CITY OF SNOHOMISH

ORDINANCE NO. 2341

AN ORDINANCE OF THE CITY OF SNOHOMISH WASHINGTON, RELATING TO THE MAYOR-COUNCIL FORM MUNICIPAL GOVERNMENT AMENDING VARIOUS SECTIONS OF THE SNOHOMISH MUNICIPAL CODE (SMC) TO REFLECT THE RECENT CHANGE IN FORM OF GOVERNMENT OF THE CITY OF SNOHOMISH FROM A COUNCIL-MANAGER PLAN TO A MAYOR-COUNCIL PLAN OF GOVERNMENT REPEALING SMC CHAPTER 2.38 AND SMC SECTION 2.64.030 AND AMENDING CHAPTER 2.40 AND SMC SECTIONS 1.14.020, 2.04.050, 2.14.060, 2.27.070 2.27.060, 2.28.030, 2.30.030, 2.34.030, 2.36.030, 2.82.010, 2.82.020, 2.86.040, 2.86.050, 2.90.010, 3.28.030, 3.32.010, 5.06.140, 5.10.020, 5.10.030, 5.10.040, 5.30.050, 8.12.050, 8.12.060, 8.12.100, 8.12.110, 8.12.170, 8.12.180, 9.94.010, 9.96.040, 11.04.015, 13.04.130, 13.04.155, 14.30.010, 14.35.020, 14.40.020, 14.45.020, 14.50.020, 14.220.040, 14.225.070, 14.230.050, 14.237.030, 15.04.127, 15.05.010, 15.17.090, 19.04.030, 19.04.040 section [A] 111.3 PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, pursuant to an election held on November 8, 2016 in accordance with RCW 35A.06.040, RCW 35A.06.050, RCW 29A.04.330 and other applicable laws, the results of which were certified by the Snohomish County Auditor on November 28, 2016, the voters of the City adopted the Mayor-Council form of government as set forth in Chapter 35A.12 RCW; and,

WHEREAS, due to the recent change in form of government of Snohomish from Council-Manager plan to the Mayor-Council plan of government the City Council has determined that it is in the best interest of the City of Snohomish to amend sections of the Snohomish Municipal Code (SMC) to reflect and be consistent with this new form of government and state law; and

WHEREAS, the amendments will substitute the term Mayor or Mayor's designee or City Administrator for the term City Manager referenced in the SMC in order to avoid any potential/actual conflicts with the applicable state law and to provide clear authorization as to the duties and obligations of the Mayor;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. SMC Section 1.14.020 entitled "Definition" is amended to read as follows:

As used in this Chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this section, unless a different meaning is plainly required:

"Abate" means to act to stop an activity, and/or to repair, replace, remove, or otherwise remedy a condition, where such activity or condition constitutes a violation of a regulation; provided, the actions must resolve the violation to the satisfaction of the City, or the Hearing Examiner if the matter has been mitigated or contested and found committed, and the actions taken and the manner in which they are performed must not endanger the general health, safety, and welfare of the community. For the purposes of this Chapter, the verbs "abate" and "correct" shall be interchangeable and have the same meaning.

"Act" means doing or performing something.

"City" means City of Snohomish, Washington.

"Code Enforcement Officer" means the City's Code Enforcement Officers; building officials; building inspectors; construction inspectors; the Fire Marshal, or his or her designee; fire inspectors; the Chief of the Snohomish Police Department, or his or her designee; the City Planner, or his or her designee; the director of the Public Works Department, or his or her designee; or any other person or persons assigned or directed by the ~~City Manager~~ Mayor, or his or her designee, to enforce the regulations subject to the enforcement and penalty provisions of this Chapter.

"Correction Notice" means a written statement, issued by a Code Enforcement Officer, notifying a person that property under his or her control is in violation of one or more regulations and informing such person that a Notice of Violation may be issued and/or criminal charges filed if the violations are not abated.

"Day" or "Days," as used in this Chapter, shall mean calendar days unless expressly stated otherwise in a given section or subsection. In addition, any portion of a twenty-four hour day shall constitute a full calendar day.

"Hearing Examiner" means the Snohomish Hearing Examiner and the office thereof established pursuant to Ch. 2.33 SMC.

"Notice of Violation" or "Notice of Civil Violation" means a written statement, issued by a Code Enforcement Officer, which contains the information required under Section 1.14.080 and which notifies a person that he or she is responsible for one or more violations of the Snohomish Municipal Code.

"Omission" means a failure to act.

"Person" means any individual, firm, business, association, partnership, corporation, or other legal entity, public or private, however organized. Because "person" shall include both human and non-human entities, any of the following pronouns may be used to describe a person: he, she, or it.

"Person Responsible for the Violation" means any of the following: a person who has titled ownership or legal control of the property or structure that is subject to the regulation; an occupant or other person in control of the property or structure that is subject to the regulation; a developer, builder, business operator, or owner who is developing, building, or operating a business on the property or in a structure that is subject to the regulation; or any person who created, caused, or has allowed the violation to occur.

