CITY OF SULTAN
COUNCIL MEETING – COMMUNITY CENTER
September 8, 2016

7:00 PM CALL TO ORDER - Pledge of Allegiance and Roll Call

CHANGES/ADDITIONS TO THE AGENDA

PRESENTATIONS
1) Public Works Department – New Employees

COMMENTS FROM THE PUBLIC: Citizens are requested to keep comments to a 3 minute maximum to allow time for everyone to speak. It is also requested that you complete a comment form for further contact.

COUNCILMEMBER COMMENTS

CITY ADMINISTRATOR COMMENTS

STAFF REPORTS – Written Reports Submitted
1) Code Enforcement

CONSENT AGENDA: The following items are incorporated into the consent agenda and approved by a single motion of the Council.
1) Minutes of the August 25, 2016 Council meeting as on file in the Office of the City Clerk
2) Voucher Approval
3) Resolution 16-13 – Support of John Wayne Trail

ACTION ITEMS:
1) Denali Ridge Hazardous Tree Assessment
2) Ordinance 1243-16 Utility Title 13 – 2nd reading

DISCUSSION ITEMS:
1) Sign Code

Executive Session:

Adjournment - 10:00 PM or at the conclusion of Council business.

ADA NOTICE: City of Sultan Community Center is accessible. Accommodations for persons with disabilities will be provided upon request. Please make arrangements prior to the meeting by calling City Hall at 360-793-2231.
For additional information please contact the City at cityhall@ci.sultan.wa.us or visit our web site at www.ci.sultan.wa.us

SULTAN CITY COUNCIL
AGENDA COVER SHEET

ITEM NO: SR-1

DATE: September 8, 2016

SUBJECT: Community Service Officer

CONTACT PERSON: Victoria Forte', Community Service Officer

STAFF RECOMMENDATION:
Receive Report, no action required

Animal Control
Code Enforcement

BACKGROUND:
Community Service Officer Report

Start Date	Case #	Property Address	Owner Name	Description of Violation	1st due	2nd due	contact with owner	comments	final
04.25.2016	16.357	1021 Hiatt Court	Bennett	fence					
04.25.2016	16.358	1104 Meres	Payne						
04.25.2016	16.359	Timber Ridge	Pete Schroeder	overgrown vegetation	05.13.2016				05.09.2016
04.29.2016	16.360	308 Cedar Avenue	Olson	roof and dwelling	07.14.2016				
04.29.2016	16.361	711 8th Street	Young	Dilapidated house/overgrown vegetation/trash and rubbish					
04.29.2016	16.362	720 Junction Lane	Enlort Properties	overgrown vegetation	5.30.2016				
04.29.2016	16.363	716 Junction Lane	Haaland	junk and inoperable vehicles					05.12.2016
04.29.2016	16.364	12917 311th Avenue NE	Webster	junk and inoperable vehicles	05.13.2016				05.20.2016
05.12.2016	16.365	838 Salmon Run North	Lavigueure	sidewalk obstruction overgrown trees	05.13.2016				06.01.2016
05.12.2016	16.366	708 High Avenue	Feller	sight obstruction	05.13.2016				
05.17.2016	16.367	806 Walnut Avenue		debris in the front of the house/obstructing sidewalk	05.30.2016				
05.17.2016	16.368	323 Marcus Street	Sensor	New Roof	07.01.2016				06.27.2016
05.17.2016	16.369	502 8th Street	Repo	overgrown vegitation	05.31.2016				05.19.2016
05.18.2016	16.370	Avery Auto		parking to close to the tank	5.20.2016				5.25.2016
05.19.2016	16.371	4th Street/Fir Avenue		vegetation	05.31.2016				06.10.2016
05.26.2016	16.372	108 8th Street		enclosing a deck/construction..no permit					
05.26.2016	16.373	912 1st Street		grading..no permit creating a driveway			Cyd		??
05.26.2016	16.374	807 High Avenue		sight obstruction					
05.26.2016	16.375	106 4th Street	Meyer	overgrown vegitation				in process	
05.26.2016	16.376	905 4th Street SE	Fourth Street LLC	overgrown vegitation				working on backyard cleanup	
05.26.2016	16.377	1314 Skywall Drive	Fleming	construction no permit					
05.26.2016	16.378	313 Amberwood Circle	Songstad	fence	6.14.2016				06.02.2016
05.26.2016	16.379	13582 328th Avenue SE	Williams	fence	6.14.2016				
05.26.2016	16.380	802 Pine Street	Ruhland	gate install, no permit	6.14.2016				06.03.2016
05.26.2016	16.381	910 Pine Street	BSI Financial Srvices	overgrown vegitation	06.24.2016				8.2016
06.8.2016	16.382	711 Main Street		overhanging trees					7.2016
06.8.2016	16.383	707 Main Street		overhanging trees					7.2016
06.8.2016	16.384	617 Main Street		overhanging trees					7.2016
06.8.2016	16.385	511 Main Street	kreps	overgrown vegetation	07.01.2016				
06.8.2016	16.386	310 Main Street		overgrown vegetation					08.01.2016
06.8.2016	16.387	102 2nd Street		dilaptadated fence					
06.8.2016	16.388	202 Alder Avenue		overgrown vegetation					
Start Date	Case #	Property Address	Owner Name	Description of Violation	1st due	2nd due	contact with owner	comments	final
06.15.2016	16.389	Three Rivers Trucking		no business license				finance dept	
06.15.2016	16.39	Mama Bear's		no business license for car sales	06.28.2016		vf/SCSO	Stop sales unsafe to sell, and used car lot business license obtained	
06.15.2016	16.391	Koenig Lumber		no business license				finance dept	
6.2016	16.392	710 Stratford Place	Evans	junk and inoperable vehicles	07.09.2016				
6.30.2016	16.393	107 Ash Avenue		vegetation	07.04.2016				7.2016
07.13.2016	16.394	301 3rd Street							
07.15.2016	16.395	515 9th Street		junk and debris, trailer blocking sidewalk					
08.01.2016	16.396	Timber Ridge		illegal dumping at Barmon Lumber			CYD		??
07.29.2016	16.397	611 7th Street	Broughton	junk and inoperable vehicles				under investigation/ in valid	
08.01.2016	16.398	301 8th Street	Green	unsafe manufatured home/ dilaptdated fence				needs fence permit	
07.26.2016	16.399	4th Street / Cedar	ROW	parking issues				working with SO to resolve	07.28.2016
07.04.2016	16.4	1009 E. Kessler		overgrown vegitation, back yard					08.01.2016
07.15.2016	16.401	415 W Stevens	Moran/Nguyen	squatters				cival issue	
8.23.2016	16.402	805 Stevens Avenue	McLean	roof no permit	09.08.2016				
Start Date	Case #	Property Address	Owner Name	Description of Violation	1st due	2nd due	contact with owner	comments	final
8.24.2016	16.403	1001 Dyer Road	Kroll	sight obstruction	9.14.2016				

Start Date	Case #	Property Address	Owner Name	Description of Violation	1st due	2nd due	contact with owner	comments	final
11.22.2011	2011-365	32821 Cascade View	Pearson	junk and inoperable vehicles				pending council	
4.16.2013	13-321	Cemetery Road	Swezey	junk and inoperable vehicles				pending council	
6.23.2015	15-564	415 W Stevens	Moran/Nguyen	No permit for construction, demo or remmdel *stop work order issued	6.24.2015			7.14.2015	7.14.2015
6.23.2015	15-565	Parcel #	Stockings/Rowe	No permit for construction, demo or remmdel *stop work order issued	6.24.2015	8.16.2015	see file	none to be issued	11.2015
6.23.2015	15-566	202 Alder Avenue	Van Horn	No permit for construction, demo or remmdel *stop work order issued	6.24.2015			06.29.2015	
6.23.2015	15-567	516 Stevens Avenue	Turner	Blue Tarp over City easement	7.17.2015				7.24.2015
6.24.2015	15-568	615 Main Street	Burtis/ Dalmassio	illegal dwelling trailer coach	6.17.2015	6.24.2015		06.29.2015	
6.26.2015	15.569	14310 330th Ave SE	Arkison/Hammer	unsecured property	6.26.2015				12.22.2015
6.26.2015	15-570	1117 Yew Avenue	Secretary of Housing	construction of handrails on back deck without permit or inspection	6.26.2015			see cyd	8.2015
6.26.2015	15-571	1120 Yew Avenue	Driscoll	accumulations of lumber, fire hazard; potential dwelling for vermin	6.26.2015			none needed	07.01.2015
6.26.2015	15-572	511 3rd Street	Meyer	vegetation, fire hazard	6.26.2015	07.01.2015			
7.8.2015	15-573	323 Marcus Street		No permit for construction, new deck and remodel	7.9.2015				7.23.2015
7.16.2015	15-574	706 Salmon Run	Walkman	illegally parked trailer	8.1.2015				7.24.2015
07.16.2015	15-576	SES	SES district	fence permit (work done by road construction crew) informational only	n/a	n/a			
11.17.2014	14.352	Marcus Street Mobile Park	Maxwell	illegal accessory units (dwellings and buildings), trash, fencing, additions with no permits	9.30.2015	03.25.2016	viki		4.2016
7.24.2015	15-577	308 Cedar Street	Olson	#1) vehicle obstructng ROW #2) inhabited trailer coach #3) nonconfroming garage conversion #4) new fence /no permit	08.19.2015			need more info	
7.24.2015	15-578	716 Dale Avenue	Nelson	Parking obstruction	7.24.2015				7.24.2015
06.30.2015	14.308	308 3rd Street/406 Dale	O'Dell	Vegitation, encroachment on sidewalk	8.15.2015				
08.06.2015	15.579	215 Alder Avenue		Roof - no permit	08.06.2015			08.06.2015	8.6.2015
08.06.2015	15.580	301 3rd Street	Florentine	Vegitation, encroachment on sidewalk	08.15.2015	10.3.2015			
	15.581	307 2nd Street		driveway?!					
	15.582	7th Street btwn Fir/High Avenues	City ROW	Parking prohibited illegal signage posted by citizen					8.2015
	15.583	104 Raspberry Lane		illegal garage conversion			cyd	none needed	
	15.584	SES	SES district	Trees obstructing PUD lines					
2.18.2014	14-416	717 Junction Lane	Shisler	upper level deck construction started, never complete *no permit issued (life safety issue)	2.25.2014	3.25.2014			
08.10.2015	15.585	111 / 111 1/2 Cedar Avenue	Moreno	#1) unconforming conversion in garage #2) grey water discharge in side yard - report of..inspection needed	10.31.2015		viki/connie		11.24.2015
	15.586	207 6th Street		unsecure/fire damaged property					
09.01.2015	15.587	date street HOA water retention pond	HOA	overgrown vegitation			09.07.2015	goats working on	12.25.2015
07.24.2015	15.588	501 3rd Street		overgrown vegitation	08.01.2015				08.10.2015
08.13.2015	15.589	516 SR2	Turner	illegal dumping on City ROW	8.16.2015				8.21.2015
9.7.2015	15.590	1114 East Main	Bermon	inhabiteded trailer coach	09.25.2015				10.6.2015
09.7.2015	15.591	Sultan Basin Road	Saw Shop/ Gary Hunter	inhabiteded trailer coach	ASAP		SO	trespass order in place	
09.01.2015	15.592	302 3rd Street	Anderson	non-conforming setbacks, accessory structure	09.14.2015	09.21.2015	cyd	none needed	
09.21.2015	15.593	710 Stratford Place	Evans	trash and rubbish	09.31.2015				12.22.2015
09.01.2015	15-594	725 West Stevens		Rats	09.06.2015				1.01.2016
09.01.2015	15.595	805 West Steven		Rats	09.06.2015				01.01.2016
09.22.2015	15.596	317 Wolbrun	Rogers	non-conforming setbacks, accessory structure					unfounded
09.22.2015	15.967	601 West Stevens		fence	09.31.2015			10.7.2015	10.7.2015
09.28.2015	15.968	209 Dale Avenue	Wiedger	illegal dwelling trailer coach/ deck	6.9.2016				
09.30.2015	15.569	615 Main Street	Burtis/ Dalmassio	illegal camping and dumping trash				unfounded	

2016	Sent to rescue	Euthanized	Dog at Large/ leash law violation	Barking Dog/Crowing Rooster Complaints	Dead on arrival (DOA) Domestic and Wildlife	Abandoned Animal Complaint	Aggressive Animal Complaints	Bite Dogs/Cats	Cruelty/Neglect Investigation Complaints	Cat Complaints and/or Calls	Other... i.e. horses and chickens	wildlife
January	1	0	15	2	0	0	3	0	1	0	0	0
February	0	0	13	1	2	1	2	0	2	1	0	3
March	3	0	12	1	3	0	3	0	2	2	1	3
April	0	0	17	2	0	0	2	0	0	3	2	0
May	0	0	18	2	3	0	2	0	1	4	2	1
June	1	0	21	1	3	17	2	0	1	1	3	0
July	17	0	15	3	2	0	1	0	2	1	2	0
August	2	0	16	4	3	0	3	0	0	1	1	4
September												
October												
November												
December												
Yearly Totals	**24**	**0**	**127**	**16**	**16**	**18**	**18**	**0**	**9**	**13**	**11**	**14**

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: Consent C 1

DATE: September 8, 2016

SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:
Attached are the minutes of the August 25, 2016 Council meeting as on file in the office of the City Clerk.

RECOMMENDED ACTION:
Approve as submitted.

CITY OF SULTAN COUNCIL MEETING – August 25, 2016

Mayor Eslick called the regular meeting of the Sultan City Council to order in the Sultan Community Center at 7:02 PM. Councilmembers present: Seehuus, Walker, Wiita, and Naslund. Absent: Councilmembers McCarty, Beeler, Neigel.

CHANGES/ADDITIONS TO THE AGENDA:
Consent: Add excused the absence of Councilmember McCarty, Councilmember Neigel, and Councilmember Beeler.
Action: Add A 3 Post Office Parking Lot Restoration
Discussion: Continue discussion on the Sign code to the next meeting due to absence of council members.

PRESENTATIONS:
Business Spotlight – Sultan Chevron Extra Mile
The issue before the Council is to recognize Sultan Chevron Extra Mile as Sultan's Business Spotlight for August, 2016. Sultan Chevron Extra Mile is located at 725 W. Stevens Avenue in Sultan and owned by Balbir Mann. Balbir, originally from India, moved to Los Angeles and then to Gold Bar in 1998 to join his brother who bought the gas station in Gold Bar. Balbir has owned one other gas station in the Leavenworth area since 2003 and he purchased the Sultan Chevron Extra Mile gas station in June, 2012. Balbir purchased his home on Reiner Road in 2011 and loves his short commute to work every day. It's a family run business with his brother, daughter and daughter in law. Besides gas, it's a convenience store, offering pop, juice, ice cream, candy, chips and a few groceries. When asked where he sees himself and his business in the next 2 – 5 years, Balbir said he's keeping this store and not planning to sell. "I may be here forever" he commented.
Balbir thanked the council for the recognition and acknowledge it was a surprise to him. He stated he appreciates feedback from the public to build their business.
Mayor Eslick presented them with a certificate of recognition. Mayor Eslick also added the Chevron is always clean inside and out. She discussed an issue she had with her car and they allowed her to leave her vehicle for tow truck to pick up. They didn't know she was Mayor at the time.

Volunteer Spotlight – Julianna Johnson
Julianna Johnson was raised in Carnation and moved to Sultan in August 2013. She didn't know anyone when she moved here, so she started meeting people and looking for a Cub Scout program for her boys. By the end of 2013 she had a Cub Scout Pack with 5 boys, taking online training to charter the pack by the end of the year. She later started and ran a Girl Scout Troop for one year. Julianna started volunteering at Early Childhood Education and Assistance Program (ECEAP) located at the VOA. As a volunteer, she applied to be a Washington State Association Parent Ambassador (WSA) for ECEAP and Head Start, and was accepted in December of 2013. She was 1 of 20 parents in the State of Washington to be chosen that year. She spent a year advocating for early learning, including advocating in Olympia, talking to State Representatives and Legislators. She was later elected to the WSA Board of Directors, serving a 2 year term representing Sultan and Gold Bar's ECEAP programs at the state level. Julianna spent a great deal of time sharing her family's story and working to pass the Early Start Act that Governor Jay Inslee signed into law on July 6, 2015. Her Cub Scout Pack organized and ran a Bike rodeo in 2015 and again at Sultan's 2016 National Night Out for Crime. They gave away 50 repurposed bikes in 2015 and 35 in 2016. Every Veteran's Day the Scouts present the colors and stand at attention at the ceremonies. To date, they have collected over 400 thank you letters from Sultan Elementary students, Sultan High School students and Scouts. Giving the letters to Veterans in our community. Julianna plans on continuing to grow Scouting in the

Sky Valley, working with ECEAP families and bettering her community through community service projects. She plans on continuing to grow the Scouts, working with low income families at ECEAP and through community service. "My heart is in Sultan, I'm just rooted to this community", Julianna humbly commented.
Juliana appreciated the recognition and stated moving here was the best decision they ever made. Mayor Eslick presented her with a certificate of recognition.

