

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2340**

**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 AMENDING SMC SECTIONS 2.27.010, 2.86.070, 2.86.080, 2.86.090, 3.22.060, 5.02.040, 5.02.110, 5.02.120, 5.10.060, 5.52.020(F), 5.52.120, 5.52.130, 5.53.100, 5.53.110, 5.54.040, 7.12.040, 11.08.360, 11.10.020, 11.12.030, 11.12.060, 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 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;

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

**Section 1.** SMC Section 2.27.010 entitled “Authority of Police Chief – Written Recommendation/Objection” is amended to read as follows:

The City Council hereby delegates to the Snohomish Police Chief or his/her designee authority to make written recommendations and objections regarding liquor license applications, following review and approval by the City Administrator, and as appropriate and necessary, to request a hearing before the Liquor Control Board. The Council delegates to the Chief of Police, following review and approval by the City Administrator, final authority regarding submittal to the Liquor Control Board of the City’s recommended approval or objection to a liquor license application or renewal thereof.

**Section 2.** SMC Section 2.86.070 entitled “Emergency Management Organization” is hereby amended to read as follows:

The Emergency Management Organization of the City of Snohomish is hereby created, and shall consist of:

A. The City of Snohomish has the authority and responsibility to respond and direct disaster operations within its borders pursuant the adopted Comprehensive Emergency Management Plan Annex (SNO-CEMP).

B. The Mayor shall be the administrative head of, and have direct responsibility for, the organization, administration, and operation of the Emergency Management Organization and Program for the City of Snohomish and for the emergency operations of the City.

C. The Emergency Management Coordinator shall develop and maintain the Comprehensive Emergency Management Plan Annex (SNO-CEMP), and shall have such other duties as may be assigned by the Mayor or as provided in the approved SNO-CEMP.

D. The City Council, during emergency operations, provides guidance to the Mayor on matters of public policy, budget authorizations and emergency declarations and other matters as they may arise.

**Section 3.** SMC Section 2.86.080 entitled “City Manager Duties and Powers” is hereby amended to be entitled “Mayor Duties and Powers” and to read as follows:

**2.86.080 Mayor Duties and Powers**

The Mayor is hereby empowered to:

A. Request the City Council to proclaim or declare the existence, or threatened existence, of a disaster or emergency and the termination thereof, or if the City Council is not in session or unavailable, the Mayor may issue such proclamation or declaration of disaster or emergency, subject to confirmation by the City Council at the earliest practicable time if necessary;

B. Direct coordination and cooperation between departments and staff in carrying out the provisions of the Comprehensive Emergency Management Plan Annex (SNO-CEMP), and to resolve questions of authority and responsibility that may arise;

C. Preserve and provide the continuity of the administrative and executive branch of government pursuant Section 35A.12.100 RCW;

D. Prepare amendments and revisions to the SNO- mutual aid plans and agreements and other matters that require City Council authorization, approval and/or adoption;

E. In the event of the proclamation of a disaster as herein provided, or the proclamation of a state of extreme emergency by the Governor or the State Director of Emergency Management, the Mayor is hereby empowered:

1. 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 must be reported at the earliest practicable time to the City Council;

2. 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 where applicable to bind the City for the fair value thereof, and, if required immediately, to commandeer the same for public use:

- a. To control and direct the efforts of the Emergency Management organization of this city for the accomplishment of the purposes of this chapter;
- b. To require emergency services of any City officer or employee, and in the event of the proclamation of a state of extreme emergency by the Governor in the region in which their city is located, to command the aid of as many citizens of the city as may be deemed necessary in the execution of the Mayor\_duties; such persons to be entitled to all privileges, benefits, and immunities as are provided by State law for registered emergency workers, pursuant to RCW 38.52;
- c. To requisition necessary personnel or material of any City department or agency;
- d. To execute all of the special powers conferred upon the Mayor\_by this chapter, or by any other statute, agreement, or lawful authority, as necessary.