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

1. All Snohomish Municipal Code provisions making reference to this Chapter;

2. All standards, regulations, and procedures adopted by the City that make reference to this Chapter; and

3. The terms and conditions of any permit or approval issued by the City, or any concomitant agreement with the City pursuant to code provisions that make reference to this Chapter.

"Repeat Violation" means, as evidenced by the prior issuance of a correction notice or a notice of violation, that a violation has occurred on the same property within a two (2) year period, or a person responsible for a violation has committed a violation elsewhere within the City of Snohomish within a two (2) year period. To constitute a repeat violation, the violation need not be the same violation as the prior violation.

"Violation" or civil violation means an act or omission contrary to a regulation as defined in this section. A violation continues to exist until abated to the satisfaction of the City, with each day or portion thereof in which the violation continues constituting a separate violation.

Section 2. SMC Section 2.04.050 entitled "Executive Sessions" is hereby amended to read as follows:

> The Council may, at the request of the Mayor, any Councilmember, ~~the City Manager,~~ or the City Attorney, hold an executive session which excludes the public. Before convening an executive session, the Mayor shall publicly announce the purpose for excluding the public from the meeting and the time when the executive session will be concluded. Executive sessions shall be held only for the purposes stated in RCW ~~4~~2.30.110 as amended.

Section 3. SMC Section 2.14.060 entitled "Time, Place and Conduct of Meetings" is hereby amended to be to read as follows:

> Meeting times of the Design Review Board shall be established by the City Council, except that the ~~City Manager~~ Mayor may schedule special meetings to accommodate workload or to ensure that the cost to applicants and the City are as low as possible. Generally, meeting times shall be at the same time and place from month to month. The Design Review Board shall comply with the provisions of the State Open Meetings Act.

Section 4. SMC Section 2.27.070 entitled "Staff Support" is hereby amended to be to read as follows:

> The City of Snohomish shall provide staff support for the Commission, subject to the approval of the ~~City Manager~~ Mayor.

Section 5. SMC Section 2.27.060 entitled "Duties of the Commission" is hereby amended to read as follows:

A. The Commission shall act in an advisory capacity to the Chief of Police or his/her designee.

B. The Commission, at the request of the Chief of Police or ~~City Manager~~ Mayor, shall review the Police Chief's written recommendations to the Liquor Control Board for new applications or for renewal of liquor licenses, make recommendations, and either approve or disapprove the Police Chief's written recommendations. The Police Chief may consider the Commission's recommendations and comments but the Chief of Police has final authority regarding submittal to the Liquor Control Board of approval or objection to a liquor license or renewal thereof.

C. The Commission may, but shall not be required to, take public comment.

D. In addition to review of recommendations on liquor licenses, the Commission shall focus on public safety issues and problems specifically or generally in the following areas of public interest: whether the liquor license at the proposed location or to the applicant business will detrimentally impact the safety, health, or welfare of the community; review and discussion of law enforcement priorities; review and coordination of Neighborhood Watch, Snohomish Police Foundation, or similar programs; review and coordination of the Fire District's Community Emergency Response Team or similar programs; review and discussion of emergency fire and medical response priorities; and related matters.

E. With the assistance of the Chief of Police or his/her designee, the Commission shall write an annual report to the City Council on its activities for the previous year and make special reports as necessary in response to specific Council requests.

Section 6: SMC Section 2.28.030 entitled "Powers and Duties" is hereby amended to read as follows:

The powers, duties and responsibilities of the City Clerk shall be subject to the direction, authority and supervision of the ~~City Manager~~ Mayor, and shall include without limitation the following:

A. Keep a full and true record of every act and proceeding of the City Council;

B. Record all ordinances passed by the City Council, annexing thereto the clerk's certificate giving the number and title of the ordinance, stating the ordinance was published and posted according to law and that the record is a true and correct copy thereof;

C. Act as custodian of the seal of the City of Snohomish, and exercise the authority to acknowledge the execution of all instruments by the City requiring such acknowledgment;

D. Perform all duties specified in RCW 35.23.120, as applicable;

E. Perform such other duties as may be required by the ~~City Manager~~ Mayor and as shall be enumerated in a written job description to be adopted by resolution of the City Council.

Section 7. SMC Section 2.30.030 entitled "Powers and Duties" is hereby amended to read as follows:

The powers, duties and responsibilities of the City Treasurer shall be subject to the direction, authority and supervision of the ~~City Manager~~ Mayor, and shall include, without limitation, the following:

A. Receive and safely keep all money which comes into the City treasury, and follow all laws of the State of Washington regarding the accountability therefor;

B. Keep such books, accounts, and make such reports as may be required by the Division of Municipal Corporations of the Office of the State Auditor;

C. Exercise the duties and authority of the City Treasurer as provided in RCW 35.23.131, as applicable to the City;

D. Exercise the duties and authority of Auditing Officer as provided in RCW 42.24.080, as applicable to the City;

E. Perform such other duties as may be required by the ~~City Manager~~ Mayor and as shall be enumerated in a written job description to be adopted by resolution of the City Council.

Section 8. SMC Section 2.34.030 entitled "Powers and Duties" is hereby amended to read as follows:

> The powers, duties and responsibilities of the City Planner shall be subject to the direction, authority and supervision of the ~~City Manager~~ Mayor, and shall be enumerated in a written job description to be adopted by resolution of the City Council.

