TEKOA MUNICIPAL CODE

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CHAPTER 1.04

CITY OFFICERS

Sections:

COMPILER'S NOTE: a) Code Section 2.16.040 provides for the appointment and duties of the City Equal Opportunity Officer. b) Code Section 4.52.100 (Ord. 6) also refers to a fire warden. No other ordinance creates or defines such a position.

1.04.010 - Clerk/Treasurer – Duties -- Bond. The offices of City Treasurer and the City Clerk are hereby combined. The combined office of Clerk/Treasurer shall be appointed by the Mayor, subject to a majority vote of the City Council, and shall be subject to all the laws applicable to appointive offices.

The title of the office shall be known and designated as "Office of the Clerk/Treasurer of the City of Tekoa," and the title of the appointive officer shall be designated as "Clerk/Treasurer of the City of Tekoa."

The Clerk/Treasurer and his or her duly appointed deputies and interns shall be the only persons authorized to handle City funds. In addition to the powers and duties prescribed by law for the City Clerk, the Clerk/Treasurer shall have and exercise all of the powers and duties prescribed by law for the City Treasurer. In all cases where the law requires the Treasurer to sign or execute any documents, it shall be necessary for the Clerk to sign as Treasurer, but shall be sufficient if the Clerk/Treasurer signs as Clerk.

Salary for the office shall be as set by ordinance. The Clerk/Treasurer shall be employed to work at least 160 hours per month, and shall receive all of the benefits provided by the City to full-time employees. The Clerk/Treasurer must be fully bonded at all times in an amount of not less than $30,000. The Clerk/Treasurer shall be encouraged to participate in the certification program now sponsored by the International Municipal Clerks Association, although such

participation shall not be considered a job requirement. (Ord. 552, §§1,2,3,4 & 6; 5/15/1978; Ord. 599, §3; 11/21/1988; Ord. 713, §1; 9/4/2001).

COMPILER'S NOTE: For additional duties of the clerk, see section 1.20.110.

1.04.020 - Deputy City Treasurer. There is hereby created an appointive office in the City of Tekoa known as the "Deputy City Clerk." It shall be the duty of the Deputy City Clerk to assist the City Clerk/Treasurer in the performance of the City Clerk/Treasurer's duties, and to act in the place of the City Clerk/Treasurer during his or her absence or inability to act. In addition, the Deputy City Clerk shall be responsible for all utility billings for the City.

The Deputy City Clerk shall be appointed by the Mayor, subject to confirmation by a majority vote of the City Council. The Deputy City Clerk shall be employed to work at least 135 hours per month, and shall be compensated on an hourly basis to be fixed from time-to-time by the City Council. The Deputy City Clerk shall also receive retirement benefits equivalent to those received by full-time employees of the City. The Deputy City Clerk must be fully bonded at all times in an amount of not less than $10,000. The Deputy City Clerk shall be encouraged to participate in the certification program now sponsored by the International Municipal Clerks Association, although such participation shall not be considered a job requirement. (Ord. 553, §1-4; 6/5/1978; Ord. 713, §2; 9/4/2001).

1.04.025 – Additional Deputy Clerks. In addition to the position of Deputy City Clerk established under §1.04.020, above, the City Clerk/Treasurer may from time-to-time appoint one or more deputies to assist the City Clerk/Treasurer and Deputy City Clerk, provided, such appointments shall be subject to approval by the Mayor and the City Council. Any such deputies shall be employed on a temporary, part-time basis, and shall receive such compensation as the City Council may from time-to-time fix. (Ord. 713, §2; 9/4/2001).

1.04.030 - Cemetery Sexton. There shall be appointed by the Mayor a competent and qualified person to act as cemetery sexton.

It shall be the duty of the cemetery sexton to assist all patrons of the cemetery to locate a suitable burial place, to open, dig and close all graves, to cultivate and seed to grass the cemetery grounds, to cut or pull the weeds, sprinkle the ground that is in the grass, keep the driveway in condition and to beautify the grounds under the direction of the cemetery committee, and to do and perform such other and further duties as the committee thereof may direct.

The cemetery sexton shall be available at all times when needed for necessary cemetery work. (Ord. 257, §§2,3,4: 7/1/1935).

The cemetery sexton shall receive as compensation the schedule fees fixed from time to time by the City Council for common labor for the actual time worked, to be paid each month by a warrant drawn on the cemetery fund. (Ord. 290, §1; 7/18/1941).

The sexton or other employee of the City as the Mayor may from time to time designate shall have absolute charge of the cemetery and is authorized to enforce the rules and regulations, to maintain order, to supervise and direct all visitors, drivers and workmen, to expel from the

cemetery grounds any person who violates the rules and to refuse admittance to any person, vehicle or material who or which does not conform to the rules and regulations. (Ord. 374, §: 3/17/1958).

1.04.040 - City Attorney. It shall be the duty of the City Attorney to be present at meetings of the Council; to advise the city officials in all matters pertaining to the business of the city; to draft all ordinances, resolutions, and all other necessary legal papers as may be required in the conduct of the business of the city by the Mayor and Council; and to appear, prosecute or defend any and all actions in which the city is a party upon request of the Mayor or Council so to do. (Ord. 116, §5; 2/17/1908).

1.04.050 - Health Officer. There shall be appointed annually by the Mayor a qualified physician to act as Health Officer.

It shall be the duty of the Health Officer to establish and maintain a strict quarantine of all persons suffering from any contagious or infectious disease; to disinfect and fumigate such premises so quarantined at the termination thereof; to enforce the laws of Washington and the Ordinances of Tekoa relative to health and sanitation; and to report all births and deaths within the limits of the City of Tekoa as required by the laws relative to vital statistics. (Ord. 116, §§7 & 8; 2/17/1908)

1.04.060 - Street Commissioner. There shall be appointed by the Mayor a competent and qualified person to act as Street Commissioner.

It shall be the duty of the Street Commissioner to see that all crossings, streets, sidewalks and public ways are in proper repair, and to do and perform such other and further duties as the Council or a committee thereof may direct. (Ord. 116, §§10 & 11; 2/17/1908).

1.04.070 - Regular Police Force - Special Duties. The Chief of Police and such officers serving thereunder as may be appointed from time-to-time by the Mayor upon consultation with the City Council shall constitute the regular police force of the City of Tekoa. All police officers appointed to serve under the command of the Police Chief, and any failure on the part of any such police officers to obey the lawful orders of the Police Chief shall be cause for the suspension or removal of such officer(s).

In the event of a riot or other emergency, when the City Police are unable to maintain the peace or public safety, the Police Chief may, with the consent of the Mayor, appoint so many special deputies as may be necessary to restore and maintain peace and public safety. The special duties shall possess the same authority as regularly appointed police officers serving under the command of the Police Chief, and may be paid such compensation for their services as the City Council may determine. Upon the restoration of peace and public safety, or after the first regular meeting of the City Council following their appointment, whichever occurs first, the appointment of the special duties shall terminate unless otherwise authorized by the City Council. (Ord. 690, §1, 1999; Ord. 630, 1994; Ord. 448, §§1, 2, 3).

COMPILER'S NOTE: Provision for appointment of temporary successors to appointed officials in the case of an emergency is found under Section 1.24.040.

CHAPTER 1.08

COMPENSATION OF CITY OFFICERS

Sections:

1.08.010 - Chief of Police. The Chief of Police shall receive an annual salary of $27,403.00, or such other compensation as the City Council may hereafter fix from time-to-time by ordinance (such compensation may be fixed as part of an ordinance adopting a general salary schedule for any or all employees and/or officials of the City). (Ord 707, §2, 2000; Ord 697, §2, 1999; Ord. 528, §1, 1975; Ord. 536, §2, _____).

1.08.020 - Clerk/Treasurer. The Clerk/Treasurer shall receive an annual salary of $28,280.00, or such other compensation as the City Council may from time-to-time fix by ordinance (such compensation may be fixed as part of an ordinance adopting a general salary schedule for any or all employees or officials of the City). (Ord. 707, §1, 2000; Ord. 697, §3, 1999; Ord. 527, §§1-2, 1975).

1.08.030 - Attorney. The City Attorney shall be paid a retainer of $200.00 per month or such other compensation as the City Council may hereafter fix from time-to-time by ordinance (such compensation may be fixed as part of an ordinance adopting a general salary schedule for any or all employees and/or officials of the City, or it may be fixed by a contract between the City and City Attorney which is ratified by ordinance). (Ord. 707, §5, 2000; 527, §3, 1975).

1.08.040 - Street Superintendent. The Street Superintendent shall receive an annual salary of $28,280.00 or such other compensation as the City Council may hereafter fix from time-to-time by ordinance (such compensation may be fixed as part of an ordinance adopting a general salary

schedule for any or all employees and/or officials of the City). (Ord. 707, §3, 2000; Ord. 697, §4, 1999; Ord. 528, §2, 1975).

1.08.050 - Water/Sewer Superintendent. The Water/Sewer Superintendent shall receive an annual salary of $33,692.00 or such other compensation as the City Council may hereafter fix from time-to-time by ordinance (such compensation may be fixed as part of an ordinance adopting a general salary schedule for any or all employees and/or officials of the City). (Ord. 707, §4, 2000; Ord. 697, §5, 1999; Ord. 528, §3, 1975).

1.08.060 - Council Members. Each Council member shall receive the sum of $40.00 per month each month during which he or she attends at least one regular or special Council meeting, and such other sums as may be fixed by the City Council at the time of annual budget preparation, as provided by law. (Ord. 700, §1, 2000; Ord. 527, §4; 1975).

1.08.070 - Mayor & Other Employees. The Mayor and all other Officers and Employees shall receive such compensation as may be fixed by the City Council at the time of Annual Budget preparation, as provided by law. (Ord. 527, §5, 1975).

1.08.080 - Fire Chief. The Fire Chief, in addition to the compensation for fire department members provided, shall receive a monthly salary of two dollars ($2.00), and the Department Secretary/Treasurer, in addition to the compensation fixed in Chapter 1.20, shall receive a monthly salary of one dollars ($1.00), to compensate each of them for special services required of them. (Ord. 323, §5, 1948).

1.08.090 - Wage Rates for Temporary Labor. The hourly wage rates for certain classes of temporary City labor is hereby established as follows:

(1) General Labor…….$2.60 per hour

(2) Machine Operator……...$4.00 per hour

(3) Mechanic…….$5.00 per hour

(Ord. 536, §1, no date).

CHAPTER 1.12

BOND REQUIREMENTS

Sections:

1.12.010 - Clerk/Treasurer. The Clerk/Treasurer of the City of Tekoa shall have on file a bond, in favor of the city in an amount not less than $10,000.00 (Ord. 599, §1; 11/21/1988).

1.12.020 - Deputy Clerk/Treasurer. The Clerk/Treasurer shall have each deputy clerk/treasurer bonded in an amount not less than $10,000.00 whether on the Clerk/Treasurer's bond or on a separate bond, in favor of the city. (Ord. 599, §2; 11/21/1988).

1.12.030 - City Attorney. The City Attorney, before entering upon the duties of his office, shall execute a bond to the City of Tekoa, in the penal sum of Five Hundred Dollars ($500.00) conditioned upon the faithful performance of his duties. (Ord. 164, 2§; 10/18/1915).

CHAPTER 1.16

PLANNING COMMISSION

Sections:

1.16.010 - Planning Commission Created. Pursuant to the provisions of RCW 35.63.010 there is hereby created in the City of Tekoa a Planning Commission consisting of five (5) members to be appointed by the Mayor of the City of Tekoa with the advice and consent of the City Council of the City of Tekoa. (Ord. 671, §1, 1997; Ord, 415, §1; 5/15/1967).

1.16.020 - Members. The Commission shall consist of five members, one of the members shall be an ex officio member by virtue of his or her office as a member of the Tekoa City Council. The ex officio members position on the Planning Commission shall correspond to his or her term of office as a City Council member. The initial terms of office for the other members of the Commission shall be staggered; one member's term shall be one year, one shall be two years and one shall be three years, and one shall be four years. Thereafter, the term of office for each member shall be four years. Vacancies occurring otherwise than through the expiration of terms shall be fulfilled for the unexpired term of the position filled. Members may be removed after public hearing by the Mayor with the advice and consent of the City Council for inefficiency, neglect of duty or malfeasance in office. All appointive members of the Commission shall be selected without respect to political affiliations and they shall serve without compensation. (Ord. 415, §2; 5/15 /1967; Ord. 801, §1; 3/5/2012).

1.16.030 - Chairman. The commission shall elect its own chairman and create and fill such other office as it may determine it requires. The commission shall hold at least one regular meeting in each month for not less than nine (9) months in each year. It shall adopt rules for transaction of business and shall keep a written record of its meetings, resolutions for transactions, finding and determinations which records shall be a public record. (Ord. 415, §3; 5/15/1967).

1.16.040 - Commission Expenses. The expenditures of such commission exclusive of gifts, shall be within the amounts appropriated for the purpose by the council or board, within such limits the commission may employ such employees and expert consultants as are deemed necessary for its work. (Ord. 415, §4; 5/15/1967).

1.16.050 - Powers. The powers of the commission shall be such as are set forth in RCW 35.63.060, to wit:

"The commission may act as the research and fact finding agency of the municipality. To that end it may make such surveys, analyses, researches and reports as are generally authorized or requested by its council or board, or by the state with the approval of its council or board. The commission, upon request or authority may also:

(1) Make inquiries, investigations, and surveys concerning the resources of the county;

(2) Assemble and analyze the data thus obtained and formulate plans for the conservation of such resources and the systematic utilization and development thereof;

(3) Make recommendations from time to time as to the best methods of such conservation, utilization, and development;

(4) Cooperate with other commissions and with other public agencies of the municipality, state and United States in such planning, conservation, and development; and

(5) In particular cooperate with and aid the state within its territorial limits in the preparation of the state master plan provided for in RCW 43.21.190 and in advance planning of public works programs [1965 c 7 & 35.63.060. Prior: 1935 c 44 & 10; RRS & 9322-10.]"

And as the same be amended from time to time. (Ord. 415, §5; 4/15/1967).

1.16.060 - Additional Powers. At the request of the City Council the commission may prepare coordinated plans for the physical development of the community and so forth, all subject to final approval of the City Council of the City of Tekoa. The commission shall in the performance of its duties be restricted by and guided by the provisions of RCW 35.63.010 et sequa to the end that the spirit and purpose of said chapter may be accomplished. (Ord. 415, §§6 & 7; 4/15/1967).

CHAPTER 1.20

VOLUNTEER FIRE DEPARTMENT

Sections:

COMPILER'S NOTE: For the Fire Chief's compensation, see Code section 1.08.080

1.20.010 - Department Established. There is hereby established, a Fire Department and for the City of Tekoa, consisting of not fewer than fifteen nor more than 20 able-bodied male citizens and residents of said city. (Ord. 323, §1; 2/2/1948).

1.20.020 - Department Officers. The officers of said Fire Department shall be the Fire Chief, First Assistant Fire Chief, Second Assistant Fire Chief, and a Secretary/Treasurer, which officers shall be elected at the first semi-monthly meeting of the Fire Department to be held on the second Monday of January of each calendar year. A list of such officers so elected shall be submitted to the City Council for approval. (Ord. 323, §2; 2/2/1948).

1.20.030 - Duties. It shall be the duty of the said Fire Department to have charge, under supervision of the City Council, of all firefighting equipment and other apparatus pertaining thereto belonging to the City of Tekoa, to keep the same in high state of repair and efficiency, and to have charge of the same at all fires within the City of Tekoa. (Ord. 323, §3; 2/2/1948).

1.20.040 - Drills/Meetings. The members of the Fire Department shall hold drills or meetings at the direction of the Fire Chief, not exceeding one drill or meeting each week. It shall be the duty of said Fire Department at such drills to examine all fire apparatus for defects, to discuss methods for fighting fires, and to discuss methods for increasing the efficiency of said Fire

department. Drills shall consist of making practice runs with the fire truck, making hose connections, and use of fire hose and firefighting equipment and other apparatus of said city, weather conditions permitting. Weather conditions not permitting, drills shall consist of discussions of firefighting methods and general inspections, and maintenance and repair of firefighting equipment and apparatus. (Ord. 323, §4; 2/2/1948).

1.20.050 - Compensation. The compensation to be paid by the City to the members of the Fire Department shall be as follows:

(a) For each drill or meeting attended each member attending shall receive the sum of $2.00. Attendance shall be determined by a roll call by the Secretary/Treasurer forthwith after the meeting has been called to order. Members not present at roll call shall receive no compensation for said drill or meeting. (Ord. 355, §1; 2/21/1955).

(b) For services when actually engaged in fighting fires or when responding to a fire alarm, each member in attendance shall receive compensation as follows: For responding to a fire alarm between the hours of 6:00 a.m. & 6:00 p.m. a sum of $2.00. (Ord. 323, §5; 2/2/1948).

1.20.060 - Pay Vouchers. The Secretary/Treasurer shall submit to the City Clerk on or before the 10th day of each month a pay roll voucher, confirmed by the Fire Chief, showing a time and place where services were rendered, and the amounts owing to each member of the Fire Department for the preceding month.

All salaries so earned shall be payable monthly in warrants drawn on the proper fund and paid by the City Treasurer therefrom. (Ord. 323, §6; 2/2/1948).

1.20.070 - Annual Report. It shall be the duty of the Fire Chief to furnish the City Council a semi-annual report, in writing of the condition of the Fire Department, its operating equipment and apparatus, and the efficiency of its members. (Ord. 323, §6; 2/2/1948).

1.20.080 - Absences. Any member of the Fire Department who shall absent himself from its regular meetings or who shall fail to respond to any fire alarm, shall receive no compensation. Any member voluntarily absenting himself from the meeting of the Fire Department for two consecutive meetings or drills, or failing to respond to any fire alarm, may be dismissed from the Fire Department by the Fire Chief; provided, any member of the Fire Department, for good cause shown, may be excused from attending regular meetings or drills of the Fire Department by permission of the Fire Chief. (Ord. 323, §§8 & 9; 2/2/1948).

1.20.090 - Rules. The Fire Department may make any necessary rules and regulations for governing its affairs to increase its efficiency which do not conflict with this ordinance, or any regulation prescribed by the City Council. (Ord. 323; §10; 2/2/1948).

1.20.100 - Department Membership Required. No person not previously enrolled as a regular member of said Fire Department shall receive any compensation nor be recognized as a member of said Fire Department by reason of the fact that he was in attendance or rendered services at any fire. (Ord. 323, §11; 2/2/1948).

1.20.110 - Firemen's Relief Provision. Every volunteer fireman of the City shall be enrolled in the relief and compensation provisions of Chapter 41.24 RCW, as it now exists, and as it may hereafter be amended. The City Clerk/Treasurer is authorized to collect and remit to the appropriate state board or agency, all forms, documents and monies required by this ordinance. Every volunteer fireman of the City shall have the option of enrolling in the pension provisions or program of such Chapter. Any of the terms used in the section shall have the meanings ascribed to them by Chapter 41.24 RCW, as it now exists, and as it may hereafter be amended. (Ord. 597, §§1-4; 6/20/1988).

1.20.120 - Number of Firemen Limited. Membership in the City's Fire Department shall not exceed 25 firemen for each one thousand population or fraction thereof. (Ord. 597, §5; 6/20/1988).

CHAPTER 1.24

CITY COUNCIL

Sections:

1.24.010 - Council Members Elected at Large. After June, 1986, at the expiration of the present term of the council position, a replacement for said council position, or the incumbent councilman, shall be elected or re-elected without regard to previous ward divisions, by all qualified voters voting at city council elections on an "at large" basis, in the manner provided by then applicable laws of the State of Washington. (Ord. 588, §3; 6/11/1986).

1.24.020 - Regular Meetings: Time, Date and Place. Regular meetings of the City Council of the City of Tekoa shall be held twice a month on the first and third Mondays of each month at the hour of 7:00 p.m. in the Council Chambers at Tekoa City Hall. (Ord. 172, §1; 1/15/1917; Ord. 778, §1; 8/17/2009; Ord. 792, §1; 6/20/2011).

1.24.030 - Special Meetings. Special meetings of said Council may be called at any time by the Mayor or by three councilmen, by written notice delivered to each member at least three hours before the time specified therein for the proposed meeting. (Ord. 68, §2; 9/3/1894).

COMPILER'S NOTE: Special meetings are also controlled by RCW 42.30.080.

1.24.040 - Emergency: Appointment of Temporary Successors. In the event of a natural disaster or other emergency situation, the City is without any necessary elected or appointed official or officer, then those members of the City Council available for duty shall, by majority vote, appoint temporary interim successors to any elected or appointed City position as may be required by the situation.

A temporary interim successor to the Mayor shall be a member of the City Council, or an immediate past Mayor. The temporary interim appointments made under this ordinance shall last until the regular elected official or officer can resume his or her duties; or as may be set by law.

If any provision of this section or its application to any person or circumstance, is held invalid, the remainder of this section, or application of the provisions of the ordinance to other persons or circumstances shall not be affected. (Ord. 616, §§1, 2, 3, 4; 6/3/1991).

CHAPTER 1.28

MUNICIPAL COURT

Sections:

1.28.010 - Operation of Municipal Court. The City of Tekoa Municipal Court shall operate pursuant to Chapter 3.50 RCW, as amended by Chapter 258, Laws of 1984, or as the same may hereafter be amended, supplemented or superseded by laws of similar effect. (Ord. 575, §2, 6/1984).

COMPILER'S NOTE: The Municipal Court functions are now handled by the Whitman County District Court. The Interlocal Agreement for that is as follows.

INTERLOCAL AGREEMENT ESTABLISHING DISTRICT COURT

FILING FEES TO BE PAID BY THE CITY OF TEKOA

AND THE DISTRIBUTION OF FUNDS FROM FINES

THIS IS AN AGREEMENT between the City of Tekoa and WHITMAN COUNTY pursuant to RCW 3.62.070 and RCW Chapter 39.34. The purpose of this Agreement is to establish a filing fee to be paid by the City of Tekoa when it files in Whitman County District Court certain criminal actions which are not violations of State Law, but which are alleged to be violations of City of Tekoa ordinances.

The City of Tekoa and Whitman County agree as follows:

1. Amount of Fee: Except in traffic cases wherein bail is forfeited to a Violations Bureau, should one be established pursuant to RCW Chapter 3.46, for every criminal action filed in Whitman County District Court by the City of Tekoa, werein a violation of City Ordinance is alleged (which is not also a violation of State Law), the City of Tekoa shall be charged by the District Court a filing fee in the amount of $12.00.

2. Administration: The District Court shall bill the City monthly for the filing fee for all such cases filed by the City and shall remit to the City monthly all costs, including filing costs; fines; forfeitures; and penalties assessed and collected by the District Court because of violations of City of Tekoa Ordinances. If the amount of revenue generated from fines is greater than the amount of filing fees owed by the City, the District Court Clerk shall offset the two and remit the difference to the City of Tekoa. There is no need for an Administrator or joint board to administer this Agreement as called for in RCW 39.34.030 (4) (a), nor is there the necessity of acquiring, holding, or disposing of real or personal property as mentioned in the same statute.

3. Duration: This Agreement shall remain in full effect until terminated by thirty (30) days written notice from one of the parties. Upon termination, if a new Agreement cannot be negotiated, the matter shall be submitted to arbitration as provided in RCW 3.62.070. (Signed by the City on 9/22/1987 and by the County on 9/28/1987).

TITLE II

ADMINISTRATION

Chapters:

2.04 – General Penalty

2.08 – Retirement Systems

2.12 – Equal Employment Opportunity Policy

2.16 – Affirmative Action Policy

2.20 – Water System

2.24 – Sewer System

2.26 – Use of Credit Cards by City Officials and Employees

2.28 – Small Works Roster

***Compiler's Note: Section 5.16.020 establishes a city cemetery fund and sets out the rules for that fund; and section 5.16.070 establishes an Endowment Care Fund for the cemetery.*

CHAPTER 2.04

GENERAL PENALTY

Sections:

2.04.010 – Designated.

(a) Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the City shall be guilty of a civil infraction. All offenses under the Tekoa Municipal Code shall be considered a non-criminal, civil infraction. Notwithstanding provisions in the Tekoa Municipal Code to the contrary, no person shall be guilty of a misdemeanor as a result of a violation of any provisions of the Tekoa Municipal Code.

(b) Any person convicted of a civil infraction under any ordinance of the City of Tekoa, or any provisions of the Tekoa Municipal Code, shall be punishable by a fine of not more than five hundred dollars, or by commitment to public service within the City of Tekoa not to exceed two hundred fifty total hours, or by both such fine and public service, except in cases where a different civil penalty is prescribed by such ordinance or provision of the Tekoa Municipal Code.

(c) A person is guilty of a separate offense for each day or portion of a day in which a violation of any provision of the Ordinances of Tekoa is committed, continued or permitted by any such person, and any such person shall be punished accordingly.
(Ord. 652, §1, 1996; Ord. 602, §1, 1989).

For statutory provisions authorizing third class cities to impose fines, penalties and forfeitures for any and all violations of ordinances, to fix the penalty by fine or imprisonment, or both, providing no such fine shall exceed five hundred dollars, nor the term of imprisonment exceed one year, see RCW 35.24.290)12). For the statutory provision that the violation of any ordinance of a city shall be a misdemeanor, and may be prosecuted by the authorities thereof in the name of the people of the State of Washington or may be redressed by civil action, see RCW 35.24.230.

CHAPTER 2.08

RETIREMENT SYSTEMS

Sections:

2.08.010 – PERS Participation. The City of Tekoa does authorize and approve the membership and participation of its eligible employees in the Washington Public Employees' Retirement System pursuant to RCW 41.40.410, and authorized the expenditures of the necessary funds to cover its proportionate share for participation in said System.
(Ord. 420, §§1 & 3; 1/15/1968).

CHAPTER 2.12

EQUAL EMPLOYMENT OPPORTUNITY POLICY

Sections:

2.12.010 – Employment. Recruiting, hiring and appointment practices shall be conducted solely on the basis of ability and fitness without regard to race, color, creed, national origin, sex, physical handicap or age. (Ord. 498, §1; 9/2/1974).

2.12.020 – Promotion. Promotion, downgrading, layoff, discharge and interdepartmental transfer shall be dependent on individual performance and work force needs without regard to race, color, creed, national origin, sex, physical handicap or age, and, whenever applicable, in agreement and in compliance with governing Civil Service Laws and Regulations.
(Ord. 498, §2; 9/2/1974).

2.12.030 – Training. All on-the-job training and City supported educational opportunities shall be administered without discrimination to encourage the fullest development of individual interests and aptitudes. (Ord. 498, §3; 9/2/1974).

2.12.040 – Service and Employee Conduct. The City shall deal fairly and equitably with all citizens it serves and all persons it employs. City departments shall maintain the policy that no City facility shall be used in the furtherance of any discriminatory practice. Each official and employee shall be responsible to carry out the intent and provisions of this policy.
(Ord. 498, §4; 9/2/1974).

2.12.050 – Cooperation with Human Rights Organizations. The City shall cooperate to the fullest extent possible with all organizations and commissions concerned with fair practices and

equal opportunity employment. Such organizations include but are not limited to, the State Human Rights Commission, the Spokane Human Rights Commission and the Spokane Technical Advisory Committee on the Aging. (Ord. 498, §5; 9/2/1974).

2.12.060 – Affirmative Action Program. To facilitate equitable representation within the City work force and assure equal employment opportunity of minorities and women in City Government, and Affirmative Action Program shall be initiated and maintained by the City of Tekoa. It shall be the responsibility and duty of all City Officials and department heads to carry out the policies, guidelines and corrective measures as set forth by these programs. (Ord. 498, §6; 9/2/1974).

2.12.070 – Contractors' Obligation. Contractors, sub-contractors and suppliers conducting business with the City of Tekoa shall affirm and subscribed to the Fair Practices and Non-Discrimination policies set forth therein. (Ord. 498, §7; 9/2/1974).

2.12.080 – Posting of Policy. Copies of this policy shall be distributed to all City employees, shall appear in all operational documentations of the City, including bid calls, and shall be prominently displayed in all City Facilities. (Ord. 498, §8; 9/2/1974).

CHAPTER 2.16

AFFIRMATIVE ACTION POLICY

Sections:

2.16.010 – "Minority" Defined. The term "minority" as used herein shall include, but not be limited to, those identified as Blacks, Spanish-American, Asians, and American Indians. The spirit of the Equal Opportunity Policy includes such person as the physically handicapped and those over the age of forty-five years, though the emphasis is upon minorities and females. (Ord. 499, §1; 9/2/1974).

2.16.020 – Purpose. The purposes of the Affirmative Action Program are to:

(a) establish employment practices which will lead to and maintain, a minority composition of employees of the City of Tekoa reflecting that of the community;

(b) achieve and maintain full and equitable utilization of minority, handicapped and female employees at all position levels;

(c) promote an atmosphere of fair treatment and non-discrimination within City government;

(d) provide compliance with State and Federal equal opportunity requirements and regulations. (Ord. 499, §1; 9/2/1974).

2.16.030 – Policy to be Distributed. This policy shall be made known to all employees, contractors, sub-contractors and suppliers through distribution of handbooks, bulletins, letters and personal contacts, conferences and orientation sessions. Signed acknowledgements pledging cooperation shall be required of all department heads in the City of Tekoa and, where appropriate, of all contractors, sub-contractors and suppliers engaged in City administered projects, such contractors, sub-contractors and suppliers to whom this policy shall apply shall include those with an average employment level of twenty-five or more and/or those who annually do business with the City of Tekoa in an amount exceeding $10,000.00. (Ord. 499, §1; 9/2/1974).

2.16.040 – Equal Opportunity Officer. To assure that Equal Opportunity Policy and the provisions of the Affirmative Action Program are carried out, an Equal Opportunity Officer shall be appointed or designated by the Mayor. The Officer shall be the focal point for the City's equal opportunity efforts and shall advise and assist staff and management personnel in all matters regarding implementation of the compliance with the Affirmative Action Plan, and maintaining close liaison with the Mayor and City Council on the progress of the program. The Equal Opportunity Officer will have responsibility to:

(a) Initiate, coordinate and evaluate the City's plans and programs which are designed to ensure that all current and prospective employees receive the benefits of equal employment opportunities;

(b) Evaluate the Equal Employment Opportunity plans and programs of the City to ensure compliance with the Affirmative Action Policy;

(c) Periodically audit the practices of the City and recommend improvements in the Affirmative Action Policy to the Mayor's office;

(d) Insure that all members of management within the City are fully aware of and in compliance with the intent of the Affirmative Action Policy pertaining to equal employment opportunity;

(e) Provide continuing communication of the Affirmative Action Policy to management, employees, and applicants for employment and outside organizations performing services for the City. (Ord. 499, §II; 9/2/1974).

2.16.050 – Employment Practices. The City of Tekoa shall undertake the following actions to assure equal employment opportunities and to achieve appropriate representation in the City's work force:

(a) Review all position qualifications and job descriptions to insure requirements are relevant to the tasks to be performed. Revise as necessary be deleting requirements not reasonably related to the tasks to be performed, to facilitate hiring of minorities and women who otherwise might not be considered.

(b) Assure that pay and fringe benefits depend upon job responsibility and, along with overtime work, are administered on a non-discriminatory basis.

(c) Inform and provide guidance to staff and management personnel who make hiring decisions, so that all application, including those of minorities and women, are considered without discrimination, and all applicants be given equal opportunity regardless of race, creed, color, national origin, sex, physical handicap or age. Primary consideration shall be given minorities, women and other definable groups at any time the City's work force does not fairly reflect the membership of these groups residing within the Tekoa employment area.

(d) Provide orientation for all new employees. Specifically emphasizing how the City of Tekoa assures equal opportunity and the significance of the Affirmative Action Program. Encourage all employees, specifically minorities, to avail themselves of services rendered.

(e) Proved periodic training for managers and supervisors in equal opportunity objectives, making use of such programs as currently offered by the Intergovernmental Personnel Program Division of the U.S. Civil Service Commission and other agencies.

(f) Accomplish recruiting in such a manner as to inform the greatest number possible of minorities and women in Tekoa area of employment opportunities and to make known that such applicants are sought. With regard to minorities, a description of each position shall be:

I. Advertised in Tekoa area Public News Media.

II. Circulated to current staff and present employees shall be encouraged to refer minority applicants.

III. Forwarded to schools in the Tekoa area with minority students.

IV. Distributed to minority and human relations organizations in the Tekoa area requesting referral of qualified minority applicants. An up-to-date listing of these organizations and their spokesman shall be maintained by the E.E.O. Officer. These organizations would be identified as, but not limited to the Urban League, Equal Opportunity Center, Neida, Kientrachopi, Etc. All employment notifications to include the "Equal Opportunity Employer" statement and date of publication and shall be published at least five days prior to cut-off for receiving applications.

(g) Programs such as apprentice, summer and part-time trainees, intern and other supplementary hiring programs, shall be considered in the same manner as full-time City positions and be subject to the provisions of the Affirmative Action Program. (Ord. 499, §3; 9/2/1974).

2.16.060 – Employee Development. The hiring minorities and women on a fair and equitable basis, is only the first step in according equal employment opportunity. Skill development and promotions are of equal importance to both the individual and to the City. The following actions

shall be undertaken to achieve employee job satisfaction and fair treatment and to more successfully utilize women and minority persons in the work force:

(a) Assure that there shall be no discrimination for reasons of race, color, creed, sex, age or physical handicaps with regard to upgrading, promotions, transfer and demotion, layoff and termination of employees. Any action which might adversely affect minorities or women will be brought to the attention of the Equal Opportunity Officer. Employee grievances arising from such action shall receive immediate attention in accordance with section 6.

(b) Develop a skill inventory for employees which can be used to identify supervisory and managerial position potential. This shall be accomplished by:

I. Obtaining from employees written statements as to their desires, skills and interest in higher paid positions.

II. Periodic review and analysis of employee development progress and readiness to assume higher positions.

III. Identifying specific positions for which employees qualify and assuring that requests for interdepartmental transfers and promotions are considered without discrimination.

(c) Actively encourage employees to increase their skills and job potential through training and educational opportunities. Offer guidance and counseling in developing programs tailored to individual aptitudes and desires, taking full advantage of programs offered by the State Department of Employment Security and Manpower Development programs. (Ord. 499, §4; 9/2/1974).

2.16.070 – Liaison and Coordination. There exist many organizations vitally concerned with equal opportunity and fair treatment for minorities, women, the physically handicapped and those over the age of forty-five years whose resources can be of valuable assistance in achieving the goals of this program. The City of Tekoa through its Equal Opportunity Officer shall maintain constant contact with and coordinate various aspects of the Affirmative Action Program with such organizations. In addition to those already identified with respect to recruiting, hiring and employee development, working relationships shall be maintained with the various civic, labor and minority organizations in the greater Tekoa area.

The City also recognizes its responsibilities to comply with and assure that equal opportunity and non-discrimination policies of State or Federal agencies with which it conducts business are carried out. Specifically, the City of Tekoa shall:

(a) Be responsible for reporting to the appropriate agencies any complaints received from any employee of, or an applicant for employment with any City of Tekoa Contractor or subcontractor, subject to Executive Order 11246.

(b) Cooperate in special compliance reviews or in investigations as required.

(c) Carry out sanctions against contractor (s) or subcontractor (s) as required.

(d) Assure itself and the agency as part of the grant application process, that the general or prime contractors will not have submitted pre-packaged bids that deny open bidding to the minority or any other subcontractors.

(e) Furnish information as required, maintaining an affirmative action file detailing its efforts, with dates, to meet its commitments under Executive Order 11246.

All data and documentation generated as a result of the Affirmative Action Program shall be made available to any Federal or State agency for its review upon request.
(Ord. 499, §5; 9/2/1974).

2.16.080 – Grievance Procedures. In as much as the success of the Affirmative Action Program depends largely upon the attitude of the community as well as of the employees, opinion as to what constitutes fair and equal opportunity and treatment may vary widely and grievances may result. The following steps shall be taken immediately for any grievance arising from the implementation of this program so as to maintain the best possible employee-supervisor and city-community relationship:

(a) The employee shall bring his/her grievance to the attention of her/his immediate supervisor or department head, who will investigate as necessary to determine the cause of the complaint and work with the employee to effect an equitable solution. Every effort shall be made to resolve the difficulty at this level.

(b) At the option of either party, the services of the Equal Opportunity Officer may be requested. The Equal Opportunity Officer shall interview both parties, conduct additional investigation as necessary, and recommend appropriate corrective action and settlement conditions.

(c) In the event mutual agreement cannot be achieved and binding resolution is required by the City administration, signed statements detailing the grievance and specific investigation action shall be obtained by the Equal Opportunity Officer from the employee and her/his supervisor.

The officer may draw upon all resources at his disposal both internally and those external to the City to arrive at recommended corrective action and settlement conditions. The Equal Opportunity Officer shall forward these statements along with his own investigation report and recommendations to the Mayor’s office for resolution.

(d) The Mayor may elect as deemed necessary and as circumstances dictate to refer the grievance to a special arbitration committee. Such committee shall be selected from among City Employees and shall consist of an equal number of management and staff personnel. The Equal Opportunity Officer and those directly involved in the grievance shall not be voting members of this

committee. Proceedings of the committee shall be documented and its decision shall be final and binding, subject to review only the State Human Rights Commission or through the judicial system. All reports, decisions and other documentation generated by the grievance procedure shall be maintained by the Equal Opportunity Officer as a matter of Permanent Record. (Ord. 499, §6; 9/2/1974).

2.16.090 – Timetables. Specific programs which the City of Tekoa proposes to facilitate the achievement of these goals within sixty days after approval hereof, are set forth in Attachment A, parts I, II, III, incorporated herein by reference. These programs shall also be established by the Equal Opportunity Officer. (Ord. 499, §7; 9/2/1974).

ATTACHMENT A

PART I

GOALS & TIMETABLES

The City of Tekoa, under the established Affirmative Action Program, has set forth a goal of 3.0% minority employment over a timetable span of September 15, 1974, through September 15, 1975. The roll of approximately 10 people. The percentage will be reevaluated in Sept. of each year.

The percentage goal is accomplished in the following manner: The residency of all permanent City employees is plotted on a regional map. The area containing 80% permanent force is analyzed using existing census and 165 School District data to determine the number of categories of minorities living in this area.

Initially all the minority population was determined at 3.0%. This percentage is then applied to the City permanent work force and goals for future minority employment are set accordingly. Additionally, a comparative study is made with other municipalities within the area to establish validity of an equitable percentage goal. In the event the City minority work force is less than the area percentage, a one-year period is established as the time in which the City will correct the deficiency utilizing measures described in the City's Affirmative Action Program.

PART II

ADVERTISING

The City of Tekoa has a policy that it will make the necessary notification regarding position openings on the permanent staff through public advertisement for two weeks prior to interview closure. Open positions are also registered with the Washington State Employment Security Department. All advertisements contain the words: "The City of Tekoa is an Equal Opportunity Employer" and indicate that minority applicants are sought.

All those in a position to hire, fire or transfer City employees have been instructed to use nondiscrimination in their judgments of personnel.

All decisions relating to management-employee relationship will be reviewed by the City's Employment Opportunity Officer for possible abuse of the City's Fair Practices Policy and Affirmative Action Program.

Job description within the City have been re-evaluated to insure that qualifications are realistic and that position criteria reflect skill levels and physical capabilities required for performance of talks and are not a reflection of the prevailing labor market. Positions for which physically

handicapped persons are suited are so identified and priority consideration will be given to those individuals.

PART III

CONTRACTORS & SUPPLIERS

The City's Affirmative Action Program extends to all those doing business with the City regardless of source of funds. Each supplier or contractor having 25 or more employees and/or contract in excess of $10,000.00 is required to:
(a) Become familiar with the City's Affirmative Action Program.
(b) Certify that they have their own Affirmative Action Program.
(c) Provide a record of intent to comply by completing the affidavit.

The affidavit and a copy of the firm's Affirmative Action Program may be provided once each year or with a specific contract. A record is kept of each firm's response, and present and past performance. An investigation into the past performance is also made at the initial submittance. City records are annually reviewed. Firms quality of non-compliance are removed from the eligibility list, notified of this action and the cause of deficiency, and reinstated when satisfactorily demonstrating to the Equal Opportunity Officer that deficiencies have been corrected.

Compliance is determined by a check with previous performance and on-the-job inspection during the current contract.

As part of the requirement that federally funded contractors for more than $10,000.00 are subject to the Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1968, the City of Tekoa shall include in its contracts with general and subcontractors the following provisions.

(a) The contractor will not discriminate against any employee and/or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment upgrading, demotion or transfer, recruiting or advertising, layoff or termination, rates of pay or forms of compensation; selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the local public agency setting forth the provisions of this non-discrimination clause.

(b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

(c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contacting officer, advising the labor union or workers, representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965 (as amended), and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965 (as amended) and of these rules regulations and relevant orders of the Secretary of Labor and the Secretary of Housing and Urban Development.

(e) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965 (as amended) and by the rules, regulations and orders of the Secretary of Labor and the Secretary of Housing and Urban Development pursuant thereto, and will permit access to his books, records and accounts by the local public agency, the Secretary of Labor or the Secretary of Housing and Urban Development for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(f) In the event of the contractor's non-compliance with the non-discrimination clauses of this contract or with any of such rules, regulations or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965 (as amended) or by rules, regulation or order of the Secretary of Labor, the Secretary of Housing and Urban Development, the local public agency, or as otherwise provided by law.

(g) The contractor will include the provisions of paragraphs 1 through 7 hereof in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor, or the Secretary of Housing and Urban Development pursuant to section 295 of Executive Order 11246 of September 24, 1965 (as amended) so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the local public agency of the Department of Housing and Urban Development may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event the contractor becomes involved in or is threatened by, litigation with a subcontractor or vendor as a result of such direction by the local public agency, or the Department of Housing and Urban Development, the contractor may request the United States to enter into such litigation to protect its interest.

CHAPTER 2.22
WATER SYSTEM

Sections:

2.22.010 - Definitions: For purposes of this chapter, the following words and phrases shall have the following meanings:

"Customer" shall mean any person owning the premises to which water service is being furnished.

"Department" shall mean the City of Tekoa Water Department.

"Superintendent" shall refer to the Tekoa Water Superintendent, or his designated agent.

"Main" refers to a water line designated or used to serve more than one premise.

"Person" includes natural persons of either sex, and associations, partnerships, and corporations, whether acting by themselves or by a servant, agent, or employee.

"Premises" includes any separate and identifiable home, building, apartment house, condominium, mobile home, or other separate and identifiable structure. The term shall not be construed to include building or other structures adjacent to each other which share common walls or boundary lines, even though under the ownership of the same person.

"Service Line Connection" shall mean all piping and fittings from the water main to the property owner's side of the water meter assembly.

"Clerk/Treasurer" shall mean the Clerk/Treasurer of the City of Tekoa.

2.22.020 –Purpose: The purpose of this chapter is to establish fees for service, and general rules and regulations for the service and extension of service from the water system of the City of Tekoa; and to promote the public health, safety, and general welfare of the users of the water system, in accordance with standards established by the City, County, State, and Federal governments.

2.22.030 – Applicability: The provision of this chapter shall apply to all water services and work provided by the department.

2.22.040 – Inspection: Authorized employees of the City, properly identified, shall have access, at reasonable hours of the day, to all parts of a premise or building to which water is supplied by the city, for the purpose of assuring conformity to these regulations, and for reading water meters.

Whenever the owner of any premise supplied by the Department restrains authorized City employees from making such necessary inspections, including the reading of water meters, water service may be refused or discontinued.

2.22.050 - Unlawful Acts Defined: Any person causing damage to any property belonging to the Department shall be liable to the Department for any and all damages resulting either directly or indirectly therefrom.

It shall be unlawful for any person to willfully disturb, break, deface, damage or trespass upon any property belonging to or connected with the water system of the City of Tekoa, in any manner whatsoever.

It shall be unlawful for any person, other than authorized employees of the Fire and Water Departments of the City, to operate fire hydrants and hose outlets, unless property arrangements have been made for payment thereof, and permission has been granted by the City Council.

2.22.060 – Emergency Interruption of Service: In case of emergency, or whenever the public health, safety, or the equitable distribution of water so demands, the City Council may authorize the Department to change, reduce or limit the time for, or temporarily discontinue the use of water. Water service may be temporarily interrupted for purposes of making repairs, extensions, or doing other necessary work.

Before so changing, reducing, limiting or interrupting the use of water, the Department shall notify, insofar as practicable, all water consumers affected.

The City shall not be responsible for any damage resulting from interruption, change or failure of the water supply system.

2.22.070 – City Not Liable for Damages: The City shall not be liable for damages nor will allowances be made for loss of production, sales or service, in case of water pressure variations, or in case the operation of the City's source of water supply or means of distribution fails or is curtailed, suspended, interrupted, or interfered with, or for any cause reasonably beyond its control. Such pressure variations, failure, curtailment, suspension, interruptions or interference shall not be held to constitute a breach of contract on the part of the City, or in any way affect any liability for payment for water made available or for money due on or before the date of such occurrence.

2.22.080 – Applications for Service – Service Restricted Outside of City Limits: An application shall be made for all service connections, for the use of fire hydrants, and for work to be performed by the Department. Such applications shall be made on a form to be provided by the Tekoa Clerk/Treasurer. An application shall be accompanied by all fees or deposits required by this chapter and, when approved by the Superintendent, shall constitute an agreement whereby the applicant agrees to conform to the provisions of this chapter as now enacted, or as hereafter amended; provided, from and after February 1, 1997, no new or additional water service connections shall be accepted for water service outside of the corporate limits of the City of Tekoa; provided further, as a condition of receiving continued water service outside of the City of Tekoa on and after May 1, 2009, all residences receiving such service must also subscribe to the same, regular garbage collection and disposal service as required of residents within the City of Tekoa under the provisions of Tekoa Municipal Code Chapter 8.16. For the purposes of this section, the term "water service outside of the corporate limits" shall mean water service to any residence, building, faucet, valve, or other point of use that is outside of the corporate limits of the City.

2.22.090 – Conditions Applicable to Water Service Connections:

A. All water service connections shall be metered.

B. Each served premises must have a separate connection to a main, unless otherwise approved by the Superintendent and water committee of the City Council, or when impossible or impractical.

C. Water service will not be provided to more than one premise through a single service connection, and separate applications are required for each such connection. When two premises are being served by a single service connection as of the effective date of this chapter, the City Council may at its discretion, either decline to furnish water until separate service is provided for each premises, or may continue to supply water service to all such premises from the same connection on the condition that one minimum monthly charge shall be paid by each Customer.

D. When the premises for which service is sought does not abut a main with sufficient pressure and capacity to provide the required flow at the property line, the application for service shall be rejected.

E. The furnishing of water by a Customer to premises other than that served by the customer's service is prohibited.

F. A request for a change in the size of service connection shall be treated as a request for a new service installation.

G. All water service connections shall be made by the Water Department, unless otherwise approved by the City Council.

H. When buildings are replaced by new buildings, the existing water service connection shall not be used when the Superintendent and water committee of the City Council determine that such connections are not acceptable. In such an instance, the customer shall be required to install a new water service connection, in accordance with the terms of this chapter.

I. Financial responsibilities for the maintenance of city water lines between the city main and the water meter of the property line, whichever is closer to the main, shall be upon the City, except as otherwise provided in this chapter.

J. Financial responsibilities for the maintenance and installation of city water lines between private premises and the water meter or the property line, whichever is closer to the main, shall be upon the private property owner.