**Section 4.** SMC Section 2.86.090 entitled “City Manager Succession” is hereby amended to be entitled “Mayor Succession” and read as follows:

For the purpose of the City of Snohomish Emergency Management Program, the issuance of emergency proclamations, and the performance of duties as outlined in Section 2.86.080, the order of succession shall be:

- A. Mayor, if incapacitated or unavailable; then
- B. Council President\_by if incapacitated or unavailable; then
- C. City Administrator, if incapacitated or unavailable; then
- D. Finance Director, if incapacitated or unavailable; then
- E. Planning Director.

**Section 5.** SMC Section 3.22.060 entitled “Contract with Department of Revenue” is hereby amended to read as follows:

The Mayor is hereby authorized to execute a contract with the Department of Revenue with the State of Washington for the administration and collection of the tax imposed by Section 3.22.010, provided that the City Attorney shall first approve the form and content of said contract.

**Section 6.** SMC Section 5.02.040 entitled “Application Procedure” is hereby amended to read as follows:

A. No business license shall be issued except upon written application made to the City Clerk. Each application shall be signed by the person who intends to conduct, operate, or engage in the business for which the license is to be issued, and shall state the nature of the business, its proposed address and telephone number, the names and addresses of all owners of the business (or their registered agent), and such other information as may be required by the City Clerk. A non-refundable application fee, in an amount equal to the annual license fee, shall accompany the application. In the event that the license is granted, the application fee shall be credited toward payment of the annual license fee.

B. If the applicant is a partnership, the application must be made and signed by one of the partners; if a corporation, by one of the officers thereof; if a foreign corporation, partnership or non-resident individual, by the resident agent or local manager of the corporation, partnership, or individual.

C. The City Clerk shall forward copies of all applications to appropriate City officials for their endorsements thereon as to compliance by the applicant with all City regulations under their jurisdiction. Based upon such endorsements, and based upon the City Clerk's investigation into all matters deemed necessary and appropriate, the City Clerk shall approve or deny the license application within thirty (30) days of the same being submitted.

D. If an application is denied, the reason for denial shall be stated in writing. The applicant shall have a period of ten (10) days after a license denial to appeal the same to the Mayor. Upon receiving such an appeal, the Mayor or his/her designee shall hold a public hearing to consider whether or not the license should be issued. The applicant shall be given not less than seven (7) days advance notice of the hearing. The decision of the Mayor or his/her designee shall be final, subject only to an appeal filed with the Snohomish County Superior Court within fourteen (14) days following the date of such decision.

E. Neither the filing of an application for a license or the renewal thereof, nor any payment of any application or renewal fee, shall authorize a person to engage in or conduct a business until such license has been granted or renewed.

**Section 7.** SMC Section 5.02.110 entitled "Revocation or Suspension of License – Grounds" is hereby amended to read as follows:

The Mayor or his/her designee may, at any time, suspend or revoke any license issued under the provisions of this chapter whenever the licensee, or any manager, officer, director, agent, or employee of the licensee has caused, permitted, or knowingly done any of the following:

A. Violated any federal, state, or City statute, law, regulation, or ordinance upon the business premises, or in connection with the business operation, whether or not any party has been convicted in any court of competent jurisdiction of such violation; or

B. Conducted, engaged in, or operated the business on the premises in the City which does not conform to the ordinance of the City; or

C. Engaged in unfair or deceptive acts or practices in conduct of the business, or operated the business in such a manner as to constitute a public nuisance; or

D. Made any false statement or representation, or failed to disclose any material information to the City in connection with obtaining the business license or any renewal thereof; or

E. Failed to pay within 90 days of the date due any tax imposed by the City and payable to the City by the licensee.

**Section 8.** SMC Section 5.02.120 entitled “Hearing Required” is hereby amended to read as follows:

Whenever the Mayor or his/her designee determines that there may be cause for suspending or revoking any license issued pursuant to this chapter, the Mayor or his/her designee shall notify the person holding said license by registered or certified mail, return receipt requested, of his determination. Notice mailed to the address on the license shall be deemed received three (3) days after mailing. The notice shall specify the grounds for suspension or revocation. The notice shall also specify that a hearing shall be conducted by the Hearing Examiner at a time and date denominated in the notice to determine whether or not the license should be suspended or revoked. The notice shall be mailed to the licensee at least seven (7) days prior to the date set for the hearing. The licensee may appear at the hearing and be heard in opposition to such suspension or revocation. The decision of the Hearing Examiner shall be final, subject only to an appeal filed with the Snohomish County Superior Court within fourteen (14) days following the date of such decision.