Section 9. SMC Section 2.36.030 entitled "Powers and Duties" is hereby amended to read as follows:

The powers, duties and responsibilities of the City Engineer shall be subject to the

direction, authority and supervision of the ~~City Manager~~ Mayor, and shall be enumerated in a written job description to be adopted by resolution of the City Council.

Section 10. SMC Chapter 2.38 entitled "City manager" is hereby repealed:

~~**Chapter 2.38**~~
~~**CITY MANAGER**~~

~~**Sections:**~~
~~**2.38.010 Office of City Manager Established.**~~
~~**2.38.020 Qualifications**~~
~~**2.38.030 Scope of Authority**~~

~~**2.38.010 Office of City Manager Established.**~~

~~There is hereby created the office of City Manager, which office shall be filled by a majority vote of the City Council. The City Manager shall serve at the pleasure of the City Council and the terms of the City Manager's employment, including tenure, will be specified by a contract executed by the Mayor with the approval of a majority of the City Council. No provision of said contract may be contrary to the requirements of state law or City ordinance. The City Manager shall be subject to removal from office by a majority vote of the members of the City Council. The procedures for removal of the City Manager shall be as set forth in RCW 35.18.120 as said statues now read or are hereinafter amended.~~

~~**2.38.020 Qualifications**~~

~~The City Manager shall be chosen by the Council solely on the basis of executive and administrative qualifications with special reference to the person's actual experience in, or knowledge of, the duties of office. No person elected to membership on the Council shall be eligible for appointment as City Manager until one year has elapsed following the expiration of the term for which the Councilmember was elected.~~

~~**2.38.030 Scope of Authority**~~

~~The City Manager shall be responsible for the general administration and supervision of City government. The City Manager will be responsible for the line management of all City departments, including accountability for their performance. The specific authority and other responsibilities of the City Manager shall be set forth in RCW 35.18.060 as it now reads or is hereinafter amended, and in a written job description to be reviewed annually as a part of the performance review. On an annual basis, the City Council shall conduct a performance review of the City Manager and shall meet and discuss with the City Manager in executive session the results of the evaluation.~~

Section 11. SMC Chapter 2.40 entitled "Oaths and Bonds of Office" is hereby amended to read as follows:

Chapter 2.40
OATHS AND BONDS OF OFFICE

Sections:

2.40.010 Oath of Office.
2.40.020 Blanket Bond Coverage.
2.40.030 Individual Faithful Performance Bonds.
2.40.010 Oath of Office.

The ~~City Manager~~ Mayor, City Administrator, City Attorney, City Clerk, City Treasurer, any Deputy City Treasurer, and the Chief of Police, before entering upon the discharge of their official duties, shall take and subscribe an oath of office.

2.40.020 Blanket Bond Coverage.

If available, the City shall subscribe to and maintain blanket bond coverage by and through the Washington Cities Insurance Authority. Such coverage shall be bound for the ~~City Manager~~ Mayor, City Administrator, City Attorney, City Clerk, City Treasurer, and Deputy City Treasurer, the Chief of Police, and the Utility Accountant before any said officers shall enter upon the discharge of their official duties.

2.40.030 Individual Faithful Performance Bonds.

Should blanket bond coverage not be available through the Washington Cities Insurance Authority, the Mayor, City Administrator, ~~City Manager,~~ the City Attorney, the City Clerk, the City Treasurer, and Deputy City Treasurer, the Chief of Police and the Utility Accountant, before entering upon the discharge of their official duties, shall enter into an individual faithful performance bond with a surety approved by the City Council in the following amounts:

Office	Bond Amount
~~City Manager~~	
	$100,000
Mayor	
City Administrator	$100,000
City Attorney	$100,000
City Clerk	$100,000

Office	Bond Amount
City Treasurer	$100,000
Chief of Police	$100,000
Utility Clerk	$100,000

The premium on each such individual faithful performance bond shall be paid by the City.

Section 12. SMC Section 2.64.030 entitled "City Manager – Salary" is hereby repealed:

> ~~The salary of the City Manager shall be set forth by contract executed by the Mayor with the approval of the City Council.~~

Section 13. SMC Section 2.82.010 entitled "Public Safety Department" is hereby amended to read as follows:

> The Public Safety Department of the City of Snohomish shall be the law enforcement agency of the jurisdiction. Its primary function shall be the detection and apprehension of persons committing infractions or violating traffic or criminal laws duly enacted by the City, state, and federal governments. The Department may operate a City jail and shall enforce parking, animal control, and nuisance laws. The Department shall further perform such other duties and functions as may be delegated to it by the ~~City Manager~~ Mayor and City Council, consistent with law. ~~RCW 35.21.160.~~

Section 14. SMC Section 2.82.020 entitled "Chief of Police" is hereby amended to read as follows:

> The Chief of Police shall be the commander and administrative head of the Public Safety Department, and shall also be responsible for the City's contract for fire protection and emergency medical services with Snohomish County Fire District #4. The Chief shall be responsible~~, through the City Manager,~~ to the Mayor and City Council. Eligibility requirements for the position shall generally be established by contract, written job description, and by direction of the Mayor ~~City Manager~~ and City Council, and shall be consistent with the criteria specified in RCW 35.21.333. In the absence of the Chief of Police, the command of the department shall be assumed by the next highest ranking officer of the department unless otherwise specified by written directive from the Chief of Police.