COMMENTS FROM THE PUBLIC:

Tom Green, 32400 132nd St SE: At the left turn onto Walbrun Road, he witnessed another vehicle almost get hit again. Suggested having people go to Basin at light and make a u-turn. Headed West, the left turn light on to 5th Street should stay green or be a yellow caution arrow so you don't have to wait so long to turn..

Savannah (young child) Trout Farm Rd: Why did the burger cross the street? It had to get new buns.

Barbara Kalinoski, 623 7th Street: Has Sultan garbage collection once a month and went 42 days between collections and must always look at calendar as reminder of when to put out. Why is there Recycle collection on holidays? Do they get bonus for working? Sometimes she is not putting out so they work less. Appreciates that city hall has passport services; Made it very easy for citizens; Good thing and should advertise to citizens that we offer this service.

Crystal, 325 Marcus Street: Speed bumps needed on street as drivers go too fast and kick dust up. There is also a lot of drug activity going on there. The dealer has been removed by cops and comes back to harass and torment citizens when he returns.

COUNCILMEMBER COMMENTS

Councilmember Naslund: I love Evergreen State Fair, but can't handle traffic. Need to keep working on fixing the Highway 2 dilemma.

Councilmember Wiita: Has input on Health District request for funding, but will hold his comments until brought to council agenda. He posted information on the sign code on Facebook and has received quite a bit of feedback and will compile for council review. AWC legislative priorities committee held their meeting and will also forward the notes to council.

Councilmember Walker: Mr. Green has a good point about the left turn arrow; also likes the idea of no left turn to Walbrun and u-turn at the light. Explained to citizen Barbara, recycling is contracted, and the work hours are in the contract the employees sign.

Administrator Walker: 1) 4th/5th Street Construction: SRV will install a camera to activate the stoplight for Labor Day weekend. 2) Boundary Review ruling on 124th Street annexation passed unanimously. There is a 30-day appeal period and then the property can be brought into the city limits. After the annexation is complete, the developer can propose a project

Chief Beaton: Responded to the drug issue on Marcus Street. He explained there are laws that dictate what officers can/cannot do and there must be corroborating evidence; either way a report is taken. Beaton stated drug activity within the city is significantly lower than it has been and explained prior history in the city versus activity today. Beaton explained only two reported crimes regarding drug activity this month alone; versus activity in City of Monroe. Citizens need

to be vigilant and brave and call and report this incident when they see it. He gave suggestions on ways to be discreet and stated evil happens when good folks don't stand up. Sultan is a great community because people care and felt it was going to get better because of attitude. He stated when you are committing crimes it is the sheriff's job to harass you. Mayor Eslick thanked Crystal for coming and speaking up.
Chief Beaton stated next Wednesday August 31st is his last day in Sultan. The new Chief assigned is Lt. Steve MacDonald. Cooperation between city/police/fire/school/library meet regularly and everyone is on the same page working to make Sultan cleaner and safer for everybody in town. Camera system is in at the police department with 8 full time cameras. They are working to set up a safe spot at police department for craigslist exchanges, visitation exchanges, etc. New signs arrived and will be put up when new Lieutenant arrives. His goal was to make Sultan better than when he arrived and feels he accomplished that during his time as Chief.
Mayor thanked Monte for all his hard work and dedication. Group gave him a round of applause. Councilmember Naslund thanked Chief Beaton for his help on the flood sirens.

Mayor Eslick: Meeting was held with John Snyder, Recreation Director, from State of Washington. Sultan is one of three cities that give recreation a high priority. Mr. Snyder enjoyed the tour of the area. The new City website is up and running and open to suggestions from public.
After many weeks of interviewing for new field supervisor, the city hired and accepted Nathan Morgan. The Mayor introduced him and advised he will start on September 6 and train with Connie Dunn for the next month. Nathan Morgan stated he is looking forward to being the new public works supervisor for Sultan. Has been a city resident since 2010.

STAFF REPORTS – Written Reports Submitted and are on file in the Office of the City Clerk.

1) Public Works Monthly Report

CONSENT AGENDA: The following items are incorporated into the consent agenda and approved by a single motion of the Council. On a motion by Councilmember Wiita, seconded by Councilmember Walker, the consent agenda was approved as amended. Seehuus – aye; Walker – aye; Wiita – aye, Naslund – aye, abstain on minutes.

1) Minutes of the August 11, 2016 Council meeting as on file in the Office of the City Clerk
2) Voucher Approval in the amount of 108,475.50 and payroll through August 12, 2016 in the amount of $31,490.78 to be drawn and paid on the proper accounts.
3) Ordinance 1242-16 Recycle Rates – second reading
4) Excused absence of Councilmembers Neigel, McCarty and Beeler.

ACTION ITEMS:

VOA Food Bank Lease

The issue before the city council is to authorize Mayor Eslick to sign an amendment to the lease agreement with the Volunteers of America to use the facility located at 703 First Street to operate the Sultan Food Bank for a period of 20 years. The Sultan Food Bank (food bank) operates out of the northern portion of the former city hall building located at 703 First Street. The city and the Sultan Food Bank jointly improved the facility in 2003 using Community Development Block Grant Funds. Under the terms of the grant, the building had to continue to operate as a food bank for a minimum of 15 years unless a new facility is found to house the food bank program. The Volunteers of America began operating the Food Bank in 2011. In 2016, the VOA received a $157,350 grant from CDBG to improve the Food Bank. In accordance with the terms of the grant the VOA needs to have site control in the form of

ownership or a long-term lease. Based on the amount of the grant, the lease needs to be 20 years. There is no direct fiscal impact to the city. The proposed lease agreement provides for the same monthly payment as currently negotiated with the VOA.
Councilmember Naslund stated she was not comfortable with 20 year contract and preferred a 10 year contract instead. Administrator Walker stated they would be denied grant if not 20 years.
On a motion by Councilmember Walker, seconded by Councilmember Seehuus they authorized Mayor Eslick to sign a lease agreement with the Volunteers of America to continue to operate the Sultan Food Bank at 703 First Street. All approved.

Ordinance 1243-16 – SMC Title 13 - Utilities

The issue before the Council is to review Ordinance 1243-16 relating to Title 13 Water, Sewers and Public Services Code updates. Existing SMC Chapters for Water, Sewers and Public Services need to be updated to reflect current practices within Utility Departments. Updates are proposed for 13.08 Sewer Regulations and 13.12 Water. Section 13.04 Utility Department is proposed to change to Utility Billing and section 13.02 Utility General is proposed to be added to cover general rules and regulations. The Council discussed the updates at the August 11, 2016 Council meeting.
Admin Walker referenced following change: Page 4, section 13.02.100 as built drawings required to be submitted; pg 8 section 13.04.050 add sentence that payments will be applied to oldest amounts first. Section 13.04.100 – add disputed amount must be paid.
Discussion was held on why it was necessary to state the order in which a payment is applied to an account; need to pay off oldest amounts first to comply with state law; ability to disconnect for non-payment; need to correct code numbers.
On a motion by Councilmember Wiita, seconded by Councilmember Naslund SMC Title 13 was introduced for a first reading. All approved.

Post Office Parking Lot Restoration

Public Works Director Matheson asked for authorization for the Mayor to sign a change order for the 4th and 5th Street Reconstruction contract with SRV Construction to restore the Post Office Parking Lot on the east side of the Post Office building for an amount not to exceed $37,600 which includes sales tax and a five percent contingency. The parking lot on the east side of the Post Office is severely deteriorated. Alligator cracking is prevalent and the drainage system is inadequate. Significant ponding occurs during rainstorms which exacerbates the ongoing pavement failure. The scope of work includes removing the existing dilapidated pavement, adding new crushed surfacing top course, correcting the inadequate storm drainage system, and re-paving the parking lot. The primary reason the parking lot is failing is a result of poor drainage. The drainage system is inadequate, which creates flooding and continued deterioration of the asphalt surfacing. A five percent contingency of approximately $19,000 is in place for the 4th & 5th Street Road & Storm drainage project which may be available to be applied to the Post Office Parking lot depending on how the remaining construction goes. Staff is recommending that the project be funded with contributions of 50% from the Stormwater Fund, 25% from the General Fund, and 25% from the Building Fund.
On a Motion by Councilmember Walker, Seconded by Councilmember Wiita they authorized the Mayor to sign a change order for the 4th and 5th Street Reconstruction contract with SRV Construction to restore the Post Office Parking Lot on the east side of the Post Office building for an amount not to exceed $37,600 which includes sales tax and a five percent contingency.
All approved.

On a motion by Councilmember Walker, seconded by Councilmember Wiita, the meeting adjourned at 7:58 PM; all approved.

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM #: Consent 2

DATE: September 8, 2016

SUBJECT: Voucher Approval - 2016

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:
Attached are the vouchers for approval in the amount of 161,687.58 and payroll through August 26, 2016 in the amount of $57,709.07 to be drawn and paid on the proper accounts.

FISCAL IMPACT: $219,396.65

RECOMMENDATION:
Approve the payment of vouchers as submitted.

City Of Sultan
Voucher Approval
September 8, 2016

I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered, or the labor performed as described hereon, and that the claim is just, due and an unpaid obligation against the City of Sultan, and that I am authorized to authenticate and certify to said claim.

_____
Laura J. Koenig, Clerk/ Finance Director

We, the undersigned City Council of Sultan Washington, do hereby certify that the merchandise or services hereinafter specified have been received and the claims are approved for payment in the following amounts:

Payroll Check #32235-36, 237-240	$ 4,081.93
Direct Deposit #18/CM	$ 31,199.43
Benefits Check #32231-34	$ 9,539.42
Tax Deposit #17	$ 12,888.29
Accounts Payable Checks #32241-277	$ 161,687.58
ACH Transactions - DOR	$
TOTAL	$ 219,396.65

_____
Bob McCarty, Councilmember

_____
John Seehuus, Councilmember

_____
Rocky Walker, Councilmember

_____
Russell Wiita, Councilmember

_____
Joe Neigel, Councilmember

_____
Marianne Naslund, Councilmember

_____
Jeffrey Beeler, Councilmember

Checks for Approval

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
32231	08/22/2016	GENERAL FUND	Deferred Comp Payable	Department of Retirement	49.50
32231	08/22/2016	STREET FUND	Deferred Comp Payable	Department of Retirement	22.99
32231	08/22/2016	CEMETERY FUND	Deferred Comp Payable	Department of Retirement	1.49
32231	08/22/2016	BUILDING MAINTENANCE FUND	Deferred Comp Payable	Department of Retirement	3.51
32231	08/22/2016	UTILITY WATER FUND	Deferred Comp Payable	Department of Retirement	47.00
32231	08/22/2016	UTILITY SEWER FUND	Deferred Comp Payable	Department of Retirement	43.51
32231	08/22/2016	UTILITY GARBAGE FUND	Deferred Comp Payable	Department of Retirement	18.01
32231	08/22/2016	STORMWATER UTILITY FUND	Deferred Comp Payable	Department of Retirement	13.99
32231	08/22/2016	GENERAL FUND	Deferred Comp Payable	Department of Retirement	262.11
32231	08/22/2016	STREET FUND	Deferred Comp Payable	Department of Retirement	57.37
32231	08/22/2016	CEMETERY FUND	Deferred Comp Payable	Department of Retirement	4.57
32231	08/22/2016	BUILDING MAINTENANCE FUND	Deferred Comp Payable	Department of Retirement	8.89
32231	08/22/2016	UTILITY WATER FUND	Deferred Comp Payable	Department of Retirement	182.55
32231	08/22/2016	UTILITY SEWER FUND	Deferred Comp Payable	Department of Retirement	83.00
32231	08/22/2016	UTILITY GARBAGE FUND	Deferred Comp Payable	Department of Retirement	57.77
32231	08/22/2016	STORMWATER UTILITY FUND	Deferred Comp Payable	Department of Retirement	31.24
32232	08/22/2016	GENERAL FUND	PERS Payable	Department of Retirement	234.48
32232	08/22/2016	STREET FUND	PERS Payable	Department of Retirement	13.79
32232	08/22/2016	UTILITY WATER FUND	PERS Payable	Department of Retirement	13.79
32232	08/22/2016	UTILITY SEWER FUND	PERS Payable	Department of Retirement	13.80
32232	08/22/2016	GENERAL FUND	PERS Payable	Department of Retirement	104.87
32232	08/22/2016	STREET FUND	PERS Payable	Department of Retirement	6.17
32232	08/22/2016	UTILITY WATER FUND	PERS Payable	Department of Retirement	6.17
32232	08/22/2016	UTILITY SEWER FUND	PERS Payable	Department of Retirement	6.16
32232	08/22/2016	GENERAL FUND	PERS Payable	Department of Retirement	554.04
32232	08/22/2016	STREET FUND	PERS Payable	Department of Retirement	175.14
32232	08/22/2016	CEMETERY FUND	PERS Payable	Department of Retirement	25.47
32232	08/22/2016	BUILDING MAINTENANCE FUND	PERS Payable	Department of Retirement	23.83
32232	08/22/2016	UTILITY WATER FUND	PERS Payable	Department of Retirement	801.72
32232	08/22/2016	UTILITY SEWER FUND	PERS Payable	Department of Retirement	619.01
32232	08/22/2016	UTILITY GARBAGE FUND	PERS Payable	Department of Retirement	252.32
32232	08/22/2016	STORMWATER UTILITY FUND	PERS Payable	Department of Retirement	162.87
32232	08/22/2016	GENERAL FUND	PERS Payable	Department of Retirement	1,012.10
32232	08/22/2016	STREET FUND	PERS Payable	Department of Retirement	319.92
32232	08/22/2016	CEMETERY FUND	PERS Payable	Department of Retirement	46.48
32232	08/22/2016	BUILDING MAINTENANCE FUND	PERS Payable	Department of Retirement	43.55

32232	08/22/2016	UTILITY WATER FUND	PERS Payable	Department of Retirement	1,464.55
32232	08/22/2016	UTILITY SEWER FUND	PERS Payable	Department of Retirement	1,130.89
32232	08/22/2016	UTILITY GARBAGE FUND	PERS Payable	Department of Retirement	460.94
32232	08/22/2016	STORMWATER UTILITY FUND	PERS Payable	Department of Retirement	297.56
32233	08/22/2016	CEMETERY FUND	AFLAC Payable	Attn: Remittance Processing AFLAC	0.04
32233	08/22/2016	UTILITY WATER FUND	AFLAC Payable	Attn: Remittance Processing AFLAC	5.98
32233	08/22/2016	UTILITY SEWER FUND	AFLAC Payable	Attn: Remittance Processing AFLAC	0.03
32233	08/22/2016	CEMETERY FUND	AFLAC Payable	Attn: Remittance Processing AFLAC	0.11
32233	08/22/2016	UTILITY WATER FUND	AFLAC Payable	Attn: Remittance Processing AFLAC	15.91
32233	08/22/2016	UTILITY SEWER FUND	AFLAC Payable	Attn: Remittance Processing AFLAC	0.08
32233	08/22/2016	CEMETERY FUND	AFLAC Payable	Attn: Remittance Processing AFLAC	0.03
32233	08/22/2016	UTILITY WATER FUND	AFLAC Payable	Attn: Remittance Processing AFLAC	5.99
32233	08/22/2016	UTILITY SEWER FUND	AFLAC Payable	Attn: Remittance Processing AFLAC	0.03
32233	08/22/2016	CEMETERY FUND	AFLAC Payable	Attn: Remittance Processing AFLAC	0.11
32233	08/22/2016	UTILITY WATER FUND	AFLAC Payable	Attn: Remittance Processing AFLAC	15.90
32233	08/22/2016	UTILITY SEWER FUND	AFLAC Payable	Attn: Remittance Processing AFLAC	0.09
32234	08/22/2016	GENERAL FUND	Union Dues Payable	Teamsters Local Union #763	101.27
32234	08/22/2016	STREET FUND	Union Dues Payable	Teamsters Local Union #763	16.53
32234	08/22/2016	CEMETERY FUND	Union Dues Payable	Teamsters Local Union #763	3.86
32234	08/22/2016	BUILDING MAINTENANCE FUND	Union Dues Payable	Teamsters Local Union #763	1.98
32234	08/22/2016	UTILITY WATER FUND	Union Dues Payable	Teamsters Local Union #763	119.11
32234	08/22/2016	UTILITY SEWER FUND	Union Dues Payable	Teamsters Local Union #763	87.89
32234	08/22/2016	UTILITY GARBAGE FUND	Union Dues Payable	Teamsters Local Union #763	39.06
32234	08/22/2016	STORMWATER UTILITY FUND	Union Dues Payable	Teamsters Local Union #763	16.80
32234	08/22/2016	GENERAL FUND	Union Dues Payable	Teamsters Local Union #763	109.35
32234	08/22/2016	STREET FUND	Union Dues Payable	Teamsters Local Union #763	23.29
32234	08/22/2016	CEMETERY FUND	Union Dues Payable	Teamsters Local Union #763	6.11
32234	08/22/2016	BUILDING MAINTENANCE FUND	Union Dues Payable	Teamsters Local Union #763	2.87
32234	08/22/2016	UTILITY WATER FUND	Union Dues Payable	Teamsters Local Union #763	122.27
32234	08/22/2016	UTILITY SEWER FUND	Union Dues Payable	Teamsters Local Union #763	90.10
32234	08/22/2016	UTILITY GARBAGE FUND	Union Dues Payable	Teamsters Local Union #763	39.09
32234	08/22/2016	STORMWATER UTILITY FUND	Union Dues Payable	Teamsters Local Union #763	38.42
32241	09/08/2016	GENERAL FUND	Office/Operating Supplies	AG Supply Co	71.28
32241	09/08/2016	GENERAL FUND	Operating Supplies	AG Supply Co	46.35
32241	09/08/2016	UTILITY SEWER FUND	Small Tools/Minor Equipment	AG Supply Co	68.59
32241	09/08/2016	STREET FUND	Office/Operating Supplies	AG Supply Co	53.47
32241	09/08/2016	UTILITY GARBAGE FUND	Operating Supplies	AG Supply Co	2.36
32241	09/08/2016	GENERAL FUND	Office/Operating	AG Supply Co	41.37
32241	09/08/2016	CEMETERY FUND	Small Tools/Minor Equipment	AG Supply Co	54.44
32242	09/08/2016	UTILITY WATER FUND	Water - Testing	AM Test	25.00