2.22.100 - Plumbing Specifications: All persons installing fixtures or appliances to be supplied with water from the City water mains shall be subject to the requirements of the applicable plumbing codes and standards of the State of Washington, County of Whitman, and City of Tekoa.

The City may require any customer to install a pressure reducing valve, backflow preventative device, pressure relief valve, or similar device at any location where the Superintendent determines a need to protect the City's facilities or interests.

2.22.110 - Service Connection Fee: A service connection deposit shall be paid by the Customer at the time application is made for a water service connection. The amount of the deposit shall be

as fixed from time-to-time by resolution of the City Council. The deposit shall be paid at the time of application for the connection. Then, once the installation is completed, any additional sums due shall be paid within thirty (30) days, and before water service is initiated. The existing main location shall be determined by the Superintendent and water committee of the City Council.

2.22.120 – Water Rates:

A. Each municipal water customer shall pay a monthly base rate for water service, together with an additional charge for all water supplied to the customer during the month in excess of 5,000 gallons. The monthly base rate and the additional charge for water in excess of 5,000 gallons per month shall be as fixed from time-to-time by resolution of the City Council. The rates charged for customers receiving water service outside of the corporate limits of the City may be different than the rates charged for customers receiving water service within the corporate limits of the City.

B. Charges for water service to multi-family residential housing (e.g., duplexes, triplexes, apartment buildings, etc.) shall be based upon each living unit, without regard to whether the units are occupied or vacant. However, if a particular living unit is vacant due to remodeling, the owner of the building may request the City Council to defer or suspend water service charges attributable to the unit so long as the work is progressing to completion within a reasonable period. (Ord. 816, §1; 11/3/2014).

2.22.130 – Meter Reading and Billing Procedures:

A. All sums due for water service shall be the obligation of, and shall be payable by, the owner of the premises supplied with water service. For the purposes of this section, the term "owner" shall mean the taxpayer as shown on the rolls of the Whitman County Assessor, or the owner of record if different.

B. Water meters shall be read monthly, April through September. The City will read all meters located outdoors and radio meters. Unless arrangements are made with the Public Works supervisor to read a meter located inside a dwelling or other premises, the owner shall have the responsibility to read the meter each month, April through September, and report the reading to the Clerk/Treasurer not later than the 25th day of the particular month reported. Should the owner fail to report the reading by the 25th of the month, a late charge for the monthly reading shall be assessed as fixed from time-to-time by resolution of the City Council.

C. Charges for water service each month shall be billed as of the last day of the month, and shall be due not later than the 25th day of the following month. For example, water charges for January will be billed as of January 30, and will be due not later than February 25. If a water bill is not paid when due, it shall be considered delinquent and a late charge will be assessed as fixed from time-to-time by resolution of the City Council. The late charge will be included and become part of the delinquent payment for water service. If the delinquent payment is not then paid by the 15th day of the next month, a water shut-off notice will be posted on the property, notifying the owner that water service will be shut off if the delinquent payment is not paid by the 25th day of the month. For example, if a January water bill is not paid by February 25, a late

charge will be assessed and added to the bill. If the delinquent payment is not paid by March 15, a shut-off notice will be posted on the property. If the delinquency is not then paid by March 25, water service will be shut off. (Ord. 816, §2, 11/13/2014).

2.22.140 – Lien: All water rates, reconnection charges, and related penalties, shall be charged against the premises. Such lien may be enforced by discontinuing the water service to the premises as hereinafter provided until such time as the delinquent unpaid charges, fees, and penalties, together with an additional re-connection fee (listed in Fee Resolution), has been paid to the Clerk/Treasurer.

2.22.150 – Disconnection Procedure: Shut off notice will be mailed to customers who do not pay their bill by the end of the second month after the bill is due, notifying them that they have 10 days to pay their bill in full, or make arrangements with the Mayor for payment. If after 10 days, they have not paid their bill or made arrangements, their water will be shut off for non-payment

2.22.160 – Inoperative Water Meters: The Water Department will bill the customer for water consumed while the meter was inoperative. The owner will be charged the average overage amount during the same period of time, while the meter is inoperative, using a 3 month average from the previous year. The previous years' 3 month average to include the previous month, the current month, and the following month.

2.22.170 – Meter Ownership: All water meters installed on water service connections by the department shall be and remain the property of the City and shall be removed only by the department.

2.22.180 – Meters – Exchange and Reinstallation: Whenever the owner of any premises desires to change or install a meter larger than 5/8" x ¾", an application shall be made to the department, and upon approval, the exchange will be made at the expense of the owner.

Property owners shall be responsible for insulating or protecting meters and meter boxes against freezing from November 1 to March 1. All repair costs dues to freeze damage will be the responsibility of the property owner.

2.22.190 – Meter – Maintenance and Repair: The department shall maintain and repair all service meters and shall replace meters periodically, when necessary, if rendered unserviceable by ordinary use.

When replacement or repairs to any meter are made necessary by the willful act, neglect or carelessness of the owner or occupant of the premises served, all expenses of such replacement shall be borne by the owner of the premise.

2.22.200 – Meter Tests and Adjustment of Bill: Upon the request from a customer, based upon a complaint that the water bill for any period has been excessive, the department shall have the meter re-read.

Should the customer then request that the meter be tested for accuracy, the customer shall have the privilege of being present when such test is made. In case the test discloses an error of more

than three (3%) percent in favor of the City, a correct registering meter shall be installed at the expense of the City, and the Customer's account shall be credited with the excess consumption.

2.22.210 – Cross Connections: Cross connections shall be regulated in accordance with Tekoa Municipal Code Chapter 3.95.

2.22.220 – Violation: Any person found to have committed a violation of this Chapter shall be deemed to have committed a civil infraction, and upon conviction therefore, shall be subject to monetary penalty as fixed from time-to-time by resolution of the City Council. (Ord. 786, §3, 9/20/2010, Ord. 816, §1, 11/13/2014).

Chapter 2.24

SEWER SYSTEM

Sections:

2.24.010 – Sewer System Merged with Water System. The Sewerage System now owned and operated by the City of Tekoa together with all extensions, additions, renewals, replacements, repairs, or improvements, including any Sewage Disposal or Sewage Treatment Plant or equipment hereafter constructed or owned by the City, is hereby declared to be a Public Utility and is merged with and declared to be a part of the Water System of Tekoa. (Ord. 328, §1; 12/20/1948).

2.24.020 – Application for Service.

(A) An application shall be made for all connections to the Tekoa Public Sewer System on a form to be provided by the Tekoa Clerk-Treasurer. The application shall be accompanied by a fee (listed in the fee resolution). This fee shall cover the cost of connection, including up to 100 feet of sewer line. Cost and labor for new hookups that exceeds the original fee, will be billed the actual additional cost.

(B) When approved by the city, such application shall constitute an agreement whereby the applicant agrees to conform with the provisions of this chapter. This Section shall apply to all applications, whether for new connection to the Tekoa Public Sewer System or for an additional connection to an existing service. (Ord. 651, §1, 1997; Ord. 582, Ch. 1, §1, 1985).

2.24.030 – Definitions. Whenever used in this chapter, the following terms shall have the following meanings:

a. Single Family Residential Unit. The term "Single Family Residential Unit" shall mean any building, house, mobile home, or other structure which is being used as a family's dwelling unit.

b. Apartment House and Apartment Unit. The term "Apartment House" shall mean any building, house, mobile home, or other structure that is being used as a residential dwelling unit by more than one family, and at least one family is paying rent, whether in money or some other form of consideration, for the use thereof. The term "Apartment Unit" shall mean each separate residential dwelling unit within the Apartment House where indentifiable; provided that the number of Apartment Units shall be determined with reference to the number of families residing within the Apartment House where there are no separate and identifiable Apartment Units.

c. Residential Unit. The term "Residential Unit" shall include a Single Family Residential Unit and an Apartment Unit, as the contest may require.

d. Commercial Unit. The term "Commercial Unit" shall mean each separate business being conducted in any building, house, mobile home or other structure.

e. Special Terms. Notwithstanding the foregoing, nursing homes, hospitals, and schools shall not be included within the meaning of the foregoing terms. The rates hereinafter set forth shall be applicable to such uses. (Ord. 582, Ch. 2, §1; 5/6/1985).

2.24.040 – Rates. The rates and charges are listed in the fee resolution.

2.24.050 – Special Rule --Apartment Houses. Owners of Apartment Houses shall be billed in full according to the number of Apartment Units existing in each respective Apartment House. The owner shall be entitled to a credit against the sewer bill equal to the monthly charge per Apartment Unit for each Apartment Unit which is vacant for all or part of the month for which the bill is due upon execution of a form to be provided by the Clerk-Treasurer setting forth the number of Apartment Units in the Apartment House, the number of Apartment Units not rented for the entire month, and the number of days during the month, which said Apartment Units were not rented; provided, under no circumstances shall the credit allowed in this Section reduce the monthly sewer charge below a minimum amount equal to the monthly sewer service charge for one Apartment Unit. (Ord. 582, Ch. 2, §3; 5/6/1985).

2.24.060 – Number of Sewer Connections Not Determative. The number of sewer connection with respect to any building, house, mobile home, or other structure shall be determinative of the number of Residential units or Commercial units therein. (Ord. 582, Ch.2, §4; 5/6/1985).

2.24.070 – Proration. With respect to any Residential Unit or Commercial Unit, including the computation of any credit provided for in Section 2.24.050, if any such unit is used less than the entire month, the charge for such month shall be computed according to the number of days during such month, the respective unit was in use. (Ord. 582, Ch. 2, §5; 5/6/1985).

2.24.080 – Payment.

A. Charges for sewer service each month shall be billed as of the last day of the month, and shall be due not later than the 25th day of the following month. For example, sewer charges for January will be billed as of January 30, and will be due not later than February 25. Any charge for sewer service not paid when due shall be considered delinquent.

B. If a sewer service bill is not paid when due, it shall be considered delinquent and a late charge will be assessed as fixed from time-to-time by resolution of the City Council. The late charge will be included and become part of the delinquent payment due for sewer service. (Ord. 582, Ch. 3, §1; 5/6/1985; Ord. 818, §1, 11/17/2014).

2.24.090 – Late Charge. A late charge that is listed in the fee schedule shall be assessed against each sewer bill that is not paid on or before the twenty-fifth (25th) day of the month for which it is due. (Ord. 710, §1, 2001; Ord 582, Ch. 3, §2l 5/6/1985).

2.24.100 – Discontinuance by Customer. A customer shall be required to give notice to the City of the customer's intention to discontinue service. Monthly charges shall continue to be made against the unit until the City is notified of the discontinuance. (Ord. 582, Ch. 4, §1; 5/6/1985).

2.24.110 – Discontinuance by City. The City may discontinue sewer service to any customer for any lawful reason, including without limitation, non-payment of monthly sewer charges. Prior to discontinuance of sewer service, the City shall provide written notice of such discontinuance to the customer by mail or by personal delivery of such notice to the customer's

address. If mailed notice is given, the sewer service shall not be discontinued prior to the eighth (8th) business day following mailing of the notice. If personal delivery of the notice is made, the sewer service shall not be discontinued prior to five o'clock (5:00) p.m. of the first business day following delivery. (Ord. 582, Ch. 4, §2; 5/6/1985).

2.24.120 – Property Owner Obligation to Pay Charges – Lien. All sewer connection fees, monthly charges, late charges, and any other charges relating to the Tekoa Public Sewer System shall be the obligation of, and shall be charged to, the owner of the premises served. The City of Tekoa shall ha a lien against the premises for any delinquent sewer charges. Such lien may be enforced by foreclosure as provided in RCW 35.67.290 until such time as all delinquent charges and a reconnection fee, listed in the fee schedule, have been paid to the City Clerk-Treasurer. (Ord. 731, §1, 7/3/2003; Ord. 582, Ch. 4, §3; 5/6/1985).

2.24.130 – Additional Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5) meters outside the inner face of the building wall.

3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

7. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

10. "Property Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

11. “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

12. “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

13. “Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground surface, and stormwaters as may be present.

14. “Sewage Treatment Plant” shall mean any arrangement of devises and structures used for treating sewage.

15. “Sewage Works” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

16. “Sewer” shall mean a pipe or conduit for carrying sewage.

17. “Shall” is mandatory; “May” is permissive.

18. “Slug” shall mean any discharge of water, sewage, or industrial waste which in consideration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

19. “Storm Drain” (sometimes termed “Storm Sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

20. “Superintendent” shall mean the Superintendent of Sewage Works of the City of Tekoa, or his authorized deputy, agent, or representative.

21. “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

22. “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 522, Art. I; 2/15/1975)

2.24.140 – Use of Public Sewers Required. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Tekoa, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectional waste.

It shall be unlawful to discharge to any natural outlet within the City of Tekoa, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line. (Ord. 522, Art. II; 12/15/1975).

2.24.150 – Private Sewage Disposal. Where a public sanitary or combined sewer is not available under the provisions of Section 2.24.140, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Chapter.

All permits, fees, inspections, materials, installation procedures and regulations required for approval and use of a private sewage disposal system shall be in accordance with applicable ordinances of Whitman County as administered by the Whitman County Health Department. (Ord. 522, Art. III; 12/15/1975).

2.24.160 – Building Sewers and Connections. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

Unless authorized by the City, the Superintendent shall construct the building of sewer. All costs and expense incident to the installation and connection of the building of sewer shall be borne by the owner and paid to the City before occupancy. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building of sewer.

A separate and independent building sewer shall be provided for every building; except where one building stand sat the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Chapter (Ord. 522, Art. IV §§1-4; 12/15/1975).

2.24.170 – Building Standards. a) The building sewer, beginning two (2) feet from the building or structure, shall be installed utilizing any of the following approved materials:

1) Cast-iron soil pipe (ASTM Specification A-74)

2) Vitrified Clay pipe (ASTM Specification C-13)

3) Portland cement concrete pipe (ASTM Specification C-14) Extra Strength

4) Asbestos-cement pipe (ASTM Specification C428 or C296)

5) Polyvinyl Chloride (PVC)Gravity Sewer Pipe and Fittings (ASTM Specification D3033 – Type PSP or ASTM Specification D3034 – Type TSM)

6) Acrylonitrile – butadiene – styrene drain, waste and vent (ABS-DWV) plastic pipe and fittings, schedule 40 (ASTM Specification D-2661)

7) Other pipe material as specifically authorized by the Superintendent of Sewers.

All ASTM Specifications referred to shall be the latest issue.

b) Non-metallic building sewer or drainage piping shall not be run or laid in the same trench with water service pipes or any underground water pipes unless both of the following requirements are met:

1) The bottom of the water piping at all points shall be a t least twelve (12) inches above the top of the sewer piping.

2) The water piping shall rest on a solid shelf at one side of the common trench.

If installed in filled or unstable ground, the building sewer shall be of cast iron pipe, except that non-metallic material may be accepted if laid on a suitable clean granular material or concrete bed or cradle as approved by the Superintendent of Sewers. Suitable clean-outs shall be located at the building drain connection and at all bends totaling 45° or greater and shall be located at a spacing no greater than 100 feet. The size and slope of the building sewer shall be subject to the approval of the Superintendent of Sewers, but in no event shall the inside diameter be less than four (4) inches for a single connection to a single family residence nor less than six (6) inches inside diameter for approved connections to two (2) single family or multiple residence. The size of building sewers for other connections shall be not less than six (6) inches inside diameter. The slope of such building sewer shall be not less than two (2) percent for four (4) inch and six (6) inch pipe. If the depth of the public sewer requires a lesser slope of the building sewer, such lesser slope must be approved by the Superintendent of Sewers, who shall require the owner to release the City in writing from all liability for damages caused by such lesser slope.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

c) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

d) If the City authorizes the applicant to construct the building sewer, the applicant shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

e) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (Ord. 522, Art. IV §§5, 6, 8-10; 12/15/1975).

2.24.180 – Repair Standards. All building sewer connections to the public sewer shall be maintained in a sanitary and watertight condition. If, in the opinion of the Supervisor, any such connection is in need of repair, the Supervisor, after 60 days written notice to the owner, may cause said repair to be made and file a statement of the cost thereof with the City Clerk and thereupon a ~~warrant~~ check shall be issued under the direction of the City against the ~~water and~~ sewer department for the payment of such cost. The amount of such cost, together with a penalty of 10 percent of the amount thereof, plus interest at 8 percent per annum upon the total amount of such cost and penalty shall be assessed against the property served by said building sewer and shall become a lien thereof. (Ord. 522, Art. IV §11; 12/15/1975).

2.24.190 -- Connecting Ground and Drain Water Prohibited. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. All existing drains as described in this section shall be disconnected and the water therefrom disposed of elsewhere at the owners' expense. Said disconnection to be accomplished within ninety (90) days from official notice. (Ord. 522, Art. IV §7; 12/15/1975).

No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer. (Ord. 522, Art. V. §1; 12/15/1975).

2.24.200 -- Stormwater Drains. Stormwater and all other unpolluted drainage shall be discharged to such sewers as there are specifically designed as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet. (Ord. 522, Art. V, §2; 12/15/1975).

2.24.210 -- Discharge of Pollutants Prohibited.

a) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create

any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

3. Any waters or wastes having a pH lower than (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Compiler's Note: *Hazardous waste is dealt with under Zoning; Definitions section and Industrial Zone section.*

b) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1) Any liquid or vapor having a temperature higher than one hundred fifty (150°F) (65°C).

2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150°F) (0 and 65°C).

3) Any garbage that has not been property shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

8) Any waters or wastes having a pH in excess of (9.5).

9) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD, chemical oxygen demand, chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of low or concentration wastes constituting "slugs" as defined herein.

10) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

c) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or poses the characteristics enumerated in Section 2.24.210(b) of this Code, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1) Reject the wastes

2) Require the pretreatment to an acceptable condition for discharge to the public sewers

3) Require control over the quantities and rates of discharge, and/or

4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of the Article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws. (Ord. 522, Art. V, §§3-6; 12/15/1975).

2.24.220 -- Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the

Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. 522, Art. V §6; 12/15/1975).

2.24.230 -- Preliminary Treatment or Flow Equalizing Devices. Where preliminary treatment or flow-equalizing facilities are provided for any waters, or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. 522, Art. V. §7; 12/15/1975)

2.24.240 -- Manholes, When Required. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurements of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ord. 522, Art. V, §8; 12/15/1975).

2.24.250 -- Standards for Measurement. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (Ord. 522, Art. V, §9; 12/15/1975).

2.24.260 -- Special Agreement Authorized. No statement contained in the Chapter shall be construed as preventing any special agreement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, bythe industrial concern. (Ord. 522, Art. V, §10; 12/15/1975).

2.24.270 -- Damaging Sewers Unlawful. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 522, Art. VI, §1; 12/15/1975).

2.24.280 -- Prevention of Sewage Back Flow. Any building plan presented to the building inspector for a building permit shall accurately state the depth of the City sewer main to which the building sewer line will hook up and the depth of the building sewer line at the point it leaves the building.

In the event that a property owner suffers damage from back flow from a City sewer line and a claim for damages has been filed with the City of Tekoa, such property owner is required to do

one of two things, to-wit: (1) Such property owner may execute and file with the Tekoa City Clerk a good and sufficient waiver of claim for any future damages resulting from a back flow of sewage resulting from the clogging of the City Municipal lines, releasing the City from any future and further damages or expense, and such waiver shall be in suitable from for recording and shall be recorded on the public records and run with the land and be binding upon future owners of said land and the successors and assigns of such property owner, or, (2) The property owner may, within a reasonable time after filing claim for such initial damage, cause to be installed in the building sewer line on his own property a back flow valve of suitable construction and design that will close in the event there is a back flow to the property from the Municipal line in such a way that it will prevent any sewage flowing toward such building from flooding or damaging such property, and such installation and expense shall be done at the sole cost of the property owner.

If such property owner who has once suffered sewage damage and has filed a claim therefore with the City does not within a reasonable time thereafter execute, deliver and file with the City Clerk a waiver of claims for any future damage resulting from a back flow of sewage resulting from the clogging of the City Municipal lines, from any cause, releasing the City from any future and further damage or expense, in suitable form for recording, or if in such event said property owner does not, within a reasonable time, install a back flow valve in his building sewer line as herein provided, the City of Tekoa may, if its engineers or water and sewer Superintendent deem that it is fitting and proper to do so, proceed as follows: A notice shall be given to said property owner in writing that the City intends to enter upon the said property and install a back flow valve, which notice shall state a time and place for hearing thereon before the Tekoa City Council, and if after such hearing, the Tekoa City Council deems it fitting, proceed to excavate and install a back flow valve of suitable design and construction to prevent a reoccurrence of flooding damage to said property resulting from the flow of sewage from the Municipal line to the damaged property.

If the property owner, after such installation has been made by the City, fails, neglects or refuses to pay the reasonable cost of such construction and installation including labor, material and parts and rental equipment, the City may file a lien therefore against said property and foreclose said lien in Superior Court in the manner provided by statutes for the foreclosure of Mechanics or Materialmen's Lien.

If any section, paragraph, sentence, clause, or phrase of this section is declared unconstitutional or invalid, for any reason, such decision should not affect the validity of the remaining proportions of this Section. (Ord. 625, §§1-5§; 10/4/1993).

2.24.290 -- Powers and Authority of Inspectors.

a) The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The Superintendent or his representatives shall have no authority to inquire into any representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct

bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

b) While performing the necessary work on private properties referred to in Subsection “a”, above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such as may be caused by negligence or failure of the company to maintain safe conditions as required in Section 2.24.240.

c) The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 522, Art. VII; 12/15/1975).

CHAPTER 2.26

USE OF CREDIT CARDS BY CITY OFFICIALS AND EMPLOYEES

Sections:

2.26.010 – Purpose. The purpose of this chapter shall be to establish procedures for the distribution and use of credit cards by City officials and employees. (Ord. 665, §2, 1997).

2.26.020 – Distribution of Credit Cards. The City Clerk/Treasurer shall issue credit cards to employees and City officials as reasonable and necessary, keeping in mind the regularity of use, frequency of travel, or other circumstances justifying the use of credit cards. (Ord. 665, §3, 1997).

2.26.030 – Authorization and Control. Each department head shall be responsible for the distribution and tracking of each credit card issued to his or her department. (Ord. 665, §4, 1997).

2.26.040 – Charges for Personal Benefit Prohibited. No credit card shall be used for the personal benefit of any person. Any employee or official who violates this prohibition or who in any manner demonstrates a history of credit card misuse shall be barred from use of any City credit card. Any credit card charges which cannot be properly identified or which are not authorized shall be paid promptly by the user of the credit card. Such charges shall include any interest accruing thereon, and shall constitute a lien against all sums owed by the City to the user until they have paid in full. (Ord. 665, §5, 1997).

2.26.050 – Cash Advances—Limitation. The City Clerk/Treasurer shall be the only person allowed to use a City credit card for a cash advance. The City Clerk/Treasurer shall use a City credit card for a cash advance only when specifically authorized by the City Council prior to such use. (Ord. 665, §6, 1997).

2.26.060 – Credit Card Limit Per Card—Aggregate Limit. The credit limit for each City credit card shall be $2,000.00 The aggregate credit limit for all City credit cards shall not exceed $12,000.00. (Ord. 665, §7, 1997).

2.26.070 – Procedures and Policies—Adoption. The Clerk/Treasurer is authorized subject to approval by the City Council to adopt in writing any further procedures and policies regulating the distribution and use of credit cards which may be reasonable and necessary to implement the provisions of this chapter. (Ord. 665, §8, 1997).

2.26.080 – Notice of Violation—Response. The City Clerk/Treasurer shall promptly provide notice of any violations of any provisions contained in this chapter, or any violations of any rules and regulations promulgated under the provisions of this chapter, which the Clerk/Treasurer becomes aware or has knowledge of. Such notice shall be provided to the City Council and Mayor. Upon receipt of notice of violation by a City official, the City Council may take such disciplinary action as it deems appropriate. Upon receipt of notice of a violation by a City employee, the Mayor shall investigate the alleged violation, and may discipline the employee in accordance with any applicable employee policy manual, or in accordance with any other City policies. Any apparent criminal violations of this chapter shall be referred to the City attorney or County Prosecutor. (Ord. 665, §9, 1997).

2.26.090 – Severability. If any part of this chapter shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the enforceability of any other part of this chapter. (Ord. 665, §10, 1997).

CHAPTER 2.28

SMALL WORKS ROSTER

Sections:

2.28.010 – Small Works Roster Established. There is hereby established for the City of Tekoa a small works roster comprised of all contractors who request to be on the roster and who are properly licensed or registered to perform contracting work in the State of Washington. (Ord. 675, §2, 1998).

2.28.020 – Process for Compiling the Small Works Roster.

(1) At least twice every year, the City of Tekoa shall publish in a newspaper of general circulation a notice of existence of the small works roster and soliciting the names of contractors for such roster. The City shall add to the small works roster those qualified contractors who respond to the published notice and request to be included on the roster, and who are properly licensed and registered to perform contracting work in the State of Washington.

(2) In order to be included on the roster, the contractor shall supply information on a contractor qualification form to be developed by the City Clerk and approved by the Mayor. The contractor qualification form shall include at a minimum the name and address of the contractor, the contractor's Washington registration number, the contractor's insurance company, the contractor's bonding company, and the contractor's area or areas of work. (Ord. 675, §3, 1998).

2.28.030 – Procedure for use of Small Works Roster. The small works roster shall be utilized as follows:

(1) Whenever the City of Tekoa seeks to construct any public works or improvement, the estimated cost of which, including costs of material, supplies, and equipment, is $100,000.00 or less, the small works roster may be utilized.

(2) When the small works roster is utilized, the City of Tekoa shall, whenever possible, invite proposals from at least five qualified contractors on the small works roster.

(3) The invitation to submit proposals shall include an estimate of the scope and nature of the work to be performed and the materials and equipment to be furnished.

(4) When awarding a contract for work under the small works roster, the City of Tekoa shall award the contract to the contractor submitting the lowest possible bid, provided, however, that the City of Tekoa reserves it right under applicable law to reject any or all bids and to waive procedural irregularities.

(5) The City of Tekoa shall obtain telephone or written quotations for public works contracts in the following manner:

(a) A City representative shall, whenever possible, contact at least five appropriate contractors from the small works roster and, reading from the written description, obtain telephone or written bids from the contractors. At the time each of the bids are solicited, the City representative shall not inform a contractor of the terms or amount of any other contractor's bids for the same project;

(b) Once a contractor has been afforded an opportunity to submit a proposal, that contractor shall not be offered another opportunity until all other appropriate contractors on the roster have been given an opportunity to submit a bid;

(c) A written record shall be made by the City representative of each contractor's bid on the project and of any conditions imposed on the bid;

(d) All of the telephone bids or written quotations shall be collected and presented at the same time to the City Council for consideration, determination of lowest responsible bidder, and award of the contract.

(6) Immediately after an award is made, the bid quotations shall be recorded, open to public inspection, and available by telephone inquiry.

(7) A contract awarded from a small works roster under this ordinance need not be advertised. (Ord. 675, §4, 1998).

CHAPTER 3.04

TRAFFIC & VEHICLES

Sections:

3.04.010 - Bicycle Rules & Regulations. Every registration of a bicycle shall be deemed subject to the following conditions:

(a) No person shall ride or propel a bicycle on a street or other public highway of the city with another person on the handle bars or in any position in front of the operator.

(b) No bicycle shall be ridden faster than is reasonable and proper but every bicycle shall be operated with reasonable regard to the safety of the operator and any person upon the streets and other public highways of the city.

(c) No person shall ride a bicycle on any sidewalk in the City of Tekoa, but it is permissible for any operator of a bicycle to park his bicycle on the sidewalk along next to the wall of a building.

(d) Persons riding bicycles shall observe all traffic signs and stop at all stop signs.

(e) No bicycle shall be permitted on any street or other public highway of the City of Tekoa, between thirty minutes after sunset and thirty minutes before sunrise, without a headlight visible under normal atmospheric conditions from the front thereof for not less than 300 feet indication the approach or presence of the bicycle firmly attached to such bicycle and propertly lighted, or

without a yellow or red light or reflector attached to and visible from 300 feet from the rear thereof. The headlight shall give a clear white light.

(f) No person shall ride or propel a bicycle upon any street or other public highway in the City of Tekoa abreast of more than one other person riding or propelling a bicycle.

(g) Every person riding or propelling a bicycle upon any street or other public highway in the City of Tekoa shall observe all traffic rules and regulations applicable thereto, and shall turn only at intersections, signal for all turns, ride at the right hand side of the street or highway, pass to the left when passing overtaken vehicles and individuals that are slower moving, and shall pass vehicles to the right when meeting. (Ord. 279, §2; 4/17/1939).

3.04.020 - Washington Model Traffic Ordinance Adopted. The "Washington Model Traffic Ordinance," WAC Chapter 308.330, as authorized under R.C.W. Chapter 46.90, is hereby adopted in its entirety, together with RCW 46.52.088, 46.61.072, 46.61.202, 46.61.213, 46.61.261, 46.61.264, 46.61.266, 46.61.269, 46.61.520, 46.61.540, 46.61.606, 46.61.608 and 46.61.614, all as if set forth in full herein, with the exception of the penalty provisions which shall be superceded by the general penalty provisions of this Code. (Ord. 572, §1; 8/1/1983; Ord. 714, §1; 9/17/2001).

3.04.030 - Model Traffic Ordinance - Disposition of Fines. All fines or forfeitures collected upon conviction or upon the forfeiture of ail or any person charged with a violation of any of the provisions of the Model Traffic Ordinance shall be paid into the general fund of the city.

Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture of bail, either before or after a deposit in said general fund, to comply with the provisions of section 3.04.040(a) shall constitute misconduct in office and shall be grounds for removal there from, provided appropriate removal actions is taken pursuant to the state law relating to removal of public officials. (Ord. 572, §§3 & 4; 8/1/1983).

COMPILER'S NOTE: Ordinance 353 provided for a maximum speed limit in the City of Tekoa and was never repealed; however, the adoption of the Model Traffic Ordinance by Ordinance 572 supersedes Ordinance 353, The Washington Model Traffic Ordinance now provides the maximum speed in the City of Tekoa.

3.04.040 - Highway Access Management. This section is adopted to implement Chapter 47.50 RCW for the regulation and control of vehicular access and connection point of the ingress to, and egress from, the state highway system within the corporate areas of Tekoa.

Pursuant to the requirements and authority of RCW 47.50, there is hereby adopted by reference as if set forth here in full, the provisions of Chapter 468-51 and Chapter 468-52 of the Washington Administrative Code, together with all future amendments of these two chapters, in order to implement the requirements of Chapter 47.50 RCW.

If any portion or provision of this section, or its application to any person or circumstance, is declared by any court of competent jurisdiction to be unconstitutional or invalid for any reason,

the remaining portions of this section and their application to other persons or circumstances shall remain in full force and effect. (Ord. 626, §§1, 2, 3, 4; 10/18/1993).

3.04.050 - Parking - General.

(a) Parking of vehicles on all streets and alleys and off street parking facilities within the City shall be controlled as to the method and limits as to time as the City Council may from time to time designate by resolution duly entered in the minutes of the meetings of the Council. Immediately upon the adoption of any such resolution, the Mayor shall instruct the Chief of Police or the Street Superintendent or both to place signs in conspicuous, clearly visible, places upon or near the curb line in each block by such rule, or draw or paint lines or words upon the pavement indicating the method of parking of vehicles or the time limit of such parking. Any person or persons parking a vehicle upon such marked streets or alleys or within said off-street parking places in any manner other than or designated by said signs or markings, or for a period of time longer than that designated by said signs shall be guilty of a misdemeanor.

Compiler's Notes: Section 3.04.050(b) was amended by the Tekoa City Council on 01-24-2022.

(b) Until such time as the Council shall by resolution otherwise provide, no vehicle shall park for a longer period than three hours between the hours of 9:00 A.M. and 5:00 P.M. daily except weekends and holidays on Crosby Street between Warren Street and Main Street, nor on Warren and Henkle Streets between Crosby Street and Broadway Street. The Mayor shall immediately cause the Code Enforcement Officer to post said streets accordingly.

(c) Notwithstanding any other provisions of this chapter, no vehicle which is not currently registered and licensed for operation on the public roads and highways of the State of Washington shall be parked or left standing on any City street, road, alley, or public right-of-way for a continuous period of 24 hours or more. (Ord. 369, §§1-5; 5/8/1957; Ord. 758, §1; 3/20/2006).

3.04.051 – Impoundment Authorized. Any vehicle placed or parked on a City street, road, alley, or right-of-way in violation of Tekoa Municipal Code 3.04.050 (c) may be impounded upon authorization of the Police Chief, code enforcement officer, or public works supervisor. Such impoundment shall be in accordance with RCW Chapter 46.55, as now or hereafter amended, the applicable provision of which are hereby incorporated into this chapter by reference. (Ord. 758, §2; 3/20/2006).

3.04.052 – Impoundment Without Prior Notice. A vehicle subject to impoundment under this chapter may be impounded without citation and without prior notice under the following circumstances:

A. When the vehicle is impeding or is likely to impede the normal flow of vehicle or pedestrian traffic; or

B. When the vehicle poses an immediate danger to public safety. (Ord. 758, §3; 3/20/2006).

3.04.053 – Notice of Impoundment. Any vehicle subject to impoundment under this chapter, but which is not subject to impoundment without prior notice as provided in Tekoa Municipal

Code 3.04.052, above, may be impounded after a notice of impoundment pursuant to RCW 46.55.085 has been securely attached to, and conspicuously displayed on the vehicle for a period of at least 24 hours prior to impoundment. (Ord. 758, §4; 3/20/2006).

3.04.054 – Notice of Impoundment.

A. Not more than 24 hours after the vehicle is impounded (or not more than 48 hours after impoundment if impoundment on a weekend or holiday), the authorizing officer shall cause notice of impoundment to be mailed to the last known registered or legal owner of the vehicle. The notice shall be mailed by first class mail, and shall state the particulars of the impoundment, the redemption procedure, and the opportunity to contest the validity of the impoundment pursuant to RCW 46.55.120.

B. The procedure for the redemption of an impounded vehicle shall be in accordance with RCW Chapter 46.55. (Ord. 758, §5; 3/20/2006).

3.04.055 – Post Impoundment Rights and Procedures.

A. The registered or legal owner of the impounded vehicle may request a hearing before the Whitman County District Court, acting in its capacity to hear and adjudicate Tekoa Municipal Court matters, to contest the validity of the impoundment. The request shall be in writing and must be received by the Court Clerk within ten (10) days after notice of impoundment has been mailed in accordance with Tekoa Municipal Code 3.04.054, above. A copy of the request shall also be delivered to the City Clerk within the ten-day period. If no request for a hearing is received with the ten-day period, the right to a hearing shall be deemed waived and the registered and legal owner(s) shall be liable for any towing and impoundment charges authorized in RCW Chapter 46.55.

B. The procedure for the hearing to contest the validity of the impoundment shall be in accordance with RCW Chapter 46.55. (Ord. 758, §6; 3/20/2006).

3.04.056 – Towing Contract Authorized. The City Council may from time-to-time designate by resolution tow truck operators who shall have authority to remove and store vehicles impounded in accordance with this chapter. In absence of such designated tow truck operators, the officer or official authorizing the impoundment may contract with any licensed tow truck operator located within Whitman or Spokane County to remove and store an impounded vehicle. All tow truck operators removing or storing impounded vehicles under the authority of this chapter must be duly licensed as tow truck operators of Washington. (Ord. 758, §7; 3/20/2006).

3.04.060 - Miscellaneous Traffic Regulations.

(a) It shall be the duty of every person operating or driving any vehicle, or riding or driving any animal along or over any public highway to keep to the right of the center of such public highway; and in case it is desired to cross from side of the public highway to the other, the vehicle or animal shall be turned to the left so as to head in the same direction as traffic on that side, provided that all vehicles and animals shall be driven to an intersection before being turned around, or before crossing from one side of the public highway to the other.

(b) U-turns shall be prohibited at certain street intersections to be from time to time designated by resolution of the City Council and marked with traffic signs inscribed as follows: "No U Turns."

(c) The parking of trucks, except light trucks and pickups with beds no wider than standard automobiles equipped with bumpers at either end extending beyond the bed and load, upon the City streets or public highways with the City of Tekoa shall be prohibited on certain streets and highways to be from time to time designated by resolution of the City Council and marked with traffic signs inscribed accordingly.

(d) It shall be the duty of the Chief of Police to procure and install proper signs at all designated streets and intersections.

(e) Any person making a U turn at any intersection so designated and marked or parking any truck on any street so designated and marked shall be deemed guilty of a misdemeanor. (Ord. 330, §§1-4; 4/18/1949).

3.04.070 - Motorhome Parking.

(a) It is unlawful for any person to keep, park or store any camper, mobile trailer, boat or boat trailers or other such unit incapable of being independently driven or moved by means of its own power upon the public streets or ways of Tekoa for a period of more than forty-eight (48) hours.

Any such camper, mobile trailer, boat or boat trailer or other such units as described above, when placed upon the public streets or ways for lesser time than is prohibited by this section, shall be blocked, braced or otherwise secured so that it can in no event slide, tilt, fall or otherwise move so as to be a danger to the person and property of the general public.

(b) Before any person shall be charged with a violation of this ordinance he shall be advised by letter from the City Clerk by first class mail, with postage prepaid thereon, directed to his last known address, that the owner has forty-eight (48) hours to remove the same from the public street or way, and a copy of said letter shall be posted on the offending unit or equipment by the City Clerk. In the event that such unit or equipment is not removed within the time provided for in the notice as given in this section, any person being the owner or in control of such unit or equipment, shall be deemed in violation of this section. (Ord. 439, §§1-4; 9/7/1971).

CHAPTER 3.06

SCOOTERS AND SKATEBOARDS

Sections:

3.06.010 – Definitions. For the purpose of this Chapter, the following terms shall have the following meanings:

A. "Scooter" shall mean a device with not more than two wheels, ten-inches or smaller in diameter, equipped with a handle bar, with or without a motor or engine to propel it, and which is designed to be stood or sat upon by the operator.

B. "Skateboard" shall mean a device with more than two wheels, ten-inches or smaller in diameter, which are affixed to a board or platform upon which the operator stands.

C. "Skates" shall mean roller skater or in-line skates.

D. "Coaster" shall mean any wheeled device upon which the operator sits or kneels, designed to be propelled by gravity or human propulsion.

E. "Scooter or similar device" shall mean scooters, skateboards, skates, coasters, and other, similar devices or toy vehicles.

F. To "operate in a negligent manner" means to operate or ride upon any scooter or similar device in such a manner as to endanger or likely to endanger any person or property.

G. "Central business district" means Crosby Street and any sidewalk running along Crosby Street between Connell and Main Streets within the City of Tekoa.

3.06.030 – Negligent Operation Prohibited. No person shall operate in a negligent manner any scooter or similar device upon any public street, alley, right-of-way, or sidewalk within the City of Tekoa.

3.06.040 – Operation of Motorized Scooters.

(1) Motorized scooters shall not be operated upon a public roadway by anyone under the age of 16 years.

(2) Motorized scooters shall not be operated on public roads with a speed limit of greater than 25 miles per hour.

(3) Operators of motorized scooters shall adhere to and obey all rules of the road applicable to motorized vehicles.

(4) Motorized scooters shall not be operated in any City park, and motorized scooters shall not be operated on other City property, walkways, paths, or any other place where motorized vehicles are prohibited.

(5) Motorized scooters shall not be operated at any time during one-half hour after sunset to one-half hour before sunrise without reflectors which are approved by the Washington State Patrol, and without a head lamp on the front which is visible from a distance of at least 500 feet to the front.

(6) At no time shall a passenger be allowed to ride on a motorized scooter.

(7) No motorized scooter shall be operated in a manner so as to obstruct, hinder, or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public roads, streets, sidewalks, alleys, parking areas, trails, or other sidewalks, alleys, parking areas, trails, or other public areas within the City of Tekoa.

(8) Motorized scooters shall be equipped so that the drive engine or motor is engaged through a switch lever or other mechanism that, when released, will cause the drive engine or motor to disengage or cease to function.

(9) Every motorized scooter shall be equipped with brakes that are capable of skidding the braked wheel on dry, clean level pavement.

(10) Every motorized scooter shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise; the use of a cutout, bypass, or similar muffler elimination device is prohibited.

3.06.050 – Sidewalks. No motorized scooter shall be operated on any public sidewalk within the City of Tekoa. Persons operating any non-motorized scooter or similar device on any public sidewalk shall yield to all pedestrians using the sidewalk.

3.06.060 – Violation – Penalties – Seizure and Forteiture.

A. Whenever a law or code enforcement officer has probable cause to believe a person has violated any provision of this chapter, the officer may issue a verbal or written warning, or a Notice of Civil Infraction. If the officer issuer a Notice of Civil Infraction, the officer may also seize and impound any scooter or similar device used by the operator in commission of the violation. Upon conviction of the violation, the violator shall be assessed a penalty as follows:

1. First offense: $50.00
2. Second offense: $100.00
3. Third offense: $500.00

Provided, in lieu of a monetary penalty for a first offense, the Court may sentence the violator to 5 hours community service for the City of Tekoa.

B. Any scooter or similar device seized in conjunction with the issuance of a Notice of Civil Infraction shall be held by the City until disposition of the infraction, and until all monetary penalties have been paid and all community service has been completed; *provided*, upon conviction or acceptance of a guilty plea upon a third offence, any scooter or similar device seized in conjunction with the issuance of the Notice of Civil Infraction may, at the discretion of City, be forfeited to the City for sale, destruction, or other disposition. The proceeds of any sale of the seized property shall be paid into the Current Expense Fund. (Ord. 750, §1; 9/19/2005).

CHAPTER 3.08

CRIMINAL CODE

Sections:

3.08.010 - Sling Shots & Air Guns. No person shall, within the corporate limits of the City of Tekoa, and in a reckless, careless or negligent manner hurl or throw by means of a sling or sling shot any pebble, bullet or other missile; and no person shall, within said limits or in said manner, discharge any air gun or spring gun. The terms sling or sling shot as herein used, includes every instrument made and constructed for the purpose of throwing or hurling stones, pebbles or other small missiles. (Ord. 66, §§1 & 2; 6/4/1894).

3.08.020 - Slot Machines Prohibited. Any person or persons who shall conduct, lessee or lessees, employer or employees, agent or agents, any nickel-in-the-slot machines or other device of like character, wherein there enters an element of chance, whether the same be played or

operated for money, checks, credits, or any other thing or representative of value within the corporate limits of the City of Tekoa, shall be guilty of a misdemeanor. For the purpose of trial and conviction under this ordinance, the possession of any machine or device or keeping the same in any place accessible to the public shall be prima fascia evidence against the person in possession thereof of guilt under this ordinance. (Ord. 86, §§1 & 2; 10/7/1901).

3.08.030 - Minors in Card Rooms, Pool Halls Prohibited. It shall be unlawful for any person, firm or corporation as lessee, owner or owners, proprietor or proprietors, to permit persons under the age of twenty-one years to frequent or remain within any pool or billiard hall or card rooms where such games are conducted for hire, within the corporate limits of the City of Tekoa. It shall be unlawful for any person under the age of twenty-one to frequent or remain within any pool or billiard hall, or card room conducted for hire within the limits of the City of Tekoa. (Ord. 108, §§1 & 2; 4/1/1907; and Ord. 136, 1/29/1912).

3.08.040 - Interference with Police. Every person who within the City of Tekoa shall interfere in any manner with any police officer or other officer of the City of Tekoa in the discharge of his official duty shall be guilty of a misdemeanor. (Ord. 404, §1; 9/8/1964).

3.08.050 - Concealed Weapons. Every person who within the City of Tekoa shall carry concealed upon his or her person any revolver, pistol, switchblade or knife, or any knife the blade of which is automatically released by a spring mechanism, or other mechanical device, or other dangerous weapon shall be guilty of a misdemeanor. (Ord. 404, §2; 9/8/1964).

3.08.060 - Provocation. Every person who within the City of Tekoa shall by work, sign or greeting willfully provoke or attempt to provoke another person to commit an assault or breach of peace shall be guilty of a misdemeanor. (Ord. 404, §3; 9/8/1964).

3.08.070 - Gambling Games Prohibited. Every person who within the City of Tekoa shall open, conduct, carry on or operate, whether as owner, manager, agent, dealer, clerk, or employee, and whether for hire or not, any gambling game or game of chance, played with cards, dice, or any other device, or any scheme or device whereby any money or property or any representative of either, may be bet, wagered or hazarded upon any chance, or any uncertain or contingent event, shall be a common gambler and shall be guilty of a misdemeanor. (Ord. 404, §4; 9/8/1964).

3.08.080 - Foul Language Prohibited. Any person who shall use in the presence of any other person any indecent or vulgar language or who shall appear upon any public road or street, or in any other public place of conveyance, in any indecent drunken or maudlin condition, or boisterous manner, shall be guilty of a misdemeanor. (Ord. 404, §4; 9/8/1964).

3.08.090 - Minors with Guns Prohibited. It shall be unlawful for any minor, within the City of Tekoa, under the age of fourteen (14) years, to have in his possession or to have under his control, except when attended by or under the immediate charge of his parent or guardian, any firearm of any kind for hunting, or target practice, or for other purposes, and any person violating the foregoing provisions or aiding or knowingly permitting any such minor to violate the same shall be guilty of a misdemeanor. (Ord. 404, §7; 9/8/1964).

3.08.100 - Non-payment of Hotel & Restaurant Bills. Any person who within the City of Tekoa shall obtain any food, lodging at any hotel, restaurant, boarding house or lodging house, without paying therefor with an intent to defraud the proprietor or the manager thereof, or who shall obtain credit at a hotel, restaurant, boarding house or lodging house, by color or aid of any false pretense, token in writing, or who after obtaining board or lodging at a hotel, restaurant, boarding house, or lodging house, shall abscond or surreptitiously remove his baggage, without paying for such food, lodging or other accommodations shall be guilty of a misdemeanor. (Ord. 404, §8; 9/8/1964).

3.08.110 - Public Intoxication Prohibited. Every person, who within the City of Tekoa shall become intoxicated by voluntarily drinking any intoxicating liquor and who, while intoxicated shall loiter about any place where intoxicating liquors are sold or kept for sale; or, who shall make any disturbance or use profane or indecent language in any street or public place or meeting; or, who shall commit an assault or breach of peace, shall be guilty of a misdemeanor. (Ord. 404, §11; 9/8/1964).

3.08.120 - Reckless Discharge of Guns. Every person who within the City of Tekoa shall, in a reckless, careless or negligent manner discharge any firearm, shall be guilty of a misdemeanor. (Ord. 404, §12; 9/8/1960).

3.08.130 - Display of Weapons Prohibited. Every person who within the City of Tekoa shall, in a rude, angry, or threatening manner, in a crowd of two or more persons, exhibit any pistol, switchblade knife, or other dangerous weapon, shall be guilty of a misdemeanor. (Ord. 404, §13; 9/8/1964).

3.08.140 - Selling Tickets to Fraudulent Benefit Prohibited. Any person who within the City of Tekoa shall sell a ticket to any ball, benefit, or entertainment, or ask to receive any subscription or promise thereof, for the benefit or pretended benefit of any person, association or order, without being duly authorized thereto by the person, association or order for whose benefit or pretended benefit the same is done, shall be guilty of a misdemeanor. (Ord. 404, §14; 9/8/1964).