Section 15. SMC Section 2.86.040 entitled "Emergency or Disaster – Defined" is hereby amended to read as follows:

"Emergency or Disaster" as used in this chapter shall mean an event or set of

circumstances which: (a) demands immediate action to preserve public health, protect life, protect property, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences, or (b) reaches such a dimension or degree of destructiveness as to warrant the City Council or ~~City Manager~~ Mayor proclaiming the existence of a disaster or emergency or the Governor declaring a state of emergency in accordance with appropriate local and State statute.

Section 16. SMC Section 2.86.050 entitled "Emergency Management Coordinator Defined" is hereby amended to read as follows:

Under the direction of the ~~City Manager~~ Mayor, performs administrative and technical work in the development, implementation and coordination of the City's Emergency Management Program; the City's Comprehensive Emergency Management Plan; coordinates and acts as liaison for the City's disaster recovery efforts; oversees the disaster training, exercises and public awareness programs; and performs related duties as assigned. The Chief of Police, or their designee, shall be the Emergency Management Coordinator for the City of Snohomish. Where the Chief of Police, or their designee is unavailable to act as the Emergency Management Coordinator during an event, the ~~City Manager~~ Mayor may designate City Staff to act in the Emergency Management Coordinator capacity.

Section 17. SMC Section 2.90.010 entitled "Definitions" is hereby amended to read as follows:

As used in this chapter, the following definition shall apply:

"Officials and employees" means all present or former elected City officials, including the Mayor and members of the City Council, together with the ~~City Manager~~ City Administrator, the City Attorney, the Director of Public Works, the City Clerk, the Police Chief, and all full-time and part-time employees of the City.

"Volunteers" means all present or former duly appointed members of the boards and commissions listed in SMC Chapters 2.12, 2.14, 2.16, 2.18, 2.19, 2.20, 2.22, 19.04, and part-time or reserve officers of the Snohomish Police Department.

Section 18. SMC Section 3.28.030 entitled "Competitive Bids for Sale of Real Property – Exception" is hereby amended to read as follows:

The City Clerk shall advertise for written competitive bids on any sale of real property except:

A. When selling to a government agency in which event the transfer shall be approved by the court or as otherwise provided by law;

B. When the value of the property to be sold is less than two hundred dollars;

C. When the real property is being traded or exchanged for real property and the appraised value of real property received by the City is equal to or greater than the appraised value of real property relinquished by the City, after compliance with the procedures in F below;

D. When the real property is City real property owned in fee that was acquired for or used for street purposes and the property is being traded, transferred or sold and equal value can be obtained, the real property is not subject to vacation under Chapter 12.48 SMC, and compliance with the procedures in F below occurs; and

E. When the Council setting forth the facts by resolution has declared an emergency to exist.

F. A trade or exchange under C, or a trade, exchange or sale under D shall be commenced by an application by the proposed transferee, exchangee or purchaser. Fees for such application shall be set by Council resolution. The proposed trade, exchange or sale shall be placed on a Council agenda for preliminary Council consideration and authority to proceed. If authority to proceed is approved, the properties shall be surveyed, and appraisals shall be obtained to determine the value of the real properties. The costs of such surveying and appraisals shall be borne by the applicant unless the Council authority to proceed specifies otherwise. Upon completion of surveying and appraisal, if at least equal value to the City is demonstrated, the City Council may approve a trade, exchange or sale and authorize the ~~City Manager~~ Mayor to sign such documents as are necessary to close the trade, exchange or sale subject to compliance with RCW 58.17 and Chapter 14.215 SMC. Property exchanged, traded, or sold under D that has no zoning or land use designation at the time of the transaction shall be regulated according to the same zoning or land use designation(s) as adopted for the abutting parcel.

Section 19. SMC Section 5.06.140 entitled "Delegation of Powers" is hereby amended to read as follows:

> Any right or power of the City may be delegated by the ~~City Manager~~ Mayor to any officer, employee, department, or board of the City or to such other person or entity as the City may designate to act on its behalf.

Section 20. SMC Section 5.10.020 entitled "Permit and Contract Requirements" is hereby amended to read as follows:

A. No person or organization shall conduct a special event without first having obtained a Special Event Permit from the City of Snohomish.

B. Those events of a scope not Administratively Approved by the ~~City Manager~~ Mayor or his/her designee will require entering into a Special Event Contract with the City of Snohomish. The form of the Special Event Contract is to be approved by the City Attorney.

C. When a special event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, the application shall be processed promptly,

without charging a fee for political or religious activities or imposing terms or conditions that infringe constitutional freedoms, and in a manner that respects the liberty of applicants and the public.

D. All permit applications shall be accompanied by an application fee to be set by resolution of the City Council; unless otherwise noted in this chapter.

