be excavated to the line and depth designated by the city to provide a city approved minimum of cover over the pipe. See details as applicable. Except for unusual circumstances where approved by the city, the trench sides shall be excavated vertically and the trench width shall be excavated only to such widths as are necessary for adequate working space as

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allowed by the governing agency and in compliance with all safety requirements of the prevailing agencies. See detail. The trench shall be kept free from water until joining is complete. Surface water shall be diverted so as not to enter the trench. The owner shall maintain sufficient pumping equipment on the job to insure that these provisions are carried out.

C. The contractor shall perform all excavation of every description and whatever substance encountered and boulders, rocks, roots and other obstructions shall be entirely removed or cut out to the width of the trench and to a depth six inches below sewer line grade. Where materials are removed from below pipe grade, the trench shall be backfilled to grade with material satisfactory to the city and thoroughly compacted.

D. Trenching and shoring operations shall not proceed more than 100 feet in advance of pipe laying without approval of the city, and shall be in conformance with Washington Industrial Safety and Health Administration (WISHA) and Office of Safety and Health Administration (OSHA) Safety Standard.

E. The bedding course shall be constructed to grade with hand tools in such a manner that the pipe will have bearing along the entire length of the barrel. The bell holes shall be excavated with hand tools to sufficient size to make up the joint.

F. Gravel backfill for pipe bedding shall be installed in conformance with Section 2-09 of the Standard Specifications (WSDOT). See drawing 2-8.

1. Bedding for Rigid Pipe (Ductile Iron Pipe). Gravel backfill for rigid pipe bedding shall consist of crushed, processed, or naturally occurring granular material. It shall be essentially free from various types of wood waste or other extraneous or objectionable materials. It shall have such characteristics of size and shape that it will compact readily and shall meet the following specifications for grading and quality:

Sieve Size	Percent Passing*	
3/4" Square	100	
3/8" Square	95 – 100	
U.S. No. 8	0 – 10	
U.S. No. 200	0 – 3	
Sand Equivalent	35	MIN.

*All percentages are by weight.

2. Bedding for Flexible Pipe (PVC Pipe). Gravel backfill for flexible pipe (PVC pipe) bedding shall consist of crushed, processed, or naturally occurring granular material. It shall be essentially free from various types of wood waste or other extraneous or objectionable materials. It shall have such characteristics of size and shape that it will compact readily and shall meet the following specifications for grading and quality:

Sieve Size	Percent Passing*	
3/4" Square	100	
3/8" Square	95 – 100	
U.S. No. 8	0 – 10	
U.S. No. 200	0 – 3	
Sand Equivalent	35	MIN.

*All percentages are by weight.

Native material shall not be used for bedding, unless approved by the engineer.
(Ord. 142 § 1 Exh. A (3.040), 1997).

13.20.080 Backfilling.

Backfilling and surface restoration shall closely follow installation of pipe so that not more than 100 feet is left exposed during construction hours without approval of the city. Selected backfill material shall be placed and compacted around and under the sewer pipe by hand tools. Special precautions shall be provided to protect the pipe to a point 12 inches above the crown of the pipe. The remaining backfill shall be compacted to 95 percent of the maximum density in traveled areas and road "prisms", 90 percent outside driveway, roadways, road prism, shoulders, parking or other traveled areas. Where governmental agencies other than the city have jurisdiction over roadways, the backfill and compaction shall be done to the satisfaction of the agency having jurisdiction. Typically, all utility trenches located in roadway sections, roadway "prisms", or beneath traffic bearing areas shall be backfilled with 5/8-inch minus crushed rock. Due to localized conditions, the city may allow/permit the backfill of the trench section with suitable excavated material, as determined by the city, or if suitable native material is not available from trenching operations, the city may order the placing and compaction of gravel base conforming with Section 9-03.10 of the Standard Specifications (WSDOT) for backfilling the trench. All

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excess material shall be loaded and hauled to waste.
(Ord. 142 § 1 Exh. A (3.050), 1997).

13.20.090 Street patching and restoration.
See UPMC 13.15.200 and 13.15.210 for requirements regarding street patching and trench restoration.
(Ord. 142 § 1 Exh. A (3.060), 1997).

Chapter 13.25

EARTHWORKS

Sections:
13.25.010 Excavation standards.
13.25.020 Fill standards.

13.25.010 Excavation standards.
A. Cut Slopes. Slopes shall be no steeper than is safe for the intended use and shall not be steeper than two horizontal to one vertical, or as recommended by a soils engineer.

B. Setback From Property Lines.

Cut Depth	Setback Distance
Under 5 Feet	2 Feet
5 – 20 Feet	Height/2
Over 20 Feet	10 Feet

(Ord. 142 § 1 Exh. A (4.010), 1997).

13.25.020 Fill standards.
A. General. Fills which are intended for building sites shall be constructed in conformance with the requirements of the latest edition of the UBC, as adopted by the City of University Place, and an assignment of allowable soil-bearing pressures will be under the jurisdiction of the city building official in accordance with the UBC.

B. Fill Location. Slopes shall be no steeper than is safe for the intended use and shall not be steeper than two horizontal to one vertical, or as recommended by a soils engineer. Fill sites must be approved by the engineer as suitable locations for the proposed fill.

C. Preparation of Ground. The ground surface for fills over five feet in height shall be prepared by removing vegetation, noncomplying fill, topsoil, and other unsuitable materials; scarifying to provide a bond with the new fill; and, where existing slopes are steeper than five horizontal to one vertical, by benching into competent material as determined by the engineer. The bench under the toe of a fill on a slope steeper than five horizontal to one vertical shall be at least 10 feet wide, or as recommended by a soils engineer.

D. Fill Material. Except as permitted by the city, no material other than earth material shall be buried or placed in fills. Placement of other than earth

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material is regulated by state statutes or federal laws, and additional permits may be required.

E. Slope Stability. Fills shall be constructed using earth materials, compaction methods, and construction techniques so that stable fills are created.

F. Setback from Property Lines. The toe or catch point of fill slopes shall be set back from the site boundary line in accordance with the following table unless a retaining wall is designed by the engineer and constructed for the project:

Fill Depth	**Setback Distance**
Under 5 Feet	2 Feet
5 – 40 Feet	Height of Fill/2 inches
Over 40 Feet	20 Feet

G. Soil Engineering – Geology Report. When on-site conditions or the proposed work involve slide-prone or unstable soils, the applicant shall be required to retain a soils engineer to prepare a report that includes data regarding the nature, slide potential, soil bearing capacity, and slope stability of existing soils; conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary; and opinions and recommendations covering adequacy of sites to be developed. The report shall be stamped and signed by the engineer. Recommendations in the report shall be incorporated in the proposed plans or specifications.

Side slopes shall be stabilized by grass sod, hydroseeding, by other planting, or surfacing materials, or by the use of other material types acceptable to the city.

Side slopes may also have to be flattened to accommodate utility placement. Placement of utilities outside of their standard location as per other adopted standards due to steep side slopes shall not be permitted. Side slopes higher than 15 feet shall be terraced. Terrace widths shall be a minimum of five feet.

(Ord. 142 § 1 Exh. A (4.020), 1997).

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Title 14

BUILDINGS AND CONSTRUCTION

Chapters:

14.05 Uniform Codes
14.10 Moving of Buildings
14.15 Flood Damage Prevention

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Chapter 14.05

UNIFORM CODES

Sections:

14.05.010 Short title.
14.05.020 Purpose.
14.05.030 Adoption of codes by reference.
14.05.040 Conflicts between codes.
14.05.050 Fire chief and fire marshal designated.
14.05.060 Fees.
14.05.070 Hours of construction.
14.05.080 Uniform codes – Copies on file.
14.05.090 Interpretation.
14.05.100 Violations and penalties.
14.05.110 Building code amendments.
14.05.120 Fire code amendments.
14.05.130 Liability.
14.05.140 Hearings examiner – Powers and duties.

14.05.010 Short title.

This title is known as and may be referred to as the "buildings and construction code".
(Ord. 37 § 1, 1995).

14.05.020 Purpose.

The purpose of the codes and regulations adopted in this title is to regulate buildings and construction within the city and to protect the public health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected by the terms of these codes and regulations.
(Ord. 37 § 2, 1995).

14.05.030 Adoption of codes by reference.

The following codes, included in the State Building Code by RCW 19.27.031 and 19.27A.010 and as amended and adopted by the State Building Code Council pursuant to RCW 19.27.074 and 19.27A.020 are hereby adopted by this reference as if fully set forth in this chapter and as specifically modified or amended as set forth in this chapter.

A. The Uniform Building Code (UBC) and the Uniform Building Code Standards, 1994 Edition, published by the International Conference of Building Officials, as adopted and amended by the Washington State Building Code Council and included in Chapter 51-30 WAC, and as may subsequently be amended by this chapter, are hereby adopted along with Appendix Chapters 3, 4 (Division I), 9, 11, 15, 16, 33, and 34.

B. The Uniform Mechanical Code, 1994 Edition, including Chapter 13, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials.

C. The Uniform Fire Code and the Uniform Fire Code Standards, 1994 Edition, published by the Uniform Fire Code Institute, as adopted and amended by the Washington State Building Code Council and included in Chapter 51-34 and 51-36 WAC and as may be subsequently amended by this chapter, are hereby adopted, along with Appendix Chapters I-A, I-B, I-C, II-A, II-C, II-D, II-E, II-F, II-I, III-A, III-B, III-C, III-D, IV-B, V-A, VI-A, VI-C, VI-E, and VI-F; provided, that not withstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles.

D. The Uniform Plumbing Code and the Uniform Plumbing Code Standards, 1994 Edition, as published by the International Association of Plumbing and Mechanical Officials, and as adopted by the Washington State Building Code Council and included in Chapters 51-26 and 51-27 WAC and as may be subsequently amended by this chapter, are hereby adopted with the exception of Chapters 11 and 12.

E. The rules and regulations adopted by the Washington State Building Code Council for making building and facilities accessible to and usable by physically handicapped or elderly persons as provided in Chapter 51-30 WAC effective April 1, 1994.

F. The Washington State Energy Code as adopted and amended by the Washington State Building Code Council and included in Chapter 51-11 WAC effective June 30, 1995.

G. The Washington State Ventilation and Indoor Air Quality Code as adopted and amended by the Washington State Building Code Council and included in Chapter 51-13 WAC, effective June 30, 1995.

H. Washington State Historic Building Code as adopted and amended by the Washington State Building Code Council and included in Chapter 51-19 WAC, first edition.

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I. Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition, as published by the International Conference of Building Officials, and as may be subsequently amended by this chapter.

J. National Electrical Code as published by the National Fire Protection Association adopted by the state of Washington and enforced by the Tacoma public utilities, electrical division, with the current edition in force at the time of the adoption of the ordinance codified in this chapter along with other requirements of the electric utility.

K. Uniform Sign Code, 1994 Edition, published by the International Conference of Building Officials.
(Ord. 45 § 1, 1995; Ord. 37 § 3, 1995).

14.05.040 Conflicts between codes.
In case of conflict among the building code, the mechanical code, the fire code, and the plumbing code, the first named code shall govern over those following. In case of conflicts between other codes and provisions adopted by this chapter, the code or provision that is most restrictive, as determined by the building official, shall apply.
(Ord. 37 § 4, 1995).

14.05.050 Fire chief and fire marshal designated.
Inspections and code enforcement of the fire code shall be conducted by the fire district in accordance with a city contract. Conflicts of code interpretation shall be determined by the building official.
(Ord. 37 § 5, 1995).

14.05.060 Fees.
Any fee schedule in the codes listed in UPMC 14.05.030 shall be void. All fee schedules shall be listed in a separate City of University Place fee resolution.
(Ord. 37 § 6, 1995).

14.05.070 Hours of construction.
Except as otherwise provided in this chapter, the activities regulated by this chapter shall be limited to the following hours:

A. Monday through Saturday: 7 a.m. to 7 p.m.

B. Sunday and legal holidays: 8 a.m. to 5 p.m.
(Ord. 37 § 7, 1995).

14.05.080 Uniform codes – Copies on file.
The city clerk is to maintain one copy on file of each of the codes adopted by this chapter. These copies may be kept in the care of the building official.
(Ord. 37 § 8, 1995).

14.05.090 Interpretation.
Whenever the underlined words appear in the codes adopted by reference in this chapter they are to be interpreted as follows:

A. Administrative authority as the building official.

B. Chief, fire chief, or the chief of the bureau of fire prevention as the fire chief of Pierce County Fire District 3;

C. Municipal and the jurisdiction as the City of University Place;

D. Corporation counsel as the attorney for the City of University Place.
(Ord. 37 § 9, 1995).

14.05.100 Violations and penalties.
A. Civil Violation. Except as otherwise provided in this chapter, any violation of any of the provisions of this chapter shall constitute a civil violation subject to the penalties and abatement process detailed in Chapter 1.20 UPMC. However, the civil violations procedure shall not replace the abatement process of the Uniform Code for the Abatement of Dangerous Buildings.

B. Criminal Penalty. Except as otherwise provided, in addition to or as an alternative to any other penalty provided for in this chapter, any person, partnership, firm, association, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor punishable as provided for in RCW 9A.20.021.

C. Additional Remedies. In addition to any other remedies provided by this chapter, the city may initiate injunction or abatement proceedings or any other appropriate action in the courts against any person, partnership, firm, association, or corporation who violates or fails to comply with any provision of this chapter, or any code adopted herein, to prevent, enjoin, abate, or terminate such violation or to restore a condition which existed prior to the violation. In all injunction, abatement and nuisance proceedings, the violator shall be required, in addi-

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tion to any other relief, to pay the costs of such action, including reasonable attorneys' fees. (Ord. 156 § 2, 1997; Ord. 45 § 2, 1995; Ord. 37 § 10, 1995).

14.05.110 Building code amendments.

The following sections in the adopted Uniform Building Code are hereby amended:

A. Sewerage Disposal Approval. Section 106.4.1.1 is added to the Uniform Building Code and reads as follows:

> Section 106.4.1.1. No building permit for the construction or alteration of any building requiring sewerage disposal facilities of any kind shall be issued until a Sewer Availability Certificate is issued by the City sewer purveyor. If a public Sewer Availability Certificate is not available the property must be approved for septic tank(s) by the Pierce County health department, in writing, for the occupancy proposed.

B. Expiration of Permit. The first sentence of the first paragraph of Section 106.4.4 of the Uniform Building Code is hereby amended to read as follows:

> Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 360 calendar days from the date of such permit, or if the building or work authorized is suspended or abandoned at any time after the work is commenced for a period of 180 calendar days.

C. Expiration of Plan Review. Section 107.4 of the Uniform Building Code is hereby amended:

> Section 107.4 (1) Expiration of Plan Review. Applications for which no permit is issued within 180 calendar days following the date of application shall expire by limitation, and plans and other data submitted for review may be thereafter returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 calendar days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant resubmit plans and pay a new plan review fee.
>
> The building official shall extend the life of an application if any of the following conditions exist:
>
> a. Compliance with a determination of significance under the State Environmental Policy Act provisions is in progress; or
>
> b. Any other City review is in progress; provided, City Staff determines that the review is proceeding to a timely final City decision; or
>
> c. Litigation against the City is in progress, the outcome of which may affect the validity of any permit issued pursuant to such application.
>
> (2) Permit deemed ready to issue. Every permit deemed ready to issue by the building official under the provisions of this code shall be obtained by the applicant within 60 calendar days of the notification of the availability of such permit by the building official or her/his designee or the permit shall be canceled. Upon cancellation of any such permit, the permit becomes null and void, and the building official shall notify the applicant by certified mail.

D. Approval Required. Section 108.4 of the Uniform Building Code is hereby amended by the addition of a new paragraph to read:

> All buildings that have not received a final inspection and approval shall not be occupied without written approval of the building official.

E. Certificate of Occupancy. Paragraph one of Section 109.1 on use and occupancy of the Uniform Building Code is hereby amended:

> No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein.
> EXCEPTION: Group U occupancies.

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E1. Requirement for Report. Section 307.1.6 of the Uniform Building Code, 1994 Edition, is hereby amended:

EXCEPTION: When an HMMP is required, the building official may accept the applicant report(s) used for compliance with requirements of 40 CFR "Hazardous Chemical Reporting and Community Right-to-Know Regulations" under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

F. Group R, Division 1 Occupancies. Special Provisions. Section 310.2.2 of the Uniform Building Code is hereby amended:

310.2.2 Special Provisions. Notwithstanding other provisions of this code, Group R Division 1 occupancies shall not be less than one hour fire-resistive construction throughout. Exterior balconies extending beyond the floor area as defined by Section 207-F shall be constructed of noncombustible materials or as combustible one-hour fire-resistive occupancy separation between units.

Storage or laundry rooms that are within Group R, Division 1 Occupancies that are used in common by tenants shall be separated from the rest of the building by not less than one-hour fire-resistive occupancy separation.

For Group R, Division 1 Occupancies with a Group S, Division 3 parking garage in the basement or first story, see Section 311.2.2.

For attic space partitions and draft stops, see Section 708.

Exterior and interior doors and windows opening into a corridor, stairway, or similar area serving 5 or more dwellings units shall be protected as specified in Section 1005.8.

G. Fire Alarm Systems. Section 310.10 of the Uniform Building Code is hereby amended to read as follows:

310.10 Fire Alarm Systems. Group R, Division 1 Occupancies shall be provided with an approved manual and automatic fire alarm systems in apartment houses that are three stories or more in height or two or more stories in height with a basement or containing five or more dwelling units, and every hotel (motel) three or more stories in height or containing 12 or more guest rooms and in congregate residences three or more stories in height or having an occupant load of 20 or more. A fire alarm and communication system shall be provided in Group R, Division 1 Occupancies located in a high-rise building.

For the purpose of this section, area separation walls shall not define separate buildings.

Exceptions:

1. A fire alarm system need not be installed in buildings not over two stories in height when all individual dwelling units and contiguous attic and crawl spaces are separated from each other and from the public or common areas by at least one- hour fire-resistive occupancy separations and each individual dwelling unit or guest room has an exit direct to a public way, exit court or yard, exterior stairway or exterior exit balcony.
2. A separate fire alarm system need not be installed in buildings which are protected throughout by an approved supervised sprinkler system installed in accordance with U.B. C. Standard No. 38-1 and having a local alarm to notify all occupants.

H. Section 403 – Special provisions for Group B and Group R, 1 Occupancies. The title of Section 403 of the Uniform Building Code is hereby amended:

SECTION 403 – SPECIAL PROVISIONS FOR ALL BUILDING SEVEN OR MORE STORIES IN HEIGHT.

I. Section 403.1 Scope. Section 403.1 of the Uniform Building Code is hereby amended:

This section shall apply to all buildings seven or more stories in height. Such building shall be of Type I or II-F.R. construction and shall be provided with an automatic sprinkler system in accordance with Section 403.2.

J. Premises Identification. Section 502 of the Uniform Building Code is hereby amended:

Approved number or addresses shall be provided of a size not less than four inches (4") in

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height and shall be placed on all new and existing buildings and on construction sites is such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

J1. Fire Extinguishing Systems. Section 904.1.1 of the Uniform Building Code, 1994 Edition, is hereby amended with the following additional paragraph to read as follows:

The provisions of this section shall apply to all buildings to which more than fifty percent of its county assessment value at the time of the first permit application, will be altered or repaired within any seventy month period of time. Any additions to an existing structure shall be considered new construction and subject to the requirements of this section.

K. Fire Extinguishing Systems Required. Section 904.2.2, item 5, of the Uniform Building Code is hereby amended:

5. All buildings four or more stories in height. For the purposes of this section, a story shall be defined as that portion of a building between the upper surface of any floor and the surface of the next floor or roof above.

K1. Drinking Establishments. Section 904.2.3.1 of the Uniform Building Code, 1994 Edition, is hereby amended to read as follows:

904.2.3.1 Drinking Establishments. An automatic sprinkler system shall be installed in rooms used by the occupants for the consumption of alcoholic beverages, nightclubs, or dancing establishments where the total gross floor area exceeds 5,000 square feet. Area separation walls as noted in Section 504.6 of the Uniform Building Code shall not be considered to separate a building to enable deletion of the required fire sprinkler system.

L. Plans Approval – Fire Extinguishing Systems. Section 904 of the Uniform Building Code, 1994 Edition, is hereby amended by the addition of Section 904.2.3.8 and to read as follows:

Section 904.2.3.8 Approval of Fire Sprinkler Plans. If required by the Fire Marshal, automatic sprinkler system plans shall be approved and stamped by an independent review agency, approved by the building official, prior to being submitted to the Fire Marshal for approval.

M. Area Separation Walls – Fire Extinguishing Systems. Section 904 of the Uniform Building Code is hereby amended by the addition of Section 904.2.3.9 and to read as follows:

Section 904.2.3.9 Area Separation Walls. Area separation walls as specified in Section 504.6 of the Uniform Building Code shall not be used to reduce the calculation of floor areas in this Chapter.

M1. Fire Extinguishing Systems. Section 904 of the Uniform Building Code, 1994 Edition, is hereby amended by the addition of Section 904.2.9 and to read as follows:

Section 904.2.9 Other Occupancy Requirements. In all occupancies requiring 2,000 gallons per minute or more of fire flow per Appendix III-A of the Uniform Fire Code, or where the total floor area included within the surrounding exterior walls on all floor levels including basements exceeds 10,000 square feet. Area separation walls, as noted in Section 504.6 of the Uniform Building Code, shall not be considered to separate a building to enable deletion of the required fire sprinkler system. EXCEPTION: Group U occupancies.

N. Standpipes – Where Required. Section 904.5.2 of the Uniform Building Code is hereby amended:

Section 904.5.2 Where Required. Standpipe systems shall be provided as set forth in Table 9-A. In lieu of Class II standpipes, the Fire Chief may, in writing, require the use of Class I standpipes. The size and number of outlets and inlets and location of piping shall be approved by the Fire Chief or her/his designee.

(Ord. 45 § 3, 1995; Ord. 37 § 11, 1995).

14.05.120 Fire code amendments.

The following sections in the Uniform Fire Code are hereby amended:

A. Permits and Fees – UFC Section 105.3 Amended. Section 105.3 of the Uniform Fire Code, 1994 Edition, is hereby amended to read:

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Section 105.3(a) Permit Applications. All applications for a permit required by this Code shall be made to the Fire District in such form and detail as it shall prescribe. Applications for permits shall be accompanied by such plans as required by the Chief.

Section 105.3(b) Permit Fees. The Fire District shall collect fees for permits, plan review, and inspection services as prescribed in the City of University Place "Fee Schedule."

B. Definitions – UFC Section 201 Amended. Article 2 of the Uniform Fire Code, 1994 Edition, is hereby amended by adding to the stated sections the following entitled "Definitions" to read as follows:

Section 207. Fixed Fire Protection System. All automatic or manual sprinkler systems, standpipe systems, fire alarm systems, fire detection and/or warning systems, fire and/or explosion suppressions systems, fire alarm signaling systems or other equipment or devices that are intended to detect, control or extinguish a fire or explosion that are built-in or affixed to the premises they protect.

C. Fire Department Access – UFC Section 902 Amended. Article 2 of the Uniform Fire Code, 1994 Edition, is hereby amended to read as follows:

Section 902 – Fire Department Access.

902.1 General. Fire department access roads on private property shall be provided and maintained in accordance with Sections 901 and 902.

902.2 Fire Apparatus Access Roads.

902.2.1 Required Access. Fire apparatus access roads shall be provided in accordance with Sections 901 and 902.2 for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility. See also Section 902.3 for personnel access to buildings.

EXCEPTIONS:

1. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of Section 902.2.1 and 902.2.2 may be modified by the Chief.

2. When access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the Chief is authorized to require additional fire protection as specified in Section1001.9.

3. When there are not more than two Group R, Division 3 or U Occupancies, the requirements of Sections 902.2.1 and 902.2.2 may be modified by the Chief. More than one fire apparatus road shall be provided when it is determined by the Chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

For high-piled combustible storage, see Section 8102.5.1.

For required access during construction, alteration or demolition of a building, see Section 8704.2.

902.2.2 Specifications.

902.2.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

EXCEPTION: Vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved by the Chief.

Vertical clearances or widths shall be increased when, in the opinion of the Chief, vertical clearances or widths are not adequate to provide fire apparatus access.

902.2.2.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall

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be provided with a surface so as to provide all weather driving capabilities.

902.2.2.3 Turning Radius. The turning radius of a fire apparatus access road shall be as approved by the Chief.

902.2.2.4 Dead-ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

902.2.2.5 Bridges. When a bridge is required to be used as part of a fire apparatus access road, it shall be constructed and maintained in accordance with nationally recognized standards. See Article 90, Standard a.1.1. The bridge shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.

Vehicle load limits shall be posted at both entrances to bridges when required by the Chief.

902.2.2.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the Chief.

902.2.3 Marking. See Section 901.4.

902.2.4 Obstruction and Control of Fire Apparatus Access.

902.2.4.1 General. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. The minimum required widths and clearances established under Section 902.2.2.1 shall be maintained at all times.

Entrances to roads, trails or other access ways which have been closed with gates and barriers in accordance with Section 902.2.4.2 shall not be obstructed by parked vehicles.

D. Fire Extinguishing Systems – UFC Section 1003.2.3.1 Amended. Section 1003.2.3.1 of the Uniform Fire Code, 1994 Edition, is hereby amended to read as follows:

1003.2.3.1 Drinking and Dining Establishments. An automatic sprinkler system shall be installed in rooms used by the occupants for the consumption of alcoholic beverages, nightclubs, or dancing establishments where the total gross floor area exceeds 5,000 square feet. Area separation walls as noted in Section 504.6 of the Uniform Building Code shall not be considered to separate a building to enable deletion of the required fire sprinkler system.

E. Fire Extinguishing Systems – UFC Section 1003.2.8 Amended. Section 1003.2.8 of the Uniform Fire Code, 1994 Edition, is hereby amended to read as follows:

1003.2.8 Group R, Division 1 Occupancies. An automatic sprinkler system shall be installed throughout all Group R, Division 1 occupancies having three or more stories in height or containing five or more dwelling units, every congregate residence three or more stories in height or having an occupant load of 10 or more, and every hotel three or more stories in height or containing 10 or more guest rooms. Residential or quick response standard sprinklers shall be used in the dwelling units and guest room portions of the building. Area separation walls as noted in Section 504.6 of the Uniform Building Code shall be not considered a separate building to enable the deletion of the required sprinkler system.

F. Standpipes Required. Section 1004.2 of the Uniform Fire Code is hereby amended to read as follows:

1004.2 Required Installations. Standpipe systems shall be provided as set forth in Table 1004-A. In lieu of Class II standpipes, the Fire Chief or his designee may, in writing, require the use of Class I standpipes. The size, number of outlets, and location of piping and fittings shall be approved by the Fire Chief or her/his designee.

G. False Alarms – Standby Personnel – UFC Section 1007.1.4 Amended. Section 1007.1.4 of the Uniform Fire Code, 1994 Edition, is hereby amended to read as follows:

1007.1.4 Problematic systems and systems out of service.

(a) In the event of temporary failure of a required fire alarm system, the Chief may order the building owner or occupant to pro-

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vide standby personnel as defined by Section 2501.19 until the system is restored in an approved manner.

(b) In the event of more than two false alarms in any 90-day period the Chief may charge a fee for fire department response as specified in the City of University Place "Fee Schedule" Ordinance.

EXCEPTION: False alarms resulting from the failure of a fire alarm service technician notifying the central proprietary or remote monitoring station shall be billed at the rate specified in the City of University Place "Fee Schedule".

(c) For the purpose of this section, a false alarm shall be defined as any unintentional activation of the fire alarm or detection system which is the result of improper installation, maintenance or use of that system.

(d) Fire alarm system control units shall be provided with an approved sign indicating such fees will be imposed.

H. Group R, Division 1 Occupancies – UFC Section 1007.2.9.1.1 Amended. Section 1007.2.9.1.1 of the Uniform Fire Code, 1994 Edition, is hereby amended to read as follows:

1007.2.9.1.1 General. Group R, Division 1 Occupancies shall be provided with an approved manual and automatic fire alarm systems in apartment houses that are three stories or more in height or two or more stories in height with a basement or containing five or more dwelling units, and every hotel (motel) three or more stories in height or containing 12 or more guest rooms and in congregate residences three or more stories in height or having an occupant load of 20 or more. A fire alarm and communication system shall be provided in Group R, Division 1 Occupancies located in a high-rise building.

For the purpose of this section, area separation walls shall not define separate buildings.

EXCEPTIONS:

1. A fire alarm system need not be installed in buildings not over two stories in height when all individual dwelling units and contiguous attic and crawl spaces are separated from each other and from the public or common areas by at least one- hour fire-resistive occupancy separations and each individual dwelling unit or guest room has an exit direct to a public way, exit court or yard, exterior stairway or exterior balcony.

2. A separate fire alarm system need not be installed in buildings which are protected throughout by an approved supervised sprinkler system installed in accordance with U.B.C. Standard No. 38-1 and having a local alarm to notify all occupants.

I. Hazardous Materials Management Plan – UFC Section 8001.3.2 Amended. Subsection 8001.3.2 EXCEPTION is hereby amended to read as follows:

EXCEPTION: When an HMMP is required, the fire chief may accept the applicant report(s) used for compliance with requirements of 40 CRF "Hazardous Chemical Reporting and Community Right-to-Know Regulations" under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

J. Number and Location of Fire Hydrants. Section 3 of Appendix III-B of the Uniform Fire Code is hereby amended by adding the following paragraph:

Existing hydrants on public streets may be considered available. Existing hydrants on adjacent properties shall not be considered available unless fire apparatus access roadways extend between properties and an easement is established to prevent their obstruction.

(Ord. 45 § 4, 1995; Ord. 37 § 12, 1995).

14.05.130 Liability.

The express intent of the City of University Place is that the responsibility for compliance with the provisions of this chapter shall rest with the permit applicant and their agents.
(Ord. 37 § 14, 1995).

14.05.140 Hearings examiner – Powers and duties.

All appeals authorized by the uniform codes as to suitability of alternate materials and methods of

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construction and from other rulings, interpretations or enforcement actions of those officials charged with enforcing the codes shall be to the city's hearings examiner as established by Chapter 2.20 UPMC. The hearings examiner shall utilize the procedures and penalties set forth in Chapter 1.20 UPMC. The hearings examiner shall serve in lieu of all boards of appeals mentioned or described in the uniform codes as adopted and amended by the city.
(Ord. 156 § 3, 1997).

Chapter 14.10

MOVING OF BUILDINGS

Sections:

14.10.010 Purpose.
14.10.020 Definitions.
14.10.030 Permit required.
14.10.040 Permit – Application information.
14.10.050 Permit – Application – Deposits and fees.
14.10.060 Permit – Condition for granting.
14.10.070 Special requirements.
14.10.080 Penalty.

14.10.010 Purpose.

It is the purpose of this chapter to establish standards, including minimum requirements, for the moving of all buildings and other structures within the corporate limits of the city, and to provide for the issuance of a permit, collection of various fees, and inspectional service for all such movements.
(Ord. 38 § 1, 1995).

14.10.020 Definitions.

Definitions as used in this chapter, unless the context otherwise indicates, shall be as follows:

A. "Building" means and includes any building, house, structure, or other like object.

B. Classification of movements:

1. "Class I" move is the movement of any building from an origin outside of the city to a destination within the city.

2. "Class II" move is the movement of any building from one point within the city to another point within the city.

3. "Class III" is the movement of a building from a point within the city to a destination outside the city.

4. "Class IV" is the movement of any building through the city with both the origin and the destination outside the city.

C. "Housemover" means any person, firm, or corporation engaged in the business of moving houses, buildings, structures or other like object.

D. "Person" means and includes any person, firm, partnership, association, corporation, company or an organization of any kind.
(Ord. 38 § 2, 1995).

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14.10.030 Permit required.

No person shall move any building over, upon, along, or across any public street without a written permit from the city for all such moves as classified and defined in UPMC 14.10.020.
(Ord. 38 § 3, 1995).

14.10.040 Permit – Application information.

Application for a permit shall be furnished by the city. The application for a permit shall contain, or have attached thereto, the following information:

A. Name and address of the applicant;

B. Location of the building to be moved (present address is assigned);

C. Location of the proposed site to which the building is to be moved (include legal description);

D. Date and time requested for the movement;

E. Map or description of requested route to be taken;

F. Height, width, and length of the building to be moved including the truck or equipment to be used for moving the building; and

G. Classification of the movement (as defined in UPMC 14.10.020).
(Ord. 38 § 4, 1995).

14.10.050 Permit – Application – Deposits and fees.

A. Every applicant before being granted a permit shall pay an application filing fee as shall be established from time to time by the city.

B. For any application for a Class I or II move herein provided for, there shall be charged and collected an inspection fee in an amount established from time to time by the city.

C. An application hereunder shall be accompanied by:

1. A cash deposit or corporate surety bond in the sum of $1,000 or such greater amount as the building official determines necessary as indemnity for any damage which the city may sustain by reason or damage or injury to any highway, street or alley, sidewalk, or other property of the city which may be caused by or be incidental to the removal of any building over, along or across any street in the city and to indemnify the city against any claim of damages to persons or private property;

2. A public liability insurance policy, naming the city as an additional assured and providing $100,000 or such greater amount the building official determines necessary to satisfy any claim by private individuals, firm, or corporations arising out of, caused by, or incidental to the moving of any building over, along, or across any street in the city; and

3. A cash deposit or a corporate surety bond in the sum of $500.00 or such greater amount as the building official determines necessary conditioned upon the permitee, within six months from the date of the issuance of such permit (a) completing the construction, painting and finishing of the exterior of the building and (b) faithfully complying with all requirements of this chapter, the building code, UPMC Title 19, Zoning, the other ordinances then in effect within the city including but not limited to permitee completing such work within six months of the date of the issuance of such permit. In the event the provisions of this subsection are not complied with within the time specified, the sum of $500.00 shall be forfeited to the city as a penalty for the default, and this shall be in addition to any other penalties provided for failure to comply within the terms of this chapter.
(Ord. 38 § 5, 1995).

14.10.060 Permit – Condition for granting.

As a condition of securing the permit for a Class I or II move:

A. The permitee shall furnish the city with a set of plans and specifications for the completed building to include a plot plan prepared by a registered engineer or land surveyor from the state of Washington showing in detail the placement of the proposed structure upon the lot within the city;

B. The permitee shall, prior to making application for such a permit or within 10 days after making such application, cause all of the exterior wall, ceiling or flooring to be removed to such extent as may be necessary to permit the building official to examine the materials and the type of construction of such building to ascertain whether it will comply with the existing building code and other applicable ordinances in the city; and

C. The permitee shall obtain certified statements of inspection and present to the building official from the State of Washington Department

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of Labor and Industries, Electrical Inspection Division, and any other certifying agencies used by the city to certify that such electrical and /or plumbing facilities of the building meet the minimum applicable code requirements. Such statements of inspection shall be presented to the building official within the 10-day period referenced in subsection (B) above. All building involved in a Class I or II move shall meet all minimum standards for plumbing and electrical facilities or shall be improved to such code standards prior to a building permit being issued by the city.
(Ord. 38 § 6, 1995).

14.10.070 Special requirements.

A. Escort. For Class I, II, III, and IV moves, the housemover shall provide at least two off-duty police officers or other appropriate agency employees which provide an escort service for the purpose of regulating traffic along the route such building is being moved; provided, that such police or special agency escort shall be at the expense of the housemover in addition to any other fees or deposits heretofore required. No variances of the provisions of the permit shall be permitted by the escort.

B. Time. Time of the movement shall be designated by the city. Every such permit shall become void unless the building being moved is removed from the public right-of-way within the time specified in the permit issued; provided, however, that the city may extend such time when the moving of any building is rendered impractical by reason of inclemency of the weather, strikes, or other causes not within the control of the housemover.

C. Lights. No person moving any building over, upon, along, or across any public street shall fail, neglect, or refuse to keep a red light (or any other devices that the city may require) at all times at each corner of such building and at the end of any projection thereupon while the same is located in or upon any public street.

D. Notice to Utilities. Before any building shall be moved the housemover shall give written notice to the public utilities or agencies designated in the application not less than three days in advance of the proposed move.

E. Condition of Lot. After the completion of any Class II or III move the area or lot upon which the structure was formally located shall be cleaned up and satisfactorily graded; and the sanitary sewer connection, if one exists, shall be plugged and marked; the water meter shall be removed and the line satisfactorily capped and marked; the electrical and telephone lines removed; any well on the property marked and reported; and all trash removed therefrom to the satisfaction of the building official.
(Ord. 38 § 7, 1995).

14.10.080 Penalty.

Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished pursuant to Chapter 1.20 UPMC.
(Ord. 38 § 8, 1995).

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Chapter 14.15

FLOOD DAMAGE PREVENTION

Sections:

14.15.010 Definitions.
14.15.020 General provisions.
14.15.030 Administration.
14.15.040 Provisions for flood hazard reduction.

14.15.010 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. "Administrative appeal" means a request for a review of a decision made by an administrative official in the administration of this chapter.

2. "Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

3. "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. Areas of special flood will also include "B" zones as defined below.

4. "B zone" means certain areas subject to the base flood with contributing drainage of more than 100 acres and less than one square mile and all pothole areas.

5. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

6. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

7. "Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

8. "Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1–30, VE or V.

9. "Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

10. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

11. "Elevated building" means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

12. "Existing manufactured home park or subdivision" means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

13. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

14. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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A. The overflow of inland or tidal waters; and/or

B. The unusual and rapid accumulation of runoff of surface waters from any source.

15. "Flood fringe" means the area subject to inundation by the base flood, but outside the limits of the floodway, and which may provide needed temporary capacity for flood waters.

16. "Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

17. "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

18. "Floodplain" means the total area subject to inundation by the base flood including the flood fringe and the floodway areas.

19. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

20. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of UPMC 14.15.040(E)(2)(b).

21. "Manufactured home" means a factory-assembled structure intended solely for human habitation, which has sleeping, eating and plumbing facilities, that is being used for residential purposes, that was constructed in accordance with the HUD Federal Manufactured Housing Construction and Safety Standards Act in effect at the time of construction, and that is constructed in a way suitable for movement along public highways.

22. "Mobile home/manufactured home park" means a tract of land designed and maintained under a single ownership of unified control where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes for residential purposes with or without charge. A mobile home or manufactured home park shall not include mobile home or manufactured home subdivisions or recreational vehicle parks.

23. "New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this chapter.

24. "Recreational vehicle" means a structure or vehicle, other than a mobile home, which is permanently designed and intended for use for temporary housing purposes. Recreational vehicles shall include, but not necessarily be limited to, campers, motor homes, and travel trailers.

25. "Start of construction" 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 date. 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 foundations or the erection of temporary forms; nor does it include the installation of the property or accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For 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.

26. "Structure" means anything that is constructed in or on the ground or over water, including any edifice, gas or liquid storage tank, and any piece of work artificially built up or composed of parts and joined together. For the purposes of this regulation, structure does not include paved areas, fill, or any vehicle.

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27. "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 market value of the structure before the damage occurred.

28. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

A. Before the improvement or repair is started; or

B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

A. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

29. "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

30. "Water dependent" means any use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(Ord. 164 § 1, 1997).

14.15.020 General provisions.

A. Lands to Which this Chapter Applies. This chapter shall apply to all areas of special flood hazards within the City of University Place, Washington.

B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Pierce County," dated August 19, 1987, as amended, with accompanying flood insurance maps, as amended, are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at City Hall.

C. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $1,000 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of University Place from taking such other lawful action as is necessary to prevent or remedy any violation.

D. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit or repeal any other powers granted under state statutes.

F. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of University Place, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on

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this chapter or any administrative decision lawfully made hereunder.
(Ord. 164 § 2, 1997).

14.15.030 Administration.

A. Site Development Permit.

1. Site Development Permit Required. A site development permit and building permit if applicable shall be obtained before construction or development begins within any area of special flood hazard established in UPMC 14.15.020(B). The permit shall be for all structures including manufactured homes, and for all development including fill and other activities.

2. Application for Site Development Permit. Application for a site development permit shall be made on forms furnished by planning and community development department, and in addition to the minimum requirements in the public work standards, may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

b. Elevation in relation to mean sea level to which any structure has been floodproofed;

c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in UPMC 14.15.040(B)(2); and

d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

B. Designation of the Local Administrator. The public works department is hereby appointed to administer and implement this chapter by granting or denying site development permit applications through the city permit center in accordance with its provisions.

C. Duties and Responsibilities of the Local Administrator. Duties of the public works department shall include, but not be limited to:

1. Permit Review.

a. Review all site development permits to determine that the permit requirements of this chapter have been satisfied.

b. Review all site development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

c. Review all site development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of UPMC 14.15.040(C)(1) are met.

2. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with UPMC 14.15.020(B), the public works department shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer UPMC 14.15.040(B) and (C).

3. Information to be Obtained and Maintained.

a. Where base flood elevation data is provided through the flood insurance study or required as in subsection (C)(2) of this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

b. For all new or substantially improved floodproofed structures:

i. Verify and record the actual elevation (in relation to mean sea level); and

ii. Maintain the floodproofing certifications required in subsection (A)(2)(c) of this section.

c. Maintain for public inspection all records pertaining to the provisions of this chapter.

4. Alteration of Watercourses.

a. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable

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opportunity to appeal the interpretation as provided in UPMC Title 22.

D. Variances.

1. The hearings examiner may grant a variance to the requirements of this chapter. Before granting a variance the hearings examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location, where applicable;

f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

g. The compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

2. Upon consideration of the factors of subsection (D)(1) of this section and the purposes of this chapter, the hearings examiner may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. The decision of the hearings examiner shall include the written warning provided for in subsection (D)(4)(h) of this section should a variance be granted.

3. The city clerk shall maintain the records of all appeal actions. The public works department shall report any variances to the Federal Insurance Administration upon request.

4. Conditions for Variances.

a. Generally, the only condition under which a variance from the elevation standard may be granted is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a) through (k) of subsection (D)(1) of this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

b. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

c. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

d. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

e. Variances shall only be issued upon:

i. A showing of good and sufficient cause;

ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (D)(1) of this section, or conflict with existing local laws or ordinances.

f. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

g. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (D)(4)(a) of this section, and

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otherwise complies with UPMC 14.15.040(A) and (B).

h. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

5. Variance Procedure. Variances shall be processed in accordance with UPMC Title 22.
(Ord. 164 § 3, 1997).

14.15.040 Provisions for flood hazard reduction.

A. General Standards. In all areas of special flood hazards, the following standards are required:

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

2. Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals.

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least five lots.

5. Review of Building Permits. Where elevation data is not available either through the flood insurance study or from another authoritative source (UPMC 14.15.030(C)(2)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in UPMC 14.15.020(B) or 14.15.030(C)(2), the following provisions are required:

1. Residential Construction.

a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

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ii. The bottom of all openings shall be no higher than one foot above grade.

iii. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot above the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in UPMC 14.15.030(C)(3)(b);

d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (B)(1)(b) of this section;

e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).

3. Manufactured Homes.

a. All manufactured homes to be placed or substantially improved within zones A1–30, AH, and AE on the community's FIRM on sites:

i. Outside of a manufactured home park or subdivision,

ii. In a new manufactured home park or subdivision,

iii. In an expansion to an existing manufactured home park or subdivision, or

iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

b. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1–30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:

i. The lowest floor of the manufactured home is elevated one foot above the base flood elevation, or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

4. Recreational Vehicles. Recreational vehicles placed on sites within zones A1–30, AH, and AE on the community's FIRM either:

a. Be on the site for fewer than 180 consecutive days;

b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

c. Meet the requirements of subsection (B)(3) of this section and the elevation and anchoring requirements for manufactured homes.

C. Floodways. Located within areas of special flood hazard established in UPMC 14.15.020(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market

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value of the structure either (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the 50 percent.

3. If subsection (C)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

D. Encroachments. The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

E. Standards for Shallow Flooding Areas (AO Zones). Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).

2. New construction and substantial improvements of nonresidential structures within AO zones shall either:

a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or

b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in subsection (B)(2)(c) of this section.

3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

4. Recreational vehicles placed on sites within AO zones on the community's FIRM either:

a. Be on the site for fewer than 180 consecutive days,

b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

c. Meet the requirements of this section and the elevation and anchoring requirements for manufactured homes.

F. Coastal High Hazard Areas. Located within areas of special flood hazard established in UPMC 14.15.020(B) are coastal high hazard areas, designated as zones V1–30, VE and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this chapter, the following provisions shall also apply:

1. All new construction and substantial improvements in zones V1–30 and VE (V if base flood elevation data is available) shall be elevated on pilings and columns so that:

a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level; and

b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

2. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of (F)(1)(a) and (b) of this section.

3. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V1–30 and VE, and whether or not such structures contain a basement. The public works department shall maintain a record of all such information.

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4. All new construction shall be located landward of the reach of mean high tide.

5. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

a. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

6. If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

7. Prohibit the use of fill for structural support of buildings.

8. Prohibit manmade alteration of sand dunes which would increase potential flood damage.

9. All manufactured homes to be placed or substantially improved within zones V1–30, V, and VE on the community's FIRM on sites:

a. Outside of a manufactured home park or subdivision;

b. In a new manufactured home park or subdivision;

c. In an expansion to an existing manufactured home park or subdivision; or

d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; meet the standards of subsections (F)(1) through (9) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1–30, V, and VE on the FIRM meet the requirements of subsection (B)(3) of this section.

10. Recreational vehicles placed on sites within zones V1–30, V, and VE on the community's FIRM either:

a. Be on the site for fewer than 180 consecutive days;

b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

c. Meet the requirements of UPMC 14.15.030(A)(1) (permitting requirements) and subsections (F)(1) through (9) of this section.

G. Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or more above the level of the base flood elevation (100-year) at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. (Ord. 164 § 4, 1997).

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Title 15

PARKS AND RECREATION

Chapters:

15.05 Park Code

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Chapter 15.05

PARK CODE

Sections:

15.05.010 Authority to adopt Pierce County Code.
15.05.020 Adoption of administrative rules.
15.05.030 Adoption of certain other laws.

15.05.010 Authority to adopt Pierce County Code.

Pursuant to RCW 35A.12.140 and 35A.13.180, the city adopts by reference Chapters 14.08 and 14.12 PCC, as presently constituted or hereinafter amended, as regulations of the city.
(Ord. 52 § 1, 1995).

15.05.020 Adoption of administrative rules.

There are hereby further adopted by reference any and all implementing and administrative rules and enforcement's remedies now in effect regarding the park code that have been adopted pursuant to Chapter 2.06 PCC and PCC Title 14 except that, unless the context requires otherwise, any reference to the "county" or to "Pierce County" shall refer to the City of University Place, and any reference to county staff shall refer to the city manager or designee.
(Ord. 52 § 2, 1995).

15.05.030 Adoption of certain other laws.

To the extent that any provision of the Pierce County Code, or any other law, rule or regulation referenced in the park code, is necessary or convenient to establish the validity, enforceability or interpretation of the code section, then such provision of the Pierce County Code and chapter, or other law, rule or regulation, is hereby adopted by reference.
(Ord. 52 § 3, 1995).

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Title 16

COMPREHENSIVE PLAN*

(Reserved)

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* The interim comprehensive plan of the city of University Place was adopted, accepted, ratified, and confirmed by Ordinance 72 as set forth in Exhibit A to Resolution 50, and has been amended by Ordinances 75 and 95 and is set forth in Exhibit A to Ordinance 72. A copy is on file at the city clerk's office.

Title 17

CRITICAL AREAS

Chapters:

Division I. Critical Areas

17.01 Authority and Purpose
17.10 General Requirements
17.14 Geologically Hazardous Areas
17.16 Aquifer Recharge Area
17.18 Fish and Wildlife Habitat Areas
17.20 Flood Hazard Areas
17.22 Wetlands

Division II. SEPA Regulations

17.50 Environmental Regulations

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Division I. Critical Areas

Chapter 17.01

AUTHORITY AND PURPOSE

Sections:

17.01.010 Authority and title.
17.01.020 Purpose and goals.
17.01.030 Intent.
17.01.040 Interpretation.
17.01.050 Severability.

17.01.010 Authority and title.

This title is established pursuant to the requirements of the Growth Management Act (RCW 36.70A.060) and the State Environmental Policy Act (Chapter 43.21C RCW).

This title shall be known as "Critical Areas."
(Ord. 149 § 12, 1997; Ord. 59 § 1, 1995).

17.01.020 Purpose and goals.

This title establishes interim regulations pertaining to the development of critical areas.

The regulations established in this title are intended to protect critical areas in the City of University Place. By regulating development within and adjacent to or abutting critical areas this title seeks to implement the following goals:

A. Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to water, and develop parks.

B. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

C. Avoid or in appropriate circumstances to minimize, rectify, reduce or compensate for impacts arising from land development and other activities affecting wetlands, and to maintain and enhance the biological and physical functions and values of wetlands with respect to water quality maintenance, storm water and floodwater storage and conveyance, fish and wildlife habitat, primary productivity, recreation, education, and historic and cultural preservation. When avoiding impacts is not reasonable, mitigation should be implemented to achieve no net loss of wetlands in terms of acreage, function and value.
(Ord. 149 § 12, 1997; Ord. 59 § 1, 1995).

17.01.030 Intent.

Erosion, landslide, seismic, flood hazard areas, streams, wetlands, fish and wildlife habitat, and aquifer recharge areas constitute critical areas. All of these areas are of special concern to the people of University Place, Pierce County and the state of Washington. The intent of this title is to protect critical areas of the city by establishing minimum standards for development of sites which contain or are adjacent to critical areas and thus promote the public health, safety, and welfare by:

A. Mitigating unavoidable impacts by regulating development;

B. Protecting from impacts of development;

C. Protecting the public against losses from:

1. Costs of public emergency rescue and relief operations where the causes are avoidable;

2. Degradation of the natural environment and the expense associated with repair or replacement;

D. Preventing adverse impacts on water availability, water quality, wetlands, and streams;

E. Protecting unique, fragile, and valuable elements of the environment, including fish and wildlife habitat;

F. Providing city officials with sufficient information to adequately protect critical areas and natural resource lands when approving, conditioning, or denying public or private development proposals;

G. Providing the public with sufficient information and notice of potential risks associated with development in critical areas;

H. Implementing the goals and requirements of the Growth Management Act of 1990, the State Environmental Policy Act, the Puget Sound Water Quality Management Plan, the city comprehensive plan, including all updates and amendments, and other land use policies formally adopted or accepted by the city.
(Ord. 149 §§ 1, 12, 1997; Ord. 59 § 1, 1995).

17.01.040 Interpretation.

In the interpretation and application of this title, all provisions shall be:

A. Considered the minimum necessary;

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B. Liberally construed to serve the purposes of this title; and

C. Deemed neither to limit nor repeal any other powers under state statute.
(Ord. 59 § 1, 1995).

17.01.050 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this regulation or the application of the provision to other persons or circumstances shall not be affected.
(Ord. 59 § 1, 1995).

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Chapter 17.10

GENERAL REQUIREMENTS

Sections:

17.10.010 Purpose.
17.10.020 Definitions.
17.10.030 Applicability and mapping.
17.10.040 Permitted uses.
17.10.050 Regulated uses/activities.
17.10.060 Exemptions.
17.10.070 Reasonable use exception.
17.10.080 Process.
17.10.090 Variance.
17.10.095 Current use assessment.
17.10.100 Compliance provisions.
17.10.110 Fees.
17.10.115 Title and plat notification.
17.10.120 Appeals.
17.10.130 Severability.

17.10.010 Purpose.

This chapter establishes general requirements and regulations for the protection of critical areas which shall apply throughout this title.
(Ord. 149 § 12, 1997; Ord. 59 § 1, 1995).

17.10.020 Definitions.

For the purpose of this title, the following definitions shall apply:

1. "Abutting" means bordering upon, to touch upon, in physical contact with. Sites are considered abutting even though the area of contact may be only a point.

2. "Applicant" means a person, party, firm, corporation, or other legal entity that proposes a development on a site.

3. "Aquifer" means a saturated geologic formation which will yield a sufficient quantity of water to serve as a private or public water supply.

4. "Aquifer recharge area" means areas where the prevailing geologic conditions allow infiltration rates which create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water.

5. "Best management plan" means a plan developed for a property which specifies best management practices for the control of animal wastes, storm water runoff, and erosion.

6. "Buffer" means an area contiguous with a critical area that is required for the integrity, maintenance, function, and structural stability of the critical area.

7. "Building footprint" means the horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

8. "Classification" means defining value and hazard categories to which critical areas and natural resource lands will be assigned.

9. "Clearing" means the cutting, moving on site, or removal of standing or fallen timber; the removal or moving on site of stumps; or the cutting or removal of brush, grass, ground cover, or other vegetative matter from a site in a way which exposes the earth's surface of the site. In addition to the above, clearing is an activity which does not require reforestation per an approved forest practices application/notification issued by the Department of Natural Resources.

10. "Critical areas" means wetlands, flood hazard areas, fish and wildlife habitat areas, aquifer recharge areas, and geologically hazardous areas.

11. "Department" means the city department of planning.

12. "Designation" means taking formal legislative action to adopt classifications, inventories, and regulations.

13. "Development" means any human-induced change to improved or unimproved real property including, but not limited to, the construction of buildings or other structures, placement of manufactured home/mobile, mining, dredging, clearing, filling, grading, paving, excavation, drilling operations, or the subdivision of property.

14. "Director" means the director of the department of planning or his or her designee.

15. "Erosion" means the wearing away of the earth's surface as a result of the movement of wind, water, or ice.

16. "Erosion hazard areas" 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.

17. "Existing" means those uses legally established prior to incorporation whether conforming or nonconforming.

18. "Fish and wildlife habitat areas" means those areas identified as being of critical importance to maintenance of fish, wildlife, and plant species, including: areas with which endangered, threatened, and sensitive species have a primary association; habitats and species of local importance; commercial and recreational shellfish areas; kelp and eelgrass beds, herring and smelt spawning areas; naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat; waters of the state; lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity, or private organization; state natural area preserves and natural resource conservation areas.

19. "Flood hazard areas" means areas of land located in floodplains which are subject to a one percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like.

20. "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, may pose a risk to the siting commercial, residential, or industrial development consistent with public health or safety concerns.

21. "Grading" means any excavating, filling, clearing, or creating of impervious surfaces or combination thereof.

22. "Landslide" means the abrupt downslope movement of soil, rocks, or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthflows, rockfalls, and snow avalanches.

23. "Landslide hazard areas" means areas which are potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

24. "Long-term commercial significance" means the growing capacity, productivity, and soil composition of land which makes it suitable for long-term

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commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of land.

25. "Mineral resource lands" means lands primarily devoted to the extraction of minerals or which have known or potential long-term commercial significance for the extraction of minerals.

26. "Minerals" means gravel, sand, and valuable metallic substances.

27. "Private organization" means a nonprofit corporation organized pursuant to Chapter 24.03 RCW, which includes the planting of game fish among its purposes for organizing as a nonprofit corporation.

28. "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

29. "Regulated activities" include, but are not limited to, any of the following activities which are directly undertaken or originate in a regulated critical area or resource land or their buffer: building permit, commercial or residential; binding site plan; conditional use permit; franchise right-of-way construction permit; site development permit; master plan development; right-of-way permit; shoreline conditional use permit; shoreline environmental redesignation; shoreline substantial development permit; shoreline variance; large lot subdivision, short subdivision; special use permit; subdivision; unclassified use permit; utility and other use permit; variance; zone reclassification; or any subsequently adopted permit or required approval not expressly exempted by this chapter.

30. "Seismic hazard areas" means areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction.

31. "Short subdivision" or "short plat" 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.

32. "Site" means a lot, parcel, tract, or combination of lots, parcels, or tracts where a development is proposed.

33. "Subdivision" or "formal subdivision" means the division or redivision of land into five or more lots, tracts, parcels, sites, or division for the purpose of sale, lease, or transfer of ownership.

34. "Urban governmental services" include those governmental services historically and typically delivered by cities, and includes storm and sanitary sewer systems, domestic water systems, street cleaning services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

35. "Urban growth" refers to growth that makes intensive use of the land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. 'Characterized by urban growth' refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

36. "Wetland" or "wetlands" 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 generally 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. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the city. (Ord. 149 §§ 2, 12, 1997; Ord. 59 § 1, 1995).

17.10.030 Applicability and mapping.

A. Applicability. This title shall apply to all properties which are designated as critical areas by the city, including wetlands. Properties containing critical areas or natural resource lands are subject to this title. When the requirements of this title are more stringent than those of other city codes and regulations, the requirements of this title shall apply.

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Where a site contains two or more critical areas, the site shall meet the minimum standards and requirements for each identified critical area as set forth in this title.

Critical area regulations shall also apply to natural resource lands as set forth in this title.

B. Mapping. Maps have been developed to indicate the location of natural resource lands. Maps may be developed by the city which show the general location of critical areas for informational purposes. The actual presence of critical areas and the applicability of these regulations shall be determined by the classification criteria established for each critical area.
(Ord. 149 § 12, 1997; Ord. 59 § 1, 1995).

17.10.040 Permitted uses.

Uses permitted on properties designated as critical areas shall be the same as those permitted in the zone classification shown in the city zoning atlas unless specifically prohibited by this title.
(Ord. 149 § 12, 1997; Ord. 59 § 1, 1995).

17.10.050 Regulated uses/activities.

Unless the requirements of this title are met, the city shall not grant any approval or permission to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement including but not limited to the following: building permit, commercial or residential; binding site plan; conditional use permit; franchise right-of-way construction permit; site development permit; master plan development; right-of-way permit; shoreline conditional use permit; shoreline environmental redesignation; shoreline substantial development permit; shoreline variance; large lot subdivision, short subdivision; special use permit; subdivision; unclassified use permit; utility and other use permit; variance; zone reclassification; or any subsequently adopted permit or required approval not expressly exempted by this chapter.
(Ord. 59 § 1, 1995).

17.10.060 Exemptions.

The following activities are exempt from the provisions of this title:

A. Existing agricultural activities.

B. Maintenance or reconstruction of existing roads, paths, bicycle ways, trails, bridges, and associated storm drainage facilities; provided, that reconstruction does not involve expansion of facilities.

C. Maintenance or reconstruction of existing regional storm drainage facilities; provided, that reconstruction does not involve expansion of facilities.

D. For the following utility line activities, when undertaken pursuant to best management practices to avoid impacts to critical areas:

1. Normal and routine maintenance or repair of existing utility structures or right-of-way.

2. Relocation within improved rights-of-way of electric facilities, lines, equipment, or appurtenances, not including substations, with an associated voltage of 55,000 volts or less only when required by a local government agency.

3. Relocation within improved right-of-way of utility lines, equipment, or appurtenances only when required by a local governmental agency which approves the new location of the facilities.

4. Installation or construction in improved city road rights-of-way, and replacement, operation, or alteration of all electric facilities, lines, equipment, or appurtenances, not including substations, with an associated voltage of 55,000 volts or less.

5. Installation or construction in improved city road rights-of-way, and replacement, operation, repair, or alteration of all utility lines, equipment, or appurtenances.

E. Reconstruction, remodeling, or maintenance of existing single-family residential structures and accessory structures; provided, that a one-time only expansion of the building footprint does not increase by more than 25 percent and that the new construction or related activity does not further intrude into the critical area or related buffer. The exemption shall not apply to reconstruction which is proposed as a result of structural damage associated with a critical area, such as slope failure in a landslide hazard area.

F. Reconstruction, remodeling, or maintenance of structures, other than single-family structures and accessory structures; provided, that such reconstruction, remodeling, or maintenance does not increase the floor area nor extend beyond the existing ground coverage. The exemption shall not apply to reconstruction which is proposed as a result of site or structural damage associated with a critical area, such as slope failure in a landslide hazard area.

G. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities.

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H. Emergency action necessary to prevent imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation. The department shall review all proposed emergency actions to determine the existence of the emergency and reasonableness of the proposed actions taken.

I. A residential building permit for a lot which was subject to previous reports and assessments as required under this title; provided, that the previous reports and assessments adequately identified the impacts associated with the current development proposal.

J. Activities related to a permit for on-site sewage disposal issued by the Tacoma-Pierce County health department (T-PCHD) according to all Washington State Department of Health and Tacoma-Pierce County board of health requirements for on-site sewage disposal. The T-PCHD shall notify the applicant or applicant's agent that the approval of the on-site sewage disposal system design complies with all Washington State Department of Health and Tacoma-Pierce County board of health requirements. The applicant or applicant's agent shall be advised that the requirements of the city zoning code shall apply to all other regulated activities associated with site development and that they can contact the city planning department for additional information.
(Ord. 59 § 1, 1995).

17.10.070 Reasonable use exception.

A. If the application of this title would deny all reasonable use of a site, development may be allowed which is consistent with the general purposes of this title and the public interest.

B. Nothing in this title is intended to preclude all reasonable use of property. An applicant for a development proposal may file a request for a reasonable use exception which shall be considered by the city hearings examiner at a public hearing, following notice, as required by the city zoning code. The request shall include the following information:

1. A description of the areas of the site which are critical areas within setbacks required under this title;

2. A description of the amount of the site which is within setbacks required by other standards of the zoning code;

3. A description of the proposed development, including a site plan;

4. An analysis of the impact that the amount of development described in subsection (B)(3) of this section would have on the critical areas;

5. An analysis of whether any other reasonable use with less impact on the critical area(s) and associated buffer(s) is possible;

6. A design of the proposal so that the amount of development proposed as reasonable use will have the least impact practicable on the critical area(s);

7. An analysis of the modifications needed to the standards of this title to accommodate the proposed development;

8. A description of any modifications needed to the required front, side and rear setbacks, building height, and buffer widths to provide for a reasonable use while providing greater protection to the critical area(s);

9. Such other information as the department determines is reasonably necessary to evaluate the issue of reasonable use as it relates to the proposed development; and

10. The department will forward a copy of a request for reasonable use exception to the Washington State Departments of Fisheries and Wildlife and the affected tribes for review, comment, and recommendation.

C. The hearings examiner may approve the reasonable use exception, if the examiner determines the following criteria are met:

1. There is no other reasonable use or feasible alternative to the proposed development with less impact on the critical area(s); and

2. The proposed development does not pose a threat to the public health, safety or welfare on or off the site; and

3. Any alteration of the critical area(s) shall be the minimum necessary to allow for reasonable use of the property; and

4. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line thereby creating the undevelopable condition after the effective date of the ordinance codified in this title; and

5. The proposal mitigates the impacts on the critical area(s) to the maximum extent possible, while still allowing reasonable use of the site.

D. Except when application of this title would deny all reasonable use of a site, an applicant who seeks an exception from the regulations of the title

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shall pursue a variance as provided in UPMC 17.10.090.
(Ord. 149 § 12, 1997; Ord. 59 § 1, 1995).

17.10.080 Process.

A. The department shall perform a critical areas and natural resource lands review of any city permit or approval requested for any regulated activity including, but not limited to, those set forth in UPMC 17.10.050, on a site which includes or is adjacent to or abutting one or more critical areas unless otherwise provided in this title.

B. As part of all development applications:

1. The department shall review the information submitted by the applicant to:

a. Confirm the nature and type of the critical area and evaluate any required studies;

b. Determine whether the development proposal is consistent with this title;

c. Determine whether any proposed alterations to the site containing critical areas are necessary;

d. Determine if the mitigation and monitoring plans proposed by the applicant are sufficient to protect the public health, safety and welfare consistent with the goals, purposes, objectives and requirements of this title.

C. A threshold determination may not be made prior to departmental review of any special studies or technical reports required by this title, except where the applicant requests a determination of significance so that environmental review is required.

D. The city may approve, approve with conditions, or deny any development proposal in order to comply with the requirements and carry out the goals, purposes, objectives and requirements of this title.

E. Approval of a development proposal does not discharge the obligation of the applicant to comply with the provisions of this title.

F. Unless otherwise specified in this chapter, critical areas permits shall be processed in accordance with UPMC Title 22, Administration of Development Regulations.
(Ord. 149 § 12, 1997; Ord. 130 § 5 Exh. C, 1996; Ord. 59 § 1, 1995).

17.10.090 Variance.

Variance applications shall be considered by the city according to variance procedures in UPMC Title 22, Administration of Development Regulations.
(Ord. 130 § 5 Exh. C, 1996; Ord. 59 § 1, 1995).

17.10.095 Current use assessment.

A. An owner of agricultural land, timberland, or open space desiring current use classification under Chapter 84.34 RCW may file for such current use classification as provided in the City of University Place Municipal Code.

B. The department shall notify the assessor-treasurer's office when restrictions on development occur on a particular site.

C. The assessor-treasurer's office shall consider buffering requirements of this chapter in determining the fair market value of the land. Any owner of an undeveloped buffer which has been placed in a separate tract or tracts, protective easement, public or private land trust dedication, or other similarly preserved area shall have that portion of land assesses consistent with those restrictions.
(Ord. 59 § 1, 1995).

17.10.100 Compliance provisions.

The city shall require an applicant to submit a financial guarantee to the city to guarantee any performance, mitigation or monitoring required as a condition of permit approval. The permit shall not be granted until the financial guarantee is received by the department.

A. Financial guarantees required under this title shall:

1. Be in addition to the site development construction guarantee required by the city's public works standards;

2. Be submitted on financial guarantee forms as set forth in the public works standards;

3. Be 125 percent of the estimate of the cost of mitigation or monitoring to allow for inflation and administration should the city have to complete the mitigation or monitoring;

4. Be released by the city only when city officials have inspected the site(s) and the applicant's engineer and/or appropriate technical professional has provided written confirmation that the performance, mitigation or monitoring requirements have been met.

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B. Penalties, Enforcement and Civil Infractions.

1. The department is authorized to make site inspections and take such actions as necessary to enforce this title. A department representative may enter into private property with the consent of the owner or occupant or pursuant to a warrant.

2. The department shall have the authority to order restoration, rehabilitation or replacement measures to compensate for the destruction or degradation of critical areas or natural resource lands at the owner's expense.

3. Any person, party, firm, corporation or other legal entity convicted of violating any of the provisions of this title, shall be guilty of a misdemeanor. Each day or portion of a day during which a violation of this title is continued, committed, or permitted shall constitute a separate offense. Any development carried out contrary to the provisions of this title shall constitute a public nuisance and may be enjoined as provided by the statutes of the state of Washington.

4. In addition to any other sanction or penalty, or any remedial or administrative procedure available under the city code or state law, violation of any provision of this chapter or failure to comply with any permit or other written order or decision issued pursuant to this chapter constitutes a civil violation.

(Ord. 149 § 3, 1997; Ord. 130 § 5 Exh. C, 1996; Ord. 59 § 1, 1995).

17.10.110 Fees.

The city shall establish an appropriate fee structure for administrative and technical review by separate resolution.

(Ord. 59 § 1, 1995).

17.10.115 Title and plat notification.

If more than one critical area exists on the site subject to the provisions of this title, then one notice which addresses all of the critical areas shall be sufficient.

(Ord. 149 § 12, 1997; Ord. 59 § 1, 1995).

17.10.120 Appeals.

Appeals of a decision issued under this title shall be considered in accordance with UPMC Title 22, Administration of Development Regulations.

(Ord. 130 § 5 Exh. C, 1996; Ord. 59 § 1, 1995).

17.10.130 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this regulation or the application of the provision to other persons or circumstances shall not be affected.

(Ord. 59 § 1, 1995).

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Chapter 17.14

GEOLOGICALLY HAZARDOUS AREAS

Sections:

17.14.010 Purpose.
17.14.020 Definitions.
17.14.030 Erosion and landslide hazard areas.
17.14.040 Seismic hazard areas.
17.14.050 Severability.

17.14.010 Purpose.

The intent behind the classification and designation of geologically hazardous areas is to classify and designate areas on which development should be prohibited, restricted, or otherwise controlled because of danger from geological hazards. For purposes of this title, geologically hazardous areas include the following: erosion and landslide hazard areas and seismic hazard areas.

(Ord. 149 § 4, 1997; Ord. 59 § 1, 1995).

17.14.020 Definitions.

1. "Alluvial geologic unit" means geologically recent stream, lake, swamp and beach deposits of gravel, sand, silt and peat.

2. "Buffer" means an area contiguous with a critical area that is required for the integrity, maintenance, function, and structural stability of the critical area.

3. "Clearing" means the cutting, moving on site, or removal of standing or fallen timber; the removal or moving on site of stumps; or the cutting or removal of brush, grass, ground cover, or other vegetative matter from a site in a way which exposes the earth's surface of the site. In addition to the above, clearing is an activity which does not require reforestation per an approved forest practices application/notification issued by the Department of Natural Resources.

4. "Critical facilities" means those facilities occupied by populations or which handle dangerous substances including but not limited to hospitals, medical facilities; structures housing, supporting or containing toxic or explosive substances; covered public assembly structures; school buildings through secondary including daycare centers; buildings for colleges or adult education; jails and detention facilities; and all structures with occupancy of greater than 5,000 people.

5. "Earthflow" means a slow downslope movement in which saturated regolith sags downward in a series of irregular terraces.

6. "Erosion" means the wearing away of the earth's surface as a result of the movement of wind, water, or ice.

7. "Erosion hazard areas" means those areas that because of natural characteristics, including vegetative cover, soil texture, slope, gradient, and rainfall patterns, or manmade changes to such characteristics, are vulnerable to erosion.

8. "Geological assessment" means an assessment prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering or prepared by a professional geologist, hydrologist, or soils scientist, as specified later in this section, who has earned the related bachelor's degree from an accredited college or university, or equivalent educational training, and has five years experience assessing the relevant geologic hazard. A geological assessment must detail the surface and subsurface conditions of a site and delineate the areas of a property that might be subject to specified geologic hazards.

9. "Geologically hazardous areas" means areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, may not be suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

10. "Geotechnical report" means a report prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering, evaluating the site conditions and mitigating measures necessary to reduce the risks associated with development in geologically hazardous areas.

11. "Ground amplification" means an increase in the intensity of earthquake induced ground shaking which occurs at a site whereby thick deposits of unconsolidated soil or surficial geologic materials are present.

12. "Landslide" means the abrupt downslope movement of soil, rocks, or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthflows, rockfalls, and snow avalanches.

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13. "Landslide hazard areas" means areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

14. "Liquefaction" means a process by which a water-saturated granular (sandy) soil layer loses strength because of ground shaking commonly caused by an earthquake.

15. "Recessional outwash geologic unit" means sand and gravel materials deposited by melt-water streams from receding glaciers.

16. "Regolith" means any body of loose, noncemented particles overlying and usually covering the bedrock.

17. "Seismic hazard areas" means those areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction.

18. "Slump" means the downward and outward movement of a mass of bedrock or regolith along a distinct surface of failure.

19. "Toe of slope" means a distinct topographic break in slope at the lower-most limit of the landslide or erosion hazard area.

20. "Top of slope" means a distinct topographic break in slope at the uppermost limit of the landslide or erosion hazard area.
(Ord. 149 § 5, 1997; Ord. 59 § 1, 1995).

17.14.030 Erosion and landslide hazard areas.

A. General. Erosion hazard areas are 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. Landslide hazard areas are areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

B. Classification.

1. Criteria.

a. Erosion hazard areas are identified by the presence of vegetative cover, soil texture, slope, and rainfall patterns, or human-induced changes to such characteristics, which create site conditions which are vulnerable to erosion. Erosion hazard areas are those areas that are classified as having moderate to severe, severe or very severe erosion potential by the Soil Conservation Service, United States Department of Agriculture (USDA).

b. Landslide hazard areas are those areas meeting any of the following criteria:

i. Areas of historic failures, including areas of unstable old and recent landslides;

ii. Areas with all three of the following characteristics:

(A) Slopes steeper than 15 percent; and

(B) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and

(C) Springs or ground water seepage;

iii. Slopes that are parallel or subparallel to planes of weakness, such as bedding planes, joint systems, and fault planes, in subsurface materials;

iv. Slopes having gradients steeper than 80 percent subject to rockfall during seismic shaking;

v. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action;

vi. Areas that show evidence of or are at risk from snow avalanches;

vii. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding;

viii. Any area with a slope of 30 percent or steeper and with a vertical relief of 10 or more feet. A slope is delineated by establishing the toe and top and measured by averaging the inclination over at least 10 feet of vertical relief;

ix. Areas which have a "severe" limitation for building site development because of slope conditions, according to the Soil Conservation Service.

2. Mapping. Areas meeting the criteria established above may be delineated in the following documents:

a. Soil Survey of Pierce County Area, Washington, 1979, Soil Conservation Service, United States Department of Agriculture (USDA).

b. Coastal Zone Atlas for Washington, Washington Department of Ecology.

c. Areas designated as slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey

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or Washington Department of Natural Resources Division of Geology and Earth Resources.

C. Restrictions on Building. In areas meeting all three of the following characteristics, no structure or disturbance of vegetation is permitted:

1. An area with a slope of 100 percent or steeper (45 degrees); and

2. Hillside intersecting geological contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and

3. Springs or ground water seepage.

D. Regulation. For all regulated activities proposed within landslide and erosion hazard areas, a geotechnical report prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering shall be submitted (see subsection (D)(2) below). Where the applicant can clearly demonstrate to the department through submittal of a geological assessment (see subsection (D)(1) below) that the regulated activity or any related site alterations will not occur within the landslide or erosion hazard area or any associated buffers, the requirements for a geotechnical report may be waived. A geological assessment may be prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering or by a professional geologist/hydrologist or soils scientist who has earned a bachelor's degree in geology, hydrology, soils science, or closely related field from an accredited college or university, or equivalent educational training, and has five years experience assessing erosion and landslide hazards.

1. Geological Assessments.

a. Should the applicant question the presence of landslide or erosion hazard areas on the site, the applicant may submit a geological assessment.

b. The geological assessment shall include at a minimum the following:

i. A description of the topography, surface and subsurface hydrology, soils, geology, and vegetation of the site; and

ii. An evaluation of the analysis area's inherent landslide and erosion hazards; and

iii. A site plan of the area delineating all areas of the site subject to landslide and erosion hazards, based on mapping and criteria referenced in subsection (B) of this section.

The submittal must include a contour map of the proposed site, at a scale of one inch = 20 feet or as deemed appropriate by the department. Slopes shall be clearly delineated for the ranges between 15 and 29 percent, and 30 percent or greater, including figures for aerial coverage of each slope category on the site. When site specific conditions indicate the necessity, the department may require the topographic data to be field surveyed.

2. Geotechnical Reports. The geotechnical report shall be prepared by a professional engineer licensed by the state of Washington with experience in geotechnical engineering and shall address the existing geologic, topographic, and hydrologic conditions on a site, including an evaluation of the ability of the site to accommodate the proposed activity. The geotechnical report shall include at a minimum the following:

a. Site Geology Information Required.

i. Topographic data. Submittal must include a contour map of the proposed site, at a scale of one inch = 20 feet or as deemed appropriate by the department. Slopes shall be clearly delineated for the ranges between 15 and 29 percent, and 30 percent or greater, including figures for aerial coverage of each slope category on the site. When site specific conditions indicate the necessity, the department may require the topographic data to be field surveyed.

ii. Subsurface data. Submittal must include boring logs and exploration method, soil and rock stratigraphy, ground water levels and seasonal changes of ground water levels.

iii. Site history. Submittal must include a description of any prior grading, soil instability, or slope failure.

iv. Seismic hazard. Submittal of data concerning the vulnerability of the site to seismic events.

b. Geotechnical Engineering Information Required.

i. Slope stability studies and opinion(s) of slope stability;

ii. Proposed angles of cut and fill slopes and site grading requirements;

iii. Structural foundation requirements and estimated foundation settlements;

iv. Soil compaction criteria;

v. Proposed surface and subsurface drainage;

vi. Lateral earth pressures;

vii. Vulnerability of the site to erosion;

viii. Suitability of on-site soil for use as fill;

ix. Laboratory data and soil index properties for soil samples; and

x. Building limitations.

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Where a valid geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be utilized and a new report may not be required. If any changed environmental conditions are associated with the site, or surrounding the site, the applicant shall submit an amendment to the geotechnical report.

The development proposal may be approved, approved with conditions, or denied based on the department's evaluation of the ability of the proposed mitigation measures to reduce risks associated with the erosion and landslide hazard area.

3. Performance Standards. The department shall evaluate all geotechnical reports for landslide and erosion hazard areas to insure that the following standards are met:

a. Location and extent of development:

i. Development shall be located to minimize disturbance and removal of vegetation;

ii. Structures shall be clustered where possible to reduce disturbance and maintain natural topographic character; and

iii. Structures shall conform to the natural contours of the slope and foundations should be tiered where possible to conform to existing topography of the site.

b. Design of development:

i. All development proposals shall be designed to minimize the building footprint and other disturbed areas;

ii. All development shall be designed to minimize impervious lot coverage;

iii. Roads, walkways and parking areas shall be designed to parallel the natural contours;

iv. Access shall be in the least sensitive area of the site.

The department may approve, approve with conditions, or deny development proposals based on these performance standards.

4. Buffer Requirement. A buffer, consisting of undisturbed natural vegetation and measured (as shown in diagram 1) in a perpendicular direction from all landslide and erosion hazard areas, shall be required from the top of slope and toe of slope of all landslide or erosion hazard areas that measure 10 feet or more in vertical elevation change from top to toe of slope, as identified in the geotechnical report, maps, and field-checking. The minimum buffer distance requirements from the top of slope and toe of slope of landslide or erosion hazard areas shall be the same as for setbacks from slopes as identified in the Uniform Building Code, as amended by the State Building Code Council under RCW 19.27.074.

To increase the functional attributes of the buffer, the department may require that the buffer be enhanced through planting of indigenous species. The edge of the buffer area shall be clearly staked, flagged, and fenced prior to any site clearing or construction. The buffer boundary markers shall be clearly visible, durable, and permanently affixed to the ground. Site-clearing shall not commence until the engineer has submitted written notice to the department that buffer requirements of this chapter are met. Field-marking shall remain until all construction and clearing phases are completed, and final approval has been granted by the department. The buffer shall be placed in a separate critical area tract or tracts, protective easement, public or private land trust dedication, or similarly preserved through an appropriate permanent protective mechanism as determined by the department.

5. Modifications to Buffer Width. When the geotechnical report demonstrates that a lesser buffer distance, and design and engineering solutions, will meet the intent of this chapter, such reduced buffer and design and engineering solutions may be permitted. Should the geotechnical report indicate that a greater buffer than that required by subsection (D)(4) is needed to meet the intent of this chapter, the greater buffer shall be required.

6. Building Setback and Construction Near Buffer. Eight-foot minimum setback lines shall be required from the buffer area required in subsection (D)(4) for construction of any impervious surface(s) greater than 120 square feet of base coverage. Clearing, grading, and filling within eight feet of the buffer shall only be allowed when the applicant can demonstrate that vegetation within the buffer will not be damaged. The setback is required in addition to the buffer regardless of buffer width.

7. On-Site Sewage Disposal Systems. On-site sewage disposal systems, including drain fields within landslide or erosion hazard areas and related buffers as identified in subsection (D)(4), shall meet all requirements of the Tacoma-Pierce County board of health and the Washington State Department of Health for on-site sewage disposal (WAC 246-272-140).

8. Erosion Control Plan. Erosion control plans shall be required for all regulated activities in erosion hazard areas. The erosion control plans shall be consistent with the city's public works standards.

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9. Notification.

a. Title Notification. The owner of any site within an erosion hazard or landslide hazard area, as identified in subsection (B) of this section, on which a development proposal is submitted, shall record a notice with the Pierce County auditor in the form set forth below:

b. Form of Notice:

EROSION OR LANDSLIDE
HAZARD AREA NOTICE

Parcel Number:_____
Address:_____
Legal Description:_____
Present Owner:_____

Notice: This site lies within an erosion or landslide area as defined by Chapter 17.14 UPMC. The site was the subject of a development proposal for _____ application number _____ filed on _____ (date).

Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation. Review of such application has provided information on the location of the erosion or landslide hazard area and any restriction on use.

_____
Signature of Owner(s)

NOTARY ACKNOWLEDGMENT

c. Plat Notification. For all proposed short subdivision and subdivision proposals within erosion hazard or landslide hazard areas, the applicant shall include a note on the face of the plat. The note shall be as set forth below:

Notice: This site lies within an erosion hazard or landslide hazard area as defined in Chapter 17.14 UPMC. Restrictions on use as alteration of the site may exist due to natural conditions of the site and resulting regulation.

(Ord. 149 § 6, 1997; Ord. 59 § 1, 1995).

17.14.040 Seismic hazard areas.

A. General. Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction.

B. Classification.

1. Criteria. Seismic hazard areas are areas which possess one of the two following characteristics:

a. Alluvial surficial geologic unit; or

b. Recessional outwash surficial geologic unit overlain by Barneston, Everett, Neilton, Pilchuck or Spanaway soils.

2. Mapping. Seismic hazard areas are alluvial surficial geologic units and subareas of recessional outwash surficial geologic units, as identified in Ground Water Occurrence and Stratigraphy of Unconsolidated Deposits, Central Pierce County, Washington, Water Supply Bulletin Number 22, Plates One and Two, and Water Resources and Geology of the Kitsap Peninsula and Certain Adjacent Islands, Water Supply Bulletin Number 18, Plate One, U.S. Department of the Interior, Geological Survey, Water Resources Division. Recessional outwash geologic units are designated seismic hazard areas if overlain by Barneston, Everett, Neilton, Pilchuck or Spanaway soils, as identified in the Soil Survey of Pierce County Area, Washington, United States Department of Agriculture, Soil Conservation Service.

C. Regulation. For all regulated activities, except the construction of wood frame structures under 5,000 square feet, mobile homes, fences, and/or subdivision of property, proposed within seismic hazard areas, a geotechnical report prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering shall be submitted (see subsection (C)(2) below). Retaining walls may also be excluded from the requirement of a geotechnical report when the height of soil fills on the upper side are not in excess of five feet above the toe of the wall, backfills do not exceed a top surface slope of 4:1 (H:V), and there is no permanent structure existing or proposed within a distance of three times the height of the wall. Where an applicant can demonstrate through submittal of a geological assessment (see subsection (C)(1)) that there are no seismic hazards on-site, the requirement for the geotechnical report may be waived. A geological assessment may be prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering or by a professional geologist who has earned a bachelor's degree in geology from an accredited college or university, or equivalent educational training, and has five years' experience assessing seismic hazards.

1. Geological Assessments.

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a. Should the applicant question the presence of seismic hazard areas on the site, the applicant may submit a geological assessment.

b. The geological assessment shall include at a minimum the following:

i. A description of the topography, surface and subsurface hydrology, soils, geology, and vegetation of the site; and

ii. An evaluation of the analysis area's inherent seismic hazards; and

iii. A site plan of the area delineating all areas of the site subject to seismic hazards, based on mapping and criteria referenced in subsection (B) of this section.

If the geological assessment demonstrates, to the satisfaction of the department, that the proposed site is not located in any seismic hazard areas, based upon the criteria set forth in subsection (B) of this section, then the requirements of this section shall not apply.

2. Geotechnical Report. The geotechnical report shall be prepared by a professional engineer licensed by the state of Washington with experience in geotechnical engineering and shall address the existing geologic, topographic, and hydrologic conditions on a site, including an evaluation of the ability of the site to accommodate the proposed activity. The geotechnical report shall include at a minimum the following:

a. A discussion of the surface and subsurface geologic conditions of the site;

b. A site plan of the area delineating all areas of the property subject to seismic hazards, based on mapping and criteria referenced in subsection (B) of this section;

c. A discussion of mitigation measures which can be taken to reduce seismic risks associated from liquefaction, ground shaking, settlement or slope failure with the underlying surficial geology; and

d. An evaluation of the effectiveness of the proposed mitigation measures. Where a valid geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be utilized and a new report may not be required. If any changed environmental conditions are associated with the site, or surrounding the site, the applicant shall submit an amendment to the geotechnical report.

The development proposal may be approved, approved with conditions, or denied based on the department's evaluation of the ability of the proposed mitigation measures to reduce seismic risks associated with the underlying surficial geology.

3. Notification.

a. Title Notification. The owner of any site within a seismic hazard area as identified in subsection (B) of this section, on which a development proposal is submitted, shall record a notice with the Pierce County auditor in the form set forth below:

Form of Notice:

SEISMIC HAZARD AREA NOTICE

Parcel Number: _____
Address: _____
Legal Description: _____
Present Owner: _____
Notice: This site lies within a seismic hazard area as defined by Chapter 17.14 UPMC. The site was the subject of a development proposal for _____ application number ____ filed on _____(date).

Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation. Review of such application has provided information on the location of a seismic hazard area and any restrictions on use.

_____
Signature of owner(s)

NOTARY ACKNOWLEDGEMENT

b. Plat Notification. For all proposed short subdivision and subdivision proposals within seismic hazard areas, the applicant shall include a note on the face of the plat. The note shall be as set forth below:

Notice: This site lies within a seismic hazard area as defined in Chapter 17.14 UPMC. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation.

(Ord. 59 § 1, 1995).

17.14.050 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this regulation or the application of

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the provision to other persons or circumstances shall not be affected.
(Ord. 59 § 1, 1995).

Chapter 17.16

AQUIFER RECHARGE AREA

Sections:
17.16.010 Purpose.
17.16.020 Definitions.
17.16.030 Applicability.
17.16.040 Severability.

17.16.010 Purpose.

The intent of this chapter is to protect important water supplies from additional degradation or depletion originating from land use activities. Due to the exceptional vulnerability and susceptibility of the aquifer recharge areas to further contamination, it is the intent of this chapter to safeguard ground water resources in the aquifer system from hazardous substance and hazardous waste pollution by controlling or abating future pollution from new land uses or activities.
(Ord. 59 § 1, 1995).

17.16.020 Definitions.

1. "Animal containment area" means a site where two or more animal units of large animals per acre or .75 of an animal unit of small animals per acre are kept, and where a high volume of waste material is deposited in quantities capable of impacting ground water resources.

2. "Animal unit" means the equivalent of 1,000 pounds of animal.

3. "Aquifer" means a saturated geologic formation which will yield a sufficient quantity of water to serve as a private or public water supply.

4. "Aquifer recharge area" means areas where the prevailing geologic conditions allow infiltration rates which create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water.

5. "Contaminant" means any chemical, physical, biological, or radiological substance that does not occur naturally or occurs at concentrations and duration as to be injurious to human health or welfare or shown to be ecologically damaging.