3.08.150 - Vagrancy Defined & Prohibited. Every person who within the City of Tekoa

(a) asks or receives any compensation, gratuity or reward for practicing fortune telling, palmistry or clairvoyance; or

(b) keeps a place where lost or stolen property is concealed; or

(c) practices or solicits prostitution or keeps a house of prostitution or bawdry house or place for the resort of prostitutes; or

(d) is a habitual or common drunkard found in any place where intoxicating liquors are sold or kept for sale; or

(e) is found in an intoxicated condition; or

(f) is a common gambler found in any place where cards are played or gambling is conducted or where gambling paraphernalia or devices are kept; or

(g) shall solicit alms or beg for money or food; or

(h) is lewd, disorderly, dissolute or profligate person; or

(i) wanders about the city having no visible means of support; or having no visible or lawful business or employment, or who wanders or loiters about the streets or alleys at late or unusual hours of the night without any visible or lawful business; or

(j) has no visible means of support who does not seek employment, nor work when employment is offered; or

(k) lodges in any building, barn, shed, shop, outhouse, driveway, car or other place not kept for lodging purposes, without the permission of the owner or person entitled to possession thereof; or

(l) by his own confession thereto or prior conviction thereof is known to have been guilty of vagrancy as herein defined, or of larceny, burglary, robbery, or any crime4 of which fraud or an intent to defraud is an element, or any crime of which violence is an element who shall be found in any place where intoxicating liquors are sold or kept for sale, or be found intoxicated, or who except on lawful business, shall be about any dark street or alley or any residence section of the city in the night-time, or shall wander or loiter about any store, shop, office, banking institution, crowded street or thoroughfare, or any public meeting or gathering; or

(m) shall, without the consent and permission of the owner or person entitled to possession thereto, enter any occupied dwelling or refuse to leave any occupied dwelling when requested by the lawful occupants thereof;

Shall be vagrant and shall be guilty of a misdemeanor. (Ord. 404, §15, 9/8/1964).

COMPILER'S NOTE: Ordinance 350 defined and outlawed vagrancy and was never repealed; however, Ordinance 404 supersedes 350 since it was passed later in time.

3.08.160 - Malicious Mischief. A person shall be guilty of the offence of malicious mischief if such person knowingly and maliciously:

(a) causes physical damage to the property of another; or

(b) creates a substantial risk of interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the City of Tekoa, or a public utility or mode of public transportation, power or communication. (Ord. 571, §2; 7/18/1983).

3.08.170 - Posting of No Smoking Signs. Any person who, within the City of Tekoa, shall light a pipe, cigar or cigarette or who shall enter with a lighted pipe, cigar or cigarette, any building on which is posted in a conspicuous place over each principal entrance a notice in plain legible

characters stating that no smoking is allowed in such building, shall be guilty of a misdemeanor. (Ord. 149, §9; 6/1/1914).

3.08.180 - Indecent Exposure. Every person who, within the City of Tekoa, shall willfully, indecently expose his or her person, or the person of another, in any public place of said City, shall be guilty of a misdemeanor. (Ord. 149, §9; 6/1/1914).

CHAPTER 3.12

ALCOHOLIC BEVERAGES

Sections:

3.12.010 - Definitions. In this chapter any term used, but not herein specifically defined, shall have the definition and meaning given it by the Washington State Liquor Act, if defined therein; otherwise it shall have the meaning ordinarily given to it by common usage. (Ord. 416, §1; 9/4/1967).

3.12.020 - Licensed Premises Open to Inspection. All licensed premises used in the manufacture, storage or sale of liquor shall at all times be open to inspection by any inspector or peace officer in order to ascertain whether any infraction of any of the provision of this act or the regulations has taken place or is taking place therein. (Ord. 416, §2; 9/4/1967).

3.12.030 - License Required. Any person doing any act required to be licensed under the Washington State Liquor Act without having in force a license issued to him under said act shall be guilty of a violation of this chapter. (Ord. 416, §3; 9/4/1967).

3.12.040 - Official Seal Required. No liquor shall be kept or had by any person within the town unless the package in which the liquor was contained had, while containing that liquor, been sealed with the official seal prescribed under the Washington State Liquor Act. (Ord. 416; §4; 9/4/1967).

3.12.050 - No Imbibing in Public. Except as permitted by the Washington State Liquor Act, no person shall open the package containing liquor or consume liquor in a public place. (Ord. 416, §5; 9/4/1967).

3.12.060 - Public Intoxication Prohibited. No person who is intoxicated shall be or remain in any public place. (Ord. 416 §6; 9/4/1967).

3.12.070 - Selling to One Under the Influence Prohibited. No person shall sell any liquor to any person apparently under the influence of liquor. (Ord. 416, §7; 9/4/1967).

3.12.080 - Providing Liquor to Minors. Except in the case of liquor given or permitted to be given to a person under the age of twenty-one years by his parents or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, no person shall give or otherwise supply liquor to any person under the age of twenty-one years, or permit any person under that age to consume liquor in his premises or on any premise under his control. (Ord. 416, §8; 9/4/1967.)

3.12.090 - Hours.

A) No retail licensee shall sell, deliver, offer for sale, serve or allow to be consumed upon the licensed premises any liquor, nor permit the removal of any liquor from the licensed premises in any manner whatsoever between the hours of 2:00 a.m. and 6:00 a.m.

B) Notwithstanding the provisions of Section 3.12.090 (A) the hour of closing on New Year's Day shall not be later than 3:00 a.m. (Ord. 526, §§1 & 2; 7/19/1976).

3.12.100 - Interpretation. This chapter is intended to be in conformity with the Washington State Liquor Act and regulations promulgated by the Washington State Liquor Control Board and any apparent conflict shall be resolved in conformity with said act and regulations. (Ord. 416, §12; 9/4/1967).

CHAPTER 3.40

MINOR'S CURFEW

Sections:

3.40.010 - Curfew Established. It shall be unlawful for any parent or guardian to allow, and for any person under the age of eighteen years to remain in, on, or occupy any of the public streets, alleys or any other public places between the hours of ten o'clock p.m. and six o'clock a.m., except as allowed under this ordinance. The term "public place" shall include all places to which the general public has access, whether or not publicly owned. (Ord. 598, §1; 7/18/1988).

3.40.020 – Exemptions. The following shall be exempt from the enforcement of this ordinance:

(a) A minor accompanied by his/her parent or guardian.

(b) A minor on an errand or on legitimate business pursuant to instructions from his/her parent (s) or guardian (s), and when proceeding therewith without delay.

(c) A minor involved in an emergency concerning the person or property of himself or another.

(d) A minor returning home from school or church sponsored activities, or from other activities supervised by an adult. The term "returning home" means immediately and directly after participation in such activity, without a broken chain of sequences and time between the end of such activity and the time the minor returns to his/her residence or such other place as shall be authorized by his/her parent (s) or guardian (s).

(e) A minor returning directly and promptly home from work. (Ord. 598, §2; 7/18/1988).

CHAPTER 3.60

FIREWORKS

Sections:

3.60.010 – Fireworks on July 4th Only. It shall be unlawful for any person, firm or corporation, directly or indirectly to detonate, use, explode or display any fire crackers, torpedoes, sky rockets, roman candles, or other kinds of fireworks and noise making devices, including toy pistols and cap pistols, except on the fourth day of July each and every year. (Ord. 383, §1; 6/15/1959).

3.60.020 – Fireworks Permit. It shall be unlawful for any person, firm or corporation, directly or indirectly to sell or display for sale fireworks for use and detonation of the fourth day of July each year, in accordance with this ordinance, except the first, second, third, and fourth days of July each year pursuant to a license duly issued to such vendor by the City Clerk of the City of Tekoa upon application therefor to said City Clerk, and payment to the City of Tekoa of a license fee in the sum of $75.00 (seventy-five dollars). (Ord. 383, §3; 6/15/1959).

3.60.030 – Public Display. Public fireworks and displays properly supervised may be held at the will of such supervisory body provided, however, that application for such displays shall be made to the City Clerk and a permit obtained therefor. No fee for such permit shall be required. (Ord. 383, §3; 6/15/1959).

3.60.040 – Conform to State & Federal Policy. It is hereby declared to be the policy of the City of Tekoa to conform to Federal and State policies with reference to the subject matters of this ordinance. (Ord. 383, §4; 6/15/1959).

3.60.050 – Fireworks—Unlawful Manner. The provisions of this ordinance notwithstanding, it shall be unlawful to use, explode or detonate fireworks and cap pistols in a promiscuous, careless manner such as may tend to injure persons or property. (Ord. 383, §5; 6/15/1959).

CHAPTER 3.80

PUBLIC DISTURBANCE NOISE

Sections:

3.80.010 – Definitions—Noise. "Noise" means the intensity, duration and character of sounds from any and all sources. (Ord. 655, §2, 1997).

3.80.020 – Unlawful Noise. It is unlawful for any person knowingly to cause or make, or for any person using or in possession of property knowingly to allow to originate from the property, unreasonable noise which disturbs another person, or which are public disturbance noises as the same are defined in §3.810.040, below. (Ord. 655, §3, 1997).

3.80.030 – Unlawful Refusal. It is unlawful to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a police officer. (Ord. 655, §4, 1997).

3.80.040 – Public Disturbance Noises—Examples. "Public disturbance noises" include, but are not limited to, the following:

(a) Frequent, repetitive or continuous sounds made by any animal which emanates from a building, structure or property and which annoys or disturbs any person or persons residing in the vicinity;

(b) Frequent, repetitive or continuous sounds made by the use of any musical instrument, radio, television, stereo, sound amplifier or other similar device which shall annoy or disturb any person or persons residing in the vicinity;

(c) Loud and frequent, repetitive or intermittently continuous sounds made by the unamplified human voice or voices between the hours of ten p.m. and seven a.m. on weekdays and ten p.m. and nine a.m. on weekends;

(d) Frequent, repetitive or intermittently continuous sounds made in connection with the starting, operation, repair, rebuilding or testing of any type of vehicle or internal combustion engine between the hours of ten p.m. and seven a.m. on weekdays and ten p.m. and nine a.m. on weekends;

(e) Any sound made in connection with the operation of any motorcycle, motorbike, or vehicle of any kind, within a residential area, when such motorcycle, motorbike or vehicle is not equipped with a muffler in good working order, in constant operation, and in accordance with state regulations adopted by the State Patrol;

(f) The operation of any motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching, or other such sounds from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason provided that noise resulting from emergency braking to avoid imminent danger shall be exempt from this section;

(g) Any sound made by the construction, excavation, repair, demolition, destruction or alteration of any building, property, or upon any building site between the hours of ten p.m. and seven a.m. on weekdays and ten p.m. and nine a.m. on weekends;

(h) Frequent, repetitive or intermittently continuous sounds made by any horn or siren attached to a motor vehicle except such sounds that are made to warn of danger, and/or are made by an emergency vehicle on an emergency call, or such a sound intended to summon emergency aid;

(i) Any sound which is audible at any school, court, church, hospital, nursing or convalescent facility, or other area where exceptional quiet is necessary; provided that signs are displayed in adjacent or continuous streets indicating that the area is a quiet zone;

(j) Sounds caused by the use of compression brakes. (Ord. 680, §1, 1998; Ord. 655, §5, 1997)

3.80.050 – Exemptions.

(a) Any noise that is the reasonable result of any activity necessary for public safety or the maintenance of public utilities shall not be considered a public disturbance noise as defined in this chapter.

(b) Any noise that is the reasonable result of any regularly scheduled event at any public park shall not be considered a public disturbance noise as defined in this chapter between the hours of 9:00 a.m. and 10:30 p.m. (Ord. 655, §6 1997).

CHAPTER 3.92

OUTDOOR BURNING

Sections:

3.92.010 – Types of Outdoor Fires which are Prohibited. It is unlawful to burn any garbage or swill as such is defined in Tekoa Municipal Code §8.16.020. It is also unlawful to burn any materials containing asphalt, petroleum products, paint, rubber products, plastics, or any substance which, when burned, releases toxic emissions, dense smoke, or obnoxious odors.

3.92.020 – Types of Outdoor Fires which no Permit is Required. Any dry material or natural vegetation such as leaves and tree trimmings may be burned without a permit during daylight hours, except during the periods when all outdoor burning is prohibited as provided in §3.92.060, below. For the purposes of this Chapter, the term "daylight hours" shall mean one hour after sunrise to one hour prior to sundown.

3.92.030 – Types of Outdoor Fires which a Permit is Required. A permit issued in accordance with this chapter shall be required for any outdoor burning conducted in pits, rings, or chimneas between the period from one hour before sundown until 12:00 midnight.

3.92.040 – Permit – Issuing Authority – Inspection Required - Revocation. The Tekoa Fire Department shall be issuing authority for permits as provided in §3.92.030, above. Permits shall be issued only after the Fire Department's designated permit officer has inspected the proposed burn site and has determined that the fire can be conducted safely without damage to the surrounding area. At a minimum, all fire rings must be at least 12 inches in depth, with solid sides constructed of steel, brick, or rock. To be considered solid, any brick or rock sides must be mortared to provide a wall without open gaps or chinks. A burn permit shall be specific to the proposed burn site. All permit holders shall fully comply with all provisions of this chapter when conducting outdoor burning; a permit may be revoked at any time upon failure to comply with such provisions.

3.92.050 – Inspection Fee for Permit. There shall be a one-time fee of $25.00 for the inspection of any proposed burn site by the Fire Department's designated permit officer. This fee shall be paid before a burn permit is issued.

3.92.060 – Restrictions.

A. No outdoor fires shall be allowed to burn during the period from one hour before sundown to one hour after sunrise, except fires for which a permit is issued as provided in §3.92.030, above, shall be allowed to burn during this period up to 12:00 midnight.

B. Unless specifically authorized by proclamation of the Chief of the Tekoa Fire Department, no outdoor burning of any type shall be conducted anytime between July 15 and September 15, or during any other period for which outdoor burning is banned by proclamation of the Fire Chief because of extreme fire danger. During such periods, all valid permits for outdoor burning shall be suspended.

C. No open, outdoor burning shall be conducted on any paved street or alley.

D. Any open, outdoor burning which poses an unreasonable risk to property or life is prohibited.

E. The use of burn barrels within the City of Tekoa is prohibited.

F. The inside diameter of any fire pit or ring shall not exceed 36 inches.

G. No outdoor fire shall be left unattended for any reason.

3.92.070 – Fire Exempt from Chapter.

A. The provisions of this chapter shall not apply to any barbeques, chimneas, and/or patio warmers which use propane or briquettes for fuel.

B. The provision of this chapter shall not apply to controlled burn exercises conducted by the Tekoa Fire Department in performance of its authorized duties.

C. The Fire Department may issue a special permit waiving the provisions of this chapter for fires conducted to burn demolition materials, trees, or other special situations supervised and monitored by the Fire Department.

3.92.080 – Penalties.

A. If the Tekoa Fire Department responds to control or extinguish an outdoor fire conducted in violation of this chapter, the City may charge and recover from the person or persons responsible for the fire the costs and expense of the response and control action.

B. Any person convicted of violation of this chapter shall be subject to a fine of $100.00 for the first violation, $300.00 for a second violation occurring within one year after the first violation, and $500.00 for any subsequent violation occurring within such period.

C. In addition to any fine levied upon conviction for the violation of this chapter, the City may pursue any other remedies available in law or equity to recover any costs, expenses, or damages

suffered by the City as a result of the violation, or to enjoin any activities or conditions which may result in further violations of this chapter. (Ord. 767, §2, 11/19/2007).

CHAPTER 3.95

CROSS CONNECTIONS

Sections:

3.95.010 – Purpose. The purpose of these regulations is to protect the water supply of the City of Tekoa from contamination or pollution due to existing or potential cross-connection. (Ord. 732, §3, 2003).

3.95.020 – Definitions.

(a) "Approved backflow preventive device" means a device to counteract back pressures or prevent back siphonage. This device must appear on the list of approved devices issued by the Washington State Board of Health, or by its successor state agency.

(b) "Backflow" means the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of the City of Tekoa's water.

(c) "Contamination" means the entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.

(d) "Cross connection" means any physical arrangement where a public water system is connected, directly or indirectly, with any other non-drinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change over devices, or other temporary or permanent devices through which, or because of which, backflow may occur are considered to be cross connections.

(e) “Health hazard” means an actual or potential threat of contamination or physical or toxic nature to the public potable water system or the consumer’s potable water system that would be a danger to health.

(f) “Plumbing hazard” means an internal or plumbing-type cross-connection in a consumer’s potable water system that may be either a pollutional or a contamination-type hazard. This includes, but is not limited to, cross-connections to toilets, sinks, lavatories, washtrays, domestic washing machines and lawn sprinkling systems. Plumbing-type cross-connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments.

(g) “Potable water supply” means any system of water supply intended or used for human consumption or other domestic use.

(h) “Premises” means any place of land to which water is provided including all improvements, mobile home (s) and structures located on it.

(i) “Reduced pressure principle device” shall mean assembly containing two independently acting approved check valves together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first valve. The device shall include properly located test cocks and tightly closing shut off valves at the end of the assembly. A check valve is approved if it appears on the list of approved devices issued by the Washington State Board of Health, or its successor state agency. (Ord. 732, §4, 2003).

3.95.030 – Cross Connection Regulation. No cross connection shall be created, installed, used or maintained within the territory served by the City of Tekoa water system, except in accordance with these regulations. (Ord. 732, §5, 2003).

3.95.040 – Backflow Prevention Device Requirement. Approved backflow prevention devices shall be installed at the expense of the owner of the premises, either at the service connection or within the premises, as determined by a cross connection inspector employed by the City of Tekoa, whenever:

(a) The nature and extent of any activity of the premises, or the materials used in connection with any activity of the premises, or material stored on the premises, could contaminate or pollute the drinking water supply.

(b) Premises having any one or more cross connections as that term defined in section 1 (d) are identified or are present.

(c) Internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections are present.

(d) There is a repeated history of cross connections being established or re-established on the premises.

(e) There is unduly restricted entry so that inspections for cross connections cannot be made to assure that cross connections do not exist.

(f) Materials of a toxic or hazardous nature are being used such that, if backflow should occur, a health hazard could result.

(g) There is a mobile apparatus which uses City water or water from any premises served by the municipal water supply system.

(h) An appropriate cross connection report form has not been filed with the City of Tekoa.

(i) A fire sprinkler system using non-potable piping material is connected to the City's water system. (Ord. 732, §6, 2003).

3.95.050 – Installation Requirements. To ensure proper operation and accessibility of all backflow prevention devices, the following requirements shall apply to the installation of these devices:

(a) No part of the backflow prevention device shall be submerged in water or be installed in a location subject to flooding. If installed in a vault or basement, adequate drainage shall be provided.

(b) Devices must be installed at the point of use and/or point of delivery of the water supply. Alternate locations must be approved in writing by the City of Tekoa Prior to installation.

(c) The device must be protected from freezing and other severe weather conditions which may cause it to fail or function improperly.

(d) All backflow device prevention assemblies shall be of a type and model approved by the Washington State Board of Health and City of Tekoa.

(e) The device shall be readily accessible with adequate room for maintenance and testing. Devices 2" and smaller shall have at least 6" clearance on all sides of the device. All devices larger than 2" shall have a minimum clearance of 12" on the back side, 24" on the test cock side, 12" below the device and 36" above the device. "Y" pattern double check valve assemblies shall be installed so that the checks are horizontal and the test cocks face upward.

(f) The property owner shall be responsible for all maintenance and testing of the device, as determined and required by the City of Tekoa.

(g) City of Tekoa or its representative must have reasonable access to all devices during regular working hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

(h) If a device is installed inside of the premises and is 4" or larger and is installed 4' above the floor, it must be equipped with a rigidly and permanently installed scaffolding acceptable to the City of Tekoa. This installation must all meet the requirements set out by the U.S. Occupational Safety and Health Administration and the State of Washington Occupational Safety Health Codes.

(i) Backflow preventive devices may be installed in a vault only if relief valve discharge can be drained to daylight through a “boresight” type of drain. The drain shall be of adequate capacity to carry the full rated flow of the device and shall be screened on both ends.

(j) An approved air gap shall be located at the relief valve orifice. This air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than 1”.

(k) Upon completion of installation, the City shall be notified and all devices must be inspected and tested. All backflow devices must be registered with the City. Registration shall consist of date of installation, make model, serial number of the backflow device, and initial test report.

(l) All new construction shall install an approved backflow device at the service connection. (Ord. 732, §7, 2003).

3.95.060 – Access to Premises. Authorized employees of the City of Tekoa shall have reasonable access during reasonable hours to all parts of the premises relevant to water supply within any building to which water is supplied; otherwise, a reduced pressure principle device may be required to be installed at the service connection to that premise. (Ord. 732, §8, 2003).

3.95.070 – Annual Testing and Repairs. All backflow devices installed on premises served by the City water system shall be regularly tested in the manner required by State Laws, rules, or regulations pertaining to such devices which are used in premises supplied by municipal water systems. All such devices found not functioning properly shall be promptly repaired or replaced by the water user. If any such device is not promptly repaired or replaced, the City may deny or discontinue water to the premise. (Ord. 732, §9, 2003).

3.95.075 – Testers to be Registered. All persons or firms conducting tests of backflow devices in accordance with §3.95.070, above, shall first register with the City Clerk. There shall be no fee for the registration. The registration shall include the name, address, and telephone number of the person or firm. (Ord. 732, §10, 2003).

3.95.080 – Costs of Compliance. All costs associated with purchase, installation, inspection, testing, replacement, maintenance, parts, and repairs of the backflow device shall be the financial responsibility of the property owner. The City of Tekoa shall not be responsible for any drop in water pressure caused by the installation of a backflow device. (Ord.732, §11, 2003).

3.95.090 – Termination of Services. Failure on the part of any customer to discontinue the use of any cross connections and to physically separate cross connections is sufficient cause for the immediate discontinuance of public water service to the premises. (Ord. 732, §12, 2003).

CHAPTER 4.06

STATE ENVIRONMENTAL POLICY ACT

Sections:

PART SIX: USING EXISTING ENVIRONMENTAL DOCUMENTS

4.06.180 – Purpose of this Part and Adoption by Reference

PART SEVEN: SEPA AND AGENCY DECISIONS

4.06.190 – Purpose of this Part and Adoption by Reference

4.06.200 – Substantive Authority

PART EIGHT: DEFINITIONS

4.06.210 – Purpose of this Part and Adoption by Reference

PART NINE: CATEGORICAL EXEMPTIONS

4.06.220 – Adoption by Reference

PART TEN: AGENCY COMPLIANCE

4.06.230 – Purpose of this Part and Adoption by Reference

4.06.240 – Fees

PART ELEVEN: FORMS

4.06.250 – Adoption by Reference

PART ONE: AUTHORITY

4.06.010 – Authority. The City of Tekoa hereby adopts this ordinance under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904. This ordinance contains this City's SEPA procedures and policies. The SEPA rules, chapter 197-11 WAC, must be used in conjunction with this ordinance. (Ord. 678, §2, 1998).

PART TWO: GENERAL REQUIREMENTS

4.06.020 – Purpose of this Part and Adoption by Reference. This part contains the basic requirements that apply to the SEPA process. The City of Tekoa adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

WAC:
197-11-040 Definitions.
197-11-050 Lead Agency.
197-11-055 Timing of SEPA process.
197-11-060 Content of environmental review.
197-11-070 Limitations on actions during SEPA process.
197-11-080 Incomplete or unavailable information.
197-11-090 Supporting documents.
197-11-100 Information required of applicants.
197-11-250 SEPA/Model Toxic Control Act Integration.

197-11-253 SEPA lead agency for MTCA actions.
197-11-256 Preliminary evaluation.
197-11-259 Determination of nonsignificance for MTCA remedial actions.
197-11-262 Determination of significance and EIS for MTCA remedial actions.
197-11-265 Early scoping for MTCA remedial actions.
197-11-268 MTCA interim actions. (Ord. 678, §2, 1998).

4.06.030 – Additional Definitions. In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this ordinance, the following terms shall have the following meanings, unless the context indicates otherwise:

(1) "Department means any division, subdivision or organizational unit of the City of Tekoa established by ordinance, rule or order.

(2) "SEPA rules" means chapter 197-11 WAC adopted by the department of ecology.

(3) "Ordinance" means the ordinance, resolution, or other procedure used by the City of Tekoa to adopt regulatory requirements.

(4) "Early notice" means the City's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal. (Mitigated determination of nonsignificance (DNS) procedures). (Ord. 678, §2, 1998).

4.06.040 – Designation of Responsible Official.

(1) For those proposals for which the City of Tekoa is the lead agency, the responsible official shall be the mayor.

(2) For all proposals for which the City of Tekoa 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 those sections of the SEPA rules that were adopted by reference in §4.06.020 of this code.

(3) The City of Tekoa shall retain documents required by the SEPA rules (chapter 197-11 WAC) and make them available in accordance with chapter 42.17 RCW. (Ord. 678, §2, 1998).

4.06.050 – Lead Agency Determination and Responsibilities.

(1) The department within the City of Tekoa receiving an application for the initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940; unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.

(2) When the City of Tekoa is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.

(3) When the City of Tekoa 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.

(4) If the City of Tekoa or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the City must petition the department of ecology for a lead agency determination under WAC 197-11946 within the fifteen-day time period. Any such petition on behalf of the City may be initiated by the mayor.

(5) Departments of the City of Tekoa are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.

(6) Any department making a lead agency determination for a private project shall require sufficient information form the applicant to identify which other agencies have jurisdiction over the proposal (That is: Which agencies require nonexempt licenses?).

(7) When the City of Tekoa is lead agency for a MTCA remedial action, the department of ecology shall be provided an opportunity under WAC 197-11-253 (5) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-253 (6), the City of Tekoa shall decide jointly with ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency. (Ord. 678, §2, 1998).

4.06.060 – Transfer of Lead Agency Status to a State Agency.

For any proposal for a private project where the City of Tekoa would be the lead agency and for which one or more state agencies have jurisdiction, the City's responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the City shall be an agency with jurisdiction. To transfer lead agency duties, the City's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal

to the appropriate state agency with jurisdiction. The responsible official of the City shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal. (Ord. 678, §2, 1998).

4.06.070 – Additional Timing Considerations.

(1) For non-exempt proposals, the DNS or draft 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 license that requires detailed project plans and specifications, the applicant may request in writing that the City conduct environmental review prior to submission of the detailed plans and specifications. (Ord. 678, §2, 1998).

PART THREE: CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS

4.06.080 – Purpose of this Part and Adoption by Reference.
This part contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The City of Tekoa adopts the following sections by reference, as supplemented in this part:

WAC
197-11-300 Purpose of this part.
197-11-305 Categorical exemptions.
197-11-310 Threshold determination required.
197-11-315 Environmental checklist.
197-11-330 Threshold determination process.
197-11-335 Additional information.
197-11-340 Determination of nonsignificance (DNS).
197-11-350 Mitigated DNS.
197-11-355 Optional DNS process.
197-11-360 Determination of significance (DS) /initiation of scoping.
197-11-390 Effect of threshold determination. (Ord. 678, §2, 1998).

4.06.090 – Flexible Thresholds for Categorical Exemptions.

(1) The City of Tekoa establishes the following exempt levels for minor new construction under WAC 197-11-800 (1) (b) based on local conditions:

(a) For residential dwelling units in WAC 197-11-800 (1) (b) (i): Up to 20 dwelling units.

(b) For agricultural structures in WAC 197-11-800 (1) (b) (ii): Up to 30,000 square feet.

(c) For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800 (1) (b) (iii): Up to 12,000 square feet and up to 40 parking spaces.

(d) For parking lots in WAC 197-11-800 (1 (b) (iv): Up to 40 parking spaces.

(e) For landfills and excavations in WAC 197-11-800 (1) (b) (v): Up to 500 cubic yards.

(2) Whenever the City establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, 98504 under WAC 197-11-800 (1) (c) (Ord. 678, §2, 1998).

4.06.100 – Use of Exemptions.

(1) Each department within the City of Tekoa that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this ordinance apply to the proposal. The City shall not require completion of an environmental checklist for an exempt proposal.

(2) In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

(3) If a proposal includes both exempt and nonexempt actions, the City may authorize exempt actions prior to compliance with the procedural requirements of this ordinance, except that:

(a) The City shall not give authorization for: (i) any nonexempt action; (ii) Any action that would have an adverse environmental impact; or (iii) Any action that would limit the choice of alternatives.

(b) A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action (s) were not approved; and

(c) A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action (s) were not approved. (Ord. 678, §2, 1998).

4.06.110 – Environmental Checklist.

(1) A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit license, certificate, or other approval not specifically exempted in this ordinance; except, a checklist is not needed if the City and applicant agree an EIS is required, SEPA compliance 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, if the City is the lead agency, for determining the responsible official and for making the threshold determination.

(2) For private proposals, the City will require the applicant to complete the environmental checklist, providing assistance as necessary. For City proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

(3) The City may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if the applicant has provided inaccurate information on previous proposals or on proposals currently under consideration. (Ord. 678, §2, 1998).

4.06.120 – Mitigated DNS.

(1) As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

(2) An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

(a) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

(b) Precede the City's actual threshold determination for the proposal.

(3) The responsible official should respond to the request for early notice within 8 working days. The response shall:

(a) Be written;

(b) State whether the City currently considers issuance of a DS liely and, if so, indicate the general or specific area (s) of concern that is/are leading the City to consider a DS; and

(c) State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

(4) As much as possible, the City should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

(5) When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the City shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:

(a) If the City indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the City shall issue and circulate a DNS under WAC 197-11-340 (2).

(b) If the City indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the City shall make the threshold determination, issuing a DNS or DS as appropriate.

(c) The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent storm water runoff" are inadequate, whereas proposals to "muffle machinery to x decibel" or "construct 200-foot storm water retention pond at Y location" are adequate.

(d) 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.

(6) A mitigated DNS is issued under WAC 197-11-340 (2), requiring a fourteen-day comment period and public notice.

(7) Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.

(8) If the City's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the City should evaluate the threshold determination to assure consistency with WAC 197-11-340 (3) (a) (withdrawal of DNS).

(9) The City's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarification or changes in its threshold determination. (Ord. 678, §2, 1998).

PART FOUR: ENVIRONMENTAL IMPACT STATEMENT (EIS)

4.06.130 – Purpose of this Part and Adoption by Reference.

This part contains the rules for preparing environmental impact statements. The City of Tekoa adopts the following sections by reference, as supplemented by this part:

WAC:
197-11-400 Purpose of EIS.
197-11-402 General requirements.
197-11-405 EIS types.
197-11-406 EIS timing.
197-11-408 Scoping.
197-11-420 EIS preparation.
197-11-425 Style and size.
197-11-430 Format.
197-11-435 Cover letter or memo.
197-11-440 EIS contents.
197-11-442 Contents of EIS on nonproject proposals.
197-11-443 EIS contents when prior nonproject EIS.
197-11-444 Elements of the environment.
197-11-448 Relationship of EIS to other considerations.
197-11-450 Cost-benefit analysis.
197-11-455 Issuance of DEIS.
197-11-460 Issuance of FEIS. (Ord. 678, §2, 1998).

4.06.140 – Preparation of EIS – Additional Considerations.

(1) Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the responsible official or his/her designee. Before the City issues an EIS, the responsible official shall be satisfied that it complies with this ordinance and chapter 197-11 WAC.

(2) The DEIS and FEIS or draft and final SEIS shall be prepared by the City staff, the applicant, or by a consultant selected by the City or the applicant. 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 immediately 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.

(3) 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 that is not required under this ordinance or that is being requested from another agency. (This does not apply to information the City may request under another ordinance of statute).
(Ord. 678, §2, 1998).

PART FIVE: COMMENTING

4.06.150 – Adoption by Reference.

This part contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The City of Tekoa adopts the following sections by reference, as supplemented in this part:

WAC:
197-11-500 Purpose of this part.
197-11-502 Inviting comment.
197-11-504 Availability and cost of environmental documents.
197-11-508 SEPA register.
197-11-510 Public notice.
197-11-535 Public hearing and meetings.
197-11-545 Effect of no comment.
197-11-550 Specificity of comments.
197-11-560 FEIS response to comments.
197-11-570 Consulted agency costs to assist lead agency.
(Ord. 678, §2, 1998).

4.06.160 – Public Notice.

(1) Whenever the City of Tekoa issues a DNS under WAC 197-11-340

(2) or a DS under WAC 197-11-360

(3) The City shall give public notice as follows:

(a) If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.

(b) If no public notice is required for the permit or approval, the City shall give notice of the DNS or DS by:

(i) Posting the property, for site-specific proposals; or

(ii) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located.

(c) Whenever the City of Tekoa issues a DS under WAC 197-11-360 (3), the city shall sate the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

(2) Whenever the City of Tekoa issues a DEIS number under WAC197-11-455 (5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by indicating the availability of the DEIS in any public notice required for a nonexempt license; and by doing one or more of the following:

(a) Posting the property, for site-specific proposals;

(b) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;

(3) Whenever possible, the City shall integrate the public notice required under this section with existing notice procedures for City's nonexempt permit (s) or approval (s) required for the proposal.

(4) The City may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense. (Ord. 678, §2, 1998).

4.06.170 – Designation of Official to Perform Consulted Agency Responsibilities for the City.

(1) The mayor 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 reviewing a DEIS.

(2) The mayor shall be responsible for the City's compliance with WAC 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 date from all appropriate departments of the City. (Ord. 678, §2, 1998).

PART SIX: USING EXISTING ENVIRONMENTAL DOCUMENTS

4.06.180 – Purpose of this Part and Adoption by Reference.
This part contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the City's own environmental compliance. The City of Tekoa adopts the following sections by reference:

WAC:
197-11-600 When to use existing environmental documents.
197-11-610 Use of NEPA documents.
197-11-620 Supplemental environmental impact statement—Procedures.
197-11-625 Addenda—Procedures.
197-11-630 Adoption—Procedures.
197-11-635 Incorporation by reference—Procedures.
197-11-640 Combining documents. (Ord. 678, §2, 1998).

PART SEVEN: SEPA AND AGENCY DECISIONS

4.06.190 – Purpose of this Part and Adoption by Reference.
This part contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determinations to agencies or the courts. The City of Tekoa adopts the following sections by reference:

WAC:
197-11-650 Purpose of this part.
197-11-655 Implementation.
197-11-660 Substantive authority and mitigation.
197-11-680 Appeals. (Ord. 678, §2, 1998).

4.06.200 – Substantive Authority.

(1) The policies and goals set forth in this ordinance are supplementary to those in the existing authorization of the City of Tekoa.

(2) The City of Tekoa may attach conditions to a permit or approval for a proposal so long as:

(a) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this ordinance; and

(b) Such conditions are in writing; and

(c) The mitigation measures included in such conditions are responsible and capable of being accomplished; and

(d) The City has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

(e) Such conditions are based on one or more policies in subsection (4) of this section and cited in the license or other decision document.

(3) The City may deny a permit or approval for a proposal on the basis of SEPA so long as:

(a) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this ordinance; and

(b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

(c) The denial is based on one or more policies identified in subsection (4) of this section and identified in writing the decision document.

(4) The City of Tekoa designates and adopts by reference the following policies as the basis for the City's exercise of authority pursuant to this section:

(a) 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:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment with degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The City recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(c) The City adopts by reference the policies in the City comprehensive plan as presently adopted and any future amendments thereto. (Ord. 678, §2, 1998).

PART EIGHT: DEFINITIONS

4.06.210 – Purpose of this Part and Adoption by Reference.
This part contains uniform usage and definitions of terms under SEPA. The City of Tekoa adopts the following sections by reference, as supplemented by WAC 173-806-140:

WAC:
197-11-700 Definitions.
197-11-702 Act.
197-11-704 Action.
197-11-706 Addendum.
197-11-708 Adoption.
197-11-710 Affected tribe.
197-11-712 Affecting.
197-11-714 Agency.
197-11-716 Applicant.
197-11-718 Built environment.
197-11-720 Categorical exemption.
197-11-721 Closed record appeal.
197-11-722 Consolidated appeal.
197-11-724 Consulted agency.
197-11-726 Cost-benefit agency.
197-11-728 County/city.
197-11-730 Decision maker.
197-11-732 Department.
197-11-734 Determination of nonsignificance (DNS).
197-11-736 Determination of significance (DS).
197-11-738 EIS.
197-11-740 Environment.
197-11-742 Environmental checklist.
197-11-744 Environmental document.
197-11-746 Environmental review.
197-11-750 Expanded scoping.
197-11-752 Impacts.

197-11-754 Incorporation by reference.
197-11-756 Lands covered by water.
197-11-758 Lead agency
197-11-760 License.
197-11-762 Local agency.
197-11-764 Major action.
197-11-766 Mitigated DNS.
197-11-768 Mitigation.
197-11-770 Natural environment.
197-11-772 NEPA.
197-11-774 Nonproject.
197-11-775 Open record hearing.
197-11-776 Phased review.
197-11-778 Preparation.
197-11-780 Private project.
197-11-782 Probable.
197-11-784 Proposal.
197-11-786 Reasonable alternative.
197-11-788 Responsible official.
197-11-790 SEPA.
197-11-792 Scope.
197-11-793 Scoping.
197-11-794 Significant.
197-11-796 State agency.
197-11-797 Threshold determination.
197-11-799 Underlying governmental action. (Ord. 678, §2, 1998).

PART NINE: CATEGORICAL EXEMPTIONS

4.06.220 – Adoption by Reference.
The City of Tekoa adopts by reference the following rules for categorical exemptions, as supplemented in this ordinance, including WAC 173-806-070 (Flexible thresholds), WAC 173-806-080 (Use of exemptions), and WAC 173-806-190 (Critical areas):

WAC:
197-11-800 Categorical exemptions.
197-11-880 Emergencies.
197-11-890 Petitioning DOE to change exemptions. (Ord. 678, §2, 1998).

PART TEN: AGENCY COMPLIANCE

4.06.230 – Purpose of this Part and Adoption by Reference.
This part contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating categorical exemptions that do not apply within critical areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The City of Tekoa adopts the following sections by reference:

WAC:
197-11-900 Purpose of this part.
197-11-902 Agency SEPA policies.

197-11-916 Application to ongoing actions.
197-11-920 Agencies with environmental expertise.
197-11-922 Lead agency rules.
197-11-924 Determining the lead agency.
197-11-926 Lead agency for governmental proposals.
197-11-928 Lead agency for public and private proposals.
197-11-930 Lead agency for private projects with one agency with jurisdiction.
197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
197-11-938 Lead agencies for specific proposals.
197-11-940 Transfer of lead agency status to a state agency.
197-11-942 Agreements on lead agency status.
197-11-944 Agreements on division of lead agency duties.
197-11-946 DOE resolution of lead agency disputes.
197-11-948 Assumption of lead agency status. (Ord. 678, §2, 1998).

4.06.240 – Fees.
The City of Tekoa shall require the following fees for its activities in accordance with the provisions of this ordinance:

(1) Threshold determination. For every environmental checklist the City will review when it is lead agency, the City shall collect a fee of $50.00 from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this ordinance for making a threshold determination shall not begin to run until payment of the fee.

(2) Environmental impact statement.

(a) When the City is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the City, the City may change and collect a reasonable fee from any applicant to cover costs incurred by the City in preparing the EIS. The responsible official shall advise the applicant (s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.

(b) The responsible official may determine that the City will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the City and may bill such costs and expenses directly to the applicant. The City may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the City and applicant after a call for proposals.

(c) If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under (a) or (b) of this subsection which remain after incurred costs are paid.

(3) The City may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of the ordinance relating to the applicant’s proposal.

(4) The City may charge any person for copies of any document prepared under this ordinance, and for mailing the document, in a manner provided by chapter 42.17 RCW. (Ord. 678, §2, 1998).

PART ELEVEN: FORMS

4.06.250 – Adoption by Reference.
The City of Tekoa adopts the following forms and sections by reference:

WAC:
197-11-960 Environmental checklist.
197-11-965 Adoption notice.
197-11-970 Determination of nonsignificance (DNS).
197-11-980 Determination of significance and scoping notice (DS).
197-11-985 Notice of assumption of lead agency status.
197-11-990 Notice of action. (Ord. 678, §2, 1998).

CHAPTER 4.08

FLOOD DAMAGE PREVENTION

Sections:

4.08.010 – Statutory Authorization, Findings of Fact, Purpose, and Objections.

(a) Statutory Authorization. The Legislature of the State of Washington has in statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Counsel of Tekoa, Washington, does ordain as follows:

(b) Finding of Fact.

(1) The flood hazard areas of Tekoa are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

(c) Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

(1) To protect human life and health;

(2) To minimize expenditure of public money and costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

(7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and

(8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(d) Method of reducing flood losses. In order to accomplish its purposes, this ordinance includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas. (Ord. 600, §1; 11/21/1988).

4.08.020 – 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 it's most reasonable application.

(a) "Appeal" means a request for a review of the building inspector's interpretation of any portion of this chapter or request for a variance.

(b) "Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base blood 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.

(c) "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 which produce, use or store hazardous materials or hazardous waste.

(d) “Area of special flood hazard” means the land in the flood plain within a community subject to one percent or greater change of flooding in any given year. Designation on maps always includes letters A or V.

(e) “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.

(f) “Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings and other structures, mining, dredging, billing, grading, paving, excavation or drilling operations located within the area of special flood hazard.

(g) “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 run-off of surface waters from any source.

(h) “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.

(i) “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 more than one foot.

(j) “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.

(k) ”Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfurnished or flood resistant enclosure, usable solely for vehicle parking, building access or storage, in an area other than a basement, is not considered a buildings lowest floor, provided such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 4.08.050 (b) (1) (b).

(l) “Manufactured home” means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation. For flood plain management purposes, the term “manufactured home” also includes travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term “manufactured home” does not include travel trailers and other similar vehicles.

(m) “Manufactured home park or subdivision” means a parcel (or continuous parcels) of land divided into two or more manufactured home lots for rent or sale.

(n) “New construction” means structures for which the “start of construction” commenced on or after the effective date of this chapter.

(o) “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 excavation of a basement, footings piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory building, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(p) “Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

(q) “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:

(1) Before the improvement or repair is started; or

(2) if the structure has been damaged and is being restored, before the damage occurred. For the 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 include either of the following:

(1) 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

(2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(r) “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.

(s) “Water dependent” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (Ord. 600, §2; 11/21/1988).

4.08.030 – General Provisions.

(a) Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction to Tekoa.

(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 Rate Map and Flood Boundary and Floodway Map,” and any revisions thereto, are hereby adopted by reference and declared to be part of this Chapter. (Ord. 600, §3(b); 11/15/1988; Ord.763, §1, 2/22/2007).

(c) 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 value of the structure either, (A) before the repair, reconstructions, or repair 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 that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places shall not be included in the 50 percent. (Ord. 600, §5(5)5c; 11/15/1988; Ord.763, §2(c), 2/22/2007).

(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 ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) Interpretation. In the interpretation 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 nor 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 man-made 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, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or nay administrative decision lawfully made hereunder. (Ord. 600, §3; 11/15/1988).

4.08.040 – Administration.

(a) Establishment of Development Permit.

(1) Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 4.08.030 (b). The permit shall be for all structures including manufactured homes, as set forth in the "Definitions," and for all structures including fill and other activities, also as set forth in the "Definitions."

(2) Application for Development Permit. Application for a development permit shall be made on forms furnished by the City Clerk-Treasurer and may include but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(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 Section 4.08.050 (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 Building Inspector. The City Building Inspector is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

(c) Duties and Responsibilities of the City Building Inspector. Duties of the City Building Inspector shall include, but not be limited to:

(1) Permit Review:

(a) Review all development permits to determine that the permit requirements of this chapter have been satisfied.

(b) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.

(c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 4.08.050 (b) (4) (a) are met.

(2) Use of Other Base Flood Data:

When the base flood elevation data has not been provided in accordance with Section 4.08.030 (b), Basis for Establishing the Areas of Special Flood Hazard, the City Building Inspector shall obtain, review, and reasonably utilize any base flood evaluation and floodway data available from Federal, State, or other sources in order to administer Sections 4.08.050 (b) Specific Standards, and 4.08.050 (b) (4) Floodways.

(3) Information to be Obtained and Maintained:

(a) Where base flood data is provided through Flood Insurance Study or required as in Section 4.08.040 (c) (2) 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 flood proofed structures:

(1) Verify and record the actual elevation (in relation to mean sea level; and

(2) maintain the flood proofing certifications required in Section 4.08.040 (a) (2) (c).

(c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

(4) Alteration of Watercourses:

(a) Notify adjacent communities and the State of Washington 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 the watercourse so that flood carrying capacity is not diminished.

(5) Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation to the City Council in the manner provided in Section 4.08.040 (d).

d) Variance Procedure.

(1) Appeal Board.

(a) The appeal board as established by the City shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) The appeal board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Building Inspector in the enforcement or administration of this chapter.

(c) Those aggrieved by the decision of the appeal board, or any taxpayer, may appeal such decision to the Superior Court, as provided by law.

(d) In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors standards specified in other sections of this ordinance, and:

(i) The danger that materials may be swept onto other lands to the injury of others;

(ii) The danger to life and property due to flooding or erosion damage;

(iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) The importance of the services provided by the proposed facility to the community;

(v) The necessity to the facility of a waterfront location, where applicable;

(vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(vii) The compatibility of the proposed use with existing and anticipated development;

(viii) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of waver action, if applicable, expected at the site; and

(xi) 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.

(e) Upon consideration of the factors of Section 4.08.040 (d) (1) and the purposes of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(f) The appeal board shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(2) Conditions for Variances.

(a) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on along 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 (i-ix) in Section 4.08.040 (d) (1) (d) have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.

(b) Variances may be issued for reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

(c) Variances shall not be issued within any designated floodway if any increases in flood levels during base flood discharge would result.

(d) Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(e) Variances shall be issued only upon:

(1) a showing of good and sufficient cause.

(2) a determination that failure to grant the variance would result in exceptional hardship to the applicant;

(3) 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 as identified in Section 4.08.040 (a), or conflict with existing local laws and ordinances.

(f) Variances as interpreted in the National Flood Insurance Program are based on general zoning law principal that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

(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 set forth in this section, and otherwise complies with this Section 4.08.050 (a) (1) and (2) of the General Standards.

(h) Any applicant to whom a variance is issued shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 600, §4; 11/21/1998).

4.080.050 – Provisions for Flood Hazard Reduction.

(a) In all areas of special flood hazard, 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 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 material 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 services 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 50 lots of 5 acres (whichever is less).

(5) Review of building permits.
Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 4.08.040 (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 Section 4.08.030 (b), Basis for Establishing the Areas of Special Flood Hazard or Section 4.08.040 (c) (2), Use of other Base Flood Data, 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 or more above 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 entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
(1) 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.

(2) The bottom of all opening shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, or other coverings or devices proved that they permit the automatic entry and exit of floodwaters.

(2) Nonresidential construction: New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the level of the base flood elevation; or, together with the structure's utility and sanitary facilities, shall;

(a) be floodproofed so that below one foot above the base flood level the structure is watertight with walls impermeable or 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 certification shall be provided to the official as set forth in Section 4.08.040 (a) (2).

(d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 4.08.050 (b) 1 (b).

(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 one foot above the base flood level will be rated as one foot below that level).

(3) Critical facility: Construction of new critical facilities shall be, to the extent possible, located outside the limits of the base flood plain. Construction of new critical facilities shall be permissible within the base flood plain if no feasible alternative site is available. Critical facilities constructed within the base flood plain shall have the lowest floor elevated to three feet or more above the level of the base flood elevation 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 plain shall be provided to all critical facilities to the extent possible.