Section 21. SMC Section 5.10.030 entitled "Permit Application" is hereby amended to read as follows:

An application for a Special Event Permit will be made in writing on forms provided by the office of the City Clerk and completed applications will be submitted to the City Clerk.

A Special Event Permit Application must be submitted sixty (60) days prior to the event. Exceptions to this requirement may be approved by the ~~City Manager~~ Mayor or his/her designee.

Section 22. SMC Section 5.10.040 entitled "Staff Review" is hereby amended to read as follows:

A. The application shall be received and date stamped at City Hall by the Economic Development Manager, who shall coordinate the process of City Department Review. Copies of the application shall be sent to the Staff Review Committee for comments. This Committee consists of the City Engineer, City Planner, City Clerk, Economic Development Manager, Public Works Manager, Building Official, Police Chief, and Fire Department Representative, or their designees. Preliminary staff comments shall be assembled from the Staff Review Committee. A Special Events Contract shall be drafted by the Economic Development Manager and reviewed by the ~~City Manager~~ Mayor or his/her designee and City Attorney. A copy will be forwarded to the applicant in a timely manner.

B. Any department head may recommend conditions that are considered necessary to protect the public health and safety. The Chief of Police or Chief's designee, Fire Chief, and Building Official shall each review the plan for the event and must approve the plans as amended by staff conditions.

C. The applicant shall have the opportunity to respond to all comments and conditions of the Permit and Special Events Contract either in writing or at a meeting with staff within a two-week period.

Section 23. SMC Section 5.30.050 entitled "License permit required – application contents" is hereby amended to read as follows:

A. No person, firm, or corporation shall operate within the city as a mobile food vendor without a valid business license according to the requirements of Chapter 5.02 SMC and a mobile food vendor license per this chapter. Application for a mobile food vendor license shall be made to the City Clerk, upon forms to be provided by the City Clerk. A mobile food vendor license shall not

be issued prior to submittal and approval of all items required in this section and a determination of compliance with all conditions of license approval.

B. A mobile vendor license may be suspended or revoked in writing by the ~~City Manager~~ Mayor or his/her designee for any of the following reasons:

1. Any fraud, misrepresentation or false statement contained in the application for a license.

2. Any fraud, misrepresentation or false statement made in connection with the selling of products.

3. Any violation of this chapter.

4. Conviction of the licensee or operator of a felony or of a misdemeanor involving moral turpitude.

5. Conducting a business licensed under this chapter in an unlawful manor or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

C. The application for a mobile food vendor license shall state the name and address of the applicant and the vehicle license number from which the applicant proposes to conduct business.

D. Such application shall be accompanied with the license fee as provided for in the current fee resolution, together with a photocopy of a valid motor vehicle operator's license for all operators, proof of automobile liability insurance coverage in an amount acceptable to the risk manager for the city, and evidence of a Washington State Department of Revenue business registration number.

E. In addition to the foregoing requirements, mobile food vendors shall:

1. Provide documentation that the vending unit has been approved by the State of Washington Department of Labor and Industries.

2. Provide evidence of current State of Washington vehicle registration.

3. Provide documentation of approval by the Snohomish County Health District of the vending unit.

4. Provide a written plan documenting appropriate disposal of wastewater generated by the vending unit.

5. Identify available toilet and hand washing facilities.

6. Provide written permission from the property owner(s) consenting to operation of the business on the owner's property, if operated on private property.

7. Provide a site plan depicting existing site improvements, ingress and egress location(s), the location of the vending unit, and, if on private property, the location of at least two spaces for customer parking.

Section 24. SMC Section 8.12.050 entitled "Special Rates and Special Services" is hereby amended to read as follows:

A. Residences and businesses desiring pickup of bulk rubbish or yard rubbish or solid waste in excess of the amounts allowed by regular collection, or in excess of the frequency of regular collection, shall use the City or contractor solid waste disposal service, and shall be required to pay for the additional services at rates specified by the ~~City Manager~~ Mayor if the City operates the utility or by the contractor if the utility is operated by contract; provided, however, that if the utility is provided by contract the solid waste service board may review and adjust charges made for special services upon receipt of an application for review of charges from the customer.

B. The City or the contractor may provide special services and/or special rates for low income senior citizens or low income disabled persons. Applications for special services or special rates shall be approved only if the applicant meets the criteria established by the City Council or, at the election of the City Council, criteria established by the solid waste service board. Applications for special rates or special services shall be made to the ~~City Manager~~ Mayor or his/her designee, and appeals from the decision of the ~~City Manager~~ Mayor or his/her designee shall be made to the Utility Hearing Examiner.

Section 25. SMC Section 8.12.060 entitled "Solid Waste Service Board Established – Special Rate Determination" is hereby amended to read as follows:

A. If the City solid waste utility is run by contract there shall be established a solid waste service board which shall be composed of five members, one of whom shall be an owner of the contractor, one of whom shall be appointed by the contractor, one of whom shall be a City Council person, one of whom shall be a City employee selected by the ~~City Manager~~ Mayor, and one of whom shall be appointed by the City Council. The decision of the majority of the board shall be binding.