6. "DRASTIC" means a model developed by the National Water Well Association and Environmental Protection Agency used to measure aquifer susceptibility.

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7. "Facility" means all structures, contiguous land, appurtenances, and other improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, disposing, or otherwise handling a hazardous substance. Use of the term "facility" includes underground and aboveground tanks, and operations which handle, use, dispose of, or store hazardous substances.

8. "Ground water" means all water found beneath the ground surface, including slowly-moving subsurface water present in aquifers and recharge areas.

9. "Hazardous substance(s)" means any liquid, solid, gas, or sludge, including any materials, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste; and including waste oil and petroleum products.

10. "Hazardous substance processing or handling" means the use, storage, manufacture, or other land use activity involving hazardous substances, but does not include individually packaged household consumer products or quantities of hazardous substances of less than fivegallons in volume per container. Hazardous substances shall not be disposed on-site unless in compliance with Dangerous Waste Regulations, Chapter 173-303 WAC and any pertinent local ordinances, such as sewer discharge standards.

11. "Hazardous waste" means and includes all dangerous waste and extremely hazardous waste as designated pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC.

A. "Dangerous waste" means any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

1. Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

2. Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

B. "Extremely hazardous waste" means any waste which:

1. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of humans or wildlife; and

2. Is disposed of at a disposal site in such quantities as would present an extreme hazard to humans or the environment.

12. "Hazardous waste treatment and storage facility" means a facility that treats and stores hazardous waste and is authorized pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC. It includes all contiguous land and structures used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of hazardous waste. Treatment includes using physical, chemical, or biological processing of hazardous wastes to make such waste nondangerous or less dangerous and safer for transport, amenable for energy or material resource recovery. Storage includes the holding of waste for a temporary period but not the accumulation of waste on the site of generation as long as the storage complies with applicable requirements of Chapter 173-303 WAC.

A. "On-site treatment and storage facility" means a facility that treats or stores hazardous wastes generated on the same geographically contiguous property.

B. "Off-site treatment and storage facility" means a facility that treats or stores hazardous wastes generated on property other than those on which the off-site facility is located.

13. "Hydrogeologic assessment" means a report detailing the subsurface conditions of a site and which indicates the susceptibility and potential for contamination of ground water supplies.

14. "Impervious surface" means natural or human-produced material on the ground that does not allow surface water to penetrate into the soil. Impervious surfaces may consist of buildings, parking areas, driveways, roads, sidewalks, and any other areas of concrete, asphalt, plastic, etc.

15. "Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land and which is not a landspreading disposal facility.

16. "Large animal" means an animal with an average weight of 100 pounds or more.

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17. "Permeable surfaces" mean sand, gravel, and other penetrable deposits on the ground which permit movement of ground water through the pore spaces, and which permit the movement of fluid to the ground water.

18. "Sludge" means a semisolid substance consisting of settled solids combined with varying amounts of water and dissolved materials generated from a wastewater treatment plant or system or other sources, including septage sludge, sewage sludge, and industrial sludge.

19. "Sludge land application site" means a site where stabilized sludge, septage, and other organic wastes are applied to the surface of the land in accordance with established agronomic rates for fertilization or soil conditioning.

A. Sludge land application sites are classified under the following five-category system:

S-1. Sites of less than one acre with an application rate of less than 10 dry tons of sludge per acre per five-year period.

S-2. Sites with an application rate of less than 20 dry tons of sludge per acre per 10-year period or less than an annual application of two dry tons of sludge per acre.

S-3. Sites with an application rate of more than 20, but less than 43, dry tons of sludge per 10-year period or 4.3 dry tons per acre per year.

S-4. Sites with one-time applications greater than 43 dry tons per acre and cumulative limits for metals greater than state designated practices for agricultural cropland application.

S-5. Sites which are permanent landfill disposal facilities.

20. "Small animal" means an animal with an average weight of less than 100 pounds.

21. "TPCHD" means the Tacoma-Pierce County health department.

22. "Underground tank" means any one or a combination of tanks (including underground pipes connected thereto) which are used to contain or dispense an accumulation of hazardous substances or hazardous wastes, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground.
(Ord. 59 § 1, 1995).

17.16.030 Applicability.

A. General. Aquifer recharge areas are areas where the prevailing geologic conditions allow infiltration rates which create a high potential for contamination of ground water resources or contribute to the replenishment of ground water.

B. Classification. For the purposes of this chapter, the boundaries of the city's aquifer recharge areas are:

1. The boundaries of the two highest DRASTIC zones which are rated 180 and above on the DRASTIC index range, as identified in Map of Ground Water Pollution Potential, Pierce County, Washington, National Water Well Association, U.S. Environmental Protection Agency; and

2. The Clover/Chambers Creek Aquifer Basin boundary, as identified in Draft Clover/Chambers Creek Basin Ground Water Management Program and Environmental Impact Statement, Brown and Caldwell for Washington State Department of Ecology.

Any site located within the Clover/Chambers Creek Basin boundary or the two highest DRASTIC zone boundaries is included in the aquifer recharge area.

C. Regulation.

1. Exemptions. In addition to the exemptions listed in UPMC 17.10.060, the following uses shall be exempt from the requirements of this chapter:

a. Sewer lines and appurtenances.

2. Notification.

a. Title Notification. The owner of any site within an aquifer recharge area as identified in subsection (B) of this section, on which a development proposal is submitted, shall record a notice with the Pierce County auditor in the form set forth below:

AQUIFER RECHARGE AREA NOTICE

Parcel Number: _____
Address: _____
Notice: This site lies within an aquifer recharge area as defined by Chapter 17.16 UPMC. The site was the subject of a development proposal for _____ application number _____ filed on _____ (date). Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation. Review of such application has provided information on the

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location of an aquifer recharge area and any restrictions on use.

_____
Signature of owner(s)

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b. Plat Notification. For all proposed short subdivision and subdivision proposals within aquifer recharge areas, the applicant shall include a note on the face of the plat. The note shall be as set forth below:

Notice: This site lies within an aquifer recharge are as defined in Chapter 17.16 UPMC. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation.

3. Permeable Surfaces. Uses that are not identified as a threat to the aquifer shall provide as much open permeable space as possible, and impervious surfaces shall be minimized.

4. Hydrogeologic Assessment.

a. The following uses of land shall require a hydrogeologic assessment of the proposed site if the site is located within an aquifer recharge area:

i. Hazardous substance processing or handling;

ii. Hazardous waste treatment and storage facility;

iii. Subdivision of land as defined in UPMC 21.02.020;

iv. Residential structures housing three units or more and utilizing an on-site septic system;

v. All commercial and industrial sites except:

(A) Those under 8,000 square feet which do not store or handle hazardous waste, and

(B) Those that are on the public sewer system;

vi. Sludge land application sites categorized as S-3, S-4 and S-5, as defined above;

vii. Animal containment area;

viii. Landfills.

b. The hydrogeologic assessment shall include, but is not limited to:

i. Information sources;

ii. Geologic setting. Include well logs or borings used to identify information;

iii. Background water quality;

iv. Ground water elevations;

v. Location/depth to perched water tables;

vi. Recharge potential of facility site (permeability/transmissivity);

vii. Ground water flow direction and gradient;

viii. Currently available data on wells located within 1,000 feet of site;

ix. Currently available data on any spring within 1,000 feet of site;

x. Surface water location and recharge potential;

xi. Water source supply to facility (e.g., high capacity well);

xii. Any sampling schedules necessary;

xiii. Discussion of the effects of the proposed project on the ground water resource;

xiv. Other information as required by the TPCHD.

c. The hydrogeologic assessment may be submitted by a geologist/hydrologist or by a soils scientist with a strong background in geology as demonstrated by coursework from an accredited college or university; or by an environmental scientist with a strong background in geology and physical sciences as demonstrated by coursework from an accredited college or university. Persons who believe they are qualified to conduct a hydrogeologic assessment may petition the TPCHD for consent.

d. Uses requiring a hydrogeologic assessment may be conditioned or denied based upon the TPCHD's evaluation of the hydrogeologic assessment. Any project denied a permit based upon the Tacoma-Pierce County health department's evaluation of the hydrogeologic assessment shall receive a written explanation of the reason(s) for denial and an explanation of measures required, if any, to comply with these regulations.

5. Storage Tank Permits. The fire marshal specifically regulates and authorizes permits for underground storage tanks, pursuant to the Uniform Fire Code (Article 79) and this chapter. The Washington Department of Ecology also regulates and authorizes permits for underground storage tanks (Chapter 173-360 WAC). The TPCHD regulates and authorizes permits for the removal of underground storage tanks.

a. Facilities with Underground Tanks – New Underground Tanks. All new underground storage facilities used or to be used for the underground storage of hazardous substances or haz-

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ardous wastes shall be designed and constructed so as to:

i. Prevent releases due to corrosion or structural failure for the operational life of the tank;

ii. Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substance; and

iii. Use material in the construction or lining of the tank which is compatible with the substance to be stored.

b. Aboveground Tanks.

i. No new aboveground storage facility or part thereof shall be fabricated, constructed, installed, used, or maintained in any manner which may allow the release of a hazardous substance to the ground, ground waters, or surface waters of Pierce County within an aquifer recharge area.

ii. No new aboveground tank or part thereof shall be fabricated, constructed, installed, used, or maintained without having constructed around and under it an impervious containment area enclosing or underlying the tank or part thereof.

iii. A new aboveground tank will require a secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks located within an aquifer recharge area.

(Ord. 130 § 5 Exh. C, 1996; Ord. 59 § 1, 1995).

17.16.040 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this regulation or the application of the provision to other persons or circumstances shall not be affected.

(Ord. 59 § 1, 1995).

Chapter 17.18

FISH AND WILDLIFE HABITAT AREAS

Sections:

17.18.010 Purpose and intent.
17.18.015 General requirements and reasonable use exception.
17.18.020 Definitions.
17.18.025 Exemptions.
17.18.030 Applicability and scope.
17.18.040 Point locations and habitat distances.
17.18.050 Habitat protection procedures.
17.18.055 Title and plat notification.
17.18.060 Habitat protection for rivers and streams.
17.18.065 Habitat protection for ponds and Puget Sound.
17.18.067 Provisions for buffers – Where required.
17.18.069 Variances from buffer requirements.
17.18.070 Appendices.
17.18.075 Assessment relief.
17.18.090 Severability.

17.18.010 Purpose and intent.

Many land use activities can impact the habitats of fish and wildlife. Where areas of critical fish and wildlife habitat are subject to development pressure, land use should be managed to protect critical habitats. Managing land use to protect critical habitats is intended to allow proposed development to occur in a manner that is sensitive to the habitat needs of critical fish and wildlife species.

As a necessary first step in achieving the necessary protection of critical fish and wildlife species, it is the intent of this chapter to:

A. Identify critical fish and wildlife species and habitats;

B. Emphasize and encourage education, information and voluntary action to enhance, protect, rehabilitate, and restore critical fish and wildlife species and habitats;

C. Rely primarily upon existing procedures and laws, such as the State Environmental Policy Act, Chapter 43.17C RCW, Chapter 17.50 UPMC, Environmental Regulations, and the Shorelines Management Act, Chapter 90.58 RCW, that directly or indirectly protect fish and wildlife species and habitats; and

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D. Establish buffers adjacent to rivers and streams to protect critical fish and wildlife habitats.

It is not intended that this chapter repeal, abrogate, or impair any existing law or regulations. If the buffering provisions of this chapter conflict with any existing city law or regulation, the more stringent shall apply.
(Ord. 130 § 5 Exh. C, 1996; Ord. 59 § 1, 1995).

17.18.015 General requirements and reasonable use exception.

A. The general requirement provisions of Chapter 17.10 UPMC apply throughout this title, including this chapter pertaining to fish and wildlife habitat areas.

B. The reasonable use exception provisions of UPMC 17.10.070 apply throughout this title, including this chapter pertaining to fish and wildlife habitat areas.
(Ord. 130 § 5 Exh. C, 1996; Ord. 59 § 1, 1995).

17.18.020 Definitions.

1. "Buffer" means an area contiguous with a critical area that is required for the integrity, maintenance, function, and structural stability of the critical area.

2. "Cave" means a natural subterranean chamber, greater than one foot in diameter and greater than three feet deep.

3. "Cliff" means a steep vertical or overhanging face of rock or earth greater than 25 feet in height.

4. "Ecotone" means a transition area between two adjacent vegetation communities.

5. "Extirpation" means the elimination of a species from a portion of its original geographic range.

6. "Fish and wildlife habitat areas" means those areas identified as being of critical importance to maintenance of fish and wildlife species, including: areas with which endangered, threatened, and sensitive species have a primary association; habitats and species of local importance; commercial and recreational shellfish areas; kelp and eelgrass beds, herring and smelt spawning areas; naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat; waters of the state; streams and rivers planted with game fish by a governmental or tribal entity; state natural area preserves and natural resource conservation areas.

7. "Fisheries biologist" means a professional with a degree in fisheries, or certification by the American Fisheries Society, or with five years' professional experience as a fisheries biologist.

8. "Habitat assessment" means a report prepared by a professional wildlife biologist or fisheries biologist, which identifies the presence of fish and wildlife habitat conservation areas in the vicinity of the proposed development site.

9. "Habitat management plan" means a report prepared by a professional wildlife biologist or fisheries biologist, which discusses and evaluates the measures necessary to maintain fish and wildlife habitat conservation areas on a proposed development site.

10. "Habitat of local importance" means an area, range or habitat within 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. Examples include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These areas may also include habitats that are of limited availability or high vulnerability to alteration.

11. "Lakes" means impoundments of open water 20 acres or larger in size.

12. "Oak woodlands" means those areas where Oregon White Oak comprises more than 20 percent of the trees in a stand, and where the stand size is one acre or greater; provided, that stand size may be smaller where White Oak serve as linkages between larger stands. Trees should be greater than 15 inches in diameter at breast height and greater than 16 feet tall.

13. "Old growth forests" means a stand of trees generally containing: mature and overmature trees in the overstory; a multi-layered canopy and trees of several age classes; and standing dead trees and down material.

14. "Ordinary high water" means that mark on all lakes, streams, ponds, and tidal water that will be found by examining the bed and banks and ascertaining where the presence and action of water are so common and usual, and so long con-

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tinued 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 the effective date of the ordinance codified in this chapter or as it may naturally change thereafter; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the mean high water.

15. "Ponds" means naturally occurring impoundments of open water less than 20 acres in size and larger than 2,500 square feet which maintain standing water throughout the year.

16. "Prairies" means open areas predominated by native, drought-resistant grasses, forbs (flowering nonwoody plants) and herbs. In Pierce County, prairies are an unusual vegetation regime found in areas of extremely well-drained soils.

17. "Regulated activities" include, but are not limited to, any of the following activities which are directly undertaken or originate in a regulated critical area or resource land or their buffer: building permit, commercial or residential; binding site plan; conditional use permit; franchise right-of-way construction permit; site development permit; master plan development; right-of-way permit; shoreline conditional use permit; shoreline environmental redesignation; shoreline substantial development permit; shoreline variance; short subdivision; special use permit; subdivision; unclassified use permit; utility and other use permit; variance; zone reclassification; or any subsequently adopted permit or required approval not expressly exempted by this chapter.

18. "Rocky shoreline areas" means areas composed of boulders or exposed bedrock in shoreline areas of Puget Sound.

19. "Snag-rich areas" means forested areas which contain concentrations of standing dead trees, averaging 10 snags or greater per acre, and averaging greater than 15 inches in diameter at breast height.

20. "Species of local importance" means species that are of local concern due to their population status or their sensitivity to habitat manipulation.

21. "View corridor" means an area which affords views of lakes, mountains, or other scenic amenities normally enjoyed by residential property owners.

22. "Wildlife biologist" means a professional with a degree in wildlife, or certification by the Wildlife Society, or with five years' professional experience as a wildlife biologist.
(Ord. 59 § 1, 1995).

17.18.025 Exemptions.

A. The activities listed in UPMC 17.10.060 are exempt from the provisions of this title, including this chapter pertaining to fish and wildlife habitat areas.

B. Control of noxious weeds that are included on the state noxious weed list (Chapter 16-750 WAC) are exempt from this chapter. Control may be by clipping, pulling, or digging, or by an alternative plan upon approval of a plan by the department.
(Ord. 59 § 1, 1995).

17.18.030 Applicability and scope.

A. General. This chapter applies to proposed regulated activities within critical fish and wildlife habitat areas. Critical fish and wildlife habitat areas are those areas identified either by known point locations of specific species (such as a nest or den) or by habitat areas or both.

B. Identification of Critical Fish and Wildlife Species and Habitats.

1. Critical Fish and Wildlife Habitat Areas.

a. Areas which have a primary association with federally or state listed endangered, threatened, or sensitive species of fish or wildlife (specified in 50 CFR 17.11, 50 CFR 17.22, WAC 232-12-011 and 232-12-014) and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. Endangered, threatened, or sensitive species found in Pierce County as of January 1992 are listed in Appendix A.

b. Habitats and species of local importance, including the following:

i. Areas with which state listed monitor or candidate species or federally listed candidate species have a primary association, as specified in Washington Department of Wildlife Policies 4802 and 4803, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. Candidate and monitored species found in Pierce County as of January 1992 are listed in Appendix A.

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ii. Documented habitat areas or outstanding potential habitat areas for endangered, threatened, sensitive, candidate, or monitor species. These areas include specific habitat types which are infrequent in occurrence in Pierce County and may provide specific habitats with which endangered, threatened, sensitive, candidate, or monitor species have a primary association, such as breeding habitat, winter range, and movement corridors. These areas include the following:

(A) Oak woodlands;

(B) Prairies;

(C) Old growth forests;

(D) Rocky shoreline areas;

(E) Caves;

(F) Cliffs;

(G) Snag-rich areas;

(H) Rivers and streams with critical fisheries as specifically set forth in UPMC 17.18.060(B);

(I) Commercial and recreational shellfish areas;

(J) Kelp and eelgrass beds, herring and smelt spawning areas;

(K) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;

(L) Waters of the state, including all water bodies classified by the Washington Department of Natural Resources (DNR) water typing classification system as detailed in WAC 222-16-030;

(M) Lakes, ponds, streams, and rivers planted with game fish by a governmental entity or tribal entity;

(N) State natural area preserves and natural resource conservation areas.

2. Mapping. The resources listed below provide information on fish and wildlife habitat areas:

a. Puget Sound Environmental Atlas, Puget Sound Water Quality Authority.

b. Coastal Zone Atlas of Washington, Volume VII, Pierce County, Washington Department of Ecology.

c. Commercial and Recreational Shellfish Areas in Puget Sound, Washington Department of Health.

d. The following Washington Department of Natural Resources documents and data sources:

i. Stream typing maps.

ii. Natural heritage database.

e. The following Washington Department of Wildlife documents and data sources:

i. Priority habitats and species program.

ii. Nongame database.

iii. Washington rivers information system.

f. The following Washington Department of Fisheries documents:

i. Water resource index areas (WRIA).

(Ord. 149 § 7, 1997; Ord. 59 § 1, 1995).

17.18.040 Point locations and habitat distances.

A. Point Locations and Habitat Distances Established. Point locations are the specific sites (nests, dens, etc.) where critical wildlife species are found. Many of these sites have been identified and mapped by the Washington Department of Wildlife. The procedure for identifying whether proposed regulated activities are in the vicinity of species or habitat areas is as set forth below and illustrated in Appendix B.

1. For endangered, threatened, sensitive, candidate and monitored species (UPMC 17.18.030(B)(1)(a) and (b)), the distance is as follows:

2. For commercial and recreational shellfish areas; and kelp and eelgrass beds and herring and smelt spawning areas (UPMC 17.18.030(B)(1)(c) and (d)) the distance is within 200 feet of the habitat area.

(Ord. 59 § 1, 1995).

17.18.050 Habitat protection procedures.

A. Education and Information. A voluntary education program to explain the need for and methods of habitat management will provide for long-term protection and enhancement of critical fish and wildlife habitat areas. By informing citizens of the declining populations of several fish and wildlife species in the city, the diminishing animal habitat available, and the management techniques that individuals can use to preserve and restore fish and wildlife habitat areas, the city can foster good stewardship of the land by property owners.

1. The department will provide educational materials and lists of additional sources of information to applicants proposing regulated activities in the vicinity of critical fish and wildlife habitat areas. Materials will be selected from a variety of state and local resources.

2. The department will accumulate information on the number of proposed activities associated with fish and wildlife habitat areas as identified by this chapter and indicated by county maps to be in the vicinity of identified critical fish

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and wildlife habitats pursuant to UPMC 17.18.040. Information shall include the number of single-family residences and other development occurring in the vicinity of critical fish and wildlife areas. Based on this information, additional regulations may be developed.

B. Use of Existing Procedures and Laws. The primary procedures used to implement this chapter shall be the State Environmental Policy Act (Chapter 43.21C RCW), the city's environmental regulations, the Shorelines Management Act (Chapter 90.58 RCW), the city's shoreline management regulations, and UPMC Title 22, Administration of Development Regulations.

Regulated activities subject to environmental review shall be reviewed with consideration for impacts on critical fish and wildlife habitat as identified in UPMC 17.18.030.

Projects undergoing review for fish and wildlife considerations shall be routed to tribal agencies with jurisdiction for review. Tribes will have an opportunity to provide specific habitat information on proposed development sites. If necessary, the department will seek additional assistance from the Washington Department of Wildlife, Washington Department of Fisheries, and similar appropriate state and federal agencies.

Regulated activities not normally subject to environmental review shall be exempt from the requirements of this subsection (B). Fish and wildlife habitat areas shall not be considered environmentally sensitive areas pursuant to the city's environmental regulations.
(Ord. 149 § 8, 1997; Ord. 130 § 5 Exh. C, 1996; Ord. 59 § 1, 1995).

17.18.055 Title and plat notification.

For regulated activities where a habitat assessment or habitat management plan has been prepared as part of the proposal's environmental review, the owner of the site shall record a notice of the reports with the Pierce County auditor so that information is known if the property changes hands.

A. Title Notification. The owner of any site where a habitat assessment or habitat management plan has been prepared for a development proposal shall record a notice with the Pierce County auditor in the form set forth below:

Form of Notice:

FISH AND WILDLIFE
HABITAT AREA NOTICE

Parcel Number: _____
Address: _____
Legal Description: _____
Present Owner: _____

Notice: This site lies within a critical fish and wildlife habitat area as defined by Chapter 17.18 UPMC. The site was the subject of a development proposal for _____ application number _____ filed on _____ (date). Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation. Review of such application has provided information on the location of the fish and wildlife habitat area and any restriction on use.

_____
Signature of Owner(s)

B. Plat Notification. For all proposed short subdivision and subdivision proposals within critical fish and wildlife habitat areas, the applicant shall include a note on the face of the plat. The note shall be as set forth below:

Notice: This site lies within a critical fish and wildlife habitat area as defined in Chapter 17.18 UPMC. Restrictions on use and alteration of the site may exist due to natural conditions of the site and resulting regulation.

(Ord. 59 § 1, 1995).

17.18.060 Habitat protection for rivers and streams.

Regulated activities proposed along rivers and streams shall provide for habitat protection.

A. Habitat Protection for Rivers and Streams Shall be Provided Through Buffers.

1. The buffer shall be a separate tract consisting of undisturbed natural vegetation (except for public trails), shall be required along all streams, as classified by the DNR water typing classification system (WAC 222-16-030). The buffer shall extend landward from the ordinary high water mark of the water body. The buffers specified in this section are the minimum buffers required. Larger buffers may be required to pro-

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vide adequate protection for fish and wildlife habitat.

2. The buffer of a river or stream shall not extend landward beyond an existing substantial improvement such as an improved road, dike, levee, or a permanent structure which reduces the impact proposed activities would have on the river or stream.

B. Critical Fishery Rivers and Streams Requiring Buffers. The following river and stream (segments) have been identified by the various Indian tribes, particularly the Puyallup Tribe, as being critical to anadramous fish and, therefore, requiring a larger buffer protection. Critical fishery rivers and streams include:

Stream Name	WRIA #	Buffer Width In Feet	Tribe Identifying
Chambers Creek	12.0007	150	Puyallup

C. Other Rivers and Streams Requiring Buffers. For rivers and streams not governed by subsection (B) above, the buffer width shall be as follows:

DNR Water Type	Buffer Width in Feet
1 through 5	50
Major Streams	
Leach Creek	50

(Ord. 149 § 9, 1997; Ord. 130 § 5 Exh. C, 1996; Ord. 59 § 1, 1995).

17.18.065 Habitat protection for ponds and Puget Sound.

Regulated activities proposed on ponds and Puget Sound will not be subject to the buffering requirements of this chapter. Habitat protection for ponds and Puget Sound shall be provided through education, voluntary agreements and existing laws as referenced in UPMC 17.18.050.
(Ord. 59 § 1, 1995).

17.18.067 Provisions for buffers – Where required.

A. Building Setback and Construction Near Buffer. A minimum setback of eight feet from the buffer shall be required for construction of any impervious surface(s) greater than 120 square feet of base coverage. Clearing, grading, and filling within eight feet of the buffer shall only be allowed when the applicant can demonstrate that vegetation within the buffer will not be damaged.

B. Marking of the Buffer Area. The edge of the buffer area shall be clearly staked, flagged, and fenced prior to and through completion of construction. The buffer boundary markers shall be clearly visible, durable, and permanently affixed to the ground.

C. Fencing from Farm Animals. Permanent fencing shall be required from the buffer when farm animals are introduced on a site.

D. Enhancements to natural buffers consistent with the education program (such as revegetation or nest boxes) are allowed.

E. Allowable Activities Within Buffers. The following activities may occur within the buffer after notification to the department; provided, that any other required permits are obtained.

1. Removal of diseased trees and trees that present a threat to properties.

2. Repair of existing fences.

3. Construction, reconstruction, remodeling, or maintenance of docks and bulkheads as authorized and pursuant to shoreline management regulations.

4. Construction of a pervious path for purposes of private access to the shoreline.

5. Trimming of vegetation for purposes of providing view corridors; provided, that trimming shall be limited to view corridors of 20 feet or less; and provided, that benefits of the buffer to fish and wildlife habitat are not reduced. Trimming shall be limited to pruning of branches and vegetation. Trimming shall not include felling or removal of trees.

6. Construction of public trails.

7. Roadways, bridges, rights-of-way, and utility lines where no feasible alternative exists, and where the development minimizes impacts on the stream and buffer area.
(Ord. 59 § 1, 1995).

17.18.069 Variances from buffer requirements.

The examiner shall have the authority to grant a variance from the buffer width provisions of this chapter. In order to grant a buffer width variance, the applicant must demonstrate and the examiner must find that the requested buffer width modification preserves adequate vegetation to: (1) maintain proper water temperature, (2) minimize sedimentation, and (3) provide food and cover for critical fish species. Variance applications shall be considered according to the variance procedures

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in UPMC Title 22, Administration of Development Regulations.
(Ord. 130 § 5 Exh. C, 1996; Ord. 59 § 1, 1995).

17.18.070 Appendices.

APPENDIX A

Endangered, threatened, sensitive, candidate, and monitored species recorded in Pierce County, January 1992.

The following species have been confirmed to occur in Pierce County by the Washington Department of Wildlife as of January 1992. The state status of each species is listed.

Birds

Common Name	State Status
Bald Eagle	Threatened
Great Blue Heron	Monitor
Marbled Murrelet	Candidate
Northern Goshawk	Candidate
Osprey	Monitor
Peregrine Falcon	Endangered
Pileated Woodpecker	Candidate
Purple Martin	Candidate
Spotted Owl	Endangered
Vaux's Swift	Candidate
Western Bluebird	Candidate

Mammals

Gray Wolf	Endangered
Harbor Seal	Monitor
Roy Prairie Pocket Gopher	Candidate
Western Gray Squirrel	Candidate

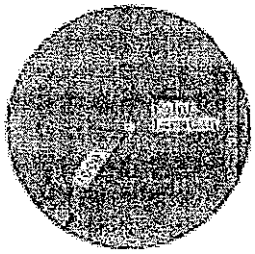
Reptiles

Western Pond Turtle	Threatened

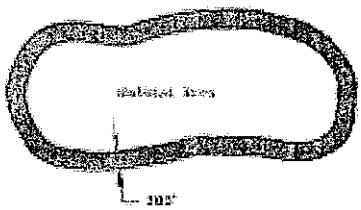
APPENDIX B

Diagrams illustrating distances from habitat areas and point locations of identified species:

1. Within 1,000′ of Point Location.



2. Within 100′ of Habitat Area.



(Ord. 59 § 1, 1995).

17.18.075 Assessment relief.

A. The assessment provisions of UPMC 17.10.095 apply throughout this title, including this chapter pertaining to fish and wildlife habitat areas.

B. The assessor-treasurer's office shall consider buffering requirements of this chapter in determining the fair market value of land. Any owner of an undeveloped buffer which has been placed in a separate buffer tract, protective easement, public or private land trust dedication, or other similarly preserved areas shall have that portion of the land assessed consistent with these restrictions.
(Ord. 130 § 5 Exh. C, 1996; Ord. 59 § 1, 1995).

17.18.090 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this regulation or the application of the provision to other persons or circumstances shall not be affected.
(Ord. 59 § 1, 1995).

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Chapter 17.20

FLOOD HAZARD AREAS

Sections:

17.20.010 Purpose.
17.20.020 Definitions.
17.20.030 Applicability.
17.20.040 Severability.

17.20.010 Purpose.

Floodplains and other areas subject to flooding perform important hydrologic functions and may present a risk to persons and property. Classifications of frequently flooded areas include the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.
(Ord. 59 § 1, 1995).

17.20.020 Definitions.

A. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the "100-year flood."

B. "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or

2. The unusual and rapid accumulation of runoff of surface waters from any source.

C. "Flood fringe" means the area subject to inundation by the base flood, but outside the limits of the floodway, and which may provide needed temporary storage capacity for flood waters.

D. "Flood hazard areas" means land in a floodplain within the city subject to a one percent or greater chance of flooding in any given year.

E. "Floodplain" means the total area subject to inundation by the base flood, including the flood-fringe and the floodway areas.

F. "Floodway" means the channel of a river, or other watercourse, and the land areas that must be reserved in order to convey and discharge the base flood without cumulatively increasing the water surface elevation by more than one foot, and those areas designated as deep and/or fast-flowing water.
(Ord. 59 § 1, 1995).

17.20.030 Applicability.

A. General. Floodplains and other areas subject to flooding perform important hydrologic functions.

B. Classification. All flood hazard areas shall be as identified in the scientific and engineering report entitled "The Flood Insurance Study for Pierce County," dated August 19, 1987, or as amended, with accompanying flood insurance rate maps prepared by the Federal Emergency Management Agency (FEMA).

C. Regulation. All development in flood hazard areas shall be according to city public works standards.
(Ord. 149 § 10, 1997; Ord. 59 § 1, 1995).

17.20.040 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this regulation or the application of the provision to other persons or circumstances shall not be affected.
(Ord. 59 § 1, 1995).

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Chapter 17.22

WETLANDS

Sections:

17.22.010 Purpose.
17.22.020 Definitions.
17.22.030 Wetland categories.
17.22.040 Regulated activities.
17.22.050 Exemptions.
17.22.060 Delineation and wetland analysis requirements.
17.22.070 Establishing buffers.
17.22.080 Standards for allowing regulated activities in wetlands and buffers, including a reasonable use exception.
17.22.090 Mitigation.
17.22.100 On-site density transfer.
17.22.110 Transfer of development rights.
17.22.120 One-family dwellings procedures and reasonable use exception.
17.22.130 New agricultural activities.
17.22.135 Alternative review process, Corps of Engineers Section 404 individual permits.
17.22.140 Wetland application procedure and fees.
17.22.150 Reconsideration and appeal procedures.
17.22.160 Wetland variances.
17.22.170 Suspension and revocation.
17.22.175 Financial guarantees.
17.22.180 Compliance provisions.
17.22.185 Nonconforming uses.
17.22.190 Administrative procedures and technical criteria.
17.22.195 Assessment relief.
17.22.210 Appendices.
17.22.220 Severability.

17.22.010 Purpose.

The purpose of these regulations is to avoid, or, in appropriate circumstances, to minimize, rectify, reduce or compensate for impacts arising from land development and other activities affecting wetlands, and to maintain and enhance the biological and physical functions and values of wetlands with respect to water quality maintenance, storm water and floodwater storage and conveyance, fish and wildlife habitat, primary productivity, recreation, education, and historic and cultural preservation. When avoiding impacts is not reasonable, mitigation should be implemented to achieve no net loss of wetlands in terms of acreage, function and value.
(Ord. 59 § 1, 1995).

17.22.020 Definitions.

For purposes of this chapter, the following definitions shall apply:

1. "Activity" means any use conducted on a site.

2. "Agricultural activities" means the production of crops and/or raising or keeping livestock, including operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, and normal operation, maintenance and repair of existing serviceable agricultural structures, facilities or improved areas, and the practice of aquaculture. Forest practices regulated under Chapter 76.09 RCW and WAC Title 222 are not included in this definition.

3. "Applicant" means a person, party, firm, corporation, or other legal entity that proposes any activity on a site.

4. "Best management plan" means a plan developed for property which specifies best management practices for the control of animal wastes, storm water runoff, and erosion.

5. "Buffer" means an area contiguous to a wetland that is required for the integrity, maintenance, function, and structural stability of the wetland.

6. "Building footprint" means the horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

7. "Class" means one of the wetland classes in the United States Fish and Wildlife Service (USFWS) December 1979 publication, Classification of Wetlands and Deep Water Habitats of the United States.

8. "Clearing" means the cutting, moving on-site, or removal of standing or fallen timber; the removal or moving on-site of stumps; or the cutting or removal of brush, grass, ground cover, or other vegetative matter from a site in a way which exposes the earth's surface of the site. In addition to the above, clearing is an activity which does not require reforestation per an approved forest prac-

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tices application/notification issued by the Department of Natural Resources.

9. "Compensatory mitigation" means mitigation to compensate for loss of wetland habitat due to filling of wetlands or other regulated activities in wetlands.

10. "Creation" means producing or forming a wetland through artificial means from an upland (nonwetland) site.

11. "Degraded" means to have suffered a decrease in naturally occurring functions and values due to activities undertaken or managed by persons, on or off a site.

12. "Delineation" means a wetland study conducted in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1989 Edition (Unified Federal Manual).

13. "Delineation report" means a written document prepared by a wetland specialist which includes data sheets, findings of the delineation and a site plan which identifies the wetland boundaries.

14. "Department" means the city planning department.

15. "Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen facilities for use solely by one family.

16. "Earth/earth material" means naturally occurring rock, soil, stone, sediment, or combination thereof.

17. "Enhancement" means actions performed to improve the condition of existing degraded wetlands and/or buffers so that the quality of wetland functions increases (e.g., increasing plant diversity, increasing wildlife habitat, installing environmentally compatible erosion controls, removing nonindigenous plant or animal species, removing fill material or solid waste).

18. "Excavation" means the mechanical removal of earth material.

19. "Fill/fill material" means a deposit of earth material, placed by human or mechanical means.

20. "Filling" means the act of placing fill material on any surface, including temporary stockpiling of fill material.

21. "Grading" means any excavating, filling, clearing, or creating of impervious surfaces or combination thereof.

22. "Hydrologically isolated wetland" means a wetland which:

A. Is not contiguous to any 100-year floodplain of a lake, river or stream; and

B. Has no contiguous surface hydrology, hydric soil or hydrophytic vegetation between the wetland and any other wetland or stream system.

23. "In-kind mitigation" means to replace wetlands with substitute wetlands whose characteristics and functions and values are intended to replicate those destroyed or degraded by a regulated activity.

24. "Mitigation" means to avoid, minimize or compensate for adverse wetland impacts.

25. "One-family dwelling" means a detached building designed exclusively for occupancy by one family and containing one dwelling unit.

26. "Out-of-kind mitigation" means to replace wetlands with substitute wetlands whose characteristics do not approximate those destroyed or degraded by a regulated activity.

27. "Permanent erosion control" means continuous on-site and off-site control measures that are needed to control conveyance and/or deposition of earth, turbidity or pollutants after development, construction, or restoration.

28. "Person" means an individual, firm, co-partnership, association, corporation, or other legal entity.

29. "Restoration" means the re-establishment of a viable wetland from a previously filled or degraded wetland site.

30. "Site" means a parcel or combination of parcels of land on which a regulated activity is proposed.

31. "Slope" means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance.

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32. "Stockpiling" means the placement of material with the intent to remove it at a later time.

33. "Subclass" means one of the subclasses identified in the United States Fish and Wildlife Service (USFWS), December 1979 publication, Classification of Wetlands and Deep Water Habitats of the United States.

34. "Substrate" means the soil, sediment, decomposing organic matter or combination of those located on the bottom surface of a wetland.

35. "Temporary erosion control" means on-site and off-site control measures that are needed to control conveyance or deposition of earth, turbidity or pollutants during development, construction, or restoration.

36. "Utility line" means pipe, conduit, cable or other similar facility by which services are conveyed to the public or individual recipients. Such services shall include, but are not limited to, water supply, electric power, gas, communications and sanitary sewers.

37. "Wetland" or "wetlands" 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 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. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas, created to mitigate conversion of wetlands, if permitted by the city.

38. "Wetland specialist" means a person with experience and training in wetlands issues, and with experience in performing delineations, analyzing wetland functions and values, analyzing wetland impacts, and recommending wetland mitigation and restoration. Qualifications include:

A. Bachelor of Science or Bachelor of Arts or equivalent degree in biology, botany, environmental studies, fisheries, soil science, wildlife, agriculture or related field, and two years of related work experience, including a minimum of one year experience delineating wetlands using the Unified Federal Manual and preparing wetland reports and mitigation plans. Additional education may substitute for one year of related work experience; or

B. Four years of related work experience and training, with a minimum of two years' experience delineating wetlands using the Unified Federal Manual and preparing wetland reports and mitigation plans.

The person should be familiar with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, the city site development regulations, the city wetland management policies, and the requirements of this chapter.
(Ord. 59 § 1, 1995).

17.22.030 Wetland categories.

Appendix A provides the detailed criteria for establishing wetland categories; however, wetlands shall be generally designated as follows:

A. Category I wetlands are those regulated wetlands of exceptional resource value based on significant functional value and diversity, wetland communities of infrequent occurrence, and other attributes which may not be adequately replicated through creation or restoration.

B. Category II wetlands are those regulated wetlands of significant resource value based on significant functional value and diversity, wetland communities of infrequent occurrence, and other attributes which may not be adequately replicated through creation or restoration.

C. Category III wetlands are those regulated wetlands which have important resource value based on vegetative diversity.

D. Category IV wetlands are those regulated wetlands of ordinary resource value based on monotypic vegetation of similar age and class, lack of special habitat features, and isolation from other aquatic systems.
(Ord. 59 § 1, 1995).

17.22.040 Regulated activities.

A. Compliance with these regulations does not remove an applicant's obligation to comply with applicable provisions of any other federal, state, or local law or regulation. Requirements include but are not limited to those of the U.S. Army Corps of Engineers, Washington Department of Wildlife and Washington Department of Fisheries, which

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must be met prior to commencing activities affecting wetlands, except as addressed in UPMC 17.22.135 regarding Corps of Engineers Section 404 individual permits.

B. The following activities within a wetland and/or buffer, unless exempted by UPMC 17.22.050, shall be regulated:

1. Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or materials of any kind;

2. Dumping, discharging or filling;

3. Draining, flooding or disturbing the water level or water table. In addition, an activity which involves intentional draining, flooding or disturbing the water level or water table in a wetland, in which the activity itself occurs outside the wetland and buffer, shall be considered a regulated activity;

4. Driving piling or placing obstructions, including placement of utility lines;

5. Constructing, reconstructing, demolishing or altering the size of any structure or infrastructure;

6. Altering the character of a wetland by destroying or altering vegetation through clearing, harvesting, cutting, intentional burning, shading or planting;

7. Activities which result in significant changes in water temperature or physical or chemical characteristics of wetland water sources, including changes in quantity of water and pollutant level;

8. Application of pesticides, fertilizers and/or other chemicals, unless demonstrated not to be harmful to wetland habitat or wildlife;

9. The division or redivision of land.

C. The department may require protection measures or erosion control measures such as temporary or permanent fencing to provide for protection of a wetland and buffer when any of the above activities are proposed on a site, but are not proposed within a wetland and/or buffer.
(Ord. 59 § 1, 1995).

17.22.050 Exemptions.

The following activities are exempt from the provisions of this chapter:

A. Existing agricultural activities. The activities cease to be existing when the area on which they were conducted has been converted to a non agricultural use or has lain idle both more than five years and so long that modifications to the hydrological regime are necessary to resume agricultural activities, unless the idle land is registered in a federal or state soils conservation program.

B. Forest practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practice regulations, Title 222 WAC, and which are exempt from the city jurisdiction.

C. Activities in artificial wetlands, except as set forth in UPMC 17.22.020, Definitions, subsection (37).

D. Activities affecting:

1. Category III wetlands which are less than 2,500 square feet;

2. Category IV wetlands which are less than 10,000 square feet.

E. Placement of access roads, utility lines and utility poles across a Category IV wetland and/or a buffer for a Category IV wetland if there is no reasonable alternative.

F. Maintenance or reconstruction of roads existing on the effective date of the ordinance codified in this chapter; provided, that reconstruction does not involve expansion of facilities.

G. For the following utility line activities, when undertaken pursuant to best management practices to avoid impacts to wetlands:

1. Normal and routine maintenance or repair of existing utility structures or right-of-way.

2. Relocation within improved rights-of-way of electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less, only when required by a local governmental agency.

3. Relocation within improved rights-of-way of utility lines, equipment or appurtenances, only when required by a local governmental agency which approves the new location of the facilities.

4. Installation or construction in improved city rights-of-way, and replacement, operation or alteration of all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less.

5. Installation or construction in improved city road rights-of-way, and replacement, operation, repair or alteration of all utility lines, equipment or appurtenances.

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H. Activities on improved portions of roads, rights-of-way or easements; provided, there is no expansion of ground coverage.

I. Reconstruction, remodeling, or maintenance of one-family dwellings and accessory structures existing on the effective date of the ordinance codified in this chapter; provided, that a one-time only expansion of the building footprint does not increase that footprint by more than 25 percent.

J. Reconstruction, remodeling, or maintenance of structures, other than one-family dwellings and accessory structures; provided, that such reconstruction, remodeling, or maintenance does not increase the floor area nor extend beyond the existing ground coverage.

K. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. Wetland impacts shall be minimized and disturbed areas shall be immediately restored.

L. Activities in wetlands in areas managed according to a special area management plan or other plan adopted by the city and specifically designed to protect wetland resources.

M. Emergency action necessary to prevent imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation. The department shall review all proposed emergency actions to determine the existence of the emergency and reasonableness of the proposed actions taken.

N. Control of noxious weeds that are included on the state noxious weed list. Control may be by clipping, pulling, or digging, or by an alternative plan upon approval of a plan by the department.

O. Activities undertaken to comply with a United States Environmental Protection Agency administrative superfund enforcement order or a Washington Department of Ecology administrative enforcement order pursuant to the Model Toxins Control Act, including the following activities:

1. Remediation or removal of hazardous or toxic substances;
2. Source control; and
3. Natural resource damage restoration.

P. Maintenance activities of landscaping and gardens in a wetland buffer, including, but not limited to, mowing lawns, weeding, harvesting and replanting of garden crops, pruning and planting of vegetation to maintain the condition and appearance of the site existing on February 1, 1992.

Q. Activities designed for previously approved maintenance and enhancement of wetlands.

R. Activities undertaken on the site of an existing holding pond where the water flow and/or water table is controlled by a previously approved pump system.

S. Public storm water retention/detention facilities may be constructed within Category II, III and IV wetlands or their buffers; provided, that the following conditions are met: 1) no untreated storm water is released directly into the wetlands; 2) water levels are monitored annually to ensure that pre-existing functions and values of the wetland are not significantly lost through fluctuations in wetland hydrology; 3) maintenance activity within the wetland is limited to removal of invasive vegetation and/or removal of sediment accumulation at inflow structures in a manner acceptable to the community development department; 4) there is no loss of wetland area; and 5) all construction activity is conducted in accordance with accepted BMPs.

Storm water conveyance facilities such as bioswales, culverts, and open trenches, that are not designed to drain wetlands, may be placed within required buffers for Category I, II, III and IV wetlands, subject to meeting the conditions listed above. This conditional exemption would not apply in situations where there are threatened or endangered species, or sensitive plants, unless approved by the State Department of Fish and Wildlife or Department of Natural Resources, respectively.

All permits from other regulatory agencies must be obtained.

T. A utility line (any pipe or pipeline that transports any gaseous, liquid, liquefiable or slurry substance, and any cable, line or wire for the transmission of electrical energy, telephone, and telegraph messages, and radio and television communication, not including activities which drain a wetland, but including pipes that convey drainage from one area to another) may be placed in an underground trench within a Category II, III or IV wetland or its buffer. There must be no resulting changes in preconstruction contours, and trench excavation materials that are temporarily sidecast

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must be stabilized to prevent erosion and sedimentation. All sidecast materials shall be replaced within the trench or removed after 90 days, unless an extension is granted by the community development department. The trench shall be the minimum size required to construct the utility line. The top 12 inches of the trench shall be backfilled with topsoil from the trench excavation. Trenches in wetlands shall be backfilled with wetland topsoil from the excavation. Trench excavation should be restricted to the dry season.

All permits from other regulatory agencies must be obtained.
(Ord. 59 § 1, 1995).

17.22.060 Delineation and wetland analysis requirements.

Regulated activities shall comply with the following requirements:

A. The department may require a delineation report to determine if a regulated wetland is present on the site or to determine if the proposed activity is within 150 feet of a wetland. The delineation report indicates wetland and/or buffer boundaries that may extend onto the site. While the delineation report shall discuss all wetland areas within 150 feet of the site, only those boundaries within the site property lines need be marked in the field; there is no need to intrude on others' property.

1. A preliminary site inspection may be required by the department to determine whether a delineation report is needed.

2. If a preliminary site inspection is necessary, the applicant may either select a consultant or request department staff to inspect the site. The applicant shall pay the appropriate fee prior to a site inspection by department staff.

B. If the department determines that a regulated wetland is on the site, or within 150 feet of the site so that a wetland buffer boundary may extend onto the site, then the department shall require a wetland analysis report. Appendix B identifies information required in a wetland analysis report.

C. The department shall review and approve the wetland analysis report to determine the appropriate wetland category and buffer, and shall include the wetland in the city wetland atlas. The department shall approve the report's findings and proposals unless specific, written reasons are provided which justify not doing so.
(Ord. 59 § 1, 1995).

17.22.070 Establishing buffers.

A. Buffer widths shall be determined according to the following table:

Wetland Category	Buffer Width
I	150 feet
II	100 feet
III	50 feet
IV	25 feet

B. Buffer widths may be modified by averaging, reducing, or increasing.

1. Buffer width averaging may be allowed only where the applicant demonstrates the following:

a. The wetland contains variations in sensitivity due to existing physical characteristics; and

b. Width averaging will not adversely impact the wetland; and

c. The total buffer area after averaging is no less than the buffer area prior to averaging; and

d. The minimum buffer width will not be less than 50 percent of the widths established in subsection (A) of this section.

2. Buffer width reduction may be allowed only where the applicant demonstrates the following circumstances. Such reduction shall not result in greater than a 25 percent reduction in the buffer width established in subsection (A) of this section.

a. The proposed buffer area is extensively vegetated and has less than 15 percent slopes, and the reduction will not result in adverse impacts to the wetland; or

b. The project includes a buffer enhancement plan, as part of the mitigation required by UPMC 17.22.090. The buffer enhancement plan shall use plant species which are indigenous to the project area, and shall substantiate that an enhanced buffer will improve the functional attributes of the buffer to provide additional protection for wetland functional values; or

c. The acreage included in the buffer would substantially exceed the size of the wetland and the reduction will not result in adverse impacts to the wetland or the project includes a buffer enhancement plan which ensures that the reduction will not result in adverse impacts to the wetland.

3. The department may require increased buffer width when a larger buffer is necessary to

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protect wetland functions and values based on local conditions. This determination shall be reasonably related to protection of the functions and values of the regulated wetland. Such determination shall demonstrate that:

a. A larger buffer is necessary to maintain viable populations of existing species; or

b. The wetland is used by species listed by the federal government or the state as endangered, threatened, sensitive or as documented priority species or habitats, or essential or outstanding potential sites such as heron rookeries or raptor nesting areas; or

c. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; or

d. The adjacent land has minimal vegetative cover or slopes greater than 15 percent.

C. Buffers shall be measured perpendicular from the wetland edge.

D. When buffer boundaries have been determined, they shall be marked in the field by a licensed surveyor. The markers shall be clearly visible, durable, and permanently affixed to the ground.

E. A building setback line of eight feet shall be required from the edge of a buffer.

F. Except as otherwise specified, buffers shall be retained in a natural condition.
(Ord. 59 § 1, 1995).

17.22.080 Standards for allowing regulated activities in wetlands and buffers, including a reasonable use exception.

A. Regulated activities in Category III and IV wetlands and/or buffers for Category III and IV wetlands may be allowed when the applicant demonstrates to the department that all adverse impacts to wetlands will be mitigated according to UPMC 17.22.090.

B. The placement of access roads, utility lines, and utility poles may be allowed in buffers for Category II wetlands if the following conditions are met:

1. There is no feasible alternative location for an access road and/or utilities to the site; and

2. The applicant demonstrates that all adverse impacts to wetlands will be mitigated according to a mitigation plan which complies with Appendix C.

C. The following activities may be allowed in a buffer without a complete mitigation plan if the applicant demonstrates to the department that all adverse impacts to wetlands will be mitigated according to 17.22.090. In cases which require environmental review, a threshold environmental determination may not be made until the department is satisfied that adequate mitigation will occur. The allowed activities are as follows:

1. One well and necessary appurtenances, including a pump and appropriately sized pump house, but not including a water storage tank (unless the water storage tank can be contained within the pump house), may be allowed on each site in a buffer if all the following conditions are met:

a. The pump house is a one story building with a ground area of less than 220 square feet; and

b. The well is more than 75 feet deep; and

c. For Category I and II wetlands, the minimum distance from the well and appurtenances to the wetland edge is no less than 50 percent of the buffer widths established in the table in UPMC 17.22.070(A); and

d. Access to the well and pump house shall be by a pervious trail for pedestrian traffic only, or, if necessary, by an unimproved access for a maintenance vehicle.

2. Pervious trails and associated viewing platforms; provided, that in the case of Category I wetlands the minimum distance from the wetland edge is no less than 50 percent of the buffer width established in the table in UPMC 17.22.070(A).

3. The placement of utility lines which do not require excavation, or utility poles, in any part of a buffer for a Category II, III, or IV wetland. They may be placed in a buffer for a Category I wetland; provided, that the minimum distance from the wetland edge is no less than 50 percent of the Category I buffer width established in the table in UPMC 17.22.070(A).

4. Activities within that area of a buffer in which a direct line to the wetland is obstructed by an existing substantial improvement such as an improved road or a permanent structure, the presence of which significantly reduces the likely impact of the proposed activity on the wetland.

D. Reasonable Use Exception – Wetland Category I and II. Regulated activities in Category I and

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II wetlands and/or buffers for Category I and II wetlands may be allowed if, following a public hearing, the hearings examiner determines the following criteria are met:

1. No reasonable use with less impact on the wetland is possible; and

2. There is no feasible on-site alternative to the proposed activities, including phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning and density considerations, that would allow a reasonable economic use with less adverse impacts to wetlands; and

3. The proposed activities will result in minimum feasible alteration or impairment to the wetland's functional characteristics and existing contours, vegetation, fish and wildlife resources, and hydrological conditions; and

4. The disturbance of wetlands has been minimized by locating any necessary activities outside the wetland to the extent possible; and

5. The proposed activities will not jeopardize the continued existence of species listed by the federal government or the state as endangered, threatened, sensitive, or documented priority species or priority habitats; and

6. The proposed activities will not cause significant degradation of ground water or surface water quality; and

7. The proposed activities comply with all state, local and federal laws, including, but not limited to, those related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal; and

8. Any and all regulated activities in wetlands and buffers will be mitigated according to UPMC 17.22.090; and

9. There will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property; and

10. The inability to derive reasonable economic use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of the ordinance codified in this chapter.

E. Reasonable Use Provision – Categories III and IV Wetlands. If an applicant for regulated activity on a Category III or IV wetland and/or associated buffer cannot obtain permission through the procedures described in subsections (A) and (C) of this section, the activity may be allowed if, following a public hearing, the hearings examiner determines the criteria of subsection (D) of this section are met.

F. The procedure to obtain a reasonable use exemption are contained in UPMC Title 22, Administration of Development Regulations.
(Ord. 130 § 5 Exh. C, 1996; Ord. 59 § 1, 1995).

17.22.090 Mitigation.

A. All activities in wetlands and/or buffers shall be mitigated according to this section. Usually, mitigation is considered in order of preference; there may be circumstances when an alternative mitigation strategy is preferable.

The order of preference for mitigation is:

1. Avoiding the impact altogether by not taking a certain action or parts of actions;

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to reduce impacts;

3. The following types of mitigation (no order of preference):

a. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

b. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

c. Compensating for the impact by replacing or providing substitute resources or environments;

4. Monitoring the impact and compensation and taking appropriate corrective measures;

5. Mitigation for individual actions may include a combination of the above measures.

B. Regulated activities which occur in buffers, and which will not eliminate wetland habitat, shall be mitigated according to a mitigation plan approved by the department. See Appendix C for specific requirements of this mitigation plan. Where environmental review is required, a threshold determination may not be made prior to department review of the mitigation plan.

C. Compensatory mitigation shall be required for filling wetlands and for other regulated activities in wetlands, and shall meet the following minimum requirements:

1. A wetland specialist shall develop a compensatory mitigation plan that provides for construction, maintenance, and monitoring of any replacement wetlands.

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2. The applicant and/or applicant's representatives shall demonstrate to the department sufficient scientific expertise to carry out the compensation project.

3. The compensation area shall be provided with permanent protection and management to avoid further degradation and to provide for the long term persistence of the compensation area as designed.

4. The compensatory mitigation plan shall be completed in two phases, a conceptual phase and a detailed phase.

a. Conceptual Phase. The applicant shall submit to the department a conceptual mitigation plan for compensatory mitigation. Where environmental review is required, the department shall not make a threshold determination prior to department review of the conceptual mitigation plan. See Appendix D for specific requirements of the conceptual mitigation plan.

b. Detailed Phase. Following the department's approval of the conceptual mitigation plan, the applicant shall submit a detailed mitigation plan for compensatory mitigation to the department. See Appendix E for specific requirements of the detailed mitigation plan.

5. The detailed mitigation plan shall be signed by the wetland specialist to indicate that the plan is according to specifications determined by the wetland specialist. A signed original mitigation plan shall be submitted to the department.

6. Approval of the detailed mitigation plan shall be signified by a notarized memorandum of agreement signed by the applicant and department director or designate, and recorded with the county auditor. The agreement shall refer to all requirements for the mitigation project.

7. The mitigation project shall be completed according to a schedule agreed upon between the department and the applicant.

8. Wetland mitigation shall occur according to the approved wetland mitigation plan, and shall be consistent with provisions of this chapter.

9. On completion of construction for the wetland mitigation project, the wetland specialist shall notify the department. The department will inspect and review the construction project prior to acceptance.

(Ord. 59 § 1, 1995).

17.22.100 On-site density transfer.

A. Residential density may be transferred from a wetland to an area on the same site which is neither wetland nor buffer. Those portions of the wetland in which regulated activities are proposed to occur shall not be considered in calculating density transfer. Density transfer shall be determined as follows:

Percentage of site in wetland	Amount of credit
0 – 15%	100%
>15 – 25%	75%
>25 – 50%	50%
>50 – 75%	35%
>75 – 85%	25%
>85 – 90%	10%
>90 – 100%	0%

B. Residential density may be transferred from a buffer to an area on the same site which is neither wetland nor buffer. Those portions of the buffer in which regulated activities are proposed to occur shall not be considered in calculating density transfer. Density transfer shall be determined as follows:

Percentage of site in buffer	Amount of credit
0 – 10%	100%
>10 – 20%	90%
>20 – 30%	80%
>30 – 40%	70%
>40 – 50%	60%
>50 – 60%	50%
>60 – 70%	40%
>70 – 80%	30%
>80 – 90%	20%
>90 – 100%	10%

C. A request for on-site density transfer shall be reviewed as part of a planned development district (PDD) application. Residential density shall be equal to the number of dwelling units that can be produced on the site if the site were subdivided in terms of the minimum requirements of the underlying zone as evidenced by a preliminary plan sketch.

(Ord. 59 § 1, 1995).

17.22.110 Transfer of development rights.

If a site contains a regulated wetland and/or buffer, a person may transfer residential development rights from the regulated wetland and/or buffer to another site or sites within the city jurisdiction. The transfer of development rights (TDR) shall meet the following criteria:

A. The TDR must be associated with a complete planned development district (PDD) residential development application filed with the city for

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the receiving site(s). The TDR request shall be included in the application.

B. The hearings examiner shall consider the request for TDR at the public hearing for the land use proposal for the receiving site.

C. To assure that the wetland is adequately protected, a restriction shall be placed on the deed of the sending property, which prohibits all regulated activities within the wetland and/or buffer. This restriction shall be required regardless of the number of dwelling units for which development rights are transferred. A memorandum of agreement (MOA) between the applicant and the department shall be recorded with the Pierce County auditor. The MOA shall refer to all deed restrictions and restrictions on activities in the wetland and/or buffer.

D. If the wetland and/or buffer is degraded as a result of human or agricultural activity, the applicant may be required to enhance the wetland and/or buffer according to an enhancement plan approved by the department.

E. Except for required enhancement, the buffer and wetland shall remain in a natural condition. This shall be indicated by a note on the face of any final plat, final site plan, or other final approval for activity on the sending site. In the case of a formal subdivision, the wetland and buffer shall be placed in a separate tract.

F. TDR shall not exceed the number of dwelling units which would be allowed in the wetland and/or buffer of the sending site according to the zoning designation of the sending site, if there were no development restrictions tied to wetland areas. This number of dwelling units shall be equal to the number of dwelling units that could be produced on the wetland and/or buffer if the sending site were subdivided in terms of the minimum requirements of the underlying zone as evidenced by a preliminary plan sketch.

G. TDR may go to more than one receiving site; however, this shall not increase the total number of transferred dwelling units which are allowed.

H. The increased number of dwelling units on the receiving site(s) shall not be more than 25 percent above the number of dwelling units allowed according to the zoning designation of the receiving site(s). The beginning number of dwelling units (that is, the allowed number prior to TDR) at the receiving site(s) shall be equal to the number of dwelling units that can be produced on the same site if the site were subdivided in terms of the minimum requirements of the underlying zone as evidenced by a preliminary plan sketch.

I. If on-site density transfer provisions of this chapter have been previously applied to the sending site, the number of additional dwelling units allowed on the receiving site through TDR provisions shall be calculated as follows:

1. Calculate the increased number of dwelling units allowed on the receiving site, according to subsection (H) of this section.

2. From this number, subtract the number of dwelling units which were previously transferred on-site.

J. TDR shall be allowed only if the land use proposal on the receiving site(s) is designed in such a way that the increased density:

1. Is consistent with any land use plan associated with the receiving site and with goals, purposes, and intents of the zoning designation of the receiving site; and

2. Is compatible with existing and likely future developments in the vicinity; and

3. Adequately addresses infrastructure, natural constraints and other constraints, and does not result in significant environmental impacts.

K. The TDR shall not be approved until final plat approval or other required final approval for the receiving site is granted by the city.

L. Provisions of this section on transfer of development rights, as they apply to both.
(Ord. 59 § 1, 1995).

17.22.120 One-family dwellings procedures and reasonable use exception.

An applicant may use the following procedure for construction of a one-family dwelling and regulated activities accessory to a one-family dwelling:

A. Where the department determines that a regulated wetland may be present within 150 feet of the proposed activity, the applicant shall select one of the following options:

1. The applicant shall provide the department with a report prepared by a wetland specialist which recommends the appropriate wetland category and includes rationale for the recommen-

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dation. The department will review and approve the wetland category and buffer as follows:

Wetland Category	Buffer
I	150 feet
II	100 feet
III	50 feet
IV	25 feet

2. Alternatively, the department, upon request, shall determine the appropriate wetland category. The buffer width shall be according to the table in this section.

B. The department will determine whether the activity would intrude into the buffer, the wetland, or both.

1. If the department determines that the proposed activity may intrude into the wetland and/or buffer, the applicant shall prepare a delineation report subject to approval by the department; or

2. If the department determines that the proposed activity may intrude only into the buffer, the department, upon request, shall delineate the wetland.

C. Following approval of the delineation report or the department's completion of the delineation, the applicant shall place permanent clearly visible markers on-site at the edge of the buffer. Placement of markers by a licensed surveyor is not required. No regulated activities shall occur within the wetland and/or buffer except as allowed in subsection (D) of this section. Temporary intrusion into the buffer necessary for construction activities may be allowed if the buffer can be adequately restored.

D. Construction of a one-family dwelling and regulated activities accessory to a one-family dwelling shall be allowed:

1. In the buffer if the applicant demonstrates to the department that all adverse impacts to wetlands will be mitigated.

2. In the wetland, after department approval of the following reports. The reports shall be prepared by a wetland specialist obtained by the applicant.

a. A report which recommends the appropriate wetland category and includes rationale for the recommendation, unless the category has already been determined by the department; and

b. A wetland delineation report, unless a delineation has already been approved by the department; and

c. A mitigation plan. The mitigation plan shall provide that all adverse impacts to the wetland will be mitigated.

E. Reasonable Use Exception. If strict application of this section would not allow use of the property for a one-family dwelling, the hearings examiner may approve use of the property for a one-family dwelling. Following a public hearing, approval shall be granted if the following conditions are met:

1. The proposed activity will have only minor impacts to the wetland; and

2. The proposed activity will not jeopardize the continued existence of species listed by the federal government or the state as endangered, threatened, sensitive, or documented priority species or priority habitats; and

3. The proposed activity will not cause significant degradation of ground water or surface water quality; and

4. All adverse impacts to the wetland will be mitigated to the greatest extent possible; and

5. There will be no damage to public or private property and no threat to the health or safety of people caused by the proposed activity; and

6. The inability to use the property for a one-family dwelling is not the result of segregating or dividing the property after the effective date of the ordinance codified in this chapter; and

7. The procedure to obtain a reasonable use exemption is contained in UPMC Title 22, Administration of Development Regulations.

(Ord. 130 § 5 Exh. C, 1996; Ord. 59 § 1, 1995).

17.22.130 New agricultural activities.

An applicant may use the following procedure to initiate agricultural activities:

A. Where the department determines that a regulated wetland may be present within 150 feet of the proposed activity, the applicant shall select one of the following options:

1. The applicant shall provide the department with a report prepared by a wetland specialist which recommends the appropriate wetland category and includes rationale for the recommendation. The department will review and approve the wetland category and buffer as follows:

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Wetland Category	Buffer
I	150 feet
II	100 feet
III	50 feet
IV	25 feet

2. Alternatively, the department, upon request, shall determine the appropriate wetland category. The buffer width shall be according to the table in this section.

B. The department will determine whether the activity would intrude into the buffer, the wetland, or both.

1. If the department determines that the proposed activity may intrude into the wetland and/or buffer, the applicant shall prepare a delineation report subject to approval by the department; or

2. If the department determines that the proposed activity may intrude only into the buffer, the department, upon request, shall delineate the wetland.

C. Following approval of the delineation report or the department's completion of the delineation, the applicant shall place permanent, clearly visible markers on-site at the edge of the buffer. Placement of markers by a licensed surveyor is not required. No regulated activities shall occur within the wetland and/or buffer except as allowed in subsection (D) of this section. Temporary intrusion into the buffer necessary for construction activities may be allowed if the buffer can be adequately restored. Livestock shall be fenced from the wetland and buffer, unless requirements of subsection (D) of this section are met.

D. Agricultural activities may be initiated:

1. In a buffer, if the applicant demonstrates to the department that all adverse impacts to wetlands will be mitigated.

2. In the wetland after department approval of the following reports, which shall be prepared by a wetland specialist obtained by the applicant:

a. A report which recommends the appropriate wetland category and includes rationale for the recommendation, unless the category has already been determined by the department; and

b. A wetland delineation report, unless a delineation has already been approved by the department; and

c. A best management plan developed by the Pierce County conservation district or U.S.D.A. Soil Conservation Service. A wetland specialist shall review the plan and specify mitigation for all impacts to wetlands, other than water quality impacts reviewed by the conservation district or soil conservation service; and

d. A report prepared by a wetland specialist which demonstrates that the proposed activity:

i. Will not jeopardize the continued existence of species listed by the federal government or the state as endangered, threatened, sensitive, or documented priority species or priority habitats;

ii. Will not cause significant degradation of ground water or surface water quality; and

iii. Will not damage public or private property and will not threaten public health or safety.

(Ord. 59 § 1, 1995).

17.22.135 Alternative review process, Corps of Engineers Section 404 individual permits.

A. The alternative review process outlined below will be used in cases where a Section 404 individual permit is required from the U.S. Army Corps of Engineers. (Refer to 33 CFR Sections 320.1, 323.2(g), and 325.5(b)(1)).

1. The applicant shall notify the department when the applicant applies for the Section 404 permit or contacts the Corps concerning a specific project. The applicant shall apprise the department of the Corps' permitting process, including notifying the department of all hearings or meetings scheduled to discuss the applicant's project, potential mitigation or approval. The review process of the Corps will substitute for the review process outlined in UPMC 17.22.140. The city participation in the Corps' review process does not constitute approval of the applicant's project by the city. The substantive provisions of this chapter are still applicable and a wetland permit will be approved or denied by the department based upon those provisions. However, the department shall consider the mitigation requirements as set forth by the commenting agencies during the Corps' review process and shall concur with that mitigation, if it is functionally equivalent with the requirements of this chapter.

2. The applicant shall submit the information specified in UPMC 17.22.060 and 17.22.140 to the department when filing for the Corps permit. The department may also require the submittal of any additional information deemed necessary.

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3. Notice of Application. A notice of application will be required as provided for in UPMC 17.22.140.
(Ord. 59 § 1, 1995).

17.22.140 Wetland application procedure and fees.

A. The department shall consolidate the processing of related aspects of other the city regulatory programs which affect activities in wetlands, such as subdivision, site development, floodplain and environmentally sensitive areas, with the wetland approval process established herein so as to provide a timely and coordinated review process.

B. When the department determines that a regulated wetland is on the site or may be within 150 feet of the site, an application containing the following shall be submitted to the department:

1. The city master application;
2. Wetland application;
3. Wetland analysis report;
4. Fees. Each applicable fee, as set forth in a separate fee resolution, shall be payable at the time the applicant submits the document to which the fee applies. Site inspection fees shall be payable prior to the staff site visit.

C. Procedure. The procedure to obtain a wetland approval shall be in accordance with UPMC Title 22, Administration of Development Regulations.

D. Notice on Title. When the city determines that activities not exempt from this chapter are proposed, the property owner shall file for record with the Pierce County auditor a notice approved by the department in a form substantially as set forth below. The notice shall provide notice in the public record of the presence of a wetland or buffer, the application of this chapter to the property, and that limitations on actions in or affecting such wetlands and buffers may exist. The notice shall be notarized and shall be recorded prior to approval of any land use proposal for the site.

Notice on title is not required for utility line easements on lands not owned by the jurisdiction conducting the regulated activity.

Form of notice:

WETLAND AND/OR

WETLAND BUFFER NOTICE

Tax Parcel Number: _____
Name: _____
Address: _____
Legal Description: _____

Notice: This property contains wetlands or wetland buffers as defined by Chapter 17.22 UPMC. Restrictions on use or alteration of the wetlands or wetland buffers may exist due to natural conditions of the property and resulting regulations.
Date: _____
Signature of owner _____
Notary acknowledgment and notary seal

E. Wetland Tract.

1. Prior to final approval of any wetland application, the part of the wetland and/or buffer which is on the site shall be placed in a separate wetland tract or tracts, protective easement, public or private land trust dedication, or similarly preserved through an appropriate permanent protective mechanism as determined by the city. All wetland tracts, protective easements, land trust dedications and other similarly preserved areas shall remain undeveloped in perpetuity, except as they may be allowed to be altered pursuant to this chapter.

2. Prior to final approval of any wetland application, the common boundary between a wetland tract, protective easement, land trust dedication, or other similarly preserved area and the adjacent land shall be permanently identified with permanent signs. Sign locations, wording, and size and design specifications shall be as required by the department.

3. At any time after a wetland tract, protective easement, land trust dedication, or other similarly preserved area has been established, the owner may submit a delineation report to the department. If the department determines that a boundary change has occurred, or that a wetland no longer exists, the wetland tract, protective easement, land trust dedication, or other similarly preserved area may be altered or eliminated, as appropriate. If the department determines that wetland boundaries have changed or that a wetland has been eliminated due wholly or in part to illegal activity, a change or elimination of wetland tract, protective easement, land trust dedication, or other similarly preserved area shall not be permitted.

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4. A wetland tract, protective easement, land trust dedication, or other similarly preserved area is not required for utility lines in easements on lands not owned by the jurisdiction conducting the regulated activity.

F. Review and Approval. A wetland application shall be reviewed by the department. Approval shall be granted upon a determination that the wetland analysis report and mitigation plan meet all applicable requirements of this chapter, and that the monitoring program and contingency plan are tied to an acceptable financial guarantee to assure that the requirements will be complied with.

G. Expiration. Approvals shall be valid for a period of three years from the date of issue unless a longer or shorter period is specified by the department. An extension of an original approval may be granted upon submittal of a written request to the department prior to expiration. Prior to the granting of an extension, the department may require updated studies if, in its judgment, the original intent of the approval is altered or enlarged by the renewal, if the circumstances relevant to the review and issuance of the original permit have changed substantially, or if the applicant failed to abide by the terms of the original approval.

(Ord. 130 § 5 Exh. C, 1996; Ord. 59 § 1, 1995).

17.22.150 Reconsideration and appeal procedures.

Requests for appeals of a decision issued under this chapter shall be considered by the city according to procedures in UPMC Title 22, Administration of Development Regulations.

(Ord. 130 § 5 Exh. C, 1996; Ord. 59 § 1, 1995).

17.22.160 Wetland variances.

A. Wetland variance applications shall be considered by the city according to variance procedures in UPMC Title 22, Administration of Development Regulations, except that required criteria for a wetland variance shall be as set forth in subsection (C) of this section.

B. To apply for a wetland variance the applicant shall submit six copies of a complete wetland variance application. The variance application shall include a city master application, a wetland application, a wetland analysis report, a site plan, and a cover letter addressing the required criteria for a variance, and appropriate fees.

C. The hearings examiner shall have the authority to grant a wetland variance from the requirements of this chapter, when, in the opinion of the examiner, the following criteria have been met.

1. There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to other properties; and

2. The wetland variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question; and

3. Granting the wetland variance will not be materially detrimental to the public welfare or injurious to the property or improvement; and

4. Granting the wetland variance will not violate, abrogate or ignore the goals, objectives or policies of the city wetland management policies.

D. When granting a wetland variance, the examiner may attach specific conditions to the wetland variance which will serve to meet the goals, objectives and policies of the city wetland management policies.

(Ord. 130 § 5 Exh. C, 1996; Ord. 59 § 1, 1995).

17.22.170 Suspension and revocation.

In addition to other penalties provided for elsewhere, the department may suspend or revoke an approval if it finds that the applicant has not complied with any or all of the conditions or limitations set forth in the approval, has exceeded the scope of work set forth in the approval, or has failed to undertake the project in the manner set forth in the approved application.

(Ord. 59 § 1, 1995).

17.22.175 Financial guarantees.

The city shall require an applicant to submit a financial guarantee to the city to guarantee any performance, mitigation or monitoring required as a condition of permit approval. The permit would not be granted until the financial guarantee is received by the department.

Financial guarantees required under this chapter shall:

A. Be in addition to the site development construction guarantee required by the city's public works standards;

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B. Be submitted on financial guarantee forms approved by the city attorney;

C. Be 125 percent of the estimate of the cost of mitigation or monitoring to allow for inflation and administration should the city have to complete the mitigation or monitoring;

D. Be released by the city only when city officials have inspected the site(s) and the applicant's appropriate technical professional has provided written confirmation that the performance, mitigation, or monitoring requirements have been met.
(Ord. 149 § 11, 1997; Ord. 59 § 1, 1995).

17.22.180 Compliance provisions.

A. The department shall have authority to enforce this chapter, any rule or regulation adopted, and any permit, order or approval issued pursuant to this chapter, against any violation or threatened violation thereof. The department is authorized to issue civil infraction citations and administrative orders, levy fines, and/or institute legal actions in court. Recourse to any single remedy shall not preclude recourse to any of the other remedies. Each violation of this chapter, or any rule or regulation adopted, or any permit, permit condition, approval or order issued pursuant to this chapter, shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense. All costs, fees, and expenses in connection with enforcement actions may be recovered as damages against the violator.

B. Enforcement actions shall include civil violations, administrative orders, and actions for damages and restoration.

1. The department may bring appropriate actions at law or equity, including actions for injunctive relief, to ensure that no uses are made of regulated wetlands or buffers which are inconsistent with this chapter.

2. The department may serve a cease and desist order when any person makes or partakes in any use of land, development or any activity on regulated wetlands and/or buffers in violation of this chapter. The order shall include the following:

a. A description of the specific nature, extent and time of violation. The order may include the damage or potential damage resulting from the violation.

b. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty may be issued with the order.

c. Effective date. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.

d. Compliance. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

e. The order may include specific corrective measures to be taken to mitigate environmental damage.

3. Any person who undertakes any activity within a regulated wetland or buffer without first obtaining an approval required by this chapter, or any person who violates one or more conditions of any approval required by this chapter or of any cease and desist order issued under this chapter, shall be subject to a civil violation. Each violation and, in the case of a continuing violation, each violation and each day of activity without a required approval shall be a separate and distinct violation. The civil penalty shall be assessed at a rate of $500.00 per day per violation.

4. Aiding or Abetting. Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation of this chapter.

5. Orders and penalties issued pursuant to this section may be appealed as provided for by this chapter.

6. Application for Remission or Mitigation. Any person incurring a penalty may apply in writing within 30 days of receipt of the penalty to the department for remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty.

7. Any person found to have violated any provision of this chapter or who knowingly makes a false statement, representation or certification in any application, record or other document filed or required to be maintained under this chapter or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device, record or methodology required to be maintained pursuant to this chapter or pursuant to a wetland application approval shall be guilty of a misdemeanor.
(Ord. 130 § 5 Exh. C, 1996; Ord. 59 § 1, 1995).

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17.22.185 Nonconforming uses.

An established use or existing structure that was lawfully permitted prior to adoption of this chapter, but which is not in compliance with this chapter, may continue subject to the following:

A. Nonconforming uses shall not be expanded, or changed in any way that increases the nonconformity without a permit issued pursuant to the provisions of this chapter;

B. Existing structures shall not be expanded or altered in any manner which will increase the nonconformity without a permit issued pursuant to the provisions of this chapter, except one-family dwellings and accessory structures may be expanded or altered as provided in UPMC 17.22.050(I);

C. Activities or uses which are discontinued for 12 consecutive months shall be allowed to resume only if they are in compliance with this chapter; and

D. Nonconforming structures destroyed by fire, explosion, or other casualty may be replaced or restored if reconstruction is commenced within one year of such damage and is substantially completed within 18 months of the date such damage occurred. The reconstruction or restoration shall not serve to expand, enlarge or increase the nonconformity.
(Ord. 59 § 1, 1995).

17.22.190 Administrative procedures and technical criteria.

The department shall develop administrative procedures, including technical requirements, to guide decisionmaking in implementing provisions of this chapter. In particular, the department shall establish procedures for determining the category of specific wetlands. In so doing, the department shall solicit the views of wetland specialists, ecologists, developers and interested citizens. Administrative procedures can be modified from time to time, and can include material by reference to state or federal criteria subject to notice to the public and consideration of public views and input. Administrative procedures shall be made available to the public upon request, and shall be consistent with the provisions of this chapter. Upon request, the department shall provide the city council with copies of all administrative procedures, including modifications, to ensure consistency with the provisions of this chapter.
(Ord. 59 § 1, 1995).

17.22.195 Assessment relief.

A. An owner of agricultural land, timberland, or open space desiring current use classification under Chapter 84.34 RCW may file for such current use classification as provided for in Chapter 21.14 UPMC.

B. The department shall notify the assessor-treasurer's office of any application of this chapter which results in building restrictions on a particular site.

C. The assessor-treasurer's office shall consider wetlands delineation under this chapter in determining the fair market value of land. Any owner of an undeveloped wetland and/or buffer which has been placed in a separate wetland tract or tracts, protective easement, public or private land trust dedication, or other similarly preserved areas shall have that portion of land assessed consistent with those restrictions.
(Ord. 59 § 1, 1995).

17.22.210 Appendices.

APPENDIX A

WETLAND CATEGORIES

Wetland categories shall be designated according to the following criteria:

A. Category I:

1. Documented habitat for endangered or threatened plant, fish or animal species or for potentially extirpated plant species recognized by state or federal agencies; or

2. High quality native wetland communities, including documented natural heritage wetland sites and sites which qualify as a natural heritage wetland; or

3. High quality, regionally rare wetland communities with irreplaceable ecological functions, including sphagnum bogs and fens, estuarine wetlands, or mature forested swamps; or

4. Wetlands of exceptional local significance, as designated by separate city ordinance.

B. Category II:

1. Regulated wetlands that do not contain features outlined in Category I; and

2. Documented habitats for sensitive plants or fish species recognized by federal or state agencies; or

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3. Documented priority habitats and species recognized by state agencies; or

4. Regionally rare wetland communities which are not high quality, but which have irreplaceable ecological functions, including sphagnum bogs and fens, estuarine wetlands, or mature forested swamps; or

5. Wetland types with significant functions which may not be adequately replicated through creation or restoration. These wetlands may be demonstrated by the following characteristics:

a. Significant peat systems; or

b. Forested swamps that have three canopy layers, excluding monotypic stands of red alder averaging eight inches diameter or less at breast height; or

c. Significant spring fed systems; or

6. Wetlands with significant habitat value based on diversity and size, including wetlands which are:

a. Ten acres or greater in size, and two or more wetland classes together with open water at any time during a normal year; or

b. Ten acres or greater in size, and three or more wetland classes, and five or more subclasses of vegetation in a dispersed pattern; or

c. Five acres or greater in size, and 40 to 60 percent open water at any time during a normal year, and two or more subclasses of vegetation in a dispersed pattern; or

7. Regulated wetlands which are contiguous with both year-round and intermittent salmonid fish-bearing waters; or

8. Wetlands with significant use by fish and wildlife.

C. Category III: Regulated wetlands that do not contain features outlined in Category I, II or IV.

D. Category IV:

1. Regulated wetlands which do not meet the criteria of a Category I or II wetland; and

2. Hydrologically isolated wetlands that are less than or equal to one acre in size, and have only one wetland class, and have only one dominant plant species (monotypic vegetation).

E. The category of a wetland shall not be changed to recognize illegal modifications to the wetland.

APPENDIX B

INFORMATION TO BE INCLUDED IN A WETLAND ANALYSIS REPORT

A wetland analysis report shall include the following:

A. Vicinity map;

B. When available, a copy of a National Wetland Inventory Map (U.S. Fish and Wildlife Service) and/or a city wetland inventory map identifying the wetlands on or adjacent to the site;

C. A site map setting forth all of the following:

1. Surveyed wetland boundaries based upon a delineation by a wetlands specialist;

2. Site boundary property lines and roads;

3. Internal property lines, rights-of-way, easements, etc.;

4. Existing physical features of the site including buildings, fences, and other structures, roads, parking lots, utilities, water bodies, etc.;

5. Contours at the smallest readily available intervals, preferably at two-foot intervals;

6. Hydrologic mapping showing patterns of surface water movement and known subsurface water movement into, through, and out of the site area;

7. Location of all test holes and vegetation sample sites, numbered to correspond with flagging in the field and field data sheets;

8. The department may require an air photo with overlays displaying the site boundaries and wetland delineation;

D. A report which includes the following:

1. Location information (legal description, parcel number and address);

2. Delineation report. The wetland boundaries on the site established by the delineation shall be staked and flagged in the field. If the wetland extends outside the site, the delineation report shall discuss all wetland areas within 150 feet of the site, but need only delineate those wetland boundaries within the site;

3. General site conditions including topography, acreage, and surface areas of all wetlands identified in the city wetland atlas and water bodies within one quarter mile of the subject wetland(s);

4. Hydrological analysis, including topography, of existing surface and known significant subsurface flows into and out of the subject wetland(s);

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5. Analysis of functional values of existing wetlands, including vegetative, faunal, and hydrologic conditions;

E. A summary of proposed activity and potential impacts to the wetland(s);

F. Recommended wetland category, including rationale for the recommendation;

G. Recommended buffer boundaries, including rationale for boundary locations;

H. Proposed on-site residential density transfer from wetlands and/or buffers to upland areas;

I. Site plan of proposed activity, including location of all parcels, tracts, easements, roads, structures, and other modifications to the existing site. The location of all wetlands and buffers shall be identified on the site plan.

APPENDIX C

MITIGATION PLAN FOR REGULATED ACTIVITIES IN BUFFERS

A mitigation plan for regulated activities in buffers should contain the following components:

A. General goals of the mitigation plan;

B. Approximated site topography before and after alteration;

C. Location of proposed mitigation area;

D. General hydrologic patterns on the site before and after construction;

E. General plant selection and justification, planting instructions, and approximate planting sequencing and schedule;

F. A maintenance plan;

G. A monitoring and contingency plan.

Upon department review and approval of this plan, it shall become the detailed plan.

Where environmental review is required, a threshold determination may not be made prior to submittal of a plan which meets department approval.

APPENDIX D

COMPENSATORY MITIGATION PLAN FOR REGULATED ACTIVITIES IN WETLANDS CONCEPTUAL PHASE

The conceptual phase of a mitigation plan for regulated activities in wetlands should include the following components:

A. General goals of the compensatory mitigation plan, including an overall goal of no net loss of wetland function and acreage;

B. A review of literature or experience to date in restoring, enhancing, or creating the type of wetland proposed;

C. Approximated site topography before and after construction;

D. Location of proposed wetland mitigation area;

E. General hydrologic patterns on the site before and after construction;

F. Nature of mitigation, including wetland types (in-kind and out-of-kind), general plant selection and justification, approximate project sequencing and schedule, and approximate size of the new wetland buffer;

G. A conceptual maintenance plan;

H. Conceptual monitoring and contingency plan.

Once the department approves the conceptual mitigation plan, a detailed mitigation plan shall be submitted. Due to the complex nature of creating and restoring wetlands, very detailed plans are needed. See Appendix E for further information on detailed mitigation plans.

APPENDIX E

COMPENSATORY MITIGATION PLAN FOR REGULATED ACTIVITIES IN WETLANDS – DETAILED PHASE

I. Outline of Detailed Mitigation Plan

The detailed mitigation plan shall contain the following:

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A. Site specific, quantifiable criteria for evaluating whether or not the goals for the proposed compensation are being met. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria. See subsection (III) below for specific performance standards.

B. Text and map of the existing condition of the proposed compensation area, including:

1. Existing vegetation community analysis;
2. Hydrological analysis, including topography, of existing surface and significant subsurface flows into and out of the area in question;
3. Soils analysis providing both Soil Conservation Service mapping and data provided by on-site verified determinations;
4. Detailed description of flora and fauna existing on the site;
5. Description of existing site conditions in relation to historic conditions for those sites which have been recently altered or degraded.

C. Text and map of the proposed changes to the compensation area, including:

1. Relationship of the project to the watershed and existing water bodies;
2. Topography, using one foot contour intervals;
3. Water level data, including depth and duration of seasonally high water table;
4. Water flow patterns;
5. Grading, filling and excavation, including a description of imported soils;
6. Irrigation requirements;
7. Water pollution mitigation measures during construction;
8. Aerial coverage of planted areas to open water areas (if any open water is to be present);
9. Appropriate buffers.

D. Detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome. The plan shall provide for elevations which are appropriate for the desired habitat type(s) and which provide sufficient tidal prism and circulation data.

E. Landscape plan designed by a registered landscape architect working with a wetland specialist, describing what will be planted where and when. The landscape plan shall include the following:

1. Soils and substrate characteristics;
2. Specification of substrate stockpiling techniques;
3. Planting instructions, including species, stock type and size, density or spacing of plants, and water and nutrient requirements;
4. Specification of where plant materials will be procured. Documentation shall be provided which guarantees plant materials are to be procured from licensed regional nurseries, or from wetlands on site which are part of the mitigation plan.

F. Schedule showing dates for beginning and completing the mitigation project, including a sequence of construction activities.

G. Monitoring and maintenance plan which includes the following:

1. Specification of procedures for monitoring and site maintenance; and
2. Schedule for submitting monitoring reports.

H. Contingency plan, consistent with subsection (IV) below.

I. Detailed budget for implementing the mitigation plan, including monitoring, maintenance and contingency phases.

J. Financial guarantee for the work to be performed as planned and approved.

II. Location Criteria

In cases in which it is determined that compensatory mitigation is appropriate, the following shall apply:

A. Compensatory mitigation shall be provided on-site, except where the applicant demonstrates that on-site mitigation is not scientifically feasible or practical due to physical features of the site.

B. When compensatory mitigation cannot be provided on-site, it shall be provided in the immediate vicinity of and within the same watershed as the regulated activity.

C. Whether occurring on-site or off-site, the mitigation project shall occur near an adequate water supply (e.g., river, stream, ground, sheet

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flow) with a hydrologic connection to the wetland to ensure successful wetland creation, enhancement, and/or restoration.

III. Mitigation Performance Standards

A. When regulated activities occur in wetlands, the applicant shall restore, create, or enhance equivalent areas of wetlands. Equivalent areas shall be determined according to acreage, functional value, type, location, time factors, and projected success. No overall net losses shall occur in wetland acreage, functions and/or values, and any restored, created, or enhanced wetland shall be as persistent as the wetland it replaces.