32242	09/08/2016	UTILITY WATER FUND	Water - Testing	AM Test	440.00
32243	09/08/2016	STREET FUND	Professional Services	Armstrong and Associates	2,250.00
32243	09/08/2016	UTILITY WATER FUND	Professional Service - General	Armstrong and Associates	2,250.00
32243	09/08/2016	UTILITY SEWER FUND	Professional Service	Armstrong and Associates	2,250.00
32243	09/08/2016	GENERAL FUND	Professional Services	Armstrong and Associates	2,250.00
32244	09/08/2016	GENERAL FUND	Professional Services	Brad Collins	6,649.00
32244	09/08/2016	GENERAL FUND	Professional Services	Brad Collins	2,050.00
32245	09/08/2016	GENERAL FUND	Communication	Comcast	109.85
32245	09/08/2016	STREET FUND	Communication	Comcast	36.61
32245	09/08/2016	UTILITY WATER FUND	Communication	Comcast	73.23
32245	09/08/2016	UTILITY SEWER FUND	Communication	Comcast	73.23
32245	09/08/2016	UTILITY GARBAGE FUND	Communication	Comcast	73.23
32246	09/08/2016	UTILITY SEWER FUND	Office Supplies	Correctional Industries	86.42
32247	09/08/2016	GENERAL FUND	Bank Fees	Department of Licensing	30.00
32248	09/08/2016	UTILITY WATER FUND	Operating Supply	Dougs RV Inc	6.42
32249	09/08/2016	STREET FUND	Uniforms	Frank Sam Dugo	35.39
32249	09/08/2016	UTILITY SEWER FUND	Uniforms	Frank Sam Dugo	7.60
32249	09/08/2016	UTILITY GARBAGE FUND	Uniforms	Frank Sam Dugo	25.00
32249	09/08/2016	UTILITY WATER FUND	Uniforms	Frank Sam Dugo	7.60
32250	09/08/2016	STREET FUND	Office/Operating Supplies	Dynacco	368.12
32250	09/08/2016	UTILITY WATER FUND	Operating Supply	Dynacco	368.12
32250	09/08/2016	GENERAL FUND	Office/Operating Supplies	Dynacco	368.12
32250	09/08/2016	UTILITY SEWER FUND	Operating Supplies	Dynacco	368.13
32251	09/08/2016	STREET IMPROVEMENT FUND	4th and 5th Street Project	Gray & Osborne Inc.	8,136.28
32252	09/08/2016	UTILITY SEWER FUND	Operating Supplies	Hach Company	4,530.33
32253	09/08/2016	GENERAL FUND	Office/Operating Supplies	Keller Supply Company	56.10
32253	09/08/2016	GENERAL FUND	Small Tools/Minor Equipment	Keller Supply Company	100.00
32254	09/08/2016	GENERAL FUND	Travel and Seminars	Laura Koenig	105.84
32255	09/08/2016	GENERAL FUND	Office/Operating - Mayor	Marysville Awards	13.10
32256	09/08/2016	STREET IMPROVEMENT FUND	Street Construction - Other	Northwest Edison	13,610.01
32257	09/08/2016	INFORMATION TECHNOLOGY FUND -	Operating Supply	Office Depot	182.29
32257	09/08/2016	UTILITY WATER FUND	Office Supplies	Office Depot	5.63
32257	09/08/2016	UTILITY SEWER FUND	Office Supplies	Office Depot	5.63
32257	09/08/2016	UTILITY GARBAGE FUND	Office Supplies	Office Depot	5.62
32257	09/08/2016	STREET FUND	Office Supplies	Office Depot	5.63
32257	09/08/2016	GENERAL FUND	Office/Operating Supplies	Office Depot	22.51
32257	09/08/2016	UTILITY WATER FUND	Office Supplies	Office Depot	1.17
32257	09/08/2016	UTILITY SEWER FUND	Office Supplies	Office Depot	1.16
32257	09/08/2016	UTILITY GARBAGE FUND	Office Supplies	Office Depot	1.17
32257	09/08/2016	STREET FUND	Office Supplies	Office Depot	1.17

32257	09/08/2016	GENERAL FUND	Office/Operating Supplies	Office Depot	4.66
32257	09/08/2016	UTILITY WATER FUND	Office Supplies	Office Depot	2.06
32257	09/08/2016	UTILITY SEWER FUND	Office Supplies	Office Depot	2.05
32257	09/08/2016	UTILITY GARBAGE FUND	Office Supplies	Office Depot	2.06
32257	09/08/2016	STREET FUND	Office Supplies	Office Depot	2.06
32257	09/08/2016	GENERAL FUND	Office/Operating Supplies	Office Depot	8.22
32257	09/08/2016	UTILITY WATER FUND	Office Supplies	Office Depot	2.45
32257	09/08/2016	UTILITY SEWER FUND	Office Supplies	Office Depot	2.45
32257	09/08/2016	UTILITY GARBAGE FUND	Office Supplies	Office Depot	2.45
32257	09/08/2016	STREET FUND	Office Supplies	Office Depot	2.45
32257	09/08/2016	GENERAL FUND	Office/Operating Supplies	Office Depot	9.79
32257	09/08/2016	GENERAL FUND	Office/Operating - Mayor	Office Depot	95.81
32258	09/08/2016	PARK IMPROVEMENT FUND	FEMA Buyout Project	Pacific Northwest Construcxion	26,462.70
32259	09/08/2016	SEWER SYSTEM IMPROVEMENT FUND	Capital - WWTP Upgrades	Pacific Northwest Construcxion	1,633.50
32260	09/08/2016	UTILITY SEWER FUND	Miscellaneous	PNCWA Northwest Washington	20.00
32261	09/08/2016	GENERAL FUND	Utilities	PUD	139.47
32261	09/08/2016	GENERAL FUND	Utilities	PUD	49.67
32261	09/08/2016	GENERAL FUND	Utilities	PUD	31.87
32261	09/08/2016	GENERAL FUND	Utilities	PUD	28.52
32261	09/08/2016	UTILITY SEWER FUND	Utilities	PUD	165.24
32261	09/08/2016	GENERAL FUND	Utilities	PUD	32.29
32261	09/08/2016	GENERAL FUND	Utilities	PUD	14.05
32261	09/08/2016	GENERAL FUND	Utilities	PUD	14.61
32261	09/08/2016	UTILITY WATER FUND	Utilities	PUD	96.41
32261	09/08/2016	UTILITY SEWER FUND	Utilities	PUD	96.41
32261	09/08/2016	UTILITY GARBAGE FUND	Utilities	PUD	96.40
32261	09/08/2016	STREET FUND	Utilities	PUD	96.41
32261	09/08/2016	GENERAL FUND	Utilities	PUD	96.41
32261	09/08/2016	GENERAL FUND	Utilities	PUD	482.04
32261	09/08/2016	UTILITY WATER FUND	Utilities	PUD	5.48
32261	09/08/2016	UTILITY SEWER FUND	Utilities	PUD	5.48
32261	09/08/2016	UTILITY GARBAGE FUND	Utilities	PUD	5.48
32261	09/08/2016	STREET FUND	Utilities	PUD	5.48
32261	09/08/2016	STREET FUND	Utilities	PUD	38.00
32261	09/08/2016	GENERAL FUND	Utilities	PUD	139.09
32262	09/08/2016	UTILITY WATER FUND	Repair and Maintenance	Quality Controls Corporation	542.50
32262	09/08/2016	UTILITY WATER FUND	Repair and Maintenance	Quality Controls Corporation	237.50
32263	09/08/2016	GENERAL FUND	Office/Operating Supplies	QualityBusinesss Systems Inc	2.03
32263	09/08/2016	STREET FUND	Office Supplies	QualityBusinesss Systems Inc	2.03
32263	09/08/2016	UTILITY WATER FUND	Office Supplies	QualityBusinesss Systems Inc	2.03

32263	09/08/2016	UTILITY SEWER FUND	Office Supplies	QualityBusinesss Systems Inc	2.03
32263	09/08/2016	UTILITY GARBAGE FUND	Office Supplies	QualityBusinesss Systems Inc	2.03
32264	09/08/2016	UTILITY SEWER FUND	Operating Supplies	Red Apple Market	94.38
32264	09/08/2016	UTILITY GARBAGE FUND	Operating Supplies	Red Apple Market	8.95
32265	09/08/2016	GENERAL FUND	Bank Fees	RLI Surety - Seattle	75.00
32266	09/08/2016	GENERAL FUND	SnoCty Plan/Building Service	SnoCty Plan/ Development Services	1,496.00
32267	09/08/2016	GENERAL FUND	Professional Service - SnoCty	Snohomish County Sheriff	77,477.08
32268	09/08/2016	STORMWATER UTILITY FUND	Miscellaneous	Sound Publishing Inc	200.80
32268	09/08/2016	UTILITY WATER FUND	Miscellaneous	Sound Publishing Inc	200.80
32268	09/08/2016	STREET FUND	Miscellaneous	Sound Publishing Inc	200.80
32268	09/08/2016	UTILITY SEWER FUND	Miscellaneous	Sound Publishing Inc	200.80
32268	09/08/2016	UTILITY GARBAGE FUND	Miscellaneous	Sound Publishing Inc	200.80
32268	09/08/2016	GENERAL FUND	Advertising and Legal Notices	Sound Publishing Inc	55.04
32268	09/08/2016	GENERAL FUND	Advertising and Legal Notices	Sound Publishing Inc	55.04
32269	09/08/2016	GENERAL FUND	Office Supplies	Summit Law Group	163.35
32270	09/08/2016	UTILITY SEWER FUND	Operating Supplies	USA Blue Book	74.88
32271	09/08/2016	UTILITY WATER FUND	Communication	Verizon Wireless	7.49
32271	09/08/2016	UTILITY SEWER FUND	Communication	Verizon Wireless	7.50
32271	09/08/2016	UTILITY GARBAGE FUND	Communication	Verizon Wireless	7.49
32271	09/08/2016	STREET FUND	Communication	Verizon Wireless	7.50
32271	09/08/2016	GENERAL FUND	Communication	Verizon Wireless	7.49
32271	09/08/2016	GENERAL FUND	Communication	Verizon Wireless	55.64
32271	09/08/2016	UTILITY WATER FUND	Communication	Verizon Wireless	55.64
32271	09/08/2016	UTILITY SEWER FUND	Communication	Verizon Wireless	55.64
32271	09/08/2016	GENERAL FUND	Communication	Verizon Wireless	55.64
32271	09/08/2016	UTILITY WATER FUND	Communication	Verizon Wireless	37.47
32271	09/08/2016	UTILITY SEWER FUND	Communication	Verizon Wireless	55.64
32271	09/08/2016	UTILITY WATER FUND	Communication	Verizon Wireless	7.49
32271	09/08/2016	UTILITY SEWER FUND	Communication	Verizon Wireless	7.50
32271	09/08/2016	UTILITY GARBAGE FUND	Communication	Verizon Wireless	7.49
32271	09/08/2016	GENERAL FUND	Communication	Verizon Wireless	7.50
32271	09/08/2016	STREET FUND	Communication	Verizon Wireless	7.49
32271	09/08/2016	UTILITY WATER FUND	Communication	Verizon Wireless	11.13
32271	09/08/2016	UTILITY GARBAGE FUND	Communication	Verizon Wireless	11.13
32271	09/08/2016	UTILITY SEWER FUND	Communication	Verizon Wireless	11.12
32271	09/08/2016	GENERAL FUND	Communication	Verizon Wireless	11.13
32271	09/08/2016	STREET FUND	Communication	Verizon Wireless	11.13
32271	09/08/2016	UTILITY WATER FUND	Communication	Verizon Wireless	7.49
32271	09/08/2016	UTILITY SEWER FUND	Communication	Verizon Wireless	7.50
32271	09/08/2016	UTILITY GARBAGE FUND	Communication	Verizon Wireless	7.49

32271	09/08/2016	GENERAL FUND	Communication	Verizon Wireless	7.50
32271	09/08/2016	STREET FUND	Communication	Verizon Wireless	7.49
32271	09/08/2016	GENERAL FUND	Office/Operating Supplies	Verizon Wireless	37.47
32271	09/08/2016	UTILITY WATER FUND	Communication	Verizon Wireless	12.14
32271	09/08/2016	UTILITY SEWER FUND	Communication	Verizon Wireless	12.15
32271	09/08/2016	UTILITY GARBAGE FUND	Communication	Verizon Wireless	12.14
32271	09/08/2016	STREET FUND	Communication	Verizon Wireless	12.15
32271	09/08/2016	GENERAL FUND	Communication	Verizon Wireless	12.14
32271	09/08/2016	UTILITY WATER FUND	Communication	Verizon Wireless	7.49
32271	09/08/2016	UTILITY SEWER FUND	Communication	Verizon Wireless	7.50
32271	09/08/2016	UTILITY GARBAGE FUND	Communication	Verizon Wireless	7.49
32271	09/08/2016	GENERAL FUND	Communication	Verizon Wireless	7.50
32271	09/08/2016	STREET FUND	Communication	Verizon Wireless	7.49
32271	09/08/2016	GENERAL FUND	Communication	Verizon Wireless	55.64
32272	09/08/2016	INFORMATION TECHNOLOGY FUND -	Capital - Equipment	Visa	687.95
32272	09/08/2016	UTILITY SEWER FUND	Travel and Seminars	Visa	53.03
32272	09/08/2016	GENERAL FUND	Travel and Seminars	Visa	3.00
32272	09/08/2016	GENERAL FUND	Travel and Seminars	Visa	34.00
32272	09/08/2016	GENERAL FUND	Travel and Seminars	Visa	70.00
32273	09/08/2016	GENERAL FUND	Travel and Seminars	Visa	150.00
32274	09/08/2016	UTILITY WATER FUND	Travel and Seminars	Visa	6.00
32274	09/08/2016	UTILITY SEWER FUND	Travel and Seminars	Visa	163.89
32274	09/08/2016	UTILITY SEWER FUND	Vehicle Operation Maintenance	Visa	119.63
32274	09/08/2016	UTILITY SEWER FUND	Travel and Seminars	Visa	275.00
32274	09/08/2016	STREET FUND	Office/Operating Supplies	Visa	61.27
32275	09/08/2016	UTILITY WATER FUND	Vehicle Repair	Wagley Creek Automotive, Inc	54.00
32275	09/08/2016	UTILITY SEWER FUND	Vehicle Repair	Wagley Creek Automotive, Inc	54.16
32275	09/08/2016	UTILITY GARBAGE FUND	Vehicle Repair	Wagley Creek Automotive, Inc	54.00
32275	09/08/2016	GENERAL FUND	Vehicle Repair	Wagley Creek Automotive, Inc	54.00
32275	09/08/2016	STREET FUND	Vehicle Repair	Wagley Creek Automotive, Inc	54.00
32276	09/08/2016	GENERAL FUND	Travel and Seminars	Kenneth Walker	67.80
32277	09/08/2016	UTILITY SEWER FUND	Repair and Maintenance	Whitney Equipment	542.87
				TOTAL	**171,227.00**