B. When the utility is run by contract, the solid waste service board shall make the final determination with respect to rates charged for special services and with respect to applications for special rates or special services from low income senior citizens and low income handicapped.

Section 26. SMC Section 8.12.100 entitled "Administration" is hereby amended to read as follows:

The administration of the disposal and hauling of solid waste in the City shall be under the

supervision of the ~~City Manager~~ Mayor; provided, that the ~~City Manager~~ Mayor may delegate the duty of administration to the Director of Public Works.

Section 27. SMC Section 8.12.110 entitled "Container Requirements" is hereby amended to read as follows:

A. Required. It shall be the duty of every person in possession, charge, or control of any single family dwelling, multiple dwelling, commercial establishment, or public agency where solid waste is created or accumulated, at all times to keep or cause to be kept portable containers as described herein, and to deposit or cause to be deposited said solid waste therein.

B. Waste containers shall be provided as follows:

1. Single family. For single family buildings and duplex residential buildings, household refuse containers shall be provided by the owner or occupant and shall not be more than thirty gallons, fitted with two handles and a tight cover with a handle.

2. Multifamily. Multifamily dwelling units shall be furnished with and charged for at least one thirty gallon container per unit. Such container is to be furnished by the owner and/or occupants, provided that bulk containers may be used at the request of the owner.

3. Commercial. Commercial users generating solid waste may be required to use bulk refuse containers. If the City operates the utility, the type of container used for commercial accounts shall be determined by the ~~City Manager~~ Mayor or his/her designee, with appeal from the decision being to the City utilities hearing examiner. If the utility is operated by the City by contract, the type of container used for commercial accounts shall be determined by the contractor, with appeal from the decision being to the solid waste service board.

C. Maximum Weight. Solid waste containers not designated for lifting by mechanical means shall have a maximum gross weight of seventy five pounds.

D. Container Identification. All solid waste containers shall bear the address of the premises served by the container in permanent lettering with a minimum height of three inches.

E. Location. No container shall be kept or stored within the confines of any street or public alley in a residential area. In blocks in which there are alleys, such containers shall be kept on private property in a convenient and accessible location adjacent to such alley. In blocks in which there are no alleys, such containers shall be kept on private property without interfering with the reasonable enjoyment of such private property or adjoining property. On the day that solid waste is normally collected, containers shall be placed in a readily accessible location not farther than ten feet from the traveled roadway.

F. Mobile Home Parks. Mobile home parks shall be required to provide central storage areas throughout the mobile home park for the location of solid waste containers. Containers shall be located so that no mobile home is more than one hundred fifty feet from the closest container.

G. Special Containers. All solid waste containers, other than those can type containers used principally for residential purposes, will be provided and maintained by the City if the City provides the solid waste disposal service or by the contractor if the contractor provides the solid waste disposal service. The rates schedule established by resolution by the City Council shall include the charge for use of such containers.

H. Deteriorated Containers. Containers that have deteriorated to the extent of being hazardous to the collectors in handling such containers, or to the extent that lids will not fit tightly or securely, or are so badly damaged and bent that they will not allow free discharge of the solid waste or do not meet the general specifications of this chapter will be replaced by the owner of the container.

I. Frequency of Collection. Residential solid waste collection service shall be provided on a weekly basis. The customer and the Director of Public Works if the City provides the service, or the contractor if the contractor provides the service, shall determine the frequency of collection required for accounts other than residential accounts; provided, that disputes regarding the frequency of service required shall be resolved by the City utility hearing examiner if the utility is operated by the City or by the solid waste service board if the utility is operated by a contractor.

Section 28. SMC Section 8.12.170 entitled "Inspection Authorized, Abatement of Nuisance is hereby amended to read as follows:

> The ~~City Manager~~ Mayor or his/her designee shall have the power to enter upon private property at reasonable times for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this chapter. Should the ~~City Manager~~ Mayor or his/her designee determine that there exist accumulations of solid waste detrimental to the public health, and in violation of the requirements of this chapter, the ~~City Manager~~ Mayor may cause the solid waste to be removed at the expense of the owner of the property upon which the nuisance is found.

Section 29. SMC Section 8.12.180 entitled "Violations – Notice" is hereby amended to read as follows:

Whenever the ~~City Manager~~ Mayor or his/her designee may determine that there is a violation of any provision of this chapter, notice shall be given to the owner and/or occupant of the premises upon which the alleged violation has occurred. Such notice shall state the nature of the violation and a reasonable time for correcting such violation. Such notice shall be given by personal service or by certified mail, return receipt requested.

Section 30. SMC Section 9.94.010 entitled "Definitions" is hereby amended to read as follows:

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

"Abate" means to repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this Chapter by such means and 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.

"Building materials" means and includes lumber, plumbing materials, wallboard, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing material, cans of paint, and similar materials.

"Enforcement Officer" means the ~~City Manager~~ Mayor of the City of Snohomish or his or her designee.

"Owner" means and includes any agent, lessee, owner, tenant, or other person occupying or having charge or control of any premises. An owner or agent is deemed to have control if he or she has actual or constructive knowledge of the maintenance upon the premises of any nuisance as defined in this Chapter.