B. When an applicant proposes to alter or eliminate wetland, the applicant shall replace acreage at the following ratios:

	(acreage replacement: acreage lost)
Category I	3 :1
Category II and III	
Forested Class	2.0 :1
Scrub/Shrub Class	1.5 :1
Emergent Class	1.5 :1
Open Water	1.0 :1
Category IV	1.0 :1

C. Ratios provided are for proposed projects with on-site, in-kind replacement which occurs prior to regulated activities on the site. The department may increase the ratios under the following circumstances:

1. Uncertainty as to the probable success of the proposed restoration or creation; or
2. Significant period of time between destruction and replication of wetland functions; or
3. Projected losses in wetland functional value; or
4. Off-site and/or out-of kind compensation.

D. The department may allow the minimum acreage replacement ratio to be decreased if the applicant provides findings of special studies coordinated with agencies with expertise which demonstrate that no net loss of wetland function or value results from the decreased ratio. In no case shall the department approve a ratio less than 1:1.

E. In the case of Category II, III and IV wetlands, the replacement ratio may be decreased to a ratio of less than 1:1, if, following a public hearing, the hearings examiner determines the following:

1. A replacement ratio of greater than 1:1 is either not feasible on-site or would be likely to result in substantial degradation of other natural features; and
2. The mitigation plan shows that a net increase in wetland functional values will result from the mitigation; and
3. The mitigation is completed, and then monitored by the department for one year prior to the issuance of permits. If, after one year of monitoring, the department is not satisfied that the anticipated final outcome of the mitigation plan will be met, modifications to the mitigation plan and further monitoring may be required. When the department is satisfied that the mitigation will be successful, permits will be issued.

F. In-kind compensation shall be provided except where the applicant demonstrates that:

1. Greater functional and habitat values can be achieved through out-of-kind mitigation; and
2. The wetland system is already significantly degraded; or
3. Problems such as the presence of exotic vegetation and changes in watershed hydrology make implementation of in-kind compensation infeasible; or
4. Out-of-kind replacement will best meet identified regional goals (e.g., replacement of historically diminished wetland types).

G. Detailed performance standards for the mitigation plan shall include the following:

1. Use only plants indigenous to Pierce County (not introduced or exotic species);
2. Use plants appropriate to the depth of water at which they will be planted;
3. Use plants available from local sources;
4. Use plant species high in food and cover value for fish and wildlife;
5. Plant mostly perennial species;
6. Avoid committing significant areas of site to species that have questionable potential for successful establishment;
7. Water depth is not to exceed 6.5 feet (two meters);
8. The grade or slope that water flows through the wetland is not to exceed six percent;
9. Slopes within the wetland and buffer should not be steeper than 3:1 (horizontal to vertical);
10. The substrate should consist of a minimum of one foot, in depth, of clean (uncontaminated with chemicals, or solid/hazardous wastes) materials;

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11. Planting densities and placement of plants shall be shown on the design plans;

12. The wetland should not contain more than 60 percent open water as measured at the seasonal high water mark;

13. Stockpiling shall be confined to upland areas and contract specifications should limit stockpile durations to less than four weeks;

14. Planting instructions shall describe proper placement, diversity, and spacing of seeds, tubers, bulbs, rhizomes, sprigs, plugs, and transplanted stock;

15. Apply controlled release fertilizer at the time of planting and afterward only as plant conditions warrant (determined during the monitoring process), and only to the extent that the release would be conducted in an environmentally sound manner;

16. Install an irrigation system, if necessary, for initial establishment period;

17. If impacts to natural wetland functional values can be fully mitigated, capacity of the wetland to store surface water should be equal to surface water storage capacity prior to the proposed activity;

18. If impacts to natural wetland functional values can be fully mitigated, ability of the wetland to intercept surface water runoff on the site should be equal to such ability prior to the proposed activity;

19. If impacts to natural wetland functional values can be fully mitigated, the ability of the wetland to perform storm water detention functions should be equal to such functions prior to the proposed activity;

20. A biofiltration system to remove pollutants from surface water may be necessary. This system may include grass-lined swales, sedimentation ponds, and other facilities. The draft Puget Sound Storm Water Management Manual, issued by the Department of Ecology in June 1990, or updates of that document, may serve as a guideline for system design.

IV. Monitoring Program and Contingency Plan

A. A contingency plan shall be established for compensation in the event the mitigation project is inadequate or fails. A financial guarantee on a form acceptable to the city is required for the duration of the monitoring period, and the guarantee plus any accrued interest will be released by the city when the required mitigation and monitoring are completed. To determine the amount of the financial guarantee, an estimate shall be submitted to the city detailing the work to be accomplished and the cost thereof. The estimate shall be based on current costs. The city will review the estimate and, if acceptable, will establish the financial guarantee at 125 percent of the estimate to allow for inflation and administration expenses should the city have to complete the project.

B. Requirements of the monitoring program and contingency plan are as follows:

1. During monitoring, use scientific procedures for establishing the success or failure of the project.

2. To determine vegetative success, permanent sampling points shall be established.

3. Vegetative success equals 80 percent survival of planted trees, shrubs and cover of desirable understory or emergent species through the monitoring period.

4. Submit monitoring reports prepared by a wetland specialist on wildlife, vegetation, water quality, water flow, storm water storage and conveyance, and existing or potential degradation, according to the following schedule:

a. At completion of construction of mitigation project.

b. Thirty days after completion.

c. Early in the first growing season after construction.

d. End of the first growing season after construction.

e. Twice the second year.

f. Annually after the second year.

5. Monitor a minimum of three growing seasons, with the time period depending on the complexity of the wetland system.

6. Correct for failures in the mitigation project.

7. Replace dead or undesirable vegetation with appropriate plantings.

8. Repair damages caused by erosion, settling, or other geomorphological processes.

9. If necessary, redesign mitigation project and implement the new design.

10. Correction procedures shall be approved by a wetland specialist and the department director or designate.

(Ord. 59 § 1, 1995).

17.22.220 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this regulation or the application of

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the provision to other persons or circumstances shall not be affected.
(Ord. 59 § 1, 1995).

Division II. SEPA Regulations

Chapter 17.50

ENVIRONMENTAL REGULATIONS

Sections:

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17.50.020 Purpose, applicability and intent.
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17.50.270 Hearings examiner – Decision.
17.50.280 Violation – Civil infraction.

17.50.010 Authority.

The following regulations concerning environmental policies and procedures are established and adopted pursuant to Chapter 43.21C RCW, as amended, entitled, "The Environmental Policy Act of 1971" (SEPA), and Chapter 197-11 WAC, entitled, "State Environmental Policy Act".
(Ord. 32 § 1, 1995).

17.50.020 Purpose, applicability and intent.

A. The purpose of this chapter is to provide the City of University Place regulations implementing

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the State Environmental Policy Act of 1971 (SEPA) which are consistent with the SEPA rules.

B. This chapter is applicable to all city departments/divisions, commissions, boards, committees, and the city council.

C. This chapter is not intended to require city compliance with the National Environmental Policy Act of 1969 (NEPA). When the City of University Place is required by federal law or regulations to be in compliance with NEPA, such compliance shall be governed by the applicable federal statute and/or regulations and not by this chapter.
(Ord. 32 § 1, 1995).

17.50.030 Abbreviations.

The abbreviations used in this chapter are defined as follows:

A. DEIS – Draft Environmental Impact Statement;

B. DNS – Determination of Nonsignificance;

C. DS – Determination of Significance;

D. EIS – Environmental Impact Statement;

E. FEIS – Final Environmental Impact Statement;

F. NEPA – National Environmental Policy Act;

G. SEIS – Supplemental Environmental Impact Statement;

H. SEPA – State Environmental Policy Act;

I. WAC – Washington Administrative Code.
(Ord. 32 § 1, 1995).

17.50.040 Definitions.

The City of University Place adopts by reference the definitions stated in WAC 197-11-700 through 197-11-799 as now or hereafter amended. In addition to those definitions, the following terms shall have the following meanings unless the context indicates otherwise:

A. "Aggrieved person" means an applicant, a sponsor of a proposal, or any person alleging that it will sustain a specific injury in fact from the proposed action which will affect interests protected by SEPA. The alleged injury must be a perceptible present or future harm and may not be merely conjectural or hypothetical. The interest affected must be more than just the abstract interest of the general public in having others comply with the law.

B. "Council" means the University Place city council.

C. "Department" means any division, subdivision, or organizational unit of University Place, established by regulations, resolution or order.

D. "Early notice" means any division, subdivision, or organizational unit of the city established by ordinance, rule or order.

E. "Hearings examiner" means the University Place city hearings examiner, as appointed by the city council.

F. "Ordinance" means the ordinance, resolution or other procedure used by the City of University Place to adopt regulatory requirements.

G. "SEPA rules" means Chapter 197-11 WAC adopted by Washington State Department of Ecology as now or hereafter amended.
(Ord. 32 § 1, 1995).

17.50.050 Substantive authority.

A. The policies and goals set forth in this chapter supplement existing state and city laws.

B. The city may attach conditions to a permit or approval for a proposal; provided, that:

1. Such conditions mitigate specific adverse environmental impacts clearly identified in environmental documents prepared pursuant to this chapter; and

2. Such conditions are in writing; and

3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

4. The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

5. Such conditions are based on one or more policies in subsection (D) of this section and cited in the license or other decision document.

C. The city may deny a permit or approval for a proposal on the basis of SEPA; provided, that:

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1. A finding is made that approval of the proposal would likely result in significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter; and

2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

3. The denial is based on one or more policies identified in subsection (D) of this section and identified in writing in the decision document.

D. The city adopts the following policies as the basis for the city's exercise of authority pursuant to this section:

1. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

b. Endeavor to achieve for the people of University Place safe, healthful, and aesthetically pleasing surroundings;

c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

d. Preserve important historic, cultural, and natural aspects of our national heritage;

e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

f. Achieve a balance between population and resource use; and

g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

2. Policies included in the following documents, as adopted or hereafter amended by the city, shall supplement this chapter:

a. The comprehensive plan;

b. The zoning code and zoning map;

c. The subdivision regulations;

d. Chapter 12.10 UPMC, Water Quality Standards;

e. The surface water design manual;

f. UPMC Title 17, Critical Areas;

g. The shorelines ordinance and master plan;

h. The wetland management regulations;

i. Public works standards;

j. The interim policies for the Bridgeport Way corridor;

k. The flood damage prevention regulations;

l. Interim HUD flood insurance study for Pierce County;

m. PCC Title 8, Health and Welfare;

n. State Environmental Policy Act.

(Ord. 32 § 1, 1995).

17.50.060 Designation of responsible official.

For those proposals for which the City of University Place is the lead agency, the responsible official shall be the director of planning or his/her designee.

(Ord. 32 § 1, 1995).

17.50.070 Lead agency determination and responsibilities.

A. The department within the city receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050 and 197-11-922 through 197-11-944, unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.

B. When the city is not the lead agency for a proposal, all departments of the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.

C. If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-944, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 15-day time period. Any such petition on behalf of the city may be initiated by the planning director.

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D. Departments of the city are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under 197-11-942 and 197-11-944; provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.

E. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal.

F. For all proposals for which the City of University Place is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by the SEPA rules.

G. In addition, the responsible official shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping, and/or reviewing a DEIS.

H. This person shall be responsible for the city's compliance with WAC 197-11-502, and 197-11-545, and 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city.

I. The City of University Place shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with applicable regulations.
(Ord. 32 § 1, 1995).

17.50.080 Time limits applicable to SEPA review process.

The following time limits (expressed in working days) shall apply when the city processes licenses for all private projects and those governmental proposals submitted to the county by other agencies:

A. Threshold Determinations.

1. If it is possible to make a threshold determination based solely upon review of the environmental checklist for the proposal, said determination shall be completed no later than 30 days from the date of submittal of the applicant's complete application and checklist.

2. If the responsible official determines that it is necessary to obtain information in addition to that contained on the environmental checklist:

a. Such further information shall be requested within 30 days of receiving a complete environmental checklist.

b. If neither the requested information nor a response asking for additional time is received within 30 days of the date of request, the responsible official shall find that said information is unavailable and proceed to make a determination without said information unless the applicant requests that the time for response be extended.

c. The threshold determination shall be completed within 30 days of receipt of the requested additional information from the applicant or the consulted agency; or within 30 days of finding that said information is unavailable.

3. If the city must initiate further studies, including, but not limited to, field investigations, to obtain the information necessary to make the threshold determination, such studies and the threshold determination shall be completed within 30 days of receipt of a complete checklist.

B. Other.

1. For nonexempt proposals, the DNS or Final EIS for the proposal shall accompany the city's staff recommendation to any appropriate advisory body, such as the planning commission.

2. If the city's only action on a proposal is a decision on a building permit or other administrative license that requires detailed project plans and specifications, the applicant may request in writing or the city may require that an environmental review be conducted prior to submission of the detailed plans and specifications. If the applicant requests, the city shall conduct environmental review at that time, providing that the responsible official determines that adequate information about the proposal has been submitted.
(Ord. 32 § 1, 1995).

17.50.090 Categorical exemptions.

The City of University Place adopts by reference WAC 197-11-300 through 197-11-800. In addition thereto, University Place establishes the following exempt levels for minor new construction under WAC 197-11-800(1):

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A. For residential dwelling units in WAC 197-11-800(1)(b)(i): 10 dwelling units or less if within one structure;

B. For parking lots in WAC 197-11-800(1)(b)(iv): 30 or fewer automobile parking spaces;

C. For landfills and excavations in WAC 197-11-800(1)(b)(v): 250 cubic yards or less.
(Ord. 32 § 1, 1995).

17.50.100 Use of exemptions.

A. When receiving an application for a license, or when receiving a city initiated proposal, the responsible official shall determine whether the license and/or the proposal is exempt. The responsible official's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.

B. In assessing whether or not a proposal is exempt, the responsible official shall determine that the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the official shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

C. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

1. The city shall not give authorization for:

a. Any nonexempt action;

b. Any action that would have an adverse environmental impact; or

c. Any action that would limit the choice of responsible alternatives;

2. The city may withhold approval of an exempt action that would lead to modification of the physical environment when such modification would serve no purpose if later approval of a related major action is not secured; and

3. The city may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if later approval of a major related action is secured.
(Ord. 32 § 1, 1995).

17.50.110 Environmentally sensitive areas.

A. In accordance with WAC 197-11-908, the City of University Place designates environmentally sensitive areas:

1. Areas designated natural by the city's shoreline management master program environment maps.

2. Fish and wildlife habitat conservation areas, erosion hazard areas, landslide hazard areas, steep slopes, wetlands and streams, as described in UPMC Title 17, Critical Areas and Natural Resources.

3. The following categorical exemptions set forth in WAC 197-11-800 shall not apply when a project proposal is located in or partially within sensitive areas: WAC 197-11-800(1), (2c), (2e), (2f), (2g), (6a), and (25h).

B. The city shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The city shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.

C. Certain exemptions do not apply to lands covered by water, regardless of whether such lands covered by water are mapped.
(Ord. 32 § 1, 1995).

17.50.120 Emergency action exemption.

A. The following actions, which must be undertaken immediately or for which there is insufficient time for full compliance with this chapter, are exempt from the procedural requirements of this chapter:

1. Actions necessary to prevent an imminent threat to public health or safety;

2. Actions necessary to prevent an imminent danger to public or private property; or

3. Actions necessary to prevent an imminent threat of serious environmental degradation.

B. The responsible official shall determine on a case-by-case basis emergency action which satisfies the general requirements of this section.

C. Adoption of interim zoning or moratorium.
(Ord. 32 § 1, 1995).

17.50.130 Environmental checklist.

A. A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960,

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shall be filed for any permit, license, certificate, or other approval not specifically exempted in this chapter; except, a checklist is not needed if the city and applicant agree an EIS is required, SEPA review has been completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency and for making the threshold determination.

B. All private applicants shall complete their own environmental checklist, with assistance from the city as necessary. City departments initiating a proposal shall complete the environmental checklist for that proposal.

C. The city may require that it, rather than the private applicant, complete all or part of the environmental checklist for a private proposal, if either of the following occurs:

1. The city has access to technical information not available to the private applicant; or

2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

(Ord. 32 § 1, 1995).

17.50.140 Determination of nonsignificance (DNS).

A. If the responsible official determines there will be no probable significant adverse environmental impacts from a proposal, the responsible official shall prepare and issue a determination of nonsignificance (DNS) substantially in the form provided in WAC 197-11-970. If the responsible official adopts another environmental document in support of a threshold determination, the notice of adoption in WAC 197-11-965 and the DNS shall be combined or attached to each other.

B. A DNS issued under the provisions of this section is final and effective as set forth in WAC 197-11-390. The filing of an appeal of a DNS pursuant to this chapter shall stay the effect of such DNS and no major action in regard to a proposal may be taken during the pendency of an appeal and until the appeal is finally disposed of by the city. A decision to reverse the determination of the responsible official and uphold the appeal shall further stay any decision, proceedings, or actions in regard to the proposal.

C. When a DNS is issued for any of the proposals listed in subsection (C)(1) of this section, the requirements in this subsection shall be met.

1. An agency shall not act upon a proposal for 15 days after the date of issuance of a DNS if the proposal involves:

a. Another agency with jurisdiction;

b. Demolition of any structure or facility not exempted by WAC 197-11-800(2)(f) or UPMC 17.50.090;

c. Issuance of clearing or grading permits not exempted in Part Nine of the SEPA rules;

d. A DNS under WAC 197-11-350(2), 197-11-350(3) or 197-11-360(4).

2. The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the Department of Ecology, and affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal, and shall give notice under WAC 197-11-510.

3. Any person, affected tribe, or agency may submit comments to the lead agency within 15 days of the date of issuance of the DNS.

4. The date of issuance for the DNS is the date the DNS is sent to the Department of Ecology and agencies with jurisdiction and is made publicly available.

5. An agency with jurisdiction may assume lead agency status only within this 15-day period (WAC 197-11-948).

6. The responsible official shall reconsider the DNS based on timely comments and may retain or modify the DNS or, if the responsible official determines that significant adverse impacts are likely, withdraw the DNS. When a DNS is modified, the responsible official shall send the modified DNS to agencies with jurisdiction.

D.1. The responsible official shall withdraw a DNS if:

a. There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts;

b. There is significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; or

c. The DNS was procured by misrepresentation or lack of material disclosure; if the DNS resulted from such actions by an applicant, any subsequent environmental checklist on the proposal shall be prepared directly by the responsible official or his or her consultants at the expense of the applicant.

2. Subsection (D)(1)(b) of this section shall not apply when a nonexempt license has been issued on a private project.

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3. If the responsible official withdraws a DNS, a new threshold determination shall be made and other agencies with jurisdiction shall be notified of the withdrawal and new threshold determination. If a DS is issued, each agency with jurisdiction shall commence action to suspend, modify, or revoke any approvals until the necessary environmental review has occurred.
(Ord. 32 § 1, 1995).

17.50.150 Mitigated DNS.

A. As provided in this section, the responsible official may issue a determination of nonsignificance (DNS) based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

B. If an applicant requests early notice of whether a DS is likely, the request must:

1. Be written;

2. Follow submission of an environmental checklist for a nonexempt proposal for which the department is lead agency; and

3. Precede the department's actual threshold determination for the proposal.

C. The responsible official shall respond to the request in writing; the response shall:

1. State whether the responsible official is considering issuance of a determination of significance (DS) and, if so, indicate the general or specific area(s) of concern that are leading to consideration of DS; and

2. State that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications.

D. As much as possible, the responsible official should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

E. If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, the responsible official will make a threshold determination based on the changed or clarified proposal:

1. If the responsible official indicated specific mitigation measures in a response to the request for early notice that would allow him or her to issue a DNS, and the applicant changed or clarified the proposal to include those specific mitigation measures, the responsible official shall issue a determination of nonsignificance.

2. If the responsible official indicated general or specific areas of concern, but did not indicate specific mitigation measures that would allow a DNS to be issued, the responsible official shall make the threshold determination, issuing a DNS or DS as appropriate.

3. The applicant's proposed mitigation measures (clarifications, changes, or conditions) must be in writing and must be specific.

4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

F. A mitigated DNS requires a 15-day comment period.

G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit, unless revised or changed by the decisionmaker. The conditions shall be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.

H. The responsible official's written response under subsection (C) of this section shall not be construed as a determination of significance. In addition, preliminary discussions of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the responsible official to a mitigated DNS.
(Ord. 32 § 1, 1995).

17.50.160 Scoping.

A. The responsible official shall narrow the scope of every EIS to the probable significant adverse impacts and reasonable alternatives, including mitigation measures. For example, if there are only two or three significant impacts or reasonable alternatives, the EIS shall be focused on those.

B. To ensure that every EIS is concise and addresses the significant environmental issues, the responsible official shall:

1. Invite agencies with jurisdiction, if any, affected tribes, and the public to comment on the DS (WAC 197-11-360). The responsible official shall require comments in writing. Agencies with jurisdiction, affected tribes, and the public shall be allowed 21 days from the date of issuance of the DS in which to comment, unless expanded scop-

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ing is used. The date of issuance for a DS is the date it is sent to the Department of Ecology and other agencies with jurisdiction, and is publicly available;

2. Identify reasonable alternatives and probable significant adverse environmental impacts;

3. Eliminate from detailed study those impacts that are not significant;

4. Work with other agencies to identify and integrate environmental studies required for other government approvals with the EIS, where feasible.

C. Meetings or scoping documents, including notices that the scope has been revised, may be used but are not required. The responsible official shall integrate the scoping process with the existing planning and decisionmaking process in order to avoid duplication and delay.

D. The responsible official shall revise the scope of an EIS if substantial changes are made later in the proposal, or if significant new circumstances or information arise that bear on the proposal and its significant impacts.

E. DEISs shall be prepared according to the scope decided upon by the responsible official in the scoping process.

F. EIS preparation may begin during scoping.
(Ord. 32 § 1, 1995).

17.50.170 Expanded scoping (optional).

The responsible official may expand the scoping process to include any or all of the provisions found in WAC 197-11-410, which may be applied on a proposal-by-proposal basis.
(Ord. 32 § 1, 1995).

17.50.180 Determination of significance.

In the event the responsible official determines that a proposal is likely to have a significant adverse effect on the quality of the environment, the responsible official shall prepare a determination of significance using the form in WAC 197-11-980. The responsible official shall also list the proposal in the "EIS in Preparation Register" maintained in the planning department. Thereafter, the EIS and scoping and preparation procedures specified by WAC 197-11-408 through and including 197-11-460 shall be followed.
(Ord. 32 § 1, 1995).

17.50.190 Withdrawal of threshold determination.

In some cases, as specified by WAC 197-11-340, 197-11-360 and 197-11-600, the city may withdraw its threshold determination.
(Ord. 32 § 1, 1995).

17.50.200 Environmental impact statement.

A. The city adopts by reference WAC 197-11-400 through 197-11-460, as now or hereafter amended. The contents and preparation procedures for draft environmental impact statements shall be governed by the SEPA rules herein or as hereafter amended.

B. Preparation of the draft and final EIS (DEIS and FEIS) and draft and final supplementation EISs (SEIS) shall be under the direction of the responsible official. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.

1. The DEIS and FEIS or draft and final SEIS shall be prepared by city staff, the applicant, or by a consultant selected by the city or the applicant, as determined by the responsible official. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant within five calendar days after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

2. The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information not required under this chapter or information requested from another agency pursuant to this chapter.
(Ord. 32 § 1, 1995).

17.50.210 Public notice.

A. Whenever the City of University Place issues a DNS under WAC 197-11-340(2), a DS under WAC 197-11-360(3), a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice shall be given as follows:

1. The project applicant shall insure notice is given by publishing notice in a newspaper of general circulation in the city or general area where the proposal is located as determined by the responsible official.

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2. The responsible official may require notice by alternative methods or additional notice such as posting the property if deemed necessary to provide adequate public notice of a pending action.

3. Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

B. The applicant is required to complete the public notice requirements for his/her proposal and provide affidavits of publishing to the city planning department. The applicant will be required to pay the cost of any notice required pursuant to subsections (A)(2) and (A)(3) of this section. (Ord. 32 § 1, 1995).

17.50.220 Administrative appeals of SEPA determination.

The city establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

A. An aggrieved person, as defined by UPMC 17.50.040(A), may appeal the following determinations under SEPA:

1. Determination of nonsignificance;
2. Mitigated determination of nonsignificance;
3. Determination of significance;
4. Issuance of an FEIS.

B. The appeal of a determination under SEPA shall be consolidated with the decision on the underlying governmental action in the following manner:

1. If the initial decision on the underlying governmental action is made by the hearings examiner, the SEPA appeal shall be heard by the examiner at the same time as the hearing on the underlying action. The examiner shall render a decision on both the SEPA appeal and the underlying action.

2. If the initial decision on the underlying governmental action is made by a city employee or official with a right of appeal to the hearings examiner, the SEPA appeal shall be heard by the examiner at the same time as the hearing on the appeal of the underlying action. The examiner shall render a decision on both appeals.

3. If the initial decision on the underlying governmental action is a recommendation by an advisory body such as the planning commission, the SEPA appeal shall be heard and decided by the city council or other body to which the recommendation is made at the same time as the hearing on the underlying action.

4. If the initial decision on the underlying governmental action is made by the city council after a public hearing, the SEPA appeal shall be heard and decided by the city council at the same time.

5. In all other cases, the SEPA appeal shall be heard and decided by the official or body holding the initial public hearing on the underlying governmental action. If no hearing on the underlying action is otherwise afforded by law and a SEPA determination accompanying such determination is appealed, the hearings examiner shall hold a consolidated hearing on both the underlying action and the SEPA appeal and render a decision.

C. An appeal of a determination under SEPA is commenced by filing a notice of appeal with the planning department. The notice of appeal must be accompanied by any fee established by separate resolution. The notice of appeal shall be filed and the fee paid within 14 days from the date of the environmental determination computed according to Civil Rule 6(a).

D. The notice of appeal shall contain:

1. Name and mailing address of the appellant and his/her agent or representative, if any;
2. A copy of the environmental determination which is appealed;
3. A concise statement of the factual and legal basis for the appeal citing specifically the alleged errors in the determination on appeal; and
4. The specific relief sought.

E. As provided in RCW 43.21C.075(3)(d), the environmental determination of the responsible official shall be entitled to substantial weight.

F. The appellant shall have the burden of going forward with evidence necessary to prove to the hearings examiner that the environmental determination is erroneous.

G. Only one appeal of an environmental determination made by the responsible official shall be allowed on a proposal. If more than one person files an appeal of an environmental determination on a proposal, such appeals shall be consolidated. (Ord. 32 § 1, 1995).

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17.50.230 Public notice of appeal.

Whenever the city receives a timely notice of appeal under this chapter, properly perfected, the city shall give public notice by:

A. Publishing notice in a newspaper of general circulation in the county or general area where the proposal is located; and

B. Mailing notice to the appellant, project sponsor, and any individuals requesting notice.
(Ord. 32 § 1, 1995).

17.50.240 Dismissal of appeal.

The hearings examiner, or other hearing body, may summarily dismiss an appeal without hearing when such appeal is determined to be without merit on its face, frivolous, or brought merely to secure a delay, or that the appellant lacks standing to appeal.
(Ord. 32 § 1, 1995).

17.50.250 Public hearing on appeal.

A. All public hearings on SEPA appeals shall be tape-recorded and all testimony shall be taken under oath. Testimony and other evidence shall be allowed subject to the rules of admissibility governing the hearing on the underlying governmental action.

B. The official or body holding the hearing shall enter findings and conclusions and may affirm, modify, or reverse and remand the SEPA determination on appeal.

C. The decision of the official or body holding the hearing is final and conclusive, appealable only to a court of competent jurisdiction. Appeals to a court of competent jurisdiction shall be taken in accordance with the procedures and timeframes set forth in RCW 43.21C.080.

D. The city shall provide for a record of the hearing consisting, at a minimum, of:

1. Findings and conclusions;
2. Exhibits and other documentary evidence admitted at the hearing;
3. A taped or written transcript including all testimony under oath.

(Ord. 32 § 1, 1995).

17.50.260 Judicial appeals.

A. If there is a time period for appealing the underlying governmental action, any judicial action appealing or otherwise challenging such governmental action on grounds of noncompliance with SEPA or the SEPA rules shall be commenced within such time period.

B. If there is no time period for appealing the underlying governmental action, a notice of action under RCW 43.21C.080 may be used to fix a time period within which judicial appeals or challenges based on noncompliance with SEPA or the SEPA rules must be brought.
(Ord. 32 § 1, 1995).

17.50.270 Hearings examiner – Decision.

Within 20 days of the conclusion of the hearing, the examiner should render a decision or recommendation, together with findings of fact and conclusions, and shall transmit a copy thereof to all parties of record.
(Ord. 32 § 1, 1995).

17.50.280 Violation – Civil infraction.

In addition to any other sanction or penalty, or any remedial, judicial or administrative procedure available under separate city codes or state law, violation of any provision of this chapter or failure to comply with a decision of the responsible official or hearings examiner issued pursuant to this chapter constitutes a Class 1 civil infraction as defined in the city enforcement code.
(Ord. 32 § 1, 1995).

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Title 18

SHORELINE MANAGEMENT USE*

(Reserved)

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* Code reviser's note: See Ordinance 29, a copy of which is available at the office of the city clerk, for interim shoreline management regulations.
According to Ordinance 130, all references to permit processing procedure in the shoreline management regulations are superseded by UPMC Title 22, Administration of Development Regulations.

Title 19

ZONING*

Chapters:

19.05 Introduction
19.15 Definitions
19.25 Zone Classifications and Use Tables
19.35 Development Standards
19.45 Signs
19.75 Discretionary Land Use Permits
19.85 Procedures

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* Prior legislation: Ord. 58.

Chapter 19.05

INTRODUCTION

Sections:

19.05.010 Title.
19.05.020 Purpose.
19.05.030 Interpretation and application.
19.05.040 Severability.
19.05.080 Brief user's guide.

19.05.010 Title.

Title 19 shall be known as the City of University Place zoning code.
(Ord. 79 § 1, 1996).

19.05.020 Purpose.

The general purposes of the City of University Place zoning code are:

A. To implement the City of University Place comprehensive plan in accordance with Chapter 36.70 RCW et seq. (Planning Enabling Act);

B. To promote public health, safety, and general welfare through regulation of physical development of the City of University Place;

C. To plan for future development of the City of University Place in an orderly and predictable fashion;

D. To provide for adequate public facilities and services to support land development;

E. To promote social and economic well-being through integration of aesthetic, environmental, and economic values;

F. To protect property rights;

G. To encourage protection of environmentally critical or historically significant resources and preservation of open spaces;

H. To ensure provision of adequate space for housing, commercial, industrial, recreational and other activities necessary for public welfare;

I. To provide for efficient and effective administration and enforcement of the regulations;

J. To preserve the character of single-family neighborhoods within the City of University Place.
(Ord. 98 § 1, 1996; Ord. 79 § 1, 1996).

19.05.030 Interpretation and application.

A. General.

1. This interim zoning code shall be consistent with and implement the interim comprehensive plan. Any conflict between the provisions of this title and the interim comprehensive plan shall be resolved by applying the interim comprehensive plan.

2. In interpreting and applying the provisions of this title, they shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. It is not intended by this title to interfere with or revoke or invalidate any easement, covenant, or other agreement between parties.

3. When the provisions of this title impose greater restrictions than are imposed by other applicable city, county, regional, state, and federal regulations, the provisions of this title shall control.

4. When a provision of this title conflicts with another provision in this title, the more restrictive provision shall apply.

5. In case of any ambiguity or difference of meaning or inconsistencies between the text and any illustrations or other graphics, the text throughout this title and the permitted use tables in Chapter 19.25 UPMC shall control.

6. Unless the context clearly indicates otherwise, words in the present tense can include the future tense, and words in the singular can include the plural, or vice versa. Except for words and terms defined in the beginning of each chapter of this title and in Chapter 19.15 UPMC, all words and terms used in this title shall have their customary meanings.

7. The words "shall" and "should" are always mandatory and not discretionary. The word "may" is discretionary.
(Ord. 79 § 1, 1996).

19.05.040 Severability.

If any section, subsection, clause, or phrase of this code is for any reason held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this code.
(Ord. 79 § 1, 1996).

19.05.080 Brief user's guide.

A. Chapters. The zoning code, UPMC Title 19, contains seven chapters:

19.05 Introduction. Establishes the purpose, title and basic rules for using the zoning code.

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19.15 Definitions. Provides definitions for words used throughout the title. Words or terms used only in one chapter may be defined in that chapter.

19.25 Zone Classifications and Use Tables. Lists and describes the zoning classifications, allowed uses for each zone, and categorization of uses.

19.35 Development Standards. Provides development standards, such as density, setbacks, height, lot width, landscaping, buffering, parking, access, and other standards to cover general and specific uses such as home occupations, accessory dwelling units, adult entertainment, transfer of development rights, signs, tenant improvements, and development/improvements.

19.45 Signs. Includes the size, placement and other design criteria required for signs in the City of University Place.

19.75 Discretionary Land Use Permits. Establishes the permit processes and criteria for permits provided by this title, e.g., nonconforming use permits, conditional use permits, planned unit development permits, and variances.

19.85 Procedures. (Note: A portion of this section was deleted by the ordinance adopting 1724 requirements.) Specifies the administrative rules and process for amending the zoning code, provides procedures for revocation, modification, or reclassification of permits, and provides guidelines for the enforcement of land use regulations.

B. Numbering Scheme. The numbering scheme used in this title operates as shown below:

ZONING	19.05	.010	(A)(1)(a)(i)(A)
Title of U.P. code	Chapter of Title	Section of Chapter	paragraphs

C. Format. Each chapter begins with a listing of the sections for the chapter. General definitions are contained in Chapter 19.15 UPMC; specialized definitions may be found at the beginning of the chapter where those definitions are used. Cross-references to other chapters and sections of this title can be found throughout the title.
(Ord. 79 § 1, 1996).

Chapter 19.15

DEFINITIONS

Sections:

19.15.010 Accessory dwelling unit.
19.15.020 Accessory structure.
19.15.030 Accessory use.
19.15.040 Administrative permit, administrative use permit.
19.15.050 Administrative review.
19.15.060 Adult arcade.
19.15.070 Adult bookstore.
19.15.080 Adult businesses.
19.15.090 Adult cabaret.
19.15.100 Adult live entertainment establishment.
19.15.110 Adult motion picture theater.
19.15.120 Adult novelty store.
19.15.130 Amendment.
19.15.140 Amendment, major.
19.15.150 Amendment, minor.
19.15.160 Barn.
19.15.170 Bed and breakfast house.
19.15.180 Biosolids.
19.15.190 Boat house, private.
19.15.200 Building.
19.15.210 Building, detached.
19.15.220 Building division.
19.15.230 Building, principal or main.
19.15.240 Business activity.
19.15.250 Business or commerce.
19.15.260 Buy-back recycling center.
19.15.270 Central office switching unit.
19.15.280 Character.
19.15.290 Check for adequacy.
19.15.300 Cogeneration.
19.15.310 Commercial vehicle.
19.15.320 Composting facility.
19.15.330 Composting facility, municipal solid waste.
19.15.340 Conditional use.
19.15.350 Conditional use permit.
19.15.360 Constructed wetlands.
19.15.370 Contiguous.
19.15.380 Curb level.
19.15.390 Day care center, adult.
19.15.400 Day care center, child.
19.15.410 Department.
19.15.420 Development.
19.15.430 Development permit.
19.15.440 Director.
19.15.450 Discretionary land use permit.
19.15.460 Duplex.
19.15.470 Dwelling.

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19.15.480 Dwelling unit.
19.15.490 Escort service.
19.15.500 Establishment, business or commercial.
19.15.510 Examiner.
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19.15.010 Accessory dwelling unit.

"Accessory dwelling unit" means a second dwelling unit, not exceeding 600 square feet, added to or created within a single-family detached dwelling for use as a completely independent unit.
(Ord. 79 § 1, 1996).

19.15.020 Accessory structure.

"Accessory structure" means a structure, either attached or detached from a principal or main building and located on the same lot and which is customarily incidental and subordinate to the principal building or use.
(Ord. 79 § 1, 1996).

19.15.030 Accessory use.

"Accessory use" means a use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
(Ord. 79 § 1, 1996).

19.15.040 Administrative permit, administrative use permit.

"Administrative permit" or "administrative use permit" means a written decision, granted by the director, to authorize the development or operation of a proposed land use activity subject to special degrees of control. Administrative use permits include, but are not limited to administrative variance, administrative nonconforming use, short plats, large lot divisions, lot combinations, boundary line adjustments, binding site plans, minor amendments, and home occupation permits.
(Ord. 79 § 1, 1996).

19.15.050 Administrative review.

"Administrative review" means a process involving the judgment and discretion of the director in applying specific decision criteria and requirements.
(Ord. 79 § 1, 1996).

19.15.060 Adult arcade.

"Adult arcade" means an establishment from which minors are excluded and to which the public is permitted or invited, where, for any form of consideration, one or more motion picture projectors, slide projectors or other similar image producing machines situated for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by an emphasis on the depiction, description, simulation

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or relation to "specified sexual activities" or "specified anatomical areas."
(Ord. 79 § 1, 1996).

19.15.070 Adult bookstore.

"Adult bookstore" means an establishment from which minors are excluded and which offers for sale, for any form of consideration, any books, magazines, newspapers, publications, movie films, devices, slides, video cassettes or other photographic or periodical reproductions that are characterized by an emphasis on the depiction, description, simulation or relation to "specified sexual activities" or "specified anatomical areas."
(Ord. 79 § 1, 1996).

19.15.080 Adult businesses.

"Adult businesses" means establishments from which minors are excluded and which are predominantly distinguished or characterized by an emphasis on entertainment, devices or services which are sexually explicit in nature. These businesses are recognized as having objectionable characteristics and need to be distanced from other uses such as residential, schools, parks, and community centers. Adult businesses include adult arcades, adult bookstores, adult cabarets, adult motion picture theaters, adult novelty stores, escort services, massage parlors, and public bathhouses.
(Ord. 79 § 1, 1996).

19.15.090 Adult cabaret.

"Adult cabaret" means a nightclub, bar, restaurant, theater, hall, studio or similar establishment, whether or not alcoholic beverages are served and from which minors are excluded, where, for any form of consideration, are featured live performances or any device is provided in which the subject matter is distinguished or characterized by the exposure of "specified anatomical areas" or by an emphasis on the depiction, description, simulation or relation to "specified sexual activities".
(Ord. 79 § 1, 1996).

19.15.100 Adult live entertainment establishment.

See "Adult cabaret".
(Ord. 79 § 1, 1996).

19.15.110 Adult motion picture theater.

"Adult motion picture theater" means an establishment from which minors are excluded and which does not fall within the definition of adult arcade, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown in which the subject matter is distinguished or characterized by emphasis on the depiction, description, simulation or relation to "specified sexual activities" or "specified anatomical areas."
(Ord. 79 § 1, 1996).

19.15.120 Adult novelty store.

"Adult novelty store" means an establishment from which minors are excluded, where, for any form of consideration, are offered for sale or rental books, magazines, periodicals, films, photographs, motion pictures, slides, video cassettes or other visual representations that are characterized by emphasis on the depiction, description, simulation or relation to "specified sexual activities" or "specified anatomical areas"; or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities", excluding condoms and other birth control and disease prevention devices.
(Ord. 79 § 1, 1996).

19.15.130 Amendment.

"Amendment" means a change in the wording, context, or substance of this code or the comprehensive plan; a change in the zoning map or comprehensive plan map; a change to the official controls of city code; or any change to a condition of approval or modification of a permit or plans reviewed or approved by the director or hearings examiner.
(Ord. 79 § 1, 1996).

19.15.140 Amendment, major.

"Major amendment" means any change of a discretionary land use permit that is beyond the scope of a minor amendment and requires the same procedure as the initial permit.
(Ord. 79 § 1, 1996).

19.15.150 Amendment, minor.

"Minor amendment" means a limited change of a discretionary land use permit that is reviewed and approved by the director without public notice or public participation. Examples of minor amendments include, but are not limited to: adjustments to the parking area layout, restriping of parking, or site access location; additions of fences, retaining walls, and mechanical equipment; adjustments to building height; adjustments to the landscaping plans such as changes to plant materials; adjustments to the location of structures provided the adjustment is generally consistent with the original

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approval; and the elimination of a portion of an approved project.
(Ord. 79 § 1, 1996).

19.15.160 Barn.
"Barn" means any building used for agricultural purposes that contains items generally associated with farming including but not limited to farm equipment such as tractors or farm animals such as livestock.
(Ord. 79 § 1, 1996).

19.15.170 Bed and breakfast house.
"Bed and breakfast house" means any single-family dwelling, in which travelers are lodged for two weeks or less and a morning meal provided, and for which compensation of any kind is paid. (For the purposes of this definition, a bed and breakfast house is not a hotel, inn, motel, or lodging or rooming house.)
(Ord. 79 § 1, 1996).

19.15.180 Biosolids.
"Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, and septage that can be beneficially recycled and meets all applicable health regulations.
(Ord. 79 § 1, 1996).

19.15.190 Boat house, private.
"Private boat house" means an accessory building, or portion of a building, which provides shelter and enclosure for a boat or boats owned and operated only by the occupants of the premises, and which boat house is erected on a pier or wharf and/or over a dock or docking ship.
(Ord. 79 § 1, 1996).

19.15.200 Building.
"Building" means any structure having a roof supported by columns, posts, or walls for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.
(Ord. 79 § 1, 1996).

19.15.210 Building, detached.
"Detached building" means a building surrounded by open space on the same lot.
(Ord. 79 § 1, 1996).

19.15.220 Building division.
"Building division" means the building division of the planning and community development department.
(Ord. 79 § 1, 1996).

19.15.230 Building, principal or main.
"Principal or main building" means a building devoted to the principal use of the lot on which it is situated.
(Ord. 79 § 1, 1996).

19.15.240 Business activity.
"Business activity" means any activity carried out for the purpose of financial gain for an individual or organization, whether profit or nonprofit.
(Ord. 79 § 1, 1996).

19.15.250 Business or commerce.
"Business or commerce" means the purchase, sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit; or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures, and premises by professions and trades rendering services.
(Ord. 79 § 1, 1996).

19.15.260 Buy-back recycling center.
"Buy-back recycling center" means any small business without industrial activity which collects, receives or buys recyclable materials from household, commercial or industrial sources for the purpose of sorting, grading, or packaging recyclables for subsequent shipment and marketing.
(Ord. 79 § 1, 1996).

19.15.270 Central office switching unit.
"Central office switching unit" means a switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interoffice trunks.
(Ord. 79 § 1, 1996).

19.15.280 Character.
"Character" means the distinctive features or attributes of buildings, uses, and site design on adjacent properties and in the vicinity as required in the comprehensive plan, including but not limited to building facade, building length, building modulation, building height, building location, roof form, tree cover, types of flora, location of landscaping, size and location of signs, setbacks,

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amount of parking, location of parking, fencing type, fencing height, location of fencing and intensity of uses.
(Ord. 79 § 1, 1996).

19.15.290 Check for adequacy.

"Check for adequacy" means the annual comparison of the impacts of development to the available capacity of Category C and D public facilities and services.
(Ord. 79 § 1, 1996).

19.15.300 Cogeneration.

"Cogeneration" means the simultaneous production of electricity and heat energy. The heat is normally used on-site for industrial processes, space or water heating, or production steam. The electric power may be used on-site or distributed through the utility grid, or both. Cogeneration units are normally fired with natural gas, but also may be fueled by oil, biomass or other fuels.
(Ord. 79 § 1, 1996).

19.15.310 Commercial vehicle.

"Commercial vehicle" means any motorized vehicle including, but not limited to, a car, truck, truck trailer, tractor, grading machine, bulldozer, scraper, boat, motorized crane, etc., that is used in the operation of a business to store, transfer, or deliver commodities or in construction, road grading, or logging activities.
(Ord. 79 § 1, 1996).

19.15.320 Composting facility.

"Composting facility" means a solid waste facility specializing in the composting of one or more organics of a known and consistent composition, other than mixed municipal waste, to produce a marketable produce for reuse or as a soil conditioner. Feedstocks may include, but are not limited to, yard waste, biosolids or food waste.
(Ord. 79 § 1, 1996).

19.15.330 Composting facility, municipal solid waste.

"Municipal solid waste composting facility" means a solid waste facility specializing in the composting of mixed waste from municipal sources to reduce the waste for final disposal or to produce a marketable product.
(Ord. 79 § 1, 1996).

19.15.340 Conditional use.

"Conditional use" means a use conditionally permitted in one or more zones as defined by this code but which, because of characteristics particular to each such use, size, technological processes, equipment, or because of the exact location with respect to surroundings, streets, existing improvements, or demands upon public facilities, requires a special degree of control to determine if uses can be made compatible with the comprehensive plan, adjacent uses, and the character of the vicinity.
(Ord. 79 § 1, 1996).

19.15.350 Conditional use permit.

"Conditional use permit" means the documented evidence of authority granted by the examiner to locate a conditional use at a specific location.
(Ord. 79 § 1, 1996).

19.15.360 Constructed wetlands.

"Constructed wetlands" means wetlands that are intentionally created on sites that are not wetlands for the primary purpose of wastewater or storm water treatment. Constructed wetlands are normally considered as part of the storm water/wastewater collection and treatment system and must be maintained. (These wetlands are not the same as wetlands created for mitigation purposes, which are typically viewed in the same manner as natural, regulated wetlands.)
(Ord. 79 § 1, 1996).

19.15.370 Contiguous.

"Contiguous" means bordering upon, to touch upon, or in physical contact with.
(Ord. 79 § 1, 1996).

19.15.380 Curb level.

"Curb level" for any building means the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the curb level.
(Ord. 79 § 1, 1996).

19.15.390 Day care center, adult.

"Adult day care center" means centers which provide supervision and care for a group of elderly or disabled adults who cannot safely be left alone for a period of less than 24 hours per day.
(Ord. 79 § 1, 1996).

19.15.400 Day care center, child.

"Child day care center" means a facility, licensed by the state, which regularly provides

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care for a group of children for periods less than 24 hours per day. The term shall include, but is not limited to, facilities commonly known as "day care facilities," "day care centers", and "preschools."
(Ord. 79 § 1, 1996).

19.15.410 Department.

"Department" means city planning department.
(Ord. 79 § 1, 1996).

19.15.420 Development.

"Development" means any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, placement of manufactured homes/mobile homes, mining, dredging, clearing, filling, grading, paving, excavation, drilling or the subdivision of property.
(Ord. 148 § 1, 1997).

19.15.430 Development permit.

"Development permit" means any document granting, or granting with conditions, an application for a land use designation or redesignation, zoning or rezoning, subdivision plat, site plan, building permit, special exception, variance, or any other official action of the city having the effect of authorizing the development of land.
(Ord. 79 § 1, 1996).

19.15.440 Director.

"Director" means the director of the planning and community development.
(Ord. 79 § 1, 1996).

19.15.450 Discretionary land use permit.

"Discretionary land use permit" means a document granted by official action of the city which authorizes the development or use of land pursuant to the final development plan approval of a special use permit or administrative permit.
(Ord. 79 § 1, 1996).

19.15.460 Duplex.

See "Two-family."
(Ord. 79 § 1, 1996).

19.15.470 Dwelling.

"Dwelling" means a building or portion thereof designed exclusively for human habitation, including single-family, two-family and multiple-family dwellings, accessory dwelling units, modular homes, manufactured homes and mobile homes, but not including hotels or motel units having no kitchens.
(Ord. 79 § 1, 1996).

19.15.480 Dwelling unit.

"Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen, sleeping and sanitary facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.
(Ord. 79 § 1, 1996).

19.15.490 Escort service.

"Escort service" means an establishment where, for any form of consideration, companions are provided for which a fee of any kind is charged.
(Ord. 79 § 1, 1996).

19.15.500 Establishment, business or commercial.

"Business or commercial establishment" means a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot, and where direct access to each "business or commercial establishment" is separate and distinct from direct access to any other business or commercial establishment.
(Ord. 79 § 1, 1996).

19.15.510 Examiner.

"Examiner" means the city hearings examiner.
(Ord. 79 § 1, 1996).

19.15.520 Family.

"Family" means an individual; or two or more persons related by blood or marriage, or adoption; or a group of not more than five persons who are not related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit. For the purposes of this definition, any number of persons of only one group (i.e., family) who are related by blood, marriage, or adoption shall be counted as one person and all other individuals shall be counted as single individuals. Six or more unrelated persons living together constitutes a "group home." A dwelling unit where guest rooms are provided for compensation constitutes a "lodging and rooming house" or a "bed and breakfast house."
(Ord. 79 § 1, 1996).

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19.15.530 Farm.

"Farm" means a parcel of land used for agricultural activities.
(Ord. 79 § 1, 1996).

19.15.540 Final development plan.

"Final development plan" means a plan or set of plans that comply with the conditions set forth in a preliminary approval and, once approved, authorizes the granting of a discretionary land use permit.
(Ord. 79 § 1, 1996).

19.15.550 Floor area.

"Floor area" when prescribed as the basis for off-street parking spaces and loading berths for any use means the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, "floor area" for purposes of measurement for off-street parking spaces shall not include floor area devoted primarily to storage purposes, except as otherwise noted herein, floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space, or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.
(Ord. 79 § 1, 1996).

19.15.560 Floor area ratio (FAR).

"Floor area ratio (FAR)" of the building or buildings on any lot means the floor area of the building or buildings on that lot divided by the area of such lot, or, in the case of planned developments, by the net site area.
(Ord. 79 § 1, 1996).

19.15.570 Freestanding sign.

"Freestanding sign" shall mean a self supporting sign.
(Ord. 79 § 1, 1996).

19.15.580 Freeway.

"Freeway" means any section of a highway which has been declared to be a freeway by act or resolution of the competent establishing authority.
(Ord. 79 § 1, 1996).

19.15.590 Garage, private.

"Private garage" means an accessory building or an accessory portion of the main building, enclosed on not less than three sides and designed or used only for the shelter or storage of vehicles owned or operated only by the occupants of the main building or buildings.
(Ord. 79 § 1, 1996).

19.15.600 Grade, finished.

"Finished grade" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within an area between the structure and property line or where the property line is more than five feet from the structure, between the structure and a line five feet from the structure. See Figure 3, UPMC 19.35.020.*
(Ord. 79 § 1, 1996).

* Code reviser's note: Figure 3 can be found in § 19.35.020 of Ordinance 79, available at the office of the city clerk.

19.15.610 Hazardous substance.

"Hazardous substance" means any liquid, solid, gas, or sludge, including any materials, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste, and including waste oil and petroleum products.
(Ord. 79 § 1, 1996).

19.15.620 Hazardous substance processing or handling.

"Hazardous substance processing or handling" means the use, storage, manufacture, or other land use activity involving hazardous substances but does not include individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container. Hazardous substances shall not be disposed on-site unless in compliance with Dangerous Waste Regulations, Chapter 173-303 WAC, and any pertinent local ordinances, such as sewer discharge standards.
(Ord. 79 § 1, 1996).

19.15.630 Hazardous waste.

"Hazardous waste" means and includes all dangerous waste and extremely hazardous waste as designated pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC.

A. "Dangerous waste" shall mean any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such

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substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

1. Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

2. Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

B. "Extremely hazardous waste" shall mean any waste which:

1. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife; and

2. Is disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

(Ord. 79 § 1, 1996).

19.15.640 Hearings examiner review.

"Hearings examiner review" means a process involving the judgment and discretion of the examiner in applying specific decision criteria and other requirements unique to a particular use in the approval of an activity permitted, or permitted conditionally, within a zone.

(Ord. 79 § 1, 1996).

19.15.650 Height, building.

"Building height" means the vertical distance from the average elevation of the finished grade on each wall of a building to the top of a flat or shed roof, the deck level on a mansard roof, and the average distance between the bottom of the eaves to the highest point of a pitched, hipped, gambrel, or gable roof. See Figure 3, UPMC 19.35.020.*

(Ord. 79 § 1, 1996).

* See note in UPMC 19.15.600.

19.15.660 Height, structure.

"Structure height" means the vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. See Figure 3, UPMC 19.35.020.*

(Ord. 79 § 1, 1996).

* See note in UPMC 19.15.600.

19.15.670 Hobby farm.

"Hobby farm" means noncommercial agricultural activities, including the raising of farm animals and placement of associated farm structures, established on a lot without a principal dwelling unit.

(Ord. 79 § 1, 1996).

19.15.680 Home-based day care, adult.

"Adult home-based day care" means a facility, located in a dwelling unit, that regularly provides care for a period of less than 24 hours per day for no more than 12 elderly or disabled adults who cannot safely be left alone.

(Ord. 79 § 1, 1996).

19.15.690 Home-based day care, child.

"Child home-based day care" means a facility, licensed by the state, that regularly provides care for a period of less than 24 hours per day for no more than 12 children and is located in an owner-occupied dwelling unit.

(Ord. 79 § 1, 1996).

19.15.700 Home occupation.

"Home occupation" means any activity conducted primarily for financial gain or profit in the principal residence or a permitted accessory structure, which is clearly incidental and secondary to the residential use of the property. An activity inconsistent with the performance standards of this chapter shall be subject to the provisions of this code, even if such activity is conducted without monetary compensation or on a not-for-profit basis.

(Ord. 98 § 1, 1996; Ord. 79 § 1, 1996).

19.15.710 Hotel.

"Hotel" means a building in which there are five or more guest rooms where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite.

(Ord. 79 § 1, 1996).

19.15.720 Industrial pretreatment facility.

"Industrial pretreatment facility" means treatment devices and structures used for the treatment of industrial wastewater prior to being released into a wastewater collection or conveyance system.

(Ord. 79 § 1, 1996).

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19.15.730 Inoperable vehicle.

An "inoperable vehicle" is any type of vehicle which is apparently inoperable or which requires repairs in order to be operated legally on public roads. Repairs include, but are not limited to, replacement of a window, windshield, wheel, tire, motor, or transmission.
(Ord. 98 § 1, 1996; Ord. 79 § 1, 1996).

19.15.740 Interim propane storage system.

"Interim propane storage system" means propane storage facilities serving one or more customers on an interim basis unit extension of natural gas service is feasible.
(Ord. 79 § 1, 1996).

19.15.750 Kennel.

"Kennel" means a house, enclosure, or other structure in which any combination of six or more dogs or cats that individually exceed seven months of age are kept for breeding, sale, training, boarding, or sporting purposes, or are kept or cared for as pets or for any other purpose.
(Ord. 79 § 1, 1996).

19.15.760 Kitchen.

"Kitchen" means any room or rooms, or portion of a room or rooms, used or intended or designed to be used for cooking or the preparation of food.
(Ord. 79 § 1, 1996).

19.15.770 Landfill.

"Landfill" means a solid waste facility for the permanent disposal of solid wastes in or on the land and which needs a solid waste permit under Chapter 70.95 RCW.
(Ord. 79 § 1, 1996).

19.15.780 Landfill, demolition.

"Demolition landfill" means a solid waste facility for the permanent disposal of demolition wastes resulting from the demolition or razing of buildings, roads and other manmade structures. Demolition waste consists of, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel and minor amounts of other materials. Plaster or other materials likely to produce leachate is not demolition waste.
(Ord. 79 § 1, 1996).

19.15.790 Landfill, inert.

"Inert landfill" means a solid waste facility for the permanent disposal of inert materials which are noncombustible and nondangerous wastes likely to retain their physical and chemical structure including resistance to biological and chemical attack from acidic rainwater.
(Ord. 79 § 1, 1996).

19.15.800 Landfill, municipal solid waste.

"Municipal solid waste landfill" means a solid waste facility for the permanent disposal of mixed household, commercial or industrial waste from municipal sources delivered by hauling companies or self-hauled by residents or businesses.
(Ord. 79 § 1, 1996).

19.15.810 Landfill, special waste.

"Special waste landfill" means a solid waste facility for the permanent disposal of one specific type of waste of limited, known and consistent composition such as an ash monofill, a land-spreading disposal facility for biosolids, problem waste landfill or any facility which is not previously defined but is permitted with a solid waste permit as a "limited purpose landfill."
(Ord. 79 § 1, 1996).

19.15.820 Landfill, woodwaste.

"Woodwaste landfill" means a solid waste facility with 2,000 cubic yards or more of capacity for the permanent disposal of woodwaste which does not contain chemical preservatives. This does not include woodwaste landfills on forest lands regulated under the Forest Practices Act but does include facilities which use woodwaste as a component of fill.
(Ord. 79 § 1, 1996).

19.15.830 Livestock.

"Livestock" means all cattle, sheep, goats, or animals of the bovidae family; all horses, mules, or animals of the equidae family; all pigs, swine, or animals of the suidae family; and ostriches, rhea, and emu.
(Ord. 79 § 1, 1996).

19.15.840 Lodging and rooming house.

"Lodging and rooming house" means a building with not more than four guest rooms where meals (with or without lodging) are provided for compensation for not more than 10 persons. Guest rooms numbering five or more shall constitute a hotel.
(Ord. 79 § 1, 1996).

19.15.850 Lot.

"Lot" means a designated parcel, tract, or area of land established by plat, subdivision or as oth-

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erwise permitted by law to be used, developed or built upon as a unit.
(Ord. 79 § 1, 1996).

19.15.860 Lot area.

"Lot area" means the total area within the lot lines of a lot, excluding any right-of-way. For the purposes of this regulation, any portion of a lot lying within a right-of-way or below the ordinary high water mark or lawfully constructed bulkhead may not be included in a lot area or density calculation.
(Ord. 98 § 1, 1996; Ord. 79 § 1, 1996).

19.15.870 Lot, corner.

"Corner lot" means a lot situated at the intersection of two or more street rights-of-way having an interior angle of less than 135 degrees. On a corner lot, all yards abutting street rights-of-way shall be considered front yards. See Figure 1.*
(Ord. 79 § 1, 1996).

* Code reviser's note: Figure 1 can be found at the end of Chapter 19.15 in Ordinance 79, a copy of which is available in the office of the city clerk.

19.15.880 Lot, interior.

"Interior lot" means a lot other than a corner lot. See Figure 1.*
(Ord. 79 § 1, 1996).

* See note in UPMC 19.15.870.

19.15.890 Lot, pipestem.

"Pipestem lot" means a lot which gains street right-of-way access by way of a driveway easement or lot extension which is too narrow to be built upon. When a pipestem-shaped lot abuts two or more street rights-of-way it shall not meet this definition of a pipestem lot. Lot dimension, lot area, and setback requirements shall be exclusive of the access stem. See Figure 1.*
(Ord. 79 § 1, 1996).

* See note in UPMC 19.15.870.

19.15.900 Lot, through.

"Through lot" means a lot that fronts upon two parallel street rights-of-way or that fronts upon two street rights-of-way that do not intersect at the boundaries of the lot. See Figure 1.*
(Ord. 79 § 1, 1996).

* See note in UPMC 19.15.870.

19.15.910 Lot line.

"Lot line" means a line of record bounding a lot that divides one lot from another lot or from a public or private street right-of-way or any other public space. See Figure 1.*
(Ord. 79 § 1, 1996).

* See note in UPMC 19.15.870.

19.15.920 Lot line, front.

"Front lot line" means the portion of a lot line abutting a street right-of-way. See Figure 1.*
(Ord. 79 § 1, 1996).

* See note in UPMC 19.15.870.

19.15.930 Lot line, rear.

"Rear lot line" means the lot line opposite and most distant from the front lot line. See Figure 1.*
(Ord. 79 § 1, 1996).

* See note in UPMC 19.15.870.

19.15.940 Lot line, side.

"Side lot line" means any lot line other than a front or rear lot line. See Figure 1.*
(Ord. 79 § 1, 1996).

* See note in UPMC 19.15.870.

19.15.950 Lot of record.

"Lot of record" means an area of land designated as a lot on the plat or subdivision recorded or registered, pursuant to statute, with the auditor of Pierce County.
(Ord. 79 § 1, 1996).

19.15.960 Major tenant improvement.

"Major tenant improvement" shall mean improvements to the interior and/or exterior of a structure which within a 12-month period exceeds a cumulative value of 25 percent of the assessed value as assessed by the county assessor's office of the structure.
(Ord. 148 § 1, 1997; Ord. 79 § 1, 1996).

19.15.970 Manufactured home.

"Manufactured home" means a factory-assembled structure intended solely for human habitation, which has sleeping, eating and plumbing facilities, that is being used for residential purposes, that was constructed in accordance with the HUD Federal Manufactured Housing Construction and Safety Standards Act in effect at the

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time of construction, and that is constructed in a way suitable for movement along public highways. (Ord. 79 § 1, 1996).

19.15.980 Massage parlor.

"Massage parlor" means an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered; this would include sensitivity studios, body painting studios, exercise studios, conversation studios, companionship studios, exotic dance studios, dating services or any other business title in which massage is a principal activity or principal purpose of the building. The title or name of the business cannot be used as a ruse to circumvent this definition. This definition shall not be construed to include a hospital, nursing home, medical clinic, medical practitioner or the office of a physician, surgeon, chiropractor, osteopath, physical therapist, or by a massage practitioner, licensed by the state pursuant to Chapter 18.108 RCW and whose principal activity is to treat the sick, injured, or infirm, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad, or a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational and athletic facilities.
(Ord. 79 § 1, 1996).

19.15.990 Miniwarehouse.

"Miniwarehouse" means a facility consisting of separate storage units which are rented to customers having exclusive and independent access to their respective units for storage of residential or commercial oriented goods.
(Ord. 79 § 1, 1996).

19.15.1000 Mobile home.

"Mobile home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, that was constructed prior to June 15, 1976.
(Ord. 79 § 1, 1996).

19.15.1010 Mobile home/manufactured home park.

"Mobile home/manufactured home park" means a tract of land designed and maintained under a single ownership of unified control where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes for residential purposes with or without charge. A mobile home or manufactured home park shall not include mobile home or manufactured home subdivisions or recreational vehicle parks.
(Ord. 79 § 1, 1996).

19.15.1020 Moderate risk waste fixed facility.

"Moderate risk waste fixed facility" means a solid waste transfer facility needing a solid waste permit which specializes in the collection of household hazardous waste for packaging for transport to a disposal facility for recycling. It may collect limited amounts of hazardous waste from small quantity generators (SQGs) who are businesses which generate hazardous waste in quantities below the threshold for regulation under Washington dangerous waste regulations (Chapter 70.105 RCW).
(Ord. 79 § 1, 1996).

19.15.1030 Modular home.

"Modular home" shall mean a dwelling that is designed for human habitation and is either entirely or substantially prefabricated or assembled at a place other than a building site and meets all of the requirements of Chapter 296-150A WAC. Modular homes are also commonly referred to as factory built housing, and for purposes of this title a modular home is considered single- and two-family housing.
(Ord. 79 § 1, 1996).

19.15.1040 Motel.

"Motel" means a group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached to or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients, and such words shall include tourist courts, motor courts, automobile court, automobile camp, and motor lodges. A unit in a motel having kitchen facilities shall constitute a dwelling unit and shall be subject to all of the provisions and requirements of this code governing dwelling units for the zone in which the establishment is located, but never less than the requirements of the heaviest multiple-dwelling zone.
(Ord. 79 § 1, 1996).

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19.15.1050 Mount.

"Mount" means the structure or surface upon which personal wireless telecommunication facilities are mounted. There are three types of mounts:

A. Building Mounted. A personal wireless service facility mount fixed to the roof or side of a building.

B. Ground Mounted. A personal wireless service facility mount fixed to the ground, such as a tower.

C. Structure Mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.
(Ord. 153 § 1, 1997).

19.15.1060 Multifamily.

"Multifamily" means a structure containing three or more dwelling units, with the units joined to one another. Multifamily includes three or more dwelling units on a single lot or parcel, except as specifically provided in mobile home parks and planned development districts.
(Ord. 98 § 1, 1996; Ord. 79 § 1, 1996).

19.15.1070 Multifamily, ground level.

"Ground level multifamily" means a multifamily structure containing more than two dwelling units each of which have ground floor access and are joined to one another only by party walls. Examples of ground level multifamily include townhouses, single-story triplexes and fourplexes.
(Ord. 79 § 1, 1996).

19.15.1080 Multifamily, multiple level.

"Multiple level multifamily" means a multifamily structure containing three or more dwelling units and where such units are joined to one another by party walls and ceilings/floors and do not all have ground floor access. Examples of multiple level multifamily include garden apartments, midrise apartments and two-story triplexes and fourplexes.
(Ord. 79 § 1, 1996).

19.15.1090 Nonconforming development.

"Nonconforming development" means a contiguous area developed, operated and maintained as a single entity accommodating commercial, industrial or multifamily uses, or a combination of such uses, with common areas and accessory uses which were legal when established but does not conform to the current parking, loading, access, landscaping, screening, open space or design requirements of the zone classification in which it is located.
(Ord. 79 § 1, 1996).

19.15.1100 Nonconforming lot.

"Nonconforming lot" means a lot which does not conform to the design or density requirements of the zone classification in which it is located. A nonconforming lot is a lot that was legal when brought into existence or was made nonconforming by an acquisition of land in the public interest.
(Ord. 79 § 1, 1996).

19.15.1110 Nonconforming structure.

"Nonconforming structure" means a building or structure which was legal when established but does not conform to current development standards including, but not limited to, design, height, setback or coverage requirements of the zone classification in which it is located.
(Ord. 79 § 1, 1996).

19.15.1120 Nonconforming use of a structure.

"Nonconforming use of a structure" means a use which is conducted at least partially within a structure and which was allowed when established but does not conform to the uses allowed in the current zone classification in which it is located.
(Ord. 79 § 1, 1996).

19.15.1130 Nonconforming use of land.

"Nonconforming use of land" means a use which does not involve a structure and which was allowed when established but does not conform to the uses allowed in the current zone classification in which it is located.
(Ord. 79 § 1, 1996).

19.15.1140 Nonconforming use permit.

"Nonconforming use permit" means a written decision by the examiner to allow limited exceptions to provisions of nonconforming standards while exercising a special degree of control to ensure mitigation of any use which is incompatible with adjacent uses, the character of the surrounding area and any applicable neighborhood or specific area plans as required by the comprehensive plan.
(Ord. 79 § 1, 1996).

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19.15.1150 Noxious matter.

"Noxious matter" means material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.
(Ord. 79 § 1, 1996).

19.15.1160 Odor control structure.

"Odor control structure" means equipment or structures appurtenant to wastewater conveyance facilities used to lessen the odors of the liquids being transported.
(Ord. 79 § 1, 1996).

19.15.1170 Off-premises sign.

"Off-premises sign" shall mean any sign identifying a use, facility, or service which is not located on the premises, any sign identifying a product which is not produced, sold, or manufactured on the premises, and any sign which advertises or otherwise directs attention to a product, service, or activity, event, person, institution, or business which may or may not be identified by a brand name and which occurs or is generally conducted or offered elsewhere than on the premises where such sign is located.
(Ord. 79 § 1, 1996).

19.15.1180 Official controls.

"Official controls" means legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of the county, and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan.
(Ord. 79 § 1, 1996).

19.15.1190 Off-site treatment and storage facility.

"Off-site treatment and storage facility" shall mean a facility that treats or stores hazardous wastes generated on property other than those on which the off-site facility is located.
(Ord. 79 § 1, 1996).

19.15.1200 On-site treatment and storage facility.

"On-site treatment and storage facility" shall means an accessory facility that treats or stores hazardous waste generated or handled on the same geographically contiguous property.
(Ord. 79 § 1, 1996).

19.15.1210 Outdoor advertising display.

"Outdoor advertising display" means any card, paper, cloth, metal, glass, wooden, or other display or device of any kind or character which is placed for outdoor advertising purposes on the ground or on any tree, wall, rock, structure, or other object.
(Ord. 79 § 1, 1996).

19.15.1220 Outdoor advertising structure.

"Outdoor advertising structure" means a structure of any kind of character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising display is, or can be, placed.
(Ord. 79 § 1, 1996).

19.15.1230 Owner occupant.

"Owner occupant" means a property owner, as reflected in title records, that makes his or her legal residence at the site, and actually resides at the site more than six months out of any given year.
(Ord. 79 § 1, 1996).

19.15.1240 Package wastewater treatment plant.

"Package wastewater treatment plant" means a pre-assembled factory built treatment plant. They can be the size of a motor home or larger.
(Ord. 79 § 1, 1996).

19.15.1250 Park, community.

"Community park" means a park designed for organized activities and sports, although individual and family activities are also encouraged. Community parks usually exceed 10 acres in size, serve an area of at least two to three miles in radius and often have sport fields, water bodies, gardens, nature trails or similar facilities as the central focus of the park. Most often restroom and parking facilities are found at a community park.
(Ord. 79 § 1, 1996).

19.15.1260 Park, linear trail.

"Linear trail park" means a recreation area that has as a primary use hiking, biking, walking, and jogging. In some cases linear trail parks may be used by equestrian groups. The trails within the park may vary in scale and surfacing and may also be used as a means of nonmotorized transportation connecting one destination point to another. Streets, roads and highways with widened shoulders or bike lanes are not included in this category.
(Ord. 79 § 1, 1996).

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19.15.1270 Park, neighborhood.

"Neighborhood park" means a combination playground and park designed primarily for nonsupervised, nonorganized recreation activities. Neighborhood parks are small in size (about three to 10 acres) and serve an area of approximately one-half mile in radius. In general, facilities recommended for a neighborhood park may include a children's playground, picnic facilities, trails, nature areas, tennis courts, an outdoor basketball court and a multi-use field for soccer, youth league baseball, etc. Most often there are no restroom and parking facilities.
(Ord. 79 § 1, 1996).

19.15.1280 Park, regional.

"Regional park" means a large recreation area that serves an entire region. They are usually large in size and often include areas of natural quality suitable for outdoor recreation activities such as golfing, picnicking, boating, fishing, swimming, camping and hiking. If located within an urban area, regional parks may offer a wider range of facilities and activities which serve the entire region. Regional parks usually exceed 40 acres in area. Restroom and parking facilities are most often found at the site.
(Ord. 79 § 1, 1996).

19.15.1290 Parking area.

"Parking area" means an area accessible to vehicles, which area is provided, improved, maintained, and used for the sole purpose of accommodating a motor vehicle.
(Ord. 79 § 1, 1996).

19.15.1300 Parking area, private.

"Private parking area" means an open area other than a street, alley, or other public property, limited to the parking of automobiles of occupants of a dwelling, hotel, motel, apartment hotel, apartment house, boarding house, or lodging house to which these facilities are appurtenant.
(Ord. 79 § 1, 1996).

19.15.1310 Parking area, public.

"Public parking area" means an open area other than a street, alley, or private parking area as defined herein, whether privately or publicly owned, which area is used for the parking of vehicles.
(Ord. 79 § 1, 1996).

19.15.1320 Passive recreation.

"Passive recreation" means an outdoor leisure time activity which usually occurs in a setting that has been preserved, as nearly as possible, in the original or natural condition. Passive recreation may occur in common open lawn areas and, where determined appropriate, critical area buffers, aquifer recharge and flood water storage areas. Activities may include picnicking, sight-seeing, walking, hiking, biking, horseback riding, and nature walks. Accessory structures associated with passive recreation include playground equipment, picnic shelters and tables, barbecue pits, exercise stations, restroom facilities, benches, directory signs, garbage containers, and landscaped areas.
(Ord. 79 § 1, 1996).

19.15.1330 Pasture land.

"Pasture land" means property on which grass or other plants grow and are used as food for grazing animals.
(Ord. 79 § 1, 1996).

19.15.1340 Personal wireless telecommunication facilities.

"Personal wireless telecommunication facilities" shall be defined in the same manner as in Title 47, United States Code, Section 332(c)(7)(C), as they may be amended now or in the future and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.
(Ord. 153 § 1, 1997).

19.15.1350 Planned development district (PDD).

"Planned development district (PDD)" means a flexible zoning concept which provides an opportunity to mold a district so that it creates a more desirable environment and results in a better use of the land than that which could have been provided through the limiting standards provided in the regular zoning classifications.
(Ord. 79 § 1, 1996).

19.15.1360 Post office, branch.

"Branch post office" means a government operated subdivision of a main post office station serving as a base for one or more carrier routes and providing customary customer postal service.
(Ord. 79 § 1, 1996).

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19.15.1370 Post office, contract station.

"Contract station post office" means a privately operated, limited-service postal facility carried on as adjunct to a principal business or use.
(Ord. 79 § 1, 1996).

19.15.1380 Post office, terminal.

"Terminal post office" means the government operated principal mail handling facility for a postal geographic service area.
(Ord. 79 § 1, 1996).

19.15.1390 Preliminary approval.

"Preliminary approval" means an approval, based upon an application and conceptual plan for a discretionary land use permit, granted by the director or examiner which sets forth certain conditions that must be reflected on final development plans.
(Ord. 79 § 1, 1996).

19.15.1400 Problem waste.

"Problem waste" means soils removed during the cleanup of a remedial action site, dangerous waste site, or other sites with harmful substances, but not designated dangerous wastes, and contaminated dredge spoils.
(Ord. 79 § 1, 1996).

19.15.1410 Public bathhouse.

"Public bathhouse" means an establishment where, for any form of consideration, baths or facilities for baths of any kind whatever are given or furnished for or in expectation of a fee, compensation or monetary consideration including, but not limited to Finnish baths, Russian baths, sauna baths, Swedish baths, Turkish baths, baths by hot air, steam vapor, water or electric cabinet; provided, that "public bathhouse" for this definition does not include such baths or facilities for baths where no attendant or other person administers or holds themselves out as administering massage treatment as defined in this section, either by physical manipulation of the body or by the use of equipment.
(Ord. 79 § 1, 1996).

19.15.1420 Public facilities.

"Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, storm waste facilities, parks and recreational facilities and schools.
(Ord. 79 § 1, 1996).

19.15.1430 Public facility permit.

"Public facility permit" means documented evidence of authority granted by the examiner to locate a public facility at a specific location. Public facilities that are subject to a public facility permit must be identified as needed for meeting planned capacities within a comprehensive utility or facility plan or a land use plan adopted by the city council or other municipal jurisdiction or included within a capital facility plan or capital improvement program adopted by the city council or other municipal jurisdiction.
(Ord. 79 § 1, 1996).

19.15.1440 Pump/lift station.

"Pump/lift station" means the part of a water collection or distribution system which raises water from a lower to a higher elevation.
(Ord. 79 § 1, 1996).

19.15.1450 Recorded.

"Recorded" means, unless otherwise stated, filed for record with the auditor of the county of Pierce, state of Washington.
(Ord. 79 § 1, 1996).

19.15.1460 Recreational vehicle.

"Recreational vehicle" means a structure or vehicle, other than a mobile home, which is permanently designed and intended for use for temporary housing purposes. Recreational vehicles shall include, but not necessarily be limited to, campers, motor homes, and travel trailers.
(Ord. 79 § 1, 1996).

19.15.1470 Recreational vehicle park.

"Recreational vehicle park" means a tract of land under single ownership or unified control developed with individual sites for rent and containing roads and utilities to accommodate recreational vehicles or tent campers for vacation or other similar short stay purposes.
(Ord. 79 § 1, 1996).

19.15.1480 Recycling collection site.

"Recycling collection site" means a site with collection boxes or other containerized storage where citizens can leave materials for recycling.
(Ord. 79 § 1, 1996).

19.15.1490 Recycling processor.

"Recycling processor" means any large scale buy-back recycling business or other industrial activity which specializes in collecting, storing and processing any waste, other than hazardous

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waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing. It may be a facility where commingled recyclables are sorted, baled or otherwise processed for transport off-site which is referred to as a "clean" materials resource recovery facility (MRF).
(Ord. 79 § 1, 1996).

19.15.1500 Religious assembly, place of.

"Place of religious assembly" means an establishment the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, and including accessory uses in the main building or in separate buildings or structures, including religious educational class rooms, assembly rooms, kitchen, library room or reading room, recreation hall, and a one-family dwelling unit, but excluding facilities for residence or for training of religious orders.
(Ord. 79 § 1, 1996).

19.15.1510 Remote switching unit.

"Remote switching unit" means a device or group of devices in a telephone system having the necessary equipment for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interfacilities trunks, normally dependent on one or more central office switching units for full operability.
(Ord. 79 § 1, 1996).

19.15.1520 Right-of-way.

"Right-of-way" means a strip of land held in an easement or separate tract which is occupied or dedicated to be occupied by a public street or railroad, together with property reserved for utilities, transmission lines and extensions, walkways, sidewalks, bikeways, equestrian trails, and other similar uses.
(Ord. 148 § 1, 1997; Ord. 79 § 1, 1996).

19.15.1530 Septage.

"Septage" means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.
(Ord. 79 § 1, 1996).

19.15.1540 Service provider.

"Service provider" means the department, district or agency responsible for providing the specific public facility or service.
(Ord. 79 § 1, 1996).

19.15.1550 Setback.

"Setback" means the minimum required distance between any structure and a specified line such as a lot, public right-of-way, private road, easement or buffer line that is required to remain free of structures unless otherwise provided herein.
(Ord. 148 § 1, 1997; Ord. 79 § 1, 1996).

19.15.1560 Sewage system, on-site.

"On-site sewage system" means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on adjacent or nearby property under control of the user where the system is not connected to a public or approved private sewer system.
(Ord. 79 § 1, 1996).

19.15.1570 Sewage conveyance system.

"Sewage conveyance system" means pipelines, culverts, and appurtenances which transport wastewater and sewage from points of origin to wastewater treatment plants, or which convey treated wastewater to points of discharge. Also called wastewater conveyance systems.
(Ord. 79 § 1, 1996).

19.15.1580 Sign.

"Sign" means any device, structure, fixture or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols or written copy for the purpose of advertising or identifying any establishment, product, goods, or service.
(Ord. 79 § 1, 1996).

19.15.1590 Single-family, detached.

"Detached single-family" means a dwelling unit that is not attached to another dwelling unit by any means.
(Ord. 79 § 1, 1996).

19.15.1600 Small animals.

"Small animals" means all animals and birds except for livestock and exotics.
(Ord. 79 § 1, 1996).

19.15.1610 Soil.

"Soil" means the surface layer of earth supporting plant life.
(Ord. 79 § 1, 1996).

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19.15.1620 Soil treatment facility.

"Soil treatment facility" means a solid waste facility which utilizes bioremediation, a thermal desorption process, or similar processes to treat petroleum contaminated soil or vactor waste for reuse or final disposal.
(Ord. 79 § 1, 1996).

19.15.1630 Solid waste.

"Solid waste" means all wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, sludge from wastewater treatment plants, septage from septic tanks, woodwastes, dangerous wastes, and problem wastes.
(Ord. 79 § 1, 1996).

19.15.1640 Special use permit.

"Special use permit" means an approval by the examiner for those types of development proposals which, due to the nature of the project, involve judgment or discretion in determining compliance with the approval requirements. Development proposals subject to special use permits include, but are not limited to, conditional use, public facilities, preliminary and final plats, nonconforming use, planned development district, site plan review, shoreline substantial development, shoreline conditional use, shoreline nonconforming use, shoreline variance, and variance.
(Ord. 79 § 1, 1996).

19.15.1650 Specified anatomical areas.

As used herein, "specified anatomical areas" means and includes any of the following: 1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or 2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
(Ord. 79 § 1, 1996).

19.15.1660 Specified sexual activities.

As used herein, "specified sexual activities" means and includes any of the following: 1) the fondling or other erotic or intentional touching of human genitals, pubic region, buttocks, anus, or female breast; 2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; 3) masturbation, actual or simulated; or 4) excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this subsection.
(Ord. 79 § 1, 1996).

19.15.1670 Stable, private.

"Private stable" means an accessory building for the keeping of more than three horses, cows, or other similar domestic animals owned by the occupants of the premises and not kept for remuneration, hire, or sale.
(Ord. 79 § 1, 1996).

19.15.1680 Storm water conveyance facilities.

"Storm water conveyance facilities" means features such as gutters, pipelines, culverts, manholes, weirs, manmade and natural channels, water quality filtration systems and drywells.
(Ord. 79 § 1, 1996).

19.15.1690 Storm water multiple use facilities.

"Storm water multiple use facilities" means storm water pond facilities that are also developed to allow uses such as parks, recreational, educational and research structures and activities.
(Ord. 79 § 1, 1996).

19.15.1700 Structure.

"Structure" means anything that is constructed in or on the ground or over water, including any edifice, gas or liquid storage tank, and any piece of work artificially built up or composed of parts and joined together. For the purposes of this regulation, structure does not include paved areas, fill, or any vehicle.
(Ord. 79 § 1, 1996).

19.15.1710 Surface mine/mining.

"Surface mine" shall mean any area or areas within one-half mile to each other, where extraction of minerals from the surface results in removal of 5,000 cubic yards of material, or more than three acres of disturbed area, or mined slopes greater than 30 feet high and steeper than one-foot horizontal to one-foot vertical, or more than one acre of disturbed area within an eight or greater acre area when the disturbed area results from mineral prospecting or exploration activities. Surface mines include areas where mineral extraction from the surface occurs by the auger method or by reworking mine refuse or tailings, when these activities exceed the quantity, size, or height threshold listed above. "Surface mining" shall not include excavations and grading for the

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purpose of public safety or restoring the land following a natural disaster.
(Ord. 79 § 1, 1996).

19.15.1720 Telecommunications radio relay station.

"Telecommunications radio relay station" means a facility continuing structure and equipment for the transmission of telecommunications messages between telephone system facilities, by microwave radio or similar technologies.
(Ord. 79 § 1, 1996).

19.15.1730 Temporary housing unit, construction.

"Construction temporary housing unit" means a mobile or manufactured home or recreational vehicle which is placed on a lot or tract of land for the purpose of providing temporary housing for an individual or a representative who is in the process of constructing a permanent use or structure on the same lot or tract in accordance with a valid building permit.
(Ord. 79 § 1, 1996).

19.15.1740 Temporary housing unit, family.

"Family temporary housing unit" means a mobile or manufactured home which is proposed to be located temporarily on a lot, parcel or tract of land. The lot's, parcel's, or tract's principal use shall be a single-family detached dwelling. The temporary housing unit shall be occupied by the parent or parents of the occupants of the dwelling, or not more than one individual who is a close relative of the occupants of the principal dwelling. An occupant of the temporary housing unit because of age, disability, prolonged infirmity, or other similar incapacitation is unable to independently maintain a separate type of residence without human assistance.
(Ord. 79 § 1, 1996).

19.15.1750 Temporary housing unit, public facility.

"Public facility temporary housing unit" means a single-wide mobile home or manufactured home to be used at public schools, fire stations, and parks for the purpose of providing on-site security, surveillance, and improved service at public facilities.
(Ord. 79 § 1, 1996).

19.15.1760 Toxic materials.

"Toxic materials" means those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.
(Ord. 79 § 1, 1996).

19.15.1770 Tract.

"Tract" means any parcel of land, lot, building site, or contiguous combination thereof devoted to or intended to be devoted to a principal use and any other uses customarily accessory thereto.
(Ord. 79 § 1, 1996).

19.15.1780 Trailer, automobile commercial.

"Automobile commercial trailer" means a vehicle without motor power designed to be drawn by a motor vehicle and which trailer is used or is to be used for carrying goods and property.
(Ord. 79 § 1, 1996).

19.15.1790 Transfer station.

"Transfer station" means a solid waste facility needing a solid waste permit which is a permanent, fixed supplemental collection and transportation facility, used by person and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a disposal facility. It may include baling or compaction activities or recycling facilities.
(Ord. 79 § 1, 1996).

19.15.1800 Transfer station, drop box.

"Drop box transfer station" means a solid waste facility needing a solid waste permit which is used for placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. The facility normally serves the general public with loose loads and receives waste from off-site.
(Ord. 79 § 1, 1996).

19.15.1810 Two-family.

"Two-family" means two dwelling units within the same building. Two-family housing types are also known as duplexes.
(Ord. 98 § 1, 1996; Ord. 79 § 1, 1996).

19.15.1820 Unlisted words and phrases.

"Unlisted words and phrases" means the definition of any word or phrase not listed in this chapter which is in question when administering this regulation shall be defined from one of the following sources which are incorporated herein by reference. Said sources shall be utilized by finding the desired definition from source number one, but if it is not available there, then source number two

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may be used and so on. The sources are as follows:

A. City development regulations;

B. Any city resolution, ordinance, code or regulations;

C. Any statute or regulation of the state of Washington (i.e., the most applicable);

D. Legal definitions from case law or a law dictionary;

E. The common dictionary.
(Ord. 79 § 1, 1996).

19.15.1830 Urban open space.
"Urban open space" means an area in an urban zone classification which is permanently dedicated to remain unimproved in public or private ownership. Urban open space serves as a visual relief in the built environment and may be characterized by undisturbed natural vegetation or areas intended for passive recreation uses.
(Ord. 79 § 1, 1996).

19.15.1840 Use.
"Use" means the purpose or activity for which land or buildings are arranged, or intended, or for which land or buildings are occupied or maintained and shall include any manner of performance of such activity with respect to the performance standards of this zoning code.
(Ord. 79 § 1, 1996).

19.15.1850 Use category.
"Use category" means a group of similar use types that are associated with each other to such an extent that they perform a specific land use function. Use categories are: civic, commercial, essential public facilities, office/business, industrial, residential, resource, and utilities.
(Ord. 79 § 1, 1996).

19.15.1860 Use, permitted.
"Permitted use" means any use allowed in a zoning classification and subject to the restrictions applicable to the specific use.
(Ord. 79 § 1, 1996).

19.15.1870 Use, principal.
"Principal use" means the primary or predominant use of any lot or parcel.
(Ord. 79 § 1, 1996).

19.15.1880 Use type.
"Use type" means a group of similar uses that are fundamentally related to each other, contain equivalent characteristics, and which fall within the same use category.
(Ord. 79 § 1, 1996).

19.15.1890 Utility or public maintenance facility.
"Utility or public maintenance facility" means facilities for open and enclosed storage, and maintenance of vehicles, equipment, or related materials used in a utility or public facility.
(Ord. 79 § 1, 1996).

19.15.1900 Variance.
"Variance" means an adjustment to the development standards of the zoning regulation, that does not apply to use, that is reviewed and approved, modified, or denied by the examiner after at least one public hearing or the director after obtaining an administrative use permit.
(Ord. 79 § 1, 1996).

19.15.1910 Waste separation and recovery facility.
"Waste separation and recovery facility" means a solid waste facility needing a solid waste permit where mixed solid waste is collected and processed to segregate recyclable components from that portion of the waste stream which is to be permanently disposed. It may be referred to as a materials resource recovery facility (MRF) or as a "dirty MRF."
(Ord. 79 § 1, 1996).