**Section 9.** SMC Section 5.10.060 entitled “Approval” is hereby amended to read as follows:

A. Approval by the Mayor or his/her designee. Administrative approval for events of one day or less, contained on a single site or involving minor interruption of normal traffic flow.

B. Approval by the City Council. All Special Event Permits not Administratively Approved by the Mayor or his/her designee and all Special Event Contracts shall be placed on the City Council agenda with the staff report for final action.

C. The City may condition the issuance of a special events permit by imposing reasonable requirements concerning the time, place, and manner of the event, and such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic.

1. The following conditions apply to all special events permits:
  - a. Alteration of the time, place, and manner of the event proposed on the application.

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

c. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of the street or right-of-way.

2. Conditions on special events permits not protected under the First and Fourteenth Amendments of the U.S. Constitution, may include, but are not limited to:

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

b. Requirements for the provision of first aid or sanitary facilities.

c. Requirements for use of event monitors and providing notice of permit conditions to event participants.

d. Restrictions on the number and type of vehicles, animals, or structures at the event, and inspection and approval of floats, structures, and decorated vehicles for safety.

e. Compliance with animal protection ordinances and laws.

f. Requirements for use of garbage containers, cleanup, and restoration of City property.

g. Restrictions on the use of amplified sound and compliance with noise ordinances, regulations, and laws.

h. Notice to residents and/or businesses regarding any activity which would require street closure.

i. Restrictions on the sale and/or consumption of alcohol.

j. Elimination of an activity which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability to the City.

k. Requirements regarding the use of City personnel and equipment.

l. Compliance with any other applicable federal, state, or local law or regulation, including the other provisions of this Chapter.

m. Payment to the City of the cost of providing 2 police officers per 1,000 attendees; provided that:

i. Said number of police officers may be increased or decreased by the Chief of Police in accordance with the Chief's written assessment of the

event's public safety risks based on past experience with the special event in question or with similar events; and

ii. Special Event Sponsor at their expense must hire off duty uniformed deputies for security and traffic control from the Snohomish County Deputy Sheriff's Association; and

iii. For City sponsored special events, the City's financial contribution to the event may include the City absorbing some or all of the cost of providing said number of police officers.

n. Event Sponsor is authorized to control the event parking for traffic control, event staging, and configuration. Where appropriate, the Event Sponsor shall clearly post temporary parking restriction/ no-parking signs applicable for the Event. Where appropriate, Event Sponsor is authorized and responsible to arrange for the towing of vehicles violating the posted Event parking restrictions. Event Sponsor may use the tow company of their own choosing for Event towing purposes. Event Sponsor shall be responsible for all towing appeals made by the Event Sponsor. Event Sponsor shall indemnify, defend, and hold the City harmless for all costs and damages related to Event Sponsor tows.

**Section 10.** SMC Section 5.52.020(F) entitled "Books-Records" is hereby amended to read as follows (all other provisions of this section remain in full force and effect):

...

F. "Amusement game" means a game played for entertainment in which:

1. The contestant actively participates,
2. The outcome depends in a material degree upon the skill of the contestant,
3. Only merchandise prizes are awarded,
4. The outcome is not in the control of the operator,
5. The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game, and
6. Said game is conducted by, sponsored by, or on behalf of a bona fide charitable or nonprofit organization, said game is part of a community-wide civic festival held not more than once annually and sponsored or approved by the City, and said game is conducted with the written approval of the Mayor or his/her designee

...

**Section 11.** SMC Section 5.52.120 entitled “Appeal to City Council” is hereby amended to read as follows:

Any taxpayer aggrieved by the amount of the tax found by the City Finance Officer to be required under the provisions of this chapter may appeal to the City Council from such finding by filing a written notice of appeal with the City Finance Officer within five days from the time such taxpayer was given notice of such amount. The City Finance Officer shall, as soon as practicable, fix a time and place for the hearing of such appeal, which time shall be not more than ten days after the filing of the notice of appeal, and he/she shall cause a notice of hearing, and a notice of the time and place thereof to be mailed to the applicant. At such hearing, the taxpayer shall be entitled to be heard and to introduce evidence in his/her own behalf. The City Council shall thereupon ascertain the correct amount of the tax by resolution and the City Finance Officer shall immediately notify the appellant thereof by mail, which amount, together with costs of the appeal, if appellant is unsuccessful therein, must be paid within ten (10) days after such notice is given.