(4) Manufactured homes: All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of SubSection 4.08.050 (a) (1) (b). This paragraph applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This paragraph does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

(5) Floodways: Located within areas of special flood hazard designated in the report described in Section 4.08.030 (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 flowing provision shall apply:

(a) Prohibit encroachments, including fill, new construction, substantial imporvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) If Section 4.080.050 (b) (4) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 4.08.050, Provision for Flood Hazard Reduction.

(c) 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 value of the structure either, (a) before the repair, reconstruction, or repair 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. (Ord. 600, §5; 11/4/1988).

4.08.060 – Wetlands Management.
To the maximum extent possible, avoid the short and long term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to alleviate flooding impacts. The following process should be implemented:

(a) Review proposals for development within base flood plains for their possible impacts on wetlands located within the flood plain.

(b) Ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the wetlands' ability to reduce flood and storm drainage.

(c) Request technical assistance from the Department of Ecology in identifying wetland areas. Existing wetland map information from the National Wetlands Inventory (NWI) can be used in conjunction with the community's FIRM to prepare an overlay zone indicating critical wetland areas deserving special attention. (Ord. 600, §6; 11/21/1988).

CHAPTER 4.12

SHORELINE MANAGEMENT MASTER PLAN

Sections:

4.12.010 – City Shoreline Master Plan Adopted. The "City of Tekoa Shoreline Management Plan," approved and published by the City Council on October 19, 2015, three copies of which have been placed on file in the office of the City Clerk/Treasurer, is hereby adopted by this reference as the 2015 City of Tekoa Shoreline Management Master Plan, and is made part hereof as fully set forth herein. (Ord. 471, §1; 7/15/1974; Ord. 823, §1; 10/19/2015).

4.12.020 – City Shoreline Management Map Adopted.
That certain Map on file in the Office of the City Clerk, which is designated as the Shoreline Management Map of the City, and all notations, references and other information shown thereon, are hereby adopted by reference and made a part hereof as if fully set out in this Section. (Ord. 471, §2; 7/15/1974).

CHAPTER 4.16

ZONING

Sections:

4.16.010 – Purpose and Use Districts.

(a) For the purpose of promoting public health, safety and general welfare and regulating and determining the areas within which certain uses of land and buildings may be conducted so as to provide for orderly community growth, and in accordance with Chapter 35.63, Laws of Washington, the following types of use district are adopted:

R.R – Rural Residential
U.R. – Urban Residential
C – Commercial
I – Industrial
F.P. – Flood Plain Overlay
MHP – Mobile Home Park Overlay

(b) The boundaries of these use districts shall be determined and defined by the adoption of a map on which are shown the boundaries of each district and filed in the office of the City Clerk.

(c) No land or premises shall be used, unless otherwise provided in this ordinance, except in conformity with the regulations herein prescribed for the use district in which such land or premises is located.

(d) No building or structure shall be erected or structurally altered, or used, unless otherwise provided in this ordinance, except in conformity with the regulations prescribed for the use district in which such building or structure is located. (Ord. 567; 6/15/1981).

4.16.020 – Definitions.

(a) Abandoned or out-of-date signs. Any sign which applies to a business or service which has not existed within the Tekoa city limits for a period of 180 days. Any sign which has not been repaired, removed, or replaced within 60 days after notice of the administrative official.

(b) Accessory Structure. Any structure incidental, appropriate, and subordinate to the main use of the property, and located on the same lot, or in the same building as the main use.

(c) Administrative Official. The selected planning commission member of the City of Tekoa.

(d) Apartment. A room or suite of rooms in a multiple-family structure which is arranged, designed, used, or intended to be used as a housekeeping unit for a single family.

(e) Boundary. The lot lines describing a lot of record.

(f) Building. Any structure built for support, shelter, or enclosure of persons, animals, chattels, or structures of any kind.

(g) Building Height. Vertical distance measured from the average elevation of the proposed structure's finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

(h) Development. Any man-made 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.

(i) Duplex. A dwelling unit containing two apartments or containing two apartments or containing two families.

(j) Dwelling unit. A structure containing one family.

(k) Hazardous waste. Means all dangerous and extremely hazardous waste regulated by the Washington State Dangerous Waste Regulations, Chapter 173-303 WAC, or its successors.

(l) Home Occupation. An accessory use of a service character conducted within a dwelling by the residents thereof, which is clearly secondary to the dwelling use for living purposes and does not change the dwelling's character.

(m) Lot Area. The total horizontal land area within the lot lines of a parcel of land, exclusive of public or private roads and easements of vehicular access to other property.

(n) Mobile Home. A structure that is transportable in one or more sections built on a permanent foundation when connected to the required utilities. The definition of Mobile Home does not include recreational vehicles or travel trailers.

(o) Mobile Home Park. A parcel of land (or contiguous parcels) divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets).

(p) New Construction. Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

(q) Nonconforming Use. Any use, building, and/or structure not in compliance with any one or all of the provisions herein contained, which existed legally at the time of the adoption of this ordinance.

(r) Off-Street Parking Space. An off-street surfaced area of not less than nine feet by twenty feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile and connected with a street by a surfaced driveway.

(s) Permitted Use. The specific purpose for which land and/or buildings is designated, arranged, intended or for which it may be occupied or maintained. The term "permitted use" or its equivalent shall be deemed to include any nonconforming use.

(t) Private Club. A non-profit, social organization whose premises are restricted to its members and their guests, and which premises may include certain structures and buildings uses primarily for the accommodation of its members.

(u) Public Building. A building constructed for public purposes and usage by agencies and departments of local, county, state, and federal government.

(v) Setback. The distance in feet as measured from a lot line to the sill line of a building, or the closest point to the lot line of a structure.

(w) Sign. An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a structure or land, and which directs attention to a product, place, activity, person, institution, business or profession.

(x) Structure. A walled and roofed building or mobile home that is principally above ground.

(y) Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, either:

(i) Before the improvement or repair is started, or

(ii) if the structure has been damaged and is being restored, before the damage occurred.

"Substantial improvement" is considered 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. "Substantial improvement" does not, however, include either:

(i) Any project for improvement of a structure to comply with existing state or local health, sanitary, safety code specifications which are solely necessary to assure safe living conditions, or

(ii) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(z) Yard, Front. An open space extending the full width of the lot between a main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which shall be the least distance between the front lot line and the front of the main building.

(aa) Yard, Rear. An open space extending the full width of a lot, between the rear-most main building and the rear lot line, unoccupied and unobstructed by building or structures from the ground upward, the depth of which will be the least distance between the rear lot line and the rear of such building.

(bb) Yard, Side. An open space extending from the front yard to the rear yard, between a main building and a side lot, unoccupied and unobstructed by buildings or structures from the ground upward. The required width of side yards shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building. (Ord. 567; 6/15/1981; Amended by Ord. 619; 3/16/1992).

4.16.030 – Official Map.

(a) Adoption: The City is divided into several zones or use districts as shown on the official map which, together with all explanatory matter thereon, is adopted by reference and declared a part of this zoning ordinance. It shall bear the signature of the Mayor and the date of the most recent ordinance adopting or amending the map.

(b) Status: The Official Map shall be located in the City Hall and shall be the final authority as to the current zoning status of the city. Any amendments passed by the City Council shall be duly recorded on the Official Map by the City Clerk as expeditiously as possible after the action of the City Council.

(c) Replacement: In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature of the changes or additions thereto, the City Council may, by resolution, adopt a new Official Zoning Map, in whole or in part, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct errors or omissions in the prior map, but no such corrections shall have the effect of amending the original ordinance or any subsequent amendment thereof. (Ord. 567; 6/15/1981).

4.16.040 Amendments.

(a) Purpose. Whenever public necessity, health, safety, or general welfare requires amendment to the ordinance, the procedure described hereafter shall be followed:

(1) Amendments may be initiated by:

(i) Any person or group with an interest in the proposed amendment

(ii) The Tekoa Planning Commission

(iii) The Tekoa City Council

(b) Planning Commission Action.

(1) Public hearing – the Planning Commission shall hold at least one public hearing for any change in this zoning ordinance including changes to the Official Zoning Map. Notice of the public hearing shall be published in the newspaper of general circulation at least ten (10) days prior to the meeting.

(2) Findings of Fact – whenever a proposed amendment to this Zoning Ordinance or the Official Zoning Map is considered by the Planning Commission at a public hearing, the Commission shall prepare findings of fact which shall support its actions. All relevant facts leading to the Commission's decision shall be included in a list of facts which shall be transmitted to the City Council with the Commission's recommendation for or against the proposed amendment.

(3) Voting – A recommendation for amendment shall be valid if passed by the affirmative vote of a majority of the total members of the Commission.

(c) City Council Action.

(1) Public Hearing – The City Council shall hold at least one public hearing for any change in this ordinance, including changes to the Official Zoning Map. Notice of the public hearing shall be published in a newspaper of general circulation at least ten (10) days prior to the meeting.

(2) Findings of Fact – the City Council must adopt a listing of factors considered in their decision on the proposed amendment. In preparing their list, they shall consult the Findings of Fact prepared and transmitted to them by the Planning Commission.

(3) Action by the City Council – the City Council shall consider the recommendation of the Planning Commission for amendment of this ordinance or the Official Zoning Map. If the Planning Commission recommendation is satisfactory to the Council, it may be adopted by ordinance. If the Council wishes to substantially change the amendment as recommended by the Planning Commission, it must first transmit the proposed alternative to the Planning Commission

for their review and comment. The Council shall consider the comments of the Planning Commission concerning its proposed alternative prior to taking final action on the Council-prepared ordinance.

(4) Effect – action by the Council shall be final and conclusive, unless within thirty (30) days from the date of said action the original applicant or a party adversely affected makes proper application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, a writ of mandamus, or other action as may be provided and allowed by law to review the action of the City Council. (Ord. 567; 6/15/1981.

4.16.050 – Administration & Enforcement.

(a) Administrative Official. A selected planning commission member shall be the Administrative Official for this ordinance. If the Administrative Official finds that any provision of this ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation, and the action necessary to correct it. The Administrative Official shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, addition, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions. The Administrative Official shall make available to the public application material for approvals or amendments authorized by the ordinance.

(b) Penalties. Any person, firm, company, corporation or organization who violates or otherwise fails to comply with the provisions of this chapter shall be subject to a civil penalty. Each day's continuance thereof shall be deemed a separate and distinct violation. The existence of a civil penalty or pendency of any proceedings to enforce and collect such a civil penalty under the provisions of this chapter shall not be construed to affect the right of the City to proceed with the enforcement of the provisions of this chapter by other civil proceedings, either at law or equity in any court of competent jurisdiction. Compliance may be enforced by injunctional order at the suit of the City or by an owner or owners of land affected or anyone who may otherwise demonstrate that standing has been conferred upon them by law. All court costs shall be paid by the party in violation of this chapter. The City, at its option, may also seek revocation of any permit or license previously granted pursuant to the provisions of this chapter.

(c) Fees. No permit, conditional use permit, variance, or rezone shall be issued, nor shall any action be taken on proceedings before the Board of Adjustment or Planning Commission unless or until all charges and fees have been paid in full.

Rezone…….$50.00
Variance……...$25.00
Conditional Use...$25.00

(Ord. 567; 6/15/1981)

4.16.060 – Board of Adjustment.

(a) Conditional Use Permit. The Board of Adjustment shall hear and decide all applications for Conditional Use Permits. The following standards, criteria, and procedures shall apply to any Conditional Use Permit authorized by this chapter.

(1) A Conditional Use Permit may only be granted for those uses specifically identified and allowed in the applicable use district, subject to the following limitation:

(i) That the conditional use and any conditions imposed by the Board of Adjustment will not adversely affect the public health, safety, and welfare;

(ii) That the proposed use, with any conditions imposed, will be in compliance with the standards set out in this ordinance for the use district applicable to the proposed use;

(iii) That the findings of fact adopted by the Board of Adjustment to support their decision clearly indicate that the above-listed criteria have been fulfilled.

(2) The Board of Adjustment may impose any conditions or safeguards upon granting a conditional use permit which are necessary to insure conformity with the provisions of this chapter and protection of the public health, safety, and welfare. Failure to fulfill any condition imposed by the Board of Adjustment shall be a violation of this chapter, and said permit may be revoked. Conditions may include, but are not limited to, the following:

(i) Specify a time limit within which action, for which the Conditional Use Permit is required, shall be begun, or completed, or both.

(ii) Require a periodic review of an issued permit to assure compliance with any imposed conditions.

(iii) Increase the required lot size and yard dimensions.

(iv) Limit the height or total lot coverage of buildings

(v) Control the number and location of vehicular access points to the property.

(vi) Control the number of off-street parking or loading spaces.

(vii) Require suitable landscaping or drainage control.

(viii) Control signing.

(ix) Control hours of operation

(x) Control nuisance generating features in matters of noise, colors, air pollution, wastes, vibration, traffic, physical hazards, and glare.

(b) Variances. The Board of Adjustment shall hear and decide all applications for variances from the requirements of this chapter, PROVIDED that any variance granted shall be subject to such conditions as will ensure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the standards and limitations applied to other properties in the use district in which the subject property is situated, and that the Finding of Fact adopted by the Board of Adjustment to support their decision indicate that the following circumstances apply:

(1) That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict interpretation of the zoning standards is

found to deprive the subject property of rights and privileges enjoyed by other properties under identical zone classifications;

(2) That the granting of the variance will not be detrimental to the public health, safety, and welfare or be injurious to other properties and improvements in the vicinity of the subject property;

(3) That the variance is not required solely due to actions by the applicant which prevent direct compliance with use standards with use standards applicable to the subject property;

(4) That the variance is not required simply for economic benefit constituting a grant of special privilege to the subject property.

No variance shall be granted permitting a use, but shall be limited to those standards and requirements imposed on uses otherwise permitted by this chapter.

(c) Hearing Notice Procedure. Applications to the Board of Adjustment shall be filed with the Administrative Official on approved forms. Upon receipt of application for a conditional use or variance, the Administrative Official shall set the time and place for a public hearing, and written notice thereof shall be addressed through the United States Mail to all property owners of record within a radius of three hundred feet (300') of the exterior boundaries of the subject property. The written notice shall be postmarked not less than twelve (12) days prior to the hearing.

(d) Effect. The action by the Board of Adjustments on an application for a Conditional Use Permit or a variance shall be final and conclusive unless within ten (10) days form the date of said action the original applicant or an adverse party makes application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, or a writ of mandamus.
(Ord. 567; 6/15/1981).

4.16.070 – Rural Residential District (RR). The purpose of the Rural Residential District is to provide a one-family residential zone for the rural portions of Tekoa. The intent of this district is the preservation of a rural lifestyle including the keeping of animals for pleasure or profit, retaining low-to-medium density development, and providing for on-going agriculture and a mixture of residential uses.

(a) Permitted Uses Permitted Outright.

(1) One-family dwellings, including mobile homes.

(2) All cultivation agriculture, horticulture, nurseries, and other similar enterprises excluding agricultural uses which would present a danger to the health or safety of neighboring residences or that would be a nuisance because of continuing noise, odor, or air pollution problems, for example: fertilizer or petroleum products storage, and the raising of animals for commercial use.

(b) Accessory Uses Permitted Outright.

(1) The usual accessory structures located on the same lot with these buildings: excluding structures for the storage of farm products for eventual sale.

(2) A garage or group of garages containing space for private storage and maintenance of automobiles, including heavy farm and commercial equipment.

(3) Household pets.

(4) The raising of animals for private use and enjoyment of the resident as long as a health hazard or nuisance is not created, including: rabbits, poultry, horses, cattle, sheep or goats, and excluding swine.

(c) Conditional Uses Permitted. Any of the following uses may be allowed under a Conditional Use Permit granted by the Board of Adjustment after notice and hearing, under such conditions as may be set forth in the terms of the permit by the Board of Adjustment, provided that if at any time the Board of Adjustment, upon presentation of sufficient evidence, is satisfied that a nuisance exists, it may revoke the Conditional Use Permit:

(1) A home occupation of the type usually engaged in by individuals within their dwellings, provided that no more than two outside persons are employed;

(2) Churches;

(3) Public parks, playgrounds or recreational areas;

(4) Private parks, playgrounds or recreational areas; provided that they shall be operated by a non-profit organization as a community facility;

(5) Building necessary for government or public utility functions;

(6) The raising of animals for sale as long as a health hazard or nuisance is not created, including: rabbits, poultry, fur-bearing animals, horses, cattle, sheep or goats, and excluding swine;

(7) Farm equipment shops;

(8) Mobile home parks;

(9) Grain storage facilities;

(10) Cemeteries.

(d) Density, Lot Size, Building Height and Living Area Provisions.

(1) Building site area required: not less than 10,000 sq. ft. with a minimum boundary of 100 feet on any side for single-family dwellings;

(2) Building site area required for conditional uses permitted in this zone: not less than 12,000 sq. ft. with a minimum boundary of 75 ft. on any one side;

(3) Setback required: the minimum setback for dwellings and accessory buildings from property boundaries shall be 20 feet for front and rear yards and 5 ft. for side yards, except 10 feet for side yards along flanking streets or corner lot;

(4) Height limit: no building shall exceed a height limit of 35 feet or two stories, except grain storage facilities;

(5) Animal sheds, barns, and stables shall be set back at least 20 feet from any lot line; 10,000 sq. ft. of pasture for each horse or cow, and 5,000 sq. ft. for each sheep or goat, not including young under one year of age at their mother's side;

(6) All mobile homes shall be skirted within 60 days after their placement within this district. Skirting may be temporarily removed for repairs;

(7) Dwelling units shall have a minimum of 500 sq. ft. of living area. (Ord. 567; 6/15/1981).

4.16.080 – Urban Residential District (UR). The purpose of the Urban Residential District is to provide an urban-density living environment for the community of Tekoa. The intent of this district is the provision of manageable lot sizes for those residents who, whether out of necessity or choice, prefer to build upon a single, standard city lot. It is also to provide areas free from significant commercial and industrial activity, noise, air pollution, traffic and other hazards. The District provisions are intended to provide for a level of harmony of development to protect and preserve the neighborhood quality and property values from uses that would tend to deteriorate those qualities and values. At the same time, as wide a level of lifestyle choices shall be encouraged.

(a) Principle Uses Permitted Outright.

(1) One-and two-family dwellings, including mobile homes;

(b) Accessory Uses Permitted Outright.

(1) The usual accessory structures located on the same lot with these buildings, including greenhouses;

(2) A garage or group of garages containing space for private storage and maintenance of automobiles; excluding heavy farm and commercial equipment;

(3) Household pets.

(c) Conditional Uses Permitted.

(1) The raising of animals for private use and enjoyment of the resident as long as a health hazard or nuisance is not created, including: rabbits, poultry, horses, cattle, sheep or goats, and excluding swine;

(2) Schools and churches;

(3) Apartments, rooming houses, and condominiums;

(4) Public parks or recreational areas;

(5) Private parks or recreational areas; provided that they shall be operated by a non-profit organization as a community facility;

(6) Building necessary for government or public utility functions;

(7) Day-care center;

(8) Nursing home;

(9) Funeral home;

(10) A home occupation of the type usually engaged in by individuals within their dwellings, provided that no more than two outside persons are employed;

(11) Mobile home parks.

(d) Density, Building Height, Lot Size and Living Area Requirements.

(1) Building site area required: not less than 5,000 sq. ft. with a minimum boundary of 50 ft. on any side for one-family dwellings;

(2) Building site area required: not less than 10,000 sq. ft. with a minimum boundary of 75 feet on any side for two-family dwellings;

(3) Setback required: the minimum setback for dwellings and accessory buildings from property boundaries shall be 20 feet for front and rear yards and 5 feet for side yards, except 10 feet for side yards along flanking street or corner lot, providing accessory buildings only may be placed within 5 feet of the rear lot line when there is an adjacent alleyway of at least 16 feet in width;

(4) Building site area required for conditional uses permitted within this zone: not less than 10,000 sq. ft. with a minimum boundary of 75 feet on any one side, except for home occupations which will require a building site area of not less than 5,000 sq. ft.

(5) Animal density shall comply with the following: 10,000 sq. ft. of pasture for each horse or cow, and 5,000 sq. ft. for each sheep or goat not including young under one year of age at their mother's side;

(6) Height limit: no building shall exceed a height of 35 feet, nor two stories;

(7) All mobile homes shall be skirted within 60 days after their placement in this zone. Skirting may be removed temporarily for repairs. (Ord. 567; 6/15/1981).

4.16.090 – Commercial District (C). The purpose and intent of the Commercial District is to provide an area for business and commerce to serve the needs of city residents and the surrounding farming community. Due to the nature of the existing land uses, residential development will be allowed within the Commercial District. Inappropriate for location within the Commercial District would be storage of products which, by their nature, are a potential hazard to densely populated area because of the possibility of explosion, fire or leakage.

(a) Principal Uses Permitted Outright.

(1) One- and two-family dwellings.

(2) Apartment houses and condominiums.

(3) Businesses providing retail and wholesale sales, or professional services; except for the on-site storage of products which, by their nature, are a potential hazard to densely populated areas because of the possibility of explosion, fire, or leakage.

(4) Home occupations.

(5) Gas stations or garages.

(6) Restaurants or taverns.

(7) Motels, hotel, or rooming houses.

(8) Personal service shops including barber, beauty parlor, car wash, and laundromat, subject to the same building site area restrictions as apply to principal uses permitted outright.

(9) Schools.

(10) Churches.

(11) Community club houses or other building for private or public activities.

(12) Public parks, playgrounds, or recreational areas.

(13) Private parks, playgrounds, or recreational areas.

(b) Accessory Uses Permitted Outright.

(1) The usual accessory structures located on the same lot with a permitted use.

(2) Household pets.

(c) Conditional Uses Permitted.

(1) Homes with a floor area below the minimum of 500 sq. ft.

(2) Light manufacturing which will not create a nuisance or hazardous situation under normal operating conditions.

(3) Mobile home parks.

(d) Density, Lot Size, Height, Parking and Loading, and Home Provisions.

(1) Building site area required: not less than 5,000 sq. ft. with a minimum boundary of 50 feet on any side for single-family dwellings, except lots of record on the date of original adoption of this ordinance having less than 5,000 sq. ft. on that date.

(2) Building site area required: not less than 10,000 sq. ft. with a minimum boundary of 100 feet on any side for two-(or more) family dwellings, except when two lots of record on the date of original adoption of this ordinance are used as a building site and as of that date, had less than 10,000 sq. ft.

(3) Building site area required for non-residential commercial uses: not less than 5,000 sq. ft. with a minimum of 50 feet on any side.

(4) Building site area required for conditional uses permitted in this, and not less than 5,000 sq. ft. with a minimum boundary of 50 feet on any one side.

(5) Setback required for dwellings and accessory building from property boundaries shall be 20 feet for front and rear yards and 5 feet for side yards, except 15 feet for side yards along flanking street or corner lot.

(6) There shall be no setback required for commercial uses and accessory buildings, except on a corner lot where a hazard may be created. Setback for corner lots shall be approved by the Board of Adjustment for safety considerations.

(7) Height limits: no building shall exceed a height limit of 35 feet or two stories.

(8) Animal sheds, barns, and stables shall be set back at least 20 ft. from any lot line; 10,000 sq. ft. of pasture for each horse or cow, and 5,000 sq. ft. for each sheep or goat, not including young at their mother's side under one year of age.

(9) Dwelling units shall have a minimum of 500 sq. ft. of living area.

(10) Mobile homes shall be skirted within 60 days after their placement within this district. Skirting may be removed for repairs.

(11) All commercial doorways, flanking sidewalks and streets shall open toward the outside of the building.

(12) All businesses, service repair, storage, shall be conducted wholly within an enclosed building except for off-street parking or loading and unloading and merchandise display.

(13) Off-street loading and unloading; on every commercial lot there shall be provided space either outside a building for the unloading of goods and materials, which space shall not be less than 15 ft. in width, nor less than 30 ft. in length, nor less than 15 ft. in height, and which space shall be provided with access to an alley or, if no alley adjoins the lot, then with access to a street. (Ord. 567; 6/15/1981).

4.16.100 – Industrial (I). The purpose and intent of the Industrial District is to provide an area for industrial activities which might conflict with, or be inappropriate for, residential or commercial areas. In this area, it can be anticipated that there will be a higher than normal level of traffic, noise, dust, and hazards.

(a) Principal Uses Permitted Outright.

(1) Commercial wholesale sales.

(2) Storage of wholesale, retail, and industrial bulk products which have a low potential hazard for explosion, fire, or toxic leakage.

(3) Manufacturing which has a low potential hazard for fire, explosion or toxic leakage.

(4) Trucking terminals.

(5) Railroad yards.

(6) Commercial or private grain, seed, and agricultural chemical storage.

(b) Accessory Uses Permitted Outright.

(1) The usual accessory structures located on the same lot with a permitted use.

(2) Housing for persons required to live on the site of a permitted use for management, maintenance, or security purposes.

(c) Conditional Uses Permitted.

(1) Storage of wholesale, retail or industrial bulk products which have a greater than low potential hazard for explosion, fire or toxic leakage.

(2) Manufacturing which has a greater than low potential hazard for explosion, fire, or toxic leakage.

(3) Feed lot.

(4) Hazardous waste treatment and storage facilities.

(d) Density, Lot Size, Height, Parking and Loading Requirements.

(1) No minimum building site area requirements.

(2) Setbacks shall be 10 feet from all property lines for all buildings and storage areas.

(3) Height limit: no building shall exceed 35 feet except there shall be no height limit for grain storage facilities.

(4) Off street loading and unloading: on every lot there shall be provided space either outside or inside a building for the unloading of goods and materials, which space shall not be less than 15 feet in height, and which space shall be provided with access to an alley or, if not alley adjoins the lot, then with access to a street. (Ord. 567; 6/15/1981).

4.16.110 – Mobile Home Park Overlay District (MHP). The purpose and intent of the Mobile Home Park Overlay District is to designate areas within residential and commercial districts which are particularly appropriate for clusters of mobile homes.

(a) Principal Uses Permitted Outright.

(1) Mobile home parks.

(2) Mobile home subdivisions.

(b) Accessory Uses Permitted Outright.

(1) Service buildings.

(2) Storage buildings.

(3) Household pets.

(c) Conditional Uses Permitted.

None

(d) Density, Lot Size, Site Requirements.

(1) The minimum area any mobile home park or subdivision shall be 15,000 sq. ft.

(2) Mobile homes shall be skirted within 60 days after location.

(3) No mobile home space shall be less than 2,800 sq. ft. nor less than three times the area of the mobile home situated thereon.

(4) No mobile home space shall be less than 30 ft. wide.

(5) No mobile home in a mobile home park or subdivision shall be placed closer than 20 feet from any road or street or highway.

(6) No mobile home in a mobile home park or subdivision shall be placed closer than 10 ft. from any property line.

(7) No mobile home shall be placed closer than 15 ft. from another mobile home or buildings in the mobile home park or subdivision, provided however, that two mobile homes may be placed a minimum of 10 ft. apart end-to-end.

(8) For each mobile home space, there shall be provided a space for automobile parking. This space will be in addition to the requirements for mobile home space listed elsewhere herein and shall not be less than 200 sq. ft. per mobile home space. Each parking space will be within 200 ft. of its mobile home space.

(9) Surfaced access roads 25 ft. wide shall be provided to each mobile home space. Each access road shall connect with a street or highway and shall be well marked in the daytime and adequately lighted at night.

(10) Walkways shall be provided to all service buildings and to all recreation, play, and all other areas reserved for general occupant use. Said walkways shall be at least 5 ft. wide of which 3 ft. will be surfaced.

(11) Before any mobile home park may be occupied, the owner of said park shall file with the Planning Commission a plan of the proposed mobile home park or subdivision containing but not limited to the following information:

(a) Name and address of owner;

(b) Legal description and dimensions of the tract of land;

(c) The location and dimensions of all mobile home spaces;

(d) The location and dimensions of each automobile parking space;

(e) The location and width of all roadways and walkways;

(f) The location of service buildings and any other buildings and structures and;

(g) Sizes and location of play spaces, recreational spaces and all other areas reserved for general occupant use.

(12) No changes, alterations or additions may be made to any part of the mobile home park or subdivision has shown in the plan required by Section 11 without the approval of the Planning Commission.

(13) A valid permit issued by the Health Department of Whitman County is required before any mobile home may be occupied in any mobile home park. (Ord. 567; 6/15/1981).

***Compiler's Note: Chapter 7.16 deals with minimum standards and installation requirements for mobile homes.*

4.16.120 – Floodplain Overlay District. Ordinance No. 558 of the Tekoa City Ordinances establishes a flood management overlay zone and minimum standards for development. Those areas defined in the "Flood Management Zone" area of special flood hazard, floodway, and area of shallow flooding which correspond to zones on the Flood Insurance Rate Map (FIRM) overlay the districts defined in this zoning ordinance. This Overlay District does not add to the uses specified in this ordinance, but may restrict certain specified uses. The provisions of the Flood Management Zone are not intended to repeal, abrogate, or impair the restrictions of this chapter, or vice versa. However, where the districts established in this chapter and the areas defined in Ordinance No. 558 overlap or conflict, whichever imposes the more stringent restrictions consistent with flood protection, shall prevail.

***Compiler's Note: Ordinance 558 has been repealed by Ordinance No. 600, complied as Chapter 4.08).*

4.16.130 – Signs. After June 15, 1981, no new sign shall be erected nor any sign structurally altered that is not in compliance with this section.

(1) All signs must be constructed of durable material and shall be maintained in good condition and repair at all times.

(2) In a residential district, a sign not exceeding 4 sq. ft. is permitted which announces that name, address, and profession or occupation of the occupant of the premises on which said sign is located.

(3) A bulletin board not exceeding 24 sq. ft. is permitted in connection with any church, school or similar public structure. If illuminated, the sign shall be shielded in such a way as to produce no glare, undue distraction, confusions, or hazard to the surrounding area or vehicular traffic. If illuminated, is shall not be of a flashing, animated, or moving nature of illumination. If said

structure and its associated sign are located in a residential district, the illumination of such sign shall not affect adjacent residential property.

(4) A temporary real estate or construction sign not exceeding 24 sq. ft. is permitted on the property being sold, leased, or developed. Said sign shall be removed promptly when it has fulfilled its function.

(5) In the Commercial and Industrial Districts, one free-standing sign and one sign attached to the building is permitted for each business establishment, in addition to residential use signs as in #2 above. The sign may be illuminated but not of any intermittent, flashing, animated, or motion type and no exposed bulbs, neon tubing, or florescent tubing shall be allowed, except that this provision does not apply to signs providing public interest information nor to seasonal or holiday signs. All signs in the Commercial and Industrial Districts shall not exceed 20 sq. ft. in size.

(6) Abandoned or out-of-date signs shall be removed by the owner or lessee of the premises or land upon which the sign is located no later than 60 days after the date of abandonment.

(7) Political signs with a maximum surface are of 24 sq. ft. are allowed on private property with the consent of the owner and shall be removed no later than ten days after the election for which they were made.

(8) No sign over 24 sq. ft. shall be erected within the city limits of Tekoa. Signs as non-conforming uses over 24 sq. ft. may be repaired, but if moved from original position, shall be considered as new construction. (Ord. 567; 6/15/1981).

4.16.140 – Nonconforming Uses. Any use, building structure, or portions thereof, including signs, which were legally established before June 15, 1981, but because of the application of this chapter are no longer conforming to the regulations contained herein, shall be considered a nonconforming use or building, and may continue under the following conditions:

(1) Any nonconforming building, structure, or portion thereof may be altered or repaired from normal wear and tear, provided such alteration does not constitute more than 50 % of the assessed valuation of the original improvement to the property, nor contribute to further nonconformity. A nonconforming building, structure, or portion thereof may be moved or relocated if such action brings the building or structure into closer conformance with this chapter.

(2) Any structure that has been vacant for less than one year prior to the adoption of this chapter shall be classified as in use. A structure which has been vacant longer than one year prior to the adoption of this chapter shall conform to the provisions of the use district in which it is located.

(3) Any nonconforming building, structure, or sign which less than 50% destroyed or damaged by fire, explosion, or other natural causes, may be restored. Such restoration must begin no more than six months from the date of such destruction, and shall not contribute to it being any more in non-conformity than it was prior to being damaged.

(4) Any nonconforming use which has been discontinued for a period of one year or more after June 15, 1981, shall not be activated nor operated, nor shall an occupancy permit be granted to such discontinued use. In such instances, an occupancy permit shall be granted only when the structure or use has been brought into conformity with this chapter. When a building or structure is vacant, the use therein shall be deemed discontinued.

(5) A nonconforming use may be continued provided it is not enlarged nor extended. A nonconforming use may be converted to a permitted use at any time. (Ord. 567; 6/15/1981).

4.16.150 – Zone Boundaries. Unless otherwise specified, zone boundaries are topographical contour lines, section lines, lot lines, or the center lines of streets, alleys, railroad rights-of-ways, or such lines extended. (Ord. 567: 6/15/1981).

CHAPTER 4.20

FIRE LIMITS

Sections:

4.20.010 – Flammable Liquids. No person or persons shall, within the fire limits, keep in stock or in storage more than three thousand (3,000) gallons of coal oil, gasoline, kerosene, benzene, cleaning solvent or other inflammable liquid or gaseous substances; No shall the same be kept or stored in any container in excess of 50 gallons unless the said container- and method of storage- meet or exceed all applicable state and federal statutes and regulations – and particularly those enacted pursuant to R.C.W. Chapter 60.76 as it now exists and as it may hereafter be amended. Nor shall any person or persons keep in stock or storage more than fifty (50) pounds of gun powder, dynamite, or other explosives. (Ord. 336, §3; 9/17/1950; Amend by Ord. 606, §1; 12/18/1989).

***Compiler's Note: The Uniform Fire Code is in force in the City of Tekoa as part of the State Building Code which was adopted by the Tekoa City Council on 3/17/1975.*

CHAPTER 4.24

PROTECTION OF CRITICAL AREAS

Sections:

4.24.010 - Purpose, Intent and Applicability. The purpose of this chapter is to designate, classify and protect the functions and values of critical areas in a manner consistent with State law while allowing for reasonable use of private property. By adopting this section, the City of Tekoa acknowledges that critical areas provide a variety of important biological and physical functions that benefit the community and its residents, or that they may pose a threat to human safety or property.

The Critical Area Overlay Zone consists of that area within 250' of designated wetlands and critical wildlife habitat. Aquifer recharge areas, geologically hazardous areas (25' buffer) and frequently flooded areas (with Zone A or AE as shown on National Flood Insurance Program maps) are also included. Any development proposed on a parcel of land within the Critical Area Overlay Zone shall be subject to project review as required in this section unless specifically exempted.

4.24.020 - Definitions.

Advance mitigation: Mitigation of an anticipated critical area impact or hazard completed according to an approved critical area report and prior to site development.

Alteration, critical area: Any human induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation or any other activity that changes the character of the critical area.

Applicant: A person who files an application for permit under this ordinance and who is either the owner of the land on which that proposed activity would be located, a lessee of the land, the person who would actually control and direct the proposed activity or the authorized agent of such a person.

Aquifer Recharge Areas: Aquifer Recharge Areas are areas having a critical recharging effect on aquifers used for potable water where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the certifiable potability of water (WAC 365.190.030).

Aquifer, sole source: An area designated by the U.S. Environmental Protection Agency under the Safe Drinking Water Act of 1974, Section 1424(e). The aquifer(s) must supply fifty percent (50%) or more of the drinking water for an area without a sufficient replacement available.

Area of shallow flooding: An area designated AO, or AH Zone on the flood insurance map(s). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Base flood: A flood event having a one percent (1%) chance of being equaled or exceeded in any given year, also referred to as the 100-year flood. Designations of base flood areas on flood insurance map(s) always include the letters A or V.

Best available science: Current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 925. Sources of best available science are included in "Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas" published by the state Office of Community Development.

Best management practices: Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment; minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands; protect trees and vegetation designated to be retained during and following site construction; and provide standards for proper use of chemical herbicides within critical areas.

Conservation easement: A legal agreement that the property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property, therefore, providing permanent or long-term protection.

Critical aquifer recharge area (CARA): Areas designated by WAC 365-190-080(2) that are determined to have a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2). (See Aquifer recharge area).

Critical Habitat: Habitat necessary for the survival of endangered, threatened, rare, sensitive or monitor species.

Data Maps: That series of maps maintained by the City or it's referenced repository for the purpose of graphically depicting the boundaries of critical areas.

Developable area: A site or portion of site that may be utilized as the location of development.

Development: Any activity upon the land consisting of construction or alteration of structures, earth movement, dredging, dumping, grading, filling, mining, removal of any sand, gravel, or minerals, driving of piles, drilling operations, bulkheading, clearing of vegetation, or other land disturbance. Development includes the storage or use of equipment or materials inconsistent with the existing use. Development also includes approvals issued by the City that binds land to specific patterns of use, including but not limited to, subdivisions, short subdivisions, zone changes, conditional use permits, and binding site plans. Development activity does not include the following activities:

A. Interior building improvements.

B. Exterior structure maintenance activities, including painting and roofing.

C. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding.

D. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning); wells; individual utility service connections; and individual cemetery plots in established and approved cemeteries.

Erosion hazard areas: At least those areas identified by the United States Department of Agriculture Soil Conservation Service as a "severe" rill and inter-rill erosion hazard and may experience severe to very severe erosion (WAC 365-190-030(5)).

Flood insurance map: The official map on which the Federal Insurance Administration has delineated the areas of special flood hazards and include the risk premium zones applicable to the community. Also known as "flood insurance rate map" or "FIRM."

Flood plain: The total land area adjoining a river, stream, watercourse or lake subject to inundation by the base flood.

Frequently flooded areas: Lands in the flood plain subject to a one percent (1%) or greater chance of flooding in any given year. Frequently flooded areas perform important hydrologic functions and may present a risk to persons and property as designated by WAC 365-190-080(3). Classifications of frequently flooded areas include, at a minimum, the 100-year flood plain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

Functions and values: The beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, wave attenuation, protection from hazards, historical and archaeological and aesthetic value protection, and recreation. These beneficial roles are not listed in order of priority.

Geologically hazardous areas: Areas that because of their susceptibility to erosion, sliding, earthquake, or other geographical events, may not be suited to the siting of

commercial, residential, or industrial development consistent with public health or safety concerns.

Ground water: Water in a saturated zone or stratum beneath the surface of land or a surface water body.

Landslide hazard areas: Areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

Long term commercial significance: The growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

Mitigation: A negotiated action involving the avoidance, reduction or compensation for possible adverse impacts. In the following order of preference this includes:

- Avoiding the impacts altogether by not taking action;
- Reducing or eliminating impacts by preservation or maintenance;
- Minimizing impacts by limiting degree or magnitude;
- Rectifying impacts by repairing, rehabilitating or restoring;
- Compensating for impacts by in kind replacement; or
- Monitoring impacts by a planned evaluation process.

Monitoring: Evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems and assessing the performance of required mitigation measures throughout the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features, and includes gathering baseline data.

Native vegetation: Plant species that are indigenous to the area in question.

Off-site compensation: To replace critical areas away from the site on which a critical area has been impacted.

On-site compensation: To replace critical areas at or adjacent to the site on which a critical areas has been impacted.

Permeability: The capacity of an aquifer or confining bed to transmit water. It is a property of the aquifer or confining bed and is independent of the force causing movement.

Porous soil types: Soils, as identified by the National Resources Conservation Service, U.S. Department of Agriculture, that contain voids, pores, interstices or other openings which allow the passing of water.

Potable water: Water that is safe and palatable for human consumption.

Priority habitat and species (PHS): As classified by the Department of Fish and Wildlife Priority Habitats and Species Program, Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance including State Endangered, Threatened, Sensitive, and Candidate species; animal aggregations considered vulnerable; and those species of recreational, commercial, or tribal importance that are vulnerable. Priority habitats are those of habitat types or elements with unique or significant value to a

diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. The PHS List is a catalog of habitats and species considered to be priorities for conservation and management. (WAC 173-26-020(34)).

Project area: All areas within fifty (50) feet of the area proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures.

Qualified professional: A person with experience and training in the applicable critical area. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or related field, and two years of related work experience.

A qualified professional for habitats or wetlands must have a degree in biology and professional experience related to the subject species.

A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.

A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

Restoration: Measures taken to restore an altered or damaged natural feature including:

A. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and

B. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

Seismic hazard areas: Areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction.

SEPA: Washington State Environmental Policy Act, Chapter 43.21C RCW.

Special flood hazard areas: The land in the flood plain within an area subject to a one percent (1%) or greater chance of flooding in any given year. Designations of special flood hazard areas on flood insurance map(s) always include the letters A or V.

Special protection areas: Aquifer recharge areas defined by WAC 173-200-090 that requires special consideration or increased protection because of unique characteristics, including, but not limited to:

A. Ground waters that support an ecological system requiring more stringent criteria than drinking water standards;

B. Ground water recharge areas and wellhead protection areas, that are vulnerable to pollution because of hydrogeologic characteristics; and

C. Sole source aquifer status.

Species, endangered: Any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.

Species of local importance: Those species of local concern due to their population status or their sensitivity to habitat manipulation, or that are game species.

Species, priority: Any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence as genetically viable population levels as classified by the Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

Species, threatened: Any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Urban growth: Growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

Water table: That surface in an unconfined aquifer at which the pressure is atomospheric. it is defined by the levels at which water stands in wells that penetrate the aquifer just far enough to hold standing water.

Well: A bored, drilled or driven shaft, or a dug hole whose depth is greater than the largest surface dimension for the purpose of withdrawing or injecting water or other liquids.

Wetland or wetlands: 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, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands (RCW 36.70A.030(21)).

Wetland, emergent: A regulated wetland with at least thirty percent (30%) of the surface area covered by erect, rooted, herbaceous vegetation extending above the water surface as the uppermost vegetative strata.

Wetlands, high quality: Those wetlands that meet the following criteria:

No, or isolated, human alteration of the wetland topography; No human-caused alteration of the hydrology or the wetland appears to have recovered from the alteration; Low cover and frequency of exotic plant species; Relatively little human-related disturbance of the native vegetation, or recovery from past disturbance; If the wetland system is degraded, it still contains a viable and high quality example of a native wetland community; and no known major water quality problems.

Wetlands, isolated: Those wetlands that are outside of and not contiguous to any 100-year flood plain of a lake, river, or stream, and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

4.24.030 - Permitted, Conditional and Prohibited Uses. Uses allowed outright or by conditional use permit or uses altogether prohibited in the Critical Areas Overlay Zone shall be the same as those listed in the underlying zoning district.

4.24.040 - Project Review Required.

A. Land use or building permits for clearing or development activities within the Critical Areas Overlay Zone, as defined on the data maps (Section 4.24.100, below), shall be subject to review under the provisions of this chapter, excepting: (1) those activities specifically exempted in Subsection C, below; and (2), agricultural activities. Agricultural activities shall be exempt from review under this chapter.

B. For those projects determined by the City Building Official or designee likely to have an impact to the critical areas, the applicant shall submit a technical study identifying the precise limits of the critical area and its function and resource value as part of the application. The study shall be prepared by experts with demonstrated qualifications in the area of concern and shall apply best available science as part of its analysis.

C. The following activities shall be allowed in critical areas without a Critical Areas Permit, provided they are conducted using best management practices and at a time, and are conducted in a manner designed to minimize adverse impacts to the critical area:

1. Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife;

2. Outdoor recreational activities which do not involve disturbance of the resource or site area, including, for example, fishing, hunting, bird watching, hiking, horseback riding and bicycling;

3. Harvesting wild crops in a manner that is not injurious to the natural reproduction of such crops and provided the harvesting does not require tiling of soil, planting of crops or alteration of the resource by changing existing topography, vegetation, water conditions or water sources;

4. Education, scientific research and use of nature trails;

5. Normal and routine maintenance of legally constructed irrigation and drainage ditches;

6. Normal and routine maintenance, repair or operation of existing serviceable structures, facilities or improved areas, not including expansion, change in character or scope or construction of a maintenance road;

7. Minor modification (such as construction of a patio, balcony or second story) of existing serviceable structures where the modification does not adversely impact the functions of the critical area.

D. Applicants shall be required to demonstrate that development on a site determined to have critical areas will protect the resources by taking one of the following steps (listed in order of preference):

1. Avoid impacts to the resource altogether.

2. Minimize the impact by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.

3. Rectify the impact by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project.

4. Reduce or eliminate the impact over time by preservation or providing substitute resources or environments.

5. Compensate for the impact by replacing, enhancing or providing substitute resources or environments.

6. Monitor the impact and take appropriate corrective steps.

E. If a development permit is sought for critical area property that is located partly in the City, and partly in unincorporated Whitman County, the City Building Official or designee shall coordinate the City's review of the project with the appropriate County officials.

4.24.050 - Wetlands.

A. The existence of a wetland and the location of its boundary (as designated in the National Wetlands Inventory) shall be determined by the applicant through the performance of a field investigation applying the Washington Department of Ecology's wetland rating system. Qualified professionals shall perform wetland determinations and delineations using an acceptable methodology.

B. A wetland containing features satisfying the criteria of more than one of the following categories shall be classified in the highest applicable category. A wetland can be classified into more than one category when distinct areas that clearly meet the criteria of separate categories exist. Wetland rating categories shall be applied as the wetland exists at the time of the adoption of this Chapter or as it exists at the time of an associated permit application. Wetland rating categories shall not change due to illegal modifications. Wetland rating categories shall be as follows:

Eastern Washington Wetland Rating Categories:

Category I: 1) those areas identified by the Washington Natural Heritage Program/DNR as high quality, relatively undisturbed wetlands, or wetlands that support state Threatened or Endangered plant species; 2) alkali wetlands; 3) bogs; 4) mature and old-growth forested wetlands over ¼ acre in size dominated by slow-growing native trees; 5) forested wetlands with stands of Aspen; or 6) wetlands that perform many functions very

well. Category I wetlands represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain some ecological attributes that are impossible to replace within a human lifetime, or provide a very high level of functions.

Category II: 1) forested wetlands in the channel migration zone of rivers; 2) mature forested wetlands containing fast growing trees; 3) vernal pools present within a mosaic of other wetlands; or 4) wetlands with a moderately high level of functions. These wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a high level of protection.

Category III: 1) vernal pools that are isolated; or 2) wetlands with a moderate level of functions. Generally, wetlands in this category have been disturbed in some way, and are often smaller, less diverse and/or more isolated in the landscape than Category II wetlands. They may not need as much protection as Category I and II wetlands.

Category IV: wetlands have the lowest levels of functions and are often heavily disturbed. These are wetlands that should be replaceable, and in some cases may be improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands do provide some important functions and should be protected to some degree.

(as specified in *Washington State Wetland Rating System for Eastern Washington - Revised*, Ecology Publication #04-06-015 or as updated)

C. Development near wetlands shall observe buffers from the edge of the wetland. No development or activity shall occur within the required buffers unless the applicant can demonstrate that the proposed use or activity will not degrade the functions and values of the wetland and other critical areas according to the evaluation criteria from Subsection E, below. In no case shall any development or activity be permitted closer to the edge of the wetland than within one-half of the required setback. For the purposes of this section, these buffers shall be as follows:

Wetland Category	Buffer
Category I Wetland	250 feet
Category II Wetland	200 feet
Category III Wetland	150 feet
Category IV Wetland	50 feet

D. Buffer zones may be increased if the City Council finds, on a case-by-case basis and based upon best available science, that at least one of the following applies:

1. A larger buffer is necessary to maintain viable populations of existing species, or

2. The wetlands are used by species proposed or listed by the federal government or the State as endangered, threatened, rare, sensitive or being monitored as habitat for those species or has unusual nesting or resting sites, or

3. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts, or

4. The adjacent land has minimal vegetative cover or slopes greater than 25%.

E. Buffer zones may be decreased by no more than fifty percent (50%) if the City Council finds, on a case-by-case basis and based upon best available science, that all of the following apply:

1. The critical area report provides a sound rationale for a reduced buffer, and

2. The existing buffer area is well-vegetated with native species and has less than 10% slopes, and

3. No direct or indirect, short-term or long-term adverse impact to the wetland will result from the proposed activity.

F. Wetland buffer areas may be used for conservation and restoration activities, passive recreation (including trails, wildlife viewing structures & fishing access areas) and stormwater management facilities.