19.15.1920 Waste to energy (WTE) facility.
"Waste to energy (WTE) facility" means any solid waste facility designed as a combustion plant to dispose of solid waste or to recover energy in a usable form from mass burning, refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste and which requires a solid waste permit under Chapter 70.95 RCW.
(Ord. 79 § 1, 1996).

19.15.1930 Waste to energy facility, municipal solid.
"Municipal solid waste to energy facility" means a combustion plant specializing in disposal of or energy recovery from mixed waste from municipal sources.
(Ord. 79 § 1, 1996).

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19.15.1940 Waste to energy facility, special.

"Special waste to energy facility" means a combustion plant designed to burn more than 12 tons per day and specializing in disposal of or energy recovery from a single type of waste of known and consistent composition, other than municipal waste, such as tires or infectious waste.
(Ord. 79 § 1, 1996).

19.15.1950 Wastewater.

"Wastewater" means water carrying waste from domestic, commercial or industrial facilities together with other waters which may inadvertently enter the sewer system through infiltration and inflow.
(Ord. 79 § 1, 1996).

19.15.1960 Wastewater transfer facility.

"Wastewater transfer facility" means equipment, structures, driving and parking surfaces, and appurtenances used for loading wastewater for transport to wastewater treatment facilities.
(Ord. 79 § 1, 1996).

19.15.1970 Water purification facility.

"Water purification facility" means treatment plants or facilities for disinfecting water.
(Ord. 79 § 1, 1996).

19.15.1980 Yard.

"Yard" means a space defined by the required setback on any lot, unoccupied by a structure and unobstructed from the ground upward except as otherwise provided herein.
(Ord. 79 § 1, 1996).

19.15.1990 Yard, front.

"Front yard" means a yard lying between the minimum setback line for a structure and the front lot line and extending across the full width of the lot. See Figure 5, UPMC 19.35.020.*
(Ord. 79 § 1, 1996).

* Code reviser's note: Figure 5 can be found in § 19.35.020 of Ordinance 79, available in the office of the city clerk.

19.15.2000 Yard, rear.

"Rear yard" means a yard lying between the minimum setback line for a structure and the rear lot line and extending across the full width of the lot. See Figure 5, UPMC 19.35.020.*
(Ord. 79 § 1, 1996).

* See note in UPMC 19.15.1990.

19.15.2010 Yard, side.

"Side yard" means all yards except front yards and rear yards. See Figure 5, UPMC 19.35.020. *
(Ord. 79 § 1, 1996).

* See note in UPMC 19.15.1990.

19.15.2020 Zone classification.

"Zone classification" means an area accurately defined as to boundaries and location, and classified by the zoning code as available for certain types of uses and within which other types of uses are excluded.
(Ord. 79 § 1, 1996).

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Chapter 19.25

ZONE CLASSIFICATIONS AND USE TABLES

Sections:

19.25.010 Purpose.
19.25.020 List of zone classifications.
19.25.030 Zoning map.
19.25.050 Interpretation of uses and use tables.
19.25.070 Exempted uses.
19.25.100 Zone classifications and use tables.
19.25.260 Residential use category – Description of use categories.
19.25.270 Civic use category – Description of use categories.
19.25.280 Utilities use category – Description of use categories.
19.25.300 Office/business use category – Description of use categories.
19.25.310 Resource use category – Description of use categories.
19.25.320 Commercial use category – Description of use categories.
19.25.330 Industrial use category – Description of use categories.
19.25.400 Accessory uses and structures.
19.25.500 Temporary uses/temporary housing units.

19.25.010 Purpose.

The purpose of this chapter is to list and describe the zone classifications and their purposes, provide interpretation of uses allowed in each zone classification, and classify uses according to a limited number of categories on the basis of common functional, product or compatibility characteristics.
(Ord. 79 § 1, 1996).

19.25.020 List of zone classifications.

Zones are grouped into urban classifications based on their locations inside of an urban growth boundary. See the table below for a list of zone classifications and their symbols. Descriptions and purposes can be found in UPMC 19.25.100, Zone Classifications and Use Tables.

Zone Classification	Symbol
Moderate Intensity Employment Center	MEC
Community Center	CC
Mixed Use District	MUD
High Density Residential	HRD
Moderate Density Single-Family	MSF

(Ord. 79 § 1, 1996).

19.25.030 Zoning map.

A. Map Established. The official zoning map used as a basis for this zoning regulation shall be maintained by the department of planning and community development. Each property in the City of University Place is classified under this code and is subject to the requirements of this code. Zoning classifications on the official zoning map shall use the symbols shown in UPMC 19.25.020, List of Zone Classifications.

B. Interpretation of Boundaries. When uncertainty regarding zone classification boundaries arises, the following rules shall apply:

1. Where zoning or urban growth boundaries are indicated as following the centerline of streets, alleys or highways, the right-of-way centerline shall be the boundary.

2. Where zoning or urban growth boundaries are indicated as following lot or tract lines, the lot or tract lines shall be the boundary.

3. Unmapped shorelands shall be considered to be within the same zoning classification or urban growth area designation as the adjacent upland.

4. Where a public street or alley is officially vacated or abandoned, the zone classification applicable to the property abutting the vacated portion shall apply to the vacated or abandoned street or alley.

5. Where zoning or urban growth boundaries divide a parcel created prior to August 31, 1995, the entire parcel shall be considered to be within the classification of the majority of the parcel; i.e., the portion which is greater than 50 percent of the lot area.

6. Where these rules do not clarify a boundary issue, the director shall make the determination. The director's determination in these instances may be appealed according to UPMC Title 22, Administration of Development Regulations.
(Ord. 130 § 5 Exh. A, 1996; Ord. 79 § 1, 1996).

19.25.050 Interpretation of uses and use tables.

Use tables are provided for urban zoning classifications in UPMC 19.25.100(F). Zoning classifications are shown across the horizontal axis and use category and type are shown down the vertical axis.

A. Use Categories, Types and Levels. Uses are grouped into eight major categories: residential, civic, utilities, essential public facilities, office/busi-

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ness, commercial, industrial, and resource. Each use category includes a number of use types. Each use type may contain one or more levels. Each level indicates uses based on intensity or characteristics of the use. These use categories, types, and levels are shown on the use tables.

For a description of use categories, types, and levels see UPMC 19.25.250 through 19.25.330.

1. Typical Uses Within Use Types. The description of the use types and associated levels in this chapter contain examples of usual and customary uses. These uses are intended to be typical and are not intended to represent all possible uses.

2. Organization of Uses. In UPMC 19.25.260 through 19.25.330 uses are organized into use categories, use types and levels, which represent typical uses.

Example: Commercial Use Category
Lodging Use Type
Level 2 – Hotels as a typical use

Any use may have accessory uses subordinate to the permitted use.

B. Symbols. The following symbols are employed in the use tables:

1. A blank cell on the table indicates that the use type is not allowed in the zone listed at the top of the column.

2. A "P" in a cell on the table indicates that the use type is permitted outright in the zone listed at the top of the column.

3. A "C" in a cell on the table indicates that the use type is permitted subject to the conditional use provisions specified in UPMC 19.75.030, Conditional Use Permit.

4. An "A" in a cell on the table indicates that the use type is permitted subject to administrative review under the provision specified in UPMC 19.75.020, Administrative Use Permit.

5. A "PFP" in a cell on the table indicates that the use type is permitted subject to a public facilities permit (UPMC 19.75.060, Public Facilities Permit) if the use is provided by a governmental entity to serve a specific public need as identified in the adopted facility plan.

6. A number accompanying a "P", "C", "PFP", or "A" in a cell refers to the level of the use type allowed in the zone listed at the top of the column. If a letter is not accompanied by a number, all levels of that use type are permitted, subject to appropriate review. The description of levels for each use type is contained in UPMC 19.25.250 through 19.25.330.

C. Interpretation by Director. Where there is a question regarding the inclusion or exclusion of a particular proposed use within a particular use category, use type, or use type level, the director shall have the authority to make the final determination. The director's determination in these instances may be appealable according to UPMC Title 22, Administration of Development Regulations.

D. Establishing Use. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. A property may have uses that fall into one or more categories or use type. When more than one use category or use type level apply to one property, each use shall be classified separately.

E. Accessory Uses. Accessory uses are described and regulated in UPMC 19.25.400, Accessory Uses and Structures.

F. Temporary Uses. Temporary uses are described and regulated in UPMC 19.25.500, Temporary Uses/Temporary Housing Units.

G. Number of Uses Permitted. In all regulatory zones there shall be no limit as to the number of principal uses allowed on a lot; provided:

1. Each principal use is permitted in the zone classification;

2. Each principal use meets all pertinent regulatory requirements; and

3. No more than one single-family detached dwelling unit or one two-family dwelling unit shall be permitted as a principal use on any individual lot, except as specifically provided in UPMC 19.35.110, Mobile and Manufactured Home Parks, and UPMC 19.75.050, Planned Development Districts.

(Ord. 130 § 5 Exh. A, 1996; Ord. 79 § 1, 1996).

19.25.070 Exempted uses.

A. Applicability to Other Chapters. Unless otherwise stated, the uses exempted in this section are also exempted from Chapters 19.35, Design Standards; 19.75, Special Use Permits; and 19.85 UPMC, Applications, Concurrency, and Procedures.

B. Uses Exempted From This Chapter. The provisions of this chapter shall not apply to the following uses:

1. On-site and community septic systems;

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2. Storm water conveyance systems which includes features such as gutters, pipelines, culverts, manholes, weirs, manmade and natural channels, water quality filtration systems and drywells;

3. Electrical distribution lines and poles (55 kilovolts and under);

4. Sewerage and water conveyance systems which include underground or flush-with-the-ground features, including but not limited to pipes and manholes;

5. Water, oil, and petroleum gas distribution pipelines;

6. Natural gas distribution lines (as opposed to transmission lines) and necessary appurtenant facilities and hookups;

7. Cable, fiber optic, or telephone transmission and distribution lines, poles and appurtenances (not including personal wireless telecommunication facilities; see UPMC 19.25.280, Utilities Use Category – Description of Use Categories);

8. Streets and linear trails when located in existing rights-of-way;

9. Fertilizer applications and biosolids applications at or below agronomic rates. (Ord. 153 § 2, 1997; Ord. 79 § 1, 1996).

19.25.100 Zone classifications and use tables.

A. Employment Centers.

1. Purpose. To designate adequate industrial areas to meet the needs of a growing jobs-based economy.

2. Description. An employment center is a concentration of office parks, manufacturing, other industrial development, or a combination of activities. It may also include commercial development as a part of the center, so long as the commercial development is incidental to the employment activities of the center and supports and serves the needs of the workforce. There is the following employment center zone classification: moderate intensity employment centers.

a. Moderate Intensity Employment Centers. The moderate intensity employment center zone classification accommodates lighter industrial type uses, warehousing and corporate offices which have a low impact on the surrounding uses.

B. Community Centers.

1. Purpose. To provide for major concentrations of employment, shopping, services and multifamily housing.

2. Description. The community center zone classification has, as its focus, a significant commercial traffic generator, around which develops a concentration of other commercial office and service developments. The commercial activity within the center is directed to a customer base drawn from more than one neighborhood, but should be at a scale which is residential areas.

C. Urban Districts.

1. Purpose. To allow multifamily, office, and other commercial uses that provide economic diversity and housing opportunities near transit routes and business activity.

2. Description. There are two urban districts zone classifications: mixed use districts and high density residential districts.

a. Mixed Use Districts. The mixed use district zone classification includes areas that are concentrations of commercial, office and multifamily developments located along major arterials.

b. High Density Residential Districts. The high density residential district zone classification includes areas that are composed of multifamily and high density single-family housing which are located along major arterials, state highways and major transit routes that connect to activity, community or employment centers.

D. Residential.

1. Purpose. To provide for single-family and two-family dwelling unit living in a residential environment.

2. Description. One urban residential zone classification is included in title, moderate density single-family.

a. Moderate Density Single-Family. The moderate density single-family zone classification covers geographic areas located within but which fall outside of an employment center, urban center or urban district. The primary use of the classification is single and two-family residential.

E. Overlay Zones. (Reserved)

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F. Zone Classifications Use Tables.

ZONE CLASSIFICATIONS						
Use Categories and Use Types	Employment Center	Urban Centers	Urban Districts		Urban Residential	Overlays
	Moderate Intensity Employment Center	Community Center	Mixed Use District	High Density Residential	Moderate Density Single-Family	Lonestar Study Area
	MEC	**CC**	**MUD**	**HRD**	**MSF**	
Residential Use Category						
Fraternity or Sorority House			P	P	C	
Group Home				C		
Mobile/Manufactured Home			P*	P*		
Mobile Home Park			P	C		
Multifamily Housing			P	P		
Nursing Home		P	P	P	C	
Senior Housing		P	P	P	C	
Single- and Two-Family Housing		P	P	P	P	
Civic Use Category						
Administrative Government Services	P	P	P			PFP
Day Care Centers		P	P	P	C	
Community and Cultural Services		P	P	P1, C2	C	
Education Facilities		P1, C2, PFP	P1, C2, PFP	P1, PFP	P1, PFP	
Health Services	P	P	P			
Postal Services		P1	P1			
Recreation – Nonprofit		C1, PFP	C1, PFP	C1, PFP	PFP	PFP
Religious Assembly		P	P	P1, C2	P1, C2	
Safety Services and Animal Control	P1, 2	P1, C2	P1, C2	C1	C1	
Transportation	P1	P1, C2, PFP2	P1, C2, PFP2	P1	P1	
Utility and Public Maintenance Facilities	P	P1, C2, PFP	P1, C2, PFP		C, PFP	PFP
Utilities Use Category						
Communication and Personal Wireless Telecommunication Facilities	P1, A2, 3, C4	P1, A2, 3, C4, PFP4	P1, A2, 3, C4	C1, 2, 3, PFP3, 4	C1, 2, 3, PFP3, 4	
Electrical Facilities	P	P	P	P1	C	
Natural Gas Facilities	P1, 2, 3, C4	P1, 2	P1, 2	P1	P1	
Organic Waste Processing Facilities						PFP1
Pipelines	P	P	P	P	P	
Sewage Collection Facilities	P	P	P	P	P	PFP
Sewage Treatment Facilities						PFP
Storm Water Facilities	P1, 2, PFP3	P1, 2, PFP3	P1, 2, PFP3	P1, 2, PFP3	P1, 2, PFP3	
Waste Transfer Facilities	P1, C	P1	P1	P1	P1	
Water Supply Facilities	P1, C2	P1, C2, PFP2	P1, C2, PFP2	P1, C2, PFP2	P1, C2, PFP2	

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ZONE CLASSIFICATIONS						
Use Categories and Use Types	Employment Center	Urban Centers	Urban Districts		Urban Residential	Overlays
	Moderate Intensity Employment Center	Community Center	Mixed Use District	High Density Residential	Moderate Density Single-Family	Lonestar Study Area
	MEC	**CC**	**MUD**	**HRD**	**MSF**	
Essential Public Facilities Use Category (Reserved)						
Office/Business Use Category						
Administrative and Professional Offices	P1, 2	P1, C2	P1, C2			
Educational Services	P1, C2	P1, C2	P1, C2			
Resource Use Category						
Agricultural Sales		P1	P1			
Animal Production/Boarding					P	
Crop Production					P	
Commercial Use Category						
Adult Business	C					
Amusements and Recreation		C	C			
Building Materials and Garden Supplies		P1, C2	P1, C2			
Bulk Fuel Dealers	C					
Business Services	P	C	C			
Buy-Back Recycling Center	C					
Commercial Centers	C	C	C			
Eating and Drinking Establishment		P	P1, C2, 3			
Food Stores		P1, 2, C, 3	P1, C2, 3			
Lodging		C2	C2			
Mobile, Manufactured and Modular Home Sales	C					
Motor Vehicle and Related Equipment Sales, Rental, Repair and Service	P1, 2, C3, 4	P1	P1			
Personal Services	P	P1, C2	P, C2			
Storage	P	C	C			
Pet Sales and Service	P	P1, C2	P1, C2			
Rental and Repair Services	P	P1, C2	P1, C2			
Sales of General Merchandise	P1, 2, C3	P1, 2, C3	P1, 2, C3			
Wholesale Trade	P1, C2	C	C1			
Industrial Use Category						
Contractor Yards	P					
Food and Related Products	P	C1				
Industrial Services and Repair	C					
Limited Manufacturing	P1					
Motion Picture, Television and Radio Production Studios	P	C				

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ZONE CLASSIFICATIONS						
Use Categories and Use Types	Employment Center	Urban Centers	Urban Districts		Urban Residential	Overlays
	Moderate Intensity Employment Center	Community Center	Mixed Use District	High Density Residential	Moderate Density Single-Family	Lonestar Study Area
	MEC	**CC**	**MUD**	**HRD**	**MSF**	
Printing, Publishing and Related Industries	P	C1				
Salvage Yards/Vehicle Storage Facilities	P1, C					
Warehousing, Distribution and Freight Movement	C1					

P	Permitted.
PFP	If provided by a governmental entity to serve a specific public need as identified in the adopted facility plan, a public facilities permit is required. Otherwise, the use is allowed according to the applicable symbol.
C	Requires conditional use permit.
Number	Refers to the level of use type allowed. See UPMC 19.25.250 through 19.25.330. When no number is present, all levels of the use type are allowed.
A	Requires administrative review.

(Ord. 153 § 3, 1997; Ord. 86 § 1, 1996; Ord. 79 § 1, 1996).

19.25.260 Residential use category – Description of use categories.

The residential use category includes permanent or transient living accommodations for individuals, families or people with special needs. The residential category has been separated into the following types based upon distinguishing features such as: type of structure; number, age and special needs of individuals who reside in the structure; and state and local licensing requirements.

A. Fraternity and Sorority House. Fraternity and sorority use type refers to living accommodations for unrelated individuals belonging to a fraternity or sorority who share a residential structure in affiliation with a school of higher education.

B. Group Home. Group home use type refers to living accommodations for related or unrelated individuals with special needs who share a single-family detached dwelling unit. Individuals may be provided with a combination of personal care, social or counseling services and transportation. Examples of uses include group homes for the physically/mentally challenged, foster homes, women's shelters, drug abuse rehabilitation, and home-based incarceration for up to 16 individuals. See essential public facilities use category for group living situations involving more than 16 individuals.

C. Mobile Home. Mobile home use type refers to factory-assembled single-wide structures which are equipped with the necessary service connections, and serve as living accommodations for a family.

D. Mobile Home Park. Mobile home park use type refers to developments maintained under single or multiple ownership with unified control, where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes which serve as living accommodations for families. Mobile home parks do not include mobile home subdivisions or recreational vehicle parks.

E. Multifamily Housing. Multifamily use type refers to three or more joined dwelling units or three or more single or two-family dwelling units on an individual lot which provide living accommodations for families. "Ground level multifamily" and "Multiple level multifamily" are forms of multifamily housing.

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F. Nursing Home. Nursing home use type refers to multi-unit or multibed facilities that are licensed or approved to provide living accommodations, health care, and medical supervision for 24 or more consecutive hours.

G. Senior Housing. Senior housing use type refers to living accommodations where at least one member of the family or an individual is age 55 or over and no member of the household is under 18 years of age. Housing types consist of independent living units comprised of grouped multifamily housing where elderly individuals or families reside and care for themselves. Assisted living facilities provide rooms, meals, personal care, supervision of self-administered medication, recreational activities, financial services, and transportation.

H. Single-Family/Two-Family Housing. Single-family/two-family housing use type refers to residential dwelling units, providing living accommodations for individual families, that are either not attached to another dwelling unit by any means or are attached in pairs of two. Single-family and two-family dwelling units include stick-built and modular homes. A two-family housing structure is commonly known as a "duplex."
(Ord. 79 § 1, 1996).

19.25.270 Civic use category – Description of use categories.

Civic use category includes facilities or services that are strongly associated with public need or social importance, such as educational, cultural, medical, protective, and governmental.

A. Administrative Government Facilities and Services. Administrative government facilities and services use type refers to the executive, legislative, judicial, administrative and regulatory activities of local, state, federal, and international governments that may perform public services and work directly with citizens. Typical uses include courthouses, human and social service offices, health offices, and government offices.

B. Day Care Facilities. Day care facilities use type refers to the use of a building or any portion thereof for the care of individuals needing supervision and care on a less than 24-hour basis. The term shall also include facilities commonly known as "day care facilities", "day care centers", and "preschools". Also see UPMC 19.35.070, Day Care Facilities.

C. Community and Cultural Services. Community and cultural services use type refers to establishments primarily engaged in the provision of services that are strongly associated with community, social, or public importance. Typical uses include libraries, museums, art galleries, senior centers, community centers, performing arts theaters, community clubs and organizations, granges, blood banks, food banks, and shelters for the homeless. Also see essential public facilities, residential and commercial use categories.

1. Level 1. Uses that serve primarily the neighborhood in which they are located and are open to the general public on an equal basis, with or without fee. Examples include: community clubs, senior centers, cemeteries, grange halls.

2. Level 2. Uses that generally serve more than one neighborhood and are open to the general public on an equal basis, with or without fee. Examples include: boys and girls clubs, libraries, museums, blood banks, food banks, shelters for the homeless.

3. Level 3. Uses that serve one or more neighborhoods and are restricted to members who are chosen through invitation and their guests. Examples include: fraternal organizations, but excluding fraternities or sororities with on-site living quarters, and private clubs.

D. Education. Education use type refers to educational services provided by public, private or parochial institutions. Typical uses include elementary, junior and senior high schools, community colleges, public and private colleges, universities, and private colleges not otherwise considered business or trade schools. Also see educational services use type under office/business use category.

1. Level 1. Primary and secondary educational facilities such as kindergarten, junior high schools, and high schools.

2. Level 2. Higher educational facilities such as community colleges, public and private colleges, and universities.

E. Health Services. Health services use type refers to any health related facilities and services that are not listed elsewhere such as hospitals, surgical facilities, ambulance services, emergency medical facilities providing 24-hour walk-in services, and respite facilities for the elderly, terminally ill, or handicapped. Also see office/business use category, administrative professional office use type for medical and dental offices.

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F. Postal Services. Postal services use type refers to mailing services provided by the United States Postal Service and including branch post offices, contract stations, terminals and distribution centers. Also see commercial use category, business services use type, and industrial use category, warehouse and distribution use type for courier and parcel delivery.

1. Level 1. Postal facilities serving neighborhoods, such as contract stations or branch offices.

G. Recreation, Nonprofit. Recreation, nonprofit use type refers to publicly owned or nonprofit recreational areas and recreation facilities. Typical uses include neighborhood parks, community parks, regional parks, waterfront parks, open space, arboretums, small or special landscaped areas, community gardens, fairgrounds, zoos and swimming pools. Rest areas associated with major transportation routes would also fall into this category. Also see commercial category, amusement and recreation use type for other types of recreation.

1. Level 1. Neighborhood Parks and Open Space. Neighborhood parks range in size from approximately three to 10 acres. Open space may be unlimited in size and may or may not have public access.

2. Level 2. Community Parks. Community parks exceed 10 acres in size.

3. Level 3. Regional Parks. Regional parks exceed 40 acres in size, and may include golf courses.

4. Level 4. Linear Trails. Linear trails are long, narrow parks used for walking, jogging and bicycling. (Linear trails are exempt when located in existing rights-of-way; see UPMC 19.25.070, Exempted Uses).

H. Religious Assembly. Religious assembly use type refers to religious services involving public assembly such as that which customarily occurs in synagogues, temples, and churches.

1. Level 1. Religious assembly with seating for 250 or fewer persons within the principal place of assembly.

2. Level 2. Religious assembly with seating for greater than 250 persons within the principal place of assembly.

I. Safety Services and Animal Control. Safety services and animal control use type refers to public safety and emergency services such as police and fire protection services, and animal control facilities such as the dog pound or humane society, but not including correctional facilities.

1. Level 1. Safety services requiring locations throughout the county such as police and fire.

2. Level 2. Animal control services, such as dog pounds or humane society facilities.

J. Transportation. Transportation use type refers to the provision of public or semi-public transportation services. Typical uses include parking garages, park-and-ride lots, commercial parking lots, bus shelters, bus stations, bus transfer centers, passenger rail stations, ferry docks, and other types of public and quasi-public transportation facilities.

1. Level 1. Transportation uses serving residential neighborhoods such as bus shelters.

2. Level 2. Transportation uses serving communities and regions, such as passenger rail stations, parking facilities, school bus yards, bus barns, weigh stations, bus stations, transfer centers, and ferry docks.

3. Level 3. Airports, heliports, and landing fields.

K. Utility or Public Maintenance Facilities. Utility or public maintenance facilities use type refers to facilities for open and enclosed storage and maintenance of vehicles, equipment, or related materials used in a utility or public facility activity.

1. Level 1. Facilities with a building of less than 1,000 square feet, without outdoor storage of equipment, materials, or vehicles.

2. Level 2. Facilities with a building of more than 1,000 square feet, or with outdoor storage. (Ord. 79 § 1, 1996).

19.25.280 Utilities use category – Description of use categories.

Utilities use category refers to facilities serving the public by means of an integrated system of collection, transmission, distribution and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunication services, for the collection of storm water and for the collection and disposal of sewage and refuse.

A. Communication and Personal Wireless Telecommunication Facilities. Communication and personal wireless telecommunication facilities type refers to facilities used in the transmission of information by wire, radio, optical cable, electro-

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magnetic or other similar means. Communication facilities include central office switching units, unattended remote switching units, and unattended telecommunications radio relay stations. Personal wireless telecommunication facilities include facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

1. Level 1. Building mounted wireless facilities.

2. Level 2. Structure mounted wireless facilities.

3. Level 3. Towers 60 feet or less in height, unattended remote switching units and unattended telecommunications radio relay stations.

4. Level 4. Towers over 60 feet and less than 110 feet in height and central office switching units.

B. Electrical Facilities. Electrical facilities use type refers to aboveground electrical transmission lines of an operating voltage of 55 kV or greater, and aboveground substations and switching stations. Electrical facilities are utility facilities that provide service in urban and rural areas. Also see UPMC 19.25.070, Exempted Uses.

C. Electrical Generation Facilities. Electrical generation facilities use type refers to facilities that generate or cogenerate electric energy by, or as a resource for, utilities engaged in the transmission and distribution of electricity to the public. Electrical generation facilities include hydropower facilities, thermal generation facilities such as cogeneration and combustion turbines, and other facilities employed to generate electric energy by or as a resource for utilities.

D. Natural Gas Facilities. Natural gas facilities use type refers to facilities engaged in the distribution and storage of natural gas. Natural gas gate stations, natural gas storage facilities and interim propane storage systems fall within this use type.

1. Level 1. Interim propane storage facilities.

2. Level 2. Natural gas storage for transportation.

3. Level 3. Natural gas gate stations.

4. Level 4. Natural gas storage facilities.

E. Organic Waste Processing Facilities. Organic waste processing facilities use type refers to any solid waste facility specializing in the controlled decomposition of organic solid waste and which requires a solid waste permit under Chapter 70.95 RCW. Typical uses include MSW composting facilities, composting facilities, and soil treatment facilities.

1. Level 1. Soil treatment facilities.

2. Level 2. Composting facility designed to handle more than 40 cubic yards.

3. Level 3. MSW composting facility.

F. Pipelines. Pipelines use type refers to facilities engaged in the transmission of water, petroleum, oil or natural gas.

G. Sewage Collection Facilities. Sewage collection facilities use type refers to facilities used to collect sewage, including but not limited to wastewater transfer facilities, odor control structures, pump stations and lift stations (also see UPMC 19.25.070, Exempted Uses).

H. Sewage Treatment Facilities. Sewage treatment facilities use type refers to facilities used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and which by its design requires the presence of an operator for its operation, including alternative treatment works and package treatment plants. Also included are all of the various types of associated equipment, structures, and operations as they are currently constructed and operating or will result from technology, including, but not limited to, administrative offices, storage, laboratories, public walkways, recreational and educational uses, and parking lots. It shall not include any facility used exclusively by a single-family residence, septic tanks with subsoil absorption, industrial pretreatment facilities, privately owned treatment plants for industrial wastewater, or wastewater collection systems.

I. Storm Water Facilities. Storm water facilities use type includes a conveyance, system of conveyances, or storm water control facilities (including roads with drainage systems, catch basins, curbs, and gutters), ditches, manmade channels, storm drains, retention/detention facilities and infiltration facilities which are designed or used for collection, storage, conveyance and treatment of storm water.

1. Level 1. Diversion structures and pump and lift stations.

2. Level 2. Detention/retention ponds and constructed wetlands.

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3. Level 3. Storm water pond facilities that are also developed to allow uses such as parks, recreational, educational and research structures and activities known as storm water multiple use facilities.

J. Waste Disposal Facilities. Waste disposal facilities use type refers to permanent disposal sites for solid waste. Typical uses include woodwaste, inert/demolition, MSW, special waste and biosolids landfills, and waste to energy facilities.

1. Level 1. Inert landfills.

2. Level 2. Inert landfills as accessory uses to mineral extraction sites.

3. Level 3. Woodwaste or demolition landfills.

4. Level 4. Special waste to energy facilities designed to burn more than 12 tons per day.

5. Level 5. MSW landfills, special waste landfills (including ash landfills, any landfill for special waste not previously identified and biosolids landfills), MSW waste to energy facilities.

K. Waste Transfer Facilities. Waste transfer facilities use type refers to solid waste facilities where solid waste is collected or subjected to interim processing before being transported to a permanent disposal site. Typical uses include recycling collection sites, drop box transfer stations, transfer stations, recyclables recovery facilities, waste separation recovery facilities, moderate-risk waste facilities, and tire piles.

1. Level 1. Recycling collection sites.

2. Level 2. Drop box transfer stations.

3. Level 3. Tire piles.

4. Level 4. Transfer stations, waste separation recovery facilities ("dirty MRF"), and moderate-risk waste facilities.

L. Water Supply Facilities. Water supply facilities use type refers to water purification facilities, water storage facilities, wellheads and pump stations.

1. Level 1. Wellheads, pump stations, water purification facilities not exceeding 1,000 square feet of building area nor exceeding the building height for the zone, water storage facilities not exceeding a 1,000-square-foot footprint nor exceeding the building height for the zone.

2. Level 2. Water purification facilities exceeding 1,000 square feet of building area or exceeding the building height for the zone, water storage facilities exceeding 1,000 square feet of building area or exceeding the building height for the zone.

(Ord. 153 § 4, 1997; Ord. 79 § 1, 1996).

19.25.300 Office/business use category – Description of use categories.

Office/business category includes establishments serving businesses or individuals with a wide variety of services such as providing advice, reports, marketing, financial needs, engineering, research, management and related services that are necessary to conduct personal or professional business.

A. Administrative and Professional Offices. Administrative and professional offices use type refers to offices, private firms or organizations which provide professional or administrative services to individuals or businesses. Typical uses include employment services, property management services, title companies, law offices, engineering/surveying consulting firms, architecture and landscape architecture firms, advertising and public relations firms, medical and dental offices, diagnostic testing services, advertising agencies, travel agencies, talent agencies, insurance offices, real estate offices, investment brokers, financial planners, banking services with or without drive-through facilities, offices for nonprofit and quasi-public agencies, and other business offices customarily associated with professional or administrative office services.

1. Level 1. Offices with a maximum floor area ratio of .75:1.

2. Level 2. Offices with a maximum floor area ratio of 2:1.

3. Level 3. Offices with a maximum floor area ratio of more than 2:1.

B. Educational Services. Educational services use type refers to educational services provided by private organizations or individuals with the primary purpose of preparing students for jobs in a trade or a profession. Typical uses include commercial/vocational schools, beauty and barber schools, business schools, and conservatories of art, music, or drama.

1. Level 1. Total floor area up to 5,000 square feet.

2. Level 2. Total floor area over 5,000 square feet.

(Ord. 79 § 1, 1996).

19.25.310 Resource use category – Description of use categories.

Resource use category includes the production or sale of plant and animal products and other resource-based industries such as forestry, min-

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ing, aquaculture or the sale of products associated with resource-based industry.

A. Agricultural Sales. Agricultural sales use type refers to uses which involve the sales of agricultural supplies, including feed, grain, fertilizers, and farming equipment or the sale of agricultural products.

1. Level 1. Agricultural sales uses which involve the sale of goods such as produce, shrubbery, plants, eggs, wine, and dairy products in a farmer's market format. Examples include produce stands, horticultural nurseries, and wineries.

B. Animal Production and Boarding. Animal production and boarding use type refers to uses which involve the commercial raising of animals, the production of animal products on an agricultural or commercial basis, but excluding the slaughtering and processing of animals. Examples include commercial stables, riding academies, and breeding and boarding kennels, subject to the standards of UPMC 19.35.090.

C. Crop Production. Crop production use type refers to uses which involve the raising and harvesting of row crops, field crops or tree crops on an agricultural or commercial basis, including packing, primary processing and storage facilities. Examples include grain and vegetable crops, fruit trees and horticultural nurseries.
(Ord. 79 § 1, 1996).

19.25.320 Commercial use category – Description of use categories.

Commercial activities include the provision of services and the sale, distribution or rental of goods that benefit the daily needs of the general public which are not otherwise classified as civic, office or industrial activities. The commercial use category has been separated into the following types based upon distinguishing features such as nature of business activity and type of goods or products sold or serviced. Any store or variety of stores exceeding 80,000 square feet shall be considered a commercial centers use type.

A. Adult Business. Adult business use type refers to establishments which provide entertainment, devices or services that are sexually explicit in nature and generate social impacts, thus locationally sensitive to other uses, and where minors are excluded. Examples include adult arcades, adult bookstores, adult cabarets, adult motion picture theaters, adult novelty stores, escort services, massage parlors, and public bathhouses.

B. Amusement and Recreation. Amusement and recreation use type refers to establishments or places of business primarily engaged in the provision of sports, entertainment, or recreational services to the general public or members. Examples include marinas, video arcades, teen clubs, athletic clubs, swimming pools, billiard parlors, bowling alleys, ice or roller skating rinks, indoor movie theaters, drive-in theaters, miniature golf courses, golf courses, outdoor performance centers, sports arenas, and race tracks. Also see lodging use type, commercial use category, for camp sites and recreational vehicle parks.

1. Level 1. Indoor establishments not exceeding 5,000 square feet of total floor area.

2. Level 2. Indoor facilities with a total floor area over 5,000 to 30,000 square feet; outdoor facilities, including parking lots, landscaped areas, together with accessory uses established on a lot or combination of lots up to three acres.

3. Level 3. Indoor facilities exceeding 30,000 to 80,000 square feet of total floor area; outdoor facilities, including parking lots, landscaped areas, together with accessory uses established on a lot or combination of lots exceeding three acres.

C. Building Materials and Garden Supplies. Building materials and garden supplies use type refers to establishments primarily engaged in selling lumber and other building materials; paint, glass, and wallpaper; hardware; nursery stock; and lawn and garden supplies. Establishments primarily selling these products for use exclusively by businesses or to other wholesalers or primarily selling plumbing, heating and air-conditioning equipment, and electrical supplies are classified in the wholesale trade use type, commercial use category.

1. Level 1. Establishments primarily engaged in the retail sale of basic hardware lines, such as tools, builders' hardware, paint and glass. Retail sales of nursery, lawn and garden supplies, and lumber may be an accessory use to hardware stores. Utilization of outdoor areas for display and storage purposes may occur as an accessory use. The combination of total floor area and outdoor storage and display area is under 10,000 square feet.

2. Level 2. Establishments primarily engaged in selling lumber and a general line of building materials, nursery, lawn, and garden supplies to the public. General line of building materials may

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include rough and dressed lumber, flooring, molding, doors, frames, roofing, siding, shingles, wallboards, paint, brick, tile, and cement. Utilization of outdoor areas for display or storage purposes may occur as an accessory use. The combination of total floor area and outdoor storage and display area ranges between 10,000 square feet and 80,000 square feet.

D. Bulk Fuel Dealers. Bulk fuel dealers use type refers to establishments that sell fuels to businesses and households for transportation, heating and business purposes. Fuel dealers store or sell materials that are flammable, explosive, or toxic. Examples include propane gas sales, heating oil dealers, liquefied petroleum gas dealers, coal, wood, or other fuel dealers.

E. Business Services. Business services use type refers to uses primarily engaged in providing services to business establishments on a contract or fee basis. Examples include courier services, parcel delivery services, fax services, telegraph services, reproduction services, commercial art and photography services, stenographic services, and janitorial services.

F. Buy-Back Recycling Center. Buy-back recycling center use type refers to any small-scale business without industrial activity which collects, receives or buys recyclable materials from household, commercial or industrial sources for the purpose of sorting, grading or packaging recyclables for subsequent shipment and marketing (also see to the industrial use category for recycling processor use type).

G. Commercial Centers. Commercial centers use type refers to any lot or combination of lots with a store or variety of stores, offices, and services integrated into a complex utilizing uniform parking facilities. A variety of goods are sold or services provided at these centers ranging from general merchandise to specialty goods and foods. Commercial centers can be grouped into two levels:

1. Level 1. Any store or commercial center containing a variety of stores with a cumulative floor area over 80,000 square feet and up to 200,000 square feet.

2. Level 2. Any commercial center containing a store or variety of stores with a cumulative floor area greater than 200,000 square feet.

H. Eating and Drinking Establishment. Eating and drinking establishment use type refers to establishments that sell prepared food and liquor, and may also provide music. Examples include espresso stands, fast food restaurants, full service restaurants, taverns, and cocktail lounges.

1. Level 1. Establishments without drive-through facilities.

2. Level 2. Establishments with drive-through facilities.

3. Level 3. Establishments that serve alcoholic beverages, including brew pubs.

I. Food Stores. Food stores use type refers to stores primarily engaged in the retail sale of a variety of canned and dry foods, fresh fruits and vegetables, or meats, poultry, and fish, and may include a variety of disposable nonfood products. Examples include meat and fish markets, vegetable markets, retail bakeries, dairy stores, and grocery stores.

1. Level 1. Total floor area up to 5,000 square feet.

2. Level 2. Total floor area over 5,000 and up to 30,000 square feet.

3. Level 3. Total floor area over 30,000 square feet and up to 80,000 square feet.

J. Lodging. Lodging use type refers to establishments that provide lodging services. Examples include hotels, motels, master planned resorts, and retreat centers.

1. Level 1. Camp sites and recreational vehicle parks.

2. Level 2. Hotels and motels.

3. Level 3. Master planned resorts.

K. Mobile, Manufactured, and Modular Homes Sales. Mobile, manufactured, and modular homes sales use type refers to those establishments that store and sell premanufactured homes. The primary purpose is to provide sites for marketing and distribution.

L. Motor Vehicles and Related Equipment Sales/Rental/Repair and Services. Motor vehicles and related equipment sales/rental/repair and services use type refers to establishments or places of business engaged in the sales, leasing or service of automobiles, trucks, motorcycles, recreational vehicles, and boats; or heavy equipment and supplies related to motor vehicles; and self-moving or commercial moving services.

1. Level 1. Gasoline service stations together with accessory automobile repair and conve-

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nience shopping, and automobile laundry with a one car capacity.

2. Level 2. Automotive repair shops and automobile laundries. Typical uses include general repair shops, transmissions and engine rebuild shops, muffler shops, glass repair shops, automobile upholstery services, car washes, and lube/oil shops.

3. Level 3. On-site sales, lease, or rental of automobiles, trucks not exceeding three tons of vehicle weight, and recreational vehicles. Other activities include automobile body repair and painting facilities.

4. Level 4. Sales, lease or rental of heavy truck and heavy equipment exceeding three tons of vehicle weight, supplies intended for outdoor use and truck service stations. Typical uses include truck shops primarily designed for the service and fueling heavy trucks and tractor trailer sales.

M. Personal Services. Personal services use type refers to uses primarily engaged in providing services to individuals. These services meet the needs on a daily, weekly, monthly, or less frequent basis. Examples include coin-operated laundries, dry cleaning drop-off/pick-up establishments, dry cleaners, beauty shops, barber shops, clothing alterations, tanning salons, travel agencies, funeral services, photographic studios, carpet and upholstery cleaners, taxi services and personal improvement services. Also see rental and repair services use type for other services.

1. Level 1. Establishments whose total floor area does not exceed 2,500 square feet and do not involve outdoor storage of vehicles.

2. Level 2. Establishments whose total floor area exceeds 2,500 square feet or involve outdoor storage of vehicles.

N. Storage. Storage use type refers to businesses engaged in the storage of items for personal and business use. Business activities other than rental of storage spaces are prohibited. Examples of personal storage uses include mini-warehousing, public parking areas, and boat storage yards. For maintenance or repair of recreational vehicles or boats, also see the motor vehicles and related equipment sales/rental/repair and services use type.

O. Pet Sales and Service. Pet sales and services use type refers to places of business primarily engaged in the retail sale, production, and services associated with small animals and household pets. Examples include pet stores, dog bathing and clipping salons, pet grooming shops, pet training centers, and veterinary hospitals for small animals and pets. See the resource use category, agricultural services use type, for regulations pertaining to large animal veterinary services. Also see resource use category, animal production, boarding and slaughtering use type for breeding and boarding kennels.

1. Level 1. Retail and service establishments are always located completely indoors and are less than 2,500 square feet in total floor area.

2. Level 2. Retail and service establishments exceeding 2,500 square feet of total floor area and which may involve accessory outdoor facilities.

P. Rental and Repair Services. Rental and repair services use type refers to establishments primarily engaged in the provision of repair services or closely related uses. Typical uses include upholstery shops, appliance repair shops, small engine and power tool rental and repair such as lawn mowers and chainsaws, vacuum cleaner repair, medical equipment rental and repair services, rental furnishings, and instrument repair services. Refer to motor vehicles and related equipment sales/rental/repair and services use type for automotive repair. Also see personal services use type for clothing alterations.

1. Level 1. Establishments that do not involve outdoor storage.

2. Level 2. Establishments that involve outdoor storage of equipment.

Q. Sales of General Merchandise. Sales of general merchandise use type refers to establishments that sell general merchandise including apparel and accessories, pharmaceuticals, optical goods, furniture and home furnishings, computers and electronics. Also see building materials and garden supplies use type for establishments primarily engaged in selling lumber and other building materials, paint, glass, wallpaper, hardware, nursery stock, and lawn and garden supplies.

1. Level 1. Total floor area up to 5,000 square feet.

2. Level 2. Total floor area over 5,000 and up to 30,000 square feet.

3. Level 3. Total floor area over 30,000 square feet and up to 80,000 square feet.

R. Wholesale Trade. Wholesale trade use type refers to establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business

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users; to other wholesalers; or acting as agents or brokers and buying for or selling merchandise to such individuals or companies. Typical wholesale trade establishments include wholesale merchants or jobbers and cooperative buying associations. Typical wholesale trade businesses are electrical distributors, plumbing supplies, heating and air-conditioning equipment supplies, lumber and construction materials supplies, professional and commercial equipment supplies.

1. Level 1. Establishments with total floor area of 10,000 square feet or less and indoor storage only.

2. Level 2. Establishments with total floor area of more than 10,000 to 80,000 square feet and with indoor or outdoor storage.

(Ord. 79 § 1, 1996).

19.25.330 Industrial use category – Description of use categories.

Industrial use categories include the on-site production, processing, storage, movement, servicing or repair of goods and materials. The harvesting and extraction of raw materials, e.g., agricultural, forest, mineral, etc., is not included within the industrial use categories but is found within the resource use category. The industrial use categories typically have one or more of the following characteristics: relatively large acreage requirements, creates substantial odor or noise, creates heavy traffic passenger vehicle and/or truck volumes, employs relatively large numbers of people, and/or creates visual impacts incompatible with residential development.

A. Contractor Yards. Contractor yards use type refers to an area for construction or contracting business offices and the interior or outdoor storage, repair or maintenance of heavy equipment, vehicles, and construction supplies and materials.

B. Food and Related Products. Food and related products use type refers to uses which involve the processing of nonanimal food materials, raw milk, ice manufacturing, and other food products manufacturing, processing, storage and packaging. Examples include: bakeries which distribute products to many retail outlets, creameries and other dairy products manufacturing without on-site dairy animals, soft drink bottling plants, feed and cereal mills, flour mills, vegetable oil manufacturing, refining or storage, yeast plants, and starch, glucose and dextrine manufacturing, and dry pet food, lard, pickles, sauerkraut, and vinegar manufacturing, sugar refining, breweries and distilleries. This use type does not include any food processing in which animals, slaughtered or live, are processed on-site; those uses are found under the animal production, boarding and slaughtering use type.

1. Level 1. Breweries and wineries.

2. Level 2. All other uses in this use type.

C. Industrial Services and Repair. Industrial services and repair use type refers to uses involving the repair of medium and large sized products, e.g., ships, boats, and trucks exceeding three tons of vehicle weight; uses providing large scale or bulk services to commercial and industrial businesses but not directly to the consumer, e.g., clothes cleaning plants, bulk laundries, diaper services, power laundries, linen supply, dry cleaning plants, industrial launderers, other laundry and garment services; and industrial services related strictly to industrial uses, e.g., assaying, towing and tugboat services, water transportation services, physical and biological research testing laboratories, and industrial wastewater treatment facilities.

D. Limited Manufacturing. Limited manufacturing use type refers to uses that involve intermediate processing of semi-processed material into a consumer good and to uses that involve the assembly of semi-processed and/or intermediate processed products into a consumer good. This use type is limited to:

1. Level 1. This level is specifically limited to clothing and fabricated products, finished products made entirely or mainly of wood for use in construction, instruments for measuring, testing, analyzing, and controlling, optical instruments and lenses, surveying and drafting instruments, medical instruments and equipment, photographic equipment, watches and clocks, and supplies associated with the previous products, and electronic computer hardware components and related equipment.

E. Motion Picture/Television and Radio Production Studios. Motion picture/television and radio production studios use type refers to uses engaged in the production and distribution of motion pictures, production and distribution of television segments, radio and television production of commercial spots, and other related activities.

F. Printing, Publishing and Related Industries. Printing, publishing and related industries use type

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refers to uses engaged in printing by one or more common processes, such as letterpress, lithography, or screen; services for the printing trade, such as bookbinding and platemaking; and publishing newspapers, books and periodicals.

1. Level 1. Floor area devoted to printing/pressing operation not exceeding 5,000 square feet.

2. Level 2. Floor area devoted to printing/pressing operation in excess of 5,000 square feet.

G. Recycling Processor. Recycling processor use type refers to any large scale buy-back recycling business or other industrial activity which specializes in collecting, storing and processing any waste, other than hazardous waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing. Examples include facilities where commingled recyclables are sorted, baled or otherwise processed for transport off-site. Also see the commercial use category for buy-back recycling center use type.

H. Salvage Yards/Vehicle Storage Facilities. Salvage yards/vehicle storage facilities use type refers to uses that involve the salvage of wrecked vehicles, vehicle parts and appliances, and the storage of vehicles for purpose of wholesale trade or impoundment.

1. Level 1. Hulk hauling – where no storage of vehicles is permitted.

2. Level 2. Salvage yards/vehicle storage facilities uses dealing with storage and impound facilities for motor vehicles in which all vehicles are stored within an enclosed building(s).

I. Warehousing, Distribution and Freight Movement. Warehousing, distribution and freight movement use type refers to the large scale warehousing and distribution of manufactured or processed products for one or more businesses and the large scale distribution of raw, manufactured or processed products for one or more businesses at a central location.

1. Level 1. Warehousing, distribution and freight movement uses in which manufactured or processed products are stored either within a building serviced by loading docks or in secure outdoor storage areas. Such facilities typically transport product by truck or rail and are often located in close proximity to marine ports. Examples include: grocery chain distribution centers and parcel delivery distribution centers, storage of fabricated concrete blocks, finished lumber storage yards, new automobile storage areas.

2. Level 2. Warehousing, distribution and freight movement uses in which raw materials, semi-processed materials or fully manufactured or processed materials are stored either within buildings serviced by loading docks or in secure outdoor storage areas. Such facilities are not necessarily devoted to a single product and are usually located in close proximity to rail lines, marine ports, airports, or regional highways. Examples include: raw log storage, shipping container yards.
(Ord. 79 § 1, 1996).

19.25.400 Accessory uses and structures.

A. Purpose. The purpose of this section is to allow accessory uses and structures and provide standards and conditions for regulating them.

B. Exemptions. See the appropriate section regarding specific development standards for the accessory uses exempted from this section.

1. See UPMC 19.35.060, Home Occupations.

2. See UPMC 19.35.080, Accessory Dwelling Units.

3. See UPMC 19.35.070, Day Care Facilities.

4. See UPMC 19.35.090, Agricultural Uses and Animals.

5. See UPMC 19.45.075, Exemptions.

6. See UPMC 19.25.500, Temporary Uses/Temporary Housing Units.

C. General Standards. Accessory uses and structures customarily incidental to either principal residential or nonresidential uses and structures are allowed in all regulatory zones except as otherwise provided herein. The following provisions apply to all zone classifications.

1. In all zones there shall be no limit as to the number of accessory uses allowed on a lot; provided:

a. The accessory use is not specifically excluded from locating in the zone classification; and

b. The accessory use meets all regulatory requirements.

2. Accessory uses, other than fences and retaining walls, are prohibited from locating on a lot prior to a legal principal use.

a. Except as otherwise provided in this code, it is unlawful to construct, erect, or locate private garages, sheds, or other accessory struc-

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tures in any zone classification without a lawfully permitted principal use on the same lot of record.

b. Refer to UPMC 19.25.500 for regulations governing the placement of temporary uses.

3. All accessory uses must be customarily incidental and subordinate to the principal building or use of the lot upon which it is located.

4. Where there is a question regarding the inclusion or exclusion of a particular accessory use within any zone classification, the director shall have the authority to make the final determination. The determination shall be based upon the general standards of this section and an analysis of the compatibility of the use or structural size and placement with consideration of the predominant surrounding land use pattern and with the permitted principal uses of the zone classification.

D. Residential Standards. Accessory uses and structures customarily incidental to principal residential uses and structures are allowed in all regulatory zones except as otherwise provided herein. The following provision applies to all zone classifications permitting a residential use.

1. Residential Lots Less than One Acre in Size. No detached accessory structure or combination of detached accessory structures are permitted to exceed 800 square feet; subject to other provisions of this code.

E. Accessory Use List. The following accessory uses are customarily found within one or more use categories.

1. Residential.

a. Carports or garages for the sole use of occupants of premises and their guests, attached or detached (without fee to guests), for storage of motor vehicles, boats, recreational vehicles, and/or planes;

b. Greenhouse, private and noncommercial;

c. Storage buildings for yard maintenance equipment and household goods;

d. Underground fuel storage tanks to serve a residential subdivision;

e. Refer to subsection (E)(8) of this section for uses applicable in more than one use category;

f. The outdoor storage of vehicles or parts thereof, for a period of 72 hours or more, is permitted in MSF and HRD zones, subject to the following provisions:

i. The outdoor storage of inoperable vehicles and vehicle parts shall be screened from neighboring properties and the public right-of-way by a solid fence or approved Level 3 landscaping pursuant to UPMC 19.35.030(G). Storage of inoperable vehicles is prohibited in required front or side yard setbacks areas. Open or unscreened storage of inoperable vehicles is permitted for a seven-day period while a vehicle is undergoing or awaiting repairs,

ii. In no event shall any outdoor storage of commercial vehicles in excess of 10,000 GVW be permitted in the MSF or HRD zones; and

g. The outdoor storage of two boats or nonmotorized recreation vehicles. Nonmotorized recreation vehicles include but are not limited to camper trailers, tent trailers, boat and recreation vehicle trailers. Nonmotorized recreation vehicles do not include bicycles and similar sports equipment. Outdoor storage of additional boats and/or non motorized recreation vehicles shall be screened from neighboring properties and the pubic right-of-way by a solid fence or approved Level 3 landscaping pursuant to UPMC 19.35.030(G). Storage of additional vehicles is prohibited in required front or side yard setbacks.

2. Civic. Refer to subsection (E)(8) of this section for uses applicable in more than one use category.

3. Utilities. Refer to subsection (E)(8) of this section for uses applicable in more than one use category.

4. Essential Public Facilities. This section is reserved for future use.

5. Office/Business. Refer to subsection (E)(8) of this section for uses applicable in more than one use category.

6. Commercial. Refer to subsection (E)(8) of this section for uses applicable in more than one use category.

7. Industrial.

a. Dwelling units used exclusively for caretaker or superintendent and his or her family; and

b. Refer to subsection (E)(8) of this section for uses applicable in more than one use category.

8. Accessory Uses Applicable to Principal Uses in More than One Use Category.

a. Antennae and satellite dishes for private telecommunication services;

b. Decks and patios;

c. Facilities used in grounds maintenance;

d. Food service facilities for use primarily by employees with no exterior advertisement of the facility;

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e. Incidental storage of raw materials and finished products sold or manufactured on-site;

f. Noncommercial recreational facilities and areas (indoor or outdoor), including swimming pools, for exclusive use by employees, patrons or residents, depending upon the principal land use;

g. On-site hazardous waste treatment and storage;

h. Private docks and mooring facilities;

i. Retaining walls, freestanding walls and fences;

j. Waste piles authorized by a solid waste permit;

k. Small scale composting facility to handle less than 10 cubic yards;

l. Solid waste dumpsters.

9. Uses and associated structures deemed by the planning director to be customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

F. Other Pierce County codes. Please refer to shoreline management use regulations for specific specialized accessory use standards.
(Ord. 98 § 1, 1996; Ord. 79 § 1, 1996).

19.25.500 Temporary uses/temporary housing units.

A. Purpose. The purpose of this section is to establish allowed temporary uses and structures, and provide standards and conditions for regulating such uses and structures.

B. Standards.

1. Temporary Construction Buildings. Provided that a building permit is issued by the building department prior to use of the unit(s) on the site, one or more temporary structures for the housing of tools and equipment, or containing supervisory offices in connection with major construction projects, may be established and maintained during the progress of such construction on such projects, and shall be removed from the site within 30 days after completion of the project or 30 days after cessation of work.

2. Temporary Construction Signs. Signs identifying persons engaged in construction on a site shall be permitted as long as construction is in progress, but not to exceed a six-month period; provided, that any time the removal is required for a public purpose said signs shall be removed at no expense to the city or other public agency.

3. Temporary Real Estate Office. One temporary real estate sales office may be located on any new subdivision in any zone; provided the activities of such office shall pertain only to the selling of lots within the subdivision upon which the office is located; and provided further, that if the subdivision is in any MSF zone, the temporary real estate office shall be removed at the end of a 12-month period measured from the date of the recording of the map of the subdivision upon which such office is located.

4. Temporary Housing Unit – Construction. A "temporary housing unit, construction" may be placed on a lot or tract of land in any zone for occupancy during the period of time necessary to construct a permanent use or structure on the same lot or tract; provided:

a. The unit is removed from the site within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site whichever may occur sooner.

b. The mobility gear is not removed from the unit and the unit is not permanently affixed to the site on which it is located.

c. The unit is not located in any required front or side yard.

d. A temporary permit is issued by the building department prior to occupancy of the unit on the construction site.

5. Temporary Housing Unit – Public Facility. A "temporary housing unit, public facility" is a single-wide mobile home or manufactured home to be used at public schools, fire stations, and parks for the purpose of providing on-site security, surveillance, and improved service at public facilities; provided:

a. The public facility requesting the housing unit shall submit to the building official an affidavit showing need for the unit.

b. The mobility gear is not removed from the unit and the unit is not permanently affixed to the site where it is located.

c. The unit is not located in any required front or side yards or designated open space.

d. Prior to the issuance of a temporary permit, the site shall be reviewed by the health department to determine additional requirements for water supply and/or septic waste disposal or adequacy of existing utilities.

e. In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one or more sides of the security unit, the building official may require the unit be located so as to take advantage of the natural

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growing material available to screen said unit from adjacent properties.

f. The temporary building permit shall be valid until a permanent housing unit is incorporated into the public facility; at such time, the temporary unit shall be removed.

g. The building permit shall be renewed annually subject to the continued justification of conditions.

6. Temporary Housing Units. Temporary housing units are permitted in all zones as follows:

a. A temporary housing permit for a temporary housing unit may be issued by the building department if the applicant can satisfy the criteria set forth in the definition of temporary housing units in Chapter 19.15 UPMC, Definitions, and subsection (B)(6)(b) of this section and attests by affidavit that:

i. The information furnished with the application is true and correct.

ii. The standards and conditions set forth in the permit will remain satisfied so long as the temporary housing unit remains on the site.

b. Minimum Standards for Temporary Housing Units. The following are the minimum standards applicable to temporary housing units. Applications for a reduction of these standards may only be granted by the examiner through the variance procedures set forth in UPMC 19.75.040.

i. A temporary housing unit shall be used and occupied solely in accordance with the provisions set forth in Chapter 19.15 UPMC, Definitions. The applicant must submit an affidavit that the requirements specified herein will be maintained, and a letter from a licensed physician stating that the person occupying the temporary housing unit is, because of age, disability, prolonged infirmity, or other similar incapacitation, unable to independently maintain a separate type of residence without human assistance.

ii. The mobile home is one bearing the seal of the State Department of Labor and Industries and/or HUD.

iii. The mobility and towing gear of the mobile home shall not be removed and the temporary housing unit shall not be permanently affixed to the land except for temporary connections to utilities necessary to service the temporary unit. In the event the health department requires the installation of separate water supply and/or sewerage disposal systems, said requirements shall not at a later time constitute grounds for the continuance or permanent location of a temporary housing unit beyond the length of time authorized in the permit or renewal of said permit.

iv. Temporary housing units having a width in excess of 14 feet shall be permitted only on lots or tracts of land having a total area of one acre or more.

v. The temporary housing unit shall not be located in any required yard or open space required by this code nor shall the unit be located closer than 20 feet nor more than 100 feet from the principal dwelling on the same lot.

vi. In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one or more sides of the temporary housing unit, the building official may require the temporary housing unit to be located so as to take advantage of the natural growing material available on the site to screen said unit from adjacent property.

vii. Prior to the issuance of a temporary housing permit, the city shall review the application and may require the installation of such fire protection/detection equipment as may be deemed necessary as a condition to the issuance of the temporary housing permit.

viii. The temporary housing unit shall be removed from the lot or tract of land not more than 30 days from the date the temporary permit expires or occupancy ceases.

c. Renewals. Temporary housing permits shall be valid for the period of time the parent or close relative resides in the mobile home; provided, that after obtaining initial approval, annual renewals of the temporary housing permit must be obtained from the building official. When obtaining a renewal, the building official shall confirm by affidavit from the applicant and by a letter from a licensed physician stating that the person occupying the temporary housing unit is, because of age, disability, prolonged infirmity, or other similar incapacitation, unable to independently maintain a separate type of residence without human assistance that the requirements specified herein are satisfied. Application for renewals must be made 60 days before the expiration of the current permit. Renewals of said permits shall be automatically granted if the applicant is in compliance with the provisions herein and no notice of such renewal is required.

d. Grandfather Clause. Temporary housing units which are legally existing pursuant to prior resolutions may continue to exist upon the same standards and criteria as said permit was issued and all renewals shall be obtained from the building department who shall renew said permit based on the same criteria that the initial permit

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was granted. Upon the termination of occupancy by the occupants who reside in said unit, on the effective date of this section, the temporary housing unit permit shall terminate and the mobile home must be removed within 30 days.

7. Temporary Personal Wireless Telecommunication Facility. A temporary personal wireless telecommunication facility shall be permitted for a maximum of one week or during an emergency declared by the city.

(Ord. 153 § 5, 1997; Ord. 79 § 1, 1996).

Chapter 19.35

DEVELOPMENT STANDARDS

Sections:

19.35.020 Density and dimensions.
19.35.030 Landscaping and buffering.
19.35.040 Off-street parking and loading area requirements.
19.35.050 Open space and set aside lands.
19.35.060 Home occupations.
19.35.070 Day care facilities.
19.35.080 Accessory dwelling units.
19.35.090 Agricultural uses and animals.
19.35.110 Mobile and manufactured home parks.
19.35.120 Solid/hazardous waste handling, treatment and storage facilities.
19.35.130 Nonconforming standards.
19.35.140 Improvements.

19.35.020 Density and dimensions.

A. Purpose. The purpose of this section is to establish density and dimensional standards for development. These standards are established to provide flexibility in project design and promote high density development in urban areas when utilizing incentives.

B. Tables.

1. Interpretation of Tables. The density and dimension tables are arranged in a matrix format. Development standards are listed down the left side of both tables and the zones are listed across the top. The matrix cells contain the minimum dimensional requirements of the zone. The footnotes in the matrix identify specific requirements applicable either to a specific use or zone. A blank box indicates that the cell is not applicable.

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2. Density and Dimension Tables.

Density and Dimension	Urban Zone Classifications				
	Employment Centers	Urban Centers	Urban Districts		Urban Residential
	MEC Moderate Intensity Employment Center	CC Community Center	MUD Mixed Use District HRD High Density Residential District		MSF Moderate Density Single-Family
	MEC	CC	MUD	HRD	MSF
Base Density (du/ac)[1, 3]		4	10	10	4[1]
Maximum Density (du/ac)		6	12[2]	12[2]	6[2]
Setback, Arterial Streets	35'	35'	25'[5]	25'[5]	25'[5]
Setback, Other Roads	25'[5]	25'[5]	25'[5]	25'[5]	25'[5]
Setback, Rear	0'[4]	0'[4]	0'[4]	0'[4]	30'
Setback, Side	0'[4]	0'[4]	0'[4]	0'[4]	8'
Height	40'	40'	40'	40'	35'
Minimum Lot Dimension		35'	35'	35'	35'

Refer to Tables 1, 2, and 3, in UPMC 19.35.030 for landscaping and buffering requirements.

Footnotes. This subsection pertains to the numbers in the preceding table.

1. Base Density. These densities may be achieved outright by following the development standards of this chapter.
2. Maximum Density. These densities shall only be achieved through one of the following methods: the application of residential density incentives, transfer of development rights and/or planned development district.
3. Base Density. If a lot is greater than 300 feet from a sewer hook up and is unable to meet the base density requirement due to on-site sewage disposal standards, the base density shall not apply.
4. Urban Centers and Districts – Setbacks. The minimum setback for any new multifamily or commercial building abutting a MSF classification shall be 30 feet. The minimum setback for an industrial building or use abutting a MSF or HRD classification shall be 100 feet.
5. Major Arterial and All Other Roads. These setbacks are minimum requirements abutting the specific right-of-way classification except that when abutting rights-of-way that have been identified for improvement in the city road plan, or most current version thereof, the minimum setback shall be 35 feet.

C. Density Standards. All density provisions shall be calculated in dwelling units per acre (du/ac). The calculation shall be based upon the net acreage, subtracting out land that, by city, state or federal regulation, is unbuildable. This would include any areas such, but not limited to, wetlands, floodways and steep slopes. Land that may be difficult or expensive to build upon, but where development is not prohibited, would still count as buildable acreage.

1. Residential Density Incentives. In MUD and HRD, a density bonus of one additional dwelling unit per acre above the base density shall be granted to attain the maximum density in exchange for every five percent of the total gross acreage of the project site designated as urban open space.

2. Transfer of Development Rights. If a site contains a regulated wetlands an/or buffer, a person may transfer residential density to another within the city. The transfer of development rights provisions of the critical lands regulation apply.

3. Shoreline Density Exception. For the creation of new lots abutting a marine shoreline as described in city's shoreline management use regulations, the maximum densities shall be as follows:

a. The density requirements of the zone classification shall not apply to the first tier of lots abutting the shoreline; provided, that all newly created lots maintain 75 feet of shoreline frontage and comply with the applicable densities in the city's shoreline management use regulations. The minimum lot size required for the creation of new

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lots abutting the shoreline shall be subject to the requirements of the health department.

b. For that portion of the original lot lying upland from the first tier of proposed lots abutting the shoreline, the density requirement shall be that of the applicable zone classification. The area of the first tier of newly created lots abutting the shoreline shall not be used when calculating the density in the upland portion of the lot.

D. Setback Standards.

1. Setback Measurement. A setback is measured from the edge of a street right-of-way, access easement, private road, or buffer. Where there is no street right-of-way, access easement, private road, or buffer, a setback is measured from the property line. A setback is measured to the leading edge of a structure or the foundation of a building.

2. Designation of Required Setbacks. All lots must contain at least one front yard setback except pipestem lots. A front yard setback shall be required abutting each right-of-way on corner lots and through lots. All lots must contain one rear yard setback except for through and pipestem lots. All other setbacks will be considered interior yard setbacks.

3. Corner Lots. If a lot abuts the intersection of two or more street rights-of-way, a front yard setback is required abutting each right-of-way.

4. Through Lots. In the case of a through lot, a front yard setback is required abutting each street right-of-way.

5. Front Yard Setback Averaging. Averaging may be used to reduce a front yard setback requirement when a principal building has been legally established on an adjacent lot within the required yard. This provision shall not apply if the adjacent lot has received a reduced setback based upon a discretionary land use approval. This exception shall be calculated as follows:

a. Averaging shall be calculated by adding the existing front yard setbacks of the adjacent lots together and dividing that figure by two.

b. In the case of a corner lot or when an adjacent lot is vacant, averaging shall be calculated by adding the front yard setback of the adjacent developed lot with the minimum front yard setback of the zone in which the construction is proposed and dividing that figure by two.

6. Slopes. If the topography of a lot is such that the minimum front yard setback line is eight feet or more above the street grade, and there is no reasonable way to construct a driveway up to the dwelling unit level, a garage/carport may be built into the bank and set at least five feet back from the right-of-way.

7. Accessory Structures, Rear Yard Exception. One single story garden shed and greenhouse not to exceed 80 square feet, children's play equipment, swimming pools, arbors and gazebos may be placed in a rear yard, but shall not be closer than five feet to a property line, and shall meet the requirements of 19.25.400(D)(1). An accessory garage up to 800 square feet may be placed within the rear yard, but must maintain a minimum 10-foot setback from the rear property line, and be located at least five feet from the primary structure.

8. Bus Shelters. Bus shelters for school district or transit authority purposes may be located within a front yard setback when located on private property if they do not exceed 50 square feet of floor area and one story in height; provided, all applicable site distance requirements are met.

9. Projection Exception.

a. Fireplace structures, bay or garden windows, enclosed stair landings, ornamental features, or similar structures may project into any setback; provided such projections are:

i. Limited to two per required yard.

ii. Not wider than 10 feet.

iii. Not more than two feet into an interior or rear yard setback.

iv. Not more than three feet into a front yard setback.

b. Uncovered porches and decks which do not exceed 30 inches from finished lot grade may project into any setback; provided, such projections do not extend more than five feet into a front yard setback, three feet into a side yard setback, and 15 feet into a rear yard setback.

c. Wheelchair ramps may project into any required setback.

10. Rear Yards Exception. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line may be considered the "rear lot line" at the owners discretion. See Figure 2.*

11. Exemption for Personal Wireless Telecommunication Facilities. All personal wireless telecommunications towers shall comply with the minimum setback requirements of the area in which they are located in all zoning districts, unless there are unusual geographical limitations or other public policy considerations as determined in the sole and absolute discretion of the city. Such considerations shall include, by way of illustration and not limitation, but are not limited to:

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a. Impact on adjacent properties.

b. Alternative sites for personal wireless facilities.

c. The extent to which screening and camouflaging will mitigate the effects of the personal wireless telecommunication facilities.

The setback requirement may be waived if the antenna and antenna support structure are located in the city right-of-way.

E. Height Standards. See Figure 3.*

1. Measurement. The height of a fence located on a rockery, retaining wall, or berm shall be measured from the top of the fence to the ground on the high side of the rockery, retaining wall, or berm. See Figure 4.*

2. Exceptions. Height standards shall not apply to the following:

a. Church spires, belfries, domes, chimneys, antennas, satellite dishes, ventilation stacks, or similar structures; provided the structure is setback from all property lines a distance equal to the height of the structure.

b. Rooftop Mechanical Equipment. All rooftop mechanical equipment may extend 10 feet above the height limit of the zone; provided all equipment is setback 10 feet from the edge of the roof.

c. Personal wireless telecommunication antenna may project no more than 16 feet above the roof line including parapets. Equipment buildings mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted. Equipment buildings, antenna, and related equipment shall occupy no more than 25 percent of the total roof area of the building the facility is mounted on, which may vary in the city's sole discretion if co-location and an adequate screening structure is used.

F. General Development Standards.

1. Existing Lot – Single-Family Dwelling Permitted. In any zone that permits a single-family dwelling unit, a single-family dwelling unit and permitted accessory structures may be constructed or enlarged on one lot which cannot satisfy the density requirements of the zone where the lot was legally created prior to the effective date of this regulation. This section shall not waive the requirements for setbacks and height of the zone in which the lot is located.

2. Combining Lots – Interior Yard Setback Exception. Where two or more lots are used as a building site and where principal buildings cross lot lines, interior yard setbacks shall not be required from those lot lines crossed by the principal building.

3. Legally Created Lots – Development Permitted – Proof.

a. Development shall be permitted only on legally created lots.

b. To establish that a lot has been legally created, the applicant must provide one of the following:

i. A copy of formal plat, short plat, or large lot subdivision approved by Pierce County or the City of University Place separately describing the lot.

ii. A copy of the boundary line adjustment or lot combination separately describing the lot.

iii. Documentation that the creation of the lot was exempt from the provisions of the Pierce County subdivision regulations.

iv. A deed, contract of sale, mortgage, recorded survey, or tax segregation executed prior to August 13, 1974, that separately describes the lot.

4. Minimum Lot Dimension – Shape. Newly created lots shall be of such shape that a circle of the diameter identified in subsection (B)(2) of this section can fit within the minimum setbacks of the lot. See Figure 5.*

5. Pipestem Lots. The owner of a pipestem lot may select setbacks of 15 feet from all property lines for both principal and accessory structures. Once setbacks have been established by the placement of structures on the lot, the established setbacks shall be maintained.

6. Fences. Any artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas may be erected within required setbacks as follows; provided, that all applicable site distance requirements are met:

a. Side and rear setbacks to a maximum height of six feet.

b. Front yard setbacks to a maximum height of four feet.

c. Except that in required front yard setbacks for houses fronting on and facing an arterial street, the maximum height shall be six feet.

7. Bulkheads and Retaining Walls. Any structure constructed and erected between lands of different elevations used to resist the lateral displacement of any material, control erosion, or protect structures may be placed within required setbacks to a maximum height of six feet; pro-

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vided all applicable site distance requirements are met.
(Ord. 153 §§ 6, 7, 1997; Ord. 98 § 1, 1996; Ord. 79 § 1, 1996).

* Code reviser's note: Figures 2 – 5 can be found in § 19.35.020 of Ordinance 79, available at the office of the city clerk.

19.35.030 Landscaping and buffering.

A. Purpose. The purposes of this chapter are to use landscaping and buffering concepts to:

1. Promote compatibility between land uses by reducing the visual, noise and lighting impacts of development on users of the site and abutting uses;

2. Protect critical areas from the impacts of development;

3. Make use of solar principles in landscape design for building and automobile protection and comfort;

4. Unify development and enhance and define public and private open spaces;

5. Promote the use and protection of vegetation native and common to the Puget Sound region;

6. Facilitate aquifer recharge;

7. Promote the application of water efficient techniques in the design, installation and maintenance of landscaping;

8. Provide wildlife habitat;

9. Promote physical safety of pedestrians and motorists in the proper location and placement of vegetation.

B. Requirements – Perimeter Landscape Buffering.

1. Intent. The intent is provide for a physical, visual and noise buffer and transition between uses. Different landscape/buffer levels are used to address differing uses of compatibility and in conjunction with new subdivisions.

2. Minimum Requirements.

a. General Requirements. Refer to Tables 1, 2 or 3 for the requirement as to which landscape level is required to buffer adjacent uses and public streets and freeways, if any is required. A perimeter landscape buffer is required along interior lot lines of multifamily residential uses, most residential uses and round new subdivisions. Each lot line will have a landscape level based on the abutting land use. Refer to Figure 1 for illustration of street tree landscaping requirements.*

b. Requirements when abutting vacant land. Canopy vegetation shall be installed at the rate set forth in subsection (G)(1)(b)(iii) of this section along the interior lot line of all parcels in MEC, CC, MUD, HRD and around new subdivisions zones that abut vacant lands in HRD and MSF. When the vacant parcel is developed, that applicant shall be required to supplement on said property the screening of the adjacent development in order to achieve the minimum landscape level set forth on Tables 1, 2 or 3 of this section, except that a single-family or two-family dwelling constructed on a lot of record is exempt. Refer to Figure 2 for illustration of buffering along vacant property lines.*

c. Exemptions from Perimeter Landscape Buffers. If contiguous lots are developed jointly, the requirement for perimeter buffering between the jointly developed lots shall not be required. A landscape buffer is required along all rights-of-way of collector, secondary or major arterials for all uses, except that a single-family or two-family dwelling constructed on a lot of record that existed on the effective date of the ordinance codified in this title is exempt.

d. Street Landscaping. Any portion of an industrial, commercial, office/business, multifamily, utility, or civil use type development or new subdivision that abuts a public right-of-way shall install an L1 landscape level unless otherwise specified. See Figure 3.*

C. Requirements – Parking Lot Landscaping.

1. Perimeter Street Landscaping for the Parking Lot. The intent of perimeter street landscaping is to provide visual and noise relief to adjacent uses. Any portion of a parking lot which is within 20 feet of a public road right-of-way shall install an L1 landscape level. See Figure 3 for illustration.*

2. Interior Landscaping within the Parking Lot. All surface parking lots with 10 or more spaces must provide interior landscaping which complies with one of the standards stated below. When a parking lot is divided into distinct areas, the applicant may utilize different options in distinct areas of the lot. Parking lots shall be located no closer to the interior lot line than the minimum width of required perimeter landscape buffer.

a. Options.

i. Interior landscaping must be provided at the rate of 25 square feet per stall. At least one tree must be planted for every 200 square feet landscaped area. No parking stall shall be more than 100 feet from any landscape area. Planting islands shall have a minimum width of five feet. Planting areas for the trees must be a

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minimum of four feet by four feet. Vegetative and/or inert groundcover or lawn is encouraged to completely cover all required landscape areas. Planting of lawn in areas less than 10 feet in width is discouraged, due to associated water waste, in order to keep these lawn areas green. Refer to Figure 4 for illustration*; or

ii. One tree must be provided for every five parking spaces. Planting islands shall have a minimum width of five feet. Planting areas for the trees must be a minimum of four feet by four feet. Trees shall be spaced at distances not to exceed 12 parking spaces. Refer to Figure 5 for illustration.*

b. Development Standards. The following are development standards for use in the layout of parking lot landscaping:

i. Planting Areas. Planting areas shall be fully protected by curbs, wheel stops or other appropriate means, to prevent injury to plants from pedestrian or vehicular traffic. Landscape areas must be dispersed throughout the parking lot. Some trees may be grouped, but the groups must be dispersed.

ii. Parking Area Landscaping Boundaries. All planting areas and material required per subsection (C)(2)(a) of this section shall be placed within the interior of the parking area and within a six-foot perimeter surrounding the parking area. The perimeter street landscaping required per subsection (C)(1) of this section shall not be counted toward the requirements of subsection (C)(2)(a)(i) or (ii).

iii. Plant Material Character within Parking Lots.

(A) Trees. A minimum of 70 percent required parking area trees shall be deciduous, except if existing evergreen trees are retained the percentage of deciduous trees can be decreased accordingly. Deciduous tree species should be selected based on their parking lot compatibility, i.e.,high branching, do not release sticky substances, deep rather than shallow rooting, etc.

(B) Shrubs. Shrub and hedge material used shall not have mature heights that exceed 36 inches so as to provide for ease of vehicular sight distance and pedestrian safety.

(C) Vegetative Groundcover/Turf. Vegetative groundcover/turf material used shall not have mature heights that exceed 36 inches so as to provide for ease of vehicular sight distance and pedestrian safety. Vegetative groundcovers that are sensitive to occasional foot traffic should not be used in landscape areas where foot traffic might be likely. Planting of lawn in areas less than 10 feet in width is discouraged, due to associated water waste, in order to keep these lawn areas green.

D. Requirements – Critical Area Buffering. Refer to critical areas and natural resource lands for buffer requirements associated with critical areas and natural resource lands, including wetlands. Refer to the shoreline management use regulations for the city for information on regulation of activities along the fresh and marine waters of the city.

E. Requirements – Landscaping and Public Rights-of-way.

1. Private Landscaping in Public Rights-of-Way. Lawn, vegetative groundcover and inert groundcover are the only materials permitted to be installed within public rights-of-way unless otherwise permitted by the city engineer. Landscaping in rights-of-way shall comply with the public works standards.

2. Vision Clearance Regulations. All trees within the vision clearance triangle regulated per the site development regulations for entering sight distance shall be pruned such that no branches extend lower than six feet above curb level and other plants within the vision clearance triangle for entering sight distance shall not exceed 36 inches in height above any street curb or crown of the adjacent paved way, if no curb exists. Minimum mature height requirements for vegetation required in other sections is superseded by the vision clearance regulations. Refer to Figure 6 for illustration.*

3. Vertical Clearance Regulations. All trees which spread across the roadway surface of a private road or across the surface of an emergency vehicle access shall be pruned such that no branches extend lower than 13 feet six inches above the crown of the adjacent paved way. Refer to Figure 7 for illustration.*

4. Telecommunications facilities located in the rights-of-way shall be subject to the provisions of UPMC Title 13, Division II, Public Works Standards. Personal wireless telecommunication facilities in the rights-of-way shall be on existing utility poles or made to blend in with existing utility poles. Equipment storage buildings shall meet the required setbacks and landscaping requirements of this section.

F. Requirements – Expansion of Existing Development and Tenant Improvements. This chapter shall apply to the lot area associated with the

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expansion of a permitted use or major tenant improvement. The remainder of the property shall be governed by regulations in force at the time of the original approval. Refer to UPMC 19.35.130, Nonconforming Standards.

G. Standards – Landscape Levels. The intent of this section is to provide different levels of buffering for different circumstances. The locations where buffering is required are stated in Tables 1, 2 or 3 of this section and in other parts of this chapter. The following standards are minimum requirements and may be exceeded by the applicant or the hearings examiner. The landscape standards are generally listed in a hierarchical order.

1. Low Screen/Berm (Landscape Level 1 – L1).

a. Intent. This standard is intended to provide a minimal buffer between somewhat compatible uses, to soften the impact of uses that have a low profile but dominating presence, or where visibility is more important than a total visual screen. Examples of use: buffering parking lots from the street in pedestrian-oriented areas, buffering between like nonresidential uses such as between offices or between commercial businesses.

b. Minimum Design Requirements. An L1 requirement shall be satisfied by using canopy vegetation, subsection (G)(1)(b)(iii) of this section, and either a vegetative screen or berm, subsection (G)(1)(b)(i) or (ii) of this section. The following are minimum design requirements for the L1 landscape level.

i. Vegetative Screen. The L1 standard must consist of a continuous vegetative screen a minimum of three feet high and a maximum of four feet high at maturity, at a rate of one shrub per four feet of lot line, minus any driveway widths. The screen may consist of either clusters or a solid row of material. Plant spacing shall be no greater than four feet on center, with no greater than five feet on center between clusters. Installation of vegetative groundcover is encouraged within the planting area but not required. Refer to Figures 3 and 4 for illustration*;

ii. Berm. The L1 standard must consist of an earthen berm a minimum of three feet high and a maximum of four feet high, measured from street curb or the crown of the adjacent paved way for road frontages or existing grade for interior lot lines. The berm shall be planted with vegetative groundcover sufficient to achieve a 50 percent coverage rate at maturity. Refer to Figures 3 and 4 for illustration*;

iii. Canopy Vegetation. In addition to the requirements of subsection (G)(1)(b)(i) or (ii) of this section, trees, at a rate of one per 30 lineal feet of lot line, shall be interspersed throughout the landscape strip in clusters or uniform rows. Spacing shall be no greater than 30 feet on center with uniform spacing or 50 feet on center between clusters. Minimum mature heights shall be 20 feet. Refer to Figures 3 and 4 for illustration;*

iv. Screen Width. All required L1 vegetation shall be located adjacent to the lot line and shall have a minimum planting bed width of five feet. No buildings or impervious surfaces, with the exception of pedestrian walks connecting the site to rights-of-way or adjacent property, shall be located between the interior edge of the screen width and the lot line, with no tree located more than 15 feet from the right-of-way line.

2. Filtered Screen (Landscape Level 2 – L2).

a. Intent. This standard is intended to provide a visual separator between different types of nonresidential uses and intensities and different types of residential uses and new subdivisions. Examples of use: interior lot line buffering between commercial or office uses and heavy industrial, retail commercial and office development, etc.

b. Minimum Design Requirements. The L2 standard must consist of: i) trees, at a rate of one per 25 lineal feet of lot line, interspersed throughout the landscape strip in clusters or uniform rows; and ii) shrubs, at a rate of one per seven lineal feet of lot line, interspersed throughout the landscape strip in clusters or uniform rows. Spacing shall be as follows: i) trees at no greater than 25 feet on center with uniform spacing or 50 feet on center between clusters; and ii) shrubs at no greater than eight feet on center, with no greater than 15 feet on center between clusters. Minimum mature heights shall be as follows: i) Trees: 20 feet; and ii) Shrubs: three feet. Installation of vegetative groundcover is encouraged but not required within the planting area. Refer to Figure 8 for illustration.*

c. Screen Width. All required L2 vegetation shall be located adjacent to the lot line and shall have a minimum planting bed width of 15 feet, with no required vegetation located greater than 30 feet from the lot line. No buildings or impervious surfaces, with the exception of pedestrian walks connecting the site to adjacent property, shall be located between the interior edge of the screen width and the lot line.

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3. Full Screen/Berm (Landscape Level 3 – L3).

a. Intent. This standard is intended to provide a physical and visual separator between incompatible uses or intensities/densities but where a complete noise barrier is not necessary. Examples of use: interior lot line buffering between standard single-family development and commercial, office, industrial or multifamily uses, between multifamily development and nonresidential uses or arterial roadways, between public schools and commercial and industrial uses, etc.

b. Minimum Design Requirements. This requirement shall be satisfied by using canopy vegetation, subsection (G)(3)(b)(iii) of this section, and either a vegetative screen or berm, subsection (G)(3)(b)(i) or (ii) of this section. The following are minimum design requirements for the L3 landscape level.

i. Vegetative Screen. The L3 standard must consist of: 1) evergreen shrubs, at a rate of one per five lineal feet of landscape strip; or 2) closely spaced evergreen trees, at a rate of one per eight lineal feet of landscape strip, or a combination of the two in separate sections. The screen may consist of either overlapping clusters or a solid row of material. If overlapping clusters are used, the overlap should be at least one-half plant width. Spacing shall be as follows: 1) evergreen trees for the landscape screen at no greater than eight feet on center, with no more than 10 feet on center between clusters; 2) shrubs for the landscape screen shall be no greater than five feet on center, with no greater than seven feet on center between clusters. Vegetative screening materials shall have a minimum mature height of six feet. Installation of vegetative groundcover is encouraged but not required within the planting area. Refer to Figure 9 for illustration*;

ii. Berm. The L3 standard must consist of an earthen berm a minimum of four feet high, measured from street curb or the crown of the adjacent paved way for road frontages or existing grade for interior lot lines. Vegetative groundcover shall cover a minimum of 50 percent of the landscape strip area at maturity. Berms less than six feet in height shall be planted with evergreen shrubs, at a rate of one per four lineal feet of landscape strip, to a mature height equal to or greater than a six-foot high berm. The screen may consist of either overlapping groupings or a solid row of material. If overlapping groupings are used, the overlap should be at least one-half plant width. Shrub spacing shall be no greater than four feet on center, with no greater than six feet on center between groupings. Refer to Figure 9 for illustration*;

iii. Canopy Vegetation. In addition to the requirements of subsection (G)(3)(b)(i) or (ii) of this section, trees, at a rate of one per 25 lineal feet of lot line, shall be interspersed throughout the landscape strip in groupings or uniform rows. Spacing shall be no greater than 25 feet on center with uniform spacing or 50 feet on center between groupings. Minimum mature height shall be 20 feet. Refer to Figure 9 for illustration;*

iv. Screen Width. All required L3 vegetation shall be located adjacent to the lot line and shall have a minimum planting bed width of 20 feet, with no required vegetation located greater than 30 feet from the lot line. No buildings or impervious surfaces, with the exception of pedestrian walks connecting the site to adjacent property, shall be located between the interior edge of the screen width and the lot line.

4. Sight-Obscuring Fence/Wall (Fence Level – F1).

a. Intent. The F1 standard provides a tall and complete visual separation. This standard is applied in special circumstances where complete screening is necessary to protect abutting uses and landscape screens are impractical in that there is inadequate space for a landscape screen or when noise protection that is afforded by walls and fences is greater than what is provided by a vegetative screen. Examples of use: to screen open yard industrial activities from incompatible residential, institutional or office developments nearby.

b. Minimum Design Requirements. Fences and walls must be at least six feet high and 100 percent sight-obscuring. Sight-obscuring fences and walls can be constructed of wood, metal, bricks, masonry, or other permanent material; however, cyclone fences, with or without slats, will not be considered a sight-obscuring fence. A combination of fence and wall is permitted. The fence/wall shall be installed along the lot line. When using the F1 standard along road rights-of-way, the fence/wall shall comply with sight distance requirements and fence/wall setback requirements of UPMC 19.35.020, Density and Dimensions. Refer to Figure 10 for illustration.*

5. Use of Existing Vegetation in Lieu of Landscape Levels. Where existing vegetation can provide the same level of screening as required per the above landscape levels, an applicant will be granted a waiver of the standard requirement, per subsection (H) of this section.

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H. Standards – Use of Existing Vegetation to Satisfy Requirements. The applicant is responsible for submitting to the planning department an alternative conceptual landscape plan, supporting photographs and a brief explanation as to how the alternative plan satisfies the intent of the landscape level required per subsection (B)(2)(a) of this section, as permitted per subsection (G)(5) of this section. Supplemental plant material may be required to be installed within, or adjacent to, the natural landscape area, critical area or critical area buffer to fully comply with the intent of the landscape level.