"Person" means and includes, individual, firm, partnership, corporation, and all associations of natural persons, whether acting by themselves or by an agent or employee.

"Premises" means any building, lot, parcel, real estate, or land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips and any lake, river, stream, drainage way, or wetland.

Section 31. SMC Section 9.96.040 entitled "Graffiti – Notice of Removal" is hereby amended to read as follows:

A. Whenever graffiti exists and is visible to any person of normal eyesight utilizing any public road, parkway, alley, sidewalk, or other facility open to the general public, the responsible person shall abate such graffiti nuisance within 48 hours of the placement of such graffiti.

B. Whenever the responsible party fails to abate and remove graffiti as set forth in (A) above, and whenever the ~~City Manager~~ Mayor or his/her designated representative determines that graffiti exists, a notice shall be issued to the responsible person to abate the nuisance by a stated deadline which shall be no more than 48 hours after the date of the notice unless weather or seasonal conditions require a longer deadline.

C. The giving of notice as required by this section shall be accomplished by providing the notice to the responsible party in any one of the following ways:

1. By personal service on the responsible party;

2. By registered or certified mail, postage prepaid, properly addressed and mailed to the last known address of the responsible party and to the address of the party.

D. The notice shall be as established by the Chief of Police. The notice shall include a list of community resources and references where the property owner may seek assistance in the eradication of graffiti.

Section 26. SMC Section 11.04.015 entitled "Establish the Traffic Violations Bureau" is hereby amended to read as follows:

There is hereby established pursuant to RCW 3.30.090 a Traffic Violations Bureau for the City of Snohomish, Washington.

The Traffic Violations Bureau herein established shall operate under the supervision of the Evergreen District Court to assist the court in processing traffic infractions. This ordinance shall confer authority upon the court in conjunction with jurisdictions and authority otherwise available to allow any and all traffic infractions issued by the City of Snohomish to be processed through the City of Snohomish Traffic Violations Bureau. Any traffic infraction may be by virtue of a City of Snohomish enactment, designated a traffic infraction which may be processed through the City of Snohomish Traffic Violations Bureau.

The Traffic Violations Bureau herein established shall be in conformance with Chapter 46.63 RCW and RCW 3.30.090. The Traffic Violations Bureau so established shall receive the posting of penalties for traffic infractions to the extent authorized by the Evergreen District court. The Traffic Violations Bureau shall issue a receipt therefore to the alleged violator acknowledging the posting thereof.

All penalties and to the City of Snohomish Traffic Violations Bureau shall be placed in the City General Fund.

The ~~City Manager~~ Mayor shall appoint a Traffic Violation Bureau clerk, as approved by the Presiding Judge, who shall perform all duties assigned to the Traffic Violations Bureau.

If any part or portion of this ordinance shall be declared invalid for any reason, such declaration of invalidity shall not affect any remaining part or portions. This ordinance shall take effect five (5) days after publication by posting as required by law.

Section 27. SMC Section 13.04.130 entitled "Public Assembly" is hereby amended to read as follows:

It is unlawful to hold or participate in any assembly of any nature of more than one hundred people in any park without the written permission of the ~~City Manager~~ Mayor or an approved Special Event Permit pursuant to SMC Chapter 5.10 to do so.

Section 28. SMC Section 13.04.155 entitled "Scheduling Park Spaces and Facilities" is hereby amended to read as follows:

The ~~City Manager~~ Mayor, or designee, shall be authorized to schedule the use of sports fields at City parks and the main structure at Hill Park. The following process shall be used:

A. Scheduling sports fields. By March 31st of each year, the Snohomish Parks and Recreation Board will review and approve a yearly field schedule for organized youth sports teams. The Parks and Recreation Board will adopt rules, forms, and deadlines for the determination of field scheduling. The ~~City Manager~~ Mayor, or designee, shall be responsible to ensure that sufficient time is available for general or non-scheduled public use of sports fields consistent with state and federal grants.

B. Scheduling the main Hill Park structure. Starting January 1st of each year, community nonprofit organizations, using the Special Event Permit process defined in Chapter 5.10 SMC, can schedule the use of the main Hill Park structure for community events open to the general public.

Starting February 1st of each year, private citizens, groups, or organizations can schedule the use of the main Hill Park structure for private functions. Groups, organizations, or private citizens, other than community nonprofit organizations who schedule use that is open to the general public, shall be limited to two (2) reservations per year.

C. The ~~City Manager~~ Mayor, or designee, consulting with the Snohomish Parks and Recreation Board, shall have the authority to develop rules to administer scheduling or reserving City facilities.

D. All other park spaces and facilities shall be provided to the general public on a first-come, first-served basis under the provisions provided by the Snohomish Municipal Code.

E. Any fees associated with park or park shelter usage shall be set by resolution of the City Council.

Section 29. SMC Section 14.237.030 entitled "Exempt Activities" is hereby amended to read as follows:

The following activities are exempt from the requirements for a permit:

A. Agricultural management of existing farmed areas.

B. Routine landscape maintenance of existing landscaped areas totaling less than 1,000 square feet on developed lots and other activities associated with maintaining an already established landscape.