G. If activities will result in the loss or degradation of a regulated wetland or buffer, a mitigation or enhancement plan prepared by a qualified expert shall be submitted for review and approval by the City Building Official or designee. Any mitigation or replacement wetland shall follow the recommended minimum guidelines specified by the Department of Ecology. (*Department of Ecology's Wetland Mitigation in Washington*

State, Part 2: Developing Mitigation Plans, Version 1, Publication #06-06-011b, March 2006 or as updated)

4.24.060 Aquifer Protection Areas.

A. In areas designated as high susceptibility for aquifer contamination, all uses shall be connected to the City's sewer system. No new uses on a septic system are permitted in high susceptibility areas of critical aquifer recharge.

B. For uses locating within the critical aquifer recharge area and requiring site plan review, a disclosure form indicating activities and hazardous materials that will be used shall be provided for review and approval.

C. Impervious surfaces shall be minimized within the critical aquifer recharge area.

D. Best management practices as defined by state and federal regulations shall be followed by commercial and industrial uses located in the critical aquifer recharge areas to ensure that potential contaminants do not reach the aquifer.

E. A spill prevention and emergency response plan shall be prepared and submitted for review and approval by the City and local Fire District.

4.24.070 - Critical Wildlife Habitat.

A. The applicant for development proposed in the Critical Areas Overlay Zone that may impact habitat conservation areas shall provide a habitat management plan, prepared by a qualified expert in the species in question, in conformance with Washington State Department of Fish and Wildlife requirements, for evaluation by local, state and federal agencies (as identified by the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Washington State Department of Fish and Wildlife, and the Department of Natural Resources).

B. The habitat management plan shall be based on best available science and best management practices and shall be designed to achieve specific habitat objectives and shall include, at a minimum:

1. A detailed description of vegetation on and adjacent to the project area,

2. Identification of any species of local importance, priority species, or endangered, threatened, sensitive or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species,

3. A discussion of any federal, state or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area,

4. A detailed discussion of the potential impact on habitat by the project, including potential impact of water quality,

5. A discussion of measures, including avoidance, minimization and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity,

6. A discussion of continuing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.

C. A habitat conservation area may be altered only if the proposed alteration of the habitat or the mitigation proposed does not degrade the functions and values of the habitat.

D. Non-indigenous plant, wildlife or fish species to the region shall not be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.

E. The habitat management plan shall address the project area of the proposed activity, all habitat conservation areas and recommended buffers within 300 feet of the project areas and all other critical areas within 300 feet of the project area.

4.24.080 - Frequently Flooded Areas. Applicants for development within frequently flooded areas shall comply with provisions of the City's flood damage prevention ordinance.

4.24.090 - Geologically Hazardous Areas.

A. A minimum 25-foot buffer shall be established from the top, toe or sides of an identified geological hazard (as identified by the US Geological Survey and the Department of Natural Resources), including landslide hazard areas, seismic hazard areas, mine hazard areas, landfills or steep slope areas (40% or greater), except as specified below. The buffer may be increased if necessary to protect public health, safety and welfare, based on information contained in geotechnical report prepared by a qualified professional engineer.

B. Buffer zones may be decreased in size provided the geotechnical report substantiates the following findings:

1. The proposed development will not create a hazard to the subject property, surrounding properties or rights of way, erosion or sedimentation to off-site properties or bodies of water.

2. The proposal uses construction techniques that minimize destruction of existing topography and natural vegetation.

3. The proposal mitigates all impacts identified in the geotechnical report.

C. The following activities are allowed in seismic and mine hazard areas:

1. Construction of new buildings with less than 2,500 square feet of floor area or roof area, whichever is greater, and which are not residential structures or used as places of employment or public assembly,

2. Additions to existing single-story residences that are 250 square feet or less,

3. Installation of fences.

4.24.100 - Data Maps.

A. Critical areas shall be designated on a series of data maps and contain the best available graphic depiction of critical areas. These maps are for information and illustrative purposes only and are not regulatory in nature. Copies of these maps shall be available for public reference at the City Clerk's office.

B. The critical areas data map are intended to alert the development community, appraisers, current and prospective property owners of a potential encounter with a use or development limiting factor based on the natural systems. The presence of a critical area or resource designation on the data maps is sufficient foundation for the designated City official to order an analysis of the factor(s) identified prior to acceptance of a development application as being complete and ready for processing under the applicable provisions, sections, and chapters of the Tekoa Municipal Code.

C. Interpretation of Data Maps.

1. The designated City Building Official or designee is hereby declared the Administrator of this ordinance for the purpose of interpreting data maps. An affected property owner or other party with standing has a right to appeal the administrative determination to the City Council.

2. The data maps are to be used as a general guide to the location and extent of critical areas. Critical areas indicated on the data maps are presumed to exist in the locations shown and are protected under all the provisions of this chapter. The exact location of critical areas shall be determined by the applicant as a result of field investigations performed by qualified professionals using the definitions found in this chapter. All development applications are required to show the boundary(s) of all critical areas on a scaled drawing prior to the development application being considered "complete" for processing purposes.

D. Application of Data Maps. The conclusion of the administrative authority that a parcel of land or a part of parcel of land that is the subject of a proposed development application is within the boundary(s) of one or more critical areas as shown on the data maps, shall serve as cause for additional investigation and analysis to be conducted by the applicant. The site-specific analysis shall be limited to those critical areas indicated on the data maps. In the event of multiple designations, the City will address each subject matter independently and collectively for the purpose of determining development limitations and appropriate mitigating measures.

4.24.110 - Relief. If application of the requirements in this section would deny all reasonable economic use of the lot, development will be permitted if the applicant demonstrates all of the following to the satisfaction of the City Building Official or designee as part of the critical area permit, and demonstrates all findings required for variance from provisions of the zoning ordinance:

A. There is no other reasonable use or feasible alternative to the proposed development with less impact on the critical area.

B. The proposed development does not pose a threat to the public health, safety, and welfare on or off of the subject property.

C. Any alterations permitted to the requirements of this section shall be the minimum necessary to allow for reasonable use of the property.

D. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line and creating the undevelopable condition after the effective date of this section.

E. The proposal mitigates the impact on the critical areas to the maximum extent possible. (Ord. 764, §2; 5/21/2007).

TITLE V

CITY SIDEWALKS & CEMETERY

Chapters:

CHAPTER 5.04

SIDEWALKS

Sections:

5.04.010 – Sidewalks Required. The City Council of the City of Tekoa do hereby declare their intention to establish and to order constructed sidewalks along and abutting all property platted into lots and blocks, where the same shall front upon or abut upon any street or highway of the City of Tekoa.

A sidewalk is hereby established and ordered constructed alongside of and in front of each and every lot in each and every block in the City of Tekoa, which abuts upon any public street, avenue or highway thereof.

All sidewalks established under and by virtue hereof shall be constructed in conformity with the ordinances of the City of Tekoa governing sidewalks. (Ord. 131, §§1, 2, 7/31/1911).

5.04.020 – Sidewalks.

(a) Sidewalks – Crosby Street. All sidewalks on either side of Crosby Street from Warren Street to Main Street shall be constructed of cement or concrete eight (8) feet wide; and all sidewalks on either side of Crosby Street from Main to Park Street shall be constructed of cement or concrete not less than four (4) feet wide nor more than six (6) feet wide, the outer edge of which must be not less than six (6) feet from the property line, with a two (2) feet parking strip.

(b) Sidewalks – Broadway Street. All sidewalks on either side of Broadway Street from Henkle Street to Park Street shall be constructed of cement or concrete, not less than four (4) feet wide nor more than six (6) feet wide, the outer edge of which must be not less than six (6) feet from the property line, with a two (2) feet parking strip.

(c) Sidewalks – Main Street. All sidewalks on either side of Main Street from Crosby Street to the Oregon-Washington Railroad & Navigation Company's track shall be constructed of cement or concrete eight (8) feet wide, and all sidewalks on either side of Main Street from Crosby Street to Howard Street shall be constructed of cement or concrete not less than four (4) feet wide, nor more than six (6) feet wide, the outer edge of which must be not less than six (6) feet from the property line, with a two (2) feet parking strip.

(d) All sidewalks eight (8) feet wide as provided by this section shall be constructed or re-constructed on or before the 1st day of September, 1916; and all sidewalks other than eight (8)

feet sidewalks as provided by this section shall be constructed or re-constructed on or before the 1st day of June, 1917.

(e) That from and after the going into effect of this section all sidewalks which are constructed or re-constructed on portions of streets covered by this ordinance shall be constructed in accordance with this section on the grade established. (Ord. 160, §§1, 2, 3, 4, 5; 4/27/1915).

5.04.030 – Concrete Sidewalk District Established.

(a) The following described areas within the City of Tekoa are hereby declared to be within the Concrete Sidewalk District, to-wit: Blocks one, two, three, seven and eight of Huffman's Addition to Tekoa; all of Huffman's and Lake's Addition to Tekoa; all of Geo. T. Huffman's Second Addition to Tekoa; all of College Hill Addition to Tekoa; the Original Town of Tekoa; and five feet along the east side of Ramsey Street Extension acquired from the Oregon-Washington Railroad and Navigation Company.

(b) All renewals of sidewalks within said area shall be constructed not less than four feet in width the outer or street curb of which shall be laid six feet from the property line of the abutting property, except where by the terms of this section or other existing ordinances of the City of Tekoa sidewalks of a greater width are required.

(c) The sidewalks on all that part of Henkle Street and Warren Street of the City of Tekoa between the east line of Ramsey Street and the west line of Huffman's Second Addition of Tekoa Shall be constructed of concrete eight feet in width and laid with the outer curb eight feet from the property line and such sidewalks shall be laid or renewed and at the time required by existing ordinances, or state laws requiring the same, and prescribing the manner of requiring the same upon notice.

(d) Whenever grades have been established on streets requiring concrete sidewalks and ordinances establishing the same have been enacted, such sidewalks shall be constructed forthwith upon due notice to such property owner, and without any notice, by such property owner, on or before November 1st, 1921.

(e) Anyone owning property within said Concrete Sidewalk District desiring to renew a sidewalk now constructed of wood shall make application to the Street and Sidewalk Committee of the City Council for the establishment of a grade upon the street abutting upon the property to be improved by sidewalk, where no grade has been established, and the City of Tekoa will thereupon fix a grade according to which such sidewalk may be constructed of concrete, and thereupon such sidewalk shall be forthwith laid of concrete as herein provided.

(f) That a sidewalk is hereby established and ordered constructed forthwith along the east side of Ramsey Street Extension, the same to be fully five feet in width and laid with the outer or street curb five feet from the property line.

(g) That the provisions of this section shall not modify or repeal any existing ordinance in relation to sidewalks, except the same be clearly in conflict herewith. This section shall be deemed cumulative legislation on the subject of sidewalks. (Ord. 189, §§1-7; 7/4/1919).

5.04.040 – Sidewalk Grades Established. The following ordinances establish grades for the following sidewalks:

(a) Part of Crosby Street. (Ord. 32; 9/14/1891).

(b) Parts of Crosby and Connell Streets. (Ord. 34; 9/28/1891).

(c) Parts of Warner and Broadway Streets. (Ord. 36; 1/4/1892).

(d) Part of Elizabeth Street. (Ord. 39; 2/23/1892).

(e) Part of Washington Street. (Ord. 54; 12/19/1892).

(f) Part of Water Street. (Ord. 56; 12/19/1892).

(g) Parts of Sheridan, Custer, Spring, Alder and Poplar Streets. (Ord. 60; 3/6/1893).

(h) Part of Ramsey Street. (Ord. 61; 3/6/1893).

(i) Part of Warner Street. (Ord. 62; 3/6/1893).

(j) Parts of Main and Ramsey Streets. (Ord. 93; 3/24/1903).

(k) Parts of Sherman, Sheridan, Custer, Poplar, Alder, and Spring Streets. (Ord. 64; 4/17/1893).

(l) Parts of Main and Ramsey Streets. (Ord. 93; 3/24/1903).

(m) Parts of Huffman Street. (Ord. 102; 8/18/1905).

(n) Parts of Leslie, Main, Broadway, Sophy, and Truax Streets. (Ord. 103; 11/6/1905).

(o) Parts of Crosby, Main, Henkle, and Warner (or Warren) Streets. (Ord. 105; 7/16/1906).

(p) Parts of Park, Broadway, and Custer Streets. (Ord. 106; 12/16/1906).

(q) Parts of Park, Crosby, and Railroad Streets. (Ord. 109; 4/15/1907).

(r) Parts of Crosby, Line, Dezire and an unnamed street in Coffin's Addition. (Ord. 112; 10/7/1907).

(s) Parts of Bridge and Main Streets. (Ord. 115; 2/3/1908).

(t) Parts of Leslie, Howard, Jackson and Railroad Streets. (Ord. 119; 4/5/1909).

(u) Parts of Poplar and Alder Streets. (Ord. 121; 10/18/1909).

(v) Parts of Crosby and Poplar Streets; and McDonald's Second Addition, Lombard's Addition and F.J. Mahoney's Subdivision of Lombard's Addition. (Ord. 125; 6/6/1910).

(w) Part of Ramsey Street Extension. (Ord. 189; 8/14/).

CHAPTER 5.08

CITY CEMETERY

Sections:

5.08.010 – Cemetery Land Accepted. A certain deed made, executed and delivered by D.W. Truax, to the City of Tekoa, dated on the 12th day of January, 1916, wherein and whereby the said D.W. Truax, did convey to Tekoa, a certain tract of land described as being situated in the Southwest Quarter of the Southeast Quarter of Section twenty-four (24), in Township Twenty (20) North of Range Forty-five (45) east of the Willamette Meridian, in Whitman County, State of Washington, reference being had to said deed for more particular description, be and the same is hereby accepted by the Council of the City of Tekoa, together with all the covenants therein contained. (Ord. 166, §1, 5/22/1916).

5.08.020 – Cemetery Fund Established. There is hereby created a fund to be known as the "Cemetery Fund," and it shall be the duty of the City Council of the City of Tekoa, to levy hereafter each year the sum of Fifty ($50.00) Dollars, which said sum shall be paid into the Cemetery Fund. All funds and receipts derived from the sale of lots or parts of lots from the

premises described in the deed of conveyance from D.W. Truax, referred to in Section 5.08.010 shall be paid into the Cemetery Fund or into the Endowment Care Fund.
All money accruing to the credit of the Cemetery Fund shall be expended by order of the City Council of the City of Tekoa, for improving and beautifying said cemetery, and no funds derived from the sale of lots or plots in said cemetery shall be used for any other purpose.
(Ord. 166, §§2-4; 5/22/1916; Ord. 374, §2; 3/17/1958).

5.08.030 – Newton J. Flint Property Accepted. The bequest of Newton J. Flint, deceased, late of Whitman County Washington, bequeathing to the City of Tekoa, an undivided one half interest in and to Lots Three and Four in Section Twenty-nine (29), and the Southeast Quarter of Section Thirty (30), all in Township Twenty (20), North, Range Forty-six (46), east of the Willamette Meridian, together with a tract in the Northeast Quarter of Section Twenty-four (24), Township Twenty (20), North, Range Forty-five (45) east of the Willamette Meridian, all in Whitman County, Washington, in trust, under certain conditions set forth in the will of said deceased, and probated in Whitman County, Washington, the same being Probate Case Number 3147, reference being had to the files for the terms and conditions, be and the same is hereby accepted by the Council of the City of Tekoa. (Ord. 207, §1; 11/21/1922).

***Compiler's Note: The preamble to Ord. 374 (3/17/1958) states that this land has been sold and invested as directed in Mr. Flint's will.*

5.08.040 – Goldenrod Cemetery Annexed. A Certain tract of land noncontiguous to the corporate limits of the City of Tekoa, known as GOLDENROD CEMETERY, and described as follows:

Commencing at a point on the south line of Section 24 in Township 20, North of Range 45, East of Willamette Meridian in Whitman County, Washington, that is 30 feet east of the "Quarter Section Corner" on said south line, and running thence along said south line east a distance of 516.8 feet; thence angle to the left 89`25' a distance of 460 feet; thence angle to the left 89`25' a distance of 516.8 feet to a point 30 feet east of the north and south sub-division line of said Section 24 aforesaid; and thence angle to the left 60`35' a distance of 460 feet parallel to said north and south sub-division line aforesaid to the point of beginning, containing five acres of land, more or less, shall be and the same is hereby to and declared to be part of the Corporate Limits of the City of Tekoa and subject to the jurisdiction of the municipal authorities thereof. (Ord. 213, §1; 5/3/1926).

5.08.050 – Definitions. As used in section 5.08.050- 5.08.160, the following words shall have the following meanings:

(a) CEMETERY shall mean all of the land included within the original D.W. Truax gift together with all contiguous land purchased since and added to said original gift and all contiguous land that may hereafter be acquired by purchase or gift or otherwise added to said cemetery for use as burial place for the human remains, and the term shall include structures, buildings, vaults, mausoleums, crematories, graves, and crypts within the areal limits of said GOLDENROD CEMETERY;

(b) INTERMENT shall mean the permanent disposition of the remains of a deceased person;

(c) MONUMENT shall mean any tombstone, grave marker, tablet, headstone or other memorial upon extending above the ground;

(d) PLAT shall mean the map of the Goldenrod Cemetery as Platted and dedicated by the City of Tekoa, including the replats and platted additions, now on file in the office of the City Clerk of the City of Tekoa;

(e) TRUST FUND shall mean the fund established by gift made by NEWTON J. FLINT and all additions made thereto by private gifts, devises and bequests;

(f) ENDOWMENT CARE FUND shall mean the fund established by this ordinance to provide endowment care for the cemetery;

(g) CEMETERY FUND shall mean the fund established by SECTION 5.08.020, above;

(h) OLD CEMETERY shall mean the land given to the City for Cemetery purposes by D.W. Truax;

(i) NEW CEMETERY shall mean all land added to GOLDENROD CEMETERY since the original gift from D.W. Truax and shall include all land hereafter added to said GOLDENROD CEMETERY;

(j) GRAVES shall mean the lot or plot of ground platted for use for burial of one body. (Ord. 374, §1; 3/17/1958).

5.08.060 – Grave Prices. The City Council shall from time to time fix prices to be charged for graves in the Goldenrod Cemetery. Until otherwise fixed by resolution of the Council, such charge shall be $400.00 per cemetery lot. (Ord. 374, §3; 3/17/1958; Ord. 682, §1; 12/7/1998).

5.08.070 – Endowment Care Fund Established.

(a) There is hereby created a fund to be known as the "ENDOWMENT CARE FUND" into which shall be paid such monies as may be donated from time-to-time specifically for deposit into the fund, and such other monies as the City Council may from time-to-time specifically direct.

(b) All monies in the ENDOWMENT CARE FUND shall be held in trust and shall be invested in the manner provided for investment of endowment care funds by R.C.W. 68.44.030 and 30.24.020. The income earned from such investment shall be paid into the Cemetery Fund or may be retained in the ENDOWMENT CARE FUND as an addition to principal. (Ord. 374, §§4 & 5; 3/17/1958; Ord. 682, §2; 12/7/1998; Ord. 833, §1; 12/5/2016).

5.08.080 – Fees for Opening & Closing Graves. The City Council shall from time to time fix by resolution the charges for opening and closing graves:

For opening and closing one grave
When liner is used…….$75.00
When vault is used……$75.00
(Ord. 374, §6: 3/17/1958; Resolution No._____, 1979).

5.08.090 – Lots to be Sold by Sections.

(a) The whole of the cemetery shall not be opened for the sale of graves at one time but shall be opened by sections; the City Council shall from time to time be Resolution declare one or more sections SOUTH of the road and one or more sections NORTH of the road open for sale until otherwise fixed by resolution of the City Council.

SECTIONS 19 AND 54, SOUTH of the road, and SECTIONS 16 NORTH of the road, are hereby declared to be open for sale. All sales of lots in Goldenrod Cemetery shall be made through the office of the CITY CLERK. Conveyances shall be by deed executed by the MAYOR and CITY CLERK. The CITY CLERK shall retain a copy of each deed and shall file the same in a file to be kept for that purpose. The CITY CLERK shall maintain a tract or plat book and record of all lots in the cemetery in which all conveyances shall be registered and each burial shall be registered. No burial shall be permitted without a permit issued by the City Clerk specifying the particular lot or grave in which burial is to be made. Any person desiring to make a burial shall first apply to the City Clerk for a burial permit, or such application may be made by the permit issued to the FUNERAL DIRECTOR having charge of the burial. The CITY CLERK may designate such persons or person as may be deemed necessary to show and sell lots or graves.

(b) Persons desiring to make an interment shall notify the CITY CLERK or SEXTON at least two days prior to burial and shall provide such information concerning the deceased as the clerk may require.

(c) No burial, except the remains of the registered owners will be permitted without the consent of the registered owner. (Ord. 374, §7; 3/17/1958).

5.08.100 – No Charge for Paupers. The City Council is hereby authorized, upon application made on behalf of any deceased person declaring such deceased to be a pauper, to provide without charge a place of burial in GOLDENROD CEMETERY and to provide out of the cemetery fund for a marker to identify the deceased and mark the place of burial. (Ord. 374, §8; 3/17/1958).

5.08.110 – Endowment Care. The City undertakes to provide endowment care for the whole cemetery; endowment care is herein used, means only that the cemetery will be set grass and kept watered and mowed in season and that the grounds will be kept neat, tidy and clean. (Ord. 374, §10; /1958).

5.08.120 – Use & Transfer of Lots.

(a) All lots are sold subject to the rules and regulations now in effect or which may be hereafter adopted by the CITY COUNCIL. They shall not be used for any purpose other than burial of the dead.

(b) No sale, transfer or assignment of any grave, or lot or any interest therein shall be valid until the same is filed with the City Clerk. The City Clerk shall charge a fee of $1.00 for recording the transfer.

(c) It shall be the duty of the owner of any grave or lot to notify the CITY CLERK of any change of address. Notice sent to the last address on file with the City Clerk shall be considered sufficient legal notice. (Ord. 374, §§11-13; 3/17/1958).

5.08.130 – Inscriptions, Adornments, Plants.

(a) All fittings, adornments, urns, inscriptions and/or arrangements of the crypts or niches shall be, and are hereby declared to be subject to the approval and control of, and acceptance or rejection by, the CITY.

(b) The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, vases, glass, wood or iron cases, and similar articles, upon plots shall not be permitted, and if so placed, the city reserves the right to remove the same.

(c) Cut flowers will be removed from the grave at the discretion of the sexton, and in no event shall they be left thereon longer than one week, except at the special request of the family. As soon as practicable after the flowers are removed from a new grave, the earth will be settled and restored to conform with surrounding surface.

(d) No trees, shrubs, or plants shall be planted, pruned, or removed without the consent of the City. Acting for the best interests of the cemetery, the City shall have authority to prune, remove or transplant any tree, shrub, plant, or anything upon a lot when it may consider such a course necessary.

(e) All arrangements for flower and shrub planting and culture must be made with the City.
(Ord. 374, §4; 3/17/1958).

5.08.140 – Permission Required Before Work.

(a) All work in the cemetery shall be performed under the direction of the sexton or other employee designated by the Mayor, by city employees, except when permission is otherwise given. No person shall dig up any ground, or plant any seed or plants, or remove or cut or destroy any grass, sod, bush, plant or tree without the consent of the sexton.

(b) No work of any kind shall be permitted on Sunday or on any of the following holidays: New Years, Memorial Day, Fourth of July, Labor Day, Armistice Day, Thanksgiving or Christmas, nor shall any interments, disinterment's, or removals be permitted on any said days.
(Ord. 374, §17; 3/17/1958).

(c) All persons performing work or any kind in said cemetery shall at all times keep all material neatly stacked, shall keep the grounds as neat and tidy as is consistent with the work, shall clear up all waste material and debris each day, shall not perform any work during the time a burial is being performed and shall not block or obstruct any roadway in said cemetery.
(Ord. 374, §18; 3/17/1958).

5.08.150 – Markers, Mausoleums and Enclosure.

(a) Grave markers or monuments shall be placed at the head of the grave. They must be set in a concrete foundation having not less than 6 inches of concrete on all sides of the monument. The base to be even with the surface of the ground with the outside edge of the base on the end line of the lot and set square therewith. All foundations must be of sufficient size and depth to hold the monument in an upright position and the monuments must be securely and permanently anchored in and to the base. Lot owners placing or causing monuments to be placed will be responsible therefore and must remove or reset any movement or base that becomes unsightly or unsafe. Any monument marker, effigy, or structure or any inscription or sign which the City

Council may determine to be offensive, unsightly, improper or unsafe shall be removed by the owner or person responsible and if not so removed, the city may remove the same. No material shall be allowed to remain on the ground longer than is reasonably necessary for construction work.

(b) No enclosure of any nature, such as fence, copings, hedges or ditches, shall be allowed around any plots. Grave mounds shall not be allowed. No lots shall be raised above the established grade. The grave will receive the same general care as other parts of the lawn, the grass being cut and leaves and debris raked off at the time the remainder of the lawn is cleared.

(c) Before any private vault, tomb, sarcophagus, mausoleum, and/or columbarium is erected, a sum of money estimated by the city to be sufficient to yield an income for proper care of such structure in perpetuity must be deposited with the city.

(d) The city will exercise all possible care to protect raised lettering, carving or ornaments on any memorial or other structure on any lot, but it disclaims responsibility for any damage or injury thereto. (Ord. 374, §§16, 19, 20, 21; 3/17/1958).

5.08.160 – Miscellaneous Cemetery Rules.

(a) Only one interment shall be made in a grave, with the exception of a mother and infant, or two children in one casket.

(b) Arrangements for the payment of any and all indebtedness due the city must be made before interment will be made in any plot.

(c) The city reserves and shall have the right to correct any errors that may be made by it either in making interments, disinterment's, or removals, or in the description, transfer, or conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the city, or, in the sole discretion of the city, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the city reserves, and shall have the right to remove and/or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

(d) Every earth interment shall be enclosed in a concrete vault or liner. Exception may be made in cases where non-corrosive metal burial vault is used, if in the opinion of the city such burial vault shall be substantially as strong and as stone or concrete.

(e) No person or persons will be admitted on foot or otherwise to the cemetery grounds without permission of the person in charge. No horse or motor vehicle shall be driven at a rate faster than ten miles an hour in the cemetery grounds.

(f) Peddling of flower or plants, or soliciting the sale of memorials or any other commodities, prohibited within the confines of the cemetery.

(g) Refreshments are not allowed to be eaten on the grounds.

(h) No dogs or other animals will be permitted to run at large on the grounds, and persons carrying firearms, or with one or more dogs, will not be allowed on the grounds.

(i) All persons are prohibited from gathering or taking away any flowers, either wild or cultivated, or breaking any shrub, plant or tree upon the cemetery grounds.

(j) All persons are prohibited from writing upon, or in any manner defacing or injuring any monument, in or belonging to the cemetery.

(k) The sexton and other employees of the cemetery are authorized to act as police officers in and about the cemetery grounds, and any person, or persons, disturbing the quiet and good order of the place, by loud noise, or other improper conduct, or who shall violate any of these rules, will be required to immediately leave the grounds and may be further dealt with as provided by law.

(l) No person, other than employees, will be allowed or permitted upon the cemetery grounds during the night time.

(m) Sale of lots and acceptance of the purchase price shall not be construed as giving the purchaser vested rights in any of the rules and regulations as the same may be at the date purchase. The city hereby expressly reserves the right to alter, amend or repeal any rule, regulation or law herein contained and to adopt new or different rules and when, in the judgment and discretion of the City Council, such change seems advisable or necessary, except that funds accepted for endowment care shall be retained in trust for the uses and purposes in effect at the date of acceptance (Ord. 374, §§22-27; 3/17/1958).

TITLE VI

BUSINESS LICENSING AND REGULATIONS

Chapters:

CHAPTER 6.04

THEATRES, SHOOTING GALLERIES, ETC.

Sections:

6.04.010 – Movie Theatres. Each Motion Picture Show opened or operated at a permanent business location within Tekoa for which an admission is charged or received, shall pay a quarterly license fee of five dollars ($5.00), provided, in case Motion Pictures shown by or projected in connection with a license or picture course or as a regular performance and in connection with some other regular licensed show or performance for a period not longer than one week, the such showing shall not be deemed subject to such license fee aforesaid. (Ord. 306, §1; 12/18/1944).

6.04.020 – Menageries & Circuses. Each menagerie exhibiting wild animals and each circus showing within Tekoa shall pay a daily license fee of twenty-five dollars ($25.00). (Ord. 306, §3; 12/18/1944).

6.04.030 – Carnivals. Each carnival company or carnival association opening or operating within Tekoa any carnival concession or concessions of the nature usually displayed and operated by carnival companies or associations shall pay a daily license fee of twenty-five dollars ($25.00). (Ord. 306, §3; 12/18/1944).

6.04.040 – Merry-Go-Rounds; Shooting Galleries.

(a) No person, firm or corporation shall engage in, prosecute or carry on any of the following businesses within Tekoa, until they shall have obtained a license therefor:

(i) For what is commonly known as a merry-go-round, a license fee of $12.00 per week or any part thereof shall be paid.

Thereto are being complied with, and upon payment of a fee of $25.00 for such license. The license fee shall be payable annually on the anniversary date of the initial application in the sum of $25.00 for each year or part of year of operation. (Ord. 417, §§1-2; 9/18/1967).

CHAPTER 6.08

BOWLING ALLEYS, POOL HALLS, & MECHANICAL DEVICES

Sections:

6.08.010 – License for Pool Rooms, Card Rooms Required.

(a) It shall be unlawful for any person, firm or corporation to open or operate any pool room, billiard hall or card room, to keep for hire any pool tables or billiard tables, within Tekoa, without first obtaining a license so to do as hereinafter provided.

(b) The license fee for each pool table and each billiard table kept in any pool room or billiard hall shall be Twenty Dollars ($20.00) a year, payable quarterly in advance. The license fee for each card room shall be Twenty Dollars ($20.00) a year, payable quarterly in advance.

(c) Licenses required by the term of this section shall be obtained by making application in writing to the City Clerk, stating the full name of each and every person interested in the business, unless the applicant be a corporation, the name of the owner and location of the building or room where such business is to be conducted. Such application shall be referred by the City Clerk to the License Committee of the City Council, and upon recommendation of a majority of said committee, the Clerk shall thereupon issue a license to the applicant, and report

his acts and proceedings and the recommendations of the committee with such application for confirmation or rejection. Licenses granted by the Clerk and confirmed by the City Council at their pleasure. (Ord. 190, §1-3; 9/16/1919).

6.08.020 – Hours of Operation—Pool Rooms and Card Rooms. It shall be unlawful to open, operate or conduct any pool room, billiard hall or card room within Tekoa between the hours of Twelve o'clock midnight and seven o'clock in the forenoon of any day.
(Ord. 190, §4; 9/16/1919).

6.08.030 – Public Entrances Required. No pool room, billiard hall or card room shall be opened, operated or conducted in any building, room or other place any part of which or any room of which is not freely accessible to public entrance or which is separated from any part of such room or building by doors or other obstructions. (Ord. 190, §5; 9/16/1919).

6.08.040 – License for Machines of Chance or Skill. It shall be unlawful for any person, firm or corporation, or any combination or combinations thereof, to maintain or operate within Tekoa any pool table, pinball machine, foos ball table, bowling alley, video game, or similar mechanical device, wherein the element of skill or the element of chance, or both, is involved, without first obtaining a license therefor. (Ord. 562, §2; 1980).

6.08.050 – Mechanical Devices Defined.

(a) A mechanical device for profit as used in this chapter shall mean and include all machines involving an element of skill or of chance or of both skill and chance in the playing or operation of which a player may be entitled to receive, whether automatically or otherwise, any merchandise awards, cash awards, high score prizes, or any right to further operate said machine or device.

(b) A mechanical device for amusement as used in this chapter shall mean and include all machines involving an element of skill or of chance or of both skill and chance in the playing or operation of which the player receives no awards or prizes of any kinds or nature. (Ord. 343, §2; 7/21/1951).

6.08.060 – License for Mechanical Devices Required. Any person, firm, corporation, or combination thereof desiring to maintain, keep or operate any such mechanical device, as herein defined, shall make written application for license so to do, specifying therein the name of the owner of such device, the location wherein same will be operated, and the name of the operator thereof, and file the same with the City Clerk of the City of Tekoa, for its approval or rejection. And upon approval of any such application by the City Council of the City of Tekoa, and the payment of the fee therefore as herein provided, the City Clerk shall issue to said applicant a license to operate said mechanical device for which license has been applied. (Ord. 343, §3; 7/21/1952).

6.08.070 – License Fee for Mechanical Devices. The license fee for maintaining any mechanical device for profit or amusement shall be as follows:

(a) For business or establishments maintaining five or fewer of such machines, the license fee shall be Five Dollars ($5.00) per machine per quarter.

(b) For business or establishments maintaining more than five machines, the license fee shall be One Hundred Dollars ($100.00) per year. (Ord. 562, §2; 1980).

6.08.080 – License Period. All license fees required by section 6.08.070 shall be payable in advance. License fees payable on a quarterly basis shall be payable on or before the following dates: January 1, April 1, July 1, and October 1, of each year. License fees payable on an annual basis shall be payable on or before January 1 of each year. The fees for licenses issued during the quarterly or annual license period shall be prorated for the time said license will run. (Ord. 562, §2; 1980).

6.08.090 – Separate License for Each Mechanical Device. A separate "machine license" must be obtained for each particular mechanical device for those persons, firms, or corporations licensing their devices on the quarterly basis, and a single "facility license" must be obtained for each establishment licensing their devices on the annual basis. (Ord. 562, §2; 1980).

6.08.100 – Minors not to Operate Mechanical Devices. It shall be unlawful for any person, firm or corporation to permit or allow any such mechanical device, as herein defined, then in its possession or under its control, to be played or operated by any minor, or at any location other than that specified in the application. (Ord. 343, §7; 7/21/1952).

6.08.110 – No Mechanical Devices Near Schools. No license shall be issued for the operation or maintenance of any such mechanical device in any public place within two hundred feet (200 feet) of any private or public grade or high school. (Ord. 343, §8; 7/21/1952).

6.08.120 – Renewal, Revocation of License.

(a) After an application has been granted, the City Clerk, by and with the consent of the City Council, shall have the right to renew said license for any such mechanical device from month to month, upon payment of the license fee herein provided.

(b) The City Council of Tekoa, shall have the right to revoke any and all such license issued hereunder, either with or without notice to the licensee, and in the event of such revocation no part of the unearned portion of such license fee shall be returned. (Ord. 343, §§9 & 11; 7/21/1952).

6.08.130 – Mechanical Devices to be Tagged. The City Clerk, shall at the time of issuing said license issue to said applicant a tag for each mechanical device so licensed, and the same shall be at all times displayed upon any mechanical device that is being maintained or operated in Tekoa, said tag shall be in such form and of such material as the City Council shall determine. It shall be unlawful to operate, keep or display any such mechanical device unless one of said tags is conspicuously displayed thereon. (Ord. 343, §10; 7/21/1952).

6.08.140 – Bowling Alleys.

(a) Any person, firm or corporation, who shall within the corporate limits of the City of Tekoa, maintain or operate a bowling alley, shall first procure a license therefore, as hereafter provided.

(b) The license shall be the sum of TWENTY DOLLARS ($20.00) per annum, payable quarterly, in the sum of FIVE DOLLARS ($5.00), for each quarter of year or fraction thereof, payable in advance.

(c) The term "Bowling Alley" shall be used in the singular or in the plural, so long as it is maintained or operated in the same building. (Ord. 299, §§1, 2, 3; 1/4/1943).

***Compiler's Note: Ordinance 272 provided for the licensing and regulation of pinball machines and was never directly repealed; however, Ordinance 343 and 562 deal with the same issue and were passed later in time such that Ordinance 272 is superseded.*

CHAPTER 6.12

DANCING

Sections:

6.12.010 – License for Dance School Required. It shall be unlawful for any person or persons to conduct a dancing school, or other method or system of instruction for hire in Tekoa, in which pupils are taught or given instruction in social or fancy dancing, individually or collectively, for hire or other monetary compensation, without first obtaining a license therefor as in this ordinance provided; and any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor. (Ord. 173, §1; 1/23/1917).

6.12.020 – City Council to Grant Licenses. The City Council is hereby authorized to grant licenses to any person or persons who may apply therefor in writing, for the purpose of conducting a dancing school, or other system of imparting instructions to pupils individually or collectively, in the art of dancing for social or public entertainment; provided, that no such license shall be granted to any person or persons until such person or persons shall present satisfactory reference as to his, her or their qualifications to teach such dancing and as to his, her or their being of good moral character; and, provided further, that no license shall be granted unless the location and situation of the building, room or hall in which such school shall be conducted or instruction given be approved of for that purpose by the City Council.
No such license shall be granted for a longer period than three months, and license fee therefor shall be the sum of Twenty-five dollars ($25.00), provided that in case of tap dancing, fancy ball room dancing and classical dancing, with only one instructor, the fee therefor shall be the sum of Two and 50/100 dollars; which shall be deposited with the City Clerk, at the time of presenting application for such license, and no such application shall be considered until the license fee has been deposited as herein provided. (Ord. 173, §2; 1/23/1917; Amended by Ord. 267; 12/7/1936).

6.12.030 – Dancing to be Decent. It shall be unlawful for any person conducting a dancing school as herein above specified, or for any person or persons having in charge the management of any public dance in Tekoa, to permit or tolerate any offensive or indecent conduct on the part of any persons in attendance at such dance, nor to permit or tolerate any offensive or indecent form of dancing, either in the position of the partners in the dance to each other, or in the figure of the dance as executed by them. (Ord. 173, §4; 1/23/1917).

6.12.040 – Public Dancing to be Decent. It shall be unlawful for any person or persons attending any public dance in Tekoa (and the term "Public Dance" as used in this section includes any and all dances to which the public are invited tacitly or expressly) to dance or attempt to dance in an offensive or indecent manner or posture, either in the position occupied in

relation to their partners in the dance, or in the figure of the dance as executed. The dances herein prohibited are such exaggerations or elaborations of the forms of modern dancing as shall be offensive to the moral sense of those people who customarily attend dances in Tekoa for social enjoyment; and it shall be unlawful for any person to attend such dance while in an intoxicated condition. (Ord. 173, §5; 1/23/1917).

6.12.050 – Public Dance Permit. Any person or persons desiring to conduct a public dance in Tekoa shall be required to first obtain a written permit therefor from the City Clerk, and shall be required to pay a fee of $2.50 for such permit. Each permit shall only be authority for the giving of one such dance. (Ord. 260; 12/16/1935).

CHAPTER 6.20

PEDDLERS

Sections:

6.20.010 – Peddler Defined. Any person, either as principal or agent, who carries goods, wares or merchandise, articles, things, or personal property of whatever name or nature or description from house to house, place to place, or upon any street, highway, alley or public place with Tekoa, for sale; on any person who goes from house to house, dwelling place to dwelling place, or upon any public street, sidewalk, highway, alley or public place within Tekoa, soliciting or taking orders for the purchase of sale of goods, wares or merchandise, articles, things or personal property of whatever name, nature or description, to be delivered in the future; or any person who goes from house to house, dwelling place to dwelling place, or upon any public street, sidewalk, highway, alley or public place within Tekoa, soliciting, selling, attempting to sell or taking orders for services or intangible personal property; is hereby defined to be a peddler within the meaning of this chapter. (Ord. 370, §1; 5/6/1957).

6.20.020 – Hawker Defined. Every person, either as principal or agent, selling or offering for sale any goods, wares or merchandise, articles, things, or personal property of whatever name, nature or description, by peddling the same from house to house, place to place, or upon any street, alley, sidewalk, highway, or public place within Tekoa, who shall make any public outcry, or give any musical or other public entertainment, or make any public speech, or use any noise making devise, or make any public demonstration designed to draw customers or attract notice, is hereby defined to be a Hawker within the meaning of this chapter. (Ord. 370, §2; 5/6/1957).

6.20.030 – Hawking Prohibited. Hawking as the same is defined in the chapter is hereby declared to be unlawful in the City of Tekoa. (Ord. 370, §; 5/5/1957).

6.020.040 – Permit Required for Peddlers. It shall be unlawful for any person, firm or corporation, to peddle within the meaning and application of this chapter unless such person, firm or corporation shall have first made application for and secured a permit therefore in the manner provided in this chapter. (Ord. 370, §3; 5/6/1957).

6.020.050 – Permits, Granted by the Clerk and Deputy Clerk. All applications for peddlers permit shall be submitted in writing to the clerk or deputy clerk. After review, the clerk or deputy clerk will approve the application, and upon payment, the permit shall be issued forthwith. (Ord. 798, §1; 11/7/2011).

6.020.060 – Permit must be Carried. Each permittee hereunder shall carry such permit at all times while peddling in the City of Tekoa and it shall be exhibited by any such peddler whenever he or she shall be requested to do so by any police officer or any person solicited. (Ord. 370, §5; 5/6/1957).

6.020.070 – Permit Fees, Etc.

(a) Each applicant shall pay to the City Clerk at the time of making application for a peddlers license a fee as follows:

(1) For a permit to peddle one day, a fee of $5.00

(2) For a permit to peddle one month, a fee of $10.00

(3) For a permit to peddle one year, a fee of $100.00

(b) No application will be considered or permit issued unless application shall clearly state the period for which application is made accompanied by fee set forth herein for such period.

(c) No permit shall be issued for more than one year.

(d) No permit shall be renewed except upon application and payment of fees as is herein provided for an original permit. (Ord. 382, §1; 5/18/1959).

6.020.080 – Exceptions. This chapter shall not apply to peddlers of farm, dairy or garden produce, raised or produced by such peddler, nor to salesmen or representatives calling upon established wholesale or retail merchants of the City of Tekoa for the purpose of selling or delivering goods, wares or merchandise, used or to be such merchants, operating from a regularly established place of business within said City. (Ord. 370, §7; 5/6/1957).

TITLE VII

BUILDINGS

Chapters:

CHAPTER 7.04

STATE BUILDING CODE

Sections:

*** Compiler's Note: Chapter 360, Section 5 of the 1985 Session Laws established a state building code to be in effect in all counties and cities. That law is as follows:*

7.04.010 – Washington State Building Code Adopted.

A. The Washington State Building Code, RCW 19.27.031, as it now exists and as it may hereafter be amended, is hereby adopted by this reference, including:

(1)(a) International Building Code, published by the International Code Council, Inc.;

(1)(b) International Residential Code, published by the International Code Council, Inc.;

(2) International Mechanical Code, published by the International Code Council, Inc., except that the standards for liquefied petroleum gas installations shall be NFPA 58 (storage and handling of Liquefied Petroleum Gases) and ANSI 2223.1/NFPA 54 (National Fuel Gas Code);

(3) International Fire Code, published by the International Code Council, Inc., including those standards of the National Fire Protection Association specifically referenced in the International Fire Code; *provided,* that, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(4) Except as provided in RCW 19.27.170, the Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials, *provided,* any provisions of such code affecting sewers or fuel gas piping are not adopted; and

(5) Rules adopted by the Washington State Building Code Council establishing standards for making buildings and facilities accessible to and usable by the physically disabled or elderly persons as provided by RCW 70.92.100 through 70.92.160.

B. The Washington State Energy Code, 1991Second Edition, as amended by the Washington State Building Code Council of November 8, 1991 and filed as Chapter 51-11 WAC, together with any amendments, revisions, or new editions thereof, is hereby adopted by this reference.

C. The Washington State Historic Building Code, July 1991 Edition, as written by the Washington State Building Code Council and filed as Chapter 51-19 of the WAC, together with any amendments, revisions, or as supplemented by the Washington State Building Code Council, is hereby adopted by this reference.

D. In case of conflict among the codes enumerated subsections A(1) through (4), above, the first named code shall govern over those following, except that the Washington State Historic Building Code, Subsection C, above, shall supersede all other codes listed above. (Ord. 740, §1; 1/20/2004; Ord. 712, §1, 2001; Ord. 669, §1, 1997).

7.04.015 – Uniform Code for the Abatement of Dangerous Buildings Adopted. There is hereby adopted the 1994 Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of Building Officials, together with any amendments, revisions, or new editions thereof. Nothing in this section shall prevent the use of the provisions under Chapter 7.12 as an alternative to this section. (Ord. 660, §1; 4/7/1997).

7.04.020 – State Building Code – Administration. The State Building Code shall be administered and enforced in the City of Tekoa by the Building Inspector of the City of Tekoa. (Ord. 460, §3; 3/17/1975).

7.04.030 – Building Inspector. The Building Inspector of the City of Tekoa shall be deemed to be the "Building Official" as defined in the Uniform Building Code and in the Uniform Mechanical Code. Said Building Inspector shall also be deemed to be the "Chief" or "Chief of the Fire Department" for purposes of enforcing and administering all provisions of the Uniform Fire Code. The Building Inspector shall also be deemed the "Administrative Authority," as such term is defined in the Uniform Plumbing Code, for purposes of enforcing and administering the provisions of the Uniform Plumbing Code. The Building Inspector shall also enforce and administer the standards set forth in The American National Standard Specifications for Making Buildings and Facilities Accessible to, and usable by, the Physically Handicapped. The Building Inspector may upon notice and hearing promulgate such rules and regulations as he deems necessary for the enforcement of the State Building Code in the City of Tekoa.
(Ord. 460, §4; 3/17/1975).

7.04.040 – City os One Fire District. For the purposes of this chapter and the interpretation and enforcement of the applicable provisions thereof, the entire City of Tekoa is hereby declared to be and is hereby established as a fire district, and such fire district shall be known as fire zone No. 3 throughout the entire corporate limits of the City of Tekoa. (Ord. 460, §5; 3/17/1975).

7.04.050 – Penalty. Notwithstanding the provisions of the Uniform Building Code and of the Uniform Mechanical Code, any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. (Ord. 460, §8; 3/17/1975).

CHAPTER 7.10

SOURCE OF WATER REQUIRED FOR RESIDENTIAL USE OF BUILDINGS

Sections:

7.10.010 – Source of Water Required. No person shall reside in any dwelling or other building or structure that does not have an indoor source of potable water, either supplied from the municipal water system or a private well or spring. For the purposes of this section, the term "reside in" shall mean the use of the dwelling, building, or structure for residential purposes continuously for more than 24 hours, except in the case of a bone fide emergency when water service has been temporarily disrupted by causes beyond the reasonable control of the person residing therein.

7.10.020 – Violations – Remedies. Any person not convicted of violating this chapter shall be subject to a fine of not more than $500.00. Each day the violation continues shall be considered a separate violation. In addition to, or in lieu thereof, the City may seek an injunction from the Superior Court of Washington for Whitman County, enjoining the use of any dwelling, building, or other structure for residential purposes so long as the dwelling, building, or structure is not served by an indoor source of potable water in violation of this chapter. (Ord. 815, §1, 10/27/2014).