I. Standards – Planting Sizes and Berms.

1. Landscape areas required pursuant to this section shall conform to the following standards:

a. Trees – Evergreen. Size: Coniferous and broadleaf evergreen trees may be comprised of a mixture of sizes but shall not be less than six feet in height at time of planting. Tree material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements within 10 years of installation.

b. Trees – Deciduous. Size: Deciduous trees may be comprised of a mixture of sizes but shall be fully branched, have a minimum caliper of one and one-half inches and a minimum height of eight feet at time of planting. Tree material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements within 10 years of installation.

c. Shrubs and Hedges. Size: Shrubs may be comprised of a mixture of sizes but shall not be less than gallon size containers at time of planting. Shrub and hedge material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements within five years of installation.

d. Groundcover – Vegetative. Size: Groundcover shall be planted to achieve a minimum planting area coverage of 50 percent of required coverage within two years of installation and shall achieve 100 percent of required coverage within five years of installation.

e. Groundcover – Inert. Wood chips, bark, decorative rock or other appropriate inert organic material may be used.

f. Lawn – Sodded and Seeded. Newly seeded lawns or installed sod shall be comprised of drought resistant and hardy varieties which, when properly installed and maintained, are capable of surviving under conditions of restricted water use. Refer to subsections (O)(3)(a) and (c) of this section for recommended methods to decrease water consumption when utilizing lawn in the landscape.

2. Berms. Mounds of earth used for berming shall not exceed a slope of two horizontal feet to one vertical feet (2:1).

J. Significant Tree Preservation.

1. Significant Tree. An existing healthy tree which, when measured four feet above grade, has a minimum diameter of:

a. Six inches for evergreens, except as provided under subsections (b) or (d) below; or

b. Eight inches for Douglas Fir and Hemlock trees; or

c. Twelve inches for deciduous trees; or

d. A tree that because of its unique species, environment, or location is determined by the director to be a significant tree.

2. Significant Trees – Retention Required. Except as provided in subsection (6) below, significant trees shall be retained in all residential, commercial, industrial or institutional developments as follows:

a. Significant tree preservation shall be required in conjunction with an application for a site development permit, short subdivision, or subdivision;

b. All significant trees located within any required perimeter landscaping area shall be retained;

c. Fifty percent of the significant trees located in the interior of the lot, excluding sensitive areas or their buffers, shall be retained in apartment, townhome, new residential, or institutional developments;

d. Ten percent of the significant trees located in the interior of the lot, excluding sensitive areas or their buffers, shall be retained in commercial, utility, or industrial developments;

e. If significant trees were previously located in a closed, forested situation, a registered landscape architect shall determine if a tree has a significant chance of toppling in high winds, and whether a buffer of smaller trees, retained or replaced on the fringe of such significant trees would reduce the risk of toppling;

f. A grouping of three or more existing trees with canopies that touch or overlap may be substituted for each required significant tree; provided each tree has a diameter of at least three inches when measured four feet above grade;

g. Except as provided in subsection (h), significant trees to be retained shall not include significant trees that, following inspection by a registered landscape architect, certified nursery pro-

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fessional, certified arborist, or certified forester are determined to be:

i. Damaged or diseased,

ii. Safety hazards due to potential root, trunk or primary limb failure, or exposure of mature trees which have grown in a closed, forested situation;

h. At the discretion of the city, damaged or diseased or standing dead trees may be retained and counted toward the significant tree requirement, if demonstrated that such trees will provide important wildlife habitat and are not classified as danger trees.

3. Significant Trees – Retention Plan. The applicant shall submit a tree retention plan concurrent with an application for a site development permit, preliminary subdivision, or short subdivision application, whichever is submitted first. The tree retention plan shall consist of:

a. A tree survey that identifies the location, size and species of all significant trees on a site. The tree survey may be conducted by a method that locates individual significant trees or by using standard timber cruising methods to reflect general locations, numbers and grouping of significant trees; provided, that when using either method, the survey:

i. Shall also show the location and species of each significant tree that is intended to qualify for additional credit pursuant to subsection (4) below, and

ii. Any tree 18 inches or greater diameter for the purpose of establishing wildlife habitat value;

b. A development plan identifying the significant trees that are proposed to be retained, transplanted or restored.

4. Significant Trees – Incentives for Retention. Each significant tree that is located outside of the area for perimeter landscaping and is retained may be credited as two trees for complying with the retention requirements of subsection (2) above; provided it meets one or more of the following criteria:

a. The tree exceeds 60 feet in height, or 24 inches in diameter for evergreen trees or 30 inches for deciduous trees;

b. The tree is located in a grouping of at least five other significant trees with canopies that touch or overlap;

c. The tree provides energy savings, through winter wind protection or summer shading, as a result of its location relative to buildings;

d. The tree belongs to a unique or unusual species;

e. The tree is located within 25 feet of any critical area or required critical area buffers; and

f. The tree is 18 inches or greater and is identified as providing valuable wildlife habitat.

5. Significant Trees – Protection. To provide the best protection for significant trees:

a. No clearing shall be allowed on a site until approval of tree retention and landscape plans;

b. An area free of prohibited disturbance, generally corresponding to the drip line of the significant tree shall be identified during the construction stage with a temporary five-foot high chainlink or plastic net fence;

c. No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within the area defined by such fencing or stakes;

d. A rock wall shall be constructed if the grade level around the tree is to be raised by more than one foot. The inside diameter of the well shall be equal to the diameter of the dripline of the tree;

e. The grade level shall not be lowered within the larger of the two areas defined as follows:

i. The drip line of the tree(s); or

ii. An area around the tree equal to one-foot diameter or each inch of tree trunk diameter measured four feet above the ground;

f. The planning department may approve use of tree protection techniques, other than those listed above, if the trees will be protected to an equal or greater degree than by the techniques listed above. Alternative techniques must be approved by a registered landscape architect or certified nursery professional; and

g. No impervious surface or fill shall be installed within the dripline of the tree unless a registered landscape architect or certified nursery professional determines that the long-term health of the tree will not be significantly harmed.

6. Significant Trees – Replacement. When the required number of significant trees cannot be retained, significant trees that are removed shall be replaced with:

a. Transplanted significant tree;

b. New trees measuring three inch caliper or more, at a replacement rate of one and one-half inches diameter for every one inch diameter of the removed significant tree.

K. Standards – Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most

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vulnerable to lack of watering and to survive periods of extended drought once they are established. All landscaped areas must provide an irrigation method as stated below:

1. Option 1. Pursuant to subsection (O)(3)(c) of this section, a permanent underground irrigation method with an automatic controller plus an overriding rain switch.

2. Option 2. Pursuant to subsection (O)(3)(c) of this section, an irrigation method which provides sufficient water to ensure that the plants will become established. The method shall be required to be permanent unless the plant materials selected are determined to be drought tolerant by the department, refer to subsection (O)(4) of this section, in which case irrigation standards shall be required only during the first growing season following installation. Even if drought tolerant plants are used in the landscape design, there must be an identified method to easily provide water to the plants in the case of a prolonged drought. Any automatic/mechanical system designed under this option shall be fitted with an overriding rain switch.

L. Standards – Planting and Irrigation Plans. A planting plan and irrigation plan are required to be prepared for any landscape activity proposed for multifamily or nonresidential development. Formal subdivisions and short subdivisions require only a planting plan.

1. Persons Qualified to Prepare Plans. The landscape plan shall be prepared by a Washington State registered landscape architect, a Washington State certified nurseryman, or a Washington State certified landscaper, except that planting plans for short subdivisions and for street tree requirements may be prepared by the applicant. The irrigation plan shall be prepared by a Washington State registered landscape architect or certified irrigation designer, except that irrigation plans for short subdivisions and for street tree requirements may be prepared by the applicant.

2. Planting Plan. A planting plan is required to ensure that the proposed plantings are in conformance with the standards and requirements of this chapter. A planting plan drawn to the same scale as the other development plans shall include, at a minimum, the following components:

a. The location of existing vegetation to be retained and to be removed, proposed vegetation, property lines, impervious surfaces, existing or proposed buildings, natural or manmade water features or bodies, existing or proposed fences and retaining walls, critical lands and associated buffers, and designated recreational open space areas.

b. A plant schedule containing the botanical and common names of the new plant material, existing plant material proposed to be retained, the planting size of the material, the number of each plant, and any special planting instructions.

3. Irrigation Plan. An irrigation plan is required to ensure that the planting will be watered at a sufficient level to ensure plant survival and healthy growth. The irrigation plan shall conform with the requirements of subsection (J) of this section.

4. Installation. The following is required following approval of the planting and irrigation plan.

a. The person or persons certified pursuant to subsection (K)(1) of this section and authorized to prepare the planting and irrigation plans shall submit, within 30 days of completed installation, a signed affidavit that landscaping has been installed per the approved plans.

b. Planting is encouraged to take place in the spring or fall planting season following final development permit approval, and shall be completed prior to final occupancy approval of the building. The director may allow a postponement of the landscaping due to weather conditions, with appropriate financial guarantees to ensure completion, but in no case shall planting be postponed beyond 90 days after the certificate of occupancy is issued. However, the director may approve an alternative timeline associated with a phased project.

M. Standards – Maintenance. With regard to maintenance of on-site landscaping, the following standards shall be followed:

1. All landscaping shall be maintained for the life of the project.

2. All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure.

3. All landscape areas shall be kept free of trash.

N. Standards – Replacement. The following standards apply to the replacement of vegetation within required perimeter buffers and parking lot landscape areas.

1. Any installed plant material located within required perimeter landscape buffers and parking lot landscape area shall be replaced within the spring or fall growing season following plant loss but not greater than 180 days from time of loss. This standard applies for the life of the project.

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2. Any tree existing on-site at the time of development, greater than eight inches DBH, that is located within required perimeter landscape buffers and parking lot landscape areas shall be replaced within the spring or fall growing season following death or following a determination by a registered landscape architect or certified nurseryman that the tree is diseased or damaged and has a significant chance of toppling in high winds, but not greater than 180 days from time of loss. The existing tree shall be replaced on a two-for-one basis. Any future replacement of the initial replacement trees shall occur at one-for-one ratio. This standard applies for the life of the project.

O. Standards – Bonding. Performance bonds or other appropriate security (including letters of credit) shall be required if landscaping is not installed prior to issuance of occupancy permits.

P. Guidelines – Root Control, Water Conservation and Suggested Plant Material.

1. Intent. The following guidelines are not intended to be mandatory but are suggested ideas for reducing the maintenance cost of a development, enhancing the long-term health of plant material and reducing the cost of watering. The intent of a root control guideline is to reduce the potential of tree roots causing costly damage to adjacent asphalt and concrete surfaces. The intent of water conservation guidelines is to ensure that costly plant material is provided with the opportunity to take the most advantage of natural watering and therefore reduce the amount of water required to maintain plant material health during the dry season. The intent of a plant material guideline is to encourage use of plants native to the Pacific Northwest and introduced plants common to the Pacific Northwest, in that order, in order to maximize use of rainwater, to reduce general maintenance needs and to encourage the development of landscape designs reflective of our natural surroundings.

It is also the intent of the plant material guideline to encourage the use of drought tolerant plants in landscape designs in order to reduce the amount of water devoted to outdoor watering at a time when population pressures are increasing faster than the water supply.

2. Root Control Guidelines. Any tree planted within five feet of public or private road pavement edge, curbing or sidewalk or within required parking areas shall install a root control barrier. Root control barriers shall consist of galvanized metal sheets extending a minimum of two feet below the finished grade of the surrounding surface.

3. Water Conservation Guidelines.

a. Soil Preparation. Landscape areas should be deep tilled to a depth of at least 12 inches to facilitate deep water penetration and soil oxygenation. Use of soil amendments is encouraged to improve water drainage, moisture penetration or water holding capacity. For all newly landscaped areas, including single-family residences, organic matter should be incorporated to a depth of four to six inches to facilitate deep water penetration and soil oxygenation.

b. Mulching. Mulch should be applied regularly to, and maintained in all, planting areas to assist soils in retaining moisture, reducing weed growth and minimizing erosion. Mulches include organic materials such as wood chips and shredded bark and inert organic materials such as decomposed lava rock, cobble and gravel. The use of inert organic mulches are recommended in conjunction with geotextiles. Nonporous materials such as plastic sheeting is not recommended for use in any area of the landscape because of down slope erosion and potential soil contamination from herbicide washing. Mulches should be applied to the following depths: three inches over bare soil and two inches where plant materials will cover.

c. Compatible Water Use Design. Trees and plants having similar climatic, water, soil, and maintenance requirements should be grouped in distinct and compatible planting areas as follows: i) plants which, at maturity, require moist soils and supplemental water in addition to natural rainfall to survive; ii) plants which, at maturity, survive on natural rainfall with supplemental water during seasonal dry periods that are unusual due to their length, high temperature or lack of moisture; and iii) plants which, at maturity, survive on natural rainfall without supplemental water. Grouping/zoning of plantings in coordination with the irrigation hydrozoning plan as well as topographic features in the landscape such that plantings benefit from collected precipitation, run-off or water harvesting is also encouraged.

4. Plant Lists – Guidelines. Applicants are strongly encouraged to utilize plant material native to the Pacific Northwest and introduced plants common to the Pacific Northwest, in that order, in order to retain the natural character of the region and to utilize plants that are best suited to the wet/dry climate of the Pacific Northwest. Applicants are also strongly encouraged to utilize drought tolerant plants. Regardless of their geographic origin or perceived ability to endure drought, it is impor-

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tant to put plants into landscape situations that are similar to their natural habitat. A water-wise landscape is not strictly made up of low-water plants, but a combination of plants put in the right place. Applicants may contact the department for lists of suggested plantings.

Q. Design Guidelines – Landscaping. (Reserved).

R. Enforcement and Penalties. In addition to any other sanction or penalty or any remedial or administrative procedure available under the University Place Municipal Code or state law for a violation of any provision of this section or failure to comply with any permit or other written order or decision issue pursuant to this section a monetary penalty shall be assessed that is the greater of:

1. Five hundred dollars for each tree cleared, cut, damaged or removed, or for each act of clearing, cutting, damaging, or removing vegetation; or

2. Triple the value of each tree cleared, cut, damaged or removed, or of the vegetation cleared, cut, damaged, or removed. The value to be the replacement value as determined under the methods described in the Guild for Establishing Value of Trees and Other Plants, published by the International Society of Arboriculture, most current edition; or

3. An amount reasonably determined by the director to be equivalent to the economic benefit that the violator derives from the violation as measured by the greater of the resulting increase in market value of the property or the value received by the violator, or savings of construction costs realized by the violator.

HOW TO USE TABLES:

To determine what level of perimeter landscape buffering is required to be installed for a proposed project, follow the procedure below:

1. Read down the left hand column for the use type or use category in which the proposed use would most closely fit. If there are note references associated with the use types/categories, refer to the note description immediately below the table; and

2. Read across the top of the table to the column containing the use type or use category abutting the property along a certain lot line. If there are note references associated with the use types/categories, refer to the note descriptions immediately below the table; and

3. Read down the appropriate existing column to its intersection with the proposed use row to determine the required landscape level. If there are note references associated with the landscape levels, refer to the note descriptions immediately below the table for the appropriate landscape level, e.g., L2; "N/A" means not applicable; and

4. Refer back to the text of the section for details on the landscape levels and other standards.

If a use is not listed as proposed or existing on the table, no perimeter landscape buffering as defined in this section shall be required of that use.

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TABLE 1: PERIMETER LANDSCAPE BUFFERING: MINIMUM LANDSCAPE LEVELS												
Proposed Uses	**Existing Uses**											
	Single- or Two-Family Subdivisions	Single- or Two-Family Uses	Multi-family Uses	Mobile Home Park Uses	Senior Housing/Nursing Home Uses	Fraternity and Sorority House Uses	Civic and Utility Use Category	Office and Business Uses	Resource Use Category	Commercial Use Category	Industrial Use Category	Streets (9)
Single/Two-Family Subdivisions (7) (8)	L2	N/A	L2 or F1	N/A	L1	L1	L1 (1)	L2 or F1	L1 or F1 (2)	L2 or F1	L3 or F1	(5) (6)
Multifamily (7) (8)	L3	L3	L2	L1	L2	L1	L2 (1)	L2	L2 (2)	L2	L3	(5) (6)
Mobile Home Park (7) (8)	L2	L2	L2	L2	N/A	N/A	L2 (1)	L2 or F1	L2 or F1 (2)	L2 or F1	L3	(5) (6)
Senior Housing and Nursing Home (7) (8)	L2	L2	L1	L1	L2	L1	L1 (1)	L2	L2 (2)	L2	L3	(5) (6)
Fraternity/Sorority House (7) (8)	L2	L2	N/A	N/A	L2	L2	L1 (1)	L2 or F1	L2 or F1 (2)	L2 or F1	L3	(5) (6)
Civic and Utility Use Category (7) (8)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(5) (6)
Office and Business Use Category (7) (8)	L3	L3	L3	L3	L3	L3	L1 (1)	L1	N/A	N/A	N/A	(5) (6)
Resource Use Category (7) (8)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(5) (6)
Commercial Use Category (7) (8)	L3	L3	L3	L3	L3	L3	L1 (1)	N/A	N/A	L1	N/A	(5) (6)
Industrial Use Category	L3	L3	L3	L3	L3	L3	L1 (1)	L2	N/A	L2		(5) (6)

NOTES:

(1) This landscape level applies only to the following civic and utility use types, which include: administrative governmental facilities and services, health services, day care centers, education, postal services/transportation (Levels 2 and 3 only), and utility or public maintenance facilities, which include: nonprofit, religious assembly, communication or cellular facilities, electrical facilities, electric generating facilities, natural gas facilities, water supply facilities, sewage collection facilities, and sewage treatment facilities.

(2) This landscape level applies only to the following resource type uses: agricultural sales (Levels 2 and 3 only), agricultural services, animal production, boarding and slaughtering, fish hatcheries and aquaculture, forestry (Level 2 only), mineral extraction and crop production (Level 2 only).

(3) Refer to Table 2 for landscape buffering requirements for proposed civic and utility use types.

(4) Refer to Table 3 for landscape buffering requirements for proposed resource use types.

(5) Along lot frontages that abut a collector arterial, secondary arterial, or major arterial designated streets, excluding unopened rights-of-way, and along both sides of collector arterial, secondary arterial, or major arterial designated streets, excluding unopened rights-of-way that run through a development, street trees shall be installed at the rate set forth in UPMC 19.35.030(G)(1)(b), with no trees to be located greater than 15 feet from the right-of-way line. Refer to Figure 1 for illustration.*

(6) Parking lots located within 20 feet of a public street right-of-way shall be screened from the street with an L1 landscape buffer, per UPMC 19.35.030(G)(1), (2), and (3).

(7) All parking lots shall be provided with interior landscaping per the requirements of UPMC 19.35.030(C)(2).

(8) Pedestrian openings in L3 perimeter buffers are permitted, subject to department approval, as long as the full screen effect is not substantially eliminated.

(9) "Streets" refers to public or private collector, secondary or major arterials.

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TABLE 2: PERIMETER LANDSCAPE BUFFERING: MINIMUM LANDSCAPE LEVELS												
Proposed Uses	**Existing Uses**											
	Single- or Two-Family Subdivisions	Single- or Two-Family Uses	Multi-family Uses	Mobile Home Park Uses	Senior Housing/Nursing Home Uses	Fraternity and Sorority House Uses	Civic and Utility Use Category	Office and Business Uses	Resource Use Category	Commercial Use Category	Industrial Use Category	Streets (9)
Administrative Governmental Facilities and Services/ Community and Cultural Services and Health Service (8)	L3	L3	L3	L3	L3	L3	L1 (2)	N/A	N/A	N/A	N/A	(6) (7)
Day Care Center (8)	L3 or F1	L3 or F1	L3 or F1	L3 or F1	L3 or F1	L3 or F1	L3 or F1	N/A	N/A	N/A	N/A	(6) (7)
Education (8)	L2	L2	L2	L2	L2	L1	L3 or F1	L1	L1	L1	L3	(6) (7)
Postal Services/Transportation (Levels 2 and 3 only)/Utility or Public Maintenance Facilities (8)	L3	L3	L3	L3	L3	L3	L1 (2)	N/A	N/A	N/A	N/A	(6) (7)
Recreation, Nonprofit/Religious Assembly (8)	L2 (1)	L2 (1)	L2 (1)	L2 (1)	L2 (1)	L2 (1)	N/A	N/A	N/A	N/A	N/A	(6) (7)
Communications or Cellular Facilities/Electrical Facilities/ Electric Generation Facilities/ Natural Gas Facilities/Sewage Collection Facilities/Water Supply Facilities (8)	L3 (3)	L3 (3)	L3 (3)	L3 (3)	L3 (3)	L3 (3)	L3 (3)	N/A	N/A	N/A	N/A	(6) (7)
Pipeline/Storm Water Facilities (8)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	(6) (7)
Sewage Treatment Facilities (8)	L3	L3	L3	L3	L3	L3	L3 (2)	L3	N/A	L3	N/A	(6) (7)
Organic Waste Processing Facilities/Waste Disposal Facilities/Waste Transfer Facilities (8)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(6) (7)

NOTES:

(1) This landscape level is required only along that portion of an interior lot line where parking spaces or aisles are located less than 15 feet from the interior property line.

(2) This landscape level is required only if the interior abutting lot use is of an education, recreation, nonprofit, religious assembly or community and cultural services use type.

(3) For power lines, sewage pump stations and sewage lift stations only the vegetative screen or berm requirements of the L3 landscape level are required, UPMC 19.35.030(G)(3)(b)(i) or (ii). No canopy vegetation or minimum screen width is required, UPMC 19.35.030(G)(3)(b)(iii) and (iv). For personal wireless telecommunication facilities refer to UPMC Title 23.

(4) Refer to hazardous waste treatment and storage facility standards of UPMC 19.35.120.

(5) Refer to solid waste handling facility standards of UPMC 19.35.120.

(6) Along lot frontages that abut a collector arterial, secondary arterial, or major arterial designated streets, excluding unopened rights-of-way, and along both sides of collector arterial or major arterial designated streets, excluding unopened rights-of-way that run through a development, street trees shall be installed at the rate set forth in UPMC 19.35.030(G)(1)(b)(iii), with no trees to be located greater than 15 feet from the right-of-way line. Refer to Figure 1 for illustration.*

(7) Parking lots located within 20 feet of a public street right-of-way shall be screened from the street with an L1 landscape buffer, per UPMC 19.35.030(G)(1), (2), and (3).

(8) All parking lots shall be provided with interior landscaping per the requirements of UPMC 19.35.030(C)(2).

(9) "Streets" refers to public or private collector, secondary or major arterials.

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(10) Where a civic or utility use type abuts a like use, the landscape level is not required.

TABLE 3: PERIMETER LANDSCAPE BUFFERING: MINIMUM LANDSCAPE LEVELS

Proposed Uses	Existing Uses											
	Single- or Two-Family Subdivisions	Single- or Two-Family Uses	Multi-family Uses	Mobile Home Park Uses	Senior Housing/Nursing Home Uses	Fraternity and Sorority House Uses	Civic and Utility Use Category	Office and Business Uses	Resource Use Category	Commercial Use Category	Industrial Use Category	Streets (6)
Agricultural Sales (Levels 2 and 3 only) (5)	L3	L3	L3	L3	L3	L3	L1 (1)	N/A	N/A	N/A	N/A	(3) (4)
Agricultural Services (5)	L3	L3	L3	L3	L3	L3	L1 (1)	L2	N/A	L2	N/A	(3) (4)
Animal Production, Boarding and Slaughtering – Level 1/Fish Hatcheries and Aquaculture (5)	L2 (5)	L2 (5)	L2 (5)	L2 (5)	L2 (5)	L2 (5)	L1 (1)	L2	N/A	L2	N/A	(3) (4)
Animal Production, Boarding and Slaughtering – Level 2/ Forestry (Level 2 only)/Mineral Extraction (5)	L3	L3	L3	L3	L3	L3	L1 (1)	L2	N/A	L2	N/A	(3) (4)
Crop Production (Level 2 only) (5)	L3	L3	L3	L3	L3	L3	L1 (1)	L2	L3 (2)	L2	N/A	(3) (4)

NOTES:

(1) This landscape level is required only if the abutting use is of an education, nonprofit, religious assembly, or community and cultural services use type.

(2) This landscape level is required only along the portion of the interior lot line where enclosures or buildings are located less than 35 feet from the interior property line.

(3) Along lot frontages that abut a collector arterial, secondary arterial, or major arterial designated streets, excluding unopened rights-of-way, and along both sides of collector arterial, secondary arterial, or major arterial designated streets, excluding unopened rights-of-way that run through a development, street trees shall be installed at the rate set forth in UPMC 19.35.030(G)(1)(b), with no trees to be located greater than 15 feet from the right-of-way line. Refer to Figure 1 for illustration.*

(4) Parking lots located within 20 feet of a public street right-of-way shall be screened from the street with an L1 landscape buffer, per UPMC 19.35.030(G)(1), (2), and (3).

(5) All parking lots shall be provided with interior landscaping per the requirements of UPMC 19.35.030(C)(2).

(6) "Streets" refers to public or private collector, secondary or major arterials.

(Ord. 153 §§ 8, 9, 1997; Ord. 148 § 2, 1997; Ord. 114 §§ 1 – 3, 1996; Ord. 79 § 1, 1996).

* Code reviser's note: Figures 1 – 10 can be found in § 19.35.020 of Ordinance 79, available at the office of the city clerk.

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19.35.040 Off-street parking and loading area requirements.

A. Purpose. The purpose of this section is to regulate parking and loading in order to lessen traffic congestion and contribute to public safety by providing sufficient on-site areas for the maneuvering and parking of motor vehicles. The purpose is also to provide minimum standards of space and parking arrangements for the safe movement of motor vehicles into and out of such spaces, enhancing safety for pedestrians and motor vehicle operators. Further purposes include the avoidance and reduction of traffic congestion on public streets by keeping the need for on-street parking to a minimum and by controlling access to sites.

B. Required Parking Spaces. Off-street parking spaces shall be provided as an accessory use in accordance with the requirements of this section.

C. Size and Access. Each off-street parking space and access aisle shall meet all applicable provisions of this section (see subsection (K) of this section).

D. Location. Off-street parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building that such facility is required to serve.

1. For a single-family dwelling or multifamily dwellings, the parking facilities shall be located on the same lot or building site as the building they are required to serve.

2. For churches, hospitals, large group homes, institutions, rooming and lodging houses, nursing and convalescent homes, community clubs, and club rooms, parking facilities shall be located not farther than 150 feet from the facility.

3. For uses other than those specified, parking facilities shall be located not farther than 300 feet from the facility.

E. Unit of Measurement. In stadiums, sports arenas, churches, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 18 inches of width or 80 square feet of open area of such seating facilities should be counted as one seat for the purpose of determining requirements of off-street parking facilities under this code.

F. Building Rehabilitation, Expansion, or Change of Use. Additional parking shall not be required as a result of a building remodel or tenant improvement, a change in use or tenancy, or a new certificate of occupancy; provided such changes result in no significant increases in parking demand. If a significant increase in parking demand results, in the opinion of the director, additional parking shall be provided in accordance with the parking requirements of this section.

G. Nonconformities. Land uses and buildings legally in existence prior to the adoption of these regulations shall not be required to comply with these provisions except that portions of new uses and expansions of structures shall conform. Nothing in this code shall be construed to require off-street parking spaces for the portion of said building or structure existing at the effective date of the ordinance codified in this title.

H. Mixed Occupancies. In the case of two or more uses in the same building, the total requirements for off-street parking facilities shall be the sum of the requirements for the several uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as hereafter specified in subsection (J) of this section for joint use.

I. Uses Not Specified. In the case of a use not specifically mentioned in subsection (J) of this section, the requirements for off-street parking facilities shall be determined by the director. Such determination shall be based upon the requirements for the most comparable use specified in subsection (J) of this section.

J. Parking Spaces Required For Particular Uses. The minimum number of off-street parking spaces required shall be as set forth in the following:

Use	Parking Spaces Required
1. Administrative and Professional Offices	One for each 400 square feet of gross floor area.
2. Amusement and Recreation:	One per 300 square feet.
Exceptions:	
Bowling Alleys	Four per lane.
Golf Course	Three per hole, plus one per 300 square feet of club house facilities.
Stadiums	One for each four seats.

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Theater	One for each 300 seats up to 800 seats, plus one for each five seats over 800 seats.
3. Basic Manufacturing	One for each three employees on a maximum shift.
4. Community and Cultural Services	One for each 250 square feet of gross floor area.
Exceptions:	
Conference Center	One for each four seats.
5. Day Care Centers	Two per facility, plus one for each 20 children.
6. Eating and Drinking Establishments	One for each 200 square feet of gross floor area.
7. Food Stores	One for each 200 square feet of gross floor area.
8. Fraternity or Sorority House	One for each three sleeping rooms or one for each six beds, whichever is greater.
9. Group Home	One for each two beds.
10. Health Services	Two for each bed.
Exceptions:	
Medical or Dental Clinics	10 for each physician or dentist.
11. Industrial Services and Repair	One per 300 square feet of office, plus one per 1,000 square feet of indoor repair areas.
12. Lodging	One for each sleeping room.
13. Motor Vehicles and Related Equipment Sales, Rental, Repair, and Service Wholesale Trade	One for each 400 square feet of gross floor area.
14. Multifamily Housing	One and one-half for each unit.
15. Nursing and Personal Care Facilities	One per four beds.
16. Religious Assembly	One for each five seats in the principal place of assembly for worship, including balconies and choir loft.
Exceptions:	
Mortuaries or Funeral Homes	One for each four fixed seats or one for 80 square feet of floor area used for services, whichever is greater.
17. Schools:	
High School	One for each eight students plus one for each faculty member (exclusive of loading and unloading area).
Elementary and Jr. High	One for each faculty member.
18. Senior Housing	One per two dwelling units.
19. Single and Two-Family Housing	Two for each dwelling unit.
20. Warehousing, Distribution and Freight Storage Facilities	One fore each 2,000 square feet of gross floor area, except that office space shall provide parking as required for offices.
21. Unattended Personal Wireless Telecommunication Facilities	One for each facility.

K. Parking Dimensions. The dimensions for parking lots, including spaces, drive aisles, etc. are as set forth on Figure 1.

L. Compact Car Allowance. In any development containing more than 20 parking spaces, up to 50 percent of the total number of the spaces may be sized to accommodate compact cars, subject to the following:

1. Each space shall be clearly identified as a compact car space by painting the word "COMPACT" in capital letters, a minimum of eight inches high, on the pavement at the base of the parking space and centered between the striping;

2. Aisle widths shall conform to the standards set in Figure 1 below;

3. Apartment developments with less than 20 parking spaces may designate up to 40 percent of the required parking spaces as compact spaces.

M. Accessible Parking Requirements. Off-street parking and access for physically handicapped persons shall be provided in accordance with Chapter 19.27 RCW, State Building Code, as detailed in Chapter 51-30 WAC.

N. Required Loading Areas. In any commercial and manufacturing zones, and for any institutional use in whatever zone it may be located, every building or portion of building hereafter erected or structurally altered to provide additional floor space shall be provided with a minimum of one off-street or off-alley loading space for each 12,000 square feet of floor space or fraction thereof within the building, which floor space is intended to be used for or is used for merchandising, manufacturing, warehousing, or processing purposes. If the building contains more than 24,000 square feet of floor space so used, then there shall be one additional loading space provided for each additional 24,000 square feet of floor space. In no case shall less than one loading space be provided. Each loading space shall measure not less than 30 feet by 12 feet, and shall

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have an unobstructed height of 14 feet, and shall be made permanently available for such purpose, and shall be surfaced, improved, and maintained. Such facilities shall be so located that trucks using same shall not encroach upon or interfere with areas reserved for off-street parking nor project into any public right-of-way and shall be adjacent to the building to be served thereby. If the site upon which such loading space or spaces is to be located abuts upon an alley, such loading space or spaces shall be off-alley. If the loading space is incorporated within a building then, as to location, the requirements of this section shall not apply.

Any floor area provided by additions to or structural alterations to a building shall be provided with loading space or spaces as set forth herein whether or not loading spaces have been provided for the original floor space.

O. Transit and Rideshare Provisions. All land uses that include government/business and manufacturing shall be required to reserve one parking space of every 20 required spaces for rideshare parking as follows:

1. The parking spaces shall be located closer to the primary employee entrance than any other employee parking except handicapped;

2. Reserved areas shall have markings and signs indicating the space is reserved; and

3. Parking in reserved areas shall be limited to vanpools and carpools established through rideshare programs by public agencies and to vehicles meeting minimum rideshare qualifications set by the employer.

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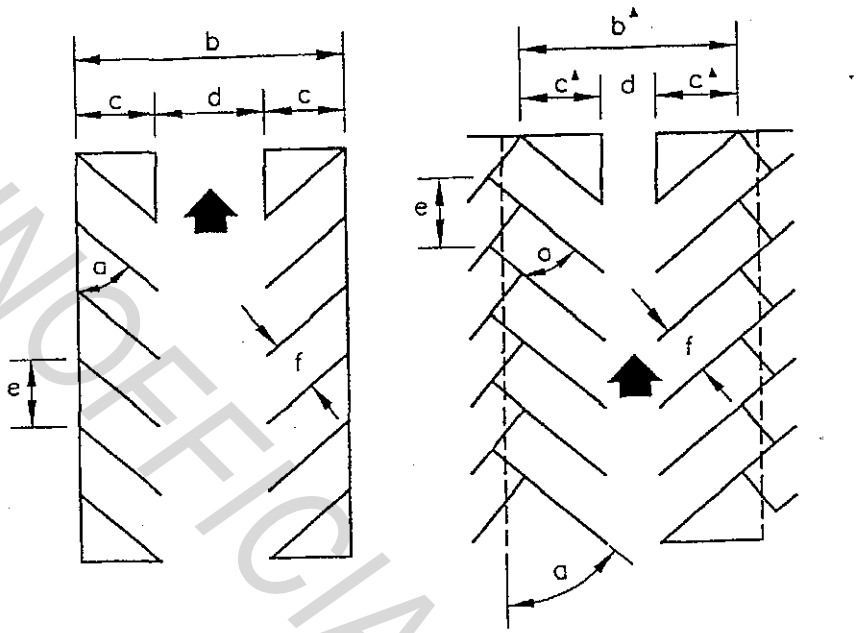
Figure 1

One Way Traffic



	a	b	c	d	e	f	b▲	c▲
Parallel	0°	28'	8'	12'	23'	8'		
Angled	35°	48'	18'	12'	14.8'	8.5'	41'	14.5'
	40°	49'	18.5'	12'	13.2'	8.5'	42'	15'
	45°	50'	19'	12'	12'	8.5'	43'	15.5'
	50°	51'	19.5'	12'	11.1	8.5	45'	16.5'
	55°	53'	20'	13'	10.4'	8.5'	48'	17.5'
	60°	55'	20'	15'	9.8'	8.5'	50'	17.5'
	65°	57'	20'	17'	9.7'	8.5'	53'	18'
	70°	59'	20'	19'	9.6'	8.8'	56'	18.5'
Compact	45°		17'	11'		8'		
	60°		16.7'	14'		8'		
	75°		16.3'	17.4'		8'		
	90°		15'	20'		8'		

(Ord. 153 § 10, 1997; Ord. 148 § 3, 1997; Ord. 98 § 1, 1996; Ord. 79 § 1, 1996).

19.35.050 Open space and set aside lands.

A. Purpose. The purpose of this section is to outline the provisions for classifying open space or designating set aside lands in conjunction with new development. Open space serves to: preserve the character of the natural and rural environment, protect stream corridors, ridgelines, shorelines, critical areas and fish and wildlife movement corridors; provide residents with usable open space for passive recreation and alternative nonmotorized transportation corridors; and protect the health and welfare of citizens by providing space for the control and enhancement of natural processes such as aquifer recharge, water quality and flood water storage capacity.

B. Applicability. The provisions of this section only apply to the zone classifications specifically identified in UPMC 19.35.020, Density and Dimensions.

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C. Incentives. As a mechanism to encourage open space classification or set aside designation the following incentives shall be available:

1. Tax Relief. Any property owner who has classified open space in accordance with this section may apply for tax relief pursuant to the provisions of Chapter 84.34 RCW, Open Space, Agricultural, and Timber Lands – Current Use Assessment – Conservation Futures.

D. General Provisions.

1. Open Space Locational Criteria.

a. The location of a proposed classification of open space shall be determined utilizing one or more of the following criteria:

i. Tract(s) which are identified for a proposed new trail or extension of an existing trail system;

ii. Tract(s) which create a linkage to another classified open space or public park on an adjacent parcel;

iii. Tract(s) which create a linkage to a critical area and its associated buffer(s);

iv. Tract(s) which provide access to marine, lake, river, creek or stream shoreline areas;

v. Tract(s) which preserve sensitive areas for aquifer recharge and enhancement of water quality or provides flood water storage capacity;

vi. Tract(s) which provide consolidated common open lawn areas for residents or employees in a development with an emphasis on access, visibility, and usability; or

vii. Tract(s) which preserve critical areas such as steep slopes, wetlands, and fish and wildlife habitat areas.

b. Tract(s) should be contiguous or form a linear system unless separation into multiple tracts would be more beneficial in fulfilling the locational criteria herein established.

2. Permitted Uses. The following uses shall be permitted in areas which have been classified for open space.

a. Urban open space: pervious and impervious surface trails; passive recreation and accessory structures; agricultural practices and associated agricultural structures; aquaculture; utility easements; and drainfields.

E. Classification of Open Space.

1. Classification Mechanisms.

a. To assure that the open space is adequately protected, a restriction shall be placed on the title of the property and a note placed on the face of the final plat, if platting is required, which specifies that the tract(s) has been classified as permanent open space. The restriction shall also indicate that uses permitted within the open space are limited to those identified in subsection (D)(2) of this section.

b. Prior to or concurrent with final approval of the discretionary land use permit or building permit, the open space area(s) shall be placed in a separate tract(s), protective easement, public or private land trust dedication, or similarly preserved through an appropriate protective mechanism as determined by the department.

2. Public Access.

a. The department shall require public access to the open space tract(s). The tract(s) are necessary for a proposed new trail or extension of an existing trail system.

b. If the department requires public access to an open space tract(s), as specified in subsection (E)(2)(a) of this section, then prior to or concurrent with final approval of the discretionary land use permit or building permit an easement shall be granted to the City of University Place providing for public access to the classified tract(s).

c. Public access is not required when determined to be inappropriate due to the presence of sensitive environmental areas or other unique features which would be better preserved and protected by limiting access.

(Ord. 79 § 1, 1996).

19.35.060 Home occupations.

A. Purpose. The purpose of this section is to provide standards which allow a resident of a dwelling unit to operate a limited activity from their principal residence or permitted accessory structure while achieving the goals of retaining residential character, maintaining property values and preserving environmental quality.

B. Applicability. Home occupations are permitted as an accessory use in conjunction with a dwelling unit.

C. Permit Exemptions.

1. Home based day care activities are exempt from the regulations of this chapter. The regulations governing day care facilities are stated in UPMC 19.35.070, Day Care Facilities.

2. Businesses which are exempt from the city business license registration requirements.

3. Businesses with no outside employees, no customers or clients visiting the business, no

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outward manifestation of the business, and no outside display or storage of materials, merchandise, or equipment.

D. Performance Standards.

1. Intent. It is the intent of this section to provide performance standards for home occupation activities, not to create a specific list of every type of possible home based business activity. The following performance standards prescribe the conditions under which home occupation activities may be conducted when incidental to a residential use. Activities which exceed these performance standards should refer to Chapter 19.25 UPMC, Zone Classifications and Use Tables, to determine the appropriate commercial, industrial, civic, or office use category which applies to the activity.

2. General Provisions and Standards. The following general provisions and standards shall apply to all home occupation activities, whether a permit is required or not:

a. The activity is clearly incidental and secondary to the use of the property for residential purposes and shall not change the residential character of the dwelling or neighborhood;

b. External alteration inconsistent with the residential character of the structure is prohibited;

c. Home occupation activities shall comply with building and fire code requirements for permits, occupancy, and inspection, including use of hazardous materials or equipment;

d. The activity does not create significant traffic and parking impact, or noticeable glare, noise, odor, vibration, smoke, dust or heat at or beyond the property lines;

e. Use of electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or fluctuations in line voltage at or beyond the property line is prohibited;

f. Manufacturing shall be limited to the small-scale assembly of already manufactured parts but does not preclude production of small, individually handcrafted items, furniture or other wood items as long as the activity meets the other standards of this chapter;

g. Except for exempt home occupations which are not allowed signs, one advertising sign not exceeding two square feet in size is permitted which shall be attached to the residence or accessory structure or placed in a window;

h. No more than one outside volunteer or employee who is not a principal resident of the premises is permitted, except for an occasional meeting;

i. The activity shall be limited to an area less than 500 square feet or a size equivalent to 50 percent of total floor area of the living space within the residence, whichever is less;

j. The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site; provided:

i. No more than one such vehicle be allowed;

ii. Such vehicle shall not park within any required setback areas of the lot or on adjacent streets; and

iii. Such vehicle shall not exceed a weight capacity of one ton;

k. The activity shall be performed completely inside the residence, an accessory structure or a combination of the two;

l. There shall be no outside display or storage of materials, merchandise, or equipment;

m. Vehicle repair, alteration, or rebuilding shall not be permitted as a home occupation.

E. Conditions and Decision Criteria. In addition to the standards set forth in subsection (D), the director shall have the authority to impose additional conditions or to deny a home occupation permit based upon the following decision criteria:

1. Activities which are potentially harmful or hazardous and may adversely affect the surrounding residential character or the environment may be modified or denied;

2. Activities which are not clearly incidental and secondary to the use of the property for residential purposes shall be denied; and

3. A home occupation, where the dwelling is not occupied for residential use, shall be denied.

F. Revocation of Permits. A home occupation permit may be revoked pursuant to UPMC 19.85.020, Revocation and Expiration, if applicant is found to be in noncompliance with any standards or conditions imposed upon the issuance of said permit.

G. Required Permit and Review. Activities which do not exceed the standards identified in this section are allowed in all land use classifications with a home occupation permit and are subject to administrative review, with public notice to adjacent property owners. Appeals shall be to the hearings examiner.

(Ord. 159 § 1, 1997; Ord. 98 § 1, 1996; Ord. 79 § 1, 1996).

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19.35.070 Day care facilities.

A. Purpose. The purpose of this section is to provide operating criteria to meet the need for quality, affordable, and safe day care facilities for adults and children in all areas of University Place. There are two types of day care facilities: home-based day care facilities and day care centers.

B. Home-Based Day Care Facilities. Home-based day care facilities operate from a residence and are restricted to a maximum of 12 children or adults. There are two types of home-based day care facilities: adult home-based day care and child home-based day care.

1. Operating Criteria for Home-Based Day Care Facilities.

a. Minimum Fencing/Screening Required. Outdoor recreation areas must be enclosed by a six-foot high fence.

b. Outdoor Play Equipment. Play equipment shall not be located in any required front or side yard setback area.

c. Off-Street Parking. In addition to the parking space required for the single-family dwelling, one parking space shall be required for each nonresident employee plus one additional parking space.

2. Administrative Use Permit. In a moderate density single-family (MSF) classification, an administrative use permit (UPMC 19.75.020) will be required for home-based day care facilities with more than six children or adults.

C. Day Care Centers. Day care centers are facilities which operate in places other than a residence with no limited number of clients. There are two types of day care centers: adult day care center and child day care center.

1. Operating Criteria for Day Care Centers.

a. Minimum Fencing/Screening Required. Outdoor recreation areas must be enclosed by a six-foot high fence.

b. Off-Street Parking. A minimum of one stall for every employee plus one for every 10 children or adults shall be provided. Off-street parking area shall meet the landscaping requirements in UPMC 19.35.030, Landscaping and Buffering.

c. Loading. There shall be an off-street area for loading and unloading children or adults (clearly marked). Adequate vehicle turnaround shall be provided on-site for parking and loading so as to preclude the necessity of backing out onto the street.

d. Signs. One sign will be permitted at a size to be determined by the zone classification where the facility is located.

2. Permitted Zones. Day care centers shall be permitted as specified in UPMC 19.25.100(F), Civic Use Type.

(Ord. 79 § 1, 1996).

19.35.080 Accessory dwelling units.

A. Purpose. Accessory dwelling units (ADUs) are intended to increase the supply of affordable and independent housing for a variety of households, increase home and personal security, provide supplemental earnings for people with limited incomes, and increase residential densities. This should occur by utilizing the existing infrastructure and community resources throughout the county while protecting the existing character of single-family neighborhoods.

B. Procedures. Any owner occupant seeking to establish an ADU shall apply for approval in accordance with established procedures. These procedures shall include:

1. Application. The owner occupant shall apply for a building permit for an ADU. A complete application form must demonstrate that all size thresholds and design standards are met.

2. Property Owner. The property owner, which shall include title holders and contract purchasers must occupy either the principal unit or the ADU as their permanent residence, but not both, for at least six months out of the year, and at no time receive rent for the owner-occupied unit.

3. Affidavit. An affidavit affirming that the owner will occupy the principal dwelling or the ADU and agreeing to all the general requirements as provided in this chapter is required.

a. An ADU shall be converted to another permitted use or shall be removed if one of the two dwelling units is not owner occupied.

4. Notice of Title. Prior to issuance of building permits the owner occupant shall record a notice on the property title acknowledging the existence of the ADU with the Pierce County auditor. Such notice shall be in a form as specified by the department and shall include as a minimum:

a. The legal description of the property which has been approved for an ADU;

b. The applicability of the restrictions and limitations contained in this section;

c. A copy of the city approved floor/site plan; and

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d. The property owner's signature on the notice. The signature shall be notarized prior to recording the notice.

5. Reports. The department shall report annually to the city council on ADU applications, the number of units established and their distribution throughout the city, the average size of the units, and the number and types of complaints and enforcement related actions.

C. General Requirements. The creation of an ADU shall be subject to the following general requirements:

1. Number. One ADU shall be allowed per lot of record as an accessory use in conjunction with any detached single-family structure.

2. Type of Unit. An ADU must be attached to the principal unit and will be permitted as a second dwelling unit.

3. Size. In no case shall an ADU be more than 40 percent of the building's total floor area, nor have more than 600 square feet, nor have more than two bedrooms.

4. Design. An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.

a. The entrance to an attached ADU shall not be directed towards any front yard unless utilizing an existing doorway.

5. Parking. One off-street parking space shall be required for the ADU in addition to off-street parking required for the principal dwelling pursuant to UPMC 19.35.040, Off-Street Parking and Loading Area Requirements. Such parking must be provided in the rear of the lot when alley access is available.

(Ord. 79 § 1, 1996).

19.35.090 Agricultural uses and animals.

A. Purpose. The purpose of this section is to regulate agricultural uses and animals and to provide certain limitations for the placement of these uses. Minimum lot sizes, setbacks, and best management practices are used to reduce conflicts between land uses that may not be compatible and to protect environmentally sensitive areas.

B. Exceptions.

1. Hobby Farms. Farm animals, agricultural activities, and associated structures may be established on any lot as a noncommercial use without an associated dwelling unit; provided:

a. The applicant completes a hobby farm agreement provided by the department. Each hobby farm agreement shall:

i. Define the type and intensity of all proposed agricultural activities.

ii. Clarify that the use of the site is for private noncommercial use.

iii. Provide time frames for periodic departmental monitoring.

iv. Be signed by the property owner and recorded as a title notice with the Pierce County auditor.

b. Hobby farms must comply with all other requirements of this section.

2. Those persons licensed through the State Department of Wildlife for wildlife rehabilitation are exempt from the provisions of this code to care for the following categories of wildlife as defined by the Washington Department of Fish and Wildlife.

a. Small mammals;

b. Medium mammals;

c. Lagomorphs;

d. Nonraptor avians.

Other categories, including carnivores and raptors, are excluded from this exemption.

C. Standards. Agricultural uses and animals shall be permitted in all zone classifications as an accessory use to a residential dwelling subject to the following requirements:

1. Animals Accessory to Residential Use. Animals kept shall be permitted subject to the following criteria:

a. Livestock. Livestock shall be permitted as an accessory use to a dwelling unit on any lot subject to the following provisions:

i. A fence used to enclose pasture lands may be constructed on the property line; provided, such pasture is maintained as required in this section.

ii. A fence constructed to permanently keep livestock out of buffers abutting streams, rivers, and wetlands shall be required pursuant to wetlands and fish and wildlife habitat areas codes. Such fence shall be constructed before livestock are introduced to a site.

b. Small Animals. Small animals shall be permitted as an accessory use to a dwelling unit on any lot subject to the following provisions:

i. Poultry, Pigeons, Peacocks and Rabbits. Poultry, peacocks, pigeons and similar birds, or rabbits and similar mammals raised for domestic, noncommercial use; provided:

(A) A minimum setback of 35 feet from all property lines shall be required for all pens, hutches, coups or similar enclosures.

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(B) No more than 12 poultry, peacocks, or rabbits and similar mammals shall be permitted per acre.

(C) Aviaries or lofts shall provide for one square foot for each pigeon or similar birds, and shall not exceed 2,000 square feet.

ii. Dogs and Cats. Any combination of five dogs or cats that individually exceed seven months of age are permitted. Kennels for five or more dogs or cats are prohibited.

c. Wild Animals and Reptiles. No person shall have, maintain, or possess any wolf, fox, chimpanzee, emu, ostrich, exotic, vicious, or poisonous animal or reptile.

2. Crop Production Accessory to Residential Use. Agricultural activities such as gardens and orchards shall be permitted and shall not be limited in any zone classification.

D. Area Requirements. Agricultural uses and animals shall be permitted in all urban zoning classifications as an accessory use to a residential dwelling subject to the standards in this section. The following requirements apply to livestock:

1. Livestock are not permitted on lots less than one acre.

2. On any lot from one acre to less than two acres in size, the number of animals shall not exceed two such animals which are 12 months or more of age.

3. On any lot exceeding two acres in size, there may be one more livestock animal for each additional acre beyond the initial two acres.

4. All pens, stables, barns, corrals, or similar concentrated enclosures used for the keeping of livestock shall be set back a minimum of 35 feet from all property lines.

E. Additional Standards for Environmentally Sensitive Areas. The following areas have been classified as environmentally sensitive in the city code areas designated natural in the city shoreline management use regulations. In addition to the other requirements of this section, the following standards shall apply to all commercial and noncommercial agricultural uses in these environmentally sensitive areas.

1. Livestock shall be limited to one per acre of fenced usable pasture.

2. Small animals shall be limited as follows: poultry, pigeons, peacocks, and rabbits are limited to eight per acre.

F. Farm Management Plans. The requirements in this section may be exceeded; provided, the property owner completes a farm management plan in conjunction with the Pierce County conservation district, the Natural Resources Conservation Service, or other agency acceptable to the department. The plan must address, at a minimum, best management practices for the control of animal wastes, storm water runoff, and erosion.

G. Commercial Agricultural Activities. See UPMC 19.25.310, Resource Use Category, for commercial agricultural uses, and UPMC 19.35.060, Home Occupations, for same.
(Ord. 162 § 1, 1997; Ord. 79 § 1, 1996).

19.35.110 Mobile and manufactured home parks.

A. Purpose. The purpose of this section is to provide the regulations for the development of mobile and manufactured home parks.

B. Design Criteria. The following criteria shall govern the design of a mobile or manufactured home park:

1. A mobile or manufactured home park shall contain not less than two spaces and shall not exceed the densities established in UPMC 19.35.020, Density and Dimensions.

2. A mobile or manufactured home park shall not be established on any site providing less than a 30-foot wide access to a public street.

3. Only one mobile or manufactured home dwelling unit shall occupy any given space in the park.

4. No building, structure, or land within the boundaries of a mobile or manufactured home park shall be used for any purpose other than the following:

a. Mobile or manufactured homes used as a single-family residence only.

b. A patio, carport, or garage as an accessory use for a mobile or manufactured home.

c. Recreation buildings and structures including facilities such as a swimming pool for the exclusive use of park residents and their guests.

d. One residence for the use of the owner, a manager, or caretaker responsible for maintaining or operating the property. This residence may be either a mobile or manufactured home or a site-built structure.

e. Public or private utilities where related exclusively to serving the mobile or manufactured home park.

5. Setbacks. No mobile or manufactured home, building or other structure shall be located

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closer to a park boundary property line than is specified by the zone district in which the park is located. Unless an intervening fire wall is provided, a mobile or manufactured home or accessory structure shall not be located closer than 15 feet from any other mobile or manufactured home, or closer than five feet from the interior park roadway. Mobile or manufactured home accessory buildings, when not attached to the mobile or manufactured home, shall not be closer than three feet from such mobile or manufactured home, unless an intervening firewall is provided. Attached structures shall be considered a part of the mobile or manufactured home for setback purposes. Swimming pools shall be located not closer than 50 feet from a park boundary property line in residentially zoned areas and shall be suitably fenced.

6. Two off-street parking stalls shall be provided for each mobile or manufactured home space with a minimum 10 feet access to a park street. All required off-street parking spaces shall be not less than eight by 20 feet and shall be paved or a crushed rock surface and maintained in a dust free surface. On-street or curb-side parking shall not be counted as part or all of the required parking for a mobile or manufactured home park where moving traffic lanes are used for this purpose.

7. All interior park roads shall be privately owned and shall be paved with asphalt or concrete to a width to safely accommodate the movement of a mobile or manufactured home and emergency vehicles. Dead-end streets shall be provided with a 70-foot minimum diameter roadway surface turnaround exclusive of parking lanes.

8. Storage areas comprising not more than 10 percent of the total mobile or manufactured home park area for recreational vehicles, boats, and trailers may be provided. Such areas shall be enclosed by a sight-obscuring fence or hedgerow.

9. There shall be landscaping and groundcover within open areas of the mobile or manufactured home park not otherwise used for park purposes. Such open areas and landscaping shall be continually and properly maintained.

10. When deemed necessary to maintain compatibility of the park with adjacent land uses, buffering or screening may be required by the city approving authority.

11. Mobile or manufactured homes may be maintained with or without mobility gear but in either event shall be secured to the ground in a manner approved by the city building official. Each mobile or manufactured home shall be skirted with weather resistant, noncombustible material compatible with the exterior finish of the mobile or manufactured home.

C. Phased Development. Proposed mobile or manufactured home parks of 10 or more acres in size developed after the effective date of the ordinance codified in this section may be developed in phases. Notwithstanding a change of zone or reclassification of the site which would ordinarily preclude further development, a mobile or manufactured home park which has completed the initial phase of development may be continued and developed into all additional phases indicated on the approved site plan; provided, that this exception shall only be applicable to phases which can be substantially completed within five years of the adoption of the change of zone.

D. Park Administration.

1. It shall be the responsibility of the park owner and manager to assure that the provisions of this code are observed and maintained within the mobile or manufactured home park. Violations of this code shall subject both the owner and the manager of the facility to any penalties provided for violation of this code.

2. No travel trailer or recreational vehicle shall be utilized except as temporary living quarters, however, the parking of an unoccupied recreational vehicle in duly-designated storage areas shall be permitted.

3. All refuse shall be stored in insect-proof, animal-proof, water-tight containers which shall be provided in sufficient number and capacity to accommodate all refuse. Any storage area for refuse containers shall be enclosed by sight-obscuring fence or screening and shall be situated on a concrete pad and shown on the site plan. Refuse shall be collected and disposed of on a regular basis.

4. Construction of accessory structures and alterations and additions to the mobile or manufactured home park shall be subject to review by the building department, and necessary permits and inspections shall be obtained as required for such construction.

5. All electrical connections to each mobile or manufactured home shall comply with the electrical code and shall be inspected.

6. Portable fire extinguishers rated for classes A, B, and C shall be kept in service buildings and at other locations, conveniently and readily accessible for use by all residents, and shall be maintained in good operating condition.

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7. The park shall be maintained free of any brush, leaves, and weeds which might communicate fires between manufactured homes and other improvements. No combustible materials shall be stored in, around, or under any manufactured home. The county health department shall inspect each park annually, prior to licensing, and submit to the park owner and manager a written report stating whether or not the park is in compliance and listing any repairs which may be required prior to issuance of a license renewal. An extension of time to complete repairs may be granted if no risk to public health or safety is created by such extension.

8. Individual mail boxes shall be provided for each space in the park.

9. The owner, or a designated agent, shall be available and responsible for the direct management of the mobile or manufactured home park. (Ord. 79 § 1, 1996).

19.35.120 Solid/hazardous waste handling, treatment, and storage facilities.

A. Purpose. The purpose of this section is to use buffering, fencing, and landscaping concepts to:

1. Provide mitigation measures to reduce noise, odor, dust, litter, and lighting impacts on users of the site and abutting uses and to coordinate these measures with the permit requirements of other local and state agencies;

2. Promote compatibility between land uses and unify development with aesthetic screening;

3. Provide mitigation measures for security, vector, and fire control;

4. Provide for potential corrective measures for ground water protection;

5. Promote the use of water conservation in the design, planting and maintenance of landscaping.

B. Foregoing Regulations Subject to this Section. The foregoing regulations pertaining to the zoning classifications shall be subject to the specific use development standards in this section.

C. Solid Waste Handling Facilities – Applicability. The following development standards are applicable to all solid waste facilities whether or not a solid waste permit is required by state regulations or the Tacoma-Pierce County health department, unless otherwise stated. These standards are in addition to the requirements of each zone classification. Individual facilities requiring a conditional use permit may be subject to increases in these standards by the hearings examiner. Solid waste facilities that require a solid waste permit shall indicate on a site plan that the facility meets the state and the health department's locational siting standards for that particular facility which are found in the minimum functional standards or any other siting criteria adopted by the health department or the city including, but not limited to, the solid waste plan, shoreline management use regulations, flood damage prevention ordinance, site development regulations, tire storage yard ordinance, and any comprehensive land use plan. Variances to the health department's solid waste permit which impact these development standards or conditions required through the conditional use permit must receive planning department review and possible rehearing.

D. Solid Waste Handling Facilities – Landscaping and Buffering Standards.

1. Use of Existing Vegetation to Satisfy Requirements. The applicant is responsible for submitting to the planning department an alternative conceptual landscape plan, supporting photographs and a brief explanation as to how the alternative plan satisfies the intent of the landscaping required for each type of facility. Supplemental plant material may be required to be installed within the natural landscape area, critical area or critical area buffer to fully comply with the intent of this section.

2. Organic Waste Processing Facilities. This includes any solid waste facility specializing in the controlled decomposition of organic solid waste and which requires a solid waste permit under Chapter 70.95 RCW.

a. Soil Treatment Facility or Composting Facility. These development standards apply to any soil treatment facility or any composting facility designed to handle more than 40 cubic yards and which composts a feedstock material other than municipal solid waste.

i. Landscape Screening. To be adequately screened to prevent blowing of litter and to minimize noise and dust nuisances, a soil treatment or composting facility shall have a perimeter landscaping area which is not less than 50 feet in width. Landscape screening shall be designed and maintained so as not to impair vehicle visibility at corner intersections or adjacent to points of ingress or egress. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All plant material which does

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not live shall be replaced within the next planting season. Landscaping areas shall incorporate:

(A) A perimeter, sight-obscuring earth berm when adjacent to existing residential or commercial uses or residential or commercial zones CC, MUD, HRD and MSF. The earth berm shall be at least three feet high with a slope not more than 40 percent (1:2.5) on the side away from the active area and shall be terraced and/or planted with groundcover to minimize erosion.

(B) At least one row of deciduous and evergreen trees, staggered and spaced not more than 15 feet apart.

(C) At least one row of evergreen shrubs spaced not more than five feet apart which will grow to form a continuous hedge at least five feet in height when adjacent to existing residential or commercial uses or residential and commercial zones, CC, MUD, HRD and MSF.

(D) A mixture of lawn, low-growing shrubs, or hardy evergreen groundcover over the balance of the area.

b. Municipal Solid Waste (MSW) Composting Facility. This includes any MSW composting facility which requires a solid waste permit including a facility located within an enclosed structure.

i. Buffer Areas. A facility composting municipal solid waste shall have a buffer area around the active area so that the active area is no closer than 50 feet to the facility property line when adjacent to existing residential or commercial uses or residential or commercial zones CC, MUD, HRD and MSF.

ii. Fencing. To impede entry by the public and animals, a facility composting municipal solid waste shall have perimeter fencing six feet to eight feet in height with a lockable gate; provided, that no sight-obscuring fence constituting a traffic hazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including, but not limited to, noticeable leaning, sagging, missing sections, or broken supports.

iii. Landscape Screening. To be adequately screened to prevent blowing of litter and to minimize noise and dust nuisances, an MSW composting facility shall have a perimeter landscaping area which is not less than 20 feet in width. Landscape screening shall be designed and maintained so as not to impair vehicle visibility at corner intersections or adjacent to points of ingress or egress. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All plant material which does not live shall be replaced within the next planting season. Landscaping areas shall incorporate:

(A) A perimeter, sight-obscuring earth berm when adjacent to existing residential or commercial uses or residential or commercial zones CC, MUD, HRD and MSF. The earth berm shall be at least three feet high with a slope not more than 40 percent (1:2.5) on the side away from the active area and shall be terraced and/or planted with groundcover to minimize erosion.

(B) At least one row of deciduous and evergreen trees, staggered and spaced not more than 15 feet apart.

(C) At least one row of evergreen shrubs spaced not more than five feet apart which will grow to form a continuous hedge at least five feet in height.

(D) A mixture of lawn, low-growing shrubs, or hardy evergreen groundcover over the balance of the area.

3. Waste Transfer Facilities. These development standards apply to all transfer facilities receiving solid waste from off-site.

a. Drop Box Transfer Station. This section applies to all drop box transfer stations requiring a solid waste permit under Chapter 70.95 RCW.

i. Fencing. To impede entry by the public and animals, a drop box transfer facility shall have perimeter fencing six feet to eight feet in height with a lockable entry gate; provided, that no sight-obscuring fence constituting a traffic hazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including but not limited to noticeable leaning, sagging, missing sections, or broken supports.

ii. Landscape Screening. To be adequately screened from residential development, a drop box transfer facility shall have a perimeter landscaping area of mixed evergreen trees and shrubs that is not less than six feet in width when adjacent to existing residential or commercial uses or residential or commercial zones CC, MUD, HRD and MSF. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All plant material which does not live shall be replaced within the next planting season.

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b. Transfer Station, Waste Separation Recovery Facility or Moderate-Risk Waste Facility. This section applies to all interim transfer facilities which require a solid waste permit under Chapter 70.95 RCW.

i. Buffer Areas. A transfer station, waste separation recovery facility or a moderate-risk waste facility shall have a buffer zone around the active area so that the active area is no closer than 50 feet to the facility property line when adjacent to existing residential or commercial uses or residential or commercial zones CC, MUD, HRD, and MSF.

ii. Fencing. To impede entry by the public and animals, a transfer station, waste separation recovery facility or a moderate-risk waste facility shall have perimeter fencing six feet to eight feet in height with a lockable gate; provided, that no sight-obscuring fence constituting a traffic hazard is erected within any required setback flanking a street. Every fence shall be maintained in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair including, but not limited to, noticeable leaning, sagging, missing sections, or broken supports.

iii. Landscape Screening. To be adequately screened to prevent blowing of litter and to minimize noise and dust nuisances, a transfer station, waste separation recovery facility or a moderate-risk waste facility shall have a perimeter landscaping area which is not less than 20 feet in width. Landscape screening shall be designed and maintained so as not to impair vehicle visibility at corner intersections or adjacent to points of ingress or egress. Landscape planting screens shall be planted according to an approved site plan, with due consideration to seasonal planting conditions, irrigated as necessary, and permanently maintained. All plant material which does not live shall be replaced within the next planting season. Landscaping areas shall incorporate:

(A) A perimeter, sight-obscuring earth berm when adjacent to existing residential or commercial uses or residential or commercial zones CC, MUD, HRD and MSF. The earth berm shall be at least three feet high with a slope not more than 40 percent (1:2.5) on the side away from the active area and shall be terraced and/or planted with groundcover to minimize erosion.

(B) At least one row of deciduous and evergreen trees, staggered and spaced not more than 15 feet apart.

(C) At least one row of evergreen shrubs spaced not more than five feet apart which will grow to form a continuous hedge at least five feet in height when adjacent to existing residential or commercial uses or residential or commercial zones CC, MUD, HRD and MSF.

(D) A mixture of lawn, low-growing shrubs, or hardy evergreen groundcover over the balance of the area.

(Ord. 79 § 1, 1996).

19.35.130 Nonconforming standards.

A. Purpose. The purpose of this section is to provide standards and conditions to regulate lots, structures and uses which were legally established prior to the adoption, revision or amendment of this code and which remain legal, but have become nonconforming as a result of this code's application. This section provides reasonable alternatives to property owners for the limited expansion and continuance of nonconformities.

B. Applicability. The provisions of this section shall be applicable to any nonconforming lots, structures, developments or uses and lots.

C. Basic Standards. The basic standards apply to all nonconforming uses, structures, developments, and lots. However, limited exceptions to the standards in this section are allowed through an administrative nonconforming use permit or a nonconforming use permit in UPMC 19.75.070, Nonconforming Use Permit.

1. Expansion of Nonconforming Uses and Structures. Nonconforming uses and structures shall not be enlarged, expanded, extended, replaced or altered except as expressly permitted in this section.

2. Expansion Beyond Original Parcel. Nothing in this section shall be construed to permit expanding or extending a nonconforming use or structure beyond the confines of the lot or parcel of land upon which it was located on the date the use or structure became nonconforming.

3. Continuation of Use. A nonconforming use may be continued by successive owners or tenants where the use continues unabandoned (see subsection (J) of this section).

4. Normal Upkeep, Repairs and Maintenance. Normal upkeep, repairs, maintenance, strengthening or restoration to a safe condition of any nonconforming building or structure or part thereof shall be permitted subject to the provisions of this section.

5. Structures and Uses Accessory to Residential. Structures and uses accessory to an existing nonconforming residential use shall be allowed

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as provided in UPMC 19.25.400, Accessory Uses and Structures.

D. Change of Use Standards. A nonconforming use may change outright to a conforming use allowed within the zone classification in which the use is located. A nonconforming use may change to another use within another use category, use type or use level subject to the following provisions:

1. A nonconforming use may change to another use of equal or lesser intensity that is not allowed in the underlying zone classification in which it is located only after review and approval from the examiner through a nonconforming use permit using the criteria in UPMC 19.75.070, Nonconforming Use Permit.

E. Nonconforming Structure Standards. A nonconforming structure may be altered or replaced; provided the basic standards of this section are satisfied; and provided:

1. A structure which is nonconforming due to height or yard requirements may be structurally altered, enlarged or replaced; provided the degree of nonconformity is not extended or increased; and

2. The nonconforming portion of the structure shall not be expanded or the footprint of that portion altered except as specifically authorized through a variance (see UPMC 19.75.040, Variances).

F. Exception for Single-Family Detached Houses. Any existing nonconforming single-family detached housing unit may be expanded as an exception to the basic rules on expansion on nonconforming uses.

G. Nonconforming Lot Standards. Any permitted uses or structures, including any accessory uses or structures permitted in conjunction with a principal use, shall be allowed to be built or expanded on a nonconforming lot. Applicable development standards in this chapter shall be complied with.

H. Nonconforming Development Standards. If permitted, existing uses or structures may be expanded or new uses and structures added; provided, the nonconforming development is brought into conformance with the development standards of this chapter for the lot or parcel on which it is located.

I. Restoration Standards for Damaged or Destroyed Nonconforming Structures and Uses. Any nonconforming structure damaged or destroyed by fire, explosion, wind, flood, earthquake or other calamity may be completely restored or reconstructed. Damaged or destroyed nonconforming structures must be restored under the following provisions:

1. Restoration or reconstruction shall not serve to extend or increase the nonconformance of the original structure or use except as provided by subsection (D), Change of Use Standards, and subsection (E), Nonconforming Structure Standards.

2. To the extent reasonably possible, restoration should retain the same general architectural style as the destroyed structure.

3. Permits shall be applied for within one year of damage. Restoration or reconstruction must be substantially completed within 12 months of permit issuance. When deemed reasonable and necessary, the examiner may grant a time extension through an appeal of an administrative decision.

J. Abandonment Standards. Abandoned nonconforming use of a property or structure shall be subject to the following provisions.

1. Discontinuance. Should a nonconforming use of a property or structure be discontinued for more than one year, the use of the property and structure shall be deemed abandoned and shall conform to a use permitted in the zone classification in which it is located.
(Ord. 79 § 1, 1996).

19.35.140 Improvements.

A. Purpose. The purpose of this section is to provide standards for the minimum improvements to meet the goals of providing sidewalks and other means of nonmotorized circulation, controlling vehicle access, protecting living areas from traffic, unhealthful conditions and incompatible uses, and to continue to remedy potential ground water contamination.

B. Sidewalks. Sidewalks shall be constructed by the developer of any new development or major tenant improvement. Sidewalks shall be located along all streets contiguous to the property line and shall provide a pedestrian right-of-way and prevent interference or encroachment by fencing, walls, hedges, and other plantings and structures. Sidewalks shall be constructed with

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curb and gutter and shall meet the University Place public works standards.

C. Subdivisions. In all subdivisions, in addition to sidewalks along exterior streets, sidewalks shall be installed by the developer on all plat roads.

D. Sanitary Sewers. At the time of new development, expansion, or major tenant improvement which will increase the amount of wastewater generated, property owners are required to hook up to existing and available sewers lying within 300 feet of the property at the property owner's expense.

E. Access. Multifamily, commercial and industrial development shall be located on arterial streets or have access to arterial streets. All new residential lots shall access off internal plat roads, except as authorized by the city engineer.

F. Lighting. Street lighting shall be provided in conjunction with all new development or major tenant improvement. Street lighting shall be provided along arterial streets in accordance with specification and standards approved by the city engineer. In multifamily, commercial, and industrial developments and major tenant improvements, lighting and glare shall be shielded or directed away from moderate density single-family zones and residential uses.

G. Equipment and Outdoor Activities. Mechanical equipment or outdoor activities such as but not limited to storage, loading, utilities, and waste disposal shall be integrated into the design of the building(s) or development and screened from view. Recreational facilities shall be located away from single-family neighborhoods and screened from view.

H. Open Space and Parks. In new single-family subdivisions of 10 or more lots and multifamily residential developments of greater than 10 units, a minimum of seven percent of the property shall be set aside as an open space or park area. This area shall be improved, landscaped, and include recreational equipment such as but not limited to a big toy, sport court, picnic area, and/or provide trail connections. The open space or park area shall be in a relatively flat area suitable for recreational activity and outside any critical areas such as steep slopes and wetlands. The location of the open space or park area shall be convenient to residents in the development.
(Ord. 148 § 4, 1997; Ord. 98 § 1, 1996; Ord. 79 § 1, 1996).

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Chapter 19.45

SIGNS

Sections:

19.45.010 Code adopted.
19.45.020 Purpose.
19.45.030 Definitions.
19.45.040 Administration and enforcement.
19.45.050 Permits required.
19.45.060 Applications for sign permits.
19.45.070 Prohibited signs.
19.45.075 Exemptions.
19.45.090 Permit issuance.
19.45.100 Right of entry.
19.45.110 Compliance with zoning regulations.
19.45.115 Sign record.
19.45.120 Conflicting regulations.
19.45.130 Liability.
19.45.140 Revocation of permits.
19.45.150 Nuisance declared – Abatement.
19.45.160 Damaged nonconforming signs.
19.45.170 Permit fees.
19.45.180 Freestanding letters.
19.45.190 Plans filed.
19.45.200 Individual signs.
19.45.210 Permits issued to whom.
19.45.220 Marquee – Canopy – Awnings – Eyebrow.
19.45.230 Wall signs.
19.45.240 Street banners – Decorations.
19.45.250 Signs not to obstruct traffic signals.
19.45.260 Public right-of-way.
19.45.270 Billboards – General requirements.
19.45.280 Billboards – General.
19.45.290 Billboard lighting.
19.45.300 Setback lines.
19.45.310 Maximum height – Generally.
19.45.320 Visibility.
19.45.330 Establishment of property lines.
19.45.340 Sizes and types of signs permitted in various zones.
19.45.350 Planter boxes – Bumper guards – Shrubs – Plants.
19.45.360 Entrance and exit signs.
19.45.370 Entrance and exit ways – Ingress and egress – Gateways.
19.45.380 A-board and similar type signs.
19.45.390 Electric power lines – Clearance.
19.45.400 Signs on fences.
19.45.410 Temporary residential development area signs.
19.45.415 Temporary signs.
19.45.420 Nonconforming signs.
19.45.430 Replacement of nonconforming signs.
19.45.440 Sign removal provisions – Nonconforming and abandoned signs.
19.45.450 Removal of sign – Time period.
19.45.460 Penalty for violations.
19.45.470 Severability.

19.45.010 Code adopted.

These sign code regulations are adopted as the sign code for the City of University Place.
(Ord. 79 § 1, 1996).

19.45.020 Purpose.

The purpose of this code is to provide minimum standards to safeguard life, health, property and the general welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures.
(Ord. 79 § 1, 1996).

19.45.030 Definitions.

For the purpose of this chapter, certain abbreviations, terms, phrases, words and their derivatives shall be construed as follows:

1. "A-board and similar signs" means small type signs, either single or double faced, portable or permanently installed, upon which is generally placed advertising copy denoting products being offered upon the premises on which such signs are placed. Such signs may also bear other messages or copy.

2. "Awning" means any structure made of cloth or metal with a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

3. "Billboard" means a preprinted or hand-painted changeable advertising copy sign which directs attention to businesses, commodities, services, or facilities which are not primarily sold, manufactured, or distributed from the property on which the sign is located. The term "billboard" includes both the structural framework which supports a billboard and any billboard faces attached thereto.

4. "Billboard face" means that portion of a billboard, exclusive of its structural support, on which changeable advertising copy is displayed either by affixing preprinted poster panels or by painted copy.

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5. "Building line" means a line established by ordinance beyond which no building or structure may extend.

6. "Building official" means the officer or other person charged with the administration and enforcement of this code or his duly authorized deputy.

7. "Business sign" means a sign located on the premises of the business it is associated with.

8. "Canopy" means any structure, other than an awning, made of cloth or metal with metal framework attached to a building or carried by a frame supported by the ground.

9. "Display surface" means the area made available by the sign structure for the purpose of displaying the advertising message.

10. "Electric sign" means any sign containing electrical wiring, but not including signs illuminated by exterior light source.

11. "Freestanding letters" means individual letters, characters, or marks comprising any portion of a sign or sign structure, whether erected flat against a wall or upon a steel framework for support.

12. "Marquee" means a permanent-roofed structure attached to and supported by a building.

13. "May" means permissible and shall be solely the decision of planning director.

14. "Nonconforming" means a sign or sign structure erected prior to this code that does not conform to the provisions as contained in this chapter.

15. "Nonstructural trim" means the molding, battens, caps, nailing strips, latticing, cutouts, or letters and walkways which are attached to the sign structure.

16. "Owner-user" means the outright owner of a sign or sign structure or lessor in case of leased signs or sign structures, or the lessee in the case of leased signs or sign structures.

17. "Painted signs" means a sign or sign structure, nonelectrical in nature, except such signs may have illumination from an exterior light source.

18. "Person" means one or more persons of either sex, an association, copartnership, or a corporation, whether acting by themselves or by a servant, agent, employee, guardian or trustee; the singular shall be understood to include the feminine.

19. "Pole sign" means any sign, electric or otherwise, hung, supported or cantilevered from structural steel, pipe or combinations of same and mounted in concrete.

20. "Portable sign" means any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an A- or T-frame sign, or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign. It is characteristic of such a portable sign that the space provided for advertising matter consists of a changeable copy sign.

21. "Projection" means the distance by which a sign extends beyond its means of support.

22. "Revolving sign" means any sign or sign structure that revolves or partially revolves by means of some mechanical method.

23. "Roof sign" means a sign or sign structure erected upon or above a roof or parapet of a building or structure.

24. "Sign" means any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, or written copy for the purpose of advertising or identifying any establishment, product, goods or service.

25. "Sign, construction" means a sign designating the contractor(s), architect(s), and engineer(s) participating in a construction project underway on the same premises.

26. "Sign, flashing" means an illuminated sign on which the light is not constant in apparent intensity and color when in use; provided, that a slowly revolving sign will not be considered a flashing sign.

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27. "Sign, freestanding" means a sign which is supported on a structure used exclusively for the support of the sign or for a group of signs.

28. "Sign, gross area of" means the area within a continuous perimeter enclosing the outer limits of the sign face, but not including structural elements which are not a part of the display. The gross area of a two-faced sign equals the area of one side. The "gross area" of a spherical, cubical, or polyhedral sign equals one-half the total surface area.

29. "Sign, identification" means a sign which directs attention to uses other than private residence or home occupation, which uses are permitted outright or by conditional use permit in residential or multiresidential zone.

30. "Sign, nameplate" means a sign which indicates no more than the name, address, and home occupation of the resident of the premises.

31. "Sign, off-premises" means a sign which advertises a business or service which is not located on the site where the sign is displayed.

32. "Sign, real estate" means a temporary sign which directs attention to the sale, lease, or rental of a particular building, property, or premises.

33. "Sign structure" means the supports, uprights, braces, and framework of the sign.

34. "Special displays" means and includes displays of merchandise, animals, balloons, cars, airplanes, and/or other objects used to attract attention for purposes of advertising.

35. Special displays shall not be included as "signs" as that term is used in this code.

A. "Double face" means a sign carrying advertising on both faces.

B. "Horizontal sign" means a projecting sign having a greater horizontal than vertical dimension.

C. "Marquee sign" means any sign affixed to any marquee.

D. "Single face" means a sign carrying advertising on one surface only.

E. "Vertical sign" means a projecting sign having a greater vertical than horizontal dimension.

36. "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

37. "Temporary sign" means and includes an A-board/sandwich sign, banner, or flag constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials with or without frames intended to be displayed for a limited time only.

38. "UBC Standards" means the current of the Uniform Building Code Standards, published by the International Conference of Building Officials.

39. "Uniform Building Code" means the current version of the Uniform Building Code, published by the International Conference of Building Officials.

40. "Wall sign" means any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.
(Ord. 118 § 1, 1996; Ord. 79 § 1, 1996).

19.45.040 Administration and enforcement.

The administration and enforcement authority shall be the city planning director.
(Ord. 79 § 1, 1996).

19.45.050 Permits required.

No sign shall hereafter be erected, re-erected, constructed, or altered, except as provided by this code; and provided, that a sign permit for the same has been issued by the planning department. Also, any sign for which a building permit is required under the UBC must obtain a building permit. A sign permit shall be required for each sign installed at one time on contiguous property.
(Ord. 79 § 1, 1996).

19.45.060 Applications for sign permits.

A. Any person entitled to apply for and receive a sign permit shall make application on forms provided for that purpose at the office of the city planning department.

B. Such application shall contain the following information:

1. Name and address of applicant;

2. Name and address of location of sign erection;

3. Provide a reasonable sketch on 8 1/2-inch by 11-inch paper of the proposed sign erection giving all sizes and measurements including foot-

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ing details, height and proposed location of the sign on the property;

4. The planning director may require the filing of plans or other pertinent information where in his opinion such information is necessary to insure proper compliance with this code, as is provided in UPMC 19.35.200;

5. The type of sign and number of faces;

6. An affidavit that the written consent of the owner or person in legal possession of the property to which or upon which the sign is to be erected has been obtained.

(Ord. 79 § 1, 1996).

19.45.070 Prohibited signs.

Except as indicated by this chapter, the following signs or displays are prohibited:

A. Portable signs including, but not limited to, sandwich/A-frame signs and mobile readerboard signs, and excluding signs permitted under UPMC 19.45.075 as temporary signs.

B. Private signs on utility poles.

C. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with traffic control signs or signals, including, but not limited to, signs containing words such as "stop," "look," and "danger."

D. Signs located in the public right-of-way or on city property, except where permitted in this chapter.

E. Poster, pennants, banners or streamers, string of lights, blinking lights or flashing lights, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature; except as architectural features, or on a limited basis as seasonal decorations or as provided for in UPMC 19.45.075 as grand opening displays, or the following other exceptions:

1. National, state, and institutional flags when properly displayed;

2. Signs and banners approved as temporary signs; and

3. Balloons as approved as temporary signs.

F. Changing message center signs, where the message changes more frequently than every three minutes, except for display of time and temperature.

G. No sign shall be constructed, erected, or maintained unless the sign and sign structure is so constructed, erected, and maintained as to be able to withstand the wind, seismic and other regulations as specified in the Uniform Building Code.

H. Signs erected at intersections of any streets in such a manner as to materially obstruct free and clear vision.

I. No three-dimensional statue, caricature or representation of persons, animals or merchandise shall be used as a sign or incorporated into a sign structure. Barber shop poles are excluded from this provision.

J. Any sign attached to or placed upon a vehicle or trailer parked on public or private property. The prohibition of this paragraph does not prohibit the identification of a firm or principal products on a vehicle operating during the normal course of business.

K. No public address system or sound devices shall be used in conjunction with any sign or advertising device.

L. No roof signs or signs which project above the roof shall be permitted.

M. Obscenity. No sign shall bear or contain statements, words, or pictures in which the dominant theme of the material, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material which is utterly without redeeming social value.

N. Traffic Obstructing Signs. No sign or sign structure shall be constructed in such a manner or at such location that it will obstruct access to any fire escape or other means of ingress or egress from a building or any exit corridor, exit hallway, or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire.

O. Abandoned signs.

P. Signs painted on bus benches.

Q. No sign shall be used as a fence nor shall any fence be used as a sign.

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R. Off-premises signs except as authorized by this chapter.

S. Real estate "arrow directional signs." See UPMC 19.45.075 for "open house" signs.
(Ord. 107 § 1, 1996; Ord. 79 § 1, 1996).

19.45.075 Exemptions.

A. Exemption from the sign permit request of this chapter shall not be deemed to grant authorization for any sign constructed, erected or located in any manner in violation of the provisions of this chapter or any other laws or ordinances of the city or the state of Washington, including the prohibition against placing signs upon city right-of-way.

B. A sign permit will not be required for the following signs:

1. Professional nameplates not exceeding two square feet in area.

2. Signs denoting the architect, engineer, or contractor when placed upon the premises while construction work is in progress. Said signs not to exceed 16 square feet in area and must be placed at least 10 feet back from the property line.

3. Plaques, tablets or inscriptions indicating the name of a building, date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, which are nonilluminated, and which do not exceed four square feet in surface area.

4. Signs of the state, city, or public service companies indicating danger, aids to service or safety, traffic control or traffic direction signs or Adopt-A-Road litter control program signs.

5. Painting, repainting or cleaning of any sign, unless a structural change is made, while sign is still in position.

6. a. The city recognizes the right of political candidates to exercise their right of free speech in a traditional public forum. Candidates or proponents of ballot measures are encouraged to recognize the concerns of citizens regarding sign blight and to limit placement of signs to a reasonable time before the election. Signs for a successful primary candidate may remain in place until after the general election. The exemption of political signs from city regulation is limited by the following provisions.

b. Signs relating to the nomination or election of any individual for a public political office or advocating any measure to be voted on at any special or general election are political signs and exempt from the sign permit requirement; provided, that such political signs shall be removed 10 days after the date of the election for which they are intended. If political signs are not removed within the specified time, they will be subject to removal by the city in addition to any other remedies provided in this chapter. The city will notify the candidates or their designated representatives of sign removal and a designated location for picking up signs that have been removed. When these appropriate individuals cannot be contacted or do not respond within five working days, the signs will be destroyed.

c. No political sign shall be erected upon any private property without permission of the resident or owner thereof.

d. Political signs along the edge of the right-of-way shall not exceed three square feet in area per sign face nor three feet in height, and shall not obstruct safe visibility of any mobile or pedestrian traffic, nor interfere with routine maintenance and other common uses of the right-of-way such as public parking, pedestrian and bicycle traffic or access to utilities.

7. Historic site markers or plaques, gravestones, and address numbers.

8. Signs required by law, or intended to notify the public of public meetings or hearings, including but not limited to:

a. Official or legal notices issued and posted by any public agency or court;

b. Temporary sandwich/A-frame signs or bulletin board signs; or

c. Traffic directional or warning signs.

9. Incidental signs, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to signs providing directions, warnings or information when established and maintained by a public agency. Incidental signs are signs, emblems, and decals designed to inform the public of goods, facilities, or services available on the premises, and may include but are not limited to signs designating restrooms, hours of operation, acceptable credit cards, property ownership or management, phone booths and recycling containers.

10. State or federal flags.

11. Religious symbols.

12. The flag of a commercial institution; provided no more than one flag is permitted per business premises; and further provided, the flag does not exceed 20 square feet in surface area.

13. Signs on structures or improvements intended for a separate use, such as phone booths, charitable donation containers, and recycling boxes.

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14. Building addresses with numbers and letters not more than 10 inches in height.

15. Signs not oriented or intended to be legible from a right-of-way, other property, or from the air.

16. Signs inside of a building, except for strobe lights or flashing neon lights visible from a right-of-way, other property or from the air.

17. Painted wall decorations.

18. Painted wall highlights.

19. Signs affected by stipulated judgments to which the city is a party, entered by courts of competent jurisdiction.

20. Interior window signs.

21. Strings of incandescent lights in nonresidential zones where the lights do not exceed five watts per bulb, the bulbs are placed no closer than six inches apart and do not flash or blink in any way. Strings of lights in residential zones are not regulated.

22. Temporary signs painted or placed upon a window in a nonresidential zone, when such signs do not obscure more than 20 percent of such window area, and are maintained for a period not exceeding seven days. Signs which remain longer than seven days will be considered permanent and must comply with the provisions of this code for permanent signs.

23. Real Estate Signs.

a. Temporary, nonilluminated real estate signs (not more than one per tax lot), located on the property which is for sale or lease, or construction signs not exceeding six square feet in residential areas or 12 square feet in commercial and industrial areas and not over six feet in height; provided said signs are removed 15 days from the sale, lease, or rental of the property or within seven days of completion of the project.

b. "Residential open house A-board signs" in the MSF zone. Such signs shall be limited to one sign per street frontage on the premises for sale and three off-premises signs within one mile of the subject property. If a realtor has more than one house open for inspection in a single development or subdivision, he/she is limited to three off-premises, "open house" signs for the entire development or subdivision. Such signs are permitted only during daylight hours while the realtor or seller or an agent is in attendance at the property for sale or lease. No such sign shall exceed five square feet per sign face with a limit of two faces. The signs may not be placed within a public right-of-way, but may be placed adjacent to the right-of-way. This exemption does not apply to apartment and condominium "for rent" or "for lease" signs.