Accounts Payable

Check Register Totals Only

User: julie.addington
Printed: 9/1/2016 - 2:16 PM

Check	Date	Vendor No	Vendor Name	Amount	Voucher
32241	09/08/2016	agsupply	AG Supply Co	337.86	0
32242	09/08/2016	AmTest	AM Test	465.00	0
32243	09/08/2016	MArm	Armstrong and Associates	9,000.00	0
32244	09/08/2016	BCollins	Brad Collins	8,699.00	0
32245	09/08/2016	Comcast	Comcast	366.15	0
32246	09/08/2016	corin	Correctional Industries	86.42	0
32247	09/08/2016	DOL-2	Department of Licensing - Bus. & Pro	30.00	0
32248	09/08/2016	dougs	Dougs RV Inc	6.42	0
32249	09/08/2016	FDugo	Frank Sam Dugo	75.59	0
32250	09/08/2016	Dynacco	Dynacco	1,472.49	0
32251	09/08/2016	Gray	Gray & Osborne Inc.	8,136.28	0
32252	09/08/2016	hach	Hach Company	4,530.33	0
32253	09/08/2016	keller	Keller Supply Company	156.10	0
32254	09/08/2016	LKoenig	Laura Koenig	105.84	0
32255	09/08/2016	MarAward	Marysville Awards	13.10	0
32256	09/08/2016	nwedison	Northwest Edison	13,610.01	0
32257	09/08/2016	OfcDepot	Office Depot	368.49	0
32258	09/08/2016	PacNW	Pacific Northwest Construcxion	26,462.70	0
32259	09/08/2016	PacNW	Pacific Northwest Construcxion	1,633.50	0
32260	09/08/2016	pncwa	PNCWA Northwest Washington	20.00	0
32261	09/08/2016	PUD 1	PUD	1,638.81	0
32262	09/08/2016	QualCont	Quality Controls Corporation	780.00	0
32263	09/08/2016	QBS	QualityBusinesss Systems Inc	10.15	0
32264	09/08/2016	RedApl	Red Apple Market	103.33	0
32265	09/08/2016	rli	RLI Surety - Seattle	75.00	0
32266	09/08/2016	SnoPlan	Snohomish County Planning and Deve	1,496.00	0
32267	09/08/2016	SRDTF	Snohomish County Sheriff	77,477.08	0
32268	09/08/2016	SoundPub	Sound Publishing Inc	1,114.08	0
32269	09/08/2016	sumlaw	Summit Law Group	163.35	0
32270	09/08/2016	BluBook	USA Blue Book	74.88	0
32271	09/08/2016	VerizonW	Verizon Wireless	675.02	0
32272	09/08/2016	visa	Visa	847.98	0
32273	09/08/2016	visa	Visa	150.00	0
32274	09/08/2016	visa	Visa	625.79	0
32275	09/08/2016	Wagley	Wagley Creek Automotive, Inc	270.16	0
32276	09/08/2016	KWalker	Kenneth Walker	67.80	0
32277	09/08/2016	Whitney	Whitney Equipment	542.87	0
			Check Total:	161,687.58	

PR18

Payroll

ACH Check Register

User: 'laura.koenig'
Printed: 08/31/2016 - 3:37PM
Batch: 1-9-2016
Include Partial: FALSE

Check Date	Check Number	Employee No	Employee Name	Amount
09/02/2016	0	001	Laura Koenig	2,192.85
09/02/2016	0	002	Tami Pevey	1,192.95
09/02/2016	0	004	Donna Murphy	1,026.96
09/02/2016	0	007	Julie Addington	1,579.55
09/02/2016	0	010	Cynthia Sparks	1,611.81
09/02/2016	0	011	Janice Mann	1,169.72
09/02/2016	0	015	Kenneth Walker	3,158.74
09/02/2016	0	019	Michael Matheson	2,979.24
09/02/2016	0	020	Connie Dunn	2,077.41
09/02/2016	0	028	Todd Strom	1,728.00
09/02/2016	0	049	Victoria Forte	1,537.16
09/02/2016	0	120	Matthew Wood	1,981.99
09/02/2016	0	121	Jason Strauss	1,808.55
09/02/2016	0	125	Riley Edwards	1,171.72
09/02/2016	0	127	Michael Rains	1,187.69
09/02/2016	0	129	Brian Funk	2,055.56
09/02/2016	0	132	Frank Dugo	679.62
	Total Employees:	17	Total:	29,139.52

PR18

Payroll

Computer Check Register

User: laura.koenig
Printed: 08/31/2016 - 3:34PM
Batch: 00001-09-2016 Computer

Check No	Check Date	Employee Information		Amount
32235	09/02/2016	024	Michael Williams	2,086.39
32236	09/02/2016	131	Wendell Chittick	610.30
Total Number of Employees:	2		Total for Payroll Check Run:	2,696.69

Payroll

ACH Check Register

User: 'julie addington'
Printed: 09/01/2016 - 11:53AM
Batch: 2-9-2016
Include Partial: FALSE

Check Date	Check Number	Employee No	Employee Name	Amount
09/01/2016	0	072	Carolyn Eslick	1,122.32
09/01/2016	0	092	Jeffrey Beeler, Sr	323.22
09/01/2016	0	098	Robert McCarty	348.57
09/01/2016	0	100	Russell Wiita	265.80
	Total Employees:	4	Total:	2,059.91

Payroll

Computer Check Register

User: julie addington
Printed: 09/01/2016 - 11:50AM
Batch: 00002-09-2016 Computer

Check No	Check Date	Employee Information		Amount
32237	09/01/2016	074	John Sechuus	415.57
32238	09/01/2016	094	Joseph Neigel	277.05
32239	09/01/2016	095	Marianne Naslund	323.22
32240	09/01/2016	099	Rocky Walker	369.40
Total Number of Employees:	4		Total for Payroll Check Run:	1,385.24

Accounts Payable

Check Register Totals Only

User: laura.koenig
Printed: 8/22/2016 - 4:27 PM

Check	Date	Vendor No	Vendor Name	Amount	Voucher
32231	08/22/2016	Retire	Department of Retirement	887.50	0
32232	08/22/2016	Retire	Department of Retirement	7,789.62	0
32233	08/22/2016	AFLAC	Attn: Remittance Processing AFLAC	44.30	0
32234	08/22/2016	UNION	Teamsters Local Union #763	818.00	0
			Check Total:	9,539.42	

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: **Consent C 3**

DATE: September 8, 2016

SUBJECT: Resolution 16-13 – Support to Preserve the John Wayne Pioneer Trail

CONTACT PERSON: Laura Koenig, Clerk/Finance Director

ISSUE:
The issue before the Council is the adoption of Resolution 16-13 to support the preservation of the John Wayne Pioneer Trail.

SUMMARY:
The City of Tekoa has requested the cities in the state support the preservation of the John Wayne Pioneer Trail. This is a 300 mile trail that stretches across the State of Washington and intersects with other trail systems. Last year, two state representatives attempted to close a portion of the trail in eastern Washington without the benefit of public input or notice.

Recreational use of trails, parks and waterways are essential to the economy of several small (and large) communities, including Sultan. The closure of these facilities has an impact on small business, communities and citizens.

RECOMMENDED ACTION:
Adoption of Resolution 16-13 supporting the preservation of the John Wayne Pioneer Trail.

ATTACHMENTS:
A: Resolution 16-13 – Support Preservation of the Trail
B. Letter from Ted Blaszak, Tekoa City Council
C. Map and photo of the trail

ATTACHMENT A

City of Sultan
Resolution No.16-13

A resolution regarding the preservation, maintenance and improvement of the John Wayne Pioneer Trail.

WHEREAS, the John Wayne Pioneer Trail is a 300 mile long stretch of former railway roadbed that goes from the western slopes of the Cascade Mountains to the Idaho Border and is the longest rail trail in the United States; and

WHEREAS, the Washington State Parks Department and Washington State Department of Natural Resources own the land the trail sits on; and

WHEREAS, in 2002 the trail was designated a National Recreational Trail by the federal government; and

WHEREAS, the trail is the only state wide trail crossing in Washington and is used by cyclists and horse riders, including the John Wayne Pioneer Wagons and Riders Association for their annual "Ride Across Washington" event; and

WHEREAS, permanent loss of the only state wide trail in Washington would be detrimental to the current economics of communities all along the trail; and

WHEREAS, Fish Lake Trail, which turns in to the Columbia Plateau Trail near Cheney, provides a direct connection to the John Wayne Pioneer Trail for recreational enthusiasts and the City of Spokane has spent more than $3 million on improving the Fish Lake Trail, and long term plans call for another $4 million for the final phase of improvements; and

WHEREAS, there has been recent discussion of closing a portion of the John Wayne Pioneer Trail east of the Columbia River; and

WHEREAS, the Washington State Parks Commission has recommended a capitol budget request to provided for trail repairs;

NOW, THEREFORE, be it resolved by the City Council of City of Sultan that the city expresses its support for the preservation of the John Wayne Pioneer Trail as well as the allocation of additional state resources for the maintenance and improvement of the trail as proposed by the Washington State Parks Commission in July 2016.

_____
Carolyn Eslick, Mayor

_____
Laura Koenig, Clerk

Subject: Please Support the John Wayne Trail!

Dear Mayor Carolyn Eslick and Sultan City Council Members,

I am a member of the Tekoa City Council and the President of the Tekoa Trail and Trestle Association. My city of Tekoa WA (pop. 843) is at the eastern end of the John Wayne trail on the Idaho border.

The trail is critical to our small fragile economy and a central part of our community identity.

The John Wayne trail is the property of WA Parks and DNR in different sections. It is a ribbon of beauty filled with peaceful vistas of rich forests, dramatic scab lands and the pastures of the Palouse. It stretches for 285 miles and is Washington's only cross state trail.

I am writing to ask if you will join my city and a growing list of other Washington cities, 19 so far, and pass a resolution of support for the trail.

In the 2015 state legislative session, two legislators from the 9th district wrote a capitol budget proviso that closed 135 miles of the trail to the public. It gave exclusive control of the property to adjacent landowners. The proviso was inserted in the final hours of legislative budget negotiation. No public notice or invitation to comment occurred. We were told fellow legislatures weren't even notified or consulted because they needn't be bothered by something so trivial.

The implementation of the proviso however was prevented by a miraculous typographical error and after a public outcry the WA Parks Dept. formed a committee of trail users and adjacent landowners to advise parks. They met over a six month period and the final committee report and a trail management plan was adopted by the WA State Parks Commission July 21st. It calls for trail repairs and a capitol budget request of $2,016,000 to fund them.

We are hopeful that in 2017 our state legislature will honor this budget request. A resolution of support from your city would greatly encourage

them. We are very unsure what level of opposition we will now encounter at the legislature.

I have attached:
a) Sample resolution from the cities of Cle Elum, Spokane, and Tekoa.
b) A map of the trail. Note that the John Wayne Trail is labeled "Iron Horse State Park Trail" and "Milwaukee Road Corridor".
c) A picture of the trail.
d) A list of those cities who have already passed a resolution.
Also here are some links to some news articles as well and the recently adopted John Wayne Trail maintenance plan.

Iron Horse State Park Trail Recommendations Report June 27, 2016
http://parks.state.wa.us/DocumentCenter/Home/View/7653

January 29, 2016 - OBP. "Buoyed By Drafting Error, Trails Group Treks To WA Capitol To Continue Fight".
http://www.opb.org/news/article/npr-buoyed-by-drafting-error-trails-group-treks-to-capitol-to-continue-fight/

January 31, 2016 - The Spokesman Review. "The John Wayne Pioneer Trail track for a state park strategic plan"
http://www.spokesman.com/stories/2016/jan/30/the-john-wayne-pioneer-trail-track-for-a-state-par/

May 1, 2016. The Seattle Times Op Ed. **"Washington's cross-state trail needs support, money."**
http://www.seattletimes.com/opinion/washingtons-cross-state-trail-needs-support-money/

We would welcome an opportunity to discuss this issue with you if you have any questions or comments. You can reach us by email or call 509-284-2080.

Thank you!
Sincerely,

Ted Blaszak

Spokane River
Centennial
State Park Trail
Spokane
Fish Lake
Trail
Seattle
North Bend
Iron Horse
State Park Trail
Tacoma
Tekoa
Olympia
Milwaukee Road
Corridor
(WSDNR)
Ellensburg
Willapa Hills
State Park Trail
Pullman
Columbia
Plateau
State Park
Trail
Sacagawea
Heritage Trail
Tri Cities
Klickitat
State Park Trail
Vancouver
N
W
E
S
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25
50
100 Miles

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: A-1

DATE: September 8, 2016

SUBJECT: Denali Ridge Arborist Services

CONTACT PERSON: Mick Matheson, P.E. – Public Works Director

ISSUE:
The issue before the council is to authorize the Mayor to sign a service agreement with Gilles Consulting to assess danger trees in Tract B of Denali Ridge for an amount not to exceed $1,950 without prior City Council approval

STAFF RECOMMENDATION:
Authorize the Mayor to sign a sign a service agreement with Gilles Consulting to assess danger trees in Tract B of Denali Ridge for an amount not to exceed $1,950 without prior City Council approval.

SUMMARY:
A fir tree located in Tract B of Denali Ridge fell on an adjacent house in the winter of 2015 causing damage to the roof and structure. The City of Sultan owns Tract B and is responsible for maintenance. Multiple lot owners adjacent to Tract B have expressed concerns about hazard trees.

Since the City is responsible for maintenance and ultimately liable for trees within Tract B, staff asked for proposals from three arborists to identify hazard trees and to prepare a report with recommendations to mitigate risk to an acceptable residual level.

Consulting Arborist	Quote
Gilles Consulting	**$1,950.00**
Greenforest Inc.	**$3,500.00**
Creative Landscaping Solutions	**$5,400.00**

FISCAL IMPACT:
Staff is recommending that this expense be paid for from the General Fund.

RECOMMENDED ACTION:
Authorize the Mayor to sign a sign a service agreement with Gilles Consulting to assess danger trees in Tract B of Denali Ridge for an amount not to exceed $1,950.00 without prior City Council approval.

SULTAN CITY COUNCIL MEETING
AGENDA COVER SHEET

ITEM NO: **Action A 2**

DATE: September 8, 2016

SUBJECT: Utility Code – Title 13 Updates

CONTACT PERSON: Ken Walker, City Administrator

ISSUE:
The issue before the Council is to adopt Ordinance 1243-16 relating to Title 13 Water, Sewers and Public Services Code updates. The ordinance was introduced for a first reading on August 25, 2016.

SUMMARY:
Existing SMC Chapters for Water, Sewers and Public Services need to be updated to reflect current practices within Utility Departments. Updates are proposed for 13.08 Sewer Regulations and 13.12 Water. Section 13.04 Utility Department is proposed to change to Utility Billing and section 13.02 Utility General is proposed to be added to cover general rules and regulations.

The Council discussed the updates at the August 11, 2016 Council meeting. The proposed ordinance has been sent to the city attorney for final review.

RECOMMENDED ACTION:
Adoption of Ordinance 1243-16 – Title 13 Utilities.

CITY OF SULTAN
WASHINGTON

ORDINANCE NO. 1243-16

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, RELATING TO TITLE 13 TO ADD CHAPTER 13.02, AMEND CHAPTER 3.04, AMEND CHAPTER 3.08 AND AMEND CHAPTER 13.12; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Chapter 13 relating to utilities has code dating back to 1927, and;

WHEREAS, it is necessary and in the best interest of the city to have standards and practices that meet current standards;

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

Section 1. Chapter 13.02 is hereby added to the Sultan Municipal Code to read as follows:

Chapter 13.02
Utility Department

Sections

13.02.010 Established

13.02.020 Public Works Director

13.02.030 Specification Manual

13.02.040 Specification for Municipal Public Works Construction

13.02.050 Location of Utility Lines

13.02.060 Construction setbacks from Utility Lines

13.02.070 Utility Connections to Unoccupied Properties Prohibited

13.02.080 Frontage Requirements – Water and Sewer

13.02.090 Registered Engineer Required

13.02.100 As-Built Drawings

13.02.110 Conveyance to City

13.02.120 Insurance, Bonding and Indemnification

13.02.130 Rights Inspection and Access

13.02.140 Criminal Penalties

13.02.150 Civil Action for Damages

13.02.160 Variances

13.02.010 Established
There is established in the City of Sultan a utility department the function of which said department shall be to operate, maintain, control and extend the city water system; to operate, maintain and control and expand the existing sewer system and to provide for the disposal of all sewage and waste. The city garbage system is created under SMC 13.16 and the stormwater utility is created under SMC 14.04.

13.02.020 Public Works Director
It shall be the duty of said Public Works Director to supervise all operations of the utility department and to perform such specific duties as set forth in this chapter and to perform such additional duties within this department as the city council may from time to time set by resolution.

13.02.030 Specification Manual Sultan Engineering Standards
By resolution the city council may adopt a specification manual establishing rules, regulations and technical specifications relating to the construction of utility lines and the installation and connection of utility services. Copies of the specification manual shall be available for inspection during open business hours of the city at the office of the city clerk. Copies may be purchased in accordance with the fee schedule adopted by the city council. The specification manual may be amended by resolution of the city council. In any instance where the specification manual conflicts with the provisions of this chapter, the provisions of this chapter shall govern.

13.02.040 Specification for Municipal Public Works Construction
All materials and construction methods used for extensions and additions to the city utility system shall conform to the most current edition of the standard specifications for road, bridge, and municipal construction as prepared by the Washington State Department of Transportation and the American Public Works Association, Washington State Chapter, In cases where these conflict with the city specification manual, whichever is more stringent shall apply.

13.02.050 Location of Utility Lines
A. All public utility lines shall be installed in public streets or alleys or in easements which have been granted to and accepted by the city for such purposes.

B. Utility easements granted to the city shall be not less than 10 feet in width provided, that when such easements extend from the end of an existing public road, or extend along the alignment of any anticipated future public road, such easement shall be not less than 20 feet in width.

C. No open cut crossing of City roads or streets shall be made without the approval of the Public Works Department. A newly constructed or resurfaced street shall not be cut for a minimum of 5 years.