CHAPTER 7.12

UNFIT BUILDINGS

Sections:

7.12.010 – Authority. This chapter is enacted by the City of Tekoa pursuant to the provisions of R.C.W. Chapter 35.80. (Ord. 576, §1; undated, 1984).

7.12.020 – Purpose. The purpose of this chapter is to provide for the repair, alteration, improvement, vacation, closure, removal or demolition of dwellings which are unfit for human habitation and buildings and structures which are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents or other calamities, inadequate ventilation and uncleanliness, inadequate light or sanitary facilities, inadequate drainage, overcrowding due to other conditions which are inimical to the health and welfare of the residents of City of Tekoa. (Ord. 576, §; undated, 1984).

7.12.030 – Definitions. The following terms, however used or referred to in this ordinance shall have the following meanings, unless a different meaning is clearly indicated by the context:

(a) "Board" shall mean the persons designated to exercise the powers assigned thereto by this chapter as hereinafter provided. The board shall consist of three (3) members to be appointed by the Mayor, subject to the approval of the City Council. The term of the members of the board shall run concurrently with the term of the Mayor. The membership of the board shall be limited to residents of the City of Tekoa. Vacancies on the board arising prior to the expiration of a

member's term may be filled by the appointment by the Mayor, subject to the approval of the City Council, of a person to serve the remaining unexpired portion of such term.

(b) "Appeals commission" or "commission" shall mean the persons designated to exercise the powers assigned thereto under this Chapter or hereinafter provided. The Appeals Commission shall consist of not less than three nor more than seven members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the City. The City building official shall be an ex officio member and shall act as Secretary to the Commission but shall have no vote upon any matter before the Commission. The Commission shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. (Ord. 576, §3; undated, 1984; Ord. 762, §1; 1/2/2007).

7.12.040 – Preliminary Investigation. Whenever the board has reasonable grounds to believe that one or more of the conditions described in Section 7.12.020 exists with respect to a dwelling, building or other structure within the corporate limits of the City of Tekoa, it shall conduct or cause to be conducted an investigation of such dwelling, building or structure. (Ord. 576,§4; undated, 1984).

7.12.050 – Complaint – Notice. If, after such preliminary investigation of any dwelling, building or structure, the board finds that it is unfit for human habitation or other use, it shall cause to be served either personally or by certified mail, with return receipt requested, upon all persons having any interest therein, as shown upon the records of the Whitman County Auditor, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building or structure is unfit for human habitation or other use. If the whereabouts of such persons is unknown and the same cannot be ascertained by the board with the exercise of reasonable diligence and the board shall make an affidavit to that effect, the then serving of such compliant or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a legal newspaper published in the municipality in which the property is located, or in the absence of such legal newspaper, it shall be posted in three public places in the municipality in which the dwellings, building or structures are located. Such complaint shall contain a notice that a hearing will be held before the board, at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; or in the event of publication or posting not less than fifteen (15) days nor more than thirty (30) days from the date of the first publication and posting; that all parties in interest shall be given the right to file an answer to the complaint, and to appear in person, or otherwise, and to give testimony at the time and place fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearing before the board or officer. A copy of such complaint shall also be filed with the auditor of the county in which the dwelling, building, or structure is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (Ord. 576, §5; undated, 1984).

7.12.060 – Hearing. The board may determine that a dwelling, building or structure is unfit for human habitation or other use if it finds that conditions exist in such dwelling, building or structure with dangerous or injurious to the health or safety of the occupants of such dwelling, building or structure, the occupants of neighboring dwellings, or other residents of Tekoa. Such conditions may include the following, without limitations:
Defects therein increasing the hazards of fire or accident; inadequate ventilation, light or sanitary facilities, dilapidation, disrepair, structural defects, uncleanliness, overcrowding, or inadequate drainage. In determining the fitness of a dwelling for human habitation, or a building or other structure for other use, the board shall be guided by the minimum standards covering such

conditions as are contained in ordinances of the City of Tekoa and Whitman County relating to the use and occupancy of dwellings, prescribing minimum standards for the use or occupancy of any building or structure used for any other purpose, and preventing the use or occupancy of any dwelling, building or structure which is injurious to the public health, safety, morals or welfare. The determination of whether a dwelling, building or structure should be repaired or demolished shall be based on specific stated standards in:

(i) The degree of structural deterioration of the dwelling, building or structure; or

(ii) the relationship that the estimated cost of repair bears to the value of the dwelling, building or structure, such value to be determined by appraisal by a qualified real estate appraiser.

If, after the required hearing, the board determines that the dwelling is unfit for human habitation, or building or structure is unfit for other use, it shall state in writing its findings of fact in support of such determination, and shall issue and cause to be served upon the owner or party in interest thereof, as is provided in Section 7.12.050, and shall post in a conspicuous place on said property, in order which

(i) requires the owner or party in interest, within the time specified in the order, to repair, alter or improve such dwelling, building or structure, to render it fit for human habitation, or for other use, or to vacate and close the dwelling, building or structure, if such course of action is deemed proper on the basis of the standards set forth as required in this Section, or

(ii) requires the owner or party in interest, within the time specified in the order, to remove or demolish such dwelling, building or structure, if this course of action is deemed proper on the basis of said standards. If no appeal is filed, a copy of such order shall be filed with the Whitman County Auditor. (Ord. 576, §6; undated, 1984).

7.12.070 – Appeal. The owner or any party in interest, within thirty (30) days from the date of service upon the owner and posting of an order issued by the board under the provisions of Section 7.12.060, may file an appeal with the appeals commission. All appeals submitted to the appeals commission must be resolved by the commission within sixty (60) days from the date of filing. A transcript of the finding of fact of the appeals commission shall be made available to the owner of or other party in interest upon demand at the end of such sixty (60) day period. The decision of a majority of the members of the appeal commission shall dictate the decision of such commission.

The findings and orders of the appeals commission shall be reported in the same manner and shall bear the same legal consequences as if issued by the board, and shall be subject to review only in the manner and to the extent provided in Section 7.12.090. (Ord. 576, §7, 1984).

7.12.080 – Order to Repair or Demolish. If the owner or party in interest, following exhaustion of his rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove or demolish the dwelling, building or structure, the board may direct or cause such dwelling, building or structure to be repaired, altered, improved, vacated, and closed, removed or demolished. (Ord. 576, §7; undated, 1984).

7.12.090 – Assessment. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the board shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. The

Clerk-Treasurer of the City of Tekoa shall certify the assessment amount due and owing to the Whitman County Treasurer for entry of such assessment upon the tax rolls against the property for the current year to become a part of the general taxes for that year to be collected as provided by law. If the dwelling, building or structure is removed or demolished by the board, the board shall, if possible, sell the materials of such dwelling, building or structure, and shall credit the proceeds of such sale against the cost of the removal or demolition, and if there be any balance remaining it shall be paid to the parties entitled thereto, as determined by the board, after deducting the cost incident thereto.

The demolition assessment shall constitute a lien against the property of equal rank with state, county and municipal taxes. (Ord. 576, §8; undated, 1984).

7.12.100 – Superior Court Review. Any person affected by an order issued by the appeals commission pursuant to Section 7.12.070 may, within thirty (30) days after the posting and service of the order, petition to the Superior Court of Whitman County for an injunction restraining the board and its members from carrying out the provisions of the order. In all such proceedings the court is authorized to affirm, reverse, or modify the order and such trial shall be heard do novo. (Ord. 576, §9; undated, 1984).

7.12.110 – Additional Powers of Board. In addition to the foregoing powers, the board shall have such additional powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter. These powers shall include without limitation the following in addition to other herein granted:

(a)

(i) To determine which dwellings within the municipality are unfit for human habitation;

(ii) to determine which buildings or structures are unfit for other use;

(b) To administer oaths and affirmations, examine witnesses and receive evidence; and

(c) To investigate the dwelling and other use conditions in the municipality or county and to enter upon premises for the purpose of making examinations when the board has reasonable ground for believing they are unfit for human habitation, or for other use, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted.

Nothing in this section shall be construed to abrogate or impair the powers of the courts or any department of any municipality to enforce any provisions of its charter or to punish violations thereof; and the powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law.

Nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. 576, §10; undated, 1984).

7.12.120 – Appropriation of Funds. The City Council of the City of Tekoa may appropriate the funds necessary to administer this chapter. (Ord. 576, §11; undated, 1984).

7.12.130 – Alternative Provisions. Nothing in this chapter shall prevent the use of the provisions under Section 7.04.015 as an alternative to this chapter. (Ord. 660, §2; 4/7/1997).

CHAPTER 7.16

MOBILE HOMES

Sections:

7.16.010 – Manufacture Date. Manufacture Date. All mobile homes installed within the City of Tekoa after November 1, 2009, in any location other than an established mobile home park, must have been manufactured after January 1, 1990. (Ord. 634, §1; 9/19/1994; Ord. 666, §1; 10/20/1997; Ord. 715, §1, 10/1/2001; Ord. 779, §1; 11/16/2009).

7.16.020 – Size.

(a) All mobile and manufactured homes installed with the City of Tekoa after November 1, 2009, in any location other than a mobile home park, must have at least 1,000 square feet of interior floor space and consist of two or more sections jointed together to make a single structure after installation.

(b) Single wide mobile homes may only be installed or located in mobile home parks within the City of Tekoa.

(Ord. 634, §2; 9/19/1994; Ord. 666, §2; 10/20/1997; Ord. 715, §2, 10/1/2001; Ord. 779, §2; 11/16/2009).

7.16.030 – Installation Permit – application requirements – procedures. No mobile home shall be located or installed on any property within the City of Tekoa without a valid Mobile Home Installation Permit issued therefore by the City Building Inspector. An application for such a permit shall be submitted to the City Clerk, together with a non-refundable, $50.00 application fee. The application must include the following information:

(a) Make, model, size and year of manufacture, and vehicle identification number of the mobile home.

(b) Proposed location for the installation of the mobile home.

(c) Name and address of the mobile home owner.

(d) Name, address, and telephone number of the person whom the City Building Inspector can contact to arrange necessary inspections of the mobile home.

No Mobile Home Installation Permit shall be issued for a mobile home not having a State seal of approval from its state of origin affixed thereto, certifying compliance with the state's construction, health and safety standards at the time of manufacture; provided, any mobile home to be installed in a mobile home park within the City of Tekoa after November 1, 2009, must conform to the same federal and state construction, health, and safety standards as a mobile home manufactured after January 1, 1990. The application for a Mobile Home Installation Permit for a mobile home manufactured prior to January 1, 1990, which is to be located in a mobile home park shall provide verification acceptable to the City Building Inspector that the mobile home conforms to such standards. Such verification shall include, without limitation, a current, certified inspection report for the mobile home, issued by the Washington State Department of Labor & Industries, and fire inspection safety report. (Ord. 634, §; 9/19/1994; Ord. 666, §3; 10/20/1997; Ord.779, §3; 11/16/2009).

7.16.34 – Installation Requirements. Once a Mobile Home Inspection Permit has been issued, a mobile home may be installed on the proposed site, subject to the following requirements:

(A) At the time the mobile home is located on the site, the load-bearing portions of the mobile home must be placed upon concrete pieces or blocks resting upon reinforced concrete footings or runners at least 4" in thickness, and at least 18" in width. The footings or runners shall run the length of the mobile home, and shall be located immediately below the support frames of the mobile home. Such footings or runners and piers or blocks shall be constructed so as to allow at least a 24" crawl space between the footing or runner and the bottom of the mobile home floor. The mobile home must also be secured to the ground surface by tie-downs conforming to either the mobile home manufacturer's specifications, or to specifications reasonably promulgated by the City Building Inspector.

(B) Within 96 hours from the time the mobile home is located on the site, it must be connected to the City sewage disposal system and the municipal water supply system. The connections to these systems must conform to the same specifications and standards as those required of conventional, stick-built dwellings. The connections shall be completed by the City Public Works Department after the mobile home owner has paid to the City all usual and required connection fees.

(C) The mobile home must successfully pass a fire safety inspection conducted by the Washington State Department of Labor and Industries not later than 14 days after the mobile home is located on the site, or 14 days after it is occupied, whichever is sooner.

(D) Within 90 days from the date the mobile home is located on the site, it must:

1. Be installed on a complete foundation or have permanent skirting installed to enclose all areas between the lower edge of the exterior walls and the ground surface. The skirting must be substantially similar in appearance to foundation material such as concrete or stone used in conventional, site-built dwellings.

2. Have permanent steps affixed to all exits.

3. Have tongue and wheels removed therefrom.

(E) In addition to the requirements set forth in the subsections (A) through (D), above, all mobile homes shall be installed in compliance with the mobile home manufacturer's installation recommendations, approved by the United States Department of Housing and Urban Development (HUD). A copy of the manufacturer's recommendations shall be in the mobile home, available for inspection when the mobile home is inspected by the Building Inspector or the Building Inspector's designee. Alternatively, in the event no HUD approved manufacturer's recommendations have been issued, or in the event such recommendations are otherwise unavailable, the mobile home shall be installed in accordance with Washington Administrative Code 296-150B and 225-255, inclusive, or in accordance with recommendations provided by a professional engineer or architect licensed under the laws of Washington. (Ord.779, §4; 11/16/2009).

7.16.038 – Occupancy Permit Required. No person shall reside or otherwise occupy in any manner whatsoever any mobile home until either a provisional occupancy permit or a permanent occupancy permit has first been issued therefor by the City Building Inspector. The Building Inspector shall issue a provisional permit when the requirements set forth in §7.16.010, .020, .030, and .034(A), (B), and (E) have been fully satisfied. For any mobile home installed in a mobile home park, if the requirements set forth in §7.16.034(C) and (D) are not fully satisfied within the periods specified therein, the provisional occupancy permit shall expire and the occupants of the home shall be required to vacate the home and the owner thereof shall be required to immediately remove the home from the City of Tekoa. For all other mobile homes, if the requirements set forth in the §7.16.034(C) and (D) are not fully satisfied within the time periods specified therein, the provisional occupancy permit shall expire and the occupants of the home shall be required to vacate the home until the requirements of §7.16.034(C) and (D) have been satisfied, or until the Building Inspector receives adequate assurances acceptable to the Building Inspector that the requirements will be fully satisfied within a reasonable period. Should the Building Inspector grant such an extension, and the owner then fails to satisfy the requirements within the extended period, the provisional occupancy permit shall expire and the occupants of the mobile home shall be required to vacate the mobile home until the requirements are fully satisfied. Once all of the requirements set forth in §7.16.010, .020, .030, and .034 (A) through (E) have been fully satisfied, the Building Inspector shall issue a permanent occupancy permit. There shall be no fee assessed for a provisional or permanent occupancy permit. (Ord.779, §5; 11/16/2009).

7.16.040 – Exceptions. This ordinance shall not apply to any mobile home located and installed on any property within the City of Tekoa prior to the effective date of this ordinance, unless and until such mobile home is relocated to a new or different lot or property within the City of Tekoa. (Ord. 634, §4; 9/19/1994).

7.16.050 – Definition. For the purposes of this ordinance, the term "mobile home" shall be as defined in Ordnance No. 567 (i.e., a structure that is transportable in one or more sections built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities, but does not include recreational vehicles or travel trailers). (Ord. 634, §5; 9/19/1994).

7.16.060 – Penalty. The owner of any mobile home located within the City of Tekoa in violation of this ordinance shall be subject to a fine of not more than $250.00. Additionally, in the event of such a violation, the City shall have any and all other remedies available to it under law or equity. Each day a mobile home is located within Tekoa in violation of this ordinance shall be considered a separate and distinct violation. (Ord. 634, §6; 9/19/1994).

CHAPTER 7.18

RECREATIONAL VEHICLES AND TRAVEL TRAILERS

Sections:

7.18.010 – Definition. For the purposes of this chapter, a recreational vehicle or travel trailer shall be defined as a structure that is transportable in a single section on its own wheels, built upon a permanent chassis, designed to be used without a permanent foundation, and designed primarily for use as a temporary residence or office.

7.18.020 – Use as a Permanent Residence Prohibited. No recreational vehicle or travel trailer located within the City of Tekoa shall be used as a permanent residence. For the purposes of this chapter, any recreational vehicle or travel trailer shall be considered a "permanent residence" if inhabited for a continuous period of 30 days or more.

7.18.030 – Restrictions on Location – Exception for Mobile Home Parks. No recreational vehicle or travel trailer connected to utility services shall be located on any lot or other property within the City of Tekoa for a continuous period of more than six months, excepting recreational vehicles or travel trailers located in a mobile home park.

7.18.040 – Penalty. The owner of any mobile home located within the City of Tekoa in violation of this chapter shall be subject to a fine of not more than $250.00. Additionally, in the event of such a violation, the city shall have any and all other remedies available to it under law or equity. Each day a mobile home is located within Tekoa in violation of this chapter shall be considered a separate and distinct violation. (Ord. 640, §1, 11/6/1995

CHAPTER 7.20

BUILDING PERMITS

Sections:

7.20.010 – Permit Required. It shall be unlawful to build, construct, re-construct, repair, remodel, alter, raise, lower, improve or remove any building within the corporate limits of the City of Tekoa, without first obtaining from the City a permit for that purpose.
(Ord. 375, §1; 5/7/1958).

7.20.020 – Application. Application for such permit shall be made to the City Clerk upon forms provided for that purpose, which shall specifically state the name of the owner, the type of building to be constructed, altered, remodeled or moved, the legal description of the building site or lot, the alterations, repairs, or changes sought to be made and the estimated cost of the improvements or changes. Provided, however, that no permit shall be required when the cost does not exceed $200.00. (Ord. 375, §2; 5/7/1958).

7.20.030 –Fee. The City Clerk shall charge a fee of $1.00 for each permit requested which sum must be paid upon filing of the application. (Ord. 375, §3; 5/7/1958).

CHAPTER 7.24

MISCELLANEOUS BUILDNG REGULATIONS

Sections:

CHAPTER 7.28

RECREATIONAL VEHICHLES

Sections.

7.28.010 – Definitions. For the purposes of this ordinance, a recreational vehicle or travel trailer shall be defined as a structure that is transportable in a single section on its own wheels, built upon a permanent chassis, designed to be used without a permanent foundation, and designated primarily for use as a temporary residence or office. (Ord. 711, §2, 2001; Ord. 640, §1, 1995).

7.28.020 – Use as Permanent Residence. No recreational vehicle or travel trailer located within the City of Tekoa shall be used as a permanent residence. For the purposes of this ordinance, any recreational vehicle or travel trailer shall be considered a permanent residence if inhabited for a continuous period of 30 days or more, except that any such vehicle or trailer located in Tekoa on a regular, season basis for not more than 180 days each calendar year shall not be considered a permanent residence for the purposes of this chapter. (Ord. 711, §3, 2001; Ord. 640, §2, 1995).

7.28.030 – Utility Connection – Time Limits. No recreational vehicle or travel trailer connected to utility services shall be located on any lot or other property within the City of Tekoa for a continuous period of more than 180 days, excepting recreational vehicles or travel trailers located in a mobile home park. (Ord. 711, §4, 2001; Ord. 640, §3, 1995).

7.28.040 – Penalty. The owner of any recreational vehicle or travel trailer located within the City of Tekoa in violation of this ordinance shall be subject to a fine of not more than $250.00. Additionally, in the event of such a violation, the City shall have any and all other remedies available to it under law or equity. Each day a recreational vehicle or travel trailer is located within Tekoa in violation of this ordinance shall be considered a separate and distinct violation. (Ord. 711, §5, 2001; Ord. 640, §4, 1995).

TITLE VIII

NUISANCES

Chapters:

CHAPTER 8.04

ANIMALS IN GENERAL

Sections:

8.040.010 – Diseased Animals Quarantined. It shall be the duty of the health officer to establish and maintain a strict quarantine of all animals suffering from any contagious or infectious disease. He shall, in his discretion, if he deems it necessary for the protection of public health, declare quarantine of all animals or of any particular class or species of animals for such periods of time and under such conditions as he deems necessary to prevent spread of such disease. (Ord. 338, §1; 4/3/1951).

8.04.020 – Posting Quarantine. The health officer, upon the promulgation of an order of quarantine shall order notices of such quarantine posted in not less than three of the most public places in the City or shall publish notice of the same in a newspaper of general circulation within said City or by both such posting and publication and the said order shall become effective immediately upon the publication or posting thereof. (Ord. 338, §2; 4/3/1951).

8.04.030 – Police to Enforce. During the continuance of any such quarantine it shall be the duty of the chief of police to strictly enforce all orders and directives of the health officer regarding any such animals so quarantined. (Ord. 338, §3; 4/3/1951).

8.04.040 – Quarantined Animals – Impounding. Every animals of the species quarantined found running at large shall be immediately taken up and impounded by the chief of police or his assistant's; if

8.04.050 – Sick Animals – Destroying. Missing

8.04.060 – Quarantined Animals Running at Large. Missing

8.04.070 – Quarantine Fees. Missing

8.04.080 – Report of Vicious Animals – Duties. Missing

***Compiler's Note: The keeping of hogs in Tekoa is prohibited under §4.16.070.*

CHAPTER 8.06

KEEPING OF LARGE AND SMALL ANIMALS

Sections:

8.06.010 - General. It shall be unlawful for any person to keep or harbor any large or small animal within the City of Tekoa except as may be provided in this Chapter.

8.06.020 - Definitions. For the purposes of this Chapter, the following terms shall have the following meanings:

A. Large animals shall include, without limitation, horses, donkeys, mules, bovine (including heifers).

B. Medium animals shall include, without limitation, goats, sheep, llamas, and alpacas.

C. Small animals shall include, without limitation, domestic cats, dogs, rabbits, chickens, pigeons, peacocks, game hens, guinea fowl, ducks and geese and other fowl, and pot-bellied pigs.

D. A large animal unit shall mean two horses, donkeys, mules, or bovine (including heifers), or a combination thereof not exceeding the total number of individual large animals constituting a single large animal unit.

E. A medium animal unit shall mean four goats, sheep, llamas or alpacas, or a combination thereof not exceeding the total number of individual medium animals constituting a single medium animal unit.

F. A small animal unit shall mean ten chickens, or six rabbits, or four pigeons, peacocks,

game hens, guinea-fowl, ducks, geese or other fowl, or a combination thereof not exceeding the total number of small animals constituting a single small animal unit. Dogs and cats shall not constitute part of a small animal unit.

8.06.030 – Large Animal Units - Maximum Number - Standard of Care.

A. One half of one contiguous acre of fenced, grassed pasture area shall be required for up to one-half of a large animal unit (e.g., one-half acre for one horse, or one-half acre for two goats, etc.), and a full, contiguous area of one acre or more of fenced, grassed pasture area shall be required for each complete large animal unit (e.g., one acre for two horses, or one acre for two horses and two sheep, etc.) All fenced pasture areas must set back at least 20 feet from adjacent property lines, and 100 feet from the nearest occupied residence.

B. All large animals kept or harbored within the City of Tekoa must have continuous access to clean, potable drinking water and dry shelter from the elements. All fenced pasture and shelter areas must be kept in a clean, sanitary condition, and all large animals confined therein must be properly fed and cared for.

8.06.040 - Medium Animal Units-Maximum Number -Standard of Care.

A. One half of one contiguous acre of fenced, grassed pasture area shall be required for up to one-half of a medium animal unit (one-half acre for two goats, etc.), and a full, contiguous area of one acre or more of fenced, grassed pasture area shall be required for each complete medium animal unit. All fenced pasture areas must set back at least 20 feet from adjacent property lines, and 100 feet from the nearest occupied residence.

B. All medium animals kept or harbored within the City of Tekoa must have continuous access to clean, potable drinking water and dry shelter from the elements. All fenced pasture and shelter areas must be kept in a clean, sanitary condition, and all large animals confined therein must be properly fed and cared for.

8.06.050 – Small Animal Units - Maximum Number - Standard of Care.

A. There shall be a maximum of one small animal unit kept or harbored per residence within the City of Tekoa.

B. All small animals kept or harbored within the City of Tekoa (excepting as otherwise provided below with respect to potbellied pigs, dogs and cats) must be kept within a clean, sanitary enclosure, properly fed and cared for, and must have continuous access to clean, potable water and dry shelter from the elements.

8.06.060 – Potbellied Pigs - Maximum Number. All potbellied pigs must be kept primarily indoors, in a residence. Only one potbellied pig per 1,500 square feet of floor space may be kept in a residence, up to a maximum of two potbellied pigs.

8.06.070 – Roosters – Maximum Number. Roosters shall be limited to one per property within city limits and shall be considered in the overall small animal unit. In the rare event that a hen transitions into a rooster, the owner will be allowed to keep the animal, unless a nuisance is created. A nuisance will be considered any additional noise or disturbance reported by neighboring properties. Once the hen-to-rooster has been declared a nuisance, the owner will have 30 (thirty) days to remove the animal from the property.

8.06.080 - Dogs. The maximum number of dogs kept or harbored within the City of Tekoa, and regulations regarding the keeping and care of dogs, shall be as provided in Tekoa Municipal Code Chapter 8.08.

8.06.090 - Cats - Maximum Number - Standard of Care.

A. There shall be no limit on the number of cats per residence kept within a residence, provided, such cats do not constitute a significant health hazard to themselves or persons residing therein, there shall be a maximum of four cats per residence within the City of Tekoa which are kept primarily outdoors, excepting there shall be no limit of the number of kittens up to the age of nine months, provided such kittens do not constitute a significant hazard to themselves or persons residing on the property where they are kept.

B. All cats must be provided with clean, dry shelter from the elements, and have continuous access to clean, potable water. All cats must be well fed and cared for.

8.06.100 – Complaints - Committee - Remedies upon Violation of Chapter.

A. Upon receipt of a written complaint delivered to the City Clerk from a resident of the City of Tekoa that one or more large or small animals are being kept or harbored within the City in apparent violation of this Chapter, a committee shall be appointed to consider the complaint. The committee shall consist of five members who are electors within the City of Tekoa. Three of the committee members shall be appointed by the City Council, one shall be appointed by the complainant, and one shall be appointed by the owner or keeper of the animals which are the subject of the complaint. Neither the complainant nor the owner or keeper of the animals shall be members of the committee. In addition to any other factors which the committee members may choose to consider, they shall consider the following factors when considering the complaint:

- the severity of any adverse condition(s) to which the subject animals may be subjected;
- the severity of any odors alleged in the complaint; and
- the level of any noise which may be alleged in the complaint.

B. If, upon due consideration of a complaint as described above, the majority of the committee finds that the subject animals are being kept or harbored in violation of this Chapter, the committee shall direct in writing the owner or keeper of the animals to take such action or actions as may be prescribed by the committee to cure the violation within fifteen days.

C. If the owner or keeper of the subject animals fails to sure a violation of this Chapter as directed in writing by the committee, the City, acting through the City code enforcement officer or law enforcement official, may:

1. Require the removal of the animals from the City within a time period specified in writing, delivered to the owner or keeper of the subject animals; and/or

2. Issue a Notice of Infraction to the owner or keeper of the subject animals.

In addition, or exclusive of the above described actions, the City may pursue such action as it may deem reasonable to obtain a Court order or judgment enjoining the keeping or harboring of any animals on the property where the subject animals are kept, and/or enjoining the owner or keeper of the animals from keeping or harboring any large or small animals within the City of Tekoa.

D. Upon conviction by a Court of the violation of any part of this Chapter, the violator shall be subject to a fine of not more than $500.00 per offense. No part of the fine shall be subject to deferral or suspension, and each day a violation shall continue shall be considered a separate offense. (Ord. 827, §1, 2/20/2017).

CHAPTER 8.08

DOG CONTROL

Sections:

8.08.011 – Definitions. The following terms shall have the following definitions:

(1) Animal Control Officer: A person designated by the City to enforce this chapter.

(2) Animal Shelter: A facility operated by the City or its authorized agents to care for dogs impounded or held by authority of this chapter or state law.

(3) Commercial Kennel: A property maintained primarily to keep, board, train, treat, or breed three or more dogs, but not more than six adult dogs, wherein the dogs are confined or otherwise kept in such a manner so as to prevent them from leaving the property unrestrained; provided, this term shall not include veterinary clinics.

(4) Dangerous Dog: Any dog that according to records of the animal control officer or City police:

(a) has inflicted severe injury on a human being without provocation on public or private property,

(b) has killed a domestic animal without provocation while off the owner's property, or

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

(5) Impounded: A dog shall be considered as being impounded upon seizure by an animal control officer.

(6) Household: A home, house, apartment or other property where one or more dogs are kept by one or more owners or keepers of a dog or dogs.

(7) Owner, Keeper, or Person who Maintains, Keeps, or Harbors a Dog: The terms "owner", "keeper", or person who maintains, keeps, or harbors a dog shall be given their ordinary and usual meanings. Additionally, the terms shall include any person (s) who own (s), rent (s), or otherwise has the immediate control or possession of a home or property whereupon a dog is kept, maintained, or harbored. Proof of such control or possession shall include, but shall not be limited to, certified copies of official land title records, certified copies of current City Treasurer's records reflecting who is regularly billed for City utilities furnished to the property, and current telephone directories indicating in whose name telephone service to the property is furnished.

(8) Potentially Dangerous Dog: Any dog that when unprovoked:

(a) inflicts bites on a human or domestic animal either on public or private property, or

(b) chases or approaches a person upon the streets, sidewalks, or any public or private grounds, other than the grounds of the dog's owner or keeper, in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

Compiler's notes: 8.08.011(9) was repealed by Ordinance 867, January 24, 2022.

(10) Public Nuisance: A dog which:

(a) chases vehicles upon streets or other public grounds;

(b) is running at large or otherwise not restrained as required under the provisions of this chapter;

(c) damages public or private property other than that of its owner or keeper;

(d) continuously barks, whines or howls in such a manner as to disturb or annoy neighbors or the public; or

(e) which defecates on public or private property other than that of its owner or keeper.

(11) Restraint or Restrained: Any dog:

(a) secured by a leash or lead under the immediate control of a person of sufficient age and competence to control the dog; or

(b) any dog which is secured by a leash or confined within a kennel, residence, cage, or other building or property, and which is constructed in such a manner so as to keep the dog confined at all times within the building or structure; or

(c) any dog present on the property of its owner or keeper which is not physically confined or secured by a leash or lead, but is confined to the property by training, habit, or voice command. (Ord. 645, §1, 1996; Ord. 784, §1, 7/19/2010).

8.08.015 – Maximum Number of Dogs Allowed. The maximum number of dogs kept in a commercial kennel shall not exceed six dogs over the age of six months. In all other cases, the maximum number of dogs over the age of six months shall not exceed three (3) per household, provided, any household having more than three, duly licensed dogs over the age of six months as of September 6, 2011, shall be allowed to keep the dogs so long as no new dogs are added to the household until the total number of dogs does not exceed three over the age of six months. (Ord. 796, §1, 9/6/2011).

8.08.021 – Commercial Kennel License Required—Procedure. All commercial kennels shall be continuously licensed by the person, persons, or entity operating the kennel as follows:

(1) Written application for a license shall be made to the City Treasurer or animal control officer. The application shall include the applicant's name, address, location of kennel, description of kennel facilities, description of methods to be used to keep the dogs from leaving the property unrestrained, and the number of dogs to be kept or expected to be kept in the facilities.

(2) No dog kept in a commercial kennel shall be confined or kept in an enclosure or cage smaller than 75 sq. feet in size. All dogs kept in the kennel shall be provided with sanitary and humane quarters, reasonably protected from inclement weather.

(3) Prior to issuance of a commercial kennel license, and from time-to-time after the license has been issued, the kennel facilities shall be subject to inspection by the animal control officer to ensure that the facilities meet the conditions specified in subsection (2), above. All inspections shall be at reasonable times, and upon at least 24 hours prior notice to the licensee or applicant.

(4) An annual fee of $25.00 shall be assessed for each commercial kennel license issued.

(5) Upon completion of the application for a commercial kennel, payment of the license fee, and approval of the kennel by the animal control officer after inspection, the Treasurer shall issue a commercial kennel license to the person, persons, or entity operating the kennel; PROVIDED, in the event the animal control officer has not made a reasonable attempt to inspect the kennel within 30 days after the application has been completed, such inspection shall not be considered a prerequisite to issuance of a license.

(6) Subject to compliance with the provisions of this section, each commercial kennel license shall be valid for up to one year, from January 1 through December 31. The Treasurer shall maintain a record of each commercial kennel license issued, and shall make this record available for public inspection. If a licensee shall violate any provisions of this section, the animal control officer shall have authority to revoke the license 5 days after written notice to the licensee. The notice shall specify the violation, and shall notify the licensee of the impending revocation unless the violation is cured within five days. The notice shall also state that the licensee may appeal the revocation in the manner set forth in subsection (8) below.

(7) All dogs kept within a commercial kennel must be licensed as provided in §8.08.030.

(8) Any applicant denied a commercial kennel license, or any licensee whose license has been or is about to be revoked, shall have the right to appeal the denial or revocation to the City Council.

To appeal a denial or revocation, the applicant or licensee must first give written notice of the intent to appeal to the City Clerk and animal control officer. The City Clerk shall then schedule a hearing on the matter before the City Council. The hearing shall be scheduled during a regular or special council meeting within 45 days after written notice of the intent to appeal is received by the City Clerk. The applicant or licensee and the animal control officer shall be given written notice of the hearing not later than seven days before the scheduled hearing. At the hearing, the applicant or licensee and animal control officer may present testimony or other evidence relevant to the matter. The City Council shall then either confirm or overrule the denial or revocation within 20 days after the hearing. (Ord. 645, §2, 1996).

8.08.031 – Dog License Required—Procedure. All dogs six months of age or older kept or harbored within the city must be continuously licensed by the owner or keeper of the dog as follows:

(1) Written application for a license shall be made to the City Treasurer or animal control officer. The application shall include the applicant's name and address, a description of the dog, and a rabies vaccination certificate issued by a licensed veterinarian or clinic.

(2) An annual license fee for any license for which application is made after November 1, 1999, shall be assessed as follows:

(a) for each dog kept in a licensed commercial kennel $2.00

(b) for all neutered or spayed dogs to be licensed by an owner or keeper $10.00

(c) for all other dogs to be licensed by an owner of keeper $20.00

Any application for a neutered or spayed dog shall be accompanied by a veterinarian's certification that the dog has been neutered or spayed.

(3) Upon completion of the application and payment of the appropriate fee, the Treasurer shall issue a license in the form of a tag. Any dog six months of age or older kept or harbored within the City must at all times have a current year tag attached to its neck. The tag shall bear an identification number and year of its issuance.

(4) Dog licenses shall be valid for one year, from January 1 through December 31. The Treasurer shall maintain a record of the identifying number of each tag issued, and shall make this record available for public inspection.

For the purposes of this chapter, any 1996 dog tag which was purchased prior to May 1, 1996, and which was valid as of the effective date of this chapter, shall be valid through December 31, 1996.

(5) Replacement dog tags shall be issued upon payment of a $2.00 replacement fee.

(6) No person shall use a tag for any dog other than the dog for which it was issued.

(Ord. 725, §2, 2003; Ord. 691, §1, 1999; Ord. 645, §3, 1996).

8.08.041 – Dogs must be Restrained.

(1) Any dog within the City must be continuously kept under restraint. No dog shall be tethered in such a manner as to permit it to enter within 10 feet of any public street, alley, sidewalk, or area open to the public, or to enter upon any neighboring property without the authorization of the occupant of the neighboring property.

(2) Every female dog in heat shall be reasonably restrained in a building or secure enclosure in such a manner that such dog cannot come into contact with another dog except for planned breeding purposes. (Ord. 645, §4, 1996).

8.08.051 – Unrestrained Dogs Subject to Impoundment—Notice of Impoundment.

(1) Any dog not restrained as required under §8.08.041, above, shall be subject to impound by the police chief, his officers, or animal control officer. Upon impound, if the owner or keeper of the dog is known or can be reasonably identified, the impounding officer shall immediately notify the owner or keeper by telephone, mail or in person. The impounding officer shall advise the owner or keeper that the dog has been impounded, and that the dog may be reclaimed by payment of an impoundment fee equal to $10.00 for each day (or partial day) that a licensed dog is impounded, or $50.00 for each day (or partial day) that an unlicensed dog is impounded, plus the cost of any vaccinations or other veterinary treatment deemed reasonable and necessary by the pound master or impounding officer.
Also, if the dog does not have a current-year tag, in addition to the impound fee, the owner or keeper shall be advised that the dog cannot be reclaimed until a current-year tag is secured.

(2) Upon payment of all impound and licensing fees, an impounded dog shall be released to its owner or keeper.

(3) If a dog has not been reclaimed within 120 hours (i.e., 5 days) following notification to the owner or keeper, or within 120 hours after impoundment if the owner or keeper cannot be reasonably identified, the dog shall become the property of the impounding officer and shall be placed for adoption in a suitable home, or shall be turned over to the WSU Veterinary Hospital.

(4) The impound fee and dog license requirement shall be in addition to any fine or penalty which may subsequently be assessed as a result of any violation of this chapter. (Ord. 725,§2, 2003; Ord. 704, §1, 2001; Ord. 708, §1, 2001; Ord. 688, §1, 1999; Ord. 664, §1, 1997; Ord. 645, §5, 1996).

Compiler's Notes:"8.08.056 – Pit Bull Dog" was repealed by the Tekoa City Council 1-24-2021.

8.08.061 – Dangerous and Potentially Dangerous Dogs Prohibited. No dog meeting the definition of a dangerous or potentially dangerous dog as defined in §8.08.011 (4) and (8), above, shall be kept, harbored, or present at any time within the City of Tekoa. At all times during the pendency of any legal proceeding upon a complaint or citation alleging a violation of this section, the dog in question shall either be removed from the City, or impounded by the City.

The cost of keeping any dog impounded under this section shall be assessed to the owner or keeper of the dog if the dog is adjudged a dangerous or potentially dangerous dog; otherwise the City shall bear the cost. (Ord. 645, §6, 1996).

8.08.071 – Impoundment and Bond Pending Appeal of Dangerous or Potentially Dangerous Dog Adjudication. Pending appeal from an order adjudging a dog to be kept, harbored, or present in violation of §8.08.051 or 8.08.061, above, the subject dog shall, at the option of the owner or keeper, either be removed from the City, or impounded by the City. If impounded by the City, the owner or keeper must bear the cost of keeping the dog and must post a cash bond for the dog in the amount of the daily animal shelter charge multiplied by 545 days. Such bond shall indemnify the City against the cost of keeping the dog. (Ord. 645, §7, 1996).

8.08.081 – Public Nuisance Prohibited—Penalty for Violation. No person shall maintain, keep or harbor a dog in Tekoa which meets the definition of a public nuisance as defined in §8.08.011 (9), above. In the event of a conviction upon violation of this section, the owner or keeper shall be fined not less than $50.00, and the owner or keeper shall be required to take reasonable steps to abate any further public nuisance. In the event of a second conviction involving the same dog, the owner or keeper shall be fined at least $100.00 and shall be required to take reasonable steps to abate any further public nuisance. In the event of a third conviction involving the same dog, the owner or keeper shall be fined $200.00, and the Court shall enter an Order directing the owner or keeper to destroy the dog or permanently remove it from the City. If the dog is not then destroyed or removed as ordered within 24 hours after entry of the Order, it shall be the duty of the Police Chief, his officers, or the animal control officer to remove or destroy the dog, wherever it may be found within the City. (Ord. 645, §8, 1996; Ord. 746, §1, 11/15/04).

8.08.091 – Care. No owner or keeper of a dog within the City of Tekoa shall:

(1) mal-nourish the dog, or fail to provide reasonable shelter and veterinary car for the dog;

(2) beat, torment, abuse, or otherwise inhumanely treat and care for the dog;

(3) cause the dog to engage in a fight with another dog, animal, or person; or

(4) abandon the dog. (Ord. 645, §9, 1996).

8.08.100 – Stray Animals. Any person who finds any animal required under this chapter upon such person's premises may immediately capture and deliver such animal to the City of Tekoa, police chief, who shall promptly deliver the animal to the City of Tekoa impoundment facility or the impoundment facility with which the City of Tekoa has contracted pursuant to the provisions of this chapter. No charge shall be made upon the person delivering such animal.
(Ord. 591,§10, 1987).

8.08.110 – Interference with Enforcement of this Chapter Prohibited. No person shall knowingly and willfully interfere with, or attempt to prevent, the police chief, his officers, or an animal control officer, from discharging his duties in the enforcement of this chapter.
(Ord. 645, §10, 1996).

8.08.111 – Penalties.

(1) A person violating any provision of §8.08.056 shall be fined $250.00 upon the first conviction thereof. A person convicted of a second or subsequent violation of any provision of §8.08.056 shall be fined $500.00 for each such violation. For the purposes of this subsection, a

second or subsequent conviction need not involve the same Pit Bull dog as involved in the first (or any other) violation for which the person may be convicted.

(2) Unless otherwise provided in this Chapter, a person convicted of any provision of this Chapter other than §8.08.056 shall immediately forfeit any dog or kennel license then issued to the person, and no further or future dog or kennel license shall be issued to the person.

(3) For the purposes of this section, each day in violation of any part of this Chapter shall be considered a separate violation.

(4) No part of any fine assessed or imposed under the provisions of this Chapter shall be suspended or deterred in any manner. (Ord. 645, §11, 1996; Ord. 784, §3, 2010).

***Compiler's Note: See §8.04.080 for provisions for reporting vicious dogs. Also, R.C.W. Chapter 16.08 includes provisions regulating dangerous dogs.*

CHAPTER 8.12

LITTER CONTROL

Sections:

8.12.010 – Purpose. The purpose of this chapter is to accomplish litter control in the City. This chapter is intended to place upon all persons within the City the duty of contributing to the public cleanliness and appearance of the City in order to promote the public health, safety, and welfare and to protect the economic interests of the people of the City against unsanitary and unsightly conditions. It is further the intent of this chapter to protect the people against the health and safety menace and the expense incident to littering. (Ord. 572, §2; undated).

8.12.020 – Definitions. Unless the context clearly indicates otherwise, the terms in this chapter are defined in RCW 70.93.030 (4). (Ord. 572, §3; undated).

8.12.030 – Litter in General. No person, shall throw, drop, deposit, discard or otherwise dispose of litter, as that term is defined in RCW 70.93.030 (4), upon any public place in the City or upon any private property not owned by such person, or in any water within the jurisdiction of the City, whether from a vehicle or otherwise, including without limitation any sidewalk, street, alley, highway, or park, except:

(1) When such property is designated by the State or by any of its agencies or the City for disposal of garbage and refuse, and such person is authorized by the proper public authority to so use such property; or

(2) Into a litter receptacle or other container in such manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said public place or any private property; or

(3) When such person is the owner or does have control or custody of the property, or has prior consent of the owner or tenant in lawful possession of such property, or unless the act is done under the personal direction of said owner or tenant and provided said litter will not cause a public nuisance or be in violation of any other state or local laws, rules, or regulations. (Ord. 572, §4; undated).

8.12.040 – Violations. In addition to any other penalty, except where infirmity or age or other circumstances would create a hardship, any person violating this chapter shall be directed by the court to pick up and remove litter from public property, and/or private property, with prior permission of the legal owner, for not less than eight hours nor more than sixteen hours for each separate offense. The court shall schedule the time to be spent on such activities in such a manner that it does not interfere with the person's employment and does not interfere with the activities in such a manner that it does not interfere with the person's employment and does not interfere substantially with person's family responsibilities. (Ord. 572, §5; undated).

8.12.050 – Enforcement Officers and Procedures. Enforcement of this chapter may be by any police officer. All such enforcement officers are empowered to issue citations to, and/or arrest without warrant, persons violating the provisions of this chapter. Said enforcement officers may serve and execute all warrants, citations, and other process issued by the courts. In addition, mailing by registered mail of such warrant, citation or other process to the last known place of residence of the offender shall be deemed as personal service upon the person charged. (Ord. 572, §6; undated).

8.12.060 – Placement of Litter Receptacles.

(1) Litter receptacles shall be placed in all places in respect to the service of transient habitation, parks, trailer parks, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, marinas, boat launching areas, beaches, bathing areas and other such public places in numbers appropriate to need as specified by state regulation.

(2) It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by this section to procure and place and maintain such litter receptacles at their own expense on the premises in accordance with such state regulations. (Ord. 572, §7; undated).

8.12.070 – Use of Receptacles. Litter receptacles placed on sidewalks and other public places shall be used only for such litter material as persons may have for disposal while passing along the street or other public places and in no event shall be used for the disposal of other solid waste accumulated in residences or places of business. (Ord. 572, §8; undated).

8.12.080 – Damaging Receptacles. It shall be unlawful for any person to willfully damage or deface any litter receptacle. (Ord. 572, §9; undated).

8.12.090 – Removal of Litter. It shall be the responsibility of the local municipality, other agency or person owning or maintaining the same for the removal of litter from litter receptacles placed in parks, beaches, campgrounds, and other public places. (Ord. 572, §10; undated).

8.12.100 – Mandatory Litter Bags. The owner and person in possession of all vehicles or watercraft shall keep a litter bag in said vehicle or watercraft at all times. (Ord. 572 §11; undated).

8.12.110 – Sweeping Litter into Gutter Prohibited. No person shall sweep into or deposit in any gutter, street, alley or other public place the accumulation of litter from any building, lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks in front of their premises free of litter. (Ord. 572, §12; undated).

8.12.120 – Throwing or Distributing Handbills in Public Places. No person shall throw or deposit any handbill upon any public place within the City; provided, however, that it shall not be unlawful for any person to hand out, without charge to the receiver thereof, any handbill to any occupant of a vehicle, or to any other person who is willing to accept it. (Ord. 572, §13; undated).

8.12.130 – Depositing Handbills on Uninhabited or Vacant Property. No person shall throw or deposit any handbill in or upon any uninhabited or vacant private property; provided, however, that the provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers, except that newspapers shall be placed on private residences or other private property in such a manner as to prevent their being carried or deposited by the elements upon any public place or upon private property. (Ord. 572, §14; undated).

8.12.140 – Litter Thrown by Persons in Vehicles. No person, while a driver or passenger in vehicle, shall throw or otherwise deposit litter upon any public place or upon any private property. (Ord. 572, §15; undated).

8.12.150 – Vehicle Loading.

(1) No vehicle shall be driven or moved on any public street unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom, except that sand and gravel may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway surface in the cleaning or maintaining of such roadway by public authority having jurisdiction for the same or by persons under contract or other authorization by such public authority.

(2) Any person owning or operating a vehicle from which any glass or other objects of its load have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public street shall immediately cause such public street to be cleaned of all such glass or other objects and shall pay any cost therefor. (Ord. 572, §16; undated).

8.12.160 – Interpretation. In the event any other City ordinance, whether or not codified, is in conflict with any of the terms of this chapter the more stringent shall be construed as applicable. (Ord. 572, §18; undated).

CHAPTER 8.16

GARBAGE CONTROL

Sections:

8.16.010 – Garbage Collection Compulsory. The maintenance of health and sanitation require and it is the intention hereof, to make the collection, removal and disposal of garbage and refuse within the City of Tekoa compulsory and universal. Regular garbage collection and disposal service shall be provided by the City or by a private garbage disposal franchise. Nothing in this chapter shall prohibit persons from disposing of garbage and rubbish directly to the Whitman County Landfill or transfer station, or any other municipal landfill or transfer station accepting such garbage and refuse from residents of the City of Tekoa, provided, such disposal shall not be considered a substitute for compulsory garbage collection and disposal service required under the terms of this chapter. (Ord. 674, §1, 1998; Ord. 525, §2, 1976).