24. Temporary nonilluminated signs not exceeding 16 square feet for charitable fundraising events placed by nonprofit and charitable organizations. Such signs shall not be placed more than seven days prior to the event and must be removed within two days following the event.

25. Signs on private property when such signs are solely designated to direct pedestrians or vehicular traffic while on the parcel of real estate on which the signs are located.

26. Signs on private property which are required by any law or ordinance.

27. Nonilluminated signs not exceeding four square feet placed on lawns or buildings or in windows and containing a noncommercial political, religious, or personal message.

(Ord. 113 § 1, 1996; Ord. 107 § 2, 1996; Ord. 79 § 1, 1996).

19.45.090 Permit issuance.

It shall be the duty of the planning director or his duly authorized representative, upon the filing of an application for a sign permit, to investigate the same, and if it shall appear to be in compliance with all the requirements of this code, he shall then issue the permit. The planning director shall not issue a permanent or temporary sign permit if it is determined that any temporary sign on the premises does not comply with the provisions of this code.

(Ord. 79 § 1, 1996).

19.45.100 Right of entry.

Upon proper presentation of credentials, the planning director or his duly authorized representative may enter at reasonable times any building, structure or premises within the city to perform any duty imposed upon him by this code.

(Ord. 79 § 1, 1996).

19.45.110 Compliance with zoning regulations.

Only signs of the type or types as designated by the city zoning regulations shall be permitted in the respective zoned areas.

(Ord. 79 § 1, 1996).

19.45.115 Sign record.

The planning and community development department shall maintain a list of all currently permitted signs, including the status of such signs and shall make the list available for public inspection.

(Ord. 79 § 1, 1996).

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19.45.120 Conflicting regulations.

If any portion of this code shall conflict with any other regulation the most restrictive shall apply.
(Ord. 79 § 1, 1996).

19.45.130 Liability.

The provisions of this chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person or persons erecting or owning any sign for personal injury or property damage resulting from the willful acts or negligence of such person, its agents, employees or workman, in the construction, maintenance, repair or removal of any sign or sign structure erected in accordance with a permit issued under this chapter. Nor shall it be construed as imposing upon the city or its officers or employees any responsibility or liability by reason of the approval of any sign, materials or devices under the provisions of this code.
(Ord. 79 § 1, 1996).

19.45.140 Revocation of permits.

The planning director is authorized and empowered to revoke any sign permit issued by him upon failure of the holder thereof to comply with any provision or provisions of this code.
(Ord. 79 § 1, 1996).

19.45.150 Nuisance declared – Abatement.

Signs constructed, altered or maintained in violation of the provisions of this code are declared to be public nuisances. When judgment is rendered against any person, firm or corporation finding them guilty of violating any provisions of this code, the court may, in addition to or in lieu of imposing other penalties, order the defendant or defendants in such action to forthwith abate and remove such nuisance, and if the same is not done by such offender within 48 hours, the same shall be abated and removed by any officer authorized by order of the court. In the event the owner of such sign cannot be found or refuses to comply, the director or office authorized by the court shall have the nonconforming sign removed. The cost of removing the sign plus administrative costs will be charged to the property owner.
(Ord. 79 § 1, 1996).

19.45.160 Damaged nonconforming signs.

A nonconforming sign or sign structure damaged to the extent of more than 25 percent of its value at the time of damage by fire, wind or other casualty shall not be restored as a nonconforming sign or sign structure.
(Ord. 79 § 1, 1996).

19.45.170 Permit fees.

Permit fees shall be as set forth in the city's fee resolution.
(Ord. 79 § 1, 1996).

19.45.180 Freestanding letters.

For the purpose of computing the permit fee, freestanding letters and/or characters forming a sign or message shall be considered to occupy two-thirds of the combined overall background area.
(Ord. 79 § 1, 1996).

19.45.190 Plans filed.

The planning director may require the filing of plans or other pertinent information where in his opinion such information is necessary to insure compliance with this code.
(Ord. 79 § 1, 1996).

19.45.200 Individual signs.

Each individual sign shall require a separate permit.
(Ord. 79 § 1, 1996).

19.45.210 Permits issued to whom.

Sign permits shall be issued only to the firm, company, corporation or person making the installation and shall not be transferable.
(Ord. 79 § 1, 1996).

19.45.220 Marquee – Canopy – Awnings – Eyebrow.

A. No sign shall be designed as a marquee, canopy, awning or eyebrow, either in part or whole, that will change the required setback or setbacks for the building to which it may be attached.

B. Signs may be placed on the outer face of a marquee; provided they shall not exceed 18 inches in thickness and such marquees are constructed as specified by the Uniform Building Code.
(Ord. 79 § 1, 1996).

19.45.230 Wall signs.

Wall signs as defined in subsection (40) of UPMC 19.45.030 shall not exceed 18 inches in thickness.
(Ord. 79 § 1, 1996).

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19.45.240 Street banners – Decorations.

Street banners, decorations and/or other similar items shall not be permitted, except by special permit issued by the city engineer, and shall comply with the regulations governing such items.
(Ord. 79 § 1, 1996).

19.45.250 Signs not to obstruct traffic signals.

The issuance of a sign permit as regulated by this code shall not relieve the permit holder from fully complying with the state of Washington law or any other law governing the obstruction of any authorized traffic sign, signal or device.
(Ord. 79 § 1, 1996).

19.45.260 Public right-of-way.

No person, organization, or agency shall place any signs, indicators, advertisements, stakes, posts or any other foreign object or objects upon a public highway or right-of-way of any public highway in this city without the express permission, in writing, of the city engineer, and any such foreign objects now upon the highways or public highway rights-of-way as designated in this section are declared illegal, except for those now in place with written permission of the city engineer; and provided, that this section shall not apply to mailboxes and attached newspaper boxes, placed on the city right-of-way, where these are placed as far removed from the driving portion of the right-of-way as possible, except that the placement shall be subject to approval of the city engineer. In the event the owner of such sign cannot be found or refuses to comply, the director shall have the nonconforming sign removed. The cost of removing the sign plus administrative costs will be charged to the property owner.

Signs which the director finds are so located as to present a hazard to the public may be immediately removed without prior notice.
(Ord. 79 § 1, 1996).

19.45.270 Billboards – General requirements.

A. The total number of billboard faces within the City of University Place shall not exceed the total number of billboard faces existing on the date of incorporation.

B. The demolition or removal of any billboard reduces the number of allowable billboard faces by the number removed.

C. In the event that the City of University Place annexes areas containing billboards after the date of incorporation, the total number of allowable billboard faces shall be increased by the number of faces existing in such areas on the effective date of annexation.

D. Any billboard sign in existence on the date of incorporation, or on the effective date of annexation, shall be considered nonconforming.

E. Except as provided in subsections (F) and (G) following, billboards shall not be altered with regard to size, shape, orientation, height, or location.

F. Removal or demolition of a billboard shall require the issuance of a demolition permit for the removal of the existing billboard. Billboard removal or demolition shall be completed within 90 days of permit issuance.

G. Ordinary and necessary repairs which do not change the size, shape, orientation, height, or location of billboard shall not require a permit. Billboard copy replacement may occur at any time and is also exempt from the requirement for a permit.
(Ord. 79 § 1, 1996).

19.45.280 Billboards – General.

A. Billboards shall not be erected or maintained which have any moving parts.

B. Billboards shall not be erected or maintained which have any projections that extend more than three feet out from the surface of the billboard face.
(Ord. 79 § 1, 1996).

19.45.290 Billboard lighting.

Billboards shall not be erected or maintained which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights. Billboards shall not include lighting unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle. Signs found to be too bright, in the opinion of the city director, shall be adjusted in accordance with the instructions of the director.
(Ord. 79 § 1, 1996).

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19.45.300 Setback lines.

Setbacks for Signs. Unless otherwise provided by this chapter, the setback point shall be that portion of any sign or sign structure that is closest to the property line. When a sign has less than 10 feet six inches clearance above the ground, the setback shall be not less than 15 feet from a street frontage property line nor less than five feet from a side property line except in CC zone. When a sign has less than 13 feet six inches clearance above the ground, the setback shall not be less than five feet from a street property line nor less than two feet from a side property line. When a sign has 13 feet six inches or more of ground clearance, the setback shall not be less than two feet from a street property line nor less than two feet from a side property line.
(Ord. 118 § 2, 1996; Ord. 79 § 1, 1996).

19.45.310 Maximum height – Generally.

Maximum height of all signs or sign structures including trim shall be 20 feet above ground.
(Ord. 79 § 1, 1996).

19.45.320 Visibility.

No sign or sign structure shall be placed or erected in any place or manner where by reason of its position it will obstruct safe visibility of any mobile or pedestrian traffic.
(Ord. 79 § 1, 1996).

19.45.330 Establishment of property lines.

A. It shall be the responsibility of the property owner or his authorized representative to establish and clearly mark out any property line from which a sign setback measurement shall be taken.

B. In the event of a dispute or discrepancy in the establishment of the property lines involved, the planning director may order an independent survey where, in his opinion, such information is necessary to insure compliance with this code.
(Ord. 79 § 1, 1996).

19.45.340 Sizes and types of signs permitted in various zones.

A. Chart – Purpose. A description designating the various zones and sizes and types of signs permitted in each zone appears in subsection (C) of this section.

B. Application for Variances. Applications for variance of setback, height and size requirements shall be made with the planning department.

C. Where Permitted.

1. GROUP I: MSF, HRD.

a. One nameplate, not greater than two square feet in gross area, not over four feet in height if detached from the residence, and nonflashing.

b. One identification sign, real estate signs, not greater than 20 square feet in area, not greater than five feet in height, and nonflashing.

c. Construction signs, not greater than 16 square feet in area, not greater than five feet in height, and nonflashing.

2. GROUP II: CC, MUD, MEC (except see below).

a. Nameplates, identification, real estate and construction signs, as permitted in MSF zones.

b. Wall signs are permitted; provided they do not total an area more than 15 percent of the building facade on which they are located.

c. Freestanding Signs.

i. One freestanding sign not exceeding 30 square feet, plus an additional 20 square feet for each additional business in a multiple tenant structure but not to exceed 50 square feet total is permitted for each street frontage of the lot; provided corner lots with a street frontage of less than 100 feet on each street shall be permitted only one freestanding sign.

ii. On lots where more than one freestanding sign is permitted, the sign area permitted for individual freestanding signs may be combined; provided the combined sign area does not exceed 50 square feet.

iii. The maximum height for freestanding signs shall be 20 feet, except for one sign for a commercial center, in which case the maximum height shall be 30 feet.

iv. Commercial Centers. Each commercial center may have one freestanding sign which shall not exceed a maximum height of 30 feet, or a maximum size per sign face of 75 square feet. Any other freestanding signs allowed because of frontages on other streets or more than 300 feet of street frontage shall meet the size and height requirements of subsection (C)(2)(c) of this section.

d. Temporary Signs. One temporary sign shall be allowed per contiguous lot or business entity subject to the provisions of UPMC 19.45.415.

The planning department may prescribe reduced area and height, more controlled illumina-

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tion and greater setback for those zones in which site plan approval is required.
(Ord. 79 § 1, 1996).

19.45.350 Planter boxes – Bumper guards – Shrubs – Plants.

A. No planter box or bumper guard designed to protect or beautify a sign structure shall extend beyond the property line.

B. Planter boxes, planter boxes containing shrubs, bumper guards, plants or shrubs shall be limited to and maintained at not more than 36 inches above the closest ground level. See also UPMC 19.45.320 covering visibility.
(Ord. 79 § 1, 1996).

19.45.360 Entrance and exit signs.

A. Entrance and exit signs and/or other similarly worded signs when used for the sole purpose of controlling mobile traffic shall be limited to the following:

1. Number: Only one sign for each entrance or exit.

2. Horizontal: Not to exceed 36 inches in height above ground level. The maximum size shall be six square feet.

3. Vertical: Not to exceed 16 inches in width. The maximum size shall be six square feet.

B. See also UPMC 19.45.320 covering visibility.
(Ord. 79 § 1, 1996).

19.45.370 Entrance and exit ways – Ingress and egress – Gateways.

The use of concrete, wood, stone, brick, steel, masonry and/or other similar materials in constructing entrance and exit ways and/or gateways shall be subject to:

A. Location to be approved by the city engineer.

B. Height shall be limited to four feet above natural grade, except when such structures are 25 feet from a secondary highway or 35 feet from a primary highway.

C. The incorporation of signs, plaques, emblems and/or other similar items in or on such structures shall be by special permission of the planning director.
(Ord. 79 § 1, 1996).

19.45.380 A-board and similar type signs.

Placing of A-board and other similar type signs whether portable or stationary shall be governed by UPMC 19.45.260, 19.45.320, and 19.45.415 and shall not be less than 15 feet from a street property line.
(Ord. 79 § 1, 1996).

19.45.390 Electric power lines – Clearance.

Horizontal and vertical clearance of signs or sign structures from energized power lines shall not be less than 12 feet.
(Ord. 79 § 1, 1996).

19.45.400 Signs on fences.

No sign shall be used for a fence nor shall any fence be used for a sign.
(Ord. 79 § 1, 1996).

19.45.410 Temporary residential development area signs.

Temporary signs or sign structures designating residential development areas may be permitted upon receiving special permission from the planning department. Such signs or sign structures shall be limited to a two-year period.
(Ord. 79 § 1, 1996).

19.45.415 Temporary signs.

A. Authorization. The director shall be empowered to authorize temporary signs not exempted by UPMC 19.45.070(A) and (E). The director shall attach such conditions to the issuance of a permit for a temporary sign as may be necessary to ensure discontinuance of the use of the sign in accordance with the terms of the authorization, and to ensure substantial compliance with the purpose of this title.

B. Issuance Authority:

1. The director may issue temporary sign permits for A-board/sandwich signs, banners, flags, strings of flags, balloons, and streamers only.

2. No permit for a temporary A-board/sandwich sign, banner, or flag shall be issued for a period longer than 60 days. The 60-day time period may be used as one 60-day period, two separate 30-day periods, four 15-day periods, or six 10-day periods.

3. No permit for a temporary string of flags, balloons, or streamers shall be issued for a period of longer than three days, but may be issued in conjunction with a temporary A-board/sandwich sign, banner, or flags under the same permit fee.

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C. Type of locations of temporary signs shall be as follows:

1. The total number of temporary signs shall not exceed one for any use at any one period of time; such signs are not permitted for single-family and duplex dwellings.

2. The total area of a temporary signs shall not exceed 24 square feet and no more than 12 square feet per face; such signs are not permitted for single-family and duplex dwellings. The permitted area for a banner shall be no more than 24 square feet per face with the total sign area not to exceed 48 square feet. Banners in the rights-of-way shall be permitted only with written permission by the city engineer who shall indicate maximum size.

D. Location. Temporary signs which may obscure the vision of motorists shall be located at least 20 feet from intersections and driveways. Temporary signs shall meet the setback requirements in UPMC 19.45.300 except that temporary A-board/sandwich signs may be placed at least five feet off a right-of-way. Temporary signs are not permitted for single-family and duplex dwellings.

E. Attachment. Temporary signs may not be permanently attached to the ground, building, or other structures.

F. Deposit. A deposit shall be submitted along with an affidavit stating that the applicant for a temporary sign will comply with all provisions of this section is required prior to the issuance of a temporary sign permit. The affidavit shall state that all temporary signs must be removed within three working days after the expiration of the permit. The deposit shall be equal to the permit fee. If the applicant fails to remove signs in the time required and the city must enforce pursuant to UPMC 19.45.100 and 19.45.150, the deposit shall be forfeited and the applicant will not be eligible for another temporary sign permit for a period of 12 months.

G. Removal. Each sign permit shall specify a removal date for streamers, banners, pennants, A-boards, and other temporary signs. The applicant is responsible for the prompt removal of such temporary signs at the termination of the specifies time period. Temporary A-board/sandwich signs shall be removed at the close of each business day.
(Ord. 148 § 5, 1997; Ord. 118 § 3, 1996; Ord. 79 § 1, 1996).

19.45.420 Nonconforming signs.

A. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all of the provisions of this chapter, except the repairing and restoration of a sign on-site or away from the site to a safe condition. Any part of a sign or sign structure for normal maintenance shall be permitted without loss of nonconforming status. Acts of God or vandalism which damage these nonconforming signs shall be exempt from this section, if the cost of the repair is less than 50 percent of the cost of replacing the sign with a conforming sign. However, the signs must be restored to their original design or to a more conforming design.

B. For purposes of this title, a sign face or message change shall be subject to the following provisions:

1. A sign face or message change on a nonconforming sign is not allowed as an alteration when the affected property and sign structure have been abandoned for greater than 90 days;

2. A sign face or message change shall be allowed as an alteration only for existing conforming signs and for nonconforming signs prior to their amortization expiration date; and

3. No sign permit shall be required for allowable sign face or message changes.

C. Signs in existence on the effective date of this chapter which do not comply with provisions regulating flashing signs, use of par spotlights or rotating beacons, rotating and revolving signs, flags, banners, streamers, or strings of lights, balloons or temporary or incidental signs shall be made to conform within 90 days from written notice by certified mail given by the director.

D. Any nonconforming sign used by a business, shopping center, or business complex must be brought into conformance prior to any expansion or change in use which requires a site review or conditional use permit. All nonconforming signs must be brought into conformance with the same provisions as are required for new signs. No building permits for new construction may be issued until compliance with this provision is assured.

E. Variances can be granted using the variance procedure of this chapter to alleviate unusual hardships or extraordinary circumstances which exist in bringing nonconforming signs into conformity. The variance granted shall be the minimum

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required to alleviate the hardship or extraordinary circumstance.
(Ord. 79 § 1, 1996).

19.45.430 Replacement of nonconforming signs.

Any sign which is nonconforming in that it does not conform to the regulations in this chapter shall either be removed or brought into compliance with the chapter requirements within the time period specified herein.

Except as provided in this chapter, signs in existence on August 31, 1995, which did not conform to the provisions of this chapter, but which were constructed, erected, or maintained in compliance will all previous Pierce County regulations, shall be regarded as nonconforming. Each nonconforming sign and sign structure shall be allowed to be displayed for a period of time that allows a reasonable opportunity for the owner to benefit from the investment made in the sign. This period shall be seven years. After this time has expired, nonconforming signs and sign structures shall be removed or otherwise brought into compliance with this code. The table below establishes a fair and equitable time schedule for such compliance. Where there is no record of a permit being issued, the sign shall be considered illegal.

Date of Permitting	Date of Removal
1/01/95 – 8/31/95	12/31/02
1/01/94 – 12/31/94	12/31/01
1/01/93 – 12/31/93	12/31/00
1/01/92 – 12/31/92	12/31/99
1/01/91 – 12/31/91	12/31/98
Prior to 12/31/90	12/31/97

Any sign not removed within the time limit stated herein shall be deemed a public nuisance, subject to the removal provisions of this chapter, and shall be removed by the city if the sign owner or property owner fails to do so after being so ordered by the director or designee. Cost of said removal shall be borne by the sign owner or property owner and may be recovered by the city, if necessary, by placing a lien on the property from which the sign has been removed.

Signs that received permits for face changes in accordance with this chapter prior to the effective date of the provision, shall be considered new signs for the purposes of this provision and if nonconforming, shall be brought into compliance by December 31, 2002.
(Ord. 98 § 1, 1996; Ord. 79 § 1, 1996).

19.45.440 Sign removal provisions – Nonconforming and abandoned signs.

A. All signs erected after the effective date of the ordinance codified in this chapter, which are in violation of any provisions of this chapter, shall be removed or brought into conformance upon written notice by the director.

B. If the owner of sign, building, structure or premises fails to comply with the written order, the director may then cite the owner into court subject to Chapter 1.20 UPMC, Enforcement.

C. All signs and sign structures nonconforming in the structural requirements as specified in the UBC which as a consequence are a hazard to life and property, or which by its condition or location present an immediate and serious danger to the public, shall be discontinued or made to conform within the time the director may specify:

1. In the event the owner of such sign cannot be found or refuses to comply with the order to remove, the director shall then have the dangerous sign removed and the owner cited. The cost of removing the sign plus administrative costs will be charged to the property owner.

D. Any person who owns or leases a nonconforming or abandoned sign or sign structure shall remove such sign or sign structure when the sign has been abandoned:

1. If the person who owns or leases such sign fails to remove it as provided in this section, the director shall give the owner of the building, structure or premises upon which such sign is located 60 days' written notice to remove it;

2. If the sign has not been removed at the expiration of the 60 days' notice, the director may remove such sign at cost to the owner of the building, structure or premises; and

3. Costs incurred by the city due to removal may be made by a lien against the land or premises on which such sign is located, after notice and hearing, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the city.
(Ord. 79 § 1, 1996).

19.45.450 Removal of sign – Time period.

Every person maintaining a sign shall, upon vacating the premises where a sign is maintained, remove or cause to be removed the sign within a 30-day period. Upon failure to comply with the provisions of this section, the planning director shall

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issue a notice to the owner to remove the sign within a 10-day period or be in violation of this code.
(Ord. 79 § 1, 1996).

19.45.460 Penalty for violations.

A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or sign structure in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code.

B. Any person, firm or corporation violating any of the provisions of this code shall be subject to a civil violation as defined in Chapter 1.20 UPMC, Enforcement.
(Ord. 130 § 5 Exh. A, 1996; Ord. 79 § 1, 1996).

19.45.470 Severability.

If any provision of this chapter or its application to any person or circumstance is invalid, the remainder of the chapter or the application of the provision to other persons or circumstances shall not be affected.
(Ord. 79 § 1, 1996).

Chapter 19.75

DISCRETIONARY LAND USE PERMITS

Sections:

19.75.020 Administrative use permit.
19.75.030 Conditional use permit.
19.75.040 Variances.
19.75.050 Planned development districts.
19.75.060 Public facilities permit.
19.75.070 Nonconforming use permit.

19.75.020 Administrative use permit.

A. Purpose. The purpose of this section is to establish decision criteria and procedures for uses which, due to their unique qualities, may require additional regulations or other special degrees of control. An administrative review process, which includes public notice and comment, is required to ensure that the activity, if established, will be in full compliance with applicable regulations and that such uses are compatible with the comprehensive plan, adjacent uses, and the character of the vicinity.

B. Decision Criteria. The director shall review applications for administrative use permits in accordance with specific findings as set forth below.

1. Requirements and Decision Criteria Unique to Certain Uses. The development standards of this code shall be used by the applicant in preparing the administrative use permit application and by the director in determining the acceptability of permitting a use in a certain location.

2. Required Findings. The director shall grant an administrative use permit approval if all of the following findings can be made regarding the proposal and are supported by the record:

a. That the granting of the proposed administrative use permit approval will not:

i. Be detrimental to the public health, safety, and general welfare;

ii. Adversely affect the established character of the surrounding vicinity; nor

iii. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

b. That the granting of the proposed administrative use permit approval is consistent and compatible with the intent of goals, objectives, and policies of the city's comprehensive plan, appropriate community plan, and any implementing regulation.

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c. That all conditions necessary to mitigate the impacts of the proposed use are conditions that are measurable and can be monitored and enforced.

d. That all requirements for a specific use have been addressed by the applicant.

3. Burden of Proof. The applicant has the burden of proving that the proposed use meets all of the criteria set forth in subsection (B)(2) of this section, Required Findings.

4. Approval. The director may approve an application for an administrative use permit, approve with additional requirements above those specified in this code, or require modification of the proposal to comply with specified requirements or local conditions.

5. Denial. The director may deny an application for an administrative use permit if the placement of the use would be unreasonably incompatible with the surrounding area or incapable of complying with specific standards set forth in this code, and if any of the above required findings are not supported by evidence in the record as determined by the director.
(Ord. 79 § 1, 1996).

19.75.030 Conditional use permit.

A. Purpose. The purpose of this section is to establish decision criteria and procedures for special uses, called conditional uses, which possess unique characteristics. Conditional uses are deemed unique due to factors such as size, technological processes, equipment, or location with respect to surroundings, streets, existing improvements, or demands upon public facilities. These uses require a special degree of control to assure compatibility with the comprehensive plan, adjacent uses, and the character of the vicinity.

Conditional uses will be subject to review by the examiner and the issuance of a conditional use permit. This process allows the examiner to:

1. Determine that the location of these uses will not be incompatible with uses permitted in the surrounding areas; and

2. Make further stipulations and conditions that may reasonably assure that the basic intent of this code will be served.

B. Decision Criteria. The examiner shall review conditional use permits in accordance with the provisions of this section and may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The examiner may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit.

1. Required Findings. The examiner may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record:

a. That the granting of the proposed conditional use permit will not:

i. Be detrimental to the public health, safety, and general welfare;

ii. Adversely affect the established character of the surrounding vicinity; nor

iii. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

b. That the granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the city's comprehensive plan, and any implementing regulation.

c. That all conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.

d. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.

e. That the conditional use will be supported by, and not adversely affect, adequate public facilities and services, or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

f. That the level of service standards for public facilities and services are met in accordance with the concurrency management requirements.

2. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection (B)(1) of this section, Required Findings.

3. Approval. The examiner may approve an application for a conditional use permit, approve with additional requirements above those specified in this code or require modification of the proposal to comply with specified requirements or local conditions.

4. Denial. The examiner shall deny a conditional use permit if the proposal does not meet or cannot be conditioned or modified to meet subsection (B)(1) of this section, Required Findings.
(Ord. 79 § 1, 1996).

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19.75.040 Variances.

A. Purpose. The purpose of this section is to provide a means of altering the requirements of this code in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved.

B. Administrative and Examiner Variances. There are two types of variances hereby established. A "minor" or administrative variance, and a "major" or examiner variance. An administrative variance is one which is within 10 percent of the standard contained in the code. An examiner variance is one that is greater than 10 percent of the standard contained in the code. Both types are based on the same criteria or showings, as found in subsection (D) below.

C. Granting of Variances. The planning director and the examiner shall have the authority to grant a variance from the provisions of this code, when, in the opinion of the planning director or examiner, the conditions as set forth in subsection (D) herein have been found to exist. In such cases a variance may be granted which is in harmony with the general purpose and intent of this code so that the spirit of this code shall be observed, public safety and welfare secured, and substantial justice done.

D. Required Showings for a Variance. Before any variance may be granted, it shall be shown that the applicant demonstrates all of the following:

1. That the granting of such variance will not adversely affect the comprehensive plan;

2. That there are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to the other property or class of use in the same vicinity and zone;

3. That such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone but which because of special circumstances is denied to the property in question;

4. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located;

5. That strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;

6. That the need for the variance is not the result of deliberate actions of the applicant or property owner;

7. That the variance does not relieve an applicant from any of the procedural provisions of this title;

8. That the variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted;

9. That the variance does not relieve the applicant from conditions of approval established during prior permit review;

10. That the variance does not allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located;

11. That the variance does not allow the creation of lots or densities that exceed the base residential density of the zone;

12. That the variance is the minimum necessary to grant relief to the applicant;

13. That the variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities; and

14. That the variance does not relieve the applicant from any of the provisions of the critical areas code, except for the required buffer widths.

E. Conditions on Variances. When granting a variance, the planning director or examiner shall determine that the circumstances do exist as required by subsection (D) of this section, and attach specific conditions to the variance which will serve to accomplish the standards, criteria, and policies established by this code.
(Ord. 79 § 1, 1996).

19.75.050 Planned development districts.

A. Purpose. A PDD is intended to be a flexible zoning concept; it will provide the examiner a chance to mold a district so that it creates more desirable environments and results in better use of land than that produced through the limiting standards provided in the regular zone classifications. The uses within the PDD depend on the uses in the underlying zone. The residential densities within the PDD may vary depending upon how the land is developed with general aesthetics, natural areas, and open space being an incentive.

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B. Classifications of Planned Development Districts. Planned developments shall be classified as one of two types: residential or nonresidential. A residential PDD shall mean that the principal purpose of the PDD is to provide one or more types of housing at densities of dwellings the same as densities permitted by the underlying zone and where all other uses shall be considered accessory, supportive, or adjunct to housing. A nonresidential PDD shall mean a development where the preponderance of uses are intended for purposes other than housing and shall include, but are not necessarily limited to, retail, service, industrial, and manufacturing, and where residential uses as are allowed by the underlying zone shall be minor and secondary in purpose to intended use of the district.

C. Initiation of a PDD. An application for an amendment to the official map proposing a planned development district may be initiated by the property owner(s), contract purchaser(s) of property involved in a proposed PDD, or a public agency.

D. PDD – Minimum Area Required.

1. Residential PDD: Not less than one acre.

2. Nonresidential PDD: No minimum area.

The examiner, in order to protect the public health, safety, welfare, and general interest, may limit or restrict development in a PDD or any portion thereof in relationship to the size of the area being developed or redeveloped with the nature of uses intended, lot coverage, parking and loading requirements, provisions for open space, adequacy of roads and utility systems to accommodate the use as well as to minimize the impact the development will have on the existing or intended development of adjacent lands and the general neighborhood.

E. PDD – Staging. The applicant may elect or the examiner may require that the development of a PDD be accomplished or constructed in stages; provided, that when a residential PDD is developed in stages, the first and each succeeding and accumulation of stages thereafter shall not be developed at a greater density of dwelling units than would be allowed in the underlying zone, as specified in UPMC 19.35.020(C), Density Standards.

F. Redevelopment – Street Vacations. When deemed necessary, prior to development of a PDD, the examiner may require the removal of all or portions of existing structures. It is the further purpose of this chapter to encourage development of a PDD upon contiguous land and property. When deemed appropriate and necessary, the examiner may require the vacation of all or portions of existing streets within the PDD. The examiner may, as an alternative to vacation of streets, permit the inclusion of existing rights-of-way within a PDD when it can be shown that the existing rights-of-way serve a functional purpose for the PDD and does not act to separate or divide a PDD into noncontiguous units. Rights-of-way within the context of this section shall not include arterials.

G. Uses Permitted in a PDD.

1. Residential: Housing concepts of all types are limited only by the density and uses permitted in the underlying zone when authorized upon land either subdivided into two or more ownerships or held in common, unified, or single ownership. Examples include the following:

a. Condominiums and townhouses.

b. Customary accessory uses and structures common to individual or group dwellings.

c. Group residence.

d. Incidental retail and service uses primarily for the convenience of and supported by the residences within the PDD containing not less than 100 acres or 400 dwelling units; provided, incidental retail or service uses may be authorized on a final development plan only upon completion and occupancy of at least 50 percent of the total dwelling units intended within the total group.

e. Manufactured home subdivisions.

f. Nonresidential uses such as schools, churches, libraries as authorized in the PDD.

2. Nonresidential: Uses permitted by the underlying zone as authorized in the development plan.

H. Use Permit Exceptions. When a special use permit or administrative use permit is authorized as part of a development plan and when said uses are permitted by the underlying zone as requiring a permit from the examiner, said procedure for obtaining the permit shall be waived.

I. PDD – Procedure for Approval. The approval of a PDD shall be considered an amendment to the official maps and, except as provided in this section, shall be processed as a Type III permit pursuant to UPMC Title 22, Administration of Development Regulations. A two-step procedure shall be followed in the approval of a PDD as follows:

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1. The conditional approval of a preliminary development plan by the examiner after public notice and hearing.

2. The conditional approval by the examiner shall not become final and effective until the date the final development plan is approved by the planning director and at such date the final development plan shall be deemed to be adopted. The final development plan may be approved and adopted by stages but must be completed in the time set forth in the preliminary approval. The final development plan shall be approved by the planning director after he is convinced that it conforms with the specific guidelines set forth by the examiner.

J. PDD Approval – Findings Required. The action by the examiner to approve a preliminary development plan for a proposed PDD with or without modifications shall be based upon the following findings listed below. If the examiner cannot make such findings, the proposed PDD shall be denied.

1. That the proposed development is in substantial conformance with the City of University Place comprehensive plan.

2. That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program. The design and amenities proposed and provided must be substantially greater than minimum requirements. The design should be exemplary.

3. That the proposal is in harmony with the surrounding area or its potential future use.

4. That the system of ownership and means of developing, preserving, and maintaining open space is suitable.

5. That the approval will result in a beneficial effect upon the area which could not be achieved under other zoning districts.

6. That the proposed development or units thereof will be pursued and completed in a conscientious and diligent manner.

K. Examiner's Actions – Appeals. The action of the examiner in conditionally approving or denying a preliminary development plan shall be final and conclusive unless an appeal is filed pursuant to the city's appeals procedures.

L. Motion – Effect. The conditional approval by the examiner approving a preliminary development plan shall mean approval by the examiner in principle with the PDD concept. The effective date of the amending action shall be the date that the director approves the final development plan. When a part of the approval of a PDD, applications for change of zone or subdivision approval shall become effective on the date the final development plan is approved unless applied for jointly.

M. Building Permits – Issuance. Building permits shall be issued for only those portions of a PDD for which a final development plan has been approved by the planning director.

N. Subdivisions. When it is the intention of an applicant to subdivide or resubdivide all or portions of property within a proposed PDD, application for approval of a preliminary subdivision may be filed and considered concurrently with an application for approval of a preliminary development plan. Subject to density of dwelling units, the minimum area, width, and yard requirements for subdivision lots proposed within a PDD may be less than the minimum specified in the underlying zone district if the design of the subdivision is in accordance with the intent and purpose of this section. Except for necessary roads the balance of the total tract intended for subdivision shall be devoted to open space.

O. Final Development Plan – Time Limitation. Within three years from the date of conditional approval of a preliminary development plan by the examiner, the applicant shall submit a final development plan for the PDD. When deemed reasonable and appropriate, the examiner may grant not more than one extension of one year for such submittal. If after a year since a final development plan is approved the applicant has not applied for a building permit or the building permit has expired without construction the PDD approval shall become void unless associated with a subdivision. If the PDD is associated with a subdivision the time limits specified in the city subdivision code shall apply. Once expired the land and the structures thereon may be used only for a lawful purpose permissible within the zone in which the PDD is located.

P. Permissive Variation from Standard Requirements. In considering a proposed development plan, the approval may involve modifications in the regulations, requirements, and standards of the underlying zone in which the project is located so as to appropriately accomplish the purpose of this section. In making such modifications as are deemed appropriate, the following, except for sub-

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section (1) which may not be exceeded, guidelines shall apply:

1. Off-Street Parking and Loading. The total required off-street parking facilities should not be less than the sum of the required parking facilities for the various uses computed separately.

2. Height of Buildings. The height of buildings and structures within a PDD should be limited to the height permitted by the underlying zone, or as required by the city as a special limitation. The height of buildings and structures may be increased in relationship to provisions for greater open space and separation between buildings on the same or adjoining property and when adequate provision is made for light, air, and safety.

3. Lot Area Coverage. The maximum lot coverage within a PDD or any portion thereof shall be determined by the examiner at the time of consideration of a preliminary development plan.

4. Yards. The requirement for yards in a PDD should be same as required by the underlying zone for those yards abutting the exterior boundary of the PDD. Yard requirements for any yard not abutting or adjoining an exterior boundary of a PDD shall be as authorized in the preliminary development plan.

5. Internal Roads. All internal roads shall be constructed to public road standards, except when permitted by the examiner, the road right-of-way width may be reduced to not less than 40 feet. Road right-of-way area cannot be counted in allowed density calculations. To offset the reduction in road right-of-way width, an area adjacent to public property not smaller than the area equal to the difference in area between the reduced road right-of-way width and the required road right-of-way width shall be dedicated or transferred into public ownership. The city must approve the area for dedication or transfer. The area dedicated or transferred to the public may be used in density calculations.

6. Private Roads. All roads in a planned development district shall be public roads and constructed to public road standards notwithstanding subsection (P)(5) of this section unless the planned development district is a short plat consisting of no more than four residential lots, or serves any number of residential or business units on a property under single ownership.

Q. Prior Existing Planned Unit Developments. Planned unit developments previously authorized by unclassified use permit, prior to the effective date of the ordinance codified in this section, shall be repealed and reclassified to planned development districts pursuant to this section as is now in effect. Except for the reclassification of a prior unclassified use permit to a planned development district, all prior planned unit developments may continue to develop on the basis of controls contained in the resolution establishing the development; provided, that subsequent changes, additions, or modifications to an existing planned unit development shall be processed under this current section.

R. Parties Bound by PDD District. Once the preliminary development plan is approved by the examiner, all persons and parties, their successors, and heirs who own or have any interest in the real property within the proposed PDD are bound by the examiner's action. The applicant(s) shall record a deed restriction on the subject property. The deed restriction shall include the conditions of PDD approval.

(Ord. 148 §§ 6, 7, 1997; Ord. 130 § 5 Exh. A, 1996; Ord. 98 § 1, 1996; Ord. 79 § 1, 1996).

19.75.060 Public facilities permit.

A. Purpose. The purpose of this section is to establish decision criteria and procedures for the permitting of public facilities, and to provide coordinated review with local and state agencies. Certain public facilities provide necessary services to other uses but are deemed unique due to factors such as siting criteria, size, technological processes, and requirements for municipal comprehensive facility planning and budgeting. These uses require a special degree of review to incorporate and document consistency with the comprehensive plan, facility plans, or capital improvement programs, and to assure compatibility with adjacent uses.

B. Decision Criteria. The examiner shall review public facility permit applications in accordance with the provisions of this section and may approve, approve with conditions, modify, modify with conditions, or deny the public facility permit. The examiner may reduce or modify bulk requirements, off-street parking and loading requirements, and public facility design standards as a condition of granting the public facility permit.

1. Required Findings. The examiner may approve a public facility permit only if all of the following findings can be made regarding the proposal and are supported by the record:

a. That the granting of the proposed public facilities permit will not:

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i. Be detrimental to the public health, safety, and general welfare;

ii. Be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; nor

iii. Adversely affect the established character of the surrounding vicinity.

b. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.

c. That the granting of the proposed public facilities permit is consistent and compatible with the intent of the goals, objectives and policies of the city comprehensive plan; comprehensive general or utility plans for sewage, storm water, water, solid waste, park and recreation, transportation or other facility plans; capital facility plan or capital improvement programs; and any implementing regulation.

d. That the facility site and environmental designs:

i. Meet local and state siting criteria and design requirements adopted as standard mitigations and as administrated by local and state agencies; and

ii. Have been reviewed and commented upon by local and state agencies responsible for issuing permits.

e. That all conditions to mitigate the site specific impacts of the proposed use which were identified through SEPA review can be monitored and enforced.

f. That all yards, open spaces, landscaping, walls and fences, and other buffering features are properly provided to mitigate the impacts of the facility to make it compatible with character of the surrounding area.

g. That the public facilities permit will be supported by, and not adversely affect, adequate public facilities and services or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

2. Burden of Proof. The applicant has the burden of proving that the proposed public facility meets all the criteria in subsection (B)(1) of this section.

3. Approval. The hearings examiner may approve an application for a public facilities permit, approve with additional requirements above those specified in this code or require modification of the proposal to comply with specified requirements or local conditions.

4. Denial. The examiner shall deny a public facility permit if the proposal does not meet or cannot be conditioned or modified to meet the required findings in subsection (B)(1) of this section.

C. Remodels and Expansions. For a facility with a public facility permit, remodeling, additions or expansions to the facility shall not require an amendment to the permit if the additions or expansions were identified in the original public facility permit.

D. Recognition of Previously Granted Authorities. Any previously granted development permit, zoning permit or otherwise lawfully established public facility and/or activity, which existed prior to the effective date of these regulations, are hereby acknowledged and reaffirmed by these provisions. These previously granted authorities include but are not limited to unclassified use permit, conditional use permit, nonconforming use permit, special use permit, planned development district, planned unit development, approved site plan, recorded memorandum of agreement, site plan review (SPR), administrative site plan review (ASPR), conditional change in zone, variances, and similar permits and approvals.

Each of these previously granted authorities are hereby defined as an existing and approved public facility permit under these regulations, subject to any specific conditions imposed on the approval of said authority. Any public facility and/or activity which does not possess one of these authorities, but has been legally established prior to the effective date of these regulations, shall be defined as an existing and approved public facility permit, but shall be subject to the limitations imposed on all legally established uses under the bulk regulations and special use design standards until the specific public facility permit is amended pursuant to these regulations.

Any facility or activity which possesses a public facility permit as established herein shall not be defined as a nonconforming use under these regulations. Existing state and federal permits, including, but not limited to, federal mining permits and leases, surface mine permits (SM), national pollution discharge elimination permits (NPDES), and solid waste permits may be used to aid in the establishment of a public facility permit for any existing facility or activity. The community development department shall establish and maintain a list of these public facility permits.
(Ord. 79 § 1, 1996).

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19.75.070 Nonconforming use permit.

A. Purpose. The purpose of this section is to establish decision criteria and procedures to allow reasonable limited expansion and continuance of nonconformities. Nonconformities require a special degree of control to ensure compliance with applicable regulations and compatibility with the comprehensive plan, any applicable neighborhood plans, adjacent uses and the character of the surrounding areas. Limited exceptions or changes of use are allowed after approval of a nonconforming use permit by the examiner or after approval of an administrative nonconforming use permit by the director.

B. Nonconforming Use Permit. Exceptions to the nonconforming standards, UPMC 19.35.130, are allowed after approval from the examiner through a nonconforming use permit. The examiner may impose such conditions as deemed necessary to ensure proposals conform to the intent of the comprehensive plan, any applicable neighborhood plans and this code.

1. Required Findings for Nonconforming Use Permit. The examiner shall grant a nonconforming use permit if documentary evidence is provided by the applicant to support the examiner's findings that:

a. Granting a nonconforming use permit is necessary to adapt the nonconforming use and associated structures to changes in technology, merchandising, or other generally recognized trends which affect the utility of structures or the applicants's ability to compete;

b. Granting a nonconforming use permit will not introduce any (additional) hazards or interfere with the potential development of nearby properties in accordance with present zoning regulations;

c. The nonconforming use and associated structures will comply with the requirements of UPMC 19.35.130(C)(5);

d. The applicant's proposal will result in improvements in functionality or safety, or in exterior appearance, screening, access and other features which will make the use or structure more compatible with allowed uses; and

e. Granting a nonconforming use permit will not detract from the intent of the comprehensive plan and any implementing regulation.

2. Abandonment. An exception to the abandonment standards in UPMC 19.35.130(J) may be granted by the examiner. Documentary evidence shall be provided by the applicant to the examiner to show that the discontinuance was beyond the control of the applicant. If the examiner is satisfied by evidence that the discontinuance was beyond the control of the applicant, nonconforming rights shall be continued for the property or structure. The examiner may consider circumstances such as, but not limited to, the following below:

a. The property or structure has been involved in litigation.

b. Attempts to lease the site are going due to:

i. Length of time involved for marketing of premises;

ii. The structure is a specialized type of building requiring a specialized type of use due to equipment, processes or configuration; or

iii. There is a uniqueness to the property giving the use special operating characteristics such as its location in relationship to transportation facilities, open spaces needed for operations, or its proximity to other critical activities such as mineral extraction.

C. Administrative Nonconforming Use Permit. An administrative nonconforming use permit is required for a change of a nonconforming use. An administrative nonconforming use permit is allowed after approval from the director. The director may impose such conditions as deemed necessary to ensure proposals conform to the intent of the comprehensive plan, appropriate community plan, and any implementing regulation.

1. Required Findings for a Change of Use. A change of an existing nonconforming use to another use of equal or lesser intensity shall be allowed by the director, subject to the provisions of this section and UPMC 19.35.130(E)(1), after documentary evidence is provided by the applicant to support the director's findings that:

a. There will be no increase to the number of hours or change in times of operation;

b. The nonconforming use and associated structures will comply with the requirements of UPMC 19.35.130(C)(5);

c. There will be no increase to the average daily traffic generated by the use or business;

d. There will be no increase in the amount of smoke, dust, noise, vibration, odor, fumes or glare;

e. There will be no increase in demand on public facilities or services; and

f. The proposal will not expand existing or introduce new hazardous conditions at the site that cannot be mitigated so as to protect adjacent properties, the vicinity, and the public health, safety, and welfare from such hazards.

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D. Approval. A nonconforming use permit or an administrative nonconforming use permit may be approved, approved with additional requirements above those specified in this code, or approved with modification of the proposal to ensure that surrounding land uses or the character of the area are not adversely impacted.
(Ord. 98 § 1, 1996; Ord. 79 § 1, 1996).

Chapter 19.85

PROCEDURES

Sections:

19.85.010 Amendments.
19.85.020 Revocation and expiration.
19.85.030 Permits, enforcement and penalties.

19.85.010 Amendments.

A. Purpose. The purpose of this section is to define types of amendments to the development regulations, comprehensive plan, and other official controls and to identify procedures for those actions.

B. Amendment Standards – Administrative Permits. This section is to provide the method for amending conditions of approval and final development plans that have received an administrative permit.

1. Minor Amendments. The following procedures shall be required for all minor amendments.

a. Requests for minor amendments shall be in writing from the property owner or the owner's authorized agent.

b. Minor amendment applications may be routed to any city division or any agency with jurisdiction. This distribution shall be at the discretion of the department.

c. Minor amendments may be approved or modified with conditions for approval by the director provided all of the following requirements are met:

i. A change to a condition of approval does not modify the intent of the original condition.

ii. The perimeter boundaries of the original site shall not be extended by more than five percent of the original lot area.

iii. The proposal does not add more than five percent gross square footage of structures to the site.

iv. The proposal does not increase the overall impervious surface on the site by more than five percent.

v. Any additions or expansions approved through minor amendments that cumulatively exceed the requirements in this section shall be reviewed as a major amendment.

d. Minor amendment decisions shall be in writing and attached to the official file.

e. A finding that addresses the applicability of any specific conditions of approval for the original permit shall be required.

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f. Copies of the decision shall be mailed to all parties of record.

2. Major Amendments.

a. Any modification exceeding the provisions of subsection (C)(1)(d) of this section, shall follow the same procedure required for a new application.

b. Major amendments shall be subject to the most current city codes.

c. Any modification that requires a discretionary permit other than the type granted for the original application shall require the new permit type.

C. Amendment Standards – Special Use Permits. This section is to provide the method for amending conditions of approval and final development plans that have received a special use permit from the examiner.

1. Minor Amendment. The following procedures shall be required for all minor amendments.

a. Request for minor amendments shall be in writing from the property owner or the owner's authorized agent.

b. Minor amendment applications may be routed to any county division or agency with jurisdiction. This distribution shall be subject to the discretion of the department.

c. A copy of all applications and any department recommendation for minor amendments shall be routed to the examiner. The examiner shall determine if the proposal is consistent with the original decision. Each minor amendment approval is subject to the consensus of the examiner.

d. Minor amendments may be approved or modified with conditions for approval by the director provided all of the following requirements are met:

i. The examiner does not object to the minor amendment.

ii. A change to a condition of approval does not modify the intent of the original condition.

iii. The perimeter boundaries of the original site shall not be extended by more than 5 percent of the original lot area.

iv. The proposal does not increase the overall residential density of a site.

v. The proposal does not change or modify housing types.

vi. The proposal does not reduce the designated open space.

vii. The proposal does not add more than five percent gross square footage of structures to the site.

viii. The proposal does not increase the overall impervious surface on the site by more than five percent.

ix. Any conditions or expansions approved through minor amendments that cumulatively exceed the requirements in this section shall be reviewed as a major amendment.

e. Minor amendment approvals shall be in writing and attached to the official file.

f. A finding that addresses the applicability of any specific conditions of approval for the original permit shall be required.

g. Copies of the decision shall be mailed to all parties of record.

2. Major Amendments.

a. Any modification exceeding the provisions of subsection (C)(1)(d) of this section shall follow the same procedure required for a new application.

b. Major amendments shall be subject to the most current city codes.

c. Any modification that requires a discretionary permit other than the type granted for the initial application shall require the new permit type.

D. Amendment Standards – Comprehensive Plan – Development Regulations and Other Official Controls. This subsection is to provide the method for adoption and amendment to the text and official map of this development regulation and other official controls. Request to change a regulatory zone affecting a parcel of land, or portion of a lot, are processed under procedures for amendments to the comprehensive plan.

1. Initiation of an Amendment. An amendment to the zoning code or other official controls may be initiated by:

a. The council requesting the planning agency to set the matter for hearing and recommendation.

b. The planning commission with concurrence of the department.

c. One or more owner's of property directory affected by the proposal may petition the planning commission to initiate an amendment.

2. Application Required.

a. For the purpose of advising and informing an applicant of the procedural requirements and to insure that an application is in satisfactory form, the department may require a prefiling conference.

b. The department shall provide the application forms and submittal requirements for amendments.

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c. No amendment shall be processed until the information necessary to review and decide upon the amendment is deemed complete by the director.

3. Fees. See the planning and land services department fees resolution, on file in the city clerk's office, for the filing fees adoption or amendment to the zoning code and other official controls.

4. Planning Department Report. The department shall prepare a written report on each amendment pending before the planning commission. The report shall be transmitted to the planning commission and the applicant before the public hearing. Each report shall contain:

a. Any factual finding of the city department proposing the amendment.

b. Any comments from other city departments.

c. The environmental assessment or copy of any environmental determination or final environmental impact statement.

d. The planning department's recommendations on the amendment if any are to be made.

5. Public Hearing Required by Planning Commission. The planning commission shall give notice and hold at least one public hearing prior to a recommendation for adoption or amendment of any official control. Alternatively the planning commission may hold a joint public hearing with the city council.

6. Adoption by the Council. An amendment to the development regulation or other official controls shall be adopted by the council by ordinance after a report from the planning commission.
(Ord. 130 § 5 Exh. A, 1996; Ord. 79 § 1, 1996).

19.85.020 Revocation and expiration.

A. Purpose. The purpose of this section is to provide the procedures for revocation, modification, or reclassification of permits.

B. Examiner May Revoke Permits. The examiner may revoke or modify any special use permit or administrative use permit.

C. Initiation of an Action. An action to revoke, modify, or reclassify any matter set forth in subsection (B) of this section may be initiated by:

1. The city council, upon its own motion to refer said matter to the examiner; or

2. The planning director.

D. Public Hearing. Prior to such revocation, or modification, or reclassification, a public hearing shall be held by the examiner and the procedures concerning notice, reporting, and appeals shall be in accordance with UPMC Title 22, Administration of Development Regulations; provided, that when any conditional use permit is not exercised within the time specified in such permit or, if no date is specified, within one year from the date of approval of said permit, said permit shall automatically become null and void and no public hearing by the examiner shall be required on the matter.

E. Grounds for Revocation, Modification, or Reclassification. Such revocation or modification or reclassification shall be made on any one or more of the following grounds:

1. That the approval was obtained by fraud;

2. That the use for which such approval was granted is not being exercised;

3. That the use for which such approval was granted has ceased to exist or has been suspended for one year or more;

4. That the permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, resolution, code, law, or regulation;

5. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

F. Expiration. If no action is taken by the applicant on any application for a discretionary land use permit, special use permit, or administrative use permit for a period of one year, the application shall be deemed null and void, and the applicant will need to re-apply as required by this code unless otherwise permitted in writing by the planning director. This provision shall not apply to short plats.

G. Time Computations. Any reference to a time period, unless otherwise specifically stated, shall be calculated based upon calendar days.

H. Relinquishment of Discretionary Land Use Approvals. A property owner may elect to relinquish a previously approved discretionary land use permit in order to obtain another use or density which is now permitted outright under a new zone classification. In recognition of the relinquishment, any use authorized by the discretionary land use permit shall cease, unless said use is allowed outright under the underlying zone classification. The petitioner for relinquishment shall follow the following process:

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a. The property owner must submit in writing to the department the request including the reasons for the relinquishment. Accompanying the request should be a copy of the original approval.

b. The request will be reviewed by staff to determine if any conditions of the original approval conflict with the request for relinquishment. If the conditions or terms of the discretionary land use permit conflict with the request, the request will be forwarded to the director or examiner, as appropriate to the original review procedure, for a decision.

c. The department will respond in writing to the owner with a determination and provide the examiner a copy of that determination.
(Ord. 130 § 5 Exh. A, 1996; Ord. 79 § 1, 1996).

19.85.030 Permits, enforcement, and penalties.

A. Purpose. The purpose of this section is to provide guidelines for the enforcement of land use regulations.

B. Applicability. Any building or structure erected or maintained or any use of property contrary to the provisions of the zoning code shall be and is hereby declared to unlawful and a public nuisance.

C. Permits and Licenses.

1. Building Permit. To assure compliance with the provisions of this code, a building permit shall be obtained from the building department as provided by city code.

a. If the subject requiring a building permit is also required to secure a business license or any other evidence of authority required by law, such required building permit for such use may constitute a separately identified part of such permit, license, or other evidence, and shall be cleared through the building department as conforming, or not conforming, to the provisions of this code before any other license or permit or authority may be issued.

b. Each building permit shall be issued only upon application signed by the authorized applicant, and shall contain over the signature of the applicant a correct statement of the use intended to be established, and such building permit may be issued only if such declared intended use conforms in every respect to the provisions of this code. The term "use" as employed in this section includes considerations of all of the applicable controls set forth herein.

2. Model Home. Building permits may be issued for up to four model home dwellings within an approved preliminary plat subject to the conditions of all applicable regulations.

D. No Conflicting Licenses or Permits Shall be Issued. All departments, officials, or public employees vested with the duty or authority to issue permits or licenses where required by law shall conform to the provisions of this code. No license or permit for uses, buildings, or purposes where the same would be in conflict with the provisions of this code shall be issued. Any license or permit, if issued in conflict with the provisions hereof, shall be null and void.

E. Responsibility of Enforcement. It shall be the duty of the building department to enforce the provisions of this code pertaining to erection, construction, reconstruction, conversion, or alteration of buildings. It shall be the duty of the sheriff and all officers charged with the enforcement of the law to enforce this code and all provisions of same.

1. Cease and Desist Orders. The building official, planning department inspector, code enforcement officer, or police chief are hereby authorized to issue a cease and desist order when any person, firm, or corporation is violating this code, or any permit issued or approval granted pursuant to this code. Such orders shall be obeyed immediately and are final unless appealed.The order shall specify each violation by reference to this code, chapter, and section or by reference to the approved land use permit or variance. The said order shall state that a hearing may be requested by an affected party by, within 10 days of the receipt of said order, sending a written request for a hearing to the city clerk. Upon receiving a hearing request, the hearings examiner shall, as soon as practicable, hold a hearing on said matter. Reasonable notice to attend the hearing shall be given to all affected parties. After hearing said matter, said examiner shall issue a decision upholding, revoking, or modifying the prior order. The decision of the hearings examiner is final and conclusive unless said matter is determined otherwise by the appropriate court.

2. Civil Violations. In addition to any other sanction or penalty, or any remedial or administrative procedure available under the University Place Municipal Code or state law, violation of any provision of this chapter or failure to comply with any permit or other written order or decision issue pursuant to this chapter constitutes a civil violation

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as defined in Chapter 1.20 UPMC, Enforcement. Each day in which a violation of this title continues is deemed a separate violation.

3. Right of Entry. (From UPMC 19.45.100) Upon proper presentation of credentials, the planning director, building official or duly authorized representative may enter at reasonable times any building, structure or premises within the city to perform the duties imposed on the officer by this code.

F. Penalties.

1. Violators Punishable by Fine and Imprisonment. Any person, firm, or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and shall be punishable as provided by the statutes of the state of Washington for the committing of a misdemeanor.

2. Each Day a Separate Offense – Injunction. Each person, firm, or corporation found guilty of a violation shall be deemed guilty of a separate offense for 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 shall be punishable therefor as provided for in this code, and any use, occupation, building, or structure maintained contrary to the provisions hereof may be enjoined as provided by the statutes of the state of Washington. (Ord. 130 § 5 Exh. A, 1996; Ord. 79 § 1, 1996).

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Title 20

(Reserved)

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Title 21

SUBDIVISION REGULATIONS

Chapters:

21.02	General Provisions
21.04	Preliminary Plat – Preapplication Procedures
21.06	Preliminary Plat – Filing and Review Procedures
21.08	Final Plat – Filing and Review Procedures
21.10	Improvements
21.12	Short Subdivisions – Large Lot Divisions
21.14	Private Street Plats
21.16	Binding Site Plan
21.18	Residential Condominium Binding Site Plan Review Process
21.20	Boundary Line Adjustments
21.22	Miscellaneous, Review, Penalties, and Severability

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Chapter 21.02

GENERAL PROVISIONS*

Sections:

21.02.010 Applicability.
21.02.015 Division of land by streets or rights-of-way.
21.02.020 Definitions.

* Statutory references: Chapters 35.21, 35.22, 36.70, 58.17, and 64.32 RCW.

21.02.010 Applicability.

Every subdivision shall comply with the provisions of Chapter 58.17 RCW, this title, UPMC Title 22, Administration of Development Regulations, and all future amendments or other applicable federal, state or local laws. After final plat or short plat approval, any subsequent division of platted or short platted lots, parcels, tracts, sites or divisions shall be allowed only if the procedures of this title and UPMC Title 22 are first followed, and these requirements shall be applicable to all plats approved prior to the effective date of the ordinance codified in this title. Except for the large lot division procedure specified herein, the provisions of this title shall not apply to the following:

A. Cemeteries and other burial plots while used for that purpose.

B. Divisions of land into lots or tracts each of which is one-thirty-second of a section of land, or larger, or 20 acres or larger if the land is not capable of description as a fraction of a section of land; provided, the division meets the minimum lot size zoning requirements for the area involved; and provided further, that for the purpose of computing the size of any lot under this subsection which borders on a street or street, the lot size shall be expanded to include that area which would be bounded by the centerline of the street or street and the side lot lines of the lot running perpendicular to such centerline.

C. Divisions made by testamentary provisions or the laws of descent; provided, that each lot shall meet all applicable minimum lot size requirements.

D. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan which authorizes specific uses of said land in accord with the Chapter 21.16 UPMC; provided, that when a binding site plan authorizes a sale or other transfer of ownership of a lot, parcel, or tract, the binding site plan shall be filed for record in the county auditor's office on each lot, parcel, or tract created pursuant to the binding site plan; provided further, that the binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of lot, parcel, or tract; and provided further, that sale or transfer of such a lot, parcel, or tract in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of Chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW.

E. 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 when the city has approved a binding site plan in accordance with city codes.

F. The transfer of contiguous unplatted lots if:

1. The lots were created in compliance with all applicable state and city subdivision regulations in effect at the time of the creation of said lots; or

2. The lots transferred and remaining lots are improved with dwellings; provided, that transfers pursuant to subsections (F)(1) or (2) shall not be effective until the proponent is issued a certificate of compliance from the planning department. A certificate shall be issued when the owner or applicant shows that the lot conforms to the criteria above.

G. A division which is made by subjecting a portion of a parcel or tract of land to Chapter 64.34 RCW, the Condominium Act, if the city has approved a binding site plan for all of such land. (Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.02.015 Division of land by streets or rights-of-way.

The city declares that a parcel has not been divided into separate, legal lots by any one of the following:

A. A state or federal road or highway; or

B. A city street that has been adopted as part of the city street system; or

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C. A city street right-of-way that has been acquired or accepted by the city.
(Ord. 61 § 1, 1995).

21.02.020 Definitions.

As used in this title, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

A. "Binding site plan" means a drawing to a scale as specified by the planning department. The site plan shall:

1. Identify and show the area and location of all streets, improvements, utilities, open space;

2. Contain inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the city hearings examiner or other appropriate city department or government body having authority to approve the site plan;

3. Contain provisions requiring that all development occurring within the proposal's boundaries be in conformity with the site plan.

B. "Block" is a group of lots, tracts or parcels within well defined and fixed boundaries.

C. "City engineer" shall be the person appointed by the city manager as the city engineer.

D. "Council" means the city council.

E. "County assessor-treasurer" shall be as defined in the Pierce County charter.

F. "County auditor" shall be as defined in the Pierce County charter.

G. "Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or large lot subdivision showing the dedication thereon; and the acceptance by the public shall be evidenced by the owner by the presentment for filing of a final plat, short plat or large lot subdivision showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

H. "Developer" shall mean the person, party, firm or corporation who applies for approval of a subdivision, short plat or large lot subdivision.

I. "Examiner" means the land use hearings examiner who is herein authorized to approve subdivisions, and hear appeals on short subdivisions and large lot divisions.

J. "Final plat" is the final drawing of the subdivision and dedication drawn to a scale not smaller than one inch equals 100 feet unless approval of another scale is given by the planning director, on standard 18-inch by 24-inch sheet size, prepared for filing for record with the county auditor and containing all elements and requirements set forth in state law and in this title.

K. "Geological hazard" means any hazard caused by natural or artificial causes which may damage persons or property and which would include but not be limited to slides, slippage or instability of earth, rock and soil.

L. "Improvement" shall mean any thing or structure constructed for the benefit of all or some residents of the subdivision or the general public such as but not limited to streets, alleys, storm drainage systems and ditches, sanitary sewer pipes or main lines, and storm drainage containment facilities.

M. "Large lot divisions" means any number of divisions of land into lots, tracts or parcels for any purpose, the smallest lot size of which is five acres or larger or one-one hundred twenty-eighth of a section or larger, except those divisions exempted by UPMC 21.02.010.

N. "Lot" is 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.

O. "Model home," for the purpose of this code, shall be defined as a dwelling in accordance with the city zoning code.

P. "Original tract" means a unit of land which the applicant holds under single or unified ownership, or in which the applicant holds controlling ownership and the configuration of which may be determined by the fact that all land abutting said tract is separately owned by others, not including

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the applicant or applicants; provided, that where a husband and wife own contiguous lots in separate or community ownership, said contiguous lots shall constitute the original tract.

Q. "Planning agency" means the planning and development division of the planning and community development department.

R. "Planning commission" means that body as defined in Chapter 35A.63 RCW as designated by the council to perform a planning function, or, if the council does not appoint a planning commission, the council shall act as the planning commission.

S. "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

T. "Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and restrictive covenants to be applicable to the subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

U. "Reserved street area" means a defined area of land within the short plat or subdivision which is required by the city engineer to be reserved for a future street, and said area shall be dedicated to the city at the time of approval, but the street need not be constructed by the applicant or developer until such time as stated in the ordinance. Setbacks shall be established as if the reserved street area were dedicated.

V. "Short plat" is the map or representation of a short subdivision.

W. "Short subdivision" is any voluntary or involuntary division or redivision of land into four or fewer lots, tracts, parcels, sites or subdivisions for the purpose of sale, lease or transfer of ownership.

X. "Subdivision" is any voluntary or involuntary division or redivision of land into five or more lots, tracts, parcels, sites or division for the purpose of sale, lease, or transfer of ownership except as provided in subsection (M) of this section.
(Ord. 61 § 1, 1995).

Chapter 21.04

PRELIMINARY PLAT – PREAPPLICATION PROCEDURES

Sections:

21.04.010 Preapplication meeting.
21.04.020 Community meeting.

21.04.010 Preapplication meeting.

The preapplication meeting is between department staff and a potential applicant for a subdivision to discuss the application submittal requirements and pertinent fees. A preapplication meeting is required prior to submittal of an application for a subdivision.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.04.020 Community meeting.

For subdivisions, following the preapplication meeting and before submitting an application, the applicant shall conduct a public meeting on a weekday evening to solicit input and suggestions from the community. A member of the planning staff shall attend. Notice of the public meeting shall be made in accordance with UPMC Title 22, Administration of Development Regulations.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

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Chapter 21.06

PRELIMINARY PLAT – FILING AND REVIEW PROCEDURES

Sections:

21.06.010 Fees.
21.06.020 Filing.
21.06.025 Preliminary plat.
21.06.030 Staff procedure.
21.06.040 Notice.
21.06.050 Examiner review of preliminary plats.
21.06.060 Required written findings and determinations.
21.06.070 Processing.

21.06.010 Fees.

All application fees are set by separate resolution.
(Ord. 61 § 1, 1995).

21.06.020 Filing.

A preliminary plat of a proposed subdivision and/or dedication of land located in the city shall be submitted for approval by the examiner by filing a complete application with the city planning department, and paying the application fee. The department shall prescribe the form and content for complete applications made pursuant to this code. In addition to the contents of a complete application prescribed by the planning department a complete application for preliminary plat approval must contain the information and documents required by the following section.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.06.025 Preliminary plat.

A. Application Submittal. Whenever it is possible to subdivide land into five or more lots, tracts, sites or divisions, the applicant shall file with the city planning department one 8-1/2-inch by 11-inch clear plastic reduction and seven legible paper copies of the preliminary plat map on sheets 18-inch by 24-inch in size. Preliminary plat maps shall include or be accompanied by the following:

1. A completed general application form and environmental checklist. Said form and checklist to be obtained from the planning department.

2. The filing fee required pursuant to the city ordinance adopting building and development related permit fees schedule, and in accordance with the fee schedule available from the planning department.

3. Names and addresses of all property owners within 300 feet of the subject property, available from the county assessor's office.

4. A vicinity map extending at least 800 feet in each direction from the proposed subdivision, or further if necessary to assist in locating the subdivision. The vicinity map shall be drawn to a scale of one inch equals 800 feet. The vicinity map shall show the following:

a. Street layout in the subdivision;

b. Existing and tentatively approved street layout within 800 feet of the subdivision;

c. Zoning designations within, and adjacent to, the subdivision;

d. All property lines within 800 feet of the subdivision;

e. Streams or watercourses, and public facilities such as schools and parks;

f. All 100-year floodplain and designated shoreline boundaries in, and within 800 feet of, the proposed subdivision;

g. Any other pertinent information that will assist in locating the proposed subdivision.

5. A title block in the lower right corner of the preliminary plat map, showing:

a. The proposed name of the subdivision;

b. The scale of the drawing;

c. The date of the drawing;

d. The name and address of the engineer, surveyor or other individual responsible for laying out the subdivision.

6. A detailed plan of the proposed subdivision drawn to the scale of one inch equals 100 feet or larger, with the provision that for subdivisions of 50 acres or more the planning director may authorize a smaller scale when an entire subdivision cannot be shown on a single sheet. The detailed plan shall clearly show the following information:

a. North arrow;

b. The location, names and right-of-way widths of all existing and proposed streets and driveways within 250 feet of the boundaries of the proposed subdivision;

c. The location, names and right-of-way widths of all proposed streets and their proposed paved width;

d. Lot layout with lot line dimensions, the area in the square feet contained in each lot;

e. The location and use of all existing buildings within the proposed subdivision, indicating which buildings are to remain and which are to be removed;

f. The use and approximate location of all

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buildings within 150 feet of the boundaries of the proposed subdivision;

g. The location, size and use of all contemplated and existing public areas within the proposed subdivision, and a description of the adaptability of the area for uses contemplated;

h. The location, size and kind of public utilities in and adjacent to the proposed subdivision, indicating those utilities which will provide service to the proposed development and their planned location within the subdivision;

i. Location and disposition of any wells, creeks, drainage courses, drainageways, septic tanks, drainfields, 100-year floodplain boundaries and easements in or within 200 feet of the proposed subdivision;

j. Topography and five-foot contours certified by the engineer or surveyor within the proposed subdivision; or, as an alternative in the case of a partition of one acre or less, elevations at each existing and proposed property corner. One-foot or two-foot contours may be required, at the planning director's discretion;

k. Topography and at least 10-foot contours outside, but within 200 feet of, the proposed subdivision. The base for such information shall be the National Geodetic Survey (U.S.G.S.), or other survey approved by the planning director;

l. The location of all significant trees (as defined in the University Place zoning code) within the proposed subdivision, and for 150 feet beyond the terminus of all dead-end streets individual trees in a stand of five trees or more need not be shown, but the area covered by the stand dripline shall be shown. For trees outside the subdivision boundaries, the location of said trees may be based on aerial photographs or other methods acceptable to the planning director, and which do not require the applicant to trespass on adjacent property;

m. For all 100-year floodplain boundaries shown on the vicinity map, the elevation of the 100-year flood at the point immediately upstream from the subdivision, and the direction and distance to said point;

n. The location of identified hazards or development limitation areas identified by the City of University Place critical areas map;

o. The location of any state shorelines and associated wetlands within the subdivision, as defined by state law and the City of University Place shoreline master program.

7. Profiles of all proposed streets within the proposed subdivision, showing grades to which the streets will be built, and the existing groundline of the proposed streets including the probable future extensions of any stub (dead-end) streets for a maximum distance of 150 feet beyond the proposed subdivision boundaries. As an alternative, the preliminary plat map may show topography in two-foot contours within 50 feet of each side of the centerline of all probable future extensions of any stub (dead-end) streets for a distance of 150 feet beyond the boundaries of the proposed subdivision. The contour information shall be certified by a registered engineer or surveyor.

8. Slope analysis indicating areas where existing grades within the subdivision exceed 15 percent, 25 percent and 40 percent. The percentage and area in square feet of the subdivision with slopes of 0 – 15 percent, 15 – 25 percent, 25 – 40 percent and 40 percent and above categories.

9. Such additional information as the planning director deems necessary.

10. Whenever it is essential for purposes of evaluating environmental or other concerns, the city engineer may require the developer to submit certain concept drawings prior to preliminary plat approval.

(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.06.030 Staff procedure.

If the preliminary plat, as filed, is in conformance with all of the city's land use codes and is otherwise acceptable in form and substance, the planning department shall receive the application and shall promptly forward copies of the preliminary plan to appropriate governmental agencies for their review.

The planning department shall review the application for consistency with city codes and policies, review comments provided by other governmental agencies and interested parties, and make appropriate recommendations to the examiner.

The city engineer, the county health officer and the fire chief shall review and certify to the examiner their respective recommendations as to the adequacy of the proposed street system and storm drainage system, the proposed sewage disposal and water supply systems, and fire protection services for the subdivision. The recommendations of the city engineer, the county health officer and the fire chief shall become part of the record and shall be included with the examiner's decision.

(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.06.040 Notice.

A. Notice of Filing. Notice of the filing of a preliminary plat shall be given to the state, municipali-

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ties, public utilities and school districts in the following cases and manner:

1. When a proposed subdivision which contemplates the use of any public utilities, notice shall be given to the public utilities governing body.

2. When a proposed subdivision which is to be located adjacent to the right-of-way of a state highway, notice shall be given to the State Department of Highways or its successor.

3. Notice shall be given to the school district within which the subdivision is proposed.

4. When the proposed subdivision lies within a designated flood control zone pursuant to Chapter 86.21 RCW, notification shall be given to the Department of Ecology of the state of Washington, or its successor.

Notice of filing as above required shall be accomplished by the planning director or his authorized assistants notifying the proper agencies by letter of the proposed subdivision filing, which letter shall include its legal description, a small map showing location, subdivision acreage, number of home or building lots, and the hour and location of the first hearing on the preliminary plat. Said letter shall be mailed or delivered at least 14 days before the date for the initial hearing.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.06.050 Examiner review of preliminary plats.

A. The examiner shall review all proposed preliminary plats and shall take such action thereon as to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city. The approval of any preliminary plat may be conditioned upon the developer's obtaining proper comprehensive plan or zoning designation for the subdivision.

B. The decision by the examiner is a final and conclusive decision but said decision may be appealed to the superior court in accordance with UPMC Title 22, Administration of Development Regulations. The examiner's written decision on the preliminary plat shall include findings and conclusions, based on the record, to support the decision.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.06.060 Required written findings and determinations.

A. The examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The examiner shall determine:

1. If appropriate provisions are made for but not limited to the public health, safety, and general welfare for open spaces, drainageways, streets or streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and

2. Whether the public interest will be served by the subdivision and dedication.

B. A proposed subdivision and dedication shall not be approved unless the examiner makes written findings that:

1. Appropriate provisions are made for the public health, safety, and general welfare for open spaces, drainageways, streets or streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and

2. The public use and interest will be served by the platting of such subdivision and dedication. If the examiner finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the examiner shall approve the proposed subdivision and dedication.
(Ord. 130 § 5 Exh. B, 1996).

21.06.070 Processing.

Except as provided by this chapter, a preliminary plat shall be processed in accordance with UPMC Title 22, Administration of Development Regulations.
(Ord. 130 § 5 Exh. B, 1996).

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Chapter 21.08

FINAL PLAT – FILING AND REVIEW PROCEDURES*

Sections:

21.08.010 Time limitations.
21.08.020 Requirement for each plat filed for record.
21.08.030 Certificate giving description, statement of owners, and dedication requirements.
21.08.040 Review.
21.08.050 Council review.

* Statutory references: RCW 58.17.110, 58.24.040.

21.08.010 Time limitations.

A. In General. A final plat meeting all of the requirements of law shall be submitted to the city within five years of the date upon which the approval of the preliminary plat is final. The approval of a preliminary plat shall be automatically null and void without any further action by the city if final plat approval is not obtained within the time limitations specified herein.

B. Extensions.

1. Time for Filing. A single, one-year time extension may be granted by the hearings examiner. A written application for any extension of time under the provisions of this section shall be filed with the planning department at least 30 days prior to the expiration of the existing period of approval currently applicable. The applicable time period shall be tolled from the date of filing the application for extension until the date of the final decision by the city. Each application shall be accompanied by payment of a filing fee in an amount established by the city council in a fee resolution.

2. Changed Conditions. Upon filing of an application for extension, a copy shall be sent to each party of record together with governmental departments or agencies as were involved in the process of preliminary plat approval. If any comment requests the alteration or expansion of conditions of approval, the applicant shall be provided with a copy of such proposal and a period of 10 working days in which to file objections, if any, and/or a request for formal hearing. In the absence of such objection, the examiner may conclude that the proposed change in conditions is acceptable to the applicant and proceed to a decision in accordance with procedures set forth in this section.

3. Hearings Examiner – Hearing. If, in the opinion of the examiner, substantial issues have been raised concerning the application for extension, the examiner may schedule a public hearing.

4. Hearings Examiner – Decision.

a. With Hearing. If a public hearing is held under the provisions of subsection (B)(3) above, the examiner shall issue a decision together with findings and conclusions in support thereof within 10 working days of the date of the hearing.

b. Without Hearing. If no public hearing is held, the examiner shall issue his decision with 10 working days of the date upon which written comments were to be filed with the examiner.

5. Hearings Examiner – Decision – Appeal. The decision of the examiner to grant or deny extensions of time shall be final unless appealed in accordance with UPMC Title 22, Administration of Development Regulations.

C. Stages. If the developer desires to develop said subdivision in stages, each stage or division must be approved within the time limits specified herein.

(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.08.020 Requirement for each plat filed for record.

Each and every plat of any property filed for record shall:

A. Contain a legal description of the plat which shall match the description on the title insurance report.

B. Contain a dedication for all streets, easements, open space, tracts, or other parcels to be dedicated to the public or other specifically noted entities or organizations.

C. Be acknowledged by the person filing the plat before the county auditor or any other officer who is authorized by law to take acknowledgment of deeds, and certificate of said acknowledgment shall be enclosed or annexed to such plat and recorded therewith.

D. Contain certification from the assessor-treasurer that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.

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E. Contain a statement of approval from the city engineer as to the construction of all streets and associated storm drainage systems. Streets not dedicated to the public shall be clearly denoted on the face of the plat and the plat shall contain adequate provisions for the maintenance of the private streets.

F. Contain a certification from the sewerage provider as to the means of sewage disposal for the lots if required.

G. Contain a certification from the county health department as to the means of sewage disposal and water availability if required.

H. Contain a certification from the planning department approving the plat and stating that the platting fee has been paid.

I. Be accompanied by a complete survey of the section or sections in which the plat or re-plat is located with all survey work being done in compliance with RCW 58.24.040. The final plat shall follow the format as shown on the city formal plat standards as now enacted or hereafter amended.

J. Be submitted to the city planning department along with the following:

1. Twelve paper prints.

2. Two copies of a title report, prepared not more than 30 days prior to the date of written approval by the director of the planning department, from a title insurance company containing the complete and correct legal description of the plat, listing all easements of record which affect the property and confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the dedication.

3. Final plat land use breakdown sheet.

4. One copy of the plat boundary, individual lots and street centerline computer closures for the plat.

(Ord. 150 § 2, 1997; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.08.030 Certificate giving description, statement of owners, and dedication requirements.

Every formal subdivision, short subdivision or large lot subdivision filed for record must contain a certificate giving a full and correct description of the lands divided as they appear on the plat drawing, including a statement that the subdivision of property has been made with the free consent and in accordance with the desires of the owner(s) or contractor purchasers. If the subdivision of property includes a dedication, the certification shall also contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies or to any corporation, public or private, as shown on the plat document and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said street. Said certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

Any dedication, donation or grant as shown on the face of the plat shall be considered, to all intents and purposes, as a quit-claim deed to the said donee or donees and/or grantees for his, her or their use for the purpose intended by the donors or grantors as aforesaid.

(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.08.040 Review.

The city planning director or authorized assistant shall review applications for the proposed final plat and be satisfied that the following conditions exist:

A. The final plat meets all standards established by state law and this title relating to final plats;

B. The proposed final plat bears the certificates and statements of approval required by this title and state law;

C. The final plat meets the conditions of preliminary plat approval and city code;

D. A title insurance report furnished by the subdivider confirms the title of the land in the proposed subdivision and is vested in the name of the owners whose signatures appear on the plat's certificate;

E. The facilities and improvements required to be provided by the developer have been completed or, alternatively, that the developer has provided a performance bond, or cash deposit in lieu thereof, or other security commonly used by banking and lending institutions; provided further, that the bond, cash deposit, or other security, as hereinabove required, shall be filed with the city engineer and shall be in a form acceptable to the city attorney and in an amount and with sureties com-

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mensurate with improvements remaining to be completed and securing to the city the construction and installation of the improvements within a fixed time.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.08.050 Council review.

The city council shall review final plats in accordance with Chapter 58.17 RCW. When the planning director finds that the subdivision meets the following criteria, he or she shall recommend approval the proposed final plat if:

A. The plat conforms to all terms of preliminary plat approval;

B. The bond, if there is one, by its essential terms assures completion of improvements;

C. The plat meets the requirements of state law and this title in effect at the time of preliminary plat approval.

After the city council approves the plat, the planning department shall forward the original to the county auditor for filing, who shall, after recording, forward two reproducible copies thereof to the city engineer and one paper copy to the county assessor-treasurer.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

Chapter 21.10

IMPROVEMENTS*

Sections:

21.10.010 Dedications.
21.10.020 Improvements required.
21.10.030 Names and numbers of subdivisions, streets, blocks and lots.
21.10.040 Control monuments.
21.10.050 Bonds – Construction and guarantee.

* Statutory references: RCW 58.17.040, Chapter 86.21 RCW.

21.10.010 Dedications.

A. General. All dedications shall be clearly and precisely indicated on the face of the plat as approved by the city. Improvements and easements to maintain such improvements may be required to be dedicated.

B. Access to Public Waters. Plats of subdivisions containing land adjacent to publicly owned or controlled bodies of water shall contain dedications of public access to, around or beside such bodies of water unless the examiner determines the public use and interest will not be served thereby. Such dedications shall be of a size and nature as determined by the examiner and shall be established when the preliminary plat is approved. Such dedications may be required only when in compliance with all standards governing regulatory takings.

C. Constructed to City Standards. All streets, bridges, drains, culverts and related structures and facilities which are dedicated shall be designed and constructed in accordance with current standards promulgated by the city engineer and in effect at the time of construction.
(Ord. 61 § 1, 1995).

21.10.020 Improvements required.

A. Plan and Profiles Required. Prior to the construction of an improvement, the developer shall submit to the city engineer five copies of the plan, profiles and specifications for said streets, drainage, utilities and other proposed improvements to be constructed in the proposed subdivision. Plans and profiles shall be drawn upon standard 22-inch by 34-inch federal aid plan profile sheets or such other sheets as may be acceptable to the city engineer. Prior to construction, the construction plans for any dedicated improvement must be approved by the city engineer and construction

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plans for other improvements may be required to be approved.

B. Flood or Geological Hazard. If any portion of the land within the boundaries shown on any map or plat of a division of land, whether formal plat or short plat or large lot division plat, is subject to flood hazard, inundation, geological hazard, mud slides or avalanches, as such conditions may be, but need not be, indicated in the most recent national flood insurance program, flood hazard boundary map (FHBM) for Pierce County, Washington or other authoritative data, and the probable use of the property will require structures thereon or nearby, the examiner or departmental reviewer may disapprove the subdivision, short subdivision or large lot division or that portion of the subdivision, short subdivision or large lot division so affected, and/or require protective improvements to be constructed as approved by the city, as a condition precedent to approval of the subdivision, short subdivision or large lot division. If any portion of a lot or parcel of a subdivision is subject to flood hazard, inundation, geological hazard, mud slides or avalanches, such fact and portion shall be clearly shown on the final map or parcel map by a prominent note on each sheet of such map whereon any portion is shown. No subdivision, short subdivision or large lot division shall be approved by the examiner or departmental reviewer which is situated wholly or partially within a flood control zone as provided in Chapter 86.16 RCW without the prior written approval of the Department of Ecology.

C. Storm Drainage Containment. The city shall, as a condition of approval of any division of land, whether formal subdivision or short subdivision or large lot division, require the developer to construct storm drainage facilities in conformance with the city's public works standards.

D. Fire Protection. The developer shall provide water sources and/or facilities as required by law. Subdivisions shall provide fire hydrants (or other adequate means) with adequate capacity and spacing to provide for fire protection.

E. Sanitary Sewer Pipe Installations. The city may condition the approval of any plat upon the developer's installation of sanitary sewer connections and pipes properly constructed according to city standards.

F. Street Frontage Improvements. All plats shall install street frontage improvements at the time of construction as required by the city's public works standards. Such improvements may include curb and gutter, sidewalk, bus stops, street storm drainage, street lighting system, traffic signal modification, relocation or installation, utility relocation, landscaping and irrigation, and street widening all per these standards. Plans shall be prepared and signed by a licensed civil engineer registered in the state of Washington. All frontage improvements shall be made across full frontage of property from centerline to right-of-way line.
(Ord. 150 § 3, 1997; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.10.030 Names and numbers of subdivisions, streets, blocks and lots.

A. General. In order to promote an orderly and coherent street and property location system, names and numbers in subdivisions, short subdivisions and large lot divisions shall be assigned in accordance with the procedures and guidelines established herein.

B. Subdivision Names and Numbers. Subdivision names shall be chosen by the applicant subject to approval by the planning department. The planning department shall approve the proposed name if it is reasonably distinguishable from previously established subdivision names and consistent with established area place names. The legal identification of short plats and large lots, if any, shall be designated by number and assigned by the auditor at the time of recording.

C. Street Names and Numbers. All public and private streets established by subdivision, short subdivision or large lot division shall have street names or numbers assigned and clearly shown on the plats prior to approval and recording. Street names and numbers shall be assigned by the planning director. Private streets shall be clearly labeled on the face of the plat.

D. Blocks and Lots. Blocks and lots established for purposes of legal description of subdivided property shall be named and numbered in accordance with procedures and guidelines established by the city engineer.
(Ord. 150 § 4, 1997; Ord. 61 § 1, 1995).

PROPOSAL PROPOSAL

21.10.040 Control monuments.

Except for subdivisions excluded under the provisions of RCW 58.17.040, as now or hereafter amended, and this title, permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided. The city engineer shall determine the number and location of permanent control monuments within the plat, if any. (Ord. 61 § 1, 1995).

21.10.050 Bonds – Construction and guarantee.

The city, in lieu of actual construction of any improvement by the developer of any formal subdivision, short subdivision or large lot division, shall require a bond in an amount and with surety and conditions satisfactory to it or other secure methods providing for and securing to the city, the actual construction and installation of such improvements within a two-year period. All improvements such as structures, streets, sewers, drainage facilities and water systems shall be designed and the construction certified by, or under the supervision of, a registered civil engineer prior to the acceptance of such improvements.

The developer shall be responsible for correcting any defect in an improvement for a period of 18 months after acceptance by the city engineer.

The city shall require a bond to guarantee that the developer will correct any defect in a dedicated improvement caused by faulty design, construction or other reason as determined by the city engineer. Said bond shall be in an amount equal to 125 percent of the estimated cost of the city completing the improvements, as determined by the engineer, and shall extend for a period of 18 months after city acceptance of said improvement. (Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

Chapter 21.12

SHORT SUBDIVISIONS – LARGE LOT DIVISIONS*

Sections:

21.12.010 Applicability.
21.12.020 Filing procedure and fee.
21.12.030 Owner's free consent.
21.12.040 Survey.
21.12.045 Short plat/large lot processing.
21.12.050 Departmental review.
21.12.060 Review criteria.
21.12.070 Summary approval.
21.12.080 Notice.
21.12.090 Appeal procedure.
21.12.100 Amendments.
21.12.110 Large lot division.

* Statutory references: Chapter 58.09 RCW, Chapter 332-130 WAC.

21.12.010 Applicability.

Every short plat and short subdivision shall comply with the provisions of this chapter.

A. Exemptions. The provisions of this chapter are not applicable to the following:

1. All exemptions listed in UPMC 21.02.010.

2. Deed releases, for the purpose of obtaining building financing; provided, that a short plat is required if said parcel is separately sold or if all land specified by the contract is not acquired.

3. Divisions which were surveyed in accordance with the Survey Recording Act and are recorded with the auditor prior to August 13, 1974.

4. Up to four model homes may be established on a single tract of land without short platting; provided, the city has approved a preliminary subdivision which includes the specific lots upon which the model homes are to be located.

5. Divisions made by court order; provided, that this exemption shall not apply to land divided pursuant to dissolution or any partition proceedings.

6. Any division of land for use solely for the installation of electric power, telephone, water supply, sewer service or other utility facilities of a similar or related nature; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans.

7. Any division or divisions of land for the sole purpose of enabling the City of University Place or other public agency to acquire land, either by outright purchase or exchange, for port

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purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans.

B. The entire original tract (except adjacent platted or short platted land) shall be included within one short plat application.

C. Further Divisions. Land within a short subdivision shall not be further divided in any manner for a period of five years from the date said approved short plat is recorded with the auditor without the filing of a final plat on the land which is proposed to be further divided, except that when the short plat contains fewer than four parcels, the owner who filed the short plat may file an alteration within the five-year period to create a total of up to four lots within the original short plat boundary. This requirement shall be stated on the face of the short plat.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.12.020 Filing procedure and fee.

A. The department shall prescribe the form and content for complete applications made pursuant to this code. In addition to the contents of a complete application prescribed by the planning department, a complete application for a short plat or large lot division must contain the information and documents required by the following:

1. A completed general application form and if applicable an environmental checklist. Said forms and checklist to be obtained from the planning department.