13.02.060 Construction setbacks from Utility Lines
No structure shall be erected within utility easements. Further, all structures shall be set back a minimum of 10 feet from the center of any utility line, as-built.

13.02.070 Utility Connections to Unoccupied Properties Prohibited

A. The city shall not sell utility connections, accept payment for capital improvement fees or allow the installation of water meters, for any unoccupied property or any property which is the subject of a pending development application until such time as all water and sewer utility infrastructure has been constructed and approved and either final plat approval, final binding site plan approval, final commercial/multifamily site plan approval, conditional ise permit approval, or a building permit for previously platted individual lots is or has been issued.

B. Any property connected to city utilities with a two-inch water meter, or larger, which remains unoccupied for 12 consecutive months, or uses no utility services for 12 consecutive months, shall forfeit its vested right to a utility connection, and at such time as it seeks to reactivate its connection it shall be subject to then-prevailing rules and regulations regarding utility availability for new customers.

13.02.080 Frontage Requirements – Water and Sewer

All lots connecting to city water shall have frontage on a distribution main; all lots connecting to city sewer shall have frontage on a collection main. At the time of connection, the property owner shall be required to extend the main(s) for the full public or private road frontage of the lot on which the structure to be connected is located, including both frontages of a corner lot. If the lot does not front on a public or private road for it full width, the main(s) shall be extended to the boundary line on the nearest adjoining lot which may be anticipated to require connection to the main(s) in the future. If it can be shown that no future expansions beyond the applicant's lot will occur, a variance may be applied for.

13.02.090 Registered Engineer Required

The design and construction of water and sewer mains which are to be connected to the city utility system shall be supervised by a registered professional engineer of the State of Washington. Details and methods of construction shall conform to the city specifications manual. All construction shall be subject to inspection and approval by the city. Responsibility for providing line and grade and taking measures for as-built drawings shall rest upon the owner's engineer.

13.02.100 As-Built Drawings

As-built drawings of the completed installation of the utilities shall be submitted to the city utility department for approval by the city.

13.02.110 Conveyance to City

All extensions to the public utility system shall, at the city's sole discretion, be subject to conveyance to the city by bill of sale, and such conveyances shall be accomplished by a warranty of the grantor that the utility lines, facilities and appurtenances are free of debt and were constructed in accordance with city standards and specifications. The grantor shall further warrant the labor and materials used in the construction for a period of two years from the date of the conveyance to the city and shall indemnify and hold harmless from any damages arising from defective materials or workmanship. If the lines or facilities are on or cross private property, the grantor shall convey to the city the required easements for constructing, repairing, maintaining, altering, changing, controlling and operating the lines or facilities perpetuity.

13.02.120 Insurance, Bonding and Indemnification

Any party installing, repairing, extending or modifying utility lines in public right-of-way/easement, which lines are connected, or to be connected, to the city's utility system, shall comply with the following:

A. Prior to commencing work, a restoration bond shall be posted in such amount as is required by the governing agency having jurisdiction over the public right–of-way.

B. Prior to commencing work, a performance bond shall be posted in such amount as is required by the city engineer. The bond shall guaranty expeditious completion of the project in compliance with the approved plans and specifications, and shall warranty the materials and workmanship for a period of two years after acceptance by the city.

C. Prior to commencing work, proof of insurance shall be submitted for commercial general liability insurance with limits not less than $,1,000,000 per occurrence, $2,000,000 general aggregate, $2,000,000 products-completed operations aggregate limit; and also auto liability insurance with a minimum combined single limit for bodily injury and property damage of $1,000,000 per accident. The City of Sultan shall be named as an additional insured party under the commercial general liability insurance policy.

D. The party performing the work, it heirs, successors and assigns, shall indemnify the City of Sultan, and hold it harmless, from all claims, actions or damages of every kind and description which may accrue to or be suffered by any person or persons or property by reason of the performance of such work, the character of materials used, the manner of installation, or by improper occupancy of rights-of-way. In case any suit or action is brought against the city for damages arising out of or by reason of any of the above causes, the party, its heirs, successors and assigns, shall defend the same at its own cost and expense and shall satisfy any judgment after the suit or action shall have been determined, if adverse to the city, and further shall reimburse the city for reasonable attorney's fee expended by the city in connection with the same.

13.02.130 Rights Inspection and Access

City officials, employees and agents shall have the right to enter upon private property at all reasonable times to inspect and test appliances, utility lines and appurtenances which are connected to the city utility system.

13.02.140 Criminal Penalties

It shall constitute a misdemeanor for any person or party to commit, authorize, solicit, aid, abet or attempt the following unlawful acts:

A. Divert or cause to be diverting utility services by any means whatsoever;
B. Divert or cause to be diverting utility services by any means whatsoever;
C. Make or cause to be made any connection or reconnection with the city utilities without the authorization or consent of the city;
D. Discharge any substance prohibited by SMC 13.08.050, including effluent from private water facilities, into the city's sewer system without authorization or consent of the city;
E. Prevent any utility meter or other device used in determining the charge for utility services from accurately performing it measuring function by tampering or by any other means;
F. Tamper with any property owned or used by the city to provide utility services:

G. Use or receive the direct benefit of all or a portion of the utility service with knowledge of, or reason to believe that, the diversion, tampering or unauthorized connection existed at the time of the use or that the use or receipt was without the authorization or consent of the city;

Said criminal acts shall be punishable by a fine not to exceed $250.00 as set by ordinance. Each day that a violation continues shall constitute a separate offense. The criminal penalties provided in this section shall be construed as being cumulative with civil damages provided in SMC13.02.150

13.02.150 Civil Action for Damages

The city may bring civil action for damages against any person or party who commits, authorizes, solicits, aids, abets or attempts any of the following:

A. Divert or cause to be diverted utility services by any means whatsoever;

B. Make or cause to be made any connection or reconnection with the city utilities without the authorization or consent of the city;

C. Discharge any substance prohibited by SMC 13.08.050, including effluent from private waste facilities, into the city's sewer system without the authorization or consent of the city:

D. Prevent any utility meter or other device used in determining the charge for utility services from accurately performing its measuring function by tampering or by any other means:

E. Tamper with any property owned or used by the city to provide utility services:

F. Use or receive the direct benefit of all or a portion of the utility service with knowledge of, or reason to believe that, the diversion, tampering or unauthorized connection existed at the time of the use or that the use or receipt was without the authorization or consent of the city;

In any civil action brought under this section, the city may recover from the defendant as damages three times the amount of actual damages, is any, plus the costs of the suit and reasonable attorney's fees, plus the costs incurred on account of the bypassing, tampering or unauthorized reconnection, including but not limited to costs and expenses for investigation, disconnection, reconnection, service calls and expert witnesses. If the damage is done to utility property which is located on premises which are served by city utility service and which are owned or occupied by the party or parties responsible for the damage, the judgment may be added to the utility bill for the premises and may be collected pursuant to Chapter 13.04 SMC.

13.02.160 Variances

The city Public Works Director shall have the authority to administratively grant a variance from any rule, regulation or requirement of this chapter or the specifications manuals incorporated in the chapter by reference. Application for such a variance shall be filed, in writing, with the city clerk together with a filing fee outlined in the adopted Fee Schedule. The Public Works Director is authorized to issue variances in cases of special hardships, unique circumstances and practical difficulties. No variance shall be granted which would be determined to be detrimental to the public health, welfare or environment, or which would be inconsistent with the long-range plans of the Sultan utility system. Conditions may be imposed upon the granting of a variance to ensure the protection of the public health, welfare and environment. Each variance shall be considered on a case by case basis, and shall not be construed as setting precedent for any subsequent application. The decision by the Public Works Director on a variance application shall be final, subject to appeal to the city Board of Adjustment within fourteen days.

Section 2. Chapter 13.04 of the Sultan Municipal is hereby amended to read as follows:

Chapter 13.04
UTILITY SERVICE BILLING

Sections:

13.04.010 Utility Service Billing Administration.
13.04.020 Definitions
13.04.030 Charges and payment procedures set by resolution.
13.04.040 Accounts kept for service and charges.
13.04.050 Payment Allocation
13.04.060 Bookkeeping and recordkeeping.
13.04.070 Rules and regulations – Generally.
13.04.080 Payment of bill – Enforcement.
13.04.090 Disconnection – Conditions for reconnection
13.04.100 Disputed accounts.
13.04.110 Voluntary discontinuance.
13.12.120 Payment responsibility.
13.04.130 Inspection rights.
13.04.140 Low Income Senior Citizen Discounts
13.04.150 Violation – Penalty.

13.04.010. Utility Service Billing Administration

The Finance Department shall be responsible for billing all utility services and the administration and enforcement of utility accounts.

13.04.020 Definitions.

The words and phrases set out in this section are defined as follows:

A. "City" means the City of Sultan, Washington or its agent/representative.
B. "Combined utility billing" means: the city will render a "combined utility service billing" consisting of a bill for water, sewer, solid waste, recycling, stormwater and/or other utility services provided by the city. Capital improvement charges, meter charges, or other utility related charges may be included in the combined utility billing.
C. "Low income senior citizen" means persons 62 years of age or older, on or before January 31st of the year of the filing for the discount. Low income is based on 125 percent of the federal poverty guidelines.
D. "Base rate" means the minimum monthly charge for water/sewer service.
F. Commercial Service: Utility service provided to a business, industry, school or public agency or any other user that is not a single-residential user.
G. Connection Charge: The fee assessed against a property for the construction of water or sewer service pipe, valve box, and water meter from a designated city main to the property line of the assessed property.
H. Customer Water Line: the pipe, valve and fittings leading from the meter into the premises served.
I. Multi-family: Multi-family includes apartments with three or more units, mobile home parks and any other residential structure wherein more than one unit is connected to a single water meter.
J. Multi-Unit Commercial: Multi-Unit Commercial includes all businesses, industries, schools, public agencies, churches or other water users that are not residential or multi-family, wherein more than one unit is connected to a single water meter.
K. Occupant: The owner, purchaser, tenant, developer or lessee who resides on property served by the city utilities.

L. Owner: A person, business, or corporation with an ownership interest in property as shown on the records of the Snohomish County Auditor.
M. Residential Unit Service: Utility services provided by the city to an individual single-family home.

13.04.030 Charges and payment procedures set by ordinance.
The amount of utility fees, charges and cost of service provided by the utility departments and the manner and time of payment thereof shall be established by ordinance of the city council from time to time as such body deems proper.

13.04.040 Accounts kept for service and charges.
All accounts for utility service and charges shall be kept in the name of the owner of the property so served or charged.

13.04.050 Payment Allocation: All payments on a combined utility billing shall be applied in the following order 1) prior balances 2) fees or penalties 2) utility taxes 4) storm water charges 5) solid waste charges 6) recycling charges 7) sewer charges and 8) water charges.

13.04.060 Bookkeeping and recordkeeping.
The Finance Department shall keep all necessary utility department books and records and send out such bills and statements as the city council prescribes by resolution.

13.04.070 Rules and regulations – Generally.
The rules and regulations set out in SMC 13.04.080 through 13.04.140 shall apply in the operation of all utility services.

13.04.080 Payment of bill – Enforcement.
A. All utility charges assessed by the city shall be due and payable on the fifteenth day after the city issues its statement for service by mailing a bill to the owner of the premises served.
B. All payments not made on or before said date are delinquent and are declared to constitute a lien against the premises served, as provided by state law.
C. If payments are not made within 30 days after mailing of the bills, the finance director or representative, upon giving 10 days' written notice to the owner and/or occupant of the premises, shall notify the public works department to disconnect the utility service to the premises until such time as all delinquent bills and service charges have been paid in full.
D. Payments not made within 30 days of disconnection may be referred to a Collection Agency in accordance with SMC 3.30.

13.04.090 Disconnection – Conditions for Reconnection.
A. In the event that the public works director or representative shuts off utility service for reasons of a delinquent account, a disconnection charge shall be assessed and shall become a lien against the premises.
B. All fees imposed are exclusive of any utility tax imposed on the city.
C. No utility service shall be restored until such time as all delinquent bills and assessments provided for herein have been paid in full or satisfactory arrangements, at the discretion of the finance director or representative, have been made. Utility service restored after normal working hours of the public works department shall be subject to additional charges.
D. All disconnection charges and related charges shall be established by resolution.

E. Late Payment Charge. Monthly payments for service under this chapter shall be due 15 days after the city issues its statement for services. In the event payment is not made by the due date, a late payment charge shall be automatically added to defray the city's increased cost of collection in the amount of the greater of five percent of the payment due under this chapter or $5.00. This late payment charge shall be in addition to any other late payment charge due under any other chapter under the Sultan Municipal Code.

F. Security Deposit. Where a person or entity receiving service under this chapter has been late in the payment of services under this chapter twice in any six-month period of time or where a person or entity files for creditor relief under either state or federal law and there are charges due the city that are unpaid under this chapter, the city treasurer may require the person or entity to post a security deposit in an amount up to twice the amount due the city as a condition of receiving continued service from the city under this chapter.

13.04.100 Disputed accounts.

In the event of a disputed account, the owner of the premises must tender the base rate charged per month and if such tender is received by the city prior to the utility service being disconnected, the city shall not refuse service to the premises. Upon resolution of the dispute, any outstanding balance will be due and payable in full.

13.04.110 Voluntary discontinuance.

A. Should any customer desire to voluntarily discontinue the use of utility service (s) for a period of more than one month, a written request must be submitted to the city utility clerk and payment of all water charges then accrued must be paid in addition to the turn-off fee.

B. Utility service shall be resumed upon request and payment of the turn-on fee.

C. Remission of utility charges shall not be made for a period of less than one month, nor without the notice provided for herein.

D. The city will not discontinue utility service at the request of a landlord if it appears that the premises are occupied, and the utility turnoff is being used in a landlord/tenant dispute.

13.04.120 Payment responsibility.

A. All utility accounts shall be kept in the name of the owner of the premises for which the service is provided, and the owner shall be held responsible for water charges and assessments accruing at the premises owned by them.

B. The city will bill all accounts to the owner of the property to which utility services are being provided unless the following arrangement is made for the tenant to be billed for utility services:

(1) the owner or his agent shall sign a contract, provided by the city, which authorizes the city to bill said tenant for utility services and which makes the property owner responsible for the utility charges accrued . The property shall be subject to utility charge lien if the tenant allows that account to become delinquent;

(2) Upon application, owner or agent shall submit applicable processing fee and must pay all accrued utility charges to date.

(3) No tenants of multiple-dwelling units will be billed separately if the account is on one meter. The owner may, at their expense, installed city meters to each unit if separate billing is desired.

C. Should said tenant become chronically delinquent, the utility account will be put back into the property owners name and owner shall have responsibility to pay all charges and fees accrued on account.

D. Discontinuance of service for any cause stated herein shall not release the owner from his obligation for payment of delinquent bills and charges.
E. All applicable utility services shall be mandatory wherein a residential or commercial property is occupied.

13.04.130 Inspection rights.
The city or its agent shall have the right to enter on any property for the purpose of inspecting, maintaining, repairing or replacing any utility lines, fixtures or appurtenances thereto which are located on said property.

13.04.140 Low Income Senior Citizen Discount.
The rate established for senior citizens is restricted to single family residences with a single water meter per unit primarily occupied by a senior citizen.
A. To qualify for a low income senior citizens discount the persons must be sixty-two years of age or older and have an annual income within the qualifying limits as stated on senior discount application form. Low income guidelines are set as 125% of the Federal Poverty Guidelines. Discount is restricted to minimum residential meter size.

Section 3. Chapter 13.08 of the Sultan Municipal is hereby amended to read as follows:

Chapter 13.08
SEWER REGULATIONS

Sections:

13.08.005 Purpose
13.08.080 Administration and Authority
13.08.010 Permit.
13.08.020 Required connection .
13.08.030 Establishment of fees and charges.
13.08.040 Work standards.
13.08.045 Sewage Pretreatment
13.08.050 Prohibited Discharge– .
13.08.055 Unlawful disposal or discharge
13.08.060 Right of inspection by officials.
13.08.065 Side Sewers
13.08.070 Defective plumbing or private sewer – Notice to owner – Action by city.
13.08.075 Manholes.
13.08.080 Damaging water or sewer system prohibited.
13.08.085 Substance Interceptors
13.08.100 Permission required to excavate or build upon city sewer system.
13.08.110 Violation – Penalty.

13.08.005 Purpose.

A. This chapter sets forth uniform requirements for users of the sewer system operated by the City of Sultan. It enables the City of Sultan to comply with applicable state and federal laws and discharge permit requirements.

B. This chapter shall apply to all users of the City of Sultan sewer system. This chapter defines certain prohibited discharges; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the recovery of liquidated damages and collection of penalties.

C. The service area for the city of Sultan sanitary sewer system shall be the City of Sultan corporate limits. Annexation is required before service can be provided within the Urban Growth Area. Sewer service cannot be extended outside the City's Urban Growth Area except as provided by law.

13.08.008 Administration and authority.

A. Except as otherwise provided herein, the Public Works Director, or their designee, shall administer, implement, and enforce the provisions of this chapter.