8.16.020 – Definitions. For the purpose of this chapter, the following terms shall have the following meanings:

(1) Refuse. The term "refuse" shall include garbage, rubbish, ashes, swill and all other putrescible and non-putrescible wastes except sewage, from all public and private establishments and residences.

(2) Garbage. The term "garbage" shall include all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but not including

recognized industrial by-products to be determined by the City Health Committee and the "Collector of Refuse," and shall include all such substances from all public and private establishments and from all residences.

(3) Rubbish. The term "rubbish" shall include all non-putrescible wastes, except ashes, from all public and private establishments and from all residences.

(4) Ashes. The term "ashes" shall include all the solid waste products of coal, wood, and other fuels used for heating and cooking from all public and private establishments and from residences.

(5) Person. The term "person" shall mean every person, firm, co-partnership, association or corporation. Words herein used in the present tense shall include the future tense; and in the singular shall include the plural and in the plural shall include the singular; and in the masculine shall include the feminine gender.

(6) Swill. The term "swill" shall mean and include every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking dealing in or storing of meat, fish, fowl, fruit and vegetables, except coffee grounds.

(7) Health Officer. The term "health officer" shall mean the County Health Officer, or his authorized representatives.

(8) Collector of Refuse. The term "collector of refuse" shall mean the company contracting to collect, haul and dispose of refuse. (Ord. 525, §3, 4/5/1976).

8.16.030 – Accumulation of Refuse. It shall be the duty of every person in possession, charge, or in control of any dwelling, flat, rooming house, apartment house, hospital, school, hotel, club, restaurant, boarding house or eating place, or in possession, charge, or control of any shop, place of business or manufacturing establishment where garbage, refuse or swill is created or accumulated, at all times to keep or cause to be kept portable appurtenances, metal or other approved cans for the deposit of garbage and refuse, and to deposit or cause to be deposited the same therein.

It shall be the duty of the owner of any dwelling, flat, apartment house or trailer camp to furnish to or see that his tenants are supplied with such cans.

Such cans shall be constructed in such a manner as to be strong, watertight, not easily corrodible, rodent-proof, insect-proof, of not less than 15 and not more than 30 gallons capacity, shall have two handles at the sides thereof and tight-fitting lids. Such lids shall not be removed except when necessary to place garbage and refuse in such cans or take the same therefrom. When garbage and refuse is placed therein or taken therefrom, such lid shall be replaced by the person placing the same therein or taking the same therefrom. Such cans shall be kept in a sanitary condition with the outside thereof clean and free from accumulative grease and decomposing material.

Each garbage can shall be kept in a place and a manner designated by the Collector of Garbage. Each garbage can shall be kept clean inside and out, so that not odor nuisance shall exist. The garbage collector shall place tags on garbage cans found to be in violation of this section, and notify the Whitman County Health Department. The tag shall have a perforated stub, with identification number and place for location and description.

This section is subject to the provision that in the case of isolated dwellings or places of business located in sparsely settled portions of the City, or where reasonable access cannot be had by truck, garbage and refuse therefrom may, upon special permit of the Collector of Refuse, be collected, removed, and disposed of in such a manner that said collector shall approve and direct.

Garbage and swill shall not be disposed of upon private premises by incineration.

Large suitable containers for both collection of garbage and refuse may with the approval of the

Collector of Refuse be used by hotels, restaurants, boarding houses, eating places, apartment houses, schools and hospitals, and in the business district.

Waste paper or office supplies may be deposited in waste paper baskets and other suitable receptacles.

It shall be the duty of every person to cause such garbage and refuse to be removed and disposed of only by the Collector of Refuse.

It shall be the duty of every person in possession, charge or control or any dead animal or upon whose premises the same may be located, to forthwith cause the same to be removed and disposed by said Collector of Refuse. (Ord. 525, §4, 4/5/1976).

8.16.040 – Dumping, Burning Prohibited.

(a) It shall be unlawful for any person to bury, burn, dump, collect, remove, or in any other manner dispose of garbage or swill upon any street, alley, public place or private property within the City of Tekoa, otherwise than as herein provided.

(b) It shall be unlawful for any person to bury or dump waste paper, boxes, rubbish and debris, brush, grass, leaves, weeds and cuttings from trees, lawns, shrubs and gardens upon any street, alley or public place in the City of Tekoa.

(c) It shall be unlawful for any person to burn garbage or swill.

(d) It shall be unlawful for any person to burn waste paper, boxes, rubbish and debris, brush, grass, leaves, weeds and cuttings from trees, lawns, shrubs and gardens or any other type of refuse except as provided in chapter 3.80 of the Tekoa Municipal Code. (Ord. 663, §1, 1997; Ord. 525, §5, 4/5/1976).

8.16.050 – Garbage Collection - Time. The Collector of Refuse shall collect, remove and dispose of all garbage and refuse in the residential sections of the City at least once each week, and from hotels, restaurants, boarding houses, eating places, apartment houses, schools and hospitals, and in the business sections of the City. (Ord. 525, §6, 4/5/1976).

8.16.060 – Separation of Garbage. The City reserves the right to and may have the option to require the separation of paper or swill or other component parts of garbage, and may require the deposit thereof in separate cans or receptacles and may prescribe the methods of disposal thereof. (Ord. 525, §7, 4/5/1976).

8.16.070 – Disposal of Swill. It shall be unlawful for any person, firm or corporation conducting any hotel, restaurant, or any other public eating place to deposit, throw or place swill or other

refuse food matter in a lane, alley, street, or other public place, or to deposit, throw or place any swill upon any private property, regardless of ownership, unless said swill shall be enclosed in vessels or tanks of approved type by the Whitman County Health Department and which shall be perfectly watertight and shall have tightly fitting covers, which covers shall not be removed except when absolutely necessary for the depositing or removal of swill. Such vessels or tanks shall be kept in the rear of the premises or in the basement, or other place authorized by the Whitman County Health Department so as to be readily accessible for collection, and shall not be kept upon the street, alley, sidewalk, or other public place. All such tanks or vessels shall be promptly delivered to the Collector when called for and shall be returned by him without necessary delay, and no person, except for purposes of collection under license, shall in any manner interfere with said vessels or tanks with the contents thereof.

The City of Tekoa shall be and hereby is authorized and directed to enter into a contract with responsible persons, firm or corporation for the purpose of furnishing all necessary and proper equipment and vehicles for the collection, removal and deposition of swill subject to rules and regulations of, and in the manner directed by the Whitman County Health Department. (Ord. 525, §7, 4/5/1976).

8.16.080 – Disposal of Garbage and Other Refuse. All disposal of garbage and other refuse shall be by method or methods specifically approved by the Health Officer provided that said method or said methods shall include the maximum practicable rodent, insect, and nuisance control at the place or places of disposal, and provided further, that animal offal and carcasses of dead animals shall be buried or cremated as directed by the Health Officer, or shall be rendered at 40 pounds per square inch steam pressure or higher, or heated by equivalent cooking. (Ord. 525, §8, 4/5/1976).

8.16.090 – Collection Fee Authorized. The Collector of Refuse shall be entitled to charge and collect a fee from all persons serviced by the garbage collection and disposal service. Said fee shall be reasonable, and shall first be approved by the Washington State Utilities and Transportation Commission and the Tekoa City Council. A schedule of the various service charges and fees, and all additions and amendments thereto, shall be filed by the Collector of Refuse in the Office of the Tekoa Clerk-Treasurer. (Ord. 560, §2, 5/19/1980).

8.16.100 – Garbage Franchise Authorized. The Mayor and City Council are hereby empowered to enter into a contract with some suitable person or firm to have the exclusive right and franchise to collect and dispose of garbage, as Collector of Refuse, within the City of Tekoa. Said contract may be awarded without calling for bids, but shall not be for a period in excess of five (5) years. (Ord. 560, §2, 5/19/1980).

8.16.110 – Franchise Billing. The City Council may require the Collector of Refuse to bill and collect for its service charges itself or, in the discretion of the Council, may enter into an agreement with the Collector of Refuse whereby the City is responsible for the collection of such charges. Unless otherwise agreed by the City Council under the terms of a written contract with a private garbage collection and disposal franchise, the City of Tekoa shall not be liable to the Collector of Refuse for any user's failure of refusal to pay the collector's service charges. (Ord. 674, §2, 1998; Ord. 560, §2, 5/19/1980).

8.16.115 – Process for Billing by City. In the event that the City enters into an agreement with the Collector of Refuse to provide billing and collection services as provided in Tekoa Municipal Code §8.16.110, above, the following shall apply:

(1) All charges for garbage services each month shall be billed as of the last day of the month, and shall be due not later than the 25th day of the following month, except charges for dumpsters exceeding 90 gallons in volume provided to non-commercial customers shall be due and payable in advance, prior to placement of the dumpster on the customer's property.

(2) Garbage bills shall be paid to the City Clerk/Treasurer.

(3) If a bill for garbage service is not paid when due, it shall be considered delinquent and a late charge will be fixed as from time-to-time, fixed by resolution of the City Council. The late charge will be included and become part of the delinquent payment for garbage service.

(4) The City shall combine the billing for garbage services with its normal, monthly water and sewer billings.

(5) All sums received by the City in payment of the combined garbage/water/sewer billing shall be applied as follows:

(a) first, to any garbage charges;

(b) second, to any sewer charges; and

(c) third, to any water charges. (Ord. 670, §1, 1997; Ord. 817, §1, 11/17/2014).

8.16.120 – Lien Authorized. The City of Tekoa and the Collector of Refuse shall have a lien for unpaid garbage collection and disposal charges authorized hereunder against the property for which said garbage collection service is rendered whether furnished at the instance of the owner of the property, or at the instance of any lawful occupier. Said lien shall be claimed and enforced as follows:

(a) In order to claim a lien hereunder, the Collector of Refuse or the City of Tekoa, whichever is in charge of collecting the service fee, shall file for record with the Whitman County Auditor, a Claim of Lien. Said Claim of Lien shall be filed within ninety (90) days from the last date garbage collection service was provided to the property in question, and shall state, as nearly as possible, the following information:

(1) The date (s) garbage collection services were provided and for which remain unpaid;

(2)The name and address of the person to whom the garbage collection service was rendered;

(3) The name and address of the person or firm providing the garbage collection service, and the address of the person or firm collecting the service charge;

(4) The legal description of the property to which the garbage collection service was performed;

(5) The name and address of the owners and occupiers of the property; and

(6) The amount for which the lien is claimed.

(b) A copy of the Claim of Lien shall also be sent by registered or certified mail, return receipt requested, to the last known address of both the owner of said property and also to the occupier.

(c) No lien created under this ordinance shall bind the property subject to the lien for a longer period than eight (8) months after the claim has been filed unless an action is commenced in the Whitman County Superior Court within that time to enforce such lien.

(d) Pursuant to R.C.W. 35.21.140, the lien authorized hereunder shall be foreclosed in the manner and within the time prescribed for liens for labor and material under R.C.W. 60.04, Mechanics and Materialmen's Liens, and the City of Tekoa shall have all rights and remedies provided thereunder.

(e) Nothing contained in this chapter shall be construed to impair or affect the right of the City of Tekoa or the Collector of Refuse to maintain a personal action to recover any delinquent and unpaid debt for garbage collection and disposal service. (Ord. 560, §; 5/19/1980).

CHAPTER 8.20

WEED CONTROL

Sections:

8.20.010 – Declaration of Public Nuisance. Maintenance of any of the following conditions within the City limits of Tekoa is hereby declared to be a public nuisance:

(a) To cause, suffer, or allow any noxious weeds as designated by the Washington State Noxious Weed Control Board pursuant to R.C.W. Chapter 17.10 to grow on any private property; or

(b) To allow trees, plants, shrubs or vegetation or parts thereof to so overhang on any public sidewalk or street, or to grow thereon in such a manner as to obstruct or impair the free and full use of the sidewalk or street by the public; and

(c) To maintain grass, weeds, shrubs, brush, trees, or other vegetation either growing or dead, in such a manner as to constitute a fire hazard or a menace to public health, safety, or welfare. (Ord. 554, §1; 7/17/1978).

8.20.020 – Removal. All weeds and/or vegetation shall be removed from the premises or destroyed by the owners or occupiers thereof before the same shall constitute a public nuisance as defined in this chapter. (Ord. 554, §2; 7/17/1978).

8.20.030 – Enforcement. The City Clerk shall enforce this ordinance, and if any property owner fails or refuses to abate any such nuisance as contemplated by section one, the City Council may, be resolution, require such property owner or occupier, in addition or in the alternative to the penalties prescribed law, to abate the nuisance by removal, or destruction, at his or her own costs or expense, within time specified in the resolution; and if the removal or destruction is not made by such owner or occupier within the time specified, the City Council may abate the same as provided in this chapter. (Ord. 554, §4; 7/17/1978).

8.20.040 – Notice. The resolution authorized in section 8.20.030 shall not be passed until the property owner and occupiers given at least five days' notice of the pendency of the proposed resolution. Such notice shall be given by the City Clerk by mailing a copy of the notice to the owner as shown on the records of the County Treasurer and at the address known thereon; and if no owner or address is shown, a copy of the notice shall be posted upon the property, and also published in one copy of the official city newspaper. The mailing, posting, and publication shall be made at least five days before the resolution is adopted, and the resolution shall describe the property involved, the nature of the condition constituting the nuisance, and shall order its abatement within the specified period of time. (Ord. 554, §5; 7/17/1978).

8.20.050 – Abatement by the City. If the nuisance is not abated by removal or destruction by the property owner or occupier within the time fixed in the resolution, said time to be not less than five days, then the City Council shall cause the abatement of the same, either by the City itself or by private contract and shall render a bill covering the cost to the City of such abatement, and shall mail the bill to the property owner. If the property owner fails or refuses to pay the bill immediately, or if no bill is rendered because the property owner cannot be found, the City Clerk in the name of the City may file a lien therefore against said 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. 554, §6; 7/17/1978).

***Compiler's Note: See Chapter 8.26 for provisions regulating junk vehicles.*
Prior Sections: Prior sections 8.24.020, 035, 050, 070, and 080 were repealed by Ordinance No. 726, adopted 2/18/2003.

CHAPTER 8.24

JUNK CONTROL

Sections:

8.24.010 – Junk Storage a Nuisance. It is hereby made unlawful for any person to keep or store or to permit any other person to keep or store any junk on privately owned property within the City of Tekoa, or to keep or store any junk in a building that is not wholly enclosed, except for doors for ingress and egress, and any person violating this chapter shall be guilty of maintaining a nuisance. (Ord. 436, §1; 6/7/1971).

8.24.020 – Storage of Inoperative Vehicles a Nuisances. It shall be unlawful for any person who is the owner or in possession of any motor vehicle which is inoperative and cannot be made mechanically operative without the addition of vital parts and mechanisms and/or the application of a substantial amount of labor to effect repairs to allow the same to be positioned, parked or stored on any public street or way within the City of Tekoa for a period of more than forty-eight (48) hours, and any person violating this chapter shall be guilty of maintaining a nuisance. (Ord. 436, §1, 6/7/1971).

8.24.030 – Junk – Defined. That for the purposes of this ordinance, "junk" is hereby defined to include all old appliances or parts thereof, all old iron or other metal, glass, paper, cardboard, old lumber, old wood, mattresses, concrete and all other waste discarded material, together with all abandoned motor vehicles and all motor vehicles meeting at least three of the following requirements:

(a) is three years old or older;

(b) 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;

(c) is apparently inoperable;

(d) has an approximate fair market value equal only to the approximate value of the scrap in it.

(e) is not currently licensed. (Ord. 635, §1; 10/17/1994, Ord. 813, §1, 5/19/2014).

8.24.035 – Junk Vehicles – Parts Cars – Permit Authorizing. The City Council recognizes that certain motor vehicles meeting the definition of "junk" as defined in §8.24.030, above, are sometimes necessary for the restoration of another motor vehicle, such vehicles being used as donor or "parts cars" to complete the restoration. While such vehicles otherwise meet the definition of "junk," they are typically stored on a temporary basis, in such a manner so as to minimize their otherwise objectionable, "junk" appearance. The City Council also recognizes that the temporary storage of such vehicles, on a limited, restricted basis, may not have an adverse impact upon the neighborhood within which it is kept. Accordingly, notwithstanding any provisions in this chapter to the contrary, anyone may petition the City Council for a permit to keep and store on property in his or her possession not more than one motor vehicle meeting the definition of a "junk" vehicle. The petition shall include a photograph of the vehicle, and of the intended area of storage. Upon receipt of the petition by the City Clerk, a hearing thereon before the City Council shall be scheduled. The hearing shall be held not more than 60 days after receipt of the petition. The Clerk shall also provide written notice of the hearing to any person (or head of household) residing within 300 feet of the proposed area of storage. At the hearing, the Council shall hear comments from interested persons. The Council shall then either authorize or deny the requested permit. If the permit is authorized, it shall include such restrictions as the Council may deem reasonable and necessary to minimize the impact of the vehicle on the surrounding areas. The permit shall be valid for a single, non-renewable period not to exceed 36 months. The applicant shall pay a $25.00 fee for the permit, due and payable prior to issuance of the permit. Should there be any violation of the permit at any time, it shall immediately terminate, without notice and without proceedings. (Ord. 689, §1, 1999).

8.24.040 – Notice – Citation - Fine. Before any person is charged with a violation of this chapter s/he shall have been served notice by the City Clerk, code enforcement, or law enforcement officer that a citation for such violation will be issued, notifying the person that, if the violation is not cured or substantial action has not been taken to cure the violation within five days thereafter, the person shall be subject to citation for the violation. The notice shall be written and may either be served on the person personally, or it may be mailed to the person by first class mail, certified, return receipt requested and by regular, first class mail, postage prepaid. In the case of a junk vehicle, a notice shall also be affixed to the vehicle in a prominent location. If mailed, the notice shall be addressed to the person at the address to which City water and sewer bills are sent to the person, if applicable, and otherwise to the last known address of the person as maintained by the Department of Licensing or the Whitman County Assessor. (Ord. 436, §3; 6/7/1971; Ord. 793, §1; 6/20/2011; Ord. 813, §2, 5/19/2014).

8.24.050 – Automobile Wrecking Businesses Excepted. This chapter shall not apply to any automobile wrecking business located in Tekoa, provided that all junk and wrecked motor vehicles or parts thereof are screened behind proper fences, nor shall it apply to any appliance dealer who had screened his old appliances from general view and from access by children or trespassers, nor to material stored on premises of any manufacturing enterprise for use in connection with such enterprise. (Ord. 436, §4; 6/7/1971).

8.24.060 – Abatement. In addition to any other remedy or penalty upon a violation of this chapter, the Court may order such nuisance abated by causing removal of such junk or abandoned or inoperative vehicle either by the defendant or other person, or by the use of City employees or contractor hired by the City. Any charges or costs incurred by the City for such

work shall be borne by the defendant and, with respect to any real estate involved in the clean up, such charges and costs shall constitute a lien on the real estate. (Ord. 436, §5; 6/7/1971; Ord. 813, §3, 5/19/2014).

8.24.070 – Abandoned and Inoperative Vehicles. In the event of an abandoned or inoperative motor vehicle remaining on the streets of the City of Tekoa for more than forty-eight (48) hours, the City Clerk shall determine the legal and/or registered owner and shall give notice by registered or certified mail that such owner shall have thirty (30) days to remove the same, that a complaint is contemplated, and copies of such letters shall be kept and filed in Court with any complaint filed under this section. (Ord. 436, §6; 6/7/1971).

8.24.080 – Sale of Vehicles Authorized. If at the conclusion of thirty days after the sending of the notice as required in section 8.24.060, such motor vehicle has not been removed, the police department shall sell the same at public auction to the highest bidder with notices thereof being posted at three prominent places within the City of Tekoa, and a like notice affixed to the abandoned vehicle, all not less than three days prior to the date of such auction.

The proceeds of such sale, after the deduction of the costs of the same and any towing and storage charges, shall be given to the City of Tekoa for maintenance and repair of the City streets. Should the amount bid at such auction be insufficient to pay any charges or costs of sale or towing or storage charges, the City or any towing truck operator shall be entitled to assert a claim for any deficiency, not to exceed $100.00 less the amount bit at the auction, against the last registered owner of such vehicle. A registered owner who has complied with R.C.W. 46.52.104 in the transfer of ownership of the vehicle shall be relieved of liability under this section. (Ord. 436, §7; 6/7/1971).

8.24.090 – Violation – Monetary Penalty. Any person convicted of any violation of this chapter shall, in addition to any other penalties, charges, liens, or abatement action which may be applicable, be assessed a fine of $250.00 if the nuisance is abated by the violator within five days after receipt of a citation for the violation. If the nuisance is not abated by the violator within five days after receipt of a citation for the violation, the fine to be assessed shall be $500.00. Such fines shall be mandatory; no part of any fine assessed hereunder shall be deferred, reduced, or otherwise diminished in any manner. (Ord. 813, §4; 5/19/2014).

CHAPTER 8.26

JUNK AND UNAUTHORIZED VEHICLES

Sections:

8.26.010 – Definitions. The definitions set forth in this section apply throughout this chapter:

(a) Abandoned Vehicle. Means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for one hundred twenty consecutive hours.

(b) Abandoned Vehicle Report. Means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(c) Impound. Means to take a hold a vehicle in legal custody. There are two types of impounds—public and private.

(1) Public Impound. Means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(2) Private Impound. Means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(d) Junk Vehicle. Means a vehicle meeting at least three of the following requirements:

(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.

(e) Unauthorized Vehicle. Means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to renewal after:

(1) Public Locations:

(a) Constituting an accident or a traffic hazard as defined in R.C.W. 46.55.113--immediately

(b) On a highway and tagged as described in R.C.W. 46.55.085—24 hours

(c) In a publicly owned or controlled facility, properly posted under R.C.W. 46.55.070—immediately

(2) Private Locations:

(a) On residential property—immediately

(b) On private, non-residential property, properly posted under R.C.W. 46.55.070—immediately

(c) On private, non-residential property, not posted—24 hours

8.26.020 – Junk Vehicles – Public Nuisances. Any junk vehicle or parts thereof on private property are hereby declared to be a public nuisance. The chief of police and his officers or any City employee authorized by the Mayor shall inspect and investigate complaints relative to junk vehicles, or parts thereof, on private property. If the inspection confirms that the vehicle or vehicle parts in question meets the criteria of §8.26.010 (d), the nuisance shall be abated by removal and disposal subject to the following provisions:

(a) Written notice must be given to the last registered owner of record and the property owner of record demanding that the junk vehicle or vehicle parts be removed within 10 days and advising that a hearing may be requested before the City Council and that if no hearing is requested within 10 days, the vehicle will be removed;

(b) If a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) This section shall not apply to:

(a) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;

(b) a vehicle or part thereof that is completely enclosed by a sight-obscuring fence; such fencing shall constitute a complete visual screen at least eight (8) feet high consisting of masonry, wood or slatted chain-link construction, maintained in good condition and complying with all applicable building code requirements; or

(c) 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 dismantler or licensed vehicle dealer and which is fenced according to R.C.W. 46.80.130;

(d) The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he

has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

(e) After notice has been given of the intent of the City to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked. The City may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided disposal shall be only as scrap.

(f) Costs of removal may be assessed against the last registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with R.C.W. 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored. Any costs assessed against the registered owner of the vehicle or the owner of the property may be collected in the same manner as any other debt.

(g) In addition to the costs of abatement, any person violating any portion of this section shall be deemed to have committed a civil infraction commencing upon the date that the chief of police, his officer, or authorized city employee or the City Council had specified for completion of abatement, whichever date is later. Any person violating this section shall be fined not less than $250 per violation, the first $250 of which shall not be suspended or deferred. A separate offense shall be deemed committed on each day or part of a day during which a violation occurs or continues. The penalty for a repeat offense shall be $500 per violation.
(Ord. 727, §6; 2/18/2003).

8.26.030 – Junk Vehicles – Private Removal.

(a) Notwithstanding any other provision of law, the chief of police, his officers, or any city employee authorized by the Mayor, upon receiving a complaint from a landowner, shall inspect and may authorize the disposal of an abandoned junk vehicle. The person making the inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the scrap in it.

(b) If the chief of police, his officers, or other authorized city employee determines that the vehicle meets the requirements of §8.26.010 (d), the chief of police or his officers, shall provide information on the vehicles registered and legal owner to the landowner.

(c) Upon receiving information on the vehicles registered and legal owner, the landowner shall mail a notice to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to arrange for the removal of the vehicle as set out in subsection d, below.

(d) A registered or legal owner may redeem the vehicle by paying the landowner for any costs incurred with regard to the junk vehicle and by removing the vehicle to a place outside of the City of Tekoa or otherwise complying with the requirements of §8.26.020 (c) with regard to storage and/or screening.

(e) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(f) If no information on the vehicles registered and legal owner is found in the records of the department, the landowner may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(g) It is a case 1 civil infraction as defined in R.C.W. 7.80.120 for a person to abandon a junk vehicle on property located in the City of Tekoa. The landowner of the property upon which the junk vehicle is located is entitled to recover from the vehicles registered owner any costs incurred in the removal of the junk vehicle.

(h) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property. (Ord. 727, §4; 2/18/2003).

8.26.040 – Impounding Unauthorized Vehicles.

(A) Impoundment:

(1) If a vehicle is in violation of the time restrictions of §8.26.010 (e), it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or an agent if it is on private property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

(2) The person requesting a private impound or a law enforcement officer or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound.

(B) Law Enforcement Impound - Unauthorized Vehicle in Right-of-Way:

(1) A law enforcement officer discovering an unauthorized vehicle left within a highway right of way shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:

(a) The date and time the sticker was attached;

(b) The identity of the officer;

(c) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense; and

(d) The address and telephone number where additional information may be obtained.

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

(3) If the vehicle is not removed within twenty-four hours from the time the notification sticker is attached, the law enforcement officer may take custody of the vehicle and provide for the vehicles removal to a place of safety. A vehicle that does not pose a safety hazard may remain on the roadside for more than twenty-four hours if the owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

(4) For the purposes of this section a place of safety includes the business location of a registered tow truck operator.

(C) Storage:

(1) All vehicles impounded shall be taken to the nearest storage location that has been inspected as required by R.C.W. 46.55 and is listed on the application filed with the Department of Motor Vehicles.

(2) All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.

(3) All personal belongings and contents in the vehicle, with the exception of those items of personal property that are registered or titled with the department, shall be kept intact, and shall be returned to the vehicles owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal belongings, with the exception of those items of personal property that are registered or titled with the department, shall not be sold at auction to fulfill a lien against the vehicle.

(4) All personal belongings, with the exception of those items of personal property that are registered or titled with the department, not claimed before the auction shall be turned over to the chief of police. Such personal belongings shall be disposed of pursuant to chapter 63.32 or 63.40 R.C.W.

(D) Impound Notice – Abandoned Vehicle Report – Owner Information – Disposition Report: The registered tow truck operator providing the towing service shall comply with R.C.W. 46.55.100. The Tekoa Police Department shall be responsible for providing all owner information required under this section and R.C.W. 46.55.100.

(E) Responsibility of Registered Owner:

(1) The abandonment of any vehicle creates a prima facie presumption that the last registered owner of record is responsible for the abandonment and is liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(2) If an unauthorized vehicle is found abandoned under subsection (e) (1) of this section and removed at the direction of law enforcement, the last registered owner of record is guilty of a traffic infraction, unless the vehicle is redeemed as provided in R.C.W. 46.55.120. In addition to any other monetary penalty payable under chapter 46.63 R.C.W., the court shall not consider all monetary penalties as having been paid until the court is satisfied that the person found to have committed the infraction has made restitution in the amount of the deficiency remaining after disposal of the vehicle under R.C.W. 46.55.140.

(3) A vehicle theft report filed with a law enforcement agency relieves the last registered owner of liability under subsection (e) (2) of this section for failure to redeem the vehicle. However, the last registered owner remains liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle under subsection (e) (1) of this section. Nothing in this section limits in any way the registered owner's rights in a civil action or as restitution in a criminal action against a person responsible for the theft of the vehicle.

(4) Properly filing a report of sale or transfer regarding the vehicle involved in accordance with R.C.W. 46.12.101 (1) relieves the last registered owner of liability under subsections (e) (1) and (e) (2) of this section. If the date of sale as indicated on the report of sale is on or before the date of impoundment, the buyer identified on the latest properly filed report of sale with the department is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction. If the date of sale is after the date of impoundment, the previous registered owner is assumed to be liable for such costs. A licensed vehicle dealer is not liable under subsections (e) (1) and (e) (2) of this section if the dealer, as transferee or assignee of the last registered owner of the vehicle involved, has complied with the requirements of R.C.W. 46.70.122 upon selling or otherwise disposing of the vehicle, or if the dealer has timely filed a transitional ownership record or report of sale under R.C.W. 46.12.103. In that case the person to whom the licensed vehicle is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(F) Notice to Legal and Registered Owners: When an unauthorized vehicle is impounded, the impounding towing operator shall notify the legal and registered owners of the vehicle as required by R.C.W. 46.55.110 and shall otherwise comply with all requirements of R.C.W. 46.55.110.

(G) Removal by Police Officer: Whenever the driver of a vehicle is arrested for a violation of R.C.W. 46.61.502 or 46.61.504, the arresting officer may take custody of the vehicle and provide for its prompt removal to a place of safety. In addition, a police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

(1) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of R.C.W. 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(2) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(3) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;

(4) Whenever the driver of a vehicle is arrested and taken into custody by a police officer;

(5) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(6) Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person under R.C.W. 46.16.381 is parked in a stall or space

clearly and conspicuously marked under R.C.W. 46.61.581 which space is provided on private property without charge or on public property;

(7) Upon determining that a person is operating a motor vehicle without a valid driver's license in violation of R.C.W. 46.20.005 or with a license that has been expired for ninety days or more.

Nothing in this section may derogate from the powers of police officers under the common law.

For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

(H) Redemption of Vehicles and Sale of Unredeemed Property:

(1) Vehicles or other items of personal property registered with the Department of Motor Vehicles that are impounded pursuant to this chapter may be redeemed as provided under R.C.W. 46.55.120;

(2) Any impounded abandoned vehicle or item of personal property registered or titled with the Department of Motor Vehicles that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by §8.26.040 (f) of this chapter and R.C.W. 46.55.110 (3) shall be sold at public auction in accordance with all the provisions and subject to all conditions of §8.26.040 (i) of this chapter and R.C.W 46.55.130. A vehicle or item of personal property registered or titled with the Department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees.

(I) Sale of Impound Vehicles: Impounded vehicles may be sold at public auction subject to the notice requirements, procedures and provisions of R.C.W. 46.55.130.

(J) Tow Truck Operator's Lien and Deficiency Claim: A registered tow truck operator who has a valid and signed impoundment authorization has a lien and a deficiency claim for services provided in the towing and storage of the vehicle as provided in R.C.W. 46.55.140. (Ord. 727, §5; 2/18/2003).

CHAPTER 8.28

MISCELLANEUOUS NUISANCES

Sections:

8.28.010 – Skating on Streets and Sidewalks. Skate boards, roller blades, roller skates, and the like on streets and sidewalks of the City of Tekoa is hereby declared a danger and a nuisance. Each and every person is hereby prohibited from coasting, skate boarding, roller blading, roller skating, and the like upon the public street and or sidewalks in said City. Every person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $50.00. (Ord. 633, §§1, 2, 3; 8/15/1994).

8.28.020 – Pigeons Allowed to Congregate or Roost Inside Buildings Declared a Nuisance – Penalties for Property Owners Who Allow Such Nuisance. It is hereby declared a nuisance for any property owner to allow feral pigeons to congregate and/or roost inside any building or roofed structure located adjacent to either side of Crosby Street between Park and Poplar Streets within the City of Tekoa. All owners of such properties shall maintain the buildings and/or roofed structures located thereon in such a manner so as to prevent feral pigeons from entering, congregating, an/or roosting inside the buildings and roofed structures. Every property owner convicted of violating the provisions of this section shall be subject to a monetary fine of $500.00, of which no part shall be suspended or deferred in any manner. Each day such a nuisance is allowed to continue shall constitute a separate offense. (Ord. 745, §1; 10/04/2004).

CHAPTER 8.32

TREE CONTROL

Sections:

8.32.010 – Purpose. It is in the best interests of the City of Tekoa and of the citizens and public thereof that a comprehensive plan for the planting and maintenance of trees on public properties within said City should be developed and established. This chapter is for the purpose of establishing rules and regulations relating to the planting, care and maintenance of such trees. (Ord. 609, §1; 5/7/1990).

8.32.020 – Definitions. As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

(a) Owner means the legal owner of real property fronting or abutting on any property of the City, and any lessee of such owner.

(b) Public Property means all roads, streets, avenue, alleys, public right-of-way, treelawns, parking strips, or any public property or portion thereof, of the City.

(c) Treelawn means that part of the street or avenue not covered by sidewalks or other paving, lying between the property line and that portion of the street or avenue usually used or vehiclular traffic. (Ord. 609, §2; 5/7/1990).

8.32.030 – Cottonwood or Poplar Trees not to be Planted. It is unlawful for any person to plant or set out upon any public property within the City of Tekoa Any species of Cottonwood or Poplar trees; *provided*, it shall be lawful to plant such trees on public property along Latah Creek, but only in accordance with a plan first developed in consultation with the Washington State Department of Fish and Wildlife, and approved by the City Council of the City of Tekoa. (Ord. 609, §3; 5/7/1990; Ord. 756, §1; 12/19/2005).

8.32.040 – Trimming Overhanging Trees—Property Owner Duty. All property owners within the corporate limits of the City, shall at their own expense, keep all trees, brush, and other

foliage from projecting out over the public streets and sidewalks and alleys so as not to interfere, in any way, with the public's use of streets, the City's use of street construction and cleaning equipment, nor shall the same interfere with sidewalk traffic or create a hazardous situation insofar as the same obstructs the view of motorists using the public streets.
(Ord. 609,§4; 5/7/1990).

***Compiler's Note: §8.20.010 (b) defines trees overhanging or obstructing sidewalks as a public nuisance.*

8.32.050 – Clear Vision Area. A clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets or of a street and a railroad. A clear vision area shall contain no planting, fence, or other temporary or permanent obstruction exceeding two and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established centerline grade of the street. Taller trees may be permitted if all branches and foliage to a height of eight feet above the top of the curb are removed. (Ord. 609, $5; 5/7/1990).

8.32060 – Inspection. The City may inspect any tree upon or which overhangs any public property or treelawn to determine whether the same or any portion thereof is in such a condition as to constitute a hazard or impediment to the progress or vision of anyone or any vehicle traveling on public property. Any tree or part thereof growing upon private or public property, but overhanging or interfering with the use of public property which endangers life, health, safety or property shall be declared a public nuisance. If the owner of such private property does not correct or remove such nuisance within ten days after receipt of written notice from the City, the council upon resolution shall cause the nuisance to be corrected or removed and the cost shall be assessed to such owner and the owner's real property. Nothing contained herein shall be deemed to impose any liability upon the City, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree upon his property or under his control in such a condition as to prevent it from constituting a public nuisance as hereinabove defined. (Ord. 609, §6; 5/7/1990).

8.32.070 – Parking Strips. No trees, shrubs or bushes shall be allowed in parking strips except by authority of the building inspector. The building inspector shall determine the acceptability of individual trees, shrubs or bushes in light of their impact on public health and safety. The building inspector's assessment of impact on public health and safety shall include an analysis of whether the trees, shrubs or bushes are a public nuisance and the likelihood of roots interfering with water or sewer lines. (Ord. 609, §7; 5/7/1990; amended by Ord. 646, §1; 9/16/1996).
***Reviser's Note: §8.20.010 defines a public nuisance.*

8.32.080 – Care and Disposition of Existing Trees. Any existing trees which are hazardous to public safety or are causing damage to walkways, city sewer or city water systems shall be removed by the City. The priority of removal for individual trees shall be determined according to the amount of money budgeted and the harm caused by the tree. (Ord. 609, §; 5/7/1990; amended by Ord. 646, §2, 9/16/1996).

Note: Ordinance 646 which was passed 9/16/1996 mistakenly referred to sections 8.32.070 and 8.32.080 as 3.32.070 and 3.32.080. This was a clerical mistake which has been corrected in this code revision.

TITLE IX

REVENUE

Chapters:

9.04 – Sales Tax

9.08 – Additional Sales Tax

9.12 – Real Estate Excise Tax

9.16 – Utility Tax

CHAPTER 9.04

SALES TAX

Sections:

9.04.010 – Imposition of Sale/Use Tax. There is hereby imposed a retail sales and use tax upon the selling price of each retail sale or upon the privilege of using as a consumer any article of tangible and personal property, and upon the rental of tangible and personal property occurring within the City limits of the City of Tekoa, Washington. (Ord. 434, §1; 11/2/1970).

9.04.020 – Administration of Tax. The sales tax hereby imposed shall be collected by the seller and paid by the buyer at the rate of one-half of one percent on every taxable event as herein defined which sale occurs within the City limits of Tekoa Washington, as defined herein; provided, however, that there is excepted from the terms hereof retail sales covered by the provisions of R.C.W. 82.08.150, relating to retail sales of intoxicating or spirituous liquors, and the other exemptions hereinafter set forth. (Ord. 434, §2; 11/2/1970).

9.04.030 – Taxable Event – Definition. Taxable event as herein used, shall mean any retail sale or any sue of an article of tangible personal property, upon which a state sales tax is imposed pursuant to the terms of R.C.W. chapter 82.08 or 82.12 as they now exist or may hereafter be amended together with the regulations promulgated by the Department of Revenue pursuant hereto. (Ord. 434, §2; 11/2/1970).

9.04.040 – Occurance of Sale.

(a) A retail sale consisting solely of the sale of tangible and personal property shall be deemed to have occurred at the retail outlet at or from which delivery is made to the consumer; a retail sale consisting essentially of the performance of personal business or professional services shall be deemed to have occurred at the place at which such services are primarily performed.

(b) A retail sale consisting of the rental of tangible personal property shall be deemed to have occurred (1) in the case of rental involving periodic rental payments, at the primary place of use by the lessee during the period covered by each payment, as (2) in all other cases at the place of first use by the lessee.

(c) A retail sale of tangible personal property to be installed by the seller and a sale at retail within the scope of paragraph two of R.C.W. 82.04.050 shall be deemed to have occurred at the place where the labor and services involved were primarily performed. (Ord. 434, §4; 11/2/1970).

9.04.050 – Exemptions. The exemptions provided for in R.C.W. 82.12.030 shall apply to the sale or use tax hereby imposed and the regulations promulgated with respect thereto by the Department of Revenue of the State of Washington. (Ord. 434, §5; 11/2/1970).

9.04.060 – Tax is an Additional Tax. The tax hereby imposed shall be in addition to the sales and use tax imposed under the provisions of R.C.W. chapter 82.08 and 82.12 and shall be administered in accordance with the regulations of the Department of Revenue, State of Washington, and collected along with the sales and use tax collected by the State of Washington pursuant to a contract with the State Department of Revenue in accordance with the provisions of R.C.W. 82.14.050. (Ord. 434, §6; 11/2/1970).

9.04.070 – Reduction of Rate. In the event that Whitman County Washington, adopts an ordinance for collection of sales and use tax, the tax imposed hereunder by the City of Tekoa shall be reduced to four hundred twenty-five one thousandths of one per cent. (Ord. 434, §7; 11/2/1970).

***Compiler's Note: A contract with the Department of Revenue of the State of Washington for collection and administration of this chapter was entered into on January 1, 1971. See chapter 9.08 for additional sales tax.*

CHAPTER 9.08

ADDITIONAL SALES TAX

Sections:

9.08.010 – Imposition of Sales/Use Tax. There is hereby imposed a sales or use tax, as the case may be as authorized by R.C.W. 82.14.030 (2), upon every taxable event, as defined in R.C.W. 82.14.020, occurring within the City of Tekoa. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to R.C.W. chapters 82.08 and 82.12. (Ord. 592, §1; 11/5/1987).

9.08.020 – Rate of Tax Imposed. The rate of tax imposed by section 1 of this ordinance shall be one-half of one percent of the selling price or value of the article use, as the case may be; provided, however, that during such period as there is in effect a sales or use tax imposed by Whitman County under Section 17 (2), Chapter 49, Laws of 1982, First Extraordinary Session at which rate which is less than the rate imposed by this section, the County shall receive from the tax imposed by this section 1 that amount of revenues equal to fifteen percent of the rate imposed by the County under Section 17 (2), Chapter 49, Laws of 1982, First Extraordinary Session. (Ord. 592, §2; 11/5/1987).

9.08.030 – Administration and Collection of Tax. The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of R.C.W. 82.14.050. (Ord. 592, §3; 11/5/1987).

9.08.040 – Consent to Inspection of Records. The City of Tekoa hereby 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 R.C.W. 82.32.330. (Ord. 592, §4; 11/5/1987).

9.08.050 – Authorizing Execution of Contract for Administration. The Mayor and Clerk are hereby authorized to enter into a contract with the Department of Revenue for the administration of this tax. (Ord. 592, §5; 11/5/1987).

9.08.060 – Penalties. Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. (Ord. 592, §6; 11/5/1987).

9.08.070 – Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provisions to other persons or circumstances is not affected. (Ord. 592, §7; 11/5/1987).

9.08.080 – Tax is an Additional Tax. The tax imposed by 9.08.010 shall be in addition to that tax imposed by Chapter 9.04, pursuant to R.C.W. 82.14.030 (1). (Ord. 592, §8; 11/5/1987).

***Compiler's Note: An "Amendment to Agreement for State Administration of Sales and Use Tax" was entered into on December 14, 1987. The original agreement was entered into on January 1, 1971.*

CHAPTER 9.12

REAL ESTATE EXCISE TAX

Sections:

9.12.010 – Imposition of Real Estate Tax. There is hereby imposed a tax of one-quarter of one percent (.25%) of the selling price on each sale of real property within the corporate limits of the City of Tekoa. (Ord. 589, §1; 9/2/1986).

9.12.020 – Taxable Events. Taxes imposed herein shall be collected from persons who are taxable by the State of Washington under Chapter 82.45 R.C.W. and Chapter 458-61 WAC upon the occurrence of any taxable event as defined therein within the corporate limits of the City of Tekoa. (Ord. 589, §2; 9/2/1986).

9.12.030 – Consistency with State Tax. The taxes imposed herein shall comply with all applicable rules, regulations, laws and court decisions regarding real estate excise tax as imposed by the State of Washington under Chapter 82.45 R.C.W. and Chapter 458-61 WAC. The provisions of those chapters to the extent they are not inconsistent with this ordinance shall apply as though fully set forth herein. (Ord. 589, §3; 9/2/1986).

9.12.040 – Distribution of Tax Proceeds and Limiting the Use Thereof.

(1) The Whitman County Treasurer shall retain in the appropriate fund one percent (1.0%) of the proceeds of the taxes imposed herein in the county current expense fund to defray costs of collection.

(2) The remaining proceeds from the City tax imposed herein shall be distributed to the City monthly and those taxes imposed under Section 1 shall be placed by the City Treasurer in a Municipal Capital Improvements Fund to be used by the City for local improvements consistent

with Section 13 of Chapter 49, Laws of Washington, 1982 First Extraordinary Session, as amended from time to time.

(3) This section shall not limit the existing authority of this City to impose special assessments on property benefitted thereby in the manner prescribed by law. (Ord. 589, §4; 9/2/1986).

9.12.050 – Seller's Obligation. The taxes imposed herein 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. 589, §5; 9/2/1986).

9.12.060 – Lien Provisions. The taxes imposed herein and any interest or penalties thereon are 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. 589, §6; 9/2/1986).

9.12.070 – Notation of Payment. The taxes imposed herein shall be paid to and collected by the Whitman County Treasurer, who shall act as agent for the City for such purposes. The Whitman 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 Whitman County Treasurer for the payment of the tax imposed herein shall be evidence of the satisfaction of the lien imposed in Section 9.12.060 of this chapter and may be recorded in the manner prescribed for recording satisfaction of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the Whitman County Auditor for filing or recording until the tax is paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the Whitman County Treasurer. (Ord. 589, §7; 9/2/1986).

9.12.080 – Date Payable. The tax imposed hereunder shall become due and payable immediately at the time of sale and, if not so paid within thirty days thereafter, shall bear interest at the rate of one percent (1.0%) per month from the time of sale until the date of payment. (Ord. 589, §8; 9/2/1986).

9.12.090 – Excessive and Improper Payments. If, upon written application by a taxpayer to the Whitman County Treasurer for a refund, it appears a 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 Whitman County Treasurer to the taxpayer; provided, that no refund shall be made unless the State of Washington has first authorized the refund of an excessive amount or an improper amount paid, unless such improper amount was paid as a result of a miscalculation. Any refund made shall be withheld from the next monthly distribution to the City. (Ord. 589, §9; 9/2/1986).

9.12.100 – Severability. If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 589, §10; 9/2/1986).

CHAPTER 9.16

UTILITY TAX

Sections:

9.16.010 – Scope and Intent. The provisions of this chapter shall be deemed to be an exercise of the power of the City to license for revenue. (Ord. 668, §2, 1997).

9.16.020 – Occupation License Required. After January 1, 1998, no person, firm or corporation shall engage in or carry on any business, occupation, act or privilege for which a tax is imposed by §9.16.040 (excepting municipal water or sewer services provided by the City of Tekoa) without first having obtained, and being the holder of, a license to do so. Such license shall be known as an occupational license. Each such person, firm or corporation shall promptly apply to the City Clerk Treasurer for such license upon such forms as the Clerk Treasurer shall prescribe, giving such information as the Clerk Treasurer shall deem reasonably necessary to enable the Clerk Treasurer's office to administer and enforce this chapter. Upon acceptance of such application by the Clerk Treasurer, the Clerk Treasurer shall issue an occupation license to the applicant. The occupation license shall be personal and nontransferable and shall comply with this chapter. (Ord. 702, §1, 2000; Ord. 692, §1, 1999; Ord. 668, §3, 1997).

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

(a) Gross Income means the value proceeding or accruing from the sale of tangible property or services, and receipts (including all sums earned or charged, whether received or not) by reason of the investment of capital in the business engaged in, including rentals, royalties fees or other emoluments, however designated (excluding receipts or proceeds from the use or sale or real

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

(b) Person or Persons mean all persons, firms, partnerships, corporations and other associations of natural persons, whether acting by themselves or by servants, agents or employees.

(c) Taxpayer means any person liable for the license fee and occupation tax imposed by this chapter.

(d) Tax Year or Taxable Year means the year commencing January 1st and ending on the last day of December of the same year, or, in lieu thereof, the taxpayer's fiscal year when permission is obtained from the City Clerk Treasurer to use the same as the tax period. (Ord. 668,§4, 1997).

9.16.040 – Amount. There is levied and there shall be collected from every person, firm or corporation engaged in the business activities hereinafter set forth, for the act or privilege of engaging in such activities within the City, a tax to be known as a "utility tax" in the amounts to be determined by the application of the rates herein stated against gross income, as follows:

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

(b) Upon every person, firm or corporation engaged in our carrying on a telephone business, a tax equal to six percent of the total gross operating income, including income from intra-state tolls derived from the operation of such businesses within the City.

The statutory definitions of "telephone business" and "competitive telephone service," as set forth in R.C.W. 82.04.065 and as hereafter amended, are adopted for purposes of this chapter.

"Telephone business" does not include the providing of competitive telephone service, nor the providing of cable television service.

"Telephone business" does include the providing of cellular telephone service.

(c) Upon every person, firm or corporation engaged in or carrying on a business of delivery or distribution of cable television picture or signals, a tax equal to six percent of the total gross operating income derived from the operation of such businesses within the City.