2. A filing fee required pursuant to the city ordinance adopting building and development related permit fees schedule, and in accordance with the fee schedule available from the planning department.

3. Names and addresses of all property owners within 300 feet of the subject property, available from the county assessor's office.

4. Such additional information as the planning director deems necessary.

5. Eleven paper prints of a proposed short plat shall be filed with the planning department.

B. A short plat shall meet the following standards:

1. Drawn in ink to a scale not smaller than one inch equals 100 feet or other approved scale or mylar, a sheet size of 18-inch by 24-inch.

2. The plat shall show the boundary and dimensions of the "original tract" including its assessor's parcel number, section, township and range, and all adjoining public or private streets and identifying names as such.

3. A vicinity map drawn to a scale of four inches equals one mile or other approved scale of sufficient detail to orient the location of the original tract.

4. Name and address of the owner of record of the "original tract," scale of the drawing, and north directional arrow.

5. All lots shall be identified by numerical designation. The dimensions of each lot shall be shown.

6. Width and location of access to all short platted lots.

7. The location and use of all buildings on the original tract.

8. Space or a second 18-inch by 24-inch mylar sheet shall be reserved for comments and appropriate city signatures.

9. Where a survey is required, the form of the plat shall be as required by the Survey Recording Act. (Chapter 50 Washington Laws of 1973, or as amended.)
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.12.030 Owner's free consent.

The contract purchasers shall sign a statement prescribed by the planning department signifying that the plat is made with their free consent and in accordance with the desires of the owners.
(Ord. 61 § 1, 1995).

21.12.040 Survey.

Recordable surveys shall be required for all short plats and short subdivisions. All surveys shall be accomplished as required by Chapter 332-130 WAC and the "Survey Recording Act" (Chapter 58.09 RCW), except an additional recording will not be required for the "Survey Recording Act."

All lot staking shall be completed by the certifying professional land surveyor prior to the recording of the short plat.

All short plat corners, including interior lot corners, shall be staked with steel rebar or metal pipe with a cap which permanently bears the land surveyor's registration number. When the plat corner(s) or lot corner(s) falls in a body of water, over the edge of a steep slope or other inaccessible area, an offset corner will be permitted. When the boundary line of a short plat follows a meandering line, corners shall be set as directed by the city.

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A presubmittal meeting with city staff to discuss corner locations is recommended.

When the legal description of the short plat utilizes a partial or complete section subdivisional breakdown to establish the short plat boundaries, section subdivision survey information in accordance with the requirements of WAC 332-130-030 shall be shown on the short plat mylar.

All reference monuments used in the establishment of the short plat corners shall be identified, described, and noted as set or found on the short plat mylar. When appropriate, the short plat survey shall reference the recorded or previous survey that was the basis for the short plat survey.

When the short plat is adjacent to a constructed city street and the short plat corner(s) or its offset represents a one-sixteenth corner, quarter corner, section corner, or donation land claim corner that is not of record or is lost or obliterated, a city standard monument(s) shall be placed in the city street. In cases where a monument of record is found, the existing corner does not have to be replaced.

Whenever a short plat is adjacent to an existing city street and/or right-of-way, the centerline of that street shall be located on the short plat drawing. If the existing constructed city street or maintained street section falls outside of the documented right-of-way, the surveyor shall identify the existing edge of pavement and limits of the maintained street section on the short plat drawing and show its relationship to said centerline.
(Ord. 61 § 1, 1995).

21.12.045 Short plat/large lot processing.

Except as provided by this chapter, a short plat or large lot subdivision shall be processed in accordance with UPMC Title 22, Administration of Development Regulations.
(Ord. 130 § 5 Exh. B, 1996).

21.12.050 Departmental review.

A. The city's public works department shall review a short plat for adequacy of access, storm water drainage facilities, public sewer system, survey accuracy, feasibility for building sites and for compliance with the public works standards.

B. The planning department shall review the proposed short plat for conformance with zoning laws, the comprehensive plan and subdivision code, UPMC Title 17, Critical Areas and Natural Resources, and shoreline management use regulations, and review comments provided by other governmental agencies and/or interested parties.

C. The health department shall review the proposed short plat for adequacy of water supply, and septic tank conditions.

D. The fire chief shall review the proposed short plat for adequacy of the fire protection water system and access for fire fighting equipment.
(Ord. 150 § 5, 1997; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.12.060 Review criteria.

A. Access.

1. General. The proposed short plat shall be reviewed for compliance with the public works standards including adequate ingress and egress to all proposed lots. Extension of streets or access rights from property line to property line of the short subdivision land may be required so that the street may be extended in the future. If there is other reasonable access available, the city engineer may limit the location of direct access to city arterials or other city streets. When an adjoining landowner will be obligated to construct or maintain a future street, a note to this effect shall be stated on the face of the short plat.

2. Street Reserved Areas. Where a city arterial may or is being planned for a short subdivision land area, the city engineer may require that the appropriate right-of-way area be reserved as a street reserved area for a future street, if all legal requirements are met.

3. Private Streets. Unless the city has existing plans, maps, sketches or studies for a city arterial on the properties in issue, the city engineer shall approve private streets if all persons and their successors, who own the land adjoining the street within the short plat, have equal legal rights to use said private street area. Said developer and/or adjoining landowners and their successors shall bear the expenses of constructing and maintaining said street and a note to this effect shall be made on the face of the short plat. Where the short plat or land beyond the short plat is being divided into more than four lots, private streets shall not be allowed.

B. Drainage. The proposed short plat shall be reviewed for compliance with the public works standards including but not limited to adequate drainage facilities. Requirements for any necessary facilities may be required to be on the face of the short plat mylar.

C. Sewers or Septic Tanks. The proposed short plat shall be reviewed for potential sewer or septic

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tank adequacy. If known local conditions exist which may affect future building sites, these conditions may be stated on the face of the short plat.

D. Feasibility for Building Sites. Areas which are known or suspected to be poor building sites because of geological hazard, flooding, poor drainage or swamp conditions, mud slides or avalanche may be noted on the face of the short plat.

E. Water Supply and Fire Protection. The proposed plat shall be reviewed for potential adequacy of water supply and fire protection.

Subsections (A) through (E) above may be considered as criteria for which a short plat may be denied. Existing city standards shall be used during the review process.
(Ord. 150 § 6, 1997; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.12.070 Summary approval.

A. Procedure.

1. The planning department shall forward two paper prints to the city engineer and/or public works director, any affected public utility agencies, the fire chief, and the Tacoma-Pierce County health department. The initial review by the departments/agencies of the proposed short plat shall be completed within 30 days after the short plat is filed, unless, upon the request of the planning department, the applicant consents to an extension of such time period.

2. Each department or official shall either recommend approval, disapproval, or return of the short plat for change within the 30-day initial review period. The planning director shall have the final authority to approve, approve with conditions or deny a short plat application.

3. If returned for change, the applicant or representative shall submit six prints and the mylar to the planning department reflecting the required changes within 180 days, after said notice of correction is given by the reviewing city departments. Should the applicant require an extension of time to satisfy the requirements that were requested during the initial 30-day review, an additional 180 days shall be granted upon written request.

4. Due to the complexity of the proposal, the applicant may desire to request the following to extend the life of the application.

a. Request in writing from the applicant that the application for the proposed short plat be placed on hold for due cause. "Due cause" would constitute a situation that was beyond the applicant's controls; i.e., required environmental checklist, health department requirement for viewing high water table on the site prior to review for waste disposal, and/or water availability report required by the state.

To accompany the request would be the estimated time line for completion of the required additional material, studies, or review. The hold would be placed upon the application for a specified period of time.

b. Request in writing by the applicant that a time extension would be necessary to provide the reviewing departments the necessary material, documents, and studies, as requested in the initial 30-day city review. The planning department may provide a second additional 180-day extension. A fee would be charged for the extended time, per the fee schedule.

5. The applicant is required to submit the revisions as requested, at the expiration of the allowable time line, along with six prints and the mylar to the planning department. The submittal shall be considered the "final review" and all previous extensions that were granted to the applicant shall be considered void. The reviewing departments shall have a 30-day review period. At the conclusion of the review period, the reviewing department directors or authorized representative shall approve or deny the short plat.

B. Required Written Findings for Short Subdivisions. The director or designee shall inquire into the public use and interest proposed to be served by the establishment of the short subdivision and dedication. The director or designee shall determine:

1. If appropriate provisions are made for but not limited to the public health, safety, and general welfare for open spaces, drainageways, streets or streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

2. Whether the public interest will be served by the short subdivision and dedication.

C. A proposed short subdivision and dedication shall not be approved unless the director or designee makes written findings that:

1. Appropriate provisions are made for the public health, safety, and general welfare, for open spaces, drainageways, streets or streets, alleys, other public ways, transit stops, potable water

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supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

2. The public use and interest will be served by the platting of such subdivision and dedication. If the director or designee finds that the proposed short subdivision make such appropriate provisions and that the public use and interest will be served, then the director or designee shall approve the proposed short subdivision and dedication.

D. Notice of Return to Applicant for Cause. If a short plat is not in proper order or cannot be approved in its present form, a letter accompanied by said print, postmarked prior to the expiration of said 30-day period, shall be sent to the applicant (by the disapproving department) to notify him of why approval cannot be given in its present form.

E. Effect of Approval. The approval of a short plat shall not be a guarantee that future permits will be granted for any structures or development within said area and a notation to this effect shall be stated on the face of the short plat.
(Ord. 61 § 1, 1995).

21.12.080 Notice.

Prior to the sale, lease or contract to sell of any lot, parcel or tract within a short subdivision, a copy of the approved short plat shall be given to the prospective purchaser or lessee by the owner, owner's agent, or any person, firm or corporation who closes or escrows the transaction.
(Ord. 61 § 1, 1995).

21.12.090 Appeal procedure.

Following the city planning director's decision on a short plat, any person directly affected may appeal such decision to the examiner. The appeal shall be filed in accordance with UPMC Title 22, Administration of Development Regulations.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.12.100 Amendments.

Amendments to short plats may be approved by the planning department by approving an amendment note which states to the effect that this amended short plat supersedes "Short Plat No. ___." The note must specify the changes and before the planning department can approve the amended short plat, all city requirements and conditions stated on the original short plat must be stated on the amended short plat.

If any city department's or other agency's previous approval may be affected by the amendment (as determined by the planning department), said department or agency will be notified of the change and be given the opportunity to comment before the planning department approves the amendment. In addition, any amendment involving public dedication must be processed as provided in RCW 58.17.212 or 58.17.215. A fee as set forth in separate resolution shall be paid the planning department for the processing of an amended short plat.

The assessor-treasurer's office must again signify that the current real estate taxes are paid before the amended short plat is recorded. Upon recording, the amended short plat is deemed approved by city.
(Ord. 61 § 1, 1995).

21.12.110 Large lot division.

A. Departmental Review. Large lot divisions shall be reviewed by all departments and agencies herein specified for short plats and in accordance with procedures herein specified for short plats; provided, that approval shall not be automatic.

B. Approval Standards. Large lot divisions shall be subject to the same review criteria as herein specified for short plats. Approvals shall comply with RCW 58.17.060 and 58.17.110.

C. Preparation. Large lot divisions shall be drawn and shall meet the drafting standards as herein specified for short plats.

D. Recording of Surveyed Divisions. After obtaining the reviewing authorities' approval, the county assessor-treasurer's office approval must be obtained to verify that the real estate taxes are current. After obtaining said approvals all large lot divisions shall be recorded with the county auditor and the auditor shall collect the applicable recording fee. Each lot within the large lot division shall be numbered. Thus, future legal descriptions of a certain recorded large lot division may be referred to as "Lot of Large Lot Division No. ___." The latter blank space will be the description assigned to the large lot division by the auditor.

E. Fees, Appeals and Amendments. A nonrefundable filing fee, as set forth by separate resolution, shall accompany a large lot division when it is filed for approval with the planning department.

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Appeals of any reviewing decision on a large lot division may be made by the examiner. The appeal procedure and fee is the same as that herein set forth for short plats. Amendments to a large lot division shall be processed in the same manner as that herein set forth for short plats.

F. Five-Year Short Plat Restriction. Large lot divisions, or any portion thereof, shall not be further divided by short subdivision within five years of the date of large lot division approval.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

Chapter 21.14

PRIVATE STREET PLATS

Sections:

21.14.010 Conditions permitting private streets.
21.14.020 Conformance with code – Exception.
21.14.030 Standards for modification of code by department of planning and community development.
21.14.040 Improvements – Right of city to enter and install – Bond.
21.14.050 Owners to maintain streets, easements and utilities.

21.14.010 Conditions permitting private streets.

Private streets shall only be permitted in short plats serving four or less lots and shall be constructed as required by the city's public works standards. However, if the department determines that the most logical development of land requires that the lots be served by private streets or easements, and that the land cannot be adequately served by streets dedicated to the public, private streets or easements may be approved upon compliance with the provisions of this chapter.
(Ord. 150 § 7, 1997; Ord. 61 § 1, 1995).

21.14.020 Conformance with code – Exception.

Short plats with private streets shall conform in all ways to this title and follow the procedures outlined herein unless greater or lesser requirements are explicitly specified in this chapter or by the department.
(Ord. 150 § 8, 1997; Ord. 61 § 1, 1995).

21.14.030 Standards for modification of code by department of planning and community development.

In addition to other standards required by this title, the department may require such additional standards and conditions or it may modify the standards and conditions in such a manner as is necessary to:

A. Maintain the intent and purpose of this title;

B. Assure that a degree of compatibility shall be maintained with respect to properties and existing or potential uses within the general area;

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C. Preserve the public health, safety, morals and general welfare.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.14.040 Improvements – Right of city to enter and install – Bond.

All pavements, sanitary sewers, water mains, culverts, grading, planting, fencing and any other improvements which are made a part of the approval of the short plat shall be completed at the expense of the applicant prior to the recording of the short plat; provided, that in the event the applicant shall be unable to install the improvements prior to the time of the recording of the short plat, the short plat may be recorded without such improvements being installed; provided, the following conditions are complied with:

A. The plattor shall grant to the city by proper instrument duly recorded the right to enter upon the property to be platted and install the improvements;

B. The plattor shall furnish to the city a good and sufficient performance bond to cover the cost of installing the improvements. This bond shall provide that the plattor agrees to faithfully perform the conditions thereof, which conditions shall include an agreement to construct and install all the improvements within the time specified by this title, and further that upon the failure of the plattor to do so, such bond shall be forfeited in favor of the city, or, in the alternative to the above required bond, the director may accept other secure methods providing for and securing to the city the actual construction and installation of such improvements within a one-year period and on the terms identical to the herein described bond.
(Ord. 150 § 9, 1997; Ord. 61 § 1, 1995).

21.14.050 Owners to maintain streets, easements and utilities.

All private streets, easements, community utilities and properties shall be maintained by the owners of property served by them and kept in good repair at all times. In order to insure the continued good repair, it must be demonstrated to the department prior to the recording of the plat that:

A. There is a workable organization to guarantee maintenance with a committee or group to administer the organizational functions; and

B. There is a means for assessing maintenance costs equitably to property owners served by the private streets, easements, community utilities and properties.
(Ord. 61 § 1, 1995).

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Chapter 21.16

BINDING SITE PLAN

Sections:

21.16.010 Purpose.
21.16.020 Applicability.
21.16.030 Filing.
21.16.040 Processing.
21.16.045 Approval.
21.16.050 Recording and binding effect.
21.16.060 Amendment, modification and vacation.
21.16.070 Administrative rules.

21.16.010 Purpose.

The purpose of this chapter is to create a permit for dividing commercially and industrially zoned property, as authorized by RCW 58.17.035. On sites which are fully developed, the binding site plan merely creates or alters interior lot lines. In all cases the binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access; interior circulation; open space; landscaping and drainage; facility maintenance; and coordinated parking.
(Ord. 61 § 1, 1995).

21.16.020 Applicability.

A. Any person seeking the use of a binding site plan to divide the person's property for the purpose of sale, lease or transfer of ownership of commercially or industrially zoned property is required to apply for, complete and have approved a binding site plan prior to any property division, as provided in Chapter 58.17 RCW and as required by this chapter.

B. The site which is subject to the binding site plan shall consist of one or more contiguous lots legally created.

C. The site which is subject to the binding site plan may be reviewed independently for fully developed sites, or concurrently with a commercial site development permit application for undeveloped land, or in conjunction with a valid commercial site development permit.

D. The binding site plan process merely creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.
(Ord. 61 § 1, 1995).

21.16.030 Filing.

A proposed binding site plan shall be considered under the zoning and other land use control ordinances in effect on the land at the time a fully completed application is filed with the department. The department shall prescribe the form and content for complete applications made pursuant to this code. In general a complete application for binding site plan application shall consist of:

A. A completed application form provided by the department, signed by all property owners or their authorized agents, with supporting documents as required below and which contains sufficient information to determine compliance with adopted rules and regulations including, but not limited to, Chapter 43.21C RCW, SEPA, as implemented by Chapter 197-11 WAC; surface water management; public works standards; fire code; city environmental procedures; zoning; shoreline management; critical areas; and administrative rules adopted to implement any such code or ordinance provision; Pierce County board of health rules and regulations; city approved utility comprehensive plans;

B. An approved site development permit, or a proposed site plan prepared by a professional land surveyor, licensed in the state of Washington, in a form prescribed by the director. At a minimum, the proposed site plan shall include:

1. The location and size of all proposed lots;

2. Proposed and existing structures including elevations and floor plans as known (plans which show building envelopes rather than footprints must include post-construction treatment of unoccupied areas of the binding envelopes);

3. All proposed or existing uses;

4. The location of proposed or existing open space including any required landscaped areas;

5. The location and identification of critical areas;

6. The layout of an internal vehicular and pedestrian circulation system, including proposed ingress and egress for vehicles;

7. The number and location of proposed or existing parking spaces on and off the site;

8. A drainage plan which will accommodate the maximum proposed square footage of impervious surface exposed to vehicular use, subject to

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the requirements of the city's public works standards;

9. The location and size of utility trunk lines serving the site;

10. The location and size of water bodies and drainage features, both natural and manmade;

11. A grading plan showing proposed clearing and tree retention and the existing and proposed topography, detailed to five-foot contours, unless smaller contour intervals are otherwise required by the city code or rules and regulations promulgated thereunder;

12. A layout of sewers and the proposed water distribution system;

13. Proposed easements and access;

C. A completed environmental checklist, if required by the State Environmental Policy Act and implementing ordinances;

D. A downstream drainage analysis or any other requirement specified in the city's public works standards;

E. All covenants, easements, maintenance agreements or other documents regarding mutual use of parking and access;

F. Copies of all easements, deed restrictions or other encumbrances restricting the use of the site;

G. A phasing plan and time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years;

H. Documentation of the date and method of segregation for the subject property verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation;

I. A list of any other development permits or permit applications having been filed for the same site;

J. The payment of fees.

The director may waive specific submittal requirements determined to be unnecessary for review of the application, or may require additional material as deemed necessary.
(Ord. 150 § 10, 1997; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.16.040 Processing.

Except as provided by this chapter, a binding site plan shall be processed in accordance with UPMC Title 22, Administration of Development Regulations.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.16.045 Approval.

A. The director shall consider and base a decision to approve with or without conditions, deny or return the application for modifications, based on:

1. A finding that the newly created lots will continue to function and operate as one site, for fully developed sites; or

2. Conformity of the proposed site plan with the adopted rules and regulations listed in UPMC 21.16.030 as represented in the approved site development plan, if the binding site plan is being considered with a site development plan.

B. The binding site plan shall contain applicable descriptions or attachments setting forth limitations and conditions to which the plan is subject, including any applicable irrevocable dedications of property and containing a provision requiring that any development of the site shall be in conformity with the approved site plan.

C. The director may modify lot-based or lot line requirements contained within the building, fire and other similar uniform codes adopted by the city.

D. The director may authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan. Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements shall be identified on the binding site plan and enforced by covenants, easements or other similar mechanisms.

E. The decision of the director shall be final.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.16.050 Recording and binding effect.

A. Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a professional land surveyor, licensed in the state of Washington. Surveys shall include those items prescribed by RCW 58.09.060, Records of survey, contents – Record of corner, information.

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B. The approved binding site plan recording forms shall include the following, in the format prescribed by the director:

1. Lots designated by number on the binding site plan within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose;

2. Signature and stamp of the land surveyor who prepared the binding site plan;

3. Reference to the recording number of the completed survey as required by this section if the boundaries have been previously surveyed;

4. Reference to all agreements or covenants required as a condition of approval;

5. Notarized signatures of all persons having an ownership or security interest in the land being divided;

6. Approval of the city engineer;

7. Approval of the director.

C. The director shall examine and sign the approved binding site plan if it conforms with the commercial site development permit or the approved site plan and all conditions of approval. Binding site plans shall be recorded with the Pierce County records and elections division with a record of survey.

D. Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

E. Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, shall be considered a violation of Chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW.
(Ord. 61 § 1, 1995).

21.16.060 Amendment, modifications and vacation.

Except as provided in UPMC 21.08.010, amendment, modification and vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application, as set forth in this chapter. If a portion of a binding site plan is vacated, the property subject to the vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision or short subdivision.
(Ord. 61 § 1, 1995).

21.16.070 Administrative rules.

The director may promulgate administrative rules and regulations to implement the provision and the requirements of this chapter.
(Ord. 61 § 1, 1995).

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Chapter 21.18

RESIDENTIAL CONDOMINIUM BINDING SITE PLAN REVIEW PROCESS

Sections:

21.18.010 Applicability.
21.18.020 Planned development districts.
21.18.030 Building permits.
21.18.035 Residential condominiums binding site plan processing.
21.18.040 Conceptual plans.
21.18.050 Appeal.
21.18.060 Recording.
21.18.070 Amendments and rescission.

21.18.010 Applicability.

A. This process may be used to divide land by the owner of any legal lot which is to be developed for residential condominiums pursuant to Chapter 64.34 RCW. A binding site plan for a residential condominium project shall be based on either a recorded final planned unit development, a building permit issued for the entire project, or a conceptual site plan as set forth in UPMC 21.18.040.

B. This process is separate from other site plan review processes including the mobile home park plan, the planned unit development, and the manufacturing park site plan provisions of the zoning code, and shall not be construed to substitute for the requirements of such processes.
(Ord. 61 § 1, 1995).

21.18.020 Planned development districts.

Whenever a binding site plan for a residential condominium development is proposed on a parcel for which a final planned development district has been recorded, a copy of the planned development district site plan shall be recorded as the binding site plan upon verification by the director that the binding site plan is the same as or contains the relevant details of the planned development district site plan.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.18.030 Building permits.

Whenever a binding site plan for a residential condominium development is proposed on a parcel of land for which a building permit has been issued for the entire project, the following must be satisfied prior to recording:

A. A plan shall be prepared in a form prescribed by the director which is adequate for permanent retention by the Pierce County records and elections division.

B. The plan must be prepared by a registered land surveyor or civil engineer.

C. The plan must substantially reflect the site plan approved for the building permit. Specific details not relevant to the division of land may be omitted.

D. The plan must be verified by the director for compliance with the approved building permit. The director may require dedication of additional right-of-way for public streets.

E. The legal description and map must be verified by the city engineer.
(Ord. 61 § 1, 1995).

21.18.035 Residential condominiums binding site plan processing.

Except as provided by this chapter, a residential condominium binding site plan shall be processed in accordance with UPMC Title 22, Administration of Development Regulations.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.18.040 Conceptual plans.

Whenever a binding site plan for a residential condominium project is proposed on a parcel of land for which neither a planned unit development nor a building permit has been approved for the entire parcel, the following must be satisfied prior to recording:

A. A conceptual site plan shall be prepared in a form prescribed by the director which includes the following information:

1. Maximum number of dwelling units permitted.

2. Approximate size and location of all proposed buildings.

3. Approximate layout of an internal vehicular circulation system, including proposed ingress and egress.

4. Approximate location of proposed open space, including required landscaped areas, if any.

5. Approximate location of proposed parking areas.

6. Location and size of utility trunk lines serving the site.

7. Topography detailed to five-foot contours.

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B. Upon application the director shall distribute copies to public agencies having pertinent expertise or jurisdiction for review and comment.

C. The director shall consider and base a decision to approve with or without conditions, deny or return the application on the following:

1. Conformance of the proposed site plan with any approved building permit or planned development district and any conditions on a portion of the site, and with any applicable codes and ordinances, of the state of Washington and the city. The director shall identify, to the extent feasible, conditions likely to be imposed on building permits related to dedication of right-of-way or open space, and tracts, easements or limitations which may be proposed or required for utilities, access, drainage controls, sanitation, water supply, protection of sensitive areas or other unique conditions or features which may warrant protection of the public health, safety, and welfare. Such preliminary conditions shall not be binding at the time of building permit approval.

2. The recommendations and comments of agencies having pertinent expertise or jurisdiction.

3. The director may require dedication of additional road right-of-way pursuant to city ordinance.

D. Additional documents shall be submitted as necessary for review and approval which may include a plat certificate, boundary survey, agreements, easements and covenants.

E. The plan must be approved and signed by the city engineer.

F. Prior to recording, the director shall verify the final plan and any attachments to determine whether the binding site plan is accurate and complete and complies with any conditions or approval. Approval of a conceptual plan does not give the applicant a vested right to build without regard to subsequent changes in zoning or building codes or other applicable land use regulations prior to application for a building permit on the subject property.
(Ord. 150 § 11, 1997; Ord. 61 § 1, 1995).

21.18.050 Appeal.

Any decision of the director shall be final unless appealed to the hearings examiner in accordance with UPMC Title 22, Administration of Development Regulations.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.18.060 Recording.

The proposed binding site plan approved by the director shall be recorded with the records and elections division within 30 days of approval. Upon recording, the site plan shall be binding on the owner, his heirs and assigns, and shall permit the division of land within the site. Divisions shall only be permitted upon the filing of a declaration under the Condominium Act, Chapter 64.34 RCW; provided, the structure or structures, road and parking systems, and related facilities substantially conform to the recorded binding site plan.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.18.070 Amendments and rescission.

A. Amendment of a recorded residential condominium binding site plan shall be accomplished by following the same process as required for a new application as set forth in this chapter.

B. Upon the request of the owner or owners of a legal lot or lots subject to a recorded binding site plan the director shall rescind all or a portion of a binding site plan; provided, that any portion of a binding site plan which is rescinded shall be considered to be one lot unless divided by an approved subdivision or short division.

C. Signatures of owners of portions of a binding site plan which are not altered by an amendments or rescission are not required on the amended binding site plan or application for rescission.
(Ord. 61 § 1, 1995).

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Chapter 21.20

BOUNDARY LINE ADJUSTMENTS

Sections:

21.20.010 Purpose.
21.20.020 Scope.
21.20.030 Application.
21.20.035 Processing.
21.20.040 Administrative review.

21.20.010 Purpose.

The purpose of this chapter is to clearly delineate the criteria used by city departments to review boundary line adjustments. Boundary line adjustments provide a procedure for minor or insignificant changes in property lines. A boundary line adjustment is intended to apply to minor boundary changes, to correct a controversy regarding the location of a boundary line, or to remedy adverse topographical features. A boundary line adjustment does not apply to boundary changes that would result in increased development or density otherwise regulated by applicable city land use codes and regulations, or to actions requiring replat, amendment, alteration, or vacation of a plat or short subdivision. This chapter is also intended to insure compliance with the Survey Recording Act.
(Ord. 61 § 1, 1995).

21.20.020 Scope.

The boundary lines separating two lots of record may only be adjusted under the provisions of this chapter. Extinguishing such lot lines is not a boundary line adjustment subject to the requirements of this chapter. Actions which change or impair conditions or requirements imposed by previous platting decisions must be accomplished pursuant to the subdivision regulations. Boundary line adjustments shall not:

A. Create any additional lot, tract, parcel, site, or division;

B. Result in a lot, tract, parcel, site, or division which contains increased density or insufficient area or dimension to meet the minimum requirements for area and dimension as set forth in the land use and health codes and regulations. This provision shall not be construed to require correction or remedy of pre-existing nonconformities or substandard conditions;

C. Diminish or impair drainage, water supply, existing sanitary sewage disposal, and access or easement for vehicles, utilities, and fire protection for any lot, tract, parcel, site, or division;

D. Create or diminish any easement or deprive any parcel of access or utilities;

E. Increase the nonconforming aspects of an existing nonconforming lot;

F. Replat, alter (except as provided in RCW 58.17.140), or vacate a plat or short subdivision; or

G. Amend the conditions of approval for previously platted property.
(Ord. 150 § 12, 1997; Ord. 61 § 1, 1995).

21.20.030 Application.

A. The department shall prescribe the form and content for complete applications made pursuant to this code. Applications for boundary line adjustments shall be made on forms provided by the city planning department and shall be submitted to the planning department with one original and five copies of a mylar plan signed and stamped by a professional land surveyor, drawn to scale with accurate dimensions, clearly showing the following information:

1. The proposed lines for all affected lots, indicated by heavy solid lines;
2. The existing lot lines proposed to be changed, indicated by heavy broken lines;
3. The location and dimensions of all structures/improvements existing upon the affected lots and the distance between structure/improvements and the proposed lot/boundary lines;
4. The original legal description of the entire property together with new separate legal descriptions for each parcel, labeling them specifically as parcel A, parcel B, etc.;
5. The position of rebar and caps set at each new property corner;
6. All parcel numbers of affected lots;
7. The location of the property to quarter/quarter section;
8. The location and dimensions of any drain field, easement, or right-of-way existing within or adjacent to any affected lots;
9. The area and dimensions of each lot following the proposed adjustment;
10. The existing, and if applicable, proposed future method of sewage disposal for each affected lot.

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B. Record of Survey for Boundary Line Adjustments.

1. The mylar shall be titled on the top of the page, in large capital letters, as follows:

RECORD OF SURVEY FOR
BOUNDARY LINE ADJUSTMENT

2. A note shall be placed on the mylar that reads as follows:

THIS BOUNDARY LINE ADJUSTMENT IS NOT A PLAT, REPLAT, OR SUBDIVISION.

APPROVAL OF A BOUNDARY LINE ADJUSTMENT IS NOT A GUARANTEE THAT FUTURE PERMITS WILL BE GRANTED FOR ANY STRUCTURE OR DEVELOPMENT WITHIN A LOT AFFECTED BY A BOUNDARY LINE ADJUSTMENT.

3. All requirements of Chapter 58.09 RCW and Chapter 332-130 WAC governing minimum standards for land boundary surveys shall be met and a note shall be placed on the mylar that reads as follows:

THIS SURVEY COMPLIES WITH ALL STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND CHAPTER 332-130 WAC.

C. Boundary line adjustment applications shall be submitted to the planning department with a preliminary title report on forms approved by planning, with liability for errors not to exceed the value of the affected lots, as determined by the assessed value on the date of approval. The preliminary title report shall set forth all persons having an interest in the lots affected by the boundary line adjustment. The preliminary title report must be dated no more than 30 days prior to application and must be updated to the date of boundary line adjustment approval, without cost to the city.

D. The mylar for recording in the auditor's office shall contain all survey information required for a record of survey under the "Survey Recording Act", Chapter 58.09 RCW and Chapter 332-130 WAC, together with the following additional signature blocks, which shall be fully executed before approval:

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of Survey Recording Act at the request of _____ on _____, 19___.

_____ Certificate Number

_____
Surveyor

PLANNING DEPARTMENT

_____ _____
Planning Director Date

CITY ASSESSOR-TREASURER
I hereby certify that all state and city taxes heretofore levied against the property described hereon, according to the books and records of my offices, have been fully paid.

_____ _____
Deputy Assessor/Treasurer Date

Reviewed for Segregation

_____ _____
Deputy Assessor/Treasurer Date

E. A free consent statement, as shown below, shall be inked on the mylar. This shall be signed and notarized, prior to submittal, in permanent black ink, by all parties having interest in the property. Owners' names shall also be lettered below the signatures.

The undersigned agree that the boundary line adjustment set forth herein is made with the free consent and in accordance with the desires of the owners.

(Paper Press Seals Will
Not Be Accepted) _____ _____
_____ _____

Notary Seal

_____

I hereby certify that the above individual(s) signed as a free and voluntary act and deed for the uses and purposes herein mentioned.

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Given under my hand and seal this ____ day of _____, 199__.

_____, NOTARY PUBLIC, in and for the State of Washington, residing at _____.

F. An application for a boundary line adjustment shall be accompanied by a nonrefundable planning review fee as set forth in separate resolution.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.20.035 Processing.

Except as provided by this chapter, a boundary line adjustment shall be processed in accordance with UPMC Title 22, Administration of Development Regulations.
(Ord. 130 § 5 Exh. B, 1996).

21.20.040 Administrative review.

A completed application for a boundary line adjustment shall be approved, returned to the applicant for modifications, or denied within 30 days of its receipt by the planning department.

A. The planning department may forward a copy of the proposed boundary line adjustment to the engineering department, to the fire chief, and to the Tacoma-Pierce County health department or to any other department or division.

B. A copy of the proposed boundary line adjustment shall be forwarded to the assessor-treasurer's office. The assessor-treasurer's office shall review the boundary line adjustment for accuracy of legal description, ownership, lot dimensions, and improvements on the lots.

C. The departments shall review the proposed boundary line adjustment against the purpose and scope described in UPMC 21.20.010 and 21.20.020 respectively and submit any comments to the planning department no later than 30 days of date of application.

D. If the department of planning determines that an application for boundary line adjustment may impair drainage, water supply, existing sanitary sewage disposal, access or easement for vehicles, utilities, or fire protection for any lot, tract parcel, site, or decision, it shall refer the application to the appropriate department for review.

E. Following receipt of the comments of consulted departments under subsection (A) above, but in no case later than 30 days from receipt of completed application, the director or his/her designee shall approve or deny the requested adjustments.

F. After approval, the applicant's surveyor must record the survey of boundary line adjustment, together with deeds of conveyance signed by parties disclosed in the title report when the adjusted boundary separates different ownerships. If the record of survey and required deeds of conveyance have not been recorded within 30 days of boundary line approval, the boundary line adjustment shall be null and void.

G. The approval of a boundary line adjustment shall not be a guarantee that future permits will be granted for any structure or development within a lot affected by the boundary line adjustment.

H. An aggrieved person may appeal the director's decision on a boundary line adjustments to the hearings examiner, in accordance with procedures described in UPMC Title 22, Administration of Development Regulations.
(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

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Chapter 21.22

MISCELLANEOUS, REVIEW, PENALTIES AND SEVERABILITY

Sections:

21.22.010 Record of proceedings.
21.22.020 Penalties.
21.22.030 Enforcement.
21.22.040 Model home.
21.22.050 Administration.
21.22.060 Land surveys and recording fees.
21.22.070 Severability.

21.22.010 Record of proceedings.

A summary of all hearings and public meetings before the examiner shall be preserved in a reasonable manner which may include a tape recorded record.

Appellants shall be responsible for paying all reasonable costs for transcribing the record of relevant hearings or meetings.

(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.22.020 Penalties.

A. Any person, firm, corporation or association or any agent of any person, firm, corporation or association who violates any provision of this title adopted pursuant to state law, relating to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land shall be guilty of a gross misdemeanor, and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation of any provision of this title shall be deemed a separate and distinct offense.

B. Any person who violates any court order or injunction issued pursuant to this title or state law shall be subject to a fine of not more than $5,000 or imprisonment for not more than 90 days or both.

C. Any person, firm, corporation or association or any agent of any person, firm, corporation or association who violates any provision of this title or any permit or written order or decision issued pursuant to this title shall be subject to a civil violation citation as defined in the city's civil violation ordinance.

D. If performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel under this chapter, the offer or agreement is not subject to the penalties above and does not violate any provision of this chapter. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded.

(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.22.030 Enforcement.

All city staff shall submit all suspected violations of this title to the city attorney.

A. Assessor-Treasurer. The county assessor-treasurer, when requested to segregate any parcel of land which appears to be in violation of this title, shall notify the city attorney.

B. Building Inspection and Permits Department. All applicants for building permits shall show by instrument of conveyance and an affidavit from his vendor, grantor or the applicant that their building lot is not a division from an original tract or that they or their predecessors have complied with or are exempt from this title. Building permits shall be denied to any applicant whose parcel, lot or tract is not in compliance with this title. No building permit shall be issued for any lot within a plat or short plat until final approval is obtained from the appropriate city authority except as provided herein for model homes.

Building permits except as provided herein shall not be issued to any applicant until his site plan includes any required or mentioned element noted on the final plat, short plat or large lot division, including but not limited to building site location, access, drainage, sewers or septic tank and water system. An occupancy certificate shall not be issued until all such required or mentioned elements are satisfied.

C. Health Department. Septic tank permits may be denied to any applicant whose parcel, lot or tract is not divided in compliance with this title.

D. Assessor-Treasurer. A one percent real estate excise tax affidavit shall be filed in the city assessor-treasurer's office for all transfers of real property within the city. The affidavit shall include a parcel number or numbers of the current tax account or accounts involved in the sale. If there is a separation of said tax account, the total acreage or square footage of said tax account shall be stated therein and a rough diagram of the original

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parcel and the divided parcel shall be drawn thereon. Said diagram shall identify the section, township, range, quarter section and placement of existing buildings.

At the determination of the assessor-treasurer that the parcel sold is less than 20 acres and is a segregation from the original parcel, he shall require that said affidavit be approved by the city planning department before he may place the excise stamp on the conveying instrument for the real property.
(Ord. 61 § 1, 1995).

21.22.040 Model home.

It shall be the purpose and intent of this chapter to allow up to four detached or attached dwellings within a preliminary subdivision which has been approved in accordance with all existing plans and regulations. The purpose of said dwellings shall be to demonstrate a variety of housing designs together with all associated on-site improvements, e.g., landscaping, improved driveway, patios, etc.

Model homes when proposed shall be established subject to the following criteria:

A. Model homes must meet the requirement of the city building codes with respect to being certified for use occupancy.

B. Only one model home may be occupied as a temporary real estate office pursuant to the zoning code.

C. Model homes may be sold, however, the sale shall not be considered final until such time as the preliminary plat has been approved and recorded as a final plat except as otherwise provided herein by this regulation.

D. All public and private roads providing access to the model homes shall be improved and maintained in a dust-free condition until such time as the permanent streets are established within the final plat.
(Ord. 61 § 1, 1995).

21.22.050 Administration.

The planning department is the primary city department responsible for administering this regulation, however, other city departments are delegated specific duties. In the event a legal question is involved, only the planning department, examiner or council may refer the question to the city attorney's office for advice.
(Ord. 61 § 1, 1995).

21.22.060 Land surveys and recording fees.

(NOTE: Please check with the auditor's office for the proper fee amount.)
(Ord. 61 § 1, 1995).

21.22.070 Severability.

If any provision of this title or its application to any person or legal entity or circumstances is held invalid, the remainder of the title or the application of the provision to other persons or legal entities or circumstances shall not be affected.
(Ord. 61 § 1, 1995).

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Title 22

ADMINISTRATION OF DEVELOPMENT REGULATIONS

Chapters:

22.01 Permit Processing
22.02 Open Record Public Hearings
22.03 Judicial Review

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Chapter 22.01

PERMIT PROCESSING

Sections:

22.01.001 Purpose.
22.01.002 Definitions.
22.01.003 Applicability.
22.01.004 Preapplication requirements.
22.01.005 Complete applications.
22.01.006 Notice of application.
22.01.007 Time periods.
22.01.008 Notice of decision.
22.01.009 Consistency with development regulations and SEPA/consolidated permit review.
22.01.010 Permit conditions.
22.01.011 Optional consolidated permit processing.
22.01.012 Appeals of administrative decisions.

22.01.001 Purpose.

The purpose of this title is to add an administrative chapter to the University Place Municipal Code to comply with the requirements of the Regulatory Reform Act.
(Ord. 130 § 1, 1996).

22.01.002 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

A. "Closed record appeal" means an administrative appeal on the record to the Pierce County superior court, following an open record hearing on a project permit application when the appeal is on the record with no new evidence allowed to be submitted.

B. "Open record hearing" means a hearing, conducted by the hearings examiner, that creates the city's record through testimony and submission of evidence and information, under the procedures prescribed herein. An open record hearing may be held prior to the city's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

C. "Project permit" or "project permit application" means any land use or environmental permit or license required from the city for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by UPMC Title 17, Critical Areas and Natural Resources, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

D. "Public meeting" or "community meeting" means an informal meeting, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the city's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or neighborhood meeting, or a scoping meeting on a draft environmental impact statement. Under RCW 36.70B.020(5), a public meeting is not an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.
(Ord. 130 § 1, 1996).

22.01.003 Applicability.

This title serves to implement the University Place zoning code, subdivision code, shoreline use regulations, critical areas regulations, public works standards and the site development regulations. The regulations identified in this title apply to project permits falling into three categories or types. The three types of permit projects have differing provisions applicable to each type as follows:

A. Type I Permits.

1. Administrative Review. Administrative review is used when processing applications for administrative permits including, but not limited to, administrative variance, administrative nonconforming, minor amendments, home occupation permits, sign permits, building and construction permits, site development permits, right-of-way permits, lot combinations, boundary line adjustments, and code interpretations.

2. Review Process. Unless otherwise stated, administrative review shall be subject to the application requirements, complete application, notice of application, time periods, consolidated permit processing and the notice of decision provisions of this title. If an administrative decision is appealed,

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the open record hearings, notice of public hearings, joint public hearings, and the closed record appeal provisions of this title shall apply.

B. Type II Permits.

1. Administrative Plat Review. Administrative plat review is used when processing applications for short plats, plat alterations and short plat amendments, large lot subdivisions, and binding site plans.

2. Review Process. Unless otherwise stated, administrative plat review shall be subject to the application requirements, complete application, notice of application, consolidated permit processing and the notice of decision provisions of this title. Timing of the project permit review shall be in accordance with the University Place subdivision code and Chapter 58.17 RCW. Binding site plans shall be processed utilizing the same time limits as short plats. If applicable, the open record hearings, notice of public hearings, joint public hearings, and the closed record appeal provisions of this title shall apply.

C. Type III Permits.

1. Hearings Examiner Review. Hearings examiner review is used when processing applications for project permits, including but not limited to decisions rendered in accordance with Chapter 43.21C RCW, conditional use, preliminary subdivision, nonconforming use, planned development district, major amendments, variances, shoreline substantial development, shoreline conditional use, shoreline nonconforming use, shoreline variance, critical area permits and private road variances. An appeal of an administrative decision is also subject to hearings examiner review. Unless otherwise stated herein, hearings examiner review shall be subject to the Chapter 2.20 UPMC, Hearings Examiner.

2. Review Process. Unless otherwise stated, hearings examiner review shall be subject to application requirements, complete application, time periods, consistency with development regulations and SEPA, permit conditions, consolidated permit processing, open record hearings, notice of public hearings, joint public hearings, notice of decision, and the closed record appeal provisions of this title.

A matrix of the types of project permit applications is set forth below as Exhibit "A." A matrix generally summarizing the procedures applicable to different types of project permit applications is set forth below as Exhibit "B."

Exhibit "A"

PROJECT PERMIT APPLICATION TYPES

TYPE I	TYPE II	TYPE III
Variance (administrative)	Short Plats	Appeal of Administrative and SEPA Decisions
Nonconforming Use (administrative)	Final Plats	Conditional Use Permits
Minor Amendments	Plat Alterations	Preliminary Subdivision
Home Occupation Permits	Plat Amendments	Nonconforming Use (nonadministrative)
Sign Permits	Large Lot Subdivisions	Planned Development District
Building/Construction Permits	Binding Site Plans	Major Amendments
Site Development Permits		Variances (nonadministrative)
ROW Permits		Shoreline Substantial Development Permit
Lot Combinations		Shoreline Conditional Use
Boundary Line Adjustment		Shoreline Nonconforming Use
Code Interpretations		Shoreline Variance
		Critical Area Permits
		Private Road Variances

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Exhibit "B"

PROJECT PERMIT APPLICATION PROCESSES

	TYPE I	TYPE II	TYPE III
INITIAL PERMIT DECISION			
Made By: Hearings Examiner or Administration	Administration	Administration	Hearings Examiner
Application Requirements	X	X	X
Determination of Completeness	May Be Required Within 28 Days of Receiving Application	Required Within 28 Days of Receiving Application	Required Within 28 Days of Receiving Application
Notice of Application	Not Required in Most Cases	Mailed Notice Required 14 Days After Determination of Completeness	Mailed Notice Required 14 Days After Determination of Completeness
Time Periods	Not Required in Most Cases	Short Plats, Final Plats, and Binding Site Plans Must Be Processed Within 30 Days of Filing Thereof, RCW 58.17.140. Otherwise, Time Period for Processing is 120 Days	Preliminary Plat of Any Proposed Subdivision or Dedication Must Be Processed Within 90 Days of Filing, RCW 58.17.140. Otherwise, Time Period for Processing is 120 Days
Consolidated Permit Process	X	X	X
Notice of Decision	X	X	Not Applicable
Consistency with Development Regulations And SEPA	X	X	X
Permit Conditions	X	X	X
OPEN RECORD HEARING (HE)			
Applicability	Appeals of Administrative Decisions to Hearings Examiner	Appeals of Administrative Decisions to Hearings Examiner	Appeals of Administrative Decisions to Hearings Examiner
Notice of Public Hearing	Public Notice Required 14 Days Prior to Open Record Hearing	Public Notice Required 14 Days Prior to Open Record Hearing	Public Notice Required 14 Days Prior to Open Record Hearing
JUDICIAL REVIEW CHAPTER 36.70C RCW			
Applicability	Appeals of Hearings Examiner Decision	Appeals of Hearings Examiner Decision	Appeals of Hearings Examiner Decision

NOTE: Use of this matrix is for general summary purposes only. Any user of this matrix should refer to UPMC Title 22, Administration of Development Regulations, for full explanations, as well as for exceptions to any of the above summarized information.

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D. Exemptions. The following are exempt from the provisions of this title unless otherwise specified:

1. Legislative decisions, including zoning code text and area wide zoning district amendments, adoption of development regulations and amendments, area wide rezones to implement new city policies, adoption of comprehensive plan and plan amendments, and annexations;

2. Final plat approval pursuant to RCW 58.17.170;

3. Landmark designations;

4. Street vacations;

5. Street use permits; and

6. Pursuant to RCW 36.70B.140(2), administrative appeals, boundary line adjustments, lot combinations, right-of-way permits, plats, building permits, site development permits, sign permits, and other construction permits or similar administrative approvals which are categorically exempt from environmental review under the State Environmental Policy Act (SEPA) or permits/approvals for which environmental review has been completed in connection with other project permits, except short plats, are excluded from the following procedures:

a. Determination of completeness;

b. Notice of application;

c. Optional consolidated project permit processing;

d. Joint public hearings;

e. Staff reports;

f. Notice of decision; and

g. Time limitations.

(Ord. 130 § 1, 1996).

22.01.004 Preapplication requirements.

A. Technical Review Conference. The technical review conference is a process designed to define those items of department review which, if not addressed at the conceptual plan stage, might result in substantial technical difficulties during the permit processing. Representatives from various departments and an applicant for a project permit will discuss the conceptual plan for the proposed project and the city's regulatory process. A technical review conference may be scheduled at the request of the applicant.

B. Preapplication Meeting. The preapplication meeting is between department staff and a potential applicant for a Type III permit to discuss the application submittal requirements and pertinent fees. A preapplication meeting is required prior to submittal of an application for a Type III permit.

C. Community Meeting. For Type III permits, following the preapplication meeting and before submitting an application, the applicant shall conduct a community meeting on a weekday evening to solicit input and suggestions from the community. A member of the planning staff shall attend. Notice of the community meeting shall be made by the applicant by sending a written notice, addressed through the United States mail, to the city's designated neighborhood advisory committee chairpersons and all property owners of record within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property. Notice of the community meetings shall be given at least 14 days prior to the meeting. Additional notice shall be given in accordance with UPMC 22.01.006(C). Community meetings are not required for variances or, when waived by the director, for Type III permits which do not abut or have an impact on residential properties.
(Ord. 130 § 1, 1996).

22.01.005 Complete applications.

A. Form and Content. The department shall prescribe the form and content for complete applications made pursuant to this title.

B. Checklist for Complete Application. Applications shall be considered complete when the department determines that the application materials contain the following:

1. The correct number of completed department master and supplemental application forms signed by the applicant;

2. The correct number of documents, plans or maps identified on the department submittal standards form which are appropriate for the proposed project;

3. A completed State Environmental Policy Act (SEPA) checklist, if required; and

4. Payment of all applicable fees.

C. Time Limitations.

1. Within 28 days after receiving a project permit application, the department shall provide a written determination to the applicant, stating either:

a. The application is complete; or

b. The application is incomplete and what information is necessary to make the application complete.

2. Within 14 days after an applicant has submitted the requested additional information, the department shall notify the applicant whether the information submitted adequately responds to the

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notice of incomplete application, thereby making the application complete, or what additional information is still necessary.

3. An application shall be deemed complete if the department does not, within 28 days, provide a written determination to the applicant that the application is incomplete.

4. When the project permit is complete, the department shall accept it and note the date of acceptance.

5. An application is complete for purposes of this section when it meets the procedural submission requirements of the department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the department from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.

D. Initiation of Review Process. The department shall not start the review process of any application until the application is deemed complete.

E. Incomplete Applications. Failure of an applicant to submit information identified as required in the notice of incomplete application, within 60 days of the department's mailing date, shall constitute grounds for deeming the application null and void. If all additional information identified in the notice of incomplete application has not been received by the department within 120 days from the application submittal date, then the application shall be deemed null and void unless the applicant has been granted a time period extension. Time period extensions may be granted by the director when applicants can demonstrate that unusual circumstances, beyond their control, have prevented them from being able to provide the additional information within the 120-day time period.

F. Waiver of Requirements. The director may waive specific submittal requirements that are determined to be unnecessary for review of an application.

G. Modifications. Proposed modifications to an application which has been deemed complete by the department will be treated as follows:

1. Modifications proposed by the department to a pending application shall not be considered a new application; and

2. Modifications proposed by the applicant to a pending application which would result in a substantial increase in a project's impacts, as determined by the department, may be deemed a new application. The new application shall conform to the requirements of this section which are in effect at the time the new application is submitted.

H. Filing Fees. The schedule of fees for development permits is established in a separate city resolution.

I. Additional Application Requirements. In the interest of public health, safety or welfare, or to meet the requirements of the State Environmental Policy Act or other state requirements, the department may request additional application information such as, but not limited to, geotechnical studies, hydrologic studies, noise studies, air quality studies, visual analysis and transportation impact studies.
(Ord. 130 § 1, 1996).

22.01.006 Notice of application.

A. Notice of Application. Once an application has been deemed complete, the department shall provide public notice for the project. The department shall send a written notice, addressed through the United States mail, to city designated neighborhood advisory committee chairpersons and all property owners of record within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property. Notices for home occupation applications will be sent to only those property owners abutting the property lines of the subject property for single-family and duplex dwellings, and to apartment managers and/or owners for multifamily dwellings. Such notice shall be mailed not more than 14 working days from the determination of a complete application. Parties receiving notice shall be given at least 14 days, from the mailing date, to provide any comments to the department.

B. Content of Notice of Application. At a minimum, public notice documents shall contain the following information:

1. The name and address of the applicant and/or agent;

2. The subject property location;

3. A description of the proposed project and a list of the project permits included in the application, and, if applicable, a list of studies requested under RCW 36.70B.070 or 36.70B.090;

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4. A list of existing environmental documents that evaluate the proposed project and a location where such documents can be reviewed;

5. A preliminary determination, if available, of the applicable development regulations that will be used for project mitigation and of consistency with land use plans, policies and regulations;

6. The date of application, the date of the notice of completion of the application and the date of the notice of the application;

7. The written determination shall, to the extent known by the city, identify the local, state, and/or federal government agencies that may have jurisdiction over some aspects of the application;

8. A list of other permits not included in the application, to the extent known by the city;

9. The time periods for submitting comments. Comments shall be due not less than 14 days nor more than 30 days following the date of notice of application, include a statement of the rights of any person to comment on the applications, receive notice of, participate in any hearings and request a copy of the decision once made. All public comment on the notice of application must be received by the department by 5:00 p.m. on the last day of the comment period;

10. The date, time and place of the public hearing if applicable, as scheduled at the date of notice. Notice of an open record hearing shall be given at least 14 days prior to the hearing;

11. A right to appeal statement; and

12. A department contact and telephone number.

C. Public Notice Provisions and Publication. Once an application has been deemed complete, the applicant shall provide posted public notice on the subject property in accordance with specifications provided by the department. Notice of application shall also be published by the city in its official newspaper.

D. Shoreline Use Regulations Notice. The following exceptions apply to notice of shoreline use regulations permits:

1. Comments may be submitted within 20 days of the last date of the published notice. Each person responding to such notice shall receive a decision;

2. Notice of a hearing on shoreline use regulation permits shall include a statement that any person may submit oral or written comments on an application at the hearing; and

3. The public may obtain a copy of the decision within two days following issuance (RCW 90.58.140), and the notice must state the manner in which the public may obtain a copy of the decision.

E. Determination of Significance. If a determination of significance has been made prior to the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. The determination of significance and scoping notice may be issued prior to the notice of application.

F. Determinations and Decisions. Except for a determination of significance, the city shall not issue a threshold determination, nor issue a decision or recommendation on a project permit until the expiration of the public comment period on the notice of application.
(Ord. 159 § 2, 1997; Ord. 130 § 1, 1996).

22.01.007 Time periods.

A. The director or examiner shall issue a notice of decision on a project permit within 120 days after the department notifies the applicant that the application is deemed complete. The following time periods shall be excluded from the 120-day time period requirement:

1. Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional required information, and a period of up to 14 days after the submittal of such to determine if the information satisfies the request;

2. Any period during which an environmental impact statement (EIS) is being prepared in accordance with state law following a determination of significance pursuant to Chapter 43.21C RCW;

3. Any period for administrative appeals; and

4. Any extension of time mutually agreed upon in writing between the applicant and the department.

B. The 120-day time period established above shall not apply in the following situations:

1. If the permit requires an amendment to the comprehensive plan or a development regulation; or

2. If the permit requires approval of the siting of an essential public facility; or

3. If there are substantial revisions to the project proposal at the applicant's request, in which case the time period shall start from the

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date at which the revised project application is determined to be complete; or

4. If the application is for a subdivision, then the timelines set in Chapter 58.17 RCW shall apply.

C. The applicant shall designate a single person or entity to receive determinations and notices required by this title.

D. If the city is unable to issue its final decision within the time limits provided for, the city shall provide written notice to the applicant stating the reasons why the time limits have not been met, including an estimate of the date for issuance of the notice of final decision.
(Ord. 130 § 1, 1996).

22.01.008 Notice of decision.

The city shall provide a notice of decision that includes a statement of any threshold determination and the procedures for administrative appeal. The notice of decision may be a copy of the report or the decision on the project permit application. The notice shall be provided to the applicant and any person who, prior to rendering the decision, requested notice of the decision or submitted substantive comments on the application.
(Ord. 130 § 1, 1996).

22.01.009 Consistency with development regulations and SEPA/consolidated permit review.

A. During any project permit application review, the city shall determine whether the items in this subsection are defined in the development regulations applicable to the proposed project. In the absence of development regulations, the city shall determine whether the items listed in this subsection are defined in the city's adopted comprehensive plan. This determination of consistency shall include the following:

1. The type of land use permitted at the site, including uses that may be allowed under special circumstances, if the criteria for the approval have been satisfied;

2. The level of development, such as density of residential development, floor area ratios, or maximum floor areas; and

3. Character of the development and development standards.

B. The city shall also review the project permit application under the requirements of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, the SEPA rules, Chapter 197-11 WAC and the city environmental regulations, Chapter 17.50 UPMC, and shall:

1. Determine whether the applicable regulations require studies that adequately analyze all of the project permit application's specific probable adverse environmental impacts;

2. Determine if the applicable regulations require measures that adequately address such environmental impacts;

3. Determine whether additional studies are required and/or whether the project permit application should be conditioned with additional mitigation measures; and

4. Provide prompt and coordinated review by governmental agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan and development regulations level.

C. In its review of the project permit application, the city may determine that the requirements for environmental analysis, protection, and mitigation measures in the applicable development regulations, comprehensive plan, and or other applicable local, state, or federal laws provide adequate analysis of, and mitigation for, specific adverse environmental impacts of the application.

D. A comprehensive plan, development regulation or other applicable local, state, or federal law provides adequate analysis of, and mitigation for, the specific adverse environmental impact of an application when:

1. The impacts have been avoided or otherwise mitigated; or

2. The city has designated or accepted certain levels of service, land use designations, development standards, or other land use planning required or allowed by Chapter 36.70A RCW.

E. If the city bases or conditions its approval of the project permit application on compliance with the requirements or mitigation described in subsection (B) above, the city shall not impose additional mitigation under SEPA during project review.

F. In its decision whether the specific adverse environmental impact has been addressed by an existing rule or laws of another agency with jurisdiction and with environmental expertise with regard to a specific environmental impact, the city shall consult orally or in writing with that agency

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and may expressly defer to that agency. In making a deferral, the city shall base or condition its project approval on compliance with these other existing rules or laws.

G. Nothing in this section limits the authority of the city in its review or mitigation of a project to adopt or otherwise rely on environmental analysis and requirements under other laws as provided by Chapter 43.21C RCW.

H. The city shall also review the application under Chapter 17.50 UPMC.

I. During project review, the city shall not reexamine alternatives to, or hear appeals on, the items identified in subsection (A), except for issues of code interpretation. Project review shall be used to identify specific project design and conditions relating to the character of the development, such as details or site plans, curb cuts, drainage swells, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts.
(Ord. 130 § 1, 1996).

22.01.010 Permit conditions.

A. Time Limitations. Within a period of two years following the approval of a special use permit or preliminary development plan by the examiner, the applicant shall file with the planning department a final development plan. Unless extended, if no final development plan is filed within the time limits specified, the approval shall be void.

B. Extensions. The expiration time period for filing final development plans may be extended in the following situations:

1. If the applicant can demonstrate to the director or examiner, as appropriate, that there have been unusual circumstances beyond his/her control to cause delay in the project, the time period may be extended by one year.

C. Compliance With Conditions. Compliance with conditions established in a preliminary approval and final approved development plans is required. Any departure from the conditions of approval or approved plans constitutes a violation of this title and shall be subject to enforcement actions and penalties.
(Ord. 130 § 1, 1996).

22.01.011 Optional consolidated permit processing.

An application that involves two or more procedures may be processed collectively under the highest type review procedure required for any part of the application or processed individually under each of the procedures identified in this title. The applicant shall determine whether the application shall be processed collectively or individually. If the applications are processed under the individual procedure option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure. [RCW 36.70B.060(3) and 36.70B.120]
(Ord. 130 § 1, 1996).

22.01.012 Appeals of administrative decisions.

A. Time Limit. Appeals may be taken to the examiner by any aggrieved person or by any officer, department, board or commission of the city affected by a decision of an administrative official in the administration of enforcement of this code. Such appeals shall be filed in writing on forms available at the city in duplicate with the planning department within 14 days of the date of the action being appealed. Appeals must be accompanied by a fee set by a separate fee resolution.
(Ord. 130 § 1, 1996).

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Chapter 22.02

OPEN RECORD PUBLIC HEARINGS

Sections:

22.02.001 Purpose.
22.02.002 Applicability.
22.02.003 Responsibility of director.
22.02.004 Notice of public hearing.
22.02.005 Order of proceedings.
22.02.006 Joint public hearing.
22.02.007 Applicant's request for a joint hearing.
22.02.008 Examiner's decision – Findings required.
22.02.009 Burden and nature of proof.
22.02.010 Conflict of interest, ethics, open meetings, appearance of fairness.
22.02.011 Ex parte communications.
22.02.012 Disqualification.
22.02.013 Optional reconsideration by the examiner.

22.02.001 Purpose.

The purpose of this chapter is to provide the procedures for open record public hearings.
(Ord. 130 § 1, 1996).

22.02.002 Applicability.

All Type III project permits, appeals of administrative decisions and decisions made pursuant to Chapter 43.21C RCW shall be subject to not more than one open record public hearing, unless otherwise stated herein.
(Ord. 130 § 1, 1996).

22.02.003 Responsibility of director.

The director shall:

A. Schedule an application for public hearing or an appeal for public hearing:

1. After receiving a complete application for a major variance, or

2. Following the threshold determination on a Type III permit subject to SEPA, or

3. After receiving a complete application for an administrative appeal;

B. Schedule a public hearing either during the day or evening depending on public interest;

C. Give notice of the hearing in accordance with this title;

D. Prepare a staff report on the application or appeal, which shall be a single report stating all of the decisions made as of the date of the report, including recommendations of project permits in the consolidated permit process. The report shall state any mitigation required or proposed under the development regulations or the city's authority under SEPA. If the threshold determination, other than a determination of significance, was not issued by the city, the report shall include or append this determination. The report shall be filed with the examiner at least five days prior to the scheduled public hearing date and copies thereof shall be mailed to the applicant and shall be made available for use by interested parties at the cost of reproduction; and

E. Prepare the notice of decision.
(Ord. 130 § 1, 1996).

22.02.004 Notice of public hearing.

A. Content of Public Notice Documents. At a minimum, public notice documents shall contain the following information:

1. The name and address of the applicant and/or agent;

2. The subject property location;

3. The nature of the proposed use, development, or appeal;

4. The date, time and place of the public hearing if applicable, as scheduled at the date of notice. Notice of an open record hearing shall be given at least 14 days prior to the hearing;

5. The sections of the code that are pertinent to the hearing procedure;

6. When information may be examined, and when and how written comments can be admitted; and

7. A department contact and telephone number.

B. Notice of Hearing/Comment Period. Except in the case of a notice of an appeal for an administrative decision, the department shall provide public notice for the public hearing. The department shall send a written notice, addressed through the United States mail, to city designated neighborhood advisory committee chairpersons and all property owners of record within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property. Such notice shall be mailed not more than 14 working days from the determination of a complete application. Parties receiving notice shall be given 14 days, from the mailing date, to provide any comments to the department. The property listing shall be supplied by the applicant with the application

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and based on the Pierce County assessor's records.

C. Publish Notice. Except in the case of a notice of an appeal for an administrative decision, notice shall be published in a newspaper of general circulation in the city not less than 14 days before the date of the hearing, and such notice shall set the date, time, and place of the public hearing.

D. Appeal of Administrative Decisions. Notice for an appeal of an administrative decision shall be mailed to the appellant, to the parties of record and to the officer who's decision is being appealed, together with a copy of the written appeal.

E. Shoreline Use Regulations Notice. The following exceptions apply to notice of shoreline use regulation permits:

1. Comments may be submitted within 20 days of the last date of the published notice. Each person responding to such notice shall receive a decision;

2. The comment period shall be at least 20 days; and

3. The public may obtain a copy of the decision within two days following issuance (RCW 90.58.140).

(Ord. 130 § 1, 1996).

22.02.005 Order of proceedings.

A. Rules. The order of proceedings for a hearing will depend in part on the matter of the hearing. The hearings examiner shall have the power to prescribe rules and regulations for the conduct of hearings under this section, to issue summons for and compel the appearance of witnesses, to administer oaths, and to preserve order. The privilege of cross examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the examiner. The following shall be supplemented by administrative procedures as appropriate:

1. Before receiving information on the issue, the following shall be determined:

a. Any objections on jurisdictional grounds shall be noted on the record and, if there is objection, the examiner has the discretion to proceed or terminate; and

b. Any abstention or disqualification shall be determined.

2. The examiner may take official notice of known information relating to the issue, including but not limited to:

a. A provision of any ordinance, resolution, rule, officially adopted development standard, or state law; and

b. Other public records and facts judicially noticeable by law.

3. Matters officially noted need not be established by evidence and may be considered by the hearings examiner in his or her determination. Parties requesting official notice of information shall do so on the record. The hearings examiner may take notice of matters listed in subsection (2) of this section if stated on the record. Any matter given official notice may be rebutted.

4. Information shall be received from the staff and from proponents and opponents. The examiner may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony. Unless otherwise stated by the hearings examiner, the general order and time allotted each party shall be:

a. City staff shall be given 15 minutes to present the staff report to the examiner;

b. The applicant shall be given 15 minutes to present the proposal;

c. The hearing shall be opened to the public, including anyone in opposition or who has questions and concerns. Members of the public will have a maximum of 15 minutes each with the ability to assign their time to another individual; and

d. Following the initial hour, the examiner shall indicate the order and times given for testimony.

5. The hearings examiner may view the area in dispute with or without notification to the parties, but shall place the time, manner, and circumstances of such view on the record.

(Ord. 130 § 1, 1996).

22.02.006 Joint public hearing.

The director or examiner may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency on the proposed action so long as the requirements of UPMC 22.02.007 are met.

(Ord. 130 § 1, 1996).

22.02.007 Applicant's request for a joint hearing.

A. The applicant may request that the public hearings on a permit application be combined, as along as the joint hearing can be held within the

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time periods set forth in this title. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearings.

B. Prerequisites to Joint Public Hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the city, as long as:

1. The other agency is not expressly prohibited by statute from doing so;

2. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and

3. The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the city.

(Ord. 130 § 1, 1996).

22.02.008 Examiner's decision – Findings required.

A. Following the hearing, the examiner shall, within 20 working days, issue a decision. The examiner may approve, conditionally approve or deny the application. If the hearing is an appeal, the examiner shall reverse or affirm wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as should be made. The examiner shall have all the powers of the officer from whom the appeal is taken insofar as the decision on the particular issue is concerned and in making its determination the examiner may hear any pertinent facts bearing on the case. When the examiner renders a decision or recommendation, such examiner shall make and enter written findings from the record and conclusions thereof which support such decision.

B. The finding and conclusions pertaining to land use regulatory matters shall set forth and demonstrate the manner in which the decision or recommendation carries out and helps to implement the goals and policies of the comprehensive plan, and the polices and standards set forth in the various policy documents and land use regulatory codes.

(Ord. 130 § 1, 1996).

22.02.009 Burden and nature of proof.

The burden of proof is on the proponent. The project permit application must be supported by proof that it conforms to the applicable elements of the city's development regulations, comprehensive plan, and that any significant adverse environmental impact has been adequately addressed.

(Ord. 130 § 1, 1996).

22.02.010 Conflict of interest, ethics, open meetings, appearance of fairness.

The hearings examiner shall be subject to the codes of ethics (RCW 35A.42.020), prohibitions on conflict of interest (RCW 35A.42.020 and Chapter 42.23 RCW), open public meetings (Chapter 42.23 RCW), and appearance of fairness (Chapter 42.36 RCW), as the same now exist or may hereafter be amended.

(Ord. 130 § 1, 1996).

22.02.011 Ex parte communications.

A. The hearings examiner may not communicate, directly or indirectly, regarding any issue in a proceeding before him or her, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless he or she provides notice and opportunity for all parities to participate. Except as provided in this section:

1. The hearings examiner may receive advice from legal counsel; and

2. The hearings examiner may communicate with staff members (except where the proceedings relates to a code enforcement investigation or prosecution).

B. If, before serving as the hearings examiner in a quasi-judicial proceeding, the examiner receives ex parte communication of a type that could not properly be received while serving, the examiner, promptly after starting to serve, shall disclose the communications as described in subsection (C) below.

C. If the hearings examiner receives an ex parte communication in violation of this section, he or she shall place on the record:

1. All written communications received;

2. All written responses to the communications;

3. State the substance of all oral communications received, and all responses made;

4. The identity of each person from whom the examiner received any ex parte communication.

D. The hearings examiner shall advise all parties that these matters have been placed on the

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record. Upon request made within 10 days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.
(Ord. 130 § 1, 1996).

22.02.012 Disqualification.

The hearings examiner who is disqualified may do so only by making full disclosure to the audience, abstaining from voting on the proposal, vacating the seat on the hearing body and physically leaving the hearing.
(Ord. 130 § 1, 1996).

22.02.013 Optional reconsideration by the examiner.

Provided an applicant agrees at the time of application, any aggrieved person including the applicant feeling that the decision of the examiner is based on errors of procedure or fact may make a written request for review by the examiner within seven working days of the written decision. This request shall set forth the alleged errors, and the examiner may, after review of the record, take such further action as he deems proper and may render a revised decision. Only one request for reconsideration may be filed by any one person or party, even if the examiner reverses or modifies his original decision or changes the language in the decision originally rendered. Agreement by the applicant to allow reconsideration extends the applicable time period in UPMC 22.01.007 by the time it takes to resolve the request for reconsideration.
(Ord. 130 § 1, 1996).

Chapter 22.03

JUDICIAL REVIEW

Sections:

22.03.001 Examiner's decision final.
22.03.002 Judicial review of decision.

22.03.001 Examiner's decision final.

The final action by the examiner on any project permit(s) and/or appeal of an administrative decision within his/her jurisdiction is a final decision. There is no closed record appeal to the city council.
(Ord. 130 § 1, 1996).

22.03.002 Judicial review of decision.

Any court action to set aside, enjoin, review, or otherwise challenge a final decision of the hearings examiner on the grounds of noncompliance with the provisions of this code shall be commenced within 21 days of the final action pursuant to RCW 36.70C.040(3).
(Ord. 130 § 1, 1996).

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Title 23

TELECOMMUNICATIONS

Chapters:

23.05 Telecommunications
23.10 Registration
23.15 License
23.20 Franchise
23.25 Cable Franchise
23.30 Conditions of Grant
23.35 Construction
23.40 Fees
23.45 Personal Wireless Communications Facilities

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Chapter 23.05

TELECOMMUNICATIONS

Sections:

23.05.010 Purpose.
23.05.020 Context.
23.05.030 Definitions.
23.05.040 Registration and fees.
23.05.050 License and fees.
23.05.060 Franchise and fees.
23.05.070 Cable franchise and fees.
23.05.080 Application to existing franchise ordinances and agreements.
23.05.090 Penalties.
23.05.100 Other remedies.
23.05.110 Further rules and regulations.
23.05.120 Severability.

23.05.010 Purpose.

The purpose of this title is to:

A. Establish a local policy concerning telecommunications providers and services;

B. Establish clear and nondiscriminatory local guidelines, standards and time frames for the exercise of local authority with respect to the regulation of telecommunications providers and services;

C. Promote competition in telecommunications;

D. Minimize unnecessary local regulation of telecommunications providers and services;

E. Encourage the provision of advanced and competitive telecommunications services on the widest possible basis to the businesses, institutions and residents of the city;

F. Permit and manage reasonable access to the public rights-of-way of the city for telecommunications purposes on a competitively neutral basis;

G. Conserve the limited physical capacity of the public rights-of-way held in public trust by the city;

H. Assure that the city's current and ongoing costs of granting and regulating private access to and use of the public rights-of-way are fully paid by the persons seeking such access and causing such costs;

I. Secure fair and reasonable compensation to the city and the residents of the city, in a nondiscriminatory manner, for permitting private use of the rights-of-way;

J. Assure that all telecommunications carriers providing facilities or services within the city comply with the ordinances, rules and regulations of the city;

K. Assure that the city can continue to fairly and responsibly protect the public health, safety and welfare;

L. Enable the city to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development.
(Ord. 151 § 1, 1997).

23.05.020 Context.

When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.
(Ord. 151 § 1, 1997).

23.05.030 Definitions.

Terms used in this title shall have the following meanings:

1. "Affiliate" means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person.

2. "Cable acts" means the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, as amended by portions of the Telecommunications Act of 1996, and as hereafter amended.

3. "Cable operator" means a telecommunications carrier providing or offering to provide "cable service" within the city as that term is defined in the cable acts.

4. "Cable service" shall have the same meaning as defined in the cable acts.

5. "City" means the City of University Place.

6. "City property" means all real property owned by the city whether in fee ownership or other interest.

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7. "Excess capacity" means the volume or capacity in any existing or future duct, conduit, manhole, handhole or other utility facility within the right-of-way that is or will be available for use for additional telecommunications facilities.

8. "FCC" or "Federal Communications Commission" means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

9. "Grantee" means both licensees and franchisees granted certain rights and obligations as more fully described herein.

10. "Overhead facilities" means utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.

11. "Person" means corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, other entities and individuals.

12. "Public ways" includes the surface of and space above and below any real property in city in which city has a regulatory interest, or interest as a trustee for the public including, but not limited to, all public streets, highways, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the city, and any public or utility easements established, dedicated or devoted for public utility purposes.

13. "Rights-of-way" means all city property and public ways, collectively, within the city.

14. "State" means the state of Washington.

15. "Surplus space" means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the orders and regulations of the Washington Utilities and Transportation Commission, to allow its use by a telecommunications carrier for a pole attachment.

16. "Telecommunications carrier" includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the city, used or to be used for the purpose of offering telecommunications service.

17. "Telecommunications facilities" means the plant, equipment and property within the city used to transmit, receive, distribute, provide or offer telecommunications service.

18. "Telecommunications provider" includes every person who provides telecommunications service over telecommunications facilities.

19. "Telecommunications service" means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

20. "Underground facilities" means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for overhead facilities.

21. "Usable space" means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in the orders and regulations of the Washington Utilities and Transportation Commission.

22. "Utility facilities" means the plant, equipment and property including, but not limited to, the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within rights-of-way and used or to be used for the purpose of providing utility or telecommunications services.

23. "Washington Utilities and Transportation Commission" or "WUTC" means the state administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers in the state of Washington to the extent prescribed by law.
(Ord. 151 § 1, 1997).

23.05.040 Registration and fees.

Except as otherwise provided herein, all telecommunications carriers or providers engaged in the business of transmitting, supplying or furnishing of telecommunications service originating, terminating or existing within the city shall register with the city pursuant to this title and pay all the fees as provided herein.
(Ord. 151 § 1, 1997).

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23.05.050 License and fees.

Except as otherwise provided herein, any telecommunications carrier who desires to construct, install, operate, maintain or otherwise locate telecommunications facilities in rights-of-way for the purpose of providing telecommunications service to persons and areas outside the city shall first obtain a license granting the use of such rights-of-way from the city pursuant to this title and pay all the fees as provided herein.
(Ord. 151 § 1, 1997).

23.05.060 Franchise and fees.

Except as otherwise provided herein, any telecommunications carrier who desires to construct, install, operate, maintain or otherwise locate telecommunications facilities in rights-of-way and to also provide telecommunications service to persons or areas in the city shall first obtain a franchise granting the use of such rights-of-way from the city pursuant to this title and pay all the fees as provided herein.
(Ord. 151 § 1, 1997).

23.05.070 Cable franchise and fees.

Except as otherwise provided herein, any telecommunications carrier who desires to construct, install, operate, maintain or locate telecommunications facilities in rights-of-way for the purpose of providing cable services shall first obtain a cable franchise from the city pursuant to this title and pay all the fees as provided herein and in the cable franchise.
(Ord. 151 § 1, 1997).

23.05.080 Application to existing franchise ordinances and agreements.

Except as provided in Chapter 23.35 UPMC, this title shall have no effect on any existing franchise agreement until:

A. The expiration of said franchise agreement; or

B. An amendment to an unexpired franchise agreement, unless both parties agree to defer full compliance to a specific date not later than the present expiration date.
(Ord. 151 § 1, 1997).

23.05.090 Penalties.

Any person found violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this title shall be guilty of a misdemeanor. Upon conviction, any person violating any provision of this title shall be subject to a fine of up to $1,000 or by imprisonment for a period of up to 90 days, or by both such fine and imprisonment. A separate and distinct violation shall be deemed committed each day on which a violation occurs or continues.
(Ord. 151 § 1, 1997).

23.05.100 Other remedies.

Nothing in this title shall be construed as limiting any other remedies that the city may have, at law or in equity, for enforcement of this title.
(Ord. 151 § 1, 1997).

23.05.110 Further rules and regulations.

The city manager or designee is authorized to establish further rules, regulations and procedures for the implementation of this title.
(Ord. 151 § 1, 1997).

23.05.120 Severability.

If any section, subsection, sentence, clause, phrase, or other portion of this title, or its application to any person, is for any reason declared invalid, in whole or in part, by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.
(Ord. 151 § 1, 1997).

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Chapter 23.10

REGISTRATION

Sections:
23.10.010 Required.
23.10.020 Purpose.
23.10.030 Exception.

23.10.010 Required.

All telecommunications carriers having telecommunications facilities within the corporate limits of the city, or all telecommunications carriers or providers that offer or provide telecommunications service within the city, shall register with the city hereunder on forms provided by the city manager or designee which shall include the following:

A. The identity and legal status of the registrant, including any affiliates.

B. The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement.

C. A description of registrant's existing or proposed telecommunications facilities within the city.

D. A description of the telecommunications service that the registrant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses or institutions within the city.

E. Information sufficient for the city to determine whether the registrant is subject to public way licensing or franchising under this title.

F. Information sufficient for the city to determine whether the transmission, origination or receipt of the telecommunications services provided or to be provided by the registrant constitutes an occupation or privilege subject to any municipal tax, or permit, license or franchise fee.

G. Copies of the applicant's registration filed with the Washington Utilities and Transportation Commission pursuant to Chapter 480-121 WAC, and any tariff or price list or other authorization or related filings as may be required by the WUTC to provide telecommunications services. Alternatively, applicant shall submit a statement detailing the reasons that registration and related filings with the WUTC are not required.

H. Information sufficient for the city to determine that the applicant has applied for and received any permit, operating license or other right or approvals required by the Federal Communications Commission to provide telecommunications services or facilities.

I. Such other information as the city may require.
(Ord. 151 § 1, 1997).

23.10.020 Purpose.

The purpose of registration is to:

A. Provide the city with accurate and current information concerning the telecommunications carriers and providers who offer or provide telecommunications services within the city, or that own or operate telecommunication facilities within the city;

B. Assist the city in enforcement of this title;

C. Assist the city in the collection and enforcement of any municipal taxes, franchise fees, license fees or charges that may be due the city; and

D. Assist the city in monitoring compliance with local, state and federal laws.
(Ord. 151 § 1, 1997).

23.10.030 Exception.

A person which provides telecommunications services solely to itself, its affiliates or members between points in the same building, or between closely located buildings under common ownership or control; provided, that such company or person does not use or occupy any rights-of-way of the city or other ways within the city is excepted from the registration requirement pursuant to this title.
(Ord. 151 § 1, 1997).

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Chapter 23.15

LICENSE

Sections:

23.15.010 License.
23.15.020 Application.
23.15.030 Determination by the city.
23.15.040 Agreement.
23.15.050 Nonexclusive grant.
23.15.060 Rights granted.
23.15.070 Term of grant.
23.15.080 Route.
23.15.090 Construction permits.
23.15.100 Compensation to city.
23.15.110 Service to city users.
23.15.120 Amendment of grant.
23.15.130 Renewal applications.
23.15.140 Renewal determinations.
23.15.150 Obligation to cure as a condition of renewal.

23.15.010 License.

A license shall be required of any telecommunications carrier who desires to occupy any rights-of-way with any telecommunications facilities for the purpose of providing telecommunications services to persons or areas outside the city.
(Ord. 151 § 1, 1997).

23.15.020 Application.

Any person that desires a license hereunder shall file an application provided by the city manager or designee.
(Ord. 151 § 1, 1997).

23.15.030 Determination by the city.

Within 120 days after receiving a complete application hereunder, the city manager or designee shall make a determination on behalf of the city granting or denying the application in whole or in part. If the application is denied, the determination shall include the reasons for denial. The following standards shall apply when determining to grant or deny the application:

A. The financial and technical ability of the applicant.

B. The legal ability of the applicant.

C. The capacity of the rights-of-way to accommodate the applicant's facilities.

D. The capacity of the rights-of-way to accommodate additional utility and telecommunications facilities if the application is granted.

E. The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the application is granted, giving consideration to an applicant's willingness and ability to mitigate and/or repair same.

F. The public interest in minimizing the cost and disruption of construction within the rights-of-way.

G. The service that applicant will provide to the region.

H. The effect, if any, on general public health, safety and welfare in the city's sole opinion if the application is granted.

I. The availability of alternate routes or locations for the proposed facilities.

J. Applicable federal, state and local laws, regulations, rules and policies.

K. Such other factors as may demonstrate that the grant to use the rights-of-way will serve the community interest.
(Ord. 151 § 1, 1997).

23.15.040 Agreement.

No license granted hereunder shall be effective until the applicant and the city have executed a written agreement setting forth the particular items and provisions under which the license to occupy and use rights-of-way will be granted and said agreement is properly recorded pursuant to Washington law. All licenses granted pursuant to this title shall contain substantially similar terms which, taken as a whole and considering relevant characteristics of applicants, do not provide more or less favorable terms and conditions than those required of other licensees.
(Ord. 151 § 1, 1997).

23.15.050 Nonexclusive grant.

No license granted hereunder shall confer any exclusive right, privilege or license to occupy or use the rights-of-way for delivery of telecommunications services or any other purposes.
(Ord. 151 § 1, 1997).

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23.15.060 Rights granted.

A. No license granted hereunder shall convey any right, title or interest in rights-of-way but shall be deemed a license only to use and occupy the rights-of-way for the limited purposes and term stated in the grant.

B. No license granted hereunder shall authorize or excuse a licensee from securing such further easements, leases, permits or other approvals as may be required to lawfully occupy and use rights-of-way.

C. No license granted hereunder shall be construed as any warranty of title.
(Ord. 151 § 1, 1997).

23.15.070 Term of grant.

Unless otherwise specified in a license agreement, a license granted hereunder shall be in effect for a term of not more than five years.
(Ord. 151 § 1, 1997).

23.15.080 Route.

A license granted hereunder shall be limited to a grant of specific rights-of-way and defined portions thereof, as may be indicated in the license agreement.
(Ord. 151 § 1, 1997).

23.15.090 Construction permits.

All licensees are required to obtain construction permits and pay all fees as required by the city; provided, however, that nothing in this title shall prohibit the city and a licensee from agreeing to alternative plan review, permit and construction procedures in a license agreement; provided such alternative procedures provide substantially equivalent safeguards for reasonable construction practices.
(Ord. 151 § 1, 1997).

23.15.100 Compensation to city.

Each license granted hereunder is subject to the city's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid for use of property pursuant to the license; provided nothing in this title shall prohibit the city and a licensee from agreeing upon the compensation to be paid.
(Ord. 151 § 1, 1997).

23.15.110 Service to city users.

A licensee may be permitted to offer or provide telecommunications services to persons or areas within the city upon submitting an application for franchise approval pursuant to this title.
(Ord. 151 § 1, 1997).

23.15.120 Amendment of grant.

A. A new license application and grant shall be required of any telecommunications carrier that desires to extend or locate its telecommunications facilities in rights-of-way which are not included in a license previously granted hereunder.

B. If ordered by the city to locate or relocate its telecommunications facilities in rights-of-way not included in a previously granted license, the city shall grant a license amendment without further application.

C. A new license application and grant shall be required of any telecommunications provider that desires to add to or modify the telecommunications services provided pursuant to a license previously granted.
(Ord. 151 § 1, 1997).

23.15.130 Renewal applications.

A licensee that desires to renew its license hereunder shall, not more than 180 days nor less than 90 days before expiration of the current license, file an application with the city for renewal of its license which shall include the following information:

A. The applicable information required pursuant to the license application.

B. Any other information required by city.
(Ord. 151 § 1, 1997).

23.15.140 Renewal determinations.

Within 90 days after receiving a complete application hereunder, the city manager or designee shall make a determination on behalf of the city granting or denying the renewal application in whole or in part. If the renewal application is denied, the determination shall include the reasons for nonrenewal. The standards enumerated in UPMC 23.15.030 shall apply when determining to grant or deny the application, plus a determination of the applicant's compliance with the requirements of this title and the license agreement.
(Ord. 151 § 1, 1997).

23.15.150 Obligation to cure as a condition of renewal.

No license shall be renewed until any ongoing violations or defaults in the licensee's performance

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of the license agreement, of the requirements of this title, and all applicable laws, statutes, codes, ordinances, rules and regulations have been cured, or a plan detailing the corrective action to be taken by the licensee has been approved by the city manager or designee.
(Ord. 151 § 1, 1997).

Chapter 23.20

FRANCHISE

Sections:

23.20.010 Franchise.
23.20.020 Application.
23.20.030 Determination by the city.
23.20.040 Agreement.
23.20.050 Nonexclusive grant.
23.20.060 Rights granted.
23.20.070 Term of grant.
23.20.080 Territory.
23.20.090 Construction permits.
23.20.100 Compensation to city.
23.20.110 Nondiscrimination.
23.20.120 Service to the city.
23.20.130 Amendment of grant.
23.20.140 Renewal applications.
23.20.150 Renewal determinations.
23.20.160 Obligation to cure as a condition of renewal.

23.20.010 Franchise.

A franchise shall be required of any telecommunications carrier who desires to occupy rights-of-way and to provide telecommunications services to any person or area in the city.
(Ord. 151 § 1, 1997).

23.20.020 Application.

Any person that desires a franchise hereunder shall file an application provided by the city manager or designee.
(Ord. 151 § 1, 1997).

23.20.030 Determination by the city.

Within 120 days after receiving a complete application hereunder, the city shall make a determination granting or denying the application in whole or in part. If the application is denied, the determination shall include the reasons for denial. The standards enumerated in UPMC 23.15.030 shall apply when determining to grant or deny the application.
(Ord. 151 § 1, 1997).

23.20.040 Agreement.

No franchise shall be granted hereunder unless the applicant and the city have executed a written agreement setting forth the particular terms and provisions under which the franchise to occupy and use rights-of-way will be granted and said agreement has been recorded pursuant to Washington law. All franchises granted pursuant to this title

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shall contain substantially similar terms and conditions which, taken as a whole and considering relevant characteristics of the applicants, do not provide more or less favorable terms and conditions than those required of other franchisees.
(Ord. 151 § 1, 1997).

23.20.050 Nonexclusive grant.

No franchise granted hereunder shall confer any exclusive right, privilege or franchise to occupy or use the rights-of-way for delivery of telecommunications services or any other purposes.
(Ord. 151 § 1, 1997).

23.20.060 Rights granted.

A. No franchise granted hereunder shall convey any right, title or interest in the rights-of-way but shall be deemed a franchise only to use and occupy the rights-of-way for the limited purposes and term stated in the grant.

B. No franchise granted hereunder shall authorize or excuse a franchisee from securing such further easements, leases, permits or other approvals as may be required to lawfully occupy and use rights-of-way.