B. The Public Works Director or designee 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 Director or designee shall have authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

C. The Public Works Director or designee 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 lying within said easement, said to be done in accordance with the terms of the easement pertaining to the private property involved.

D. The Public Works Director or designee shall have the right to enter upon any lands, buildings, or premises required by this chapter to be connected to the sanitary sewer or to disconnect the source or sources of storm water, groundwater or surface water from the sanitary sewer at all reasonable times to ascertain whether the provisions of this chapter have been or are being complied with, and if they shall find that such lands, building or premises connections or disconnections do not conform to the provisions of this chapter, to notify the owner or occupant or his agent of the fact, and it shall thereupon be the duty of such owner, occupant or agent to cause the requirements of this chapter to be so altered, repaired, or reconstructed as to make them conform to these provisions.

E. The Public Works Director or designee shall have the right to enter upon any user's lands, buildings or premises using city sewerage for purposes of obtaining samples and making tests. City equipment left at any such site for sampling and testing purposes shall not be removed or in any way tampered with.

13.08.010 Permit required to connect to city system.

A. No person shall uncover, make connection with,, alter or disturb any public sewer or appurtenance without first obtaining a permit from the Public Works Department.

B. Such permit shall describe the connection to be made and give its distance from the nearest manhole and shall contain a guarantee signed by the applicant that all requirements of this and other city ordinances will be complied with, and shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the public works director or designee. Applicable fees and charges shall be required for application.

13.08.020 Required Connection.

A. Within the corporate city limits where a public sewer is available, it must be used.
Connection to the public sewer shall also occur when mandated by the Department of Health.
Public sewer is considered available where the downstream boundary ofthe property n is within

300 feet of that sewer main. Connection to the sewer system is required for existing developed properties when public sewer is available AND one of the following is true:

(1) The property has a failed or failing septic system; OR

(2) Buildings generating sewage are proposed as part of a project or development; OR

(3) Improvements are proposed that would require an expansion of an existing septic drain field; OR

(4) A property owner has been included in a Local Improvement District (LID) for sewer connection.

B. In the case of new residential, commercial, industrial, or institutional development where the property to be developed abuts a right-of-way in which a public sewer is located or where a service connection is otherwise provided, connection of all structures generating sewage shall be required to connect to the public sewer regardless of distance from the public sewer, except as outlined in Sultan General Sewer Plan Chapter 5 Sewer Service and Connection Policies and Septic Systems Policies and Sultan Zoning Code General Regulations SMC 16.16.045 new septic system reasonable use exception. Future sewer connection required.

C. All connections shall be made to said sewerage system in a permanent and sanitary manner, subject to the approval of the Public Works Director or designee, and shall be sufficient to carry all sewage and waste fluids of any kind from said buildings into said system, and each toilet, sink, stationary washstand or any other piece or type of equipment having waste fluids shall be connected with said sewerage system.

D. All connections to public sewers or drains shall be made in a workmanlike manner and in accordance with instructions from the Public Works Director, or designee, and in accordance with the most current version of the City of Sultan Water and Sewer Engineering Standards. (5) No trench shall be filled or any connecting sewer constructed under the provisions of this chapter until the same shall have been inspected and approved by or under the direction of the Public Works Director, or designee, at the point where the same connects with the pipe or other plumbing of the building or premises being connected, or until the same shall be made in all respects to conform to this chapter, the Water and Sewer Engineering Standards or such other ordinances as are now or hereafter may become applicable.

E. All work done in pursuance of any connection permit granted as heretofore prescribed shall be under the inspection and subject to the approval and acceptance of the Public Works Director or their designee. The grade, materials, and manner of construction of any sewer or drain built under permit shall be subject to the approval or rejection of the city. Upon acceptance of work, the city shall issue a notice of approval and acceptance of sewer connection, with one copy to the property owner or designated agent as authorization to backfill and use the connection, one copy to the city clerk to initiate billing, and one copy for the file.

F. Except as hereinafter provided, it shall be unlawful to construct, enlarge, replace, or modify any privy, privy vault, septic tank and/or drain field, cesspool, or other facility intended or used for the disposal of sewage except for new septic systems as allowed by Sultan General Sewer Plan Chapter 5 Septic Systems Policies and Sultan Zoning Code Regulations SMC 16.16.045 - new septic system reasonable use exception, notwithstanding the routine maintenance of an existing, fully functional septic system.

G. All costs and expense incident to the connection installation and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

13.08.030 Establishment of fees and charges.

A. Sewer Rates. Sewer rates shall be set by separate ordinance and included as an attachment to the annual fee schedule adopted by the city council.

B. Sewer Service Connection Charge.

1. Sewer General Facility Charge. There is hereby imposed on all parties seeking to connect to the sewer system a general facility charge as follows:

a. Residential. Based upon number of equivalent residential units multiplied by charge below.

b. Accessory Dwelling Unit (ADU).

i. Attached Unit. No separate charge and included in the residential per unit cost of the principal use, unless the ADU is on a separate water meter and, if so, at fifty percent of an equivalent residential unit at the time the water meter is installed..

ii. Detached Unit. Fifty percent of an equivalent residential unit at the time the unit is created and a separate water meter is installed.

c. Commercial. Based upon equivalence of usage to equivalent residential unit multiplied by charge below. Charge will be determined on a case-by-case basis.

d. Nonprofit Social Service Agencies. Exempt from all or a portion of the commercial connection charge as determined by the public works director to reflect the mission of the agency to provide assistance to the poor, elderly, or disabled.

e. Public and Private Parks, Recreational Areas or Facilities and Facilities Open Space Areas. Based upon equivalence of usage to equivalent residential unit multiplied by charge below. Charge will be determined on a case-by-case basis.

2. A general facilities charge ("connection fee") shall be as established by the city council by separate ordinance and included as an attachment to the annual fee schedule adopted by the city council. The amount set by such ordinance shall be the amount calculated per equivalent residential unit (ERU). Where an ERU calculation is not available, the public works director shall make his/her decision based on best available data provided by professional third parties for the same or similar use.

a. A sewer general facility charge shall be assessed by the city for a new connection to the Sultan sewer system or, at time of expansion and/or change of use of a facility, when the public works director determines the expansion and/or change of use creates additional demand on the city's sewer system facilities.

b. The sewer general facility charge shall be paid at the time of building permit issuance. An applicant may request the facility charge be deferred in all or part to the initial occupancy of the proposed use. The public works director will not unreasonably withhold approval of a request to defer payment to certificate of occupancy.

c. If a sewer general facility charge is required, no building permit or certificate of occupancy shall be issued until the corresponding connection fee is paid.

d. The facility charge paid shall be the fee in effect at the time of payment. Any deferred payments shall be based upon the fee in effect at the time the deferred payment is made to the city, but in all cases payment must be made prior to the physical connection for service.

e. Connection fees may be paid under protest in order to obtain a permit or other approval of development activity.

3. In addition to the sewer general facility charge, the actual costs for installation and inspection shall be paid by the party seeking service.

C. Permits. All necessary right-of-way use permits and easements must be obtained by the property owners before sewer service can be connected.

D. North Wagley's Creek Basin Facility Charge.

1. In addition to the other charges set forth in this section, property within the North Wagley's Creek Basin facility charge area ("area") shall be charged $260.00 per residential dwelling unit

and/or $130.00 per accessory dwelling unit. A description of the area is incorporated in Ordinance No. 707-99, and on file with the city clerk. Payment of this charge shall be made at the time of application for a building permit under SMC Title 15.

2. The charges identified in this subsection may be included by the city in future LID(s) for construction of improvements to the city sanitary sewerage system that connect the area to the city sanitary sewerage system.

E. Charges-in-Lieu of Assessment for Local Improvement Districts.

1. In addition to the other charges set forth in this section, property included within the boundaries of LID No. 97-1 but which was not then found specially benefited and not assessed as part of LID No. 97-1 and which connects, either directly or indirectly, to the improvements to the city's sanitary sewerage system which were financed in whole or in part by the assessments within LID No. 97-1 (the "LID No. 97-1 improvements") shall be subject to a charge-in-lieu of assessment in the amount specified in Ordinance No. 791-02 or, if no such charge is specified for that property, in an amount calculated in the same manner as the assessments against the property within LID No. 97-1 were calculated.

2. In addition to the other charges set forth in this section, property not included within the boundaries of LID No. 97-1 (but not including property subject to the North Wagley's Creek Basin facility charge established by subsection (D) of this section) which connects, either directly or indirectly, to the LID No. 97-1 improvements shall be subject to a charge (in-lieu of assessment) in an amount equal to: (i) $260.00 per residential dwelling unit and/or $130.00 per accessory dwelling unit, if the property is in an area zoned for residential use, or (ii) $0.38 per square foot of permitted building area, if the property is not zoned for residential use.

3. In addition to the other charges set forth in this section, property not assessed for any local improvement district hereinafter established by the city (each, an "LID") but which connects, either directly or indirectly, to the improvements to the city's sanitary sewerage system financed in whole or part by the assessments within such LID (the "LID improvements") shall be subject to a charge-in-lieu of assessment, which charge shall be calculated, insofar as reasonably practicable, in the same manner as the assessments against properties within such LID are calculated. The charge(s) imposed under this section shall be at least equivalent to the amount that would have been assessed if the property had been included in the LID.

4. There shall be added to the charges-in-lieu of assessment described in subsections (E)(1), (2) and (3) of this section interest on the amount of each such charge from the time of the installation of the LID No. 97-1 improvements or LID improvements, as applicable, to the time of connection (but not to exceed 10 years) at a rate equal to the average annual rate of interest on bonds or other obligations of the city issued to finance such improvements (but not to exceed 10 percent).

5. Payment of the charge(s) described in subsections (E)(1), (2) and (3) of this section, including interest thereon as described in subsection (E)(4) of this section, shall be made at the time of application for a building permit under SMC Title 15.

F. All rates imposed under subsection (A) of this section are exclusive of any utility tax imposed on the city, and all billings to customers will be charged based upon the rate set out in subsection (A) of this section and in addition to the utility tax assessed against the city.

13.08.040 Work standards.

Only competent workmen shall be employed in making connection with the city sewer system; and all such work must be done under supervision of the Public Works Director or his designee, and of material and in a manner consistent with the most current Water and Sewer Engineering Standards.

13.08.045 Sewage pretreatment.

A. National categorical pretreatment standards as adopted and hereafter amended by the EPA pursuant to the Act shall be met by all users in the regulated industrial categories. These standards, found in 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated by reference.

B. State requirements and limitations on discharges to the publically owned treatment works, as incorporated into Washington State law by Chapter 90.48 RCW, shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations, or those in this or other applicable ordinances.

C. Any user determined by the City of Sultan to qualify as a significant industrial user shall file an application for a state waste discharge permit with the department in accordance with the requirements of WAC 173-216-070. Proof of acceptance of the application and payment of permit fees shall be kept at the user's facilities and produced upon request. Failure to submit the application or rejection of the application by the department may be considered sufficient grounds to terminate or refuse to provide sewer service.

D. The City reserves the right to establish more stringent standards or requirements on discharges to the sewer system and to set local limits for any pollutant to protect against pass through and interference.

E. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained in continuous, satisfactory and effective operation by the owner at his expense.

13.08.050 Prohibited discharge.

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 the cyanides in excess of two milligrams per liter 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 milk, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

B. No person shall discharge or cause to be discharged the following substances, materials, waters, or wastes if it appears likely in the opinion of the public works director 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 public works director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction in 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 forty degrees Fahrenheit)

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees Fahrenheit (zero degrees and sixty-five degrees centigrade);

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower and approval of the public works director;

(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 public works director based on Department of Ecology Standards 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 public works director as necessary, after treatment of the composite sewage, to meet the requirement of 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 public works director 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, fuller's 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, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works,

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined in this chapter,

(v) Unusual suspended solids, concentration in such quantities as to constitute a significant load on the sewage treatment works;

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable 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;

(11) In general any toxicant as defined in this chapter.

13.08.055 Unlawful disposal or discharge.

A. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage or other objectionable waste. This section is not to be construed as an animal control measure.

B. It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

C. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

D. No plumbing fixtures shall be connected to the city sewer system except through a water-seal trap, and no plumbing shall be used that because of its design or condition is considered unsanitary by the Public Works Director or his designee.

13.08.060 Right of inspection by officials.

The Public Works Director or his designee shall have the privilege of entering upon private property at any reasonable hour for the purpose of ascertaining if plumbing and private sewers conform to the requirements of this chapter.

13.08.065 Side sewers.

A. Side sewers shall provide a single service. Each individual single-family, duplex, and triplex unit shall have its own side sewer. Subject to the approval of the Public Works Director or designee, a six inch stub out can be located on a lot to serve no more than two single-family residences or one duplex provided that each residence or unit is served with its own four inch side sewer from the stub. Four-plex and larger multi-family buildings, as well as other non-residential buildings shall have one side sewer per building.

B. Side sewers shall be installed in accordance with the City's most current Water and Sewer Engineering Standards and the UPC as adopted by the City of Sultan.

C. A side sewer shall be stubbed to the property line of all existing lots with sewer clean outs installed at time of building when a new main is installed in front or alongside of existing properties.

D. The City of Sultan shall be responsible for the maintenance of the main line sewer. The property owner(s) served by the lateral side sewer shall be responsible for any maintenance and repairs of the lateral side sewer from the connection with the main line sewer to the building, including repairs in the public right-of-way or sewer easement. In the case of shared side sewers, ownership shall be equally divided between users for any common assemblies

13.08.068 Manholes.

A. With special Public Works Director permission and under written agreement, a user may use a city manhole for dumping septage for a fee and under conditions set forth in such agreement. The Public Works Director or their designee may impose a fee and establish conditions appropriate to compensate for the utilization of the city's sewerage system. The Public Works Director may preclude such dumping if at any time they feel that such will impair the city's sewerage system in any way.
B. When required by the public works director, the owner of the 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 measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with standards and plans established and approved by the public works director. The manhole shall be maintained by the property owner at his expense, and shall be maintained by him so to be safe and accessible at all times. The manhole and equipment shall be purchased and installed by the property owner at his expense with inspections of said SSMH at time of construction and periodically as long as it is in use.

13.08.069 Substance interceptors.
A. Grease, oil, sand, heavy metals, or such other needed interceptors shall be provided when, in the opinion of the public works director or their designee, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. Such interceptors shall be of a type and capacity approved by the public works director and shall be located as to be readily and easily accessible for cleaning and inspections.

B. All substance interceptors and grease traps shall be properly installed, maintained and operated by the user at the user's expense. The pretreatment facilities shall be kept in continuous operation at all times, and shall be maintained to provide efficient operation.

C. Cleaning must be performed by a service contractor qualified to perform such cleaning, or in a manner approved by the City. All material removed shall be disposed of in accordance with all state and federal regulations. All waste removed from such facilities shall not be disposed of in the sanitary or storm sewer. Furthermore, the use of hot water, enzymes, bacteria, chemicals or other agents or devices that cause the contents of a pretreatment device to be discharged into the sanitary sewer system is prohibited.

D. Records of maintenance shall be made readily available on-site to the City for review and inspection, and must be maintained for a minimum of five years. All maintenance records shall be submitted on a routine basis for businesses whose operations are known to generate high levels of harmful ingredients or who have failed in the past to properly maintain their pretreatment facilities and fail to produce a discharge quality in compliance with the City's requirements.

E. Screens approved by the city public works Director or their designee shall be installed, operated and maintained by and at each and every industrial plant connected to the sanitary sewage system, to screen any coarse solids from the industrial waste before it is discharged to the industrial sewer.

13.08.070 Defective plumbing or private sewer – Notice to owner – Action by city.

Whenever any plumbing or private sewer is found defective or so out of repair as to be unsanitary or likely to become so, the Public Works Director or their designee shall notify the owner or his agent in writing to make suitable alterations or repairs; and if such notice is not complied with within 10 days, the city may make such repairs and shall have a lien against the property for the cost. The sanitary side sewer from the main line to the residence is responsibility of the property owner.

13.08.100 Permission required to excavate or build upon city sewer system.
No person shall excavate for any purpose near any part of the city sewer system in such way as to endanger the same; nor build any foundation or structure over or near any sewer or appliances used to operate the sewer system without permission of the Public Works Director or their designee.

13.08.110 Violation – Penalty.
A. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

B. Compliance with the terms and conditions of this chapter constitutes minimum health, sanitation and safety provisions and material; noncompliance with said terms and conditions constitutes a public nuisance and may be abated as such, in addition to any other criminal, civil and equitable remedies that may be available including disconnection of city water furnished to the premises until such time that the violation is abated.

C, If the owner, agent or occupant fails, neglects or refuses to comply with this chapter, the city may, by and through the public works director or designee, cause the required work or improvement to be done as an alternative, or as an additional remedy to the penal provisions of this chapter. The cost of such work or improvement shall be assessed against the property and the amount thereof shall become a lien upon the premises, which may be collected either by foreclosure of said land, or by a suit against the owner or occupant of said premises, maintained in the name of the city, as plaintiff, in any court of competent jurisdiction.