C. Work needed to correct an immediate danger to life or property in an emergency situation as declared by the Mayor or ~~the City Manager or~~ his/her ~~their~~ designee.

D. Cemetery graves.

E. Work, when approved by the City Engineer, in an isolated self-contained area, if there is no danger or impact to public or private property.

Section 30. SMC Section 14.04.127 entitled "Payment Plan for Utility Connection and Capital Facility Charges for Low Income Senior Citizen and Disabled Persons" is hereby amended to read as follows:

A. Definitions.

1. "Low Income Household" means a household in which the total annual income is below the very low income level for the Seattle/Everett area as established and amended by survey from time to time by the United States Department of Housing and Urban Development.

2. "Senior Citizen" means a person 62 years of age or older.

3. "Disabled Person" means a person with a physical or mental impairment that substantially limits one or more major life activities, such as walking, seeing, hearing, speaking, learning, performing manual tasks, caring for oneself, et cetera.

B. Payment Plan for Utility Connection and Capital Facility Charges allowed. Low-income households in which the principal financial resources are provided by a person meeting the above definition of a low-income senior citizen or a disabled person may apply to defer the payment of Utility Connection and Capital Facility Fees. The application shall be made upon forms furnished by the City and approved or denied by the ~~City Manager~~ Mayor or his/her designee. As a condition of approving such application, customers will be required to authorize or consent to a lien for the amount of the Utility Connection and Capital Facility Fees and such lien will be recorded with the County Assessor. Payment of the lien shall be required on the sale or refinance of the property.

A low-income senior or disabled person is required to annually re-qualify for the deferral program on a form designated by the ~~City Manager~~ Mayor or his/her designee. Should the program participant fail to re-qualify, payment of the Utility Connection and Capital Facility Fee shall be due and payable ninety days from written notice by the City.

Customers requiring services in excess of a 5/8-inch single family residential service shall not qualify for a deferral of the Utility Connection or Capital Facility Fees regardless of income.

Appeals of the determination of the ~~City Manager~~ Mayor or his/her designee shall be to the Utility Hearing Examiner. The Hearing Examiner's decision shall be limited to determining whether the applicant meets the qualifying criteria established by this ordinance. The decision of the Utility Hearing Examiner shall be final.

Section 31. SMC Section 15.05.010 entitled "Utilities billings – Definitions" is hereby amended to read as follows:

A. "Combined utility billing" means as follows: If the City operates the solid waste collection and disposal utility, the City will render a "combined utility billing" consisting of a bill for water, sewer, solid waste and/or other utility services provided by the City. Capital improvement charges, meter charges, connection charges or other similar charges may be included in the combined utility billing.

B. "Contractor utility billing" means a bill to a City consumer of solid waste or other contractor provided City utility services.

C. "Customer" means a regularly billed consumer of City utility services at the billing address as shown in the files of the City Finance Department.

D. "Utility hearing examiner" means a person who may be, but need not be, a City employee, designated by the ~~City Manager~~ Mayor to hear and decide billing disputes between customers and the City.

Section 32. SMC Section 15.17.090 entitled "City Council Determination of Reimbursement Charge and Area" is hereby amended to read as follows:

After the hearing, the City Council shall by motion, approve, disapprove, or modify the recommended reimbursement charge and area. The motion approving or modifying the recommended reimbursement charge and area shall also authorize the ~~City Manager~~ Mayor to sign and execute the latecomer reimbursement agreement, including any amendment to or modifications of the agreement necessary to reflect the Council's decision. The City Council decision by motion shall be the final action of the City on the reimbursement charge and area.

Section 33. SMC Section 19.04.030 entitled "Department of Building Safety Established" is hereby amended to read as follows:

There is established in the City the Department of Building Safety and shall be under the administration and operational control of the Building/Fire Official as approved by the ~~City Manager~~ Mayor. The Building/Fire Official shall have the power and duties as set forth in this chapter and as set forth in the model codes adopted by reference in this chapter. The Department of Building Safety shall be the "administrative agency" or "authority having jurisdiction" as may be referenced in any code adopted, except where regulated or governed by another agency.

Section 34. SMC Section 19.04.040 [A] 111.3 is hereby amended to read as follows (all other provisions of this section remain unchanged and in full force and effect):

...

Section [A] 111.3 Temporary Occupancy is amended by the addition of the following paragraph:

All requirements imposed or conditions of permit approval must be completed and approved by the City before the Building/Fire Official will grant occupancy

of a building or structure. Temporary certificates of occupancy or temporary occupancy will not be approved by the Building/Fire Official without first obtaining the approval of the Planning and Development Services Director or ~~City Manager~~ Mayor.

...

Section 35. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 36. Effective Date. This ordinance shall take effect five days after the date of its publication by summary and passage.

ADOPTED by the City Council and APPROVED by the Mayor this 5th day of December 2017.

CITY OF SNOHOMISH

By John T. Kartak
John Kartak, Mayor

ATTEST:

By
Pat Adams, City Clerk

APPROVED AS TO FORM:

By
Grant K. Weed, City Attorney

Date of Publication: 12-9-17

Effective Date: 12-14-17