C. No franchise granted hereunder shall be construed as any warranty of title.
(Ord. 151 § 1, 1997).

23.20.070 Term of grant.

Unless otherwise specified in a franchise agreement, a telecommunications franchise granted hereunder shall be valid for a term of not more than 10 years.
(Ord. 151 § 1, 1997).

23.20.080 Territory.

A telecommunications franchise granted hereunder shall be limited to the specific geographic area of the city to be served by the franchisee, and the specific rights-of-way and portions thereof, as may be identified in the franchise agreement.
(Ord. 151 § 1, 1997).

23.20.090 Construction permits.

All franchisees are required to obtain permits and pay all fees for telecommunications facilities as required by the city; provided, however, that nothing in this title shall prohibit the city and a franchisee from agreeing to alternative plan review, permit and construction procedures in a franchise agreement; provided such alternative procedures provide substantially equivalent safeguards for responsible construction practices.
(Ord. 151 § 1, 1997).

23.20.100 Compensation to city.

Each franchise granted hereunder is subject to the city's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid for use of property pursuant to a franchise; provided nothing in this title shall prohibit the city and a franchisee from agreeing upon the compensation to be paid.
(Ord. 151 § 1, 1997).

23.20.110 Nondiscrimination.

A franchisee shall make its telecommunications services available to any customer within its franchise area who shall request such service, without discrimination as to the terms, conditions, rates or charges for franchisee's services; provided, however, that nothing in this title shall prohibit a franchisee from making any reasonable classifications among differently situated customers.
(Ord. 151 § 1, 1997).

23.20.120 Service to the city.

A franchisee shall make its telecommunications services available to the city at its most favorable rate for similarly situated users; provided, however, the city may negotiate more favorable rates or free service in lieu of other obligations of franchisee.
(Ord. 151 § 1, 1997).

23.20.130 Amendment of grant.

A. A new franchise application and grant shall be required of any telecommunications carrier that desires to extend its franchise territory or to locate its telecommunications facilities in rights-of-way which are not included in a franchise previously granted hereunder.

B. If ordered by the city to locate or relocate its telecommunications facilities in rights-of-way not included in a previously granted franchise, the city shall grant a franchise amendment without further application.

C. A franchise application and grant shall be required of any telecommunications provider that desires to add to or modify the telecommunications services provided pursuant to a franchise previously granted.
(Ord. 151 § 1, 1997).

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23.20.140 Renewal applications.

A franchisee that desires to renew its franchise hereunder shall, not more than 180 days nor less than 90 days before expiration of the current franchise, file an application with the city for renewal of its franchise which shall include the following information:

A. The applicable information required pursuant to the franchise application.

B. Any other information required by the city.
(Ord. 151 § 1, 1997).

23.20.150 Renewal determinations.

Within 120 days after receiving a complete application hereunder, the city manager or designee shall make a determination on behalf of the city granting or denying the renewal application in whole or in part. If the renewal application is denied, the determination shall include the reasons for nonrenewal. The standards enumerated in UPMC 23.15.030 shall apply when determining to grant or deny the application, plus a determination of the applicant's compliance with the requirements of this title and the franchise agreement.
(Ord. 151 § 1, 1997).

23.20.160 Obligation to cure as a condition of renewal.

No franchise shall be renewed until any ongoing violations or defaults in the franchisee's obligations under the franchise agreement, of the requirements of this title, and all applicable laws, statutes, codes, ordinances, rules and regulations have been cured, or a plan detailing the corrective action to be taken by the franchisee has been approved by the city.
(Ord. 151 § 1, 1997).

Chapter 23.25

CABLE FRANCHISE

Sections:

23.25.010 Grant of franchise.
23.25.020 Franchise required.
23.25.030 Length of franchise.
23.25.040 Cable franchise characteristics.
23.25.050 Cable franchisee subject to other laws, police powers.
23.25.060 Interpretation of franchise terms.
23.25.070 Operation of a cable system without a franchise.
23.25.080 Eminent domain.
23.25.090 Exclusive contracts and anti-competitive acts prohibited.
23.25.100 Cable franchise fees.

23.25.010 Grant of franchise.

The city may grant one or more cable television franchises containing such provisions as are reasonably necessary to protect the public interest, and each such franchise shall be awarded in accordance with and subject to the provisions of this title. This title may be amended from time to time, and in no event shall this title be considered a contract between the city and a franchisee such that the city would be prohibited from amending any provision hereof; provided no such amendment shall in any way impair any contract right or increase obligations of a franchisee under an outstanding and effective franchise except in the lawful exercise of the city's police power.
(Ord. 151 § 1, 1997).

23.25.020 Franchise required.

No person may construct, operate or maintain a cable system or provide cable service over a cable system within the city without a franchise granted by the city authorizing such activity. No person may be granted a franchise without having entered into a franchise agreement with the city pursuant to this title. For the purpose of this provision, the operation of part or all of a cable system within the city means the use or occupancy of rights-of-way by facilities used to provide cable service. A system used to provide telephone service also used to provide cable service shall be subject to this title and shall also require a franchise. Services similar to cable service, such as open video system service, shall be subject to this title to the extent provided by law. A system shall not be deemed as operating within the city even though service is offered or rendered to one or more subscribers within the city, if

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no right-of-way is used or occupied. All cable franchises granted pursuant to this title shall contain substantially similar terms and conditions, which, taken as a whole and considering relevant characteristics of the applicants, do not provide more or less favorable terms and conditions than those required of other cable franchisees.
(Ord. 151 § 1, 1997).

23.25.030 Length of franchise.

Unless otherwise specified in a cable franchise, no cable franchise shall be granted for a period of more than 10 years.
(Ord. 151 § 1, 1997).

23.25.040 Cable franchise characteristics.

A. A cable franchise authorizes use of rights-of-way for installing, operating and maintaining cables, wires, lines, optical fiber, underground conduit and other devices necessary and appurtenant to the operation of a cable system to provide cable services within the city, but does not expressly or implicitly authorize a franchisee to provide service to, or install a cable system on private property without owner consent, or to use publicly or privately owned poles, ducts or conduits without a separate agreement with the owners to the extent provided by law.

B. A cable franchise shall not mean or include any exclusive right for the privilege of transacting and carrying on a business within the city as generally required by the ordinances and laws of the city. A cable franchise shall not confer any authority to provide telecommunications services or any other communications services besides cable services. A franchise shall not confer any implicit rights other than those mandated by federal, state or local law.

C. A cable franchise is nonexclusive and will not explicitly or implicitly preclude the issuance of other franchises to operate cable systems within the city, affect the city's right to authorize use of rights-of-way by other persons to operate cable systems or for other purposes as it determines appropriate, or affect the city's right to itself construct, operate or maintain a cable system, with or without a franchise.

D. Once a cable franchise has been accepted and executed by the city and a franchisee, such cable franchise shall constitute a valid and enforceable agreement between the franchisee and the city, and the terms, conditions and provisions of such franchise, subject to this title and all other duly enacted and applicable laws and regulations, shall define the rights and obligations of the franchisee and the city relating to the franchise.

E. All privileges prescribed by a cable franchise shall be subordinate to any prior lawful occupancy of the rights-of-way and the city reserves the right to reasonably designate where a franchisee's facilities are to be placed within the rights-of-way through its generally applicable permit procedures.

F. A cable franchise shall be a privilege that is in the public trust and personal to the original franchisee. No franchise transfer shall occur without the prior written consent of the city upon application made by the franchisee pursuant to this title, and the franchise, and applicable law, which consent shall not be unreasonably withheld, and any purported franchise transfer made without application and prior written consent shall be void and shall be cause for the city to revoke the cable franchise.
(Ord. 151 § 1, 1997).

23.25.050 Cable franchisee subject to other laws, police powers.

A. A cable franchisee shall at all times be subject to and shall comply with all applicable federal, state and local laws and regulations, including this title. A cable franchisee shall at all times be subject to all lawful exercise of the police power of the city including, but not limited to, all rights the city may have under the cable acts, all powers regarding zoning, supervision of construction, control of rights-of-way and consumer protection.

B. The city shall have full authority to regulate cable systems, cable franchisees and franchises as may now or hereafter be lawfully permissible.
(Ord. 151 § 1, 1997).

23.25.060 Interpretation of franchise terms.

A. In the event of a conflict between this title and a cable franchise, the provisions of this title control except where the conflict arises from the lawful exercise of the city's police power.

B. The provisions of this title and a cable franchise will be liberally construed in accordance with generally accepted rules of construction to promote the public interest.
(Ord. 151 § 1, 1997).

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23.25.070 Operation of a cable system without a franchise.

Any person who occupies rights-of-way for the purpose of operating or constructing a cable system or provides cable service over a cable system and who does not hold a valid franchise from the city shall be subject to all requirements of this title. In its discretion, the city at any time may by ordinance require such person to enter into a franchise within 30 days of receipt of a written notice to such person from the city that a franchise is required, require such person to remove its property and restore the affected area to a condition satisfactory to the city, direct municipal personnel to remove the property and restore the affected area to a condition satisfactory to the city and charge the person the costs therefor, including by placing a lien on the person's property, or take any other action it is entitled to take under applicable law. In no event shall a franchise be created unless it is issued by the city pursuant to this title and subject to a written franchise agreement.
(Ord. 151 § 1, 1997).

23.25.080 Eminent domain.

Nothing herein shall be deemed or construed to impair or affect, in any way or to any extent, the city's power of eminent domain.
(Ord. 151 § 1, 1997).

23.25.090 Exclusive contracts and anti-competitive acts prohibited.

A. No cable franchisee or other multichannel video programming distributor shall enter into or enforce an exclusive contract for the provision of cable service or other multichannel video programming with any person, or demand the exclusive right to serve a person or location, as a condition of extending service to that or any other person or location.

B. No cable franchisee or other multichannel video programming distributor shall engage in acts that have the purpose or effect of limiting competition for the provision of cable service or services similar to cable service in the city.
(Ord. 151 § 1, 1997).

23.25.100 Cable franchise fees.

Cable franchisees shall be subject to the cable franchise fees, payments and costs provided in their cable franchise and herein.
(Ord. 151 § 1, 1997).

Chapter 23.30

CONDITIONS OF GRANT

Sections:

23.30.010 General duties.
23.30.020 Interference with the rights-of-way.
23.30.030 Damage to property.
23.30.040 Notice of work.
23.30.050 Repair and emergency work.
23.30.060 Maintenance of facilities.
23.30.070 Relocation or removal of facilities.
23.30.080 Removal of unauthorized facilities.
23.30.090 Failure to relocate.
23.30.100 Emergency removal or relocation of facilities.
23.30.110 Damage to grantee's facilities.
23.30.120 Restoration of rights-of-way.
23.30.130 Facilities maps.
23.30.140 Duty to provide information.
23.30.150 Leased capacity.
23.30.160 Grantee insurance.
23.30.170 General indemnification.
23.30.180 Performance and financial guarantees.
23.30.190 Security fund.
23.30.200 Construction and completion bond.
23.30.210 Acts at grantee's expense.
23.30.220 Coordination of construction activities.
23.30.230 Assignments or transfers of grant.
23.30.240 Transactions affecting control of grant.
23.30.250 Revocation or termination of grant.
23.30.260 Notice and duty to cure.
23.30.270 Hearing.
23.30.280 Standards for revocation or lesser sanctions.

23.30.010 General duties.

A. All grantees, before commencing any construction in the rights-of-way shall comply with all requirements of the University Place Municipal Code or other ordinances of the city.

B. All grantees shall provide written confirmation sufficient for customary land survey and land title insurance purposes concerning the location of its facilities in rights-of-way and disclaiming any interest in rights-of-way where it has no license or franchise to construct or operate its facilities.
(Ord. 151 § 1, 1997).

23.30.020 Interference with the rights-of-way.

No grantee may locate or maintain its telecommunications facilities so as to unreasonably inter-

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fere with the use of the rights-of-way by the city, by the general public or other persons authorized to use or be present in or upon the rights-of-way. All such facilities shall be moved by and at the expense of the grantee, temporarily or permanently, as determined by the city.
(Ord. 151 § 1, 1997).

23.30.030 Damage to property.

No grantee or any person acting on a grantee's behalf shall take any action or permit any action to be done which may impair or damage any rights-of-way, or other property located in, on or adjacent thereto except in accordance with UPMC 23.30.120.
(Ord. 151 § 1, 1997).

23.30.040 Notice of work.

Unless otherwise provided in a license or franchise agreement, no grantee, or any person acting on the grantee's behalf, shall commence any non-emergency work involving undergrounding, excavation or obstructing in or about the rights-of-way without five working days' advance written notice to the city. Any private property owner whose property will be affected by a grantee's work shall be afforded the same notice.
(Ord. 151 § 1, 1997).

23.30.050 Repair and emergency work.

In the event of an unexpected repair or emergency, a grantee may commence such repair and emergency response work as required under the circumstances; provided the grantee shall notify the city manager as promptly as possible, before such repair or emergency work or as soon thereafter as possible if advance notice is not practicable.
(Ord. 151 § 1, 1997).

23.30.060 Maintenance of facilities.

Each grantee shall maintain its facilities in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.
(Ord. 151 § 1, 1997).

23.30.070 Relocation or removal of facilities.

Within 30 days following written notice from the city, a grantee shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any telecommunications facilities within the rights-of-way whenever the city manager or designee shall have determined that such removal, relocation, change or alteration is reasonably necessary for:

A. The construction, repair, maintenance or installation of any city or other public improvement in or upon the rights-of-way.

B. The operations of the city or other governmental entity in or upon the rights-of-way.

C. The vacation of a public street or the release of a utility easement.
(Ord. 151 § 1, 1997).

23.30.080 Removal of unauthorized facilities.

Within 30 days following written notice from the city, any grantee, telecommunications carrier, or other person that owns, controls or maintains any unauthorized telecommunications system, facility or related appurtenances within the rights-of-way shall, at its own expense, remove such facilities or appurtenances from the rights-of-way. If such grantee fails to remove such facilities or appurtenances, the city may cause the removal and charge the grantee for the costs incurred. A telecommunications system or facility is unauthorized and subject to removal in the following circumstances:

A. Upon expiration or termination of the grantee's license or franchise.

B. Upon abandonment of a facility within the rights-of-way.

C. If the system or facility was constructed or installed without the prior grant of a license or franchise.

D. If the system or facility was constructed or installed without the prior issuance of a required construction permit.

E. If the system or facility was constructed or installed at a location not permitted by the grantee's license or franchise.

F. Any such other reasonable circumstances affecting public health, safety and welfare deemed necessary by the city manager or designee.
(Ord. 151 § 1, 1997).

23.30.090 Failure to relocate.

If a grantee is required to relocate, change or alter the telecommunications facilities hereunder and fails to do so, the city may cause such to occur and charge the grantee for the costs incurred.
(Ord. 151 § 1, 1997).

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23.30.100 Emergency removal or relocation of facilities.

The city retains the right and privilege to cut or move any telecommunications facilities located within the rights-of-way as the city may determine to be necessary, appropriate or useful in response to any public health or safety emergency.
(Ord. 151 § 1, 1997).

23.30.110 Damage to grantee's facilities.

Unless directly and proximately caused by the willful, intentional or malicious acts of the city, the city shall not be liable for any damage to or loss of any telecommunications facility within the rights-of-way as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the rights-of-way by or on behalf of the city.
(Ord. 151 § 1, 1997).

23.30.120 Restoration of rights-of-way.

Restoration shall comply with the following:

A. When a grantee, or any person acting on its behalf, does any work in or affecting any rights-of-way, it shall, at its own expense, promptly remove any obstructions therefrom and restore such ways or property to the same condition which existed before the work was undertaken. As used in this section, "promptly" shall mean as required by the city's public works director in the reasonable exercise of the director's discretion.

B. If weather or other conditions do not permit the complete restoration required hereunder, the grantee shall temporarily restore the affected ways or property. Such temporary restoration shall be at the grantee's sole expense and the grantee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.

C. A grantee or other person acting on its behalf shall use suitable barricades, flags, flagmen, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such rights-of-way.
(Ord. 151 § 1, 1997).

23.30.130 Facilities maps.

Each grantee shall provide the city with an accurate as-built map or maps certifying the location of all telecommunications facilities within the rights-of-way. Each grantee shall provide updated as-built maps annually.
(Ord. 151 § 1, 1997).

23.30.140 Duty to provide information.

Within 10 days of a written request from the city manager or designee, each grantee shall furnish the city manager or designee with information sufficient to demonstrate:

A. That grantee has complied with all requirements of this title.

B. That all taxes and fees due the city in connection with the telecommunications services and facilities provided by the grantee have been properly collected and paid by the grantee.

C. That all books, records, maps and other documents maintained by the grantee with respect to its facilities within the rights-of-way shall be made available for inspection by the city manager or designee at reasonable times and intervals.
(Ord. 151 § 1, 1997).

23.30.150 Leased capacity.

Subject to the provisions of UPMC 23.30.230, a grantee shall have the right to offer or provide capacity or bandwidth to another telecommunications provider, with prior city approval; provided that:

A. Grantee shall furnish the city in advance with a copy of any such proposed lease or agreement.

B. The proposed lessee or person shall comply with all of the requirements of this title.
(Ord. 151 § 1, 1997).

23.30.160 Grantee insurance.

Unless otherwise provided by franchise or license, each grantee shall, as a condition of the grant, secure and maintain the following liability insurance policies insuring both the grantee and the city, and its elected and appointed officers, officials, agents, representatives and employees as additional insureds:

A. Comprehensive general liability insurance with limits not less than:

1. $5,000,000 for bodily injury or death to each person;

2. $5,000,000 for property damage resulting from any one accident; and

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3. $5,000,000 for all other types of liability.

B. Automobile liability for owned, nonowned and hired vehicles with a limit of $3,000,000 for each person and $3,000,000 for each accident.

C. Worker's compensation within statutory limits and employer's liability insurance with limits of not less than $1,000,000.

D. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than $3,000,000.

E. The liability insurance policies required by this section shall be maintained at all times by the grantee. Each such insurance policy shall contain the following endorsement:

> It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 90 days after receipt by the city, by registered mail, of a written notice addressed to the city manager of such intent to cancel or not to renew.

F. Within 60 days after receipt by the city of said notice, and in no event later than 30 days prior to said cancellation, the grantee shall obtain and furnish to the city replacement insurance policies meeting the requirements of this title.
(Ord. 151 § 1, 1997).

23.30.170 General indemnification.

In addition to and distinct from the insurance requirements of this title, each grantee hereby agrees to defend, indemnify and hold the city and its officers, officials, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorneys' fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the acts, omissions, failure to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its telecommunications facilities, and in providing or offering telecommunications services over the facilities or network, whether such acts or omissions are authorized, allowed or prohibited by this title or by a grant agreement made or entered into pursuant to this title.
(Ord. 151 § 1, 1997).

23.30.180 Performance and financial guarantees.

Before a license or franchise granted pursuant to this title is effective, and as necessary thereafter, the grantee shall provide and deposit such monies, bonds, letters of credit or other instruments in form and substance acceptable to the city as may be required by this title, or by an applicable license or franchise agreement or other applicable code, ordinance or rules and regulations of the city.
(Ord. 151 § 1, 1997).

23.30.190 Security fund.

Each grantee shall establish a permanent security fund with the city by depositing the amount of up to $50,000 with the city in cash, an unconditional letter of credit, or other instrument acceptable to the city, which fund shall be maintained at the sole expense of grantee so long as any of grantee's telecommunications facilities are located within the rights-of-way. This security fund shall be separate and distinct from any other bond or deposit required.

A. The fund shall serve as security for the full and complete performance of grantee's obligations under this title, including any costs, expenses, damages or loss the city pays or incurs because of any failure attributable to the grantee to comply with the codes, ordinances, rules, regulations or permits of the city.

B. Before any sums are withdrawn from the security fund, the city manager or designee shall give written notice to the grantee:

1. Describing the act, default or failure to be remedied, or the damages, cost or expenses which the city has incurred by reason of the grantee's act or default;

2. Providing a reasonable opportunity for the grantee to first remedy the existing or ongoing default or failure, if applicable;

3. Providing a reasonable opportunity for the grantee to pay any monies due the city before the city withdraws the amount thereof from the security fund, if applicable;

4. That the grantee will be given an opportunity to review the act, default or failure described in the notice with the city manager or designee.

C. Grantee shall replenish the security fund within 14 days after written notice from the city manager or designee that there is a deficiency in the amount of the fund.
(Ord. 151 § 1, 1997).

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23.30.200 Construction and completion bond.

Unless otherwise provided in a license or franchise agreement, a bond written by a surety acceptable to the city equal to at least 100 percent of the estimated cost of constructing the grantee's telecommunications facilities within the rights-of-way shall be deposited before a construction permit is issued.

A. The construction bond shall remain in force until 60 days after substantial completion of the work, as determined by the city manager or designee, including restoration of rights-of-way and other property affected by the construction.

B. The construction bond shall guarantee, to the satisfaction of the city:

1. Timely completion of construction;
2. Construction in compliance with applicable plans, permits, technical codes and standards;
3. Proper location of the facilities as specified by the city;
4. Restoration of the rights-of-way and other property affected by the construction;
5. The submission of "as-built" drawings after completion of the work as required by this title;
6. Timely payment and satisfaction of all claims, demands or liens for labor, material or services provided in connection with the work.

(Ord. 151 § 1, 1997).

23.30.210 Acts at grantee's expense.

Any act that a grantee is or may be required to perform under this title, a license, franchise, or cable franchise or applicable law shall be performed at the grantee's expense.
(Ord. 151 § 1, 1997).

23.30.220 Coordination of construction activities.

All grantees are required to cooperate with the city and with each other as follows:

A. By February 1st of each year, grantee shall provide the city manager or designee with a schedule of their proposed construction activities which may affect the rights-of-way for that year.

B. Each grantee shall meet with the city, other grantees and users of the rights-of-way annually or as determined by the city to schedule and coordinate construction.

C. All construction locations, activities and schedules shall be coordinated, as ordered by the city manager or designee, to minimize public inconvenience, disruption or damages.
(Ord. 151 § 1, 1997).

23.30.230 Assignments or transfers of grant.

Ownership or control of a telecommunications system, license or franchise or any part of transmission capacity may not directly or indirectly be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, by operation of law or otherwise, nor may there be a transfer of working control (which includes not only actual control, but also the ability to affect or influence decisions) without the prior written consent of the city, which consent shall not be unreasonably withheld or delayed, as expressed by ordinance and then on such conditions as may be prescribed therein and:

A. No grant shall be assigned or transferred in any manner within 12 months after the initial grant of the license or franchise unless otherwise provided by law.

B. Absent extraordinary and unforeseeable circumstances, no grant, system or integral part of a system shall be assigned or transferred before construction of the telecommunications system has been completed.

C. The grantee and the proposed assignee or transferee of the grant or system shall provide and certify the following information to the city manager or designee:

1. Complete information setting forth the nature, terms and condition of the proposed transfer or assignment;
2. All information required of a license or franchise applicant pursuant to this title with respect to the proposed transferee or assignee;
3. All information required by federal, state and local law or regulation (i.e., FCC 394's);
4. Any other information reasonably required by the city manager or designee.

D. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial and other qualifications in city's sole discretion to own, hold and operate the telecommunications system pursuant to this title.

E. The grantee shall reimburse the city for all direct and indirect fees, costs and expenses incurred by the city in considering a request to

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transfer ownership in or assign a license or franchise.

F. Any transfer of ownership in or assignment of a grant, system or integral part of a system without prior approval of the city under this title shall be void and is cause for revocation of the grant.

G. Upon receipt of all information required herein, and any other information required by the city, the city shall have 120 days to review and approve or deny the requested assignment or transfer, unless such period is extended by agreement of the city and grantee.
(Ord. 151 § 1, 1997).

23.30.240 Transactions affecting control of grant.

Any transaction which results in any change of the ownership or in any manner the working control of the grantee, of the ownership or working control of a license or franchise, of the ownership or working control of affiliated entities having ownership or working control of the grantee or of a telecommunications system, or of control of the capacity or bandwidth or any part of the transmission capacity of the grantee's telecommunications system, facilities or any parts thereof, all defined as five percent or more ownership or control, shall be considered an assignment or transfer requiring city approval hereunder. Transactions between affiliated entities are not exempt from city approval.
(Ord. 151 § 1, 1997).

23.30.250 Revocation or termination of grant.

A license or franchise granted by the city to use or occupy rights-of-way may be revoked for any one or more of the following reasons:

A. Construction or operation at an unauthorized location.

B. Unauthorized transfer of control of the grantee.

C. Unauthorized assignment of a license or franchise.

D. Unauthorized sale, assignment or transfer of the grantee's franchise or license assets or an interest therein.

E. Misrepresentation or lack of candor by or on behalf of a grantee in any application to the city.

F. Abandonment of telecommunications facilities in the rights-of-way.

G. Failure to relocate or remove facilities as required in this title.

H. Failure to pay taxes, compensation, fees or costs when and as due the city.

I. Insolvency or bankruptcy of the grantee.

J. Violation of a material provision of this title.

K. Violation of a material term of a license or franchise.
(Ord. 151 § 1, 1997).

23.30.260 Notice and duty to cure.

In the event that the city manager or designee believes that grounds exist for revocation of a license or franchise, the grantee shall be given written notice of the apparent violation or noncompliance, be provided a short and concise statement of the nature and general facts of the violation or noncompliance, and be given a reasonable period of time not exceeding 30 days to furnish evidence:

A. That corrective action has been, or is being, actively and expeditiously pursued to remedy the violation or noncompliance.

B. That rebuts the alleged violation or noncompliance.

C. That it would be in the public interest to impose some monetary damages, penalty or sanction less than revocation.
(Ord. 151 § 1, 1997).

23.30.270 Hearing.

In the event that a grantee fails to provide evidence reasonably satisfactory to the city manager or designee as provided hereunder, the city manager or designee shall refer the apparent violation or noncompliance to the city's hearings examiner. The city shall provide the grantee with notice and a reasonable opportunity to be heard concerning the matter.
(Ord. 151 § 1, 1997).

23.30.280 Standards for revocation or lesser sanctions.

If persuaded that the grantee has violated or failed to comply with a material provision of this title or of a franchise or license or applicable codes,

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ordinances, statutes, or rules and regulations, the hearings examiner shall determine whether to revoke the license or franchise, and issue a written decision relating thereto, or to establish some monetary damages, penalty, lesser sanction and cure, considering the nature, circumstances, extent and gravity of the violation as reflected by one or more of the following factors:

A. Whether the misconduct was egregious.

B. Whether substantial harm resulted.

C. Whether the violation was intentional.

D. Whether there is a history of prior violations of the same or other requirements.

E. Whether there is a history of overall compliance.

F. Whether the violation was voluntarily disclosed, admitted or cured.
(Ord. 151 § 1, 1997).

Chapter 23.35

CONSTRUCTION

Sections:

23.35.010 Construction standards.
23.35.020 Construction codes.
23.35.030 Construction permits.
23.35.040 Applications.
23.35.050 Engineer's certification.
23.35.060 Traffic control plan.
23.35.070 Issuance of permit.
23.35.080 Construction schedule.
23.35.090 Compliance with permit.
23.35.100 Display of permit.
23.35.110 Survey of underground facilities.
23.35.120 Noncomplying work.
23.35.130 Completion of construction.
23.35.140 As-built drawings.
23.35.150 Restoration of improvements.
23.35.160 Landscape restoration.
23.35.170 Location of facilities.
23.35.180 Conduit occupancy.
23.35.190 Franchisee occupancy of city owned conduit.
23.35.200 Construction surety.

23.35.010 Construction standards.

No person shall commence or continue with the construction, installation or operation of telecommunications facilities within the city except as provided in this title.
(Ord. 151 § 1, 1997).

23.35.020 Construction codes.

Telecommunications facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations including, but not limited to, the National Electrical Safety Code. Telecommunication facilities shall comply with the city's public works standards. In the event of a conflict between the public works standards and this title, the title applies.
(Ord. 151 § 1, 1997).

23.35.030 Construction permits.

No person shall construct or install any telecommunications facilities within the city without first obtaining a construction permit therefor; provided, however:

A. No permit shall be issued for the construction or installation of telecommunications facilities within the city unless the telecommunications car-

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rier has filed a registration statement with the city pursuant to this title.

B. No permit shall be issued for the construction or installation of telecommunications facilities in the rights-of-way unless the telecommunications carrier has applied for and received a franchise pursuant to this title.

C. Unless otherwise provided by law, franchise or license, no permit shall be issued for the construction or installation of telecommunications facilities without payment of all fees pursuant to this title.

D. No permit shall be issued to cut any public way, the surface of which is less than three years old.
(Ord. 151 § 1, 1997).

23.35.040 Applications.

Applications for permits to construct telecommunications facilities shall be submitted upon forms provided by the city. The applicant shall pay all associated fees and shall include any additional information as requested by the city manager or designee. The application shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:

A. That the facilities will be constructed in accordance with all applicable codes, rules and regulations.

B. The location and route of all facilities to be installed on existing utility poles.

C. The location and route of all facilities to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are within the rights-of-way.

D. The location of all existing underground utilities, conduits, ducts, pipes, mains and installations which are within the rights-of-way along the underground route proposed by the applicant.

E. The location of all other facilities to be constructed within the city, but not within the rights-of-way.

F. The construction methods to be employed for protection of existing structures, fixtures and facilities within or adjacent to the rights-of-way.

G. The location, dimension and types of all trees within or adjacent to the rights-of-way along the route proposed by the applicant, together with a landscape plan for protecting, trimming, removing, replacing and restoring any trees or areas to be disturbed during construction.
(Ord. 151 § 1, 1997).

23.35.050 Engineer's certification.

Unless otherwise provided in a license or franchise, all permit applications shall be accompanied by the certification of a registered professional engineer that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations. The engineer shall provide a certificate of the construction cost estimate.
(Ord. 151 § 1, 1997).

23.35.060 Traffic control plan.

All permit applications which involve work on, in, under, across or along any rights-of-way shall be accompanied by a traffic control plan demonstrating the protective measures and devices that will be employed.
(Ord. 151 § 1, 1997).

23.35.070 Issuance of permit.

Within 45 days after submission of all plans and documents required of the applicant and payment of necessary permit fees, the city manager or designee, if satisfied that the application, plans and documents comply with all requirements of this title, shall issue a permit authorizing construction of the facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as the city manager or designee may deem necessary or appropriate.
(Ord. 151 § 1, 1997).

23.35.080 Construction schedule.

The permittee shall submit a written construction schedule to the city manager or designee 10 working days before commencing any work in or about the rights-of-way. The permittee shall further provide written notification to the city manager or designee not less than five working days in advance of any excavation or work in the rights-of-way.
(Ord. 151 § 1, 1997).

23.35.090 Compliance with permit.

All construction practices and activities shall be in accordance with the permit and approved final

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plans and specifications for the facilities. The city manager or designee and his or her representative shall be provided access to the work and such further information as he or she may require to ensure compliance with such requirements.
(Ord. 151 § 1, 1997).

23.35.100 Display of permit.

The permittee shall maintain a copy of the construction permit and approved plans at the construction site, which shall be displayed and made available for inspection by the city manager or designee at all times when construction work is occurring.
(Ord. 151 § 1, 1997).

23.35.110 Survey of underground facilities.

If the construction permit specifies the location of facilities by depth, line, grade, proximity to other facilities or other standards, the permittee shall cause the location of such facilities to be verified by a registered Washington land surveyor. The permittee, at its expense, shall relocate any facilities which are not located in compliance with permit requirements.
(Ord. 151 § 1, 1997).

23.35.120 Noncomplying work.

Upon order of the city manager or designee, all work which does not comply with the permit, the approved plans or specifications for the work, or the requirements of this title shall be removed.
(Ord. 151 § 1, 1997).

23.35.130 Completion of construction.

The permittee shall promptly complete all construction activities so as to minimize disruption of the rights-of-way and other public and private property. All construction work authorized by a permit within rights-of-way, including restoration, must be completed within 90 days of the date of issuance or at such other interval as the city may specify in writing upon issuance of the permit.
(Ord. 151 § 1, 1997).

23.35.140 As-built drawings.

Within 30 days after completion of construction, the permittee shall furnish the city manager or designee with two complete sets of plans, drawn to scale and certified to the city as accurately depicting the location of all telecommunications facilities constructed pursuant to the permit.
(Ord. 151 § 1, 1997).

23.35.150 Restoration of improvements.

Upon completion of any construction work, the permittee shall promptly repair, but in no event longer than such time as may be established by the city during permit review, any and all public and private property, improvements, fixtures, structures and facilities which are damaged during the course of construction, restoring the same to their condition before construction commenced.
(Ord. 151 § 1, 1997).

23.35.160 Landscape restoration.

A. All trees, landscaping and grounds removed, damaged or disturbed as a result of the construction, installation, maintenance, operation, repair or replacement of telecommunications facilities, which is done pursuant to a franchise, license or permit, shall be replaced or restored to the condition existing prior to performance of the work. Significant trees removed shall be replaced according to the significant tree provisions of the city's zoning code. "Significant tree" means an existing healthy tree which, when measured four feet above grade, has a minimum diameter of:

1. Six inches for evergreens, except as provided under subsection (2) or (4) below; or
2. Eight inches for Douglas Fir and Hemlock trees; or
3. Twelve inches for deciduous trees; or
4. A tree that because of its unique species, environment, or location is determined by the director to be a significant tree.

B. All restoration work within the rights-of-way shall be done in accordance with landscape plans approved by the city.
(Ord. 151 § 1, 1997).

23.35.170 Location of facilities.

Unless otherwise required in current or future city ordinances regarding underground construction requirements, all facilities shall be constructed, installed and located in accordance with the following terms and conditions:

A. Telecommunications facilities shall be installed within an existing underground duct or conduit whenever excess capacity exists within such utility facility.

B. A franchisee with written authorization to install overhead facilities shall install its telecommunications facilities on pole attachments to existing utility poles only, and then only if surplus space is available.

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C. Whenever all existing telephone, electric utilities, cable facilities or telecommunications facilities are located underground within rights-of-way, a franchisee with written authorization to occupy the same rights-of-way must also locate its telecommunications facilities underground.

D. Whenever all new or existing telephone, electric utilities, cable facilities or telecommunications facilities are located or relocated underground within rights-of-way, a franchisee that currently occupies the same rights-of-way shall concurrently relocate its facilities underground at its expense.
(Ord. 151 § 1, 1997).

23.35.180 Conduit occupancy.

In furtherance of the public purpose of reduction of right-of-way excavation, it is the goal of the city to encourage both the shared occupancy of underground conduit as well as the construction, whenever possible, of excess conduit capacity for occupancy of future right-of-way occupants. Therefore, if a franchisee is constructing underground conduit for its own telecommunications facility, and the city reasonably determines such construction is in an area in which another telecommunications provider(s) may also construct telecommunications facilities in the future, city may require the franchisee to construct excess conduit capacity in the right-of-way; provided the expense of such excess capacity shall be borne by the city (calculated as the difference between what franchisee would have paid for the construction of its conduit and the additional cost only of the excess conduit). Franchisee may either lease the excess conduit to city at a rate of $1.00 for the term of the franchise (in which case the city will be permitted to sublease the excess conduit at its sole discretion), or franchisee may manage the excess conduit itself and be permitted to charge a reasonable market lease rate for occupancy of the additional conduit space; provided such lease revenues shall be first applied to reimburse city for its actual contribution to the construction of the excess conduit (plus interest compounded at the rate the city invested its funds during the time in question).
(Ord. 151 § 1, 1997).

23.35.190 Franchisee occupancy of city owned conduit.

In furtherance of the same objectives of UPMC 23.35.180, if city owns or leases conduit in the path of franchisee's proposed telecommunications facilities, and provided it is technologically feasible for franchisee to occupy the conduit owned or leased by city, franchisee shall be required to occupy the conduit owned or leased by city in order to reduce the necessity to excavate the right-of-way. Franchisee shall pay to city a fee for such occupancy which shall be the cost franchisee would have expended to construct its own conduit from the outset, as certified by the franchisee's engineer and approved by the city engineer. City and franchisee may agree to amortize the fee through annual payments to city over the term of the franchise, including the time value of money.
(Ord. 151 § 1, 1997).

23.35.200 Construction surety.

Prior to issuance of a construction permit, the permittee shall provide a construction bond, as provided in this title.
(Ord. 151 § 1, 1997).

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Chapter 23.40

FEES

Sections:

23.40.010 Registration fee.
23.40.020 Preapplication conference and application fee.
23.40.030 Refund.
23.40.040 Other city costs.
23.40.050 Reserved compensation for rights-of-way.
23.40.060 Compensation for city property.
23.40.070 Construction permit fee.
23.40.080 Annual fees.
23.40.090 Regulatory fees and compensation not a tax.
23.40.100 Fee review process and hearings examiner.

23.40.010 Registration fee.

Each application for registration as a telecommunications carrier or provider shall be accompanied by a fee in such amount as the city council determines by resolution is required to cover actual costs.
(Ord. 151 § 1, 1997).

23.40.020 Preapplication conference and application fee.

Prior to the acceptance of an application by the city, applicants shall participate in a preapplication conference pursuant to UPMC Title 22, Administration of Development Regulations, for the purpose of establishing the application fee. The purpose of the application fee is to ensure the recovery of city costs and expenses associated with the review of the application, including but not limited to actual costs of city staff time and resources as well as any outside consultation expenses which the city reasonably determines are necessary to adequately review and analyze the application. The application fee shall be established by resolution in the sole discretion of the city council and shall be a minimum of $2,500, with the maximum fee established depending upon estimated reasonable city costs and expenditures in review of the application. Disputes in the amount required by city shall be resolved by the hearings examiner established pursuant to UPMC 23.40.100. All franchisee and licensee applicants shall deposit the application fee with the city. This application fee shall be applied towards actual expenses and costs of the city. Any unencumbered application fees shall be refunded to the applicant upon written request of the applicant, but in no event earlier than 60 days after granting or denial of the permit.
(Ord. 151 § 1, 1997).

23.40.030 Refund.

An applicant whose license or franchise application has been withdrawn, abandoned or denied shall, within 60 days of its application and review fee payment, be refunded the balance of its deposit under this section, less:

A. The application and review fee; and

B. All ascertainable costs and expenses incurred by the city in connection with the application.
(Ord. 151 § 1, 1997).

23.40.040 Other city costs.

All grantees shall, within 30 days after written demand therefor, reimburse the city for all direct and indirect costs and expenses incurred by the city in connection with any modification, amendment, renewal or transfer of the license or franchise.
(Ord. 151 § 1, 1997).

23.40.050 Reserved compensation for rights-of-way.

City reserves its right to fix a fair and reasonable compensation to be paid for the authorization granted to a grantee. Nothing in this title shall prohibit the city and a grantee from agreeing upon the compensation.
(Ord. 151 § 1, 1997).

23.40.060 Compensation for city property.

If the right is granted, by lease, license, franchise or other manner, to use and occupy city property for the installation or use of telecommunications facilities, the compensation to be paid shall be fixed by the city.
(Ord. 151 § 1, 1997).

23.40.070 Construction permit fee.

Prior to issuance of a construction permit, the permittee shall pay a permit fee equal to $1,000 or .75 percent of the estimated cost of constructing the telecommunications facilities, as certified by the applicant's engineer and approved by the city engineer, whichever is greater. The purpose of the construction permit fee shall be to recover city's actual attributable costs, expenses, damage or right-of-way value diminution as a result of permittee's occupancy of the right-of-way. City hereby

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finds that it must at this time attribute costs, expenses, damage, and diminution of value to permittee until such time as actual costs can be ascertained. This results from the inability of city to ascertain the number and type of all right-of-way permittees hereunder as well as the extent and nature of all future such occupancy. Therefore, city shall within six months of the effective date of the ordinance codified in this chapter commence a study to analyze the value of city rights-of-way, after which city shall review the fees of this section, and adjust them to the extent city determines in its sole discretion is necessary, if any, to more accurately represent ascertainable actual costs associated with future permittee's occupancy. In no event shall construction permit fees received prior to such study and analysis be refunded or increased. A permittee may request review of the fees required herein by initiation of the fee review process of UPMC 23.40.100.
(Ord. 151 § 1, 1997).

23.40.080 Annual fees.

Each grantee shall pay an annual fee to the city equal to the city's costs in connection with reviewing, inspecting and supervising the use and occupancy of the rights-of-way.
(Ord. 151 § 1, 1997).

23.40.090 Regulatory fees and compensation not a tax.

The regulatory fees and costs provided for in this title, and any compensation charged and paid for the rights-of-way provided for herein, are separate from, and additional to, any and all federal, state, local and city taxes as may be levied, imposed or due from a telecommunications carrier or provider, its customers or subscribers, or on account of the lease, sale, delivery or transmission of telecommunications services.
(Ord. 151 § 1, 1997).

23.40.100 Fee review process and hearings examiner.

Any applicant or permittee may initiate a review of the fees established by city in UPMC 23.40.020 or 23.40.090. Within 10 days of notice of the fee, applicant or permittee may appeal to the city's hearings examiner if the fees applied to applicant by staff are in error or do not comply with the circumstances or facts of the application or permit. The procedures and appeal fee shall be as established in UPMC Title 22, Administration of Development Regulations.
(Ord. 151 § 1, 1997).

Chapter 23.45

PERSONAL WIRELESS COMMUNICATIONS FACILITIES

Sections:

23.45.010 Purpose.
23.45.020 Definitions.
23.45.030 Exemptions.
23.45.040 Policy statement.
23.45.050 Recognition of industry site selection criteria.
23.45.060 Site selection criteria.
23.45.070 Priority of locations.
23.45.080 Siting priority on public property.
23.45.090 Required submittals.
23.45.100 Co-location.
23.45.110 Design criteria.
23.45.120 Permits required.
23.45.130 Inspection requirements.
23.45.140 Landscaping/screening.
23.45.150 Non-use/abandonment.
23.45.160 Third party review.
23.45.170 Violation – Penalty.

23.45.010 Purpose.

A. These standards were developed to protect the public health, safety, and welfare, to protect property values and minimize visual impact while furthering the development of enhanced telecommunication services in the city. These standards were designed to comply with the Telecommunications Act of 1996. The provisions of this title are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless services. This title shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.

B. To the extent that any provision of this title is inconsistent or conflicts with any other city ordinance this title shall control. Otherwise, this title shall be construed consistently with the other provisions and regulations of the city.

C. In reviewing any application to provide personal wireless service or to install personal wireless service facilities, the city shall act within a reasonable period of time, taking into account the nature and scope of the application. Any decision to deny an application shall be in writing, supported by substantial evidence contained in a written record. The city shall approve, approve with condition, or deny the application in accordance with the

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time frames set forth in UPMC Title 22, Administration of Development Regulations, and in accordance with other applicable ordinances.
(Ord. 152 § 1, 1997).

23.45.020 Definitions.

For the purpose of this title, the following terms shall have the meaning ascribed to them below:

1. "Abandonment" means: (A) to cease operation for a period of 60 or more consecutive days; (B) to reduce the effective radiated power of an antenna by 75 percent for 60 or more consecutive days; (C) to relocate an antenna at a point less than 80 percent of the height of an antenna support structure; or (D) to reduce the number of transmissions from an antenna by 75 percent for 60 or more consecutive days.

2. "Antenna" means any exterior apparatus designed for telephonic, radio, data, internet, or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing personal wireless services, including unlicensed wireless telecommunications services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for "cellular", "enhanced specialized mobile radio" and "personal communications services", telecommunications services, and its attendant base station.

3. "Antenna height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

4. "Antenna support structure" means any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

5. "Applicant" means any provider or any person, partnership, or company who files an application for any permit necessary to install, maintain, or remove a personal wireless service facility within the city.

6. "Camouflaged" means a personal wireless service facility that is disguised, hidden, or integrated with an existing structure that is not a monopole or tower, or a personal wireless service facility that is placed within an existing or proposed structure, or new structure, tower, or mount within trees so as to be significantly screened from view.

7. "Cell site" or "site" means a tract or parcel of land that contains personal wireless service facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to personal wireless services.

8. "City center area" means a circular area extending 700 feet in radius from the center of the intersection of 40th Street West and Bridgeport Way West, together with a rectangular area extending 450 feet east and west from the centerline of Bridgeport Way between 35th Street West and 44th Street West.

9. "Co-location" means the use of a personal wireless service facility or cell site by more than one personal wireless service provider.

10. "Conditional use permit" or "CUP" means a process and approval as described in UPMC Title 22, Administration of Development Regulations, and in the UPMC Title 19, Zoning.

11. "COW" means "cell on wheels."

12. "Design" means the appearance of personal wireless service facilities, including such features as their materials, colors, and shape.

13. "EIA" means the Electronics Industry Association.

14. "Equipment enclosure" means a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies and emergency generators.

15. "FAA" means the Federal Aviation Administration.

16. "FCC" means the Federal Communications Commission.

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17. "Governing authority" means the city council of the City of University Place.

18. "Hearings examiner" means the duly appointed hearings examiner of the city.

19. "Modification" means the changing of any portion of a personal wireless service facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design.

20. "Mount" means the structure or surface upon which personal wireless service facilities are mounted. There are three types of mounts:

A. Building Mounted. A personal wireless service facility mount fixed to the roof or side of a building.

B. Ground Mounted. A personal wireless service facility mount fixed to the ground, such as a tower.

C. Structure Mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.

21. "Personal wireless service," "personal wireless service facilities," and "facilities" used in this title shall be defined in the same manner as in Title 47, United States Code, Section 332 (c)(7)(C), as they may be amended now or in the future, and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

22. "Provider" means every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity and individual which provides personal wireless service over personal wireless service facilities.

23. "Screening" means a personal wireless telecommunication facility such as a tower or mount placed amongst and adjacent to (within 20 feet) three or more trees at least 75 percent of the height of the facility.

24. "Secondary use" means a use subordinate to the principle use of the property, such as commercial, residential, utilities, etc.

25. "Security barrier" means a wall, fence, or berm that has the purpose of sealing a personal wireless service facility from unauthorized entry or trespass.

26. "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

27. "Unlicensed wireless services" means commercial mobile services that operate on public frequencies and do not need an FCC license.
(Ord. 152 § 1, 1997).

23.45.030 Exemptions.

The following are exempt from the provisions of this chapter and shall be permitted in all zones:

A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.

B. Antennas and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale.

C. Radar systems for military and civilian communication and navigation.

D. Wireless radio utilized for temporary emergency communications in the event of a disaster.

E. Licensed amateur (ham) radio stations.

F. Satellite dish antennas less than two meters in diameter, including direct to home satellite services, when used as a secondary use of the property.

G. Routine maintenance or repair of a personal wireless service facility and related equipment (excluding structural work or changes in height or dimensions of antennas, towers, or buildings); provided, that compliance with the standards of this chapter are maintained.

H. Subject to compliance with all other applicable standards of this chapter, a building permit

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application need not be filed for emergency repair or maintenance of a personal wireless service facility until 30 days after the completion of such emergency activity.

I. A COW or other temporary personal wireless telecommunications facility shall be permitted for a maximum of 90 days or during an emergency declared by the city.
(Ord. 152 § 1, 1997).

23.45.040 Policy statement.

A. The city, with increasing frequency, has been confronted with requests to locate towers and antennas. The purpose of this chapter is to establish general guidelines for the siting of towers and antennas. The goals of this chapter are to: (i) enhance the ability of personal wireless service providers to provide such services throughout the city quickly, effectively, and efficiently; (ii) encourage personal wireless service providers to locate towers and antenna in nonresidential areas; (iii) encourage personal wireless service providers to co-locate on new and existing tower sites; (iv) encourage personal wireless service providers to locate towers and antennas, to the extent possible, in areas where the adverse impact on city residents is minimal; and (v) encourage personal wireless service providers to configure towers and antennas in a way that minimizes any significant adverse visual impact. Accordingly, the city council finds that the promulgation of this chapter is warranted and necessary:

1. To manage the location of towers and antennas in the city;

2. To protect residential areas and land uses from potential adverse impacts of towers;

3. To minimize adverse visual impacts of towers through careful design, siting, landscape screening, and innovative camouflaging techniques;

4. To accommodate an increased need for towers to serve the wireless communications needs of city residents;

5. To promote and encourage co-location on existing and new towers as an option rather than construction of additional single-use towers, and to reduce the number of such structures needed in the future;

6. To consider the public health and safety of towers to the extent permitted by the Telecommunications Act of 1996; and

7. To avoid potential damage to adjacent properties through sound engineering practices and the proper siting of antenna support structures.

B. New Uses. All new antenna shall comply with this chapter after the date of passage.

C. Existing Uses. All towers and antenna existing on the date of passage of this chapter shall be allowed to continue as they presently exist, but will be considered nonconforming uses. Routine maintenance shall be permitted on existing towers and antennas. However, new construction other than routine maintenance on existing towers, antennas, buildings or other facilities shall comply with the requirements of this chapter.
(Ord. 152 § 1, 1997).

23.45.050 Recognition of industry site selection criteria.

In establishing a new site, the industry requires a location that is technically compatible with the established network. A general area is to be identified based upon engineering constraints and the desired area of service. Specific locations within that general area will be evaluated using the following criteria which are not listed in order of priority:

A. Topography as it relates to line of sight transmissions for optimum efficiency in telephone service.

B. Availability of road access.

C. Availability of electric power.

D. Availability of land based telephone lines or microwave link capability.

E. Leasable lands, and landlords who want facilities to be located on their properties consistent with zoning regulations.

F. Screening potential of existing vegetation, structures and topographic features.

G. Zoning that will allow low power mobile radio service facilities.

H. Compatibility with adjacent land uses.

I. The least number of sites to cover the desired area.

J. The greatest amount of coverage, consistent with physical requirements.

K. Opportunities to mitigate possible visual impact.

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L. Availability of suitable existing structures for antenna mounting.
(Ord. 152 § 1, 1997).

23.45.060 Site selection criteria.

A. Any applicant proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate by engineering evidence that the antenna must be located at the site to satisfy its function in the applicant's local grid system. Further, the applicant must demonstrate by engineering evidence that the height requested is the minimum height necessary to fulfill the site's function within the grid system.

B. Applications for necessary permits will only be processed when the applicant demonstrates either that it is an FCC-licensed telecommunications provider or that it has agreements with an FCC-licensed telecommunications provider for use or lease of the support structure.

C. Low power mobile radio service facilities shall be located and designed to minimize any significant adverse impact on residential property values. Facilities shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.

D. In all zones, location and design of facilities shall consider the impact of the facility on the surrounding neighborhood and the visual impact within the zone district. In all zones, towers shall be significantly screened by placing them in trees to the extent that it does not result in significant signal degradation.
(Ord. 152 § 1, 1997).

23.45.070 Priority of locations.

The order of priorities for locating new personal wireless service facilities shall be as follows:

A. Place antennas and towers on public property if practical.

B. Place antennas on appropriate rights-of-way and existing structures, such as buildings, towers, water towers and smokestacks.

C. Place antennas and towers in districts zoned moderate intensity employment center.

D. Place antennas and towers in districts zoned mixed use districts and community centers outside the city center area which do not adjoin or adversely impact residential neighborhoods.

E. Place antennas and towers on other nonresidential property.

F. Place antenna and towers in the city center area.

G. Place antennas on multifamily residential structures exceeding 30 feet in height.

H. Place antennas and towers in moderate density single-family and high density residential zones only if (1) locations are not available on existing structures or in nonresidential districts; and (2) only on or in existing churches, parks, schools, utility facilities, or other appropriate public facilities.

1. An applicant that wishes to locate a new antenna support structure in a residential zone shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a nonresidential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available.

2. Applicants are required to demonstrate: (i) that they have contacted the owners of structures in excess of 30 feet within a one-quarter mile radius of the site proposed and which from a location standpoint could provide part of a network for transmission of signals; (ii) have asked for permission to install the antenna on those structures; and (iii) were denied for reasons other than economic feasibility.

3. The information submitted by the applicant shall include (i) a map of the area to be served by the tower or antenna, (ii) its relationship to other cell sites in the applicant's network, and (iii) an evaluation of existing buildings taller than 30 feet, within one-quarter mile of the proposed tower or antenna which from a location standpoint could provide part of a network to provide transmission of signals.

4. A conditional use permit is required for all personal wireless facilities located in a residential zone.
(Ord. 152 § 1, 1997).

23.45.080 Siting priority on public property.

A. Where public property is sought to be utilized by an applicant, priority for the use of city-owned

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land for wireless antennas and towers will be given to the following entities in descending order:

1. City of University Place;

2. Public safety agencies, including law enforcement, fire and ambulance services, which are not part of the City of University Place and private entities with a public safety agreement with the City of University Place;

3. Other governmental agencies, for uses which are not related to public safety; and

4. Entities providing licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), data, internet, paging, and similar services that are marketed to the general public.

B. Minimum Requirements. The placement of personal wireless service facilities on city-owned property must comply with the following requirements:

1. The facilities will not interfere with the purpose for which the city-owned property is intended;

2. The facilities will have no significant adverse impact on surrounding private property;

3. The applicant is willing to obtain adequate liability insurance and commit to a lease agreement which includes equitable compensation for the use of public land and other necessary provisions and safeguards. The city shall establish fees after considering comparable rates in other cities, potential expenses, risks to the city, and other appropriate factors;

4. The applicant will submit a letter of credit, performance bond, or other security acceptable to the city to cover the costs of removing the facilities;

5. The antennas or tower will not interfere with other users who have a higher priority as discussed in UPMC 23.45.080;

6. The lease shall provide that the applicant must agree that in the case of a declared emergency or documented threat to public health, safety or welfare and following reasonable notice the city may require the applicant to remove the facilities at the applicant's expense;

7. The applicant must reimburse the city for any related costs which the city incurs because of the presence of the applicant's facilities;

8. The applicant must obtain all necessary land use approvals; and

9. The applicant must cooperate with the city's objective to encourage co-locations and thus limit the number of cell sites requested, or camouflage the site.

C. Special Requirements for Parks. The use of city-owned parks for personal wireless service facilities brings with it special concerns due to the unique nature of these sites. The placement of personal wireless service facilities in a park will be allowed only when the following additional requirements are met:

1. The parks and recreation commission has reviewed and made a recommendation regarding proposed personal wireless service facilities to be located in the park and this recommendation must be forwarded to the city council for consideration;

2. In no case shall personal wireless service facilities be allowed in designated critical areas (except aquifer recharge areas) unless they are co-located on existing facilities;

3. Before personal wireless service facilities may be located in public parks, consideration shall be given to visual impacts and disruption of normal public use;

4. Personal wireless service facilities may be located in public parks that are adjacent to an existing commercial or industrial zone;

5. Personal wireless service facilities may be located in park maintenance facilities.

(Ord. 152 § 1, 1997).

23.45.090 Required submittals.

Application for conditional use permit, administrative use permit, building permit, and other related requests may include any combination of site plans, surveys, maps, technical reports, or written narratives necessary to convey the following information in addition to the requirements of UPMC Title 22, Administration of Development Regulations, and other applicable ordinances:

A. Photosimulations of the proposed facility from affected residential properties and public rights-of-way at varying distances;

B. A site elevation and landscaping plan indicating the specific placement of the facility on the site, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility;

C. A signed statement indicating that (1) the applicant and landowner agree they will diligently negotiate in good faith to facilitate co-location of additional personal wireless service facilities by other providers on the applicant's structure or within the same site location and (2) the applicant

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and/or landlord agree to remove the facility within 60 days after abandonment;

D. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by FCC Para. 1.1307, or, in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;

E. A site plan clearly indicating the location, type and height of the proposed tower and antenna, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, and any other proposed structures;

F. A current map and aerial showing the location of the proposed tower, a map showing the locations and service areas of other personal wireless service facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the city;

G. Legal description of the parcel, if applicable;

H. The approximate distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties;

I. A landscape plan showing specific landscape materials;

J. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination;

K. A letter signed by the applicant stating the tower will comply with all FAA regulations and EIA Standards and all other applicable federal, state and local laws and regulations;

L. A statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users;

M. Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions;

N. The telecommunications company must demonstrate that it is licensed by the FCC if required to be licensed under FCC regulations;

O. The applicant, if not the telecommunications service provider, shall submit proof of lease agreements with an FCC licensed telecommunications provider if such telecommunications provider is required to be licensed by the FCC;

P. A full site plan shall be required for all sites, showing the tower, antenna, antenna support structure, building, fencing, buffering, access, and all other items required in this chapter. The site plan shall not be required if the antenna is to be mounted on an existing structure; and

Q. At the time of site selection, the applicant should demonstrate how the proposed site fits into its overall network within the city.
(Ord. 152 § 1, 1997).

23.45.100 Co-location.

To minimize adverse visual impacts associated with the proliferation of towers, co-location of personal wireless service facilities on existing or new towers is encouraged as follows:

A. Proposed facilities may, and are encouraged to, co-locate onto existing towers. Such co-location is permitted by right and new or additional conditional use permit approval is not required, except that any other permit, license, lease, or franchise requirements must be satisfied, and the co-location must be accomplished in a manner consistent with the policy, site criteria, and landscape/screening provisions contained in this chapter.

B. The conditional use permit requirement for a facility may be waived in nonresidential zones if the applicant locates the antenna on an existing structure or an existing tower. The applicant must submit detailed plans to the planning department for an administrative use permit to determine if the conditional use permit process and public hearing can be waived. No building permit will be issued until approval is granted by an administrative use permit or conditional use permit.

C. The city may deny an application to construct new facilities if the applicant has not shown by substantial evidence that it has made a diligent effort to mount the facilities on an existing structure or tower.

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D. To reduce the number of antenna support structures needed in the city in the future, new proposed support structures shall be designed to accommodate antennas for more than one user, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons.

E. Unless co-location is not feasible: (i) an applicant's site plan shall reserve an area for other providers' equipment near the base of the applicant's tower. A first right-of-refusal (which is either executed or maintained while the providers personal wireless facilities and services are in use) to lease the area at the base of the tower or mount for other providers will meet the reservation requirement; and (ii) the site plan for towers in excess of 100 feet above ground level must propose space for two comparable providers, while the site plan for towers 100 feet or less must propose space for one comparable provider. To provide further incentive for co-location, an existing tower may be modified as a matter of right to accommodate co-location without new or additional CUPs; provided the additional antenna shall be of the same type as that on the existing tower unless additional height requires a conditional use permit and the following conditions are met:

1. Height. An existing tower may be modified or rebuilt to a taller height, not to exceed 20 feet over the tower's existing height and subject to the other provisions of this chapter, including by way of example and not limitation any applicable requirements or conditional use and building permits. The height change may occur only once per tower.

2. Except as set forth herein, no signs, banners or similar devices or materials may be attached to the tower, antenna support structures or antennas.

F. While co-location and the requirements herein are encouraged, co-location shall not take precedence over the construction of shorter towers with appropriate screening.
(Ord. 152 § 1, 1997).

23.45.110 Design criteria.

A. As provided above, new facilities shall be designed to accommodate co-location, unless the applicant demonstrates why such design is not feasible for economic, technical, or physical reasons.

B. Facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district and screened or otherwise integrated, through location and design, to blend in with the existing characteristics of the site.

1. Setback. A tower's setback shall be measured from the base of the tower to the property line of the parcel on which it is located. In residential districts and residential land use areas, where permitted, towers shall be set back from all property lines a distance equal to 100 percent of tower height as measured from ground level, except for unusual geographic limitations or other public policy considerations, as determined in the city's sole discretion. All other towers shall comply with the minimum setback requirements of the area in which they are located in all other zoning districts, unless there are unusual geographical limitations or other public policy considerations as determined in the sole and absolute discretion of the city.

Such considerations shall include by way of illustration and not limitation, but are not limited to:

a. Impact on adjacent properties;

b. Alternative sites for personal wireless facilities; and

c. The extent to which screening and camouflaging will mitigate the effects of the personal wireless facilities.

2. Right-of-Way Setback Exception. The setback requirement may be waived if the antenna and antenna support structure are located in the city right-of-way.

3. View Corridors. Due consideration shall be given so that placement of towers, antenna, and personal wireless service facilities do not obstruct or significantly diminish views of Mt. Rainier, Puget Sound or the Olympic Mountains.

4. Color. Towers shall have a color generally matching the surroundings or background that minimizes their visibility, unless a different color is required by the FCC or FAA.

5. Lights, Signals and Signs. No signals, lights, or signs shall be permitted on towers unless required by the FCC or the FAA. Should lighting be required, in cases where there are residents located within a distance which is 300 percent of the height of the tower, then dual mode lighting shall be requested from the FAA.

6. Equipment Structures. Ground level equipment, buildings, and the tower base shall be screened from public view. The standards for the equipment buildings are as follows:

a. The maximum floor area is 300 square feet and the maximum height is 12 feet. Except in unusual circumstances or for other public policy considerations the equipment building may be located no more than 250 feet from the tower or antenna. Depending upon the aesthetics and other

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issues, the city, in its sole discretion, may approve multiple equipment structures or one or more larger structures.

b. Ground-level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means, as specified herein or in other city ordinances.

c. Equipment buildings mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted.

d. In instances where equipment buildings are located in residential zones, equipment buildings shall comply with setback requirements and shall be designed so as to conform in appearance with nearby residential structures.

Equipment buildings, antenna, and related equipment shall occupy no more than 25 percent of the total roof area of the building the facility is mounted on, which may vary in the city's sole discretion if co-location and an adequate screening structure is used.

The use must be approved on a site plan or final development plan, as applicable.

7. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If those standards and regulations are changed, then personal wireless service providers governed by this chapter shall bring their towers and antennas into compliance with the revised standards and regulations within three months of their effective date or the timelines provided by the revised standards and regulations, whichever time period is longer. The revised standards and regulations are not retroactively applicable to existing providers, unless otherwise provided or permitted by federal law. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute grounds for the city to remove a provider's facilities at the provider's expense.

8. Building Codes – Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable city building codes and the applicable standards for towers that are published by the Electronic Industries Association ("EIA"), as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring the tower into compliance with such standards. If the owner fails to bring its tower into compliance within 30 days, the city may remove the tower at the owner's expense.

9. Structural Design. Towers shall be constructed to the EIA Standards, which may be amended from time to time, and to all applicable construction/building codes. Further, any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer which demonstrate compliance with the EIA Standards and all other good industry practices. The plans shall be submitted and reviewed at the time building permits are requested.

10. Fencing. A well-constructed wall or wooden fence not less than six feet in height from the finished grade shall be provided around each personal wireless service facility. Access to the tower shall be through a locked gate. The use of chain link, plastic, vinyl, or wire fencing is prohibited unless it is fully screened from public view by a minimum eight-foot-wide landscaping strip. All landscaping shall meet the standards of UPMC Title 19, Zoning.

11. Tower and Antenna Height. The applicant shall demonstrate that the tower and antenna is the minimum height required to function satisfactorily. No tower or antenna that is taller than this minimum height shall be approved. No tower or mount shall exceed 60 feet in moderate density single-family or high density residential zones or 110 feet in the moderate intensity employment center, community centers, or mixed use districts. Towers or mounts shall not exceed 60 feet in the city center area.

A variance from the height limit may be granted if the applicant can show by clear and convincing evidence that the additional height is necessary to provide adequate service to the residents of the city and no other alternative is available. When granting a variance the examiner shall require that a significant portion of the of the tower and related facilities be screened by existing trees or existing structures. In the city center area, a variance may only be granted in extraordinary circumstances.

Variances shall meet the requirements of UPMC Title 22, Administration of Development Regulations and UPMC Title 19, Zoning, except 19.75.040(D)(3) and (5).

12. Antenna Support Structure Safety. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other

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debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

13. Required Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, arrangements for adequate off-street parking shall be made and documentation thereof provided to the city. Security fencing should be colored or should be of a design which blends into the character of the existing environment.

14. Tower Separation. In no case shall towers be located closer than 500 feet from another tower whether it is owned or utilized by applicant or another provider, unless the city designates areas where multiple towers can be located in closer proximity.

15. Antenna Criteria. Antenna on or above a structure shall be subject to the following:

a. The antenna shall be architecturally compatible with the building and wall on which it is mounted, and shall be designed and located so as to minimize any adverse aesthetic impact.

b. The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless it must be for technical reasons. In no event shall an antenna project more than 16 feet above the roof line including parapets.

c. The antenna shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.

d. The antenna may be attached to an existing conforming mechanical equipment enclosure which projects above the roof of the building, but may not project any higher than the enclosure.

e. If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character and color.

f. The structure must be architecturally and visually (color, size, bulk) compatible with surrounding existing buildings, structures, vegetation, and uses. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facility.

g. Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques must be evaluated by the city, in the city's sole discretion.

h. For installations or buildings greater than 30 feet in height, see other applicable provisions of this chapter. In addition to the other requirements of this chapter, on buildings 30 feet or less in height, the antenna may be mounted on the roof if the following additional criteria are satisfied:

i. The city finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.

ii. No portion of the antenna or base station causes the height of the building to exceed the limitations set forth herein.

iii. The antenna or antennas and related base stations cover no more than an aggregate total of 25 percent of the roof area of a building, which may vary in the city's sole discretion, if co-locating and an adequate screening structure are used.

iv. Roof mounted antenna and related base stations are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.

v. No portion of the antenna may exceed 16 feet above the height of the existing building.

i. If a proposed antenna is located on a building or a lot subject to a site review, approval is required prior to the issuance of a building permit.

j. No antenna shall be permitted on property designated as an individual landmark or as a part of a historic district, unless such antenna has been approved in accordance with city ordinances.

k. No personal wireless service provider or lessee or agent thereof shall fail to cooperate in good faith to accommodate co-location with competitors. If a dispute arises about the feasibility of co-locating, the city manager may require a third party technical study, at the expense of either or both parties, to resolve the dispute.

l. No personal wireless service provider or lessee shall fail to assure that its antenna complies at all times with the current applicable FCC standards. After installation, but prior to putting the antenna in service, each provider shall submit a certification by an independent professional engineer to that effect. In the event that an antenna is co-located with another antenna, the certification must provide assurances that FCC approved levels of electromagnetic radiation will not be exceeded by the co-location.

m. No antenna shall cause localized interference with the reception of any other communications signals including, but not limited to, public safety, television, and radio broadcast signals.

n. No person shall locate an antenna or

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tower for wireless communications services upon any lot or parcel except as provided in this chapter. (Ord. 152 § 1, 1997).

23.45.120 Permits required.

Where a tower or antenna support structure will be 60 feet or less in height, in addition to the other provisions of this chapter, an applicant will be required to obtain an administrative use permit. In the event that a proposed tower or antenna support structure will be located in a residential zone, or an unscreened tower in the city center area, or will be more than 60 feet in height, in addition to the other provisions of this chapter, an applicant will be required to obtain a conditional use permit. With respect to the placement of antenna on a tower or antenna support structure, the requirements for a conditional use permit or administrative use permit will be applicable based on the height of the tower and antenna or mount and antenna unless this chapter provides other requirements to the contrary.

Project permit review procedures are specified in UPMC Title 22, Administration of Development Regulations. The following table specifies the permits required for the various types of personal wireless service facilities that meet the standards of this chapter:

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	Type of Permit				
Type of Facility	Building	CUP	Site Development	Rights-of-Way Use	Administrative Use
Towers > 60 feet or towers or antenna in moderate density single-family or high density residential zones	X (if applicable)	X	X	X (if applicable)	
Structure mounted wireless facilities	X (if applicable)			X (if applicable)	X
Building mounted wireless facilities	X (if applicable)			X (if applicable)	X (unless waived)
Modification of existing facilities to accommodate co-location	X (if applicable)	X (if applicable)	X (if applicable)	X (if applicable)	X (if applicable)

To meet the standards of this chapter, a personal wireless service facility must also comply with the other requirements under this chapter and with the following:

For antenna attached to the roof or sides of a building at least 30 feet in height, an existing tower, a water tank, or a similar structure:

A. The antenna must be either:

1. An omnidirectional or whip antenna no more than seven inches in diameter and extending no more than 16 feet above the structure to which they are attached; or

2. A panel antenna no more than two feet wide and six feet long, extending above the structure to which they are attached by no more than 10 feet.

B. Antennas mounted on existing structures in the moderate intensity employment center, community center, city center area, or mixed use district, not exceeding 16 feet in height, do not require an administrative use permit but may be permitted following an administrative review and submittal of an affidavit of compliance, with this chapter and other city regulations.

C. Antenna, antenna arrays, and support structures not on publicly-owned property shall not extend more than 16 feet above the highest point of the structure on which they are mounted. The antenna, antenna array, and their support structure shall be mounted so as to blend with the structure to which the antenna is attached. The antenna and its support structure shall be designed to withstand a wind force of 100 miles per hour without the use of supporting guy wires. The antenna, antenna array, and their support structure shall be a color that blends with the structure on which they are mounted.

D. Setback from Street. Unless there are unusual geographic limitations or other public policy considerations, as determined in the city's sole discretion, no such antenna, antenna array, or its support structure shall be erected or maintained closer to any street than the minimum setback for the zone in which it is located unless otherwise waived or exempt.

E. Guy Wires Restricted. No guy or other support wires shall be used in connection with such antenna, antenna array, or its support structure except when used to anchor the antenna, antenna array, or support structure to an existing building to which such antenna, antenna array, or support structure is attached.

F. To the extent that antenna are attached to electric, phone or light poles and such antenna are no more than two feet in height, administrative use and building permit review will be required, but

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such antenna shall not be subject to setbacks and screening requirements.
(Ord. 152 § 1, 1997).

23.45.130 Inspection requirements.

Each year after a facility becomes operational, the facility operator shall conduct a safety inspection in accordance with the EIA and FCC standards and within 60 days of the inspection file a report with the city manager. Submission of a copy of FCC required, and duly filed, safety inspection report, or the facility operator's maintenance reports for the prior 12 months in the event no FCC report is required for such year, shall satisfy the requirements of this section.
(Ord. 152 § 1, 1997).

23.45.140 Landscaping/screening.

A. Landscaping. Landscaping, as described herein, shall be required to screen personal wireless service facilities as much as possible, to soften the appearance of the cell site. The city may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required.

B. Screening. The visual impacts of a personal wireless service facility shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering shall be required around the perimeter of the tower and accessory structures, except that the city may waive the standards for those sides of the facility that are not in public view. Landscaping shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping requirements.

1. A row of evergreen trees a minimum of six feet tall at planting a maximum of six feet apart shall be planted around the perimeter of the fence.

2. A continuous hedge at least 36 inches high at planting capable of growing to at least 48 inches in height within 18 months shall be planted in front of the tree line referenced above.

3. In the event that landscaping is not maintained at the required level, the city after giving 30 days' advance written notice may maintain or establish the landscaping and bill both the owner and lessee for such costs until such costs are paid in full.
(Ord. 152 § 1, 1997).

23.45.150 Non-use/abandonment.

A. Abandonment. No less than 30 days prior to the date that a personal wireless service provider plans to abandon or discontinue operation of a facility, the provider must notify the City of University Place by certified U.S. mail of the proposed date of abandonment or discontinuation of operation. In the event that a licensed carrier fails to give notice, the facility shall be considered abandoned upon the city's discovery of discontinuation of operation. Upon such abandonment, the provider shall have 60 days or additional period of time determined in the reasonable discretion of the city within which to:

1. Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility; or

2. In the event that abandonment as defined in this chapter occurs due to relocation of an antenna at a lower point on the antenna support structure, reduction in the effective radiated power of the antenna or reduction in the number of transmissions from the antennas, the operator of the tower shall have six months from the date of effective abandonment to co-locate another service on the tower. If another service provider is not added to the tower, then the operator shall promptly dismantle and remove that portion of the tower which exceeds the minimum height required to function satisfactorily. Notwithstanding the forgoing, changes which are made to personal wireless facilities which do not diminish their essential role in providing a total system shall not constitute abandonment. However, in the event that there is a physical reduction in height of substantially all of the providers towers in the city or surrounding area then all of the towers within the city shall similarly be reduced in height.

3. Dismantle and remove facility. If the tower, antenna, foundation, and facility are not removed within the 60-day time period or additional period of time allowed by the city, the city may remove such tower, antenna, foundation, and related facility at the provider's expense. If there are two or more providers co-locating on a facility, except as provided for in the paragraph above, this provision shall not become effective until all providers cease using the facility.

At the earlier of 60 days from the date of abandonment without reactivating or upon completion of

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dismantling and removal, city approval for the facility shall automatically expire.
(Ord. 152 § 1, 1997).

23.45.160 Third party review.

Personal wireless service providers use various methodologies and analyses, including geographically-based computer software, to determine the specific technical parameters of their services and low power mobile radio service facilities, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances, a third party expert may need to review the technical data submitted by a provider. The city may require a technical review as part of a permitting process. The costs of the technical review shall be borne by the provider.

The selection of the third party expert may be by mutual agreement between the provider and the city, or, at the discretion of the city, with a provision for the provider and interested parties to comment on the proposed expert and review its qualifications. The expert review is intended to address interference and public safety issues and be a site-specific review of technical aspects of the facilities or a review of the providers' methodology and equipment used and not a subjective review of the site which was selected by a provider. Based on the results of the expert review, the city may require changes to the provider's application. The expert review shall address the following:

A. The accuracy and completeness of submissions;

B. The applicability of analysis techniques and methodologies;

C. The validity of conclusions reached; and

D. Any specific technical issues designated by the city.
(Ord. 152 § 1, 1997).

23.45.170 Violation – Penalty.

A. Any person violating any of the provisions of this chapter upon conviction shall be punishable by a fine not to exceed $1,000 or by imprisonment for a period of up to 90 days, or by both such fine and imprisonment, for each day during which an offense occurs.

B. In addition to receiving any monetary remuneration, the city shall have the right to seek injunctive relief for any and all violations of this chapter, for relief under Chapter 1.20 UPMC and all other remedies provided at law or in equity.
(Ord. 152 § 1, 1997).

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Number	Passage Date	Subject	Location
1	5/11/95	City council meetings	(Not codified)
2	5/11/95	Interim city attorney, interim city clerk	(Not codified)
3	5/11/95	Interim city manager	(Not codified)
4	5/11/95	Indemnification of city employees	(Repealed by 33)
5	5/24/95	Tax note issuance	(Special)
6	5/31/95	Interim budget	(Special)
7	7/5/95	Amends interim budget	(Special)
8	7/5/95	Payment of claims	(4.05)
9	7/5/95	City office hours	(2.05)
10	7/5/95	Petty cash fund	(4.40)
11	7/5/95	City officers' oaths and bonds	(2.15)
12	7/5/95	Fees for city services	(4.45)
13	7/10/95	Library district annexation	(Special)
14	7/10/95	Fire protection district annexation	(Special)
15	7/10/95	Sales and use tax	(4.15)
16	7/10/95	Additional sales and use tax	(4.15)
17	7/10/95	Gambling tax	(Repealed by 180)
18	7/10/95	Real estate excise tax	(4.20)
19	7/10/95	Leasehold excise tax	(4.25)
20	7/10/95	Disclosure of public records	(2.30)
21	7/17/95	Interim comprehensive plan	(Not codified)
22	7/17/95	Interim road classification plan	(Not codified)
23	7/17/95	Interim zoning plan	(Repealed by 58)
24	7/17/95	Interim critical areas and natural resource lands code	(Repealed by 59)
25	7/17/95	Interim sign regulations	(Repealed by 58)
26	7/17/95	Interim subdivision regulations	(Repealed by 61)
27	7/17/95	Interim road and bridge design and construction standards	(Repealed by 63)
28	7/17/95	Interim private road standards	(Repealed by 63)
29	7/17/95	Interim shoreline management regulations	(Repealed by 60)
30	7/17/95	Interim wetland management regulations	(Not codified)
31	7/17/95	Interim site development regulations	(Repealed by 62)
32	7/17/95	SEPA regulations	(17.50)
33	7/17/95	Repeals and replaces Ord. 4, indemnification of city employees	(3.05)
34	7/24/95	Unemployment insurance benefit account	(Repealed by 179)
35	7/24/95	Interim road and storm drainage design and construction standards	(Repealed by 63)
36	7/24/95	Interim shoreline master program	(Not codified)
37	7/24/95	Uniform Code adoption	(14.05)
38	7/24/95	Building moving permits	(14.10)
39	7/24/95	Adult business moratorium	(Special)
40	7/31/95	Interim transportation plan	(Not codified)
41	7/31/95	Water quality standards	(12.10)
42	7/31/95	Interim animal control regulations	(8.05)
43	8/14/95	Amends Ord. 17, gambling tax	(Repealed by 180)
44	8/14/95	Penalties for violation of city ordinances	(1.15)
45	8/14/95	Amends Ord. 37, Uniform Code adoption	(14.05)
46	8/21/95	Traffic regulations	(10.05)
47	8/21/95	Refuse on right-of-way	(9.30)
48	8/21/95	Sewers	(12.05)
49	8/21/95	Health and safety regulations	(9.05)
50	8/21/95	Public records	(2.30)
51	8/21/95	Offenses against public decency, public peace	(7.05)
52	8/21/95	Parks, vandalism	(15.05)

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53	8/21/95	Swimming pools	(Not codified)
54	8/21/95	Sales and use tax violations	(4.15)
55	8/21/95	Traffic	(10.10, 10.15, 10.20)
56	8/21/95	1995 start-up budget	(Special)
57	8/28/95	Storm drainage, surface water management utility	(12.15)
58	8/28/95	Interim zoning code	(Title 19)
59	8/28/95	Critical areas and natural resource lands	(17.01, 17.10, 17.14, 17.16, 17,18, 17.20, 17.22)
60	8/28/95	Interim shoreline use regulations	(Not codified)
61	8/28/95	Subdivisions	(21.02, 21.04, 21.06, 21.08, 21.10, 21.12, 21.14, 21.16, 21.18, 21.20, 21.22)
62	8/28/95	Site development regulations	(Repealed by 142)
63	8/28/95	Streets, drainage, right-of-way standards	(Repealed by 142)
64	8/28/95	Hearings examiner	(2.20)
65	8/28/95	Interim planning commission	(Repealed by 174)
66	8/28/95	Street and alley vacation procedures	(13.05)
67	8/28/95	Alarm systems	(9.10)
68	8/28/95	City manager	(2.10)
69	9/6/95	City logo	(1.05)
70	9/18/95	Adult business moratorium	(Special)
71	10/2/95	Firearms, weapons	(9.25)
72	10/2/95	Comprehensive plan	(Not codified)
73	10/16/95	Real estate excise tax	(4.20)
74	11/6/95	1996 tax levy	(Special)
75	12/20/95	Amends Ord. 72, comprehensive plan	(Not codified)
76	12/20/95	Amends Ord. 74, tax levy	(Special)
77	12/20/95	1996 budget	(Special)
78	12/20/95	Utility tax	(4.35)
79	1/3/96	Amends Ord. 58, zoning	(19.05, 19.15, 19.25, 19.35, 19.45, 19.75, 19.85)
80	1/16/96	Donations and gift fund	(Repealed by 179)
81	3/4/96	Capital improvement plan	(Special)
82	3/4/96	Utility tax refunds	(4.35)
83	3/4/96	Amends Ord. 77, 1996 budget	(Special)
84	3/18/96	Amends Ord. 77, 1996 budget	(Special)
85	3/18/96	Amends Ord. 77, 1996 budget	(Special)
86	3/18/96	Amends Ord. 79, zoning	(19.25)
87	3/18/96	City flower	(Not codified)
88	4/15/96	Change fund	(Not codified)
89	5/6/96	Zone reclassification	(Special)
90	5/6/96	Amends Ord. 70, adult business moratorium	(Special)
91	5/6/96	Amends Ord. 77, 1996 budget	(Special)
92	5/20/96	City flower	(1.10)
93	5/20/96	Amends Ord. 63, streets, drainage, right-of-way standards	(Repealed by 142)
94	5/20/96	Amends Ord. 68, city manager	(2.10, 4.50)
95	5/20/96	Amends Ord. 75, comprehensive plan	(Not codified)
96	5/20/96	Amends Ord. 77, 1996 budget	(Special)
97	6/3/96	Public works construction change orders	(4.50)
98	6/3/96	Amends Ords. 58 and 79, zoning	(19.05, 19.15, 19.25, 19.35, 19.45, 19.75)
99	6/3/96	Curfew	(9.30)
100	6/3/96	Enforcement of city regulations	(1.20)

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101	6/3/96	Abandoned and junk vehicles	(9.15)
102	6/17/96	Adult businesses	(Repealed by 173)
103	6/17/96	Fireworks	(9.20)
104	6/17/96	City traffic engineer	(10.20)
105	7/1/96	Parks and recreation change fund	(Not codified)
106	7/1/96	Use of city credit cards	(3.10)
107	7/1/96	Amends zoning code sign provisions	(19.45)
108	7/1/96	Bicycles	(10.25)
109	7/1/96	Special events	(5.10)
110	7/15/96	Issuance of bonds	(Special)
111	7/15/96	Issuance of bonds	(Special)
112	7/15/96	Amends 1996 budget	(Special)
113	9/3/96	Amends zoning code sign provisions	(19.45)
114	9/3/96	Amends zoning code and Ord. 62, site development	(19.35)
115	9/16/96	Funds transfer	(Special)
116	9/16/96	Franchise grant	(Special)
117	9/16/96	Emergency management	(2.35)
118	9/23/96	Amends zoning code	(19.45)
119	9/23/96	Business licenses and regulations	(5.05)
120	10/21/96	Amends 1996 budget	(Special)
121	11/4/96	1997 tax levy	(Special)
122	11/4/96	Amends Ord. 82, utility tax refunds	(4.35)
123	11/18/96	Telecommunications moratorium	(Special)
124	12/3/96	Adopts 1997 budget	(Special)
125	12/3/96	Amends Ord. 121, 1997 tax levy	(Special)
126	12/3/96	Adopts revised capital improvement plan	(Special)
127	12/11/96	Adult business moratorium	(Special)
128	12/16/96	Waste disposal system	(12.20)
129	12/16/96	Amends Ord. 119, business licenses and regulations	(5.05)
130	12/96	Adds Title 22, administration of development regulations	(17.10, 17.16, 17.18, 17.22, 19.25, 19.45, 19.75, 19.85, 21.02, 21.04, 21.06, 21.08, 21.10, 21.12, 21.14, 21.16, 21.18, 21.20, 21.22, 22.01, 22.02, 22.03)
131	12/30/96	Amends 1996 budget	(Special)
132	1/6/97	Telecommunications moratorium	(Special)
133	1/6/97	Amends Ords. 70, 90, adult business moratorium	(Special)
134	1/6/97	Amends Ord. 102, adult businesses	(Repealed by 173)
135	1/21/97	Annexation	(Special)
136	2/18/97	Annexation	(Special)
137	3/10/97	Telecommunications moratorium	(Special)
138	3/10/97	Kennels	(8.10)
139	3/31/97	Amends 1997 budget	(Special)
140	3/31/97	Amends 1997 budget	(Special)
141	4/21/97	Amends Ord. 138, kennels	(8.10)
142	5/12/97	Adopts public works standards; repeals Ords. 62 and 63	(13.10, 13.15, 13.20, 13.25)
143	5/12/97	Telecommunications moratorium	(Special)
144	5/19/97	Amends Ord. 119, business license regulations	(5.05)
145	5/19/97	Amends Ord. 99, curfew	(9.30)
146	6/2/97	Construction noise	(9.05)
147	6/2/97	Adult business moratorium	(Special)
148	6/2/97	Amends zoning code	(19.15, 19.35, 19.45 19.75)

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150	6/2/97	Amends Ord. 61, subdivisions	(21.08, 21.10, 21.12, 21.14, 21.16, 21.18, 21.20)
151	6/2/97	Adds Title 23, telecommunications	(23.05, 23.10, 23.15, 23.20, 23.25, 23.30, 23.35, 23.40)
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155	6/16/97	1997 elections local voters' pamphlet	(Special)
156	6/16/97	Amends Ords. 37 and 45, uniform codes	(14.05)
157	6/16/97	Franchise grants	(Special)
158	6/16/97	Franchise grant	(Special)
159	6/16/97	Amends § 19.35.060 and Ord. 130, home occupations	(19.35, 22.01)
160	6/16/97	Disorderly conduct during city meetings	(7.10)
161	6/30/97	Bond issuance	(Special)
162	7/21/97	Amends § 19.35.090, agricultural uses	(19.35)
163	8/19/97	Bond issuance	(Special)
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165	9/15/97	Franchise grant	(Special)
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167	10/6/97	1998 tax levy	(Special)
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175	12/1/97	Panoram devices	(5.20)
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178	12/15/97	Amends Ord. 42, animal control regulations	(8.05)
179	12/15/97	Funds; repeals Ord. 3 § 5, Ord. 18 § 8, Ord. 34, Ord. 56 §§ 3 – 7, Ord. 57 § 2, Ord. 73 § 8, Ord. 77 § 5, Ord. 80 and Ord. 111 § 4	(2.12, 4.40)
180	12/15/97	Gambling tax; repeals Ords. 17 and 43	(4.30)
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182	12/15/97	1998 tax levy	(Special)
183	12/15/97	Adopts 1998 budget	(Special)
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INDEX PREFACE

The index to the code is primarily for assisting the code user to find provisions not readily accessible through the table of contents. An index entry has been created for each section of the code. Additional entries have been made for the following topics:

Bonds. When a bond is required for a particular enterprise, a separate entry in the index has been created under **Bonds**.

Fees. Any section requiring a fee is also indexed under **Fees**.

Licenses. Any section requiring a license is also indexed under **Licenses**.

Permits. Any section requiring a permit is also indexed under **Permits**.

CROSS-REFERENCES

Cross-references have been included to assist the user in finding code provisions indexed under another heading. If the index does not appear to list a topic, the code may not regulate the provision.

The following kinds of cross-references appear in the index:

Entry	***Purpose/Description***
See also **Zoning**	Additional entries on the subject may appear in **Zoning**
Airport *See* **Zoning**	The entry for Airport appears as a subheading under Zoning
Animal control officer *See under* **Animal**	The entry appears as a subheading under a different heading
See also Definitions *under* Character generators	There are additional, and related, entries under a separate subheading under the same main heading
Cafe *See* **Cabaret**	No entry for **Cafe**, but refers user to a related subject

The code is available in electronic format using *Folio,* an information management system that combines hypertext technology with retrieval and dynamic text editing. The user can find any word or phrase in the code quickly. For information, contact the publisher.

The publisher welcomes suggestions for additional entries which will make the printed, subject matter index more useful. Please contact: Indexing Department, Code Publishing Company, at 206-527-6831.

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