D. Any person who shall violate or fail to comply with any provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding five hundred dollars or by imprisonment for a term not exceeding ninety days, or by both fine and imprisonment.

Any person violating any provision of this chapter shall be deemed guilty of an unlawful act and will be punished according to the most current fee schedule.

Section 4. Chapter 13.12 of the Sultan Municipal is hereby amended to read as follows:

Chapter 13.12
WATER

Sections:

13.12.010 Purpose.
13.12.020 Application for Connection.
13.12.025 Ownership of Lines.
13.12.030 Contract Provisions.
13.12.040 Voluntary discontinuance.
13.12.050 Payment responsibility.
13.12.055 Connection to Sewer System.

13.12.060 Rights of entry.
13.12.065 Water Meters.
13.12.070 Unlawful interference or tampering with system unlawful – Penalty.
13.12.075 Fire Hydrants.
13.12.080 Establishment of fees and charges.
13.12.085 Maximum Distance for Water Service Connections.
13.12.090 Responsibility.
13.12.095 Developer Installed Water Service Connections.
13.12.100 Vandalism.

13.12.010 Purpose.

This chapter sets forth uniform requirements for users of the water system operated by the City of Sultan. This chapter shall apply to all users of the City of Sultan water system.

13.12.020 Application for Connections.

A. Any person desiring to have a premises connected with the water system of the City of Sultan shall make application therefor at City Hall.

B. Applications therefor shall be made upon the form furnished for that purpose. The application shall contain the address of the owner, service address of the premises where such water supply is desired, tax parcel number of the service address, and shall fully state all the purposes for which the water is to be used, the number of family units to be supplied, the size of the service pipe, the location and size of the meter, and shall be signed by the owner of the premises to be served or his duly authorized agent. Tenants, as such, are not considered agents of the owner and without specific written authority from the owner placed on file with the city and at the time of the application, no application for water service by a tenant will be considered or processed. At the time of filing such application the applicant shall pay the fees for installation of water service hereinafter provided.

C. The application shall contain a contract on the part of the person making the same to pay for the water applied for.

D. No such application shall be deemed accepted or granted by the city, and no vested rights to utility service shall accrue, unless all prerequisites for approval, as specified by ordinance or resolution are complied with in full and to the satisfaction of the city.

E. Following approval by the city, the applicant shall pay all required fees and charges. No utility connections shall be made until all fees and charges are paid in full. If the application is for both water and sewer, all fees and charges must be paid for both utilities before either one is connected. Impact fees only may be deferred based on statute in the SMC Development Code.

F. No person supplied with water from the city mains will be entitled to use it for any other purpose than those stated in the application, or to supply in any way other person or persons or families.

13.12.025 Ownership of Lines.

The city owns all utility lines constructed by it or conveyed to it. All lines constructed within the city limits and in the City of Sultan Water System shall be constructed to city standards. City ownership shall include all water mains and side service between the main and the water meter. Side service lines between the water meter and the customer belong to the customer. All main lines constructed as part of any development or building project shall be conveyed to city ownership, along with easements for access for maintenance, repairs and upkeep. The city reserves the right to require upgrades and improvements to any main lines that were not built to city specifications. The city shall have no maintenance, repair, or replacement obligation with respect to lines which it does not own.

13.12.030 Contract Provisions.

A. The contract shall specify the rate and manner in which water shall be paid, and shall reserve to the City of Sultan the right to charge and collect the rates and enforce the penalties provided for in this chapter, in the manner herein provided, to change the rates at any time by ordinance, to temporarily discontinue the service at any time without notice to the consumer, and shall specify that the contract is subject to all the provisions of this chapter, and of any ordinance of the City of Sultan relating to the subject, hereafter passed, and shall provide that the city shall not be held responsible for any damage by water or other cause resulting from the defective plumbing or appliances on the premises supplied with water, installed by the owner or occupants of the premises, and shall provide that in case supply of water shall be interrupted or fail by any reason, the city shall not be held liable for damages for such interruption or failure, nor shall such interruptions or failures for any reasonable period of time be held to constitute a breach of contract on the part of the city or in any way relieve the consumer from performing the obligations of his contract.

B. All contracts shall take effect from the day they are signed and rates shall be charged from the day the premises are connected with the city's water supply.

C. In the event of a disputed account, the owner of the premises must tender the basic fee charged per month and if such tender is received by the city prior to the water service being shut off, the city shall not refuse service to the premises until suit has been entered by the city and judgment entered in the case.

13.12.055 Connection to system.

(1) Unless otherwise provided by this title, any premises that is connected with and uses the city sewer system shall also be connected with the city's water system, and shall use water there from in its use of the city's sewer system.

(2) The owner of any property within the city limits which is not connected to city water service shall be required to extend the water service, and to connect to the same for all occupied structures on that property under any of the following circumstances: Upon construction of a building or structure which is designated for occupancy; or

a) Upon construction of any additions, alterations or repairs within-in any 12 month period which exceed 50 percent of the value of an existing building or structure which is designed for occupancy; or
b) Upon any change in the occupancy classification of an existing building or structure on the property; or
c) Upon the failure of the on-site sewage disposal system on the property; or
d) As a condition of approval for any new land division, including but not limited to subdivision, short subdivision, and binding site plan.

(3) The extension of water service is required as outlined in subsection (1)(a) through (e) of this section unless one of the following exceptions applies:

a) An alteration, expansion, or replacement of an existing structure which does not require the installation of additional fixtures: or
b) The structure, consistent with the requirements of the International Building Code (IBC) as adopted by the city, lawfully incorporates no plumbing fixtures; or
c) The property qualifies for a new water well pursuant to SMC 16.16.047.

13.12.060 Rights of entry.

The public works director or representative shall have free access at all reasonable hours to building premises to which water service is rendered for the purpose of inspecting the same and also for the purpose of exercising the right of water shutoff, either personally or by other employees or contractors of the city, in the event such account becomes delinquent.

13.12.065 Water Meters

The consumption and use of all water taken from the city water system shall be metered at each individual connection. Water meters shall meet the specifications of the city and shall be the property of the city utility system. Individual water meters shall be required for each detached single-family residence. A master meter may be used for duplexes, multiple-family dwellings, condominiums and mobile home parks where there is a single ownership or centralized administration. Water meters shall be required for each commercial, industrial and public facility connection. All water meters shall be directly accessible at all times by city employees.

13.12.070 Unlawful interference or tampering with system unlawful – Penalty.

Every person who willfully damages, interferes or tampers with the water system of the city, or who makes an unauthorized connection thereto, or who turns water service on or off from a premises without permission from the public works director or representative shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $250.00 nor more than $1,000 in addition to all outstanding water service charges.

13.12.075 Fire Hydrants

A. Fire hydrants meeting city specifications shall be installed on all extensions of the city water system at the time such extensions are constructed. All hydrants shall be owned and maintained by the city. The location and frequency of fire hydrants shall be specified by the Water Engineering Standards and fire department.

B. No person shall plant any vegetation, erect any structure or perform any action which results in obstructing the view of the fire hydrants for a distance of 50 feet. The owner and/or occupant of any area in which a hydrant is located shall be responsible for removing weed and tree growth from around the hydrant for a distance of not less than 10 feet.

13.12.080 Establishment of fees and charges.

A. Water rates shall be set by separate ordinance and included as an attachment to the annual fee schedule adopted by the city council.

B. Water General Facilities Charge.

1. Water general facilities charge shall be assessed at time of application for a new connection to the Sultan water system or at time of expansion or change of use of a facility when the water usage is expected to increase.

2. A general facilities charge shall be as established by the city council by separate ordinance. The amount set by such ordinance shall be the amount paid per equivalent residential unit (ERU).

a. Single-family residences will be charged for one ERU.

b. Accessory Dwelling Unit (ADU) will be charged for one ERU.

i. Attached Unit. No separate charge and included in the residential per unit cost of the principal use.

ii. Detached Unit. Fifty percent of an equivalent residential unit.

c. ERUs for new multifamily and commercial customers shall be based on the size of water meter needed to supply the customer's calculated peak demand.

d. ERUs for Public and Private Parks, Recreational and Open Space Areas or Facilities. Based upon the size of the water meter needed to supply the facility's peak calculated water demand.

e. Nonprofit Social Service Agencies. Exempt from all or a portion of the commercial connection charge as determined by the public works director to reflect the mission of the agency to provide assistance to the poor, elderly, or disabled.

f. In no case shall the ERU amount be less than one.

Meter Size	ERU
5/8 x 3/4 inch	1
1 inch	1.5
1-1/2 inches	2
2 inches	2.5
3 inches	4
4 inches	5.5
6 inches	8
8 inches	10.5

B. Permits. All necessary right-of-way use permits and easements must be obtained by the property owners before water service can be connected.

C.

13.12.85 Maximum Distance for Water Service Connections.

The length of any water service connection owned by the city (i.e. the line between the water main and the water meter), and the length of private water lines (i.e. the length between the water meter and the building) shall be subject to approval of the Public Works Director.

13.12.090 Responsibility.

A. All extensions of city mains to serve new customers or areas outside the corporate limits of the city shall be laid at the expense of the person or persons requesting such extensions in writing.

B. The owner of any service connections shall be responsible for damage to meters serving the premises due to willful or careless injury and shall be charged for repairs to meters caused by such damage.

C. It shall be unlawful for any person willfully to place any automatic sprinkling device or willfully place or hold any hose in such a position or manner that water there from falls on any person while on any public street or sidewalk.

D. The city reserve the right at any time, without any notice, to shut off the water supply for repairs, extensions, nonpayment of rates, or any other reason, and the city shall not be responsible for any damage, such as bursting boilers supplied by direct pressure, the breaking of any pipes or fixtures, stoppages or interruption of water supply, or any other damage resulting from the shutting off of water.

E. Water mains and service lines from the main to individual meters are the responsibility of the City of Sultan. Water meters are the sole ownership of the city and shall not be turned on/off except by authorized city personnel. Service lines from the meter to the premises are the responsibility of the land owner and will not be maintained or repaired by the city.

13.12.095 Developer-Installed Water Service Connections.

A developer may install his own water service connections, including the meter box (but excluding the meter); provided, that it complies with all specifications of the city. In cases of new subdivisions, the developer shall install all water service connections. Installation of service connections shall be coincident with the installation of the water main. Service connections shall be shown on a water extension drawing and shall be subject to approval by the utility department. Service connections shall be conveyed to the city as a condition of obtaining water service.

13.12.100 Vandalism.

A. It shall be unlawful for any person, unless duly authorized by the public works director, to disturb, interfere with, or damage any water main, water pipe, machinery, tools, meters, or any

other appliances, buildings, or grounds belonging to, connected with or under the control of the municipal water system of the City of Sultan; provided, however, that this prohibition shall not prohibit a resident from shutting off water to the premises at the meter in the event of an emergency and turning said water on when the emergency is corrected. Said actions, if undertaken by the resident or his agent, shall be done with due care and caution and shall not relieve said person from any liability for damage caused to the water meter or other property belonging to the City of Sultan in the event of their negligence.

B. No person, except as duly authorized by the public works director, shall turn on, turn off, unlock, change meter reading or cause stoppage of reading, any water meter belonging to the city.

C. It shall be unlawful for any person, except when duly authorized by the public works director, to open, operate, close, turn on, turn off, interfere with, attach any pipe or hose to or connect anything with any fire hydrant, stop valve or stopcock belonging to the city.

D. It shall be unlawful for any person to obstruct the access to any fire hydrant or to willfully or carelessly injure the same or to open or operate any fire hydrant, or attempt to draw water there from, except in the performance of official duties.

E. It shall be unlawful for any person to trespass, to bathe in or throw any substance into any reservoir, water tank, or impounding dams of the municipal water system of the City of Sultan.

F. If any persons shall fail, neglect or refuse to comply with this section, the city may shut off water and/or remove the meter furnished to the premises of the one so failing, neglecting or refusing and may charge a fee as established by council resolution for disconnection, reconnection and/or meter removal and reinstallation.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____DAY OF _____, 2016.

CITY OF SULTAN

_____
Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

_____
Laura Koenig, City Clerk

Approved as to form:

_____
Amy Mill, City Attorney

CITY OF SULTAN
COUNCIL AGENDA
COVER SHEET

ITEM:	Discussion D-1
DATE:	September 8, 2016
SUBJECT:	Sultan Sign Code
CONTACT PERSON:	Ken Walker, City Administrator

ISSUE:

At the August 11, 2016 meeting, the Council requested staff provide copies of the current sign code for discussion during the August 25, 2016 Council meeting.

A Copy of SMC Chapter 22.06 is attached.

Chapter 22.06
SIGN STANDARDS

Sections:

22.06.010 Purpose.
22.06.020 Definitions.
22.06.030 Sign classifications and permitted signs.
22.06.035 Portable signs.
22.06.040 Application and permits.
22.06.050 Design and construction standards.
22.06.060 Structural requirements and sign design.
22.06.070 Sign variance procedure.
22.06.080 Nonconforming use and discontinuance of use.

22.06.010 Purpose.

The purpose of this chapter is to establish sign regulations that are intended to:

A. To promote and protect the general public health, safety, welfare, and aesthetics of the community by regulating existing and proposed signs.

B. Promote the community's appearance by regulating the number, design, character, location, type, and quality of materials, scale, illumination and maintenance of signs to maximize their positive visual impact.

C. Promote the effective identification of businesses while maintaining an attractive and inviting cityscape.

D. Promote signs that identify uses and premises without confusion.

E. Reduce possible traffic and safety hazards through good signage. (Ord. 806-03 § 1)

22.06.020 Definitions.

For the purpose of this chapter, the terms set out in this section shall have the meanings indicated:

1. "Abandoned sign" is a sign which represents or displays any reference to a business or use which has been discontinued for more than six months or for which no valid business license has been issued by the city.

2. "A-board, sandwich board, and similar signs" means small type signs, either single or double face, portable or permanently installed, upon which is generally placed advertising copy denoting products being offered upon the premises on which such signs are placed.

3. "Advertising copy" means any letters, figures, symbols, logos, trademarks or similar devices which identify or promote the sign user or any product or service; or which provides information about the sign user, the premises, the building or the products or services available.

4. "Animated sign" means a sign which contains wind, electronic, or mechanically operated moving parts or which flashes or simulates motion by the use of electric lights.

5. "Awning – retractable" means a hood or cover projecting from, but not a permanent part of, an exterior wall of a building and supported by that wall and that is collapsible, retractable, or capable of being folded against the face of the supporting building.

6. "Awning – fixed" means a hood or cover projecting from, but not a permanent part of, an exterior wall of a building and supported by that wall, and is held in place with rigid frames and covered with a flexible material.

7. "Banner" means a temporary sign made of cloth, fabric, paper, and non-rigid plastic or similar types of material and displayed from a building or structure.

8. "Bench sign" means any sign which is painted or affixed to any portion of a bench and shall be no larger than the area reasonably necessary to accommodate a functional bench.

9. "Billboard" means a preprinted or hand painted changeable advertising copy sign which directs attention to businesses, commodities, services, or facilities which are not primarily sold, manufactured, or distributed from the property on which the sign is located. The term "billboard" includes both the structural framework which supports a billboard and any billboard faces attached thereto.

10. "Canopy" means any structure, other than an awning, made of cloth or metal with metal framework attached to a building or carried by a frame supported by the ground.

11. "Campaign/political sign" is a noncommercial temporary sign displaying a message relating to a candidate, political party, or public issue.

12. "Changeable copy/message sign" means a sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature and date sign, message center or reader board where different copy changes of a public service or commercial nature are shown on the same lamp bank.

13. "Change" means a change of a sign which consists of relocating the sign, or replacing 25 percent or more of the advertising copy or sign face and structural material in the sign. Normal maintenance is not a change which requires a permit.

14. "Commercial sign" means a sign displayed for the purpose of identifying a commercial use, or advertising any good, product, service, business, or other enterprise that is regularly offered for trade or sale.

15. "Directional sign" means a sign permanently erected and permitted by the city or state which serves solely to designate the direction to or location of any place, area, or to direct and regulate traffic. "Directional sign" also means a sign providing notice about the time and place of regular civic meetings and religious activities and services. "Directional sign" also means a sign which has only information (informational directional sign) on exit and entrance or parking and contains no form of advertising copy, or the name of the advertiser, is not greater than four square feet in area and does not exceed three feet in height.

16. "Display sign" means a case or cabinet or other device having a window or transparent material and which is either freestanding or mounted on the exterior of a building structure.

17. "Electrical sign" means a sign or sign fixture in which electrical wiring and connections for fixtures are used as part of the sign.

18. "Existing sign" means a sign in existence prior to the enactment of this chapter.

19. "Exterior/wall sign" means a sign attached to and supported by a wall or facade of a building or structure, with the exposed face of the sign parallel to the wall or facade and extending no more than 18 inches from the wall or facade. Any sign placed behind glass, or affixed to a window of a building and located in such a manner as to have an obvious intent to capture interest of persons outside the building, shall be considered a wall sign and shall be treated in the same manner.

20. "Facade" means the entire building front or the street sidewall of a building from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation.

21. "Flashing sign" means an illuminated sign which changes intensity of lighting and/or switches on and off in a constant pattern or in which lighting is not maintained stationary and with constant intensity and color.