The Mayor may, by subpoena, require the attendance thereat of any person, and may also require him/her to produce any pertinent books and records. Any person 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 Mayor 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.

**Section 12.** SMC Section 5.52.130 entitled “City Manager to Make Rules” is hereby amended to be entitled “Mayor to Make Rules” and read as follows:

**5.52.130 Mayor to Make Rules**

The Mayor shall have the power, and it shall be his/her duty, from time to time, to adopt, publish, and enforce rules and regulations not inconsistent with this chapter or with law for the purpose of carrying out the provisions hereof, and it shall be unlawful to violate or fail to comply with any such rule

**Section 13.** SMC Section 5.53.100 entitled “Appeal to City Council” is hereby amended to read as follows:

Any taxpayer aggrieved by the amount of the tax found by the City Finance Officer to be required under the provisions of this chapter may appeal to the City Council from such finding by filing a written notice of appeal with the City Finance Officer within five days from the time such taxpayer was given notice of such amount. The City Finance Officer shall, as soon as practicable, fix a time and place for the hearing of such appeal, which time shall be not more than ten days after the filing of the notice of appeal, and he/she shall cause a notice of hearing, and a notice of the time and place thereof to be mailed to the applicant. At such hearing, the taxpayer shall be entitled to be heard and to introduce evidence in his/her own behalf. The City



Council shall thereupon ascertain the correct amount of the tax by resolution and the City Finance Officer shall immediately notify the appellant thereof by mail, which amount, together with costs of the appeal, if appellant is unsuccessful therein, must be paid within ten (10) days after such notice is given.

The Mayor may, by subpoena, require the attendance thereat of any person, and may also require him/her to produce any pertinent books and records. Any person 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 Mayor 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.

**Section 14.** SMC Section 5.53.110 entitled “City Manager to Make Rules” is hereby amended to be entitled “Mayor to Make Rules” and read as follows:

**5.53.110 Mayor to Make Rules**

The Mayor shall have the power, and it shall be his/her duty, from time to time, to adopt, publish, and enforce rules and regulations not inconsistent with this chapter or with law for the purpose of carrying out the provisions hereof, and it shall be unlawful to violate or fail to comply with any such rule

**Section 15.** SMC Section 5.54.040 entitled “Action by City Council or designee” is hereby amended to read as follows:

After a completed permit application is received, the City Council or its designee shall grant the permit, if the application meets the standards under Ch. 70.77 RCW and Ch. 5.54 SMC. The permit shall be granted by June 10th, or no less than 30 days after receipt of a complete application, whichever occurs first. The City Council may designate the Mayor as the approval authority for fireworks permits under this Chapter. The decision of the City with respect to an application shall be final.

**Section 16.** SMC Section 7.12.040 entitled “Shelter Operation” is hereby amended to read as follows:

A. The shelter manager shall operate, maintain, or provide an adequate facility to receive and care for any animal delivered to his/her custody for disposition under the provisions of this chapter, which facility shall be accessible to the public during reasonable hours for the conduct of necessary business concerning impounded animals.

B. The City Council may authorize the Mayor to contract with another agency or entity for impoundment and shelter services.

**Section 17.** SMC Section 11.08.360 entitled “Parking Administrative Hearing Examiner” is hereby amended to read as follows:

A. Office--Created. There is created the Office of the Parking Administrative Hearing Examiner of the City.

B. Office--Part-time--Remuneration. The Office of the Hearing Examiner shall be part-time and remunerated by personal service contract.

C. Appointment. The Hearing Examiner shall be appointed by the Mayor.

D. Jurisdiction. The Hearing Examiner will be responsible for presiding over all hearings required by this chapter as well as other additional administrative matters over which he/she may be requested to preside.