(d) Effective January 1, 2011, upon every person, firm, corporation, or municipal corporation engaged in or carrying on a business of providing sewerage disposal or garbage disposal services, a tax equal to six percent (6%) of the total gross receipts received from the operation of such business within the City. (Ord. 790, §1; 12/20/2010; Ord. 737, §1; 12/1/2003; Ord. 702, §2, 2000; Ord. 692, §2, 1999; Ord. 668, §, 1997).

(e) Effective January 1, 2011, upon every person, firm, corporation, or municipal corporation engaged in or carrying on a business of providing water services, a tax equal to five and three-tenths percent (5.3%) of the total gross receipts received from the operation of such business within the City. (Ord. 790, §2; 12/20/2010).

9.16.050 – Payment.

(a) The tax imposed by this chapter shall be due and payable in quarterly installments and remittance shall be made on or before the thirtieth day of the month next succeeding the end of the quarterly period in which the tax accrued. Such quarterly periods are as follows:

(1) First quarter, January, February, March;

(2) Second quarter, April, May, June;

(3) Third quarter, October, November, December

(b) The first quarterly installment shall be due April 30, 1998, and shall include all taxes coming due hereunder from January 1, 1998, through March 31, 1997. On or before the due date, the taxpayer shall file with the City Clerk-Treasurer a written return, upon such form and setting forth such information as the Clerk-Treasurer shall reasonably require, together with the payment of the amount of the tax. (Ord. 668, §6, 1997).

9.16.060 – Deductions. In computing the tax, there may be deducted from the gross operating revenues the following items:

(a) The amount of credit losses and uncollectible accounts actually sustained by the taxpayer.

(b) Amounts from a business which the City is prohibited from taxing under the Constitution of this State or the Constitution or laws of the United States.

(c) Adjustments made to billing or to a customer account in order to reverse a billing or charge that had been made as a result of third-party fraud or other crime and was not properly a debt of a customer. (Ord. 668, §7, 1997)

9.16.070 – Record Keeping. Each taxpayer shall keep records reflecting the amount of the taxpayer's gross operating revenues, and such records shall be open at all reasonable times to the inspection of the City Clerk-Treasurer or his/her duly authorized subordinates, for verification of the tax returns or for fixing of the tax of a taxpayer who shall fail to make such returns. (Ord. 668, §8, 1997).

9.16.080 – Overpayment Credit or Refund. Any money paid to the City through error or otherwise not in payment of the tax imposed hereby or in excess of such tax shall, upon request of the taxpayer, be credited against any tax due or to become due from such taxpayer hereunder, or, upon taxpayer's ceasing to do business in the City be refunded to the taxpayer. (Ord. 668, §9, 1997).

9.16.090 – Delinquency Penalty and Collection.

(a) If payment of any fee or tax due under this chapter is not received by the Clerk-Treasurer on or before the day it becomes due, there shall be added a penalty in interest as follows:

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

(2) Forty-one to seventy days delinquency, twenty percent with a minimum penalty of ten dollars.

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

(b) Any tax due under this chapter and unpaid, and all penalties thereon, shall constitute a debt to the City and may be collected by court proceedings, which remedy shall be in addition to all other remedies. (Ord. 668, §10, 1997).

9.16.100 – Changes to City Boundaries by Annexation. Whenever the boundaries of the City or extended by annexation, all persons, firms and corporations subject to this chapter will be provided copies of all annexation ordinances by the City. (Ord. 668, §11, 1997).

9.16.110 – Rules and Regulations. The City Clerk-Treasurer is authorized to adopt, publish and enforce, from time to time, such rules and regulations for the proper administration of this chapter as shall be necessary, and it shall be a violation of this chapter to violate or to fail to comply with any such rule or regulation lawfully promulgated hereunder. (Ord. 668, §12, 1997).

TITLE X

FRANCHISES

Chapters:

CHAPTER 10.04

ORDINANCE NO. 405 – GENERAL TELEPHONE COMPANY

Section 1. The City of Tekoa, hereinafter termed the City, hereby grants to General Telephone Company of the Northwest, a corporation, hereinafter termed the Grantee, and to its successors and assigns, the right, privilege, authority, and franchise to install, maintain, and operate a telephone system over, on and under the streets, alleys and public highways of the City with the necessary manholes and other appliances therefor, and to erect poles with or without cross-arms, and to stretch wires and cables on streets, to maintain and use the same for the purpose of erecting, installing, altering and operating such telephone system. It shall be lawful for the Grantee, its successors and assigns, to make all needful excavations in any of the streets, alleys, avenues, thoroughfares, public highways and public grounds in the City of Tekoa, for the purpose of placing, erecting, laying, maintaining, operating, repairing, removing or placing poles, conduits or other supports or conductors for said wires and cables. Said work shall be done in compliance with the National Electric Safety Code, the laws of the State of Washington, and ordinances of the City, then in effect.

Section 2. Whenever the Grantee, its successors or assigns, shall find it necessary to excavate or disturb any of the streets, alleys, thoroughfares, public highways or public grounds for the purposes aforesaid, it or they shall complete the work as soon as practicable and without unnecessary delay, restore said street, alley, avenue, thoroughfare, public highways, or public grounds to as good order and condition as before it was disturbed; and in case the said Grantee shall fail, neglect or refuse to do so, the said City of Tekoa, shall have the right to fix a time, which shall be reasonable, within which such repairs and restoration shall be completed, and upon the failure of the said Grantee, its successors or assigns, to comply with such order, the City of Tekoa shall cause such repairs to be made at the expense of the said Grantee, its successors or assigns.

Section 3. Whenever it shall be necessary by reason of lawful activities of the City of Tekoa to move any poles or wires of Grantee, in the grading or altering of the grade or any street or area, or by reason or widening of, establishing, changing or altering the grade of any street or sidewalk, or for any municipal improvement by the City, the Grantee hereunder, its successors and assigns, shall upon reasonable notice from the City, change such poles and wires at its own sole cost and expense, and the City shall not be held liable for any disturbance of Grantee's installations resulting therefrom.

Section 4. Whenever it becomes necessary to temporarily rearrange, remove, lower, or raise the aerial cables, wires or other apparatus of the Grantee to permit the passage of any building, machinery or other object, the said Grantee will perform such rearrangement on not less than seven (7) days' written notice from the person or persons desiring to move said building, machinery or other objects. Said notice shall bear the approval of the engineer or such other official as the Council may designate; shall detail the route of movement of the building, machinery, or other object; shall contain an agreement on the part of the person or persons giving such notice that he or they will pay promptly to the Grantee upon presentation of a bill therefore all costs incurred by it in making such rearrangements of its cables, wires or other apparatus; and shall further provide that the person or persons giving such notice will indemnify and save said Grantee and City harmless of any and all damages or claims of whatsoever kind or nature caused directly or indirectly from such temporary rearrangement of the aerial plant of the Grantee. Whenever it becomes necessary to trim trees in public streets or places for the proper operation

of the lines and conductors of the said Grantee such trimming shall be done by competent employees of the Grantee upon the granting of a permit by the City engineer or such other official as the Council of the City of Tekoa may designate for all trees on the public streets or alleys of the said city; for trees on private property, a permit must be obtained from the owner thereof.

Section 5. This franchise and the rights and privileges hereby granted are nonexclusive, and the rights, privileges and franchise hereby granted shall continue to be in force for a period of 25 years from and after the passage of this ordinance.

Section 6. Grantee indemnifies and saves the City free and harmless from any and all liability, loss, cost, damages, or expense from accident or damage, either to the City or to any person, persons, or property which may occur by reason of the exercise of the rights, privileges, and franchise herein granted.

Section 7. The Grantee shall within 30 days from the passage of this ordinance file with clerk of the City its written acceptance of the rights, privileges, and franchise conferred hereby, and of the requirements, conditions, and covenants herein contained.

Section 8. The Grantee shall continuously provide and maintain reasonable and adequate telephone service for the inhabitants and residents of the City of Tekoa, making the same available to all such persons without discrimination, it being understood that rates and charges for the same shall be subject to the rules and regulations of legally constituted regulatory agencies of the State of Washington.

Section 9. The City Council of the City shall have the power and right to reasonably regulate in the public interest Grantee's performance under this franchise.

Section 10. It is understood by the City and by the Grantee that the granting of this franchise by the City and its acceptance by the Grantee shall in no way derogate from or diminish Grantee's existing rights under the constitution and laws of the State of Washington, which rights shall be in addition to any rights granted by this franchise.

Section 11. Grantee shall not assign, convey or transfer its franchise or any rights or privileges hereunder, without first notifying the Council of the City of Tekoa in writing, delivered to the Clerk of the said City and until the assignee and transferee shall first file its acceptance of this franchise, and assumption of all conditions and requirements of the same.

Section 12. This ordinance shall take effect and be in full force when it shall have been passed by the City Council after the second reading of the same at a regular meeting following the first reading of the same, and when it shall have been signed by the Mayor and attested by the City Clerk.

***Compiler's Note: This ordinance was passed in 1965.*

CHAPTER 10.08

ORDINANCE 361 – THE WASHINGTON WATER POWER COMPANY

Section 1. That the Washington Water Power Company, a corporation organized under the laws of the State of Washington, its successors and assigns, hereinafter called the "Grantee" be and it is hereby granted, for the term of twenty-five (25) years from and after the passage of this ordinance, the right, privilege and franchise to construct, erect, maintain, operate and use wires for conveying electricity for electric light, electric heat and electric power purposes, and also to erect, construct, maintain, operate and use wires for telephone purposes in its private business, and to erect poles and the necessary supports therefor and place thereon cross-arms and other equipment, and to construct conduits over, on, along, under and across the streets and alleys within the incorporated limits as they now exist, or as they may hereafter be changed of the City of Tekoa, Whitman County, Washington.

Section 2. There is further given in connection herewith, unto the said Washington Water Power Company, its successors and assigns, the right during the life of this franchise to cut and trim any and all trees growing in or over the streets or alleys of the City of Tekoa, Whitman County, Washington, that might or may interfere with any wires, poles, conduits, or other apparatus of the said The Washington Water Power Company, it successors and assigns, provided that in no case shall any of said trees be cut or trimmed to a height of less than twenty-five (25) feet above the level of the streets or alleys.

Section 3. The poles, wires and other apparatus mentioned herein shall be constructed, erected and maintained in accordance with the laws of the State of Washington relating to electrical construction, and any rules or regulations adopted by any commission of the State of Washington, and also said construction shall be in such manner as to prevent and guard against accidents or damage as nearly as possible to any persons who may be properly using said streets and alleys.

Section 4. The said Grantee herein shall have an is hereby given the right and privilege to make any and all necessary or proper excavations and obstructions in any of the streets and alleys of the said city of the purpose of building, erecting, repairing, or changing any of the poles, wires, conduits, cross-arms or other appliances or apparatus used or to be used in connection with the above purposes. Provided, however, that if and whenever the said Grantee, its successors or assigns, shall excavate in or obstruct any of the said streets or alleys, of the said City of Tekoa, Washington, for the purposes aforesaid, it shall return the same to order and condition that they were in before they were excavated or obstructed, as soon as practical and within a reasonable time after such excavation or obstruction, and that the said Grantee herein, its successors or assigns, shall at all times hold the City of Tekoa, Washington, free and clear from any and all damages that may result to any person, persons, firm or firms, corporation or corporations, or to any property of the same, by reasons of any erection, construction, maintenance or operation of any of the things herein authorized to be constructed and maintained by it.

Section 5. The City of Tekoa, Washington, reserves the right to cut away and remove any of such wires, poles or apparatus herein provided for in case of general conflagration and necessity therefor. The said City in such case shall not be held liable for any damages to the Grantee, its successors or assigns, on account of any cutting away or removal of any poles, wires or other appliances under the last named circumstances.

Section 6. The said Grantee, on request of the Council of the City of Tekoa, Washington, shall remove or raise its wires so as to permit the removal of any house or building when the same may be necessary to permit the removal of said building on, over and along the streets, alleys or public highways of the said City to the point of destination, provided that the party to whom a permit has been granted to remove any such building on, over and along any of the streets or alleys of said City of Tekoa, Washington, shall pay to the Grantee hereunder the cost incurred in removing or changing the wires of the Grantee so as to permit the removal of said building as aforesaid.

Section 7. That in consideration of the rights, privileges and power herein granted to the Grantee herein, it successors and assigns it, the said Grantee, its successors and assigns, shall at all times keep and maintain a plant of sufficient size and capacity to supply the City of Tekoa and the inhabitants thereof with such an amount of electricity as they may reasonably require, and shall, in the absence of accident or misfortune from same cause beyond its control, furnish a continuous twenty-four (24) hour service, and should the said plant, or any part thereof, become broken, injured or destroyed, the same shall be replaced as soon as it is reasonably practical. The Grantee shall also furnish to the City of Tekoa to be used within the incorporated limits of said City of Tekoa, as many street lights and of such candle-power as may be designated by the authorities of the said City; provided, that the said Grantee, its successors and assigns, may have and it is hereby given the privilege of making an enforcing such regulations and rules for the installation of any service to the City of Tekoa, or to the inhabitants thereof, and require such advance deposits to be made as may be necessary to sue the making of payments as may be permitted and approved by the Public Service Commission of the State of Washington, or such other body acting for the said State of Washington in the capacity that the said Public Service Commission now act.

Section 8. The rates to be charged by the Grantee herein, its successors or assigns, for the electric service, shall be filed with the Public Service Commission of the State of Washington in accordance with the laws of the said State.

Section 9. It is understood that this franchise is not an exclusive franchise, and the City of Tekoa, Washington, reserves unto itself the right to grant other franchises for the purpose for which this one is granted.

Section 10. This franchise and all of its provisions shall be void, inoperative and of no force or effect whatsoever, unless the said Grantee named herein shall, within thirty (30) days after the passage and publication thereof, file with the Clerk of said City of Tekoa, Whitman County, Washington, its acceptance thereof in writing.

***Compiler's Note: This ordinance was passed on January 2, 1956.*

CHAPTER 10.12

ORDINANCE 608 – COMMUNITY ANTENNA SYSTEM

Sections:

24. Supervision and Inspection by the City

25. Procedure After Termination or Revocation

26. Litigation – Venue

27. Franchise Payment – Gross Revenues

28. No exemptions from other Taxes

29. Records and Reports

30. FCC and WUTC Compliance

31. Safety Requirements

32. New Developments and Upgrading of Program

33. Unauthorized Connections

34. Procedures

35. Default – Forfeiture Provisions

36. Assignment or Transfer of Interest

37. Franchise Holder Pays Cost of Publications

38. Effective Date of Franchise

39. Acceptance of Franchise by Franchise Holder

40. Importation of Distant Signals

41. Penalty Clause

42. Severability Clause

43. Effective Date of Ordinance

1. Grant of Authority. The City of Tekoa does hereby grant to COMMUNITY ANTENNA SYSTEM for a period of fifteen (15) years from the date of the acceptance by the Franchise Holder, the right, privilege, authority and franchise to construct, install, erect, modify, renew, replace, repair, operate and maintain, in, upon, along, across, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof and additions thereto in the area or areas allotted to the Franchise Holder in the City of Tekoa, Washington, poles, wires, cables, underground conduits, manholes and other equipment, fixtures and appurtenances necessary for the operation and maintenance in the City of a community antenna television system or systems for the interception, amplification, sale and distribution of television and other audio-visual signals.

The right and franchise herein granted shall not be exclusive, and the City reserves the right to grant a similar use of said streets, alleys, public ways and places to any person or persons at any time during the period of the Franchise.

2. Compliance with Applicable Laws and Ordinances. The Franchise Holder shall at all times, during the life of this Franchise, be subject to lawful exercise of the police power by ordinance of the City and to all laws, rules and regulations, federal, state and local that are now in effect or that hereafter may be enacted or promulgated relating in any way to the exercise by the Company of its rights under the Franchise.

3. Franchise Holder Liability – Indemnificaton. The Franchise Holder shall at all times protect and hold harmless the City from all claims, actions, suits, liability loss, expense, or damages of every kind and description, including investigation costs, court costs, and attorney's fees, which may accrue to or be suffered or claimed by any person or persons arising out of the negligence of the Franchise Holder in the ownership, construction, repair, replacement, maintenance, and operation of said community antenna television and audio communications service and by reason of any license, copyright, property right or other tangible or patent of any article or system used in the construction or use of said system.

The Franchise Holder shall maintain in full force and effect during the life of the Franchise public liability insurance in a solvent insurance company authorized to do business in the State of Washington at no less than in the following amounts:

(a) $300,000 property damage in any one accident;

(b) $300,000 for personal injury to any one person;

(c) $500,000 for personal injury in any one accident;

(d) $100,000 for independent contractor liability coverage.

Provided that all such insurance may contain reasonable deductible provisions not to exceed $500 for any type of coverage, and provided further, the City may require that any and all investigations of claims made by any person, firm, or corporation against the City arising out of any use or misuse of privileges granted to the Franchise Holder hereunder shall be made by, or at the expense of the Franchise Holder or its insurer.

The City shall be named as co-insured on all insurance policies and a certificate of insurance covering said policy or policies authenticated by the insurance carrier, shall be approved by the City Attorney, and filed with the Clerk of the City. Authenticated proof of renewals shall be likewise approved and filed showing the above coverage for the duration of this Franchise.

4. Performance Bond. The Franchise Holder shall present a surety bond in the amount of $20,000.00 which shall be approved by the City Attorney, which bond shall be in effect at all times during the life of this Franchise granted to the Franchise Holder and shall insure and guarantee the faithful performance by the Franchise Holder, its assigns and successors in interest, of all the terms, conditions, and requirements of this ordinance and Franchise thereunder, including but not limited to any and all construction of the Franchise Holder, its agents, subcontractors or representatives, specifically including but not limited to the conditions that the Franchise Holder will indemnify and save the City harmless from all claims, actions or damages of every kind and description which may accrue to or be suffered by any person by reason of the

negligence of the Franchise Holder in the construction or maintenance of any opening in any street, avenue or other public place made by the Franchise Holder, that the Franchise Holder will replace and restore such street, alley, avenue, planting or other public or private property or improvement to as good a state or condition as at the time of the commencement of said work, and providing a recovery on the bond in case of failure to perform any of the terms and conditions of this ordinance and Franchise granted hereunder. The Surety Bond furnished the City of Tekoa may be cancelable upon not less than 30 days advance notice to the City of Tekoa.

5. Approval of Plans Necessary Before Construction of System. Prior to the commencement of any construction or erection of the system or any part thereof, or any extensions or relocation thereof, the Franchise Holder shall submit summary plans, and other pertinent information to the City Engineer for his inspection and approval and a written permit therefor shall be obtained as required for any other franchise use of the City road system and rights-of-way.

Additional information shall be furnished by the Franchise Holder at the request of the City Engineer.

6. Specific Requisites and Reservations.

(a) After acceptance of the Franchise, the Franchise Holder shall proceed with due diligence to obtain and maintain all licenses, permits, and authorizations necessary for the operation of CATV service in its franchise area or areas, as required by the rules and regulations thereof.

(b) Immediately after acceptance of the Franchise the Franchise Holder shall proceed to render service to the entire franchise area as required by the rules and regulations thereof.

(c) Following acceptance of the Franchise, if the conditions imposed in section 6 (a), and (b) have not been complied with, the town may assess a $25.00 per day fee as liquidated damages until such time that the provisions of 6 (a) and 6 (b) have been complied with.

(d) If sections of 6 (a) and 6 (b) are not complied with, the Franchise may be immediately declared forfeited by Resolution of the Town Council without notice being made and served to the Franchise Holder as provided in section 30.

7. Service to Customers. The Franchise Holder shall furnish audio-visual signal reception, of good technical quality. Where such person resides within the area of this Franchise and the point of reception is within 300 feet of the closest existing facility of the Franchise Holder, or to two or more subscribers for a distance from the existing facilities at the ratio of one subscribers for a distance from the existing facilities at the ratio of one subscriber per 300 feet, such service shall be offered to all persons desiring to subscribe to the service of the Franchise Holder for a minimum period of one year. The cost of extending facilities along the street or right of way shall be borne by the Franchise Holder, and the costs of extending lines from the street or right of way to the subscriber, provided, that charges for the extension and connection are reasonable. The foregoing shall not be construed as to preclude the Franchise Holder from extending service upon its own terms to the subscribers where the point of reception is beyond the ratio of one subscriber per 300 feet, or multiples thereof. In no event, shall the Franchise Holder extend services where the point of reception is outside of the Franchise area.

8. Jurisdiction Over Services and Rates. The Franchise Holder shall maintain and operate its system and render efficient service to its customers. The Legislative Authority of the City shall have supervisory jurisdiction and control over the rates and charges therefor. As allowed by the

Federal Cable Communications Policy Act of 1984 (Pub. L. No. 98-159) and as amended from time to time.

9. Franchise Holder Rules. The Franchise Holder shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonable necessary to enable the Franchise Holder to exercise its rights and perform its obligations under this Franchise and to assure an uninterrupted service to each and all of its customers, which rules and regulations, however, shall not be in conflict with any of the terms and conditions of this Franchise or of the rules and regulations of the City or any public agency or commission having any jurisdiction over the subject matter of this Franchise or of the Franchise Holder.

10. Underground Installation. In areas where all wires and cables are now or hereafter laid underground, the wires and cables of the Community Antenna Television System must be installed and maintained, underground, at no expense to the City and in full compliance with any and all ordinances and other laws and regulations now or hereafter in effect and relating thereto. Where telephone and lighting utilities are compensated by property owners for part or all of the cost of relocating facilities underground by the local improvement district method or otherwise, Franchise Holder shall be entitled to receive a comparable portion of its underground cost, as a condition to relocating its facilities underground.

11. Location Distribution System – Minimum Interference with Use by Public. All transmission and distribution lines, structures and equipment erected by the Franchise Holder within the City shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places by the City and the public and the rights or reasonable convenience of property owners who adjoin any of the said public ways and places.

12. Disturbance of Streets – Private Improvements – Duty to Repair. In the event the Franchise Holder shall cause any disturbance on pavement, sidewalk, driveway, or other surfacing or public or private improvements thereto or contained therein, the Franchise Holder, shall, at its own cost and expense, and in a manner approved by the City Engineer, replace an restore all paving, sidewalk, driveway, or surface of any street or alley disturbed and all public or private improvements thereto or contained therein in as good condition as before said work was commenced.

13. Franchise Holder's Duties to Move and Relocate Poles, Etc. Upon Alteration and Change of Grade of Streets. In the event that at any time during the period of this Franchise the City shall elect to alter, or change the grade of, any street, alley, or other public way, the Franchise Holder, upon reasonable notice by the City, shall remove and relocate its poles, wires, cables, underground conduits, manholes, and other fixtures and facilities at its own expense.

14. Location of Poles, Cables, Etc. – Approval by City Engineer. All poles, cables, wires, antennas, conduits, appliances and appurtenances shall be constructed, and erected in a neat and workmanlike manner and shall be of such height and occupy such position and be located and be of such kind and material as shown in the Franchise Holder's plans and approved by the City Engineer as hereinabove provided.

15. Moving of Buildings – Franchise Holder's Duty to Raise or Lower Lines. The Franchise Holder shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same

and the Franchise Holder shall have the authority to require such payment in advance. The Franchise Holder shall be given not less than forty-eight hours advance notice to arrange such temporary wire changes.

16. Franchise Not a Limitation on City's Use of Streets and Poles. This Franchise and rights and privileges herein granted to the Franchise Holder and to its assigns and successors in interest shall never be construed or interpreted so as to prevent or limit in any way the City from sewering, grading, improving, repairing, or altering any of its streets or alleys in or upon which the poles, wires or conduits of the Franchise Holder shall be placed nor prevent the City from placing additional poles or moving, relocating or changing any poles now existing or that may hereafter exist.

17. Rate Schedule and Services. The Franchise Holder shall have the right to charge and collect reasonable rates and charges from anyone to whom it shall furnish service. Nothing in this Franchise shall prohibit the Franchise Holder from establishing a separate classification and schedule of monthly rates for residential, multiple, and commercial subscribers, to which any subscriber coming within such classification would be entitled. Service to remote, relatively inaccessible subscribers within the Franchise area may be made available on the basis of cost of materials and labor, and easements, if required by the Franchise Holder.

18. Prohibition Against Engaging in Television Sale and Repair Business. During the time that this Franchise is in effect and within the City of Tekoa, the Franchise Holder shall not sell, service, or repair television sets, other than those owned and used by the Franchise Holder in its own operations; provided, that nothing herein shall prevent the Franchise Holder from making necessary modifications and adjustments to subscribers television receivers to insure proper operation under conditions of cable connection at the time of installation or in response to subscribers' complaints.

19. Removal of Facilities upon Request. Upon termination of service to any subscriber, the Franchise Holder shall promptly remove all its facilities and equipment from the premises of such subscriber upon his request.

20. Educational Service. The Franchise Holder will provide service to all public schools within the Franchise Holder's service area at no cost for use only in the teaching facilities of such schools and will also provide service at no cost to such municipal building and libraries in the Franchise Holder's service area as may be designated by the City. The point of connection for such service will be at the distribution cable as it is constructed along the street. Said schools, or the City in the case of the municipal buildings, shall install or pay the cost of installing the drop for such distance as is necessary from the point of cable connection to the building to be served and any distribution cables within such building, and shall maintain the same from the point of connection. No guarantee need be made by the Franchise Holder as to the quality or strength of the signals transmitted beyond the point of cable connection.

21. Local Office – Complaint Procedure. During the term of this Franchise, and any renewal thereof, the Company shall maintain within the City a local business office or agent for the purpose of receiving and resolving all complaints regarding the quality of service, equipment malfunctions, and similar matters. The provisions of this section shall be complied with if the Company maintains a local business headquarters within 75 airline miles and rules and regulations now in effect or that may hereafter become effective.

22, 23, and 24 are missing

25. Procedure After Termination or Revocation. Upon the revocation of this Franchise by the City Council or at the end of the term of the Franchise, the City shall have the right to determine whether to permit the Franchise Holder to continue to operate and maintain its distributing system pending the decision of the City as to the future maintenance and operation of such system.

26. Litigation – Venue. The City shall have the right to institute or to intervene as a party in any action in any court of competent jurisdiction seeking mandamus, injunctive, or other relief to compel compliance with any provision of this ordinance or of any rule, regulation, or order adopted thereunder, or to restrain or otherwise prevent or prohibit any illegal or unauthorized conduct in connection therewith. The venue of all such acts or proceedings as above provided for and set forth shall be in the Whitman County Superior Court.

27. Franchise Payment – Gross Revenues. The Franchise Holder shall pay the City for the privilege of operating under the Franchise herein granted, 3% per year of all gross revenues received quarterly for each and every year of the Franchise term, excepting therefrom only the installation charge made by the Franchise Holder to each subscriber, provided that such Franchise fee shall be subject to amendment upon reasonable notice, and after hearing by the City Council.

28. No Exemptions from Other Taxes. The payment by the Franchise Holder of the gross franchise tax above provided in Section 28 shall not be construed or interpreted as exempting the Franchise Holder from the payment of any and all other taxes, that said Franchise Holder is not subject to under existing law or against any other taxes or amendments to existing taxes that may hereafter be lawfully enacted and assessed against it.

29. Records and Reports. The Franchise Holder shall keep adequate records and accounts of its operations, and the City shall have access, at all reasonable hours, to all of the Franchise Holder's records relating to its gross revenues. The Franchise Holder shall file with the Clerk of the Council the following records and reports:

(a) Franchise Holder Rules and Regulations: Copies of such rules, regulations, terms and conditions adopted by the Franchise Holder for the conduct of its business.

(b) Gross Revenue: An annual summary report showing gross revenues received by the Franchise Holder from its operations under this Franchise within the City during the preceding year and such other information as the City shall request related to the Franchise Holder's service within the City.

30. FCC and WUTC Compliance. Franchise Holder shall at all times comply with all applicable rules and regulations of the Federal Communications Commission and the Washington State Public Utilities and Transportation Commission, Ordinances of the City of Tekoa and the County of Whitman, which apply now or may hereafter be adopted. In the event of amendment or adopting of the laws or regulations of those agencies, the City reserves the right to accordingly amend this ordinance and/or Franchise issued hereunder. Any modifications of the provisions of any section of the rules, regulations, or technical standards of the Federal Communications Commission resulting from amendments by the Commission may be required of the Franchise Holder by the City by amending this Ordinance and/or the Franchise issued hereunder.

31. Safety Requirements.

(a) The Franchise Holder shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

(b) All structures and all lines, equipment and connections in, over, under and upon the streets, sidewalks, alleys, and public ways or places of the franchise area, wherever situated or located, shall at all times be kept and maintained in a safe, suitable condition, and in good order and repair.

32. New Developments and Upgrading of Program. It shall be the policy of the City liberally to amend this Franchise upon application of the Holder, when necessary, to enable the Franchise Holder to take advantage of any new developments in the field of transmission of television and radio signals which will afford it an opportunity more effectively, efficiently or economically to serve its customers.

The Franchise Holder shall be required to add programming and furnish converters at reasonable cost to customer, if necessary, as the programming potential increases.

If new existing satellite programs become available, they should be added on a selected basis. Technological upgrading should be continuous, including the availability of pay television.

33. Unauthorized Connections.

(a) It shall be unlawful for any person, firm or corporation to make any unauthorized connection whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised CATV system within the City of Tekoa for the purpose of:

(1) Taking or receiving television signals, radio signals, picture, program, sound, or other CATV supplies, services; or

(2) Enable himself/herself or others to receive any said materials or services without payment to the Franchise Holder.

(b) It shall be unlawful for any person, without the consent of the Franchise Holder to willfully tamper with, remove or injure any cable, wires, or equipment used for distribution of television signals, radio signals, picture, program, sound or other CATV service.

(c) Any equipment or structure erected or maintained and any work commenced or continued in violation of this Ordinance is hereby declared unlawful and a public nuisance and in addition to the penalty provisions of this Ordinance elsewhere contained herein, the City Attorney may institute necessary legal proceedings for the abatement, removal or enjoyment thereof in the manner provided by law and may take such other steps as may be necessary to accomplish these ends in civil and/or criminal proceedings.

34. Procedures.

(a) Any inquiry, proceeding, investigation or other action to be taken or proposed to be taken by the City in regard to the operations of the Franchise Holder's cable television system, including action in regard to change in subscription rates, shall be taken only after thirty (30) days public

notice of such action or proposed action is published in a local daily or weekly newspaper having general circulation in the City of Tekoa; a copy of such action or proposed action is served directly on Franchise Holder; and said Holder has been given an opportunity to respond or comment in writing on the action or proposed action.

(b) The public notice required by the section shall state clearly the action or proposed action to be taken, the time provided for response and the person or persons in authority to whom such responses should be addressed, and such other procedures as may be specified by the City. If a hearing is to be held, the public notice shall give the date and time of such hearing, whether public participation will be allowed and the procedures by which such participation may be obtained. The Franchise Holder shall be a necessary party to any hearing conducted in regard to its operations.

(c) Recognizing the pendency of court litigation and congressional legislation at the time of the passing of this ordinance which may impose copyright liability on all or a part of the cable television service rendered by Grantee in the City, and further recognizing the uncertainty and jeopardy which such potential liability places upon Grantee should such copyright liability be imposed by any court or by the congress, Grantee shall have the right to increase its rates for regular subscriber service in order to offset such copyright liability. An increase in Grantee's rate schedule pursuant to this paragraph shall be limited to the amount of the copyright liability imposed. Such increases shall not be subject to the procedures specified in the preceding paragraph and shall become effective thirty (30) days after notice of such increase is given to the city council together with a certification that the increase is due solely to the imposition of copyright liability and that the increase is limited to an amount necessary to cover the amount of the liability.

35. Default – Forfeiture Provisions. Upon the failure of the Franchise Holder or its successors in interest to comply with any of the terms, provisions, restrictions, conditions, and limitations hereof, or of any provisions, restrictions, or limitations contained in any future charter of the City, within sixty (60) days after service of written notice to comply with the same has been made and served, by order of the city council, upon such Franchise Holder, said council shall be authorized upon behalf of the city of Tekoa to declare by resolution an immediate forfeiture of this Franchise as to such Franchise Holder, and said city council may in such case declare and enforce such forfeiture. This remedy shall be in addition to all other rights and remedies of the City as elsewhere provided herein or by law.

36. Assignment or Transfer of Interest. The Franchise Holder shall not sell or transfer its system or plant to another or transfer or assign this Franchise or any rights hereunder to another except with written permission of the city council.

37. Franchise Holder Pays Costs of Publications. The Franchise Holder shall assume all costs of the publication of this Franchise as such publication is required by law.

38. Effective Date of Franchise. This Franchise shall not become effective until acceptance by Franchise Holder in accordance with Section 39.

39. Acceptance of Franchise by Franchise Holder. The Franchise Holder its successors or assigns, shall be deemed to have forfeited and abandoned all rights and privileges to the Franchise conferred by this Franchise unless the Franchise Holder, its successors or assigns, shall file in the office of the city council a written acceptance of the rights and privileges hereby

conferred subject to the terms, conditions, stipulations, obligations herein contained and in case of its failure to so do, this Franchise shall be null and void and of no force or effect whatsoever.

40. Importation of Distant Signals. The Franchise Holder will have the right to transmit and distribute through its system television or other audio visual electric signals last transmitted by stations outside the Tekoa reception are provided that he is properly authorized to do so by the Federal Communications commission.

41. Penalty Clause. Whoever shall violate any provision of this ordinance shall be guilty of a misdemeanor.

42. Severability Clause. If any part or parts of this Franchise are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Effective Date of Ordinance. This ordinance shall be in full force and effect after its adoption and publication as required by law.

***Compiler's Note: Introduced to the City Council on March 19, 1990, passed by the City Council and approved by the Mayor the 19th day of March, 1990.*

CHAPTER 10.16

COMMUNICATIONS COMMISSION'S REGULATION
OF CABLE TELEVISION ADOPTED

Sections:

10.16.010 – Adoption by Reference. The following regulations of the Federal Communications Commission, as they now exist, or as they may hereafter be amended, are adopted by the City by this reference as if set forth here in full:
(a) 47 C.F.R. §76.309; the entire subpart N of part 76 of Title 47, C.F.R., now consisting of sections 47 C.F.R. §76.900 through §76.985:
76.900 – Temporary freeze of cable rates.
76.901 – Definitions.
76.905 – Standards for identification of cable systems subject to effective competition.
76.906 – Presumption of no effective competition.
76.910 – Franchising authority certification.
76.911 – Petition for reconsideration of certification.
76.912 – Joint certification.
76.913 – Assumption of jurisdiction by the commission.
76.914 – Revocation of certification.
76.915 – Change in status of cable operator.
76.916 – Petition for recertification.
76.920 – Composition of the basic tier.
76.921 – Buy-through of other tiers prohibited.
76.922 – Rates for the basic service tier.
76.923 – Rates for equipment and installation used to receive the basic service tier.
76.924 – Cost accounting and cost allocation requirements.
76.925 – Costs of franchise requirements.
76.930 – Initiation of review of basic cable service and equipment rates.
76.931 – Notification of basic tier availability.
76.932 – Notification of proposed rate increase.
76.933 – Franchising authority review of basic cable rates and equipment costs.
76.934 – Small system review.
76.935 – Participation of interested parties.
76.936 – Written decision
76.937 – Burden of proof
76.938 – Propriety information.
76.940 – Prospective rate reduction.
76.941 – Rate prescription.
76.942 – Refunds.
76.943 – Fines.
76.944 – Commission review of franchising authority decisions on rates for the basic service tier and associated equipment.
76.945 – Procedures for commission review of basic service rates.
76.950 – Complaints regarding cable programming service rates.

76.951 – Standard complaint form; other filing requirements.
76.952 – Information to be provided by cable operator on monthly subscriber bills.
76.953 – Limitation of filing a complaint.
76.954 – Initial review of complaint; minimum showing requirement; dismissal of defective complaints.
76.955 – Additional opportunity to file corrected complaint.
76.956 – Cable operator response.
76.957 – Commission adjudication of the complaint.
76.960 – Prospective rate reductions.
76.961 – Refunds.
76.962 – Implementation and certification of compliance.
76.963 – Forfeiture.
76.964 – Advance written notification of rate increases.
76.970 – Commercial leased access rates.
76.971 – Commercial leased access terms and conditions.
76.975 – Commercial leased access dispute resolution.
76.977 – Minority and educational programming used in lieu of deregulated commercial leased access capacity.
76.980 – Charges for customer changes.
76.981 – Negative option billing.
76.982 – Continuation of rate agreements.
76.983 – Discrimination.
76.984 – Geographically uniform rate structure.
76.985 – Subscriber bill itemization.
(Ord. 627, §1; 11/15/1993).

10.16.020 – Severability Clause. If any provision, section or application of this chapter—including any of the FCC regulations incorporated by reference into this ordinance—shall be determined to be void or unconstitutional, all other provisions or applications of this chapter not expressly held to be void or unconstitutional shall continue in full force and effect.
(Ord. 627, §2; 11/15/1993).

TITLE XI

LAND DIVISION

Chapters:

CHAPTER 11.01

SUBDIVISIONS

Sections:

11.01.010 – Purpose. The purpose of this chapter shall be to regulate the subdivision of land and to promote the health, safety, and general welfare in accordance with standards established by the city and the state to prevent the overcrowding of land; to lessen congestion in the streets and highways, to provide for adequate light and air; to facilitate adequate provision for water, sewage, and other public requirements; to provide for proper ingress and egress; and to require uniform monumenting of subdivision and conveying by accurate legal description. (Ord. 687, §2, 1999).

11.01.020 – Definitions. For the purpose of this chapter, the following terms shall have the following meanings:

(a) Alley. Is a strip of land 20 feet or more in width, dedicated to public use providing vehicular and pedestrian access to the rear side of properties which abut and are served by a public road.

(b) Block. A group of lots, tracts, or parcels within well-defined and fixed boundaries; or a parcel of land bounded by streets, railroad right-of-way, waterways, parks, un-subdivided acreage or a combination thereof.

(c) Dedication. Is the deliberate appropriation of land by an owner for any general or public use, reserving to himself no other rights other 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 of the presentment for filing of short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such short plat in the manner provided in this ordinance.

(d) Division of Land. Is the creation of two or more lots, parcels or tracts of land, each with a separate legal description from a single lot, parcel or tract of land currently recorded in a deed or other conveyance device under a single legal description.

(e) Easement. A quantity of land over which a specified privilege of use, distinct from ownership, is granted to a non-owner.

(f) Final Plat. Means the final drawing of the subdivision showing thereon the division of a tract or parcel of land into lots, blocks, roads, alleys, or other subdivisions, dedications or easements.

(g) Long Plat. Is a map or representation of a subdivision into five (5) or more lots, tracts, parcels, sites or divisions, and all divisions or re-divisions of land containing dedications. The long plat shall be drawn to a scale not smaller than one (1) inch equals two hundred (200) feet.

(h) Lot. Is a fractional part of divided land, under one ownership having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

(i) Preliminary Plat. Is a neat approximate drawing of a proposed subdivision, showing the general layout of roads, alleys, lots, blocks and restrictions and covenants to be applicable to the subdivision and other elements of a plat or subdivision which shall furnish a basis for approval or disapproval of a subdivision.

(j) Short Plat. Means a map or representation of a subdivision into four (4) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale or lease and shall include all re-subdivisions of land, containing no dedication. The short plat shall be drawn to a scale not smaller than one (1) inch equals two hundred (200) feet.

(k) Short Subdivision. Is the division or re-division of land into four (4) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership with no public dedications of land. Any land retained by the sub divider which is a remaining portion of the divided land shall be considered to be one of the lots, parcels or tracts of the division.

(l) Street. Is an improved and maintained public right of way which provides vehicular circulation or principal means of access to abutting properties, and which may also include provisions for public utilities, pedestrian walkways, public open space and recreation area, cut and fill slopes, and drainage.

(m) Subdivider. Means any person, partnership, corporation or other legal entity who undertakes to create a subdivision of land.

(n) Subdivision. Means the division of land into two or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer, and shall include all re-subdivisions of land. (Ord. 687, §3, 1999)

11.01.030 – Applicability. This ordinance shall apply to all subdivisions as defined except that the following are exempt:

(1) Cemetery and burial plats while used for that purpose.

(2) Subdivisions made by testamentary provisions or the laws of descent.

(3) Assessors plats pursuant to state law.

(4) A division for purpose of lease when no residential structure other than mobile homes or travel trailers are to be permitted to be placed upon the land in accordance with the applicable laws, rules, or ordinances adopted by the City of Tekoa.

(5) Boundary line adjustments where access is not affected, no new building lot is created and no lot is reduced so as to be substandard in size.

(6) Subdivisions due to condemnation by government agencies.

(7) Contiguous parcels of land in the same ownership, if previously platted or under separate deed from one another, may be sold separately without constituting a subdivision. Where such contiguous parcels in the same ownership are short platted so as to subdivide differently, the entire ownership shall be included in the short plat. (Ord. 687, §4, 1999).

11.01.040 – Proposed Division of Land—Application for Approval of Subdivision, or Short Subdivision. All proposed divisions of land by subdivision or short subdivision shall first be submitted to the Planning Commission for review. The proposal shall be in writing in such form as the Planning Commission may prescribe. The application shall include a preliminary plat (in the case of a subdivision) or a short plat (in case of a short subdivision). There shall be a $1,000.00 fee for each application, payable to the City Treasurer at the time the application is submitted. (Ord. 687, §5, 1999).

11.01.050 – Proposed Alteration or Vacation of Subdivisions or Short Divisions. All proposed alterations or vacations of subdivisions or short subdivisions shall first be submitted to the Planning Commission for review. The proposal shall be in writing in such from as the Planning Commission may prescribe. If the proposed alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in R.C.W. 58.17.212 or 58.17.215. There shall be a $1,000.00 fee for each application, payable to the City Treasurer at the time the application is submitted. (Ord. 687, §, 1999).

11.01.060 – Planning Commission Review—Standards—Recommendation to City Council. The Planning Commission shall review all applications for subdivisions, short subdivisions, and all applications for alterations or vacation of subdivisions or short subdivisions. The Planning Commission shall then forward the application to the City Council with its written recommendation for approval or disapproval. The recommendation shall be based upon the standards and conditions set forth in this chapter. The Planning Commission shall recommend the approval of a division, alteration, or vacation only if the recommendation includes written findings that are appropriate, as provided in R.C.W. 58.17.110, and a written finding that any proposed division is in conformity with all applicable zoning ordinances or other land use controls which may exist. (Ord. 687, §7, 1999).

11.01.070 – City Council Review—Hearing—Decision. Upon receipt of a recommendation by the Planning Commission, the City Council shall review the application, and when applicable, hear public comment. The Council shall then either approve or disapprove the application. The

decision shall be based upon the standards and conditions set forth in this chapter. The City Council shall approve the application only if the decision includes written findings that are appropriate as provided in R.C.W. 58.17.110, and a written finding that the proposed division is in conformity with all applicable zoning ordinances and other land use controls which may exist. The City Council may either write its own findings, or it may adopt as its findings the written be approved subject to such conditions as the Council may determine necessary to meet the standards and conditions set forth in this chapter. (Ord. 687, §8, 1999).

11.01.080 – Review of Decision. Any decision approving or disapproving any proposed short subdivision or subdivision (or short plat or subdivision plat) shall be reviewable by the Superior Court of Whitman County as provided in R.C.W. 58.17.180. (Ord. 687, §9, 1999).

11.01.090 – Short Plat and Subdivision Plats—Recording. No subdivision shall be effective unless a final plat therefor is recorded with the Whitman County Auditor. The final plat shall conform to the requirements set forth in R.C.W. 58.17.160, 58.17.165, and 58.17.170, and shall be recorded within sixty (60) days after final approval as provided in R.C.W. 58.17.170. (Ord. 567, §10, 1999).

11.01.110 – Standards and Conditions. In addition to any State laws that may be applicable, all divisions of land shall be subject to the following standards and conditions:

(a) All subdivisions shall conform to the intent and purpose of the Comprehensive Plan, Zoning Ordinance and health regulations.

(b) Plat and street names should not duplicate those already in existence, except where a new street is an extension of any existing, named street; in such case, the new street shall have the same name as the existing street.

(c) Sharing of expenses for the improvement of water, sewer or streets which are not a primary benefit to the subdivider shall be fixed by special arrangement between the City Council and the subdivider. If it is determined that the necessary improvements are due solely to the proposed subdivision, the subdivider shall ensure that the required improvements are made at his or her own expense.

(d) Sanitary sewer mains shall be made available to serve every lot. No individual disposal systems or treatment plants shall be permitted. If sewer facilities cannot practically be installed, a proposed subdivision may be rejected until such time as necessary modifications to the City sewer system are made to allow for proper sewer service.

(e) All plans and specifications for the improvement or extension of existing sewerage systems shall be subject to review and approval of the City Engineer and/or the Washington State Department of Ecology before any installation begins.

(f) The subdivision (or short subdivision) shall insure that necessary improvements and extensions are made so as to provide each lot with City water sufficient for domestic water and fire protection. Fire hydrants shall be installed within 600 feet of every lot. All water extensions shall be approved by the City and/or Washington State Department of Health. If water cannot adequately be supplied by the City, the proposed subdivision may be rejected until such time as necessary modifications to the City water system are made. As a condition of approval of the subdivision, the City may require that the cost of modifications be borne by the subdivider.

(g) All subdivisions shall provide for storm drainage facilities adequate to drain the plat, yet cause no impact to other property owners.

(h) Street intersections shall be designed with adequate sight distance and oriented at 90' wherever possible.

(i) Where an abutting public right-of-way is substandard in width, additional right-of-way shall be deeded to bring it up to standard.

(j) All lots created by a subdivision shall abut upon dedicated or deeded street. Such street is to have no less than 80 feet of right-of-way width. This requirement may be waived if, in the opinion of the Planning Commission and Council, additional right-of-way will not be necessary for the future traffic circulation of the City or installation of utilities. Dedicated or deeded alleys shall be at least 20 feet wide.

(k) All subdivisions and, when relevant, all short subdivisions, shall make adequate provisions for sidewalks and other planning features that assume safe walking conditions for students who walk to and from school.

(l) The City may disapprove of a proposed short plat or subdivision because of flood or swamp conditions. Alternatively, the City may condition approval of a proposed division upon the construction of protective improvements. No division shall be approved regarding land situated in a flood control zone as provided in R.C.W. Chapter 86.16 without prior, written approval of the Washington State Department of Ecology. (Ord. 567, §11, 1999).

11.01.120 – Short Subdivision—Restricting on Further Division. Land in a short subdivision may not be further divided in any manner within a period of five years after being short platted without a subdivision approved and final plat recorded in the manner required for subdivisions under the provisions of this chapter; except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the landowner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries. (Ord. 687, §12, 1999).

CHAPTER 12

RECYCLING AND COMPOSTING

Sections:

12.04 – Recycling. – Reserved

Sections:

12.08.010 – Composting – prohibited materials. Subject to such rules and regulations as the City may impose, the municipal composting facility shall be available to residents of Tekoa to discard grass clippings, leaves, prunings, and other vegetative matter. No person shall discard or leave at the municipal composting facility any trash, garbage, junk, construction materials, or processed wood products.

12.08.020 – Violation – penalty. Anyone convicted of violating any provision of this Chapter shall be fined $150.00 per violation. No part of any fine assessed under the provision of this Chapter shall be suspended, deferred, or reduced in any manner. (Ord. 822, §1; 9/15/2015).