E. Powers. The Hearing Examiner shall have the power to:

1. Administer oaths and affirmations, examine witnesses and receive evidence;
2. Issue subpoenas upon the request of any party. The City Treasurer, his/her designated agent, the City Attorney and the attorney of record are also authorized to issue subpoenas. When so required, the applicant for the subpoena shall show to the satisfaction of said individual the general relevance and reasonable scope of the evidence sought;
3. Rule on offers of proof and receive relevant evidence;
4. Regulate the course of the hearing, including imposition of penalties for disruption of the orderly process or refusal to comply with lawful orders of the Hearing Examiner;
5. Hold conferences for the settlement or simplification of the issues by consent of the parties;
6. Make decisions which can be incorporated into findings of fact, conclusions of law and order of the Hearing Examiner and enter orders of default and consent orders;
7. Appoint a pro-tem to act in the Hearing Examiner's absence; and
8. Establish rules and procedures to conduct hearings consistent herewith.

F. Contested Cases. In contested cases:

1. The Hearing Examiner may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. The Hearing Examiner shall give effect to the rules of privilege recognized by law. The Hearing Examiner may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.
2. All evidence including, but not limited to, records and documents in the possession of the Hearing Examiner of which he/she desires to avail himself/herself shall be offered

and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.

3. Every party shall have the right of cross examination of witnesses who testify and shall have the right to submit rebuttal evidence.

4. The Hearing Examiner may take notice of judicially cognizable facts.

G. Notice to be Given. The Hearing Examiner shall see that interested parties are given proper notice of hearings.

H. Judicial Review.

1. Any person, including the City, aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form, is entitled to review thereof in the Snohomish County superior court.

2. Proceedings for review under this chapter shall be instituted by filing a petition in superior court. All petitions shall be filed within thirty days after the final decision of the Hearing Examiner. Copies of the petition shall be served on the Mayor as in civil actions.

3. The filing of the petition shall not stay enforcement of the Hearing Examiner's decision except by order of the court and on posting of a bond to be determined by the court naming the City as beneficiary.

4. The review shall be conducted by the court without a jury. The review shall be de novo unless provided otherwise by ordinance.

5. The court may affirm the decision of the Hearing Examiner or remand the case for further proceedings; or it may reverse the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, interferences, conclusions or decisions are:

a. In violation of constitutional provisions, or

b. In excess of the statutory authority or jurisdiction of the Hearing Examiner.

**Section 18.** SMC Section 11.10.020 entitled "City Manager-Authority to Establish Time Limit Regulations for Tow-Away Zones" is hereby amended to be entitled "Mayor - Authority to Establish Time Limit Regulations for Tow-Away Zones" and read as follows:

The Mayor is empowered, in addition to those powers granted by other local or state law, to designate and establish the time periods applicable to said tow-away zone.

All areas established as tow-away zones and zones restricted to permit parking only shall be signed, posted or marked to clearly indicate that such area is a tow-away zone and shall clearly indicate the time periods applicable to such zones.

**Section 19.** SMC Section 11.12.030 entitled “Truck Travel off of Truck Routes” is hereby amended to read as follows:

Truck travel of off designated truck routes shall be limited to:

- A. Travel via the most direct route possible from a truck route to another location for the purpose of pickup, delivery, repair, or other necessary business;
- B. Travel via the most direct route possible from a truck route to a place of business by vehicles operated by that business, this exception shall not apply in cases where a residence is also a place of business;
- C. Travel allowed by a permit issued by the Mayor or his/her designee, pursuant to Section 11.12.040.

**Section 20.** SMC Section 11.12.060 entitled “Revocation of Permits” is hereby amended to read as follows:

- A. The Mayor or his/her designee, may revoke any special permit granted pursuant to this chapter upon reasonable cause being shown that:
  - 1. The permittee has violated the permit provisions; or
  - 2. Public safety and/or property are endangered by the continuation of the permit.
- B. The permittee shall be given notice of revocation in writing by personal service or by certified mail, return receipt requested.

**Section 21.** 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 22.** 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 4<sup>th</sup> day of September 2018.

CITY OF SNOHOMISH

By John T. Kartak  
John T. Kartak, Mayor

ATTEST:  
By Pat Adams  
Pat Adams, City Clerk

APPROVED AS TO FORM:  
By Grant K. Weed  
Grant K. Weed, City Attorney

Date of Publication: September 8, 2018

Effective Date: September 13, 2018