22. "Freestanding sign" means an exterior sign which is self-supported by use of poles, uprights, or braces in a fixed location, and in or on the ground, and is not attached to a building, but not including A-board or sandwich board signs.

23. "Frontage – primary" means as follows:

a. In a building containing only one business, primary frontage shall be the width of that side of the building which contains the main public entrance to that business.

b. In a building containing more than one business, all of which businesses have their main public entrances on the same side, primary frontage shall be the width of that side of the building which contains those public entrances.

c. In a building containing more than one business, where those businesses have their main public entrances on more than one side of the building, each side shall constitute a primary frontage. Each primary frontage shall be the width of that frontage.

24. "Frontage – secondary" means as follows, in a building containing one or more businesses, and having all main public entrances on one side, one secondary frontage may be designated by the building owner. That frontage shall be the width of that side of the building as designated.

25. "Gas station price sign" means a sign advertising the price of fuel and containing no other business advertising.

26. "Gateway sign" means a sign posted and displayed by a governmental agency on city-owned property or right-of-way for the purpose of promoting community events, tourism, and shopping opportunities in and around the city of Sultan. Gateway signs are not considered off-premises signs under this title regardless of the content of the gateway sign.

27. "Governmental sign" is a sign posted and displayed by a governmental agency that is necessary to protect and regulate the public health and safety. Governmental signs include traffic signs, directional and informational signs for public health and safety facilities and public safety warning or hazard signs.

28. "Grade" means the elevation as measured at relative level from the top-of-curb or center of the street, whichever is greater in the immediate vicinity of the sign.

29. "Ground sign" means a type of freestanding sign which is erected on the ground and which contains no free air space between the ground and top of the sign.

30. "Hanging sign" means a sign suspended from an awning, canopy, or marquee.

31. "Identification sign" means a sign limited to the name, address, and number of a building, institution, or person or activity carried on in the building.

32. "Incidental sign" means a small information sign not exceeding four square feet in area indicating goods, services, products, credit cards, hours of operation, or facilities which are available on the premises and is primarily intended for the convenience of the public.

33. "Illegal sign" is a sign which was erected without first complying with all ordinances and regulations in effect at the time of its erection and use.

34. "Illuminated sign" means a sign designed to give forth an artificial light, or designed to reflect light from an external source.

35. "Illumination – external" means an exterior lighting source located away from a sign which lights the sign, but is not readily visible.

36. "Illumination – internal" means a light source concealed or contained within the structure which becomes visible in darkness through a translucent surface.

37. "Joint use sign" means a sign which is designed and constructed to be used by more than one business.

38. "Mansard roof sign" means signs which are structurally incorporated into a sloped roof or roof-like facade architecturally capable of being treated as a building wall.

39. "Marquee" means a permanent roof or hood structure attached to, supported by, and projecting from a building over the public right-of-way or public place. It provides protection from weather elements, but does not include a projecting roof.

40. "Mural" is a picture painted directly on a building, or to surfaces mounted on the building, or its appurtenances.

41. "Multiple tenants building" means a single structure housing more than one retail business, office or commercial venture.

42. "Noncommercial sign" means a sign which is devoted to religious, charitable, cultural, political, artistic, governmental or educational messages, and that is not primarily associated with a good, product, or service offered for sale or trade. Noncommercial signs include, but are not limited to, signs advertising incidental and temporary commercial activities conducted by governmental agencies, schools, churches, and nonprofit civic or service clubs, and residential property owners and tenants.

43. "Nonconforming" means a sign or sign structure legally erected prior to this code that does not conform to the provisions as contained in this chapter.

44. "Obsolete sign" means a sign advertising a business no longer conducted or product no longer sold.

45. "Off-premises or remote sign" means a sign, including a billboard, which is not located on the property where the business depicted by the sign is located, and which is not directly related to the use or activity operated on the site of the sign.

46. "On-premises sign" means a sign which displays only advertising copy strictly incidental to the lawful use of the premises on which it is located and shall, depending upon the zoning district in which it is located, contain any of the following:

a. The name of the owner, occupant, management, or firm occupying the premises;

b. The address and use;

c. The kind or name of the business and/or the brand name of the principal commodities sold or produced on the premises;

d. Other information relative to a service or activity involved in the conduct of the business (also includes owner identification or business sign). Any commercial or noncommercial sign which advertises or relates to a good, product, service, place, thing, event, or meeting that is lawfully offered, sold, traded, provided, located or conducted at the location upon which the sign is posted or displayed.

47. "Permanent sign" is a fixed or portable sign intended for continuous use or intermittent display for periods exceeding 60 days in any calendar year.

48. "Pole sign" means an exterior sign which is self-supported by use of a single supporting structure or single pole, in a fixed location, and in or on the ground, and is not attached to a building.

49. "Portable sign" means any sign which is readily capable of being moved or removed, whether attached or affixed to the ground or any structure, that is designed, constructed, and typically intended for temporary display. Portable signs include, but are not limited to:

a. Signs posted or displayed upon a movable chassis or support with or without wheels;

b. A-frame signs;

c. Wooden, cardboard, metal, or plastic "stake" or "yard" signs;

d. Posters or banners affixed to windows, railings, overhangs, trees, hedges, or other structures or vegetation;

e. Signs mounted on vehicles parked and visible from the public right-of-way, except signs mounted upon vehicles that are being primarily used for normal day to day commercial or noncommercial transportation purposes, and not primarily for advertising or display purposes, and except for signs advertising for sale the vehicle upon which the sign is posted;

f. Searchlights;

g. Balloons or inflatable signs over 24 inches in diameter and similar devices of a carnival nature.

50. "Projecting sign" means a two-sided sign projecting more than 15 inches from a structure or building which is supported by a wall of the structure.

51. "Real estate sign" means a temporary sign erected by the owner or his agent advertising the real estate upon which the signs are located for rent, for lease or for sale.

52. "Roof sign" means a sign erected upon or above the parapet of a building or structure. Mansard roof signs shall not be included.

53. "Sign" means any communication device, structure, fixture, illuminated or non-illuminated, which is visible from any public right-of-way, and using graphics, pictures, symbols or written copy, that is intended to direct attention to and to promote the sale of products, goods, services, events, or to identify a building.

54. "Sign area" means the entire area of the structure on which advertising copy is to be placed. It shall include the total height and width of the structure. Sign supporting structures which are part of the sign display shall be included in the area rectangle. Architectural embellishments and decorative features which contain no written or advertising copy shall be included in determining the sign area. Where a sign is affixed to or otherwise displayed on a structure which is not in itself a sign, such as a wall, marquee, canopy, or awning, the sign area shall be a rectangle formed by the greatest height and width of the advertising copy. The area of all ground signs shall be measured by determining the sum of the area of the advertising copy as noted above, and that portion of the sign structure which exceeds one and one-half times the area of the sign face.

55. "Sign face" means the area of display surface used for the message.

56. "Sign height" means the vertical distance measured from the adjacent street grade or upper surface of the nearest street curb, other than elevated roadways, which permits the greatest height to the highest point of the sign.

57. "Sign package review" means a process by which building design, commercial development design, and signs are integrated into one architectural set of plans that are submitted for planning review and/or building permits.

58. "Special event sign" means a sign that displays information concerning a special event, festivals, carnivals, grand openings, or annual sales occurring no more than twice within any 12-month period.

59. "Temporary sign" is an allowed portable sign intended for short-term use, not to exceed 60 days in a calendar year.

60. "Window sign" means a sign affixed to a window for advertising purposes. (Ord. 1202-15 § 1; Ord. 806-03 § 1)

22.06.030 Sign classifications and permitted signs.

A. Exempt Signs. The following types of signs and devices shall be exempt from the permit requirements of this chapter; provided, that all applicable standards or conditions are met:

1. Political signs; provided, that such of these signs that relate to a particular election shall be removed no later than 10 days after the election to which the signs pertain and do not exceed 32 square feet in area.

2. Flags, pennants or insignia of nations, or an organization of nations, states or cities, or fraternal, religious and civic organizations or any educational institutions except when such flags are used in connection with a commercial promotion or as an advertising device.

3. Placards, banners, pennants, merchandise, pictures or models of products or services incorporated into a window display.

4. Works of fine art and painted murals which in no way identify a product or business and which are not displayed in conjunction with a commercial enterprise, which enterprise may benefit or realize direct commercial gain from such display.

5. One nameplate per public entrance per business of no more than two square feet per face which is suspended under a canopy or mounted on the face of the building.

6. Temporary decorations or displays clearly incidental and customary and commonly associated with national, local or religious holiday celebrations if erected entirely on private property and not displayed for a period of more than 10 days (40 days for the Christmas/New Year holiday) coinciding with that holiday; provided, however, there shall be no flashing lights permitted in commercial areas.

7. Signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public thoroughfare or right-of-way.

8. Traffic and other official signs of any public or governmental agency.

9. Commemorative plaques and historical site or structure signs.

10. Billboards signs located on the outfield fence of the Mariner's Field located at the Sultan High School.

11. Special event signs; provided, that all of the following conditions are met:

a. The promoter of the event or grand opening shall have met with the city to obtain approval for the proposed sign(s) to ensure they fall within the definition of a special event sign.

b. No such sign shall include moving parts or flashing lights.

c. No such sign shall create a hazard.

d. No such sign shall be erected or displayed more than 30 days before the special event or grand opening it announces or 14 days thereafter.

e. All such signs shall be removed within 14 days following the conclusion of the special event or grand opening.

12. Temporary, non-illuminated real estate signs, limited to one in all residential zones, and not exceeding six feet in area per sign face.

13. Temporary, non-illuminated construction signs, limited to one sign in residential areas, not exceeding 32 square feet in area per face; and two signs in commercial and industrial zoning district, not exceeding 32 square feet in area per face per street frontage.

14. Real estate directional signs in all zoning districts not exceeding six square feet in area per face or four feet in height.

15. Gateway signs; provided, that all of the following conditions are met:

a. All messages are compliant with design standards and policies regarding content and length of display as established by the planning department;

b. All fees for such sign have been paid as set forth in the city of Sultan latest adopted fee schedule;

c. No such sign shall include moving parts or flashing lights;

d. No such sign shall create a safety hazard.

16. Any other signs expressing constitutionally protected forms of free speech.

B. Prohibited Signs. It is unlawful to erect or maintain:

1. Abandoned signs.

2. Signs which interfere with the view of traffic signs, signals or devices and approaching or merging traffic.

3. Animated signs. No sign shall be animated, revolve or rotate either mechanically or by illumination, except the movement of the hands of a clock, electronic message displays, and barber poles.

4. Signs which are significantly distracting to vehicle operators, such as those containing flashing, moving or intermittent lights, or signs with a concentrated light source or reflecting frames or surface(s) of such intensity or glare that it may create a safety hazard to motorists or pedestrians.

5. Signs erected, maintained, or painted upon trees, rocks, or other natural features.

6. Signs which are structurally unsafe, or improperly maintained or otherwise in violation of the Uniform Building Code, other city ordinances, and state codes.

7. Private signs on utility poles as prohibited by RCW 70.54.100.

8. Pinwheels, twirlers, propellers, and flashing or blinking lights; flares.

9. Portable temporary signs of the following types:

a. Signs posted or displayed upon a movable chassis or support, with or without wheels.

b. Posters outside of the business establishment.

c. Signs mounted upon vehicles as specified in SMC 22.06.020(49) of the definition for portable signs, of a commercial nature.

d. Searchlights.

e. Inflatable signs and balloons over 12 inches in diameter, and similar devices of a carnival nature.

f. Billboards.

g. Signs which by reason of their size, location, movement, content, shape, coloring or manner of illumination obscure, imitate, or may be confused with lawfully posted governmental signs such as traffic control signs, signals, or devices.

10. Signs in dilapidated or hazardous condition.

11. Roof signs.

C. Permitted Signs.

1. Signs in the residential districts (low/moderate density (LMD), moderate density (MD), and high density (HD)) may include and shall be limited to the following:

a. No off-premises signs are permitted except for real estate directional signs in conjunction with subsection (C)(1)(b) of this section.

b. Real estate signs shall be limited to one per street frontage not exceeding six square feet in area per face or four feet in height.

c. One identification sign per multifamily dwelling, manufactured home park, and subdivision, not exceeding 25 square feet in area per face, provided it has only indirect illumination and does not exceed a height of five feet.

d. One identification sign per public or semi-public use provided such sign does not exceed 35 square feet in area per face or five feet in height and has only indirect illumination.

e. Conditional uses within the above zoning districts may be allowed one wall or ground sign, as part of the conditional use approval process (Chapter 21.04 SMC), providing the size of the sign does not exceed 25 square feet in area or five feet in height and has only indirect illumination.

f. Home occupation or commercial nameplate identification signs, or combination nameplate and street identification signs, not exceeding four square feet. Signs larger than four square feet shall be allowed if the owner can show burden of proof that site is unique and a larger sign is needed due to topography of property or access to site. No sign shall exceed eight square feet.

g. Internally illuminated signs are prohibited.

2. Signs in the urban center (UC) zone may include and shall be limited to the following:

a. Off-premises signs are prohibited.

b. On-premises signs shall include wall signs, marquee signs, and projecting signs only. A mansard roof sign shall be considered a wall sign in this district. Projecting signs shall be limited to one per street frontage and shall not exceed an area of 25 square feet per sign face.

c. Wall and marquee signs shall not exceed a total sign area of two square feet per lineal foot of building frontage; except that in no event shall the sign allowance for any one building be less than 60 square feet regardless of frontage.

d. Signs attached to marquees projecting over public property shall be constructed of noncombustible materials.

e. Wall signs and projecting signs shall be constructed of noncombustible materials, or wood of one-inch nominal thickness. Approved plastics may be used in the construction of electric signs.

f. One freestanding sign per business or complex may be permitted for properties with street frontage on Highway No. 2, provided the area of the sign does not exceed one square foot per lineal foot of street frontage not to exceed 150 square feet in area and not to exceed 20 feet in height.

g. Portable signs as defined in SMC 22.06.035.

h. Public directory/directional signs located in the public right-of-way, established by the city, not exceeding 25 square feet in area and eight feet in height.

3. Signs in the highway-oriented development (HOD) zone may include and shall be limited to the following:

a. Only on-premises signs are permitted, except that off-premises directional signs with a sign area of 40 square feet per face and eight feet in height, limited to four square feet of signage for each individual business or advertiser and outdoor advertising signs not exceeding 100 square feet in area per sign face and 20 feet in height are permitted.

b. Single-Tenant Building.

i. One freestanding sign with a total sign area of one square foot per lineal foot of street frontage not to exceed 100 square feet in area per sign face and 20 feet in height;

ii. A projecting sign may be used in lieu of a freestanding sign, but shall be limited to one-half of the area allowed for a freestanding sign on that frontage, and in no case shall exceed 36 square feet in area per sign face;

iii. Wall or marquee signs shall not exceed a total sign area of two square feet per lineal foot of building frontage, but at least 60 square feet of sign area shall be permitted, but each business in the complex/building shall be allowed at least 32 square feet in sign area regardless of their location or building frontage;

iv. Portable signs as stated in SMC 22.06.035.

c. Multi-building Complexes or Multitenant Buildings.

i. One freestanding sign with a total sign area of one and one-half square feet of sign area per one foot of street frontage not to exceed 150 square feet in area per sign face and 20 feet in height;

ii. There shall be not more than one freestanding or projecting sign per street frontage, except that if a complex has more than 300 lineal feet of street frontage, they shall be allowed one additional freestanding sign, not to exceed 100 square feet in area per sign face and 20 feet in height. The signs must be located at least 150 feet apart;

iii. A projecting sign may be used in lieu of a freestanding sign, but shall be limited to one-half the area allowed for the freestanding sign on that frontage, and in no case shall exceed 36 square feet in area per sign face. A projecting sign and a freestanding sign shall not be permitted along the same street frontage;

iv. The total allowable sign area for wall and marquee signs shall not exceed three square feet per lineal foot of building frontage, but each business shall be allowed at least 60 square feet regardless of the length of the building frontage;

v. Changing message center signs or other similar electrically or electronically controlled sign with advertising are allowed;

vi. Portable signs as stated in SMC 22.06.035.

4. Signs in the economic development (ED) zone may include and shall be limited to the following:

a. Only on-premises signs are permitted except that off-premises directional signs with a sign area of 40 square feet per face and eight feet in height and limited to four square feet of signage for each individual business or advertiser and outdoor advertising signs with a sign area of 100 square feet per side are permitted.

b. One freestanding sign shall be permitted with a maximum sign area of one square foot for each one foot of street frontage, not to exceed 50 square feet in area per sign face and 20 feet in height.

c. One wall sign shall also be permitted, in addition to a freestanding sign, with a maximum sign area of one square foot for each one foot of building frontage, not to exceed 50 square feet in area. In lieu of a freestanding sign, one additional wall sign is permitted not to exceed 50 square feet in area.

d. Portable signs as stated in SMC 22.06.035.

5. Notwithstanding anything to the contrary in this chapter, gateway signs are permitted in all zones and/or in the public right-of-way. (Ord. 1202-15 § 2; Ord. 1149-12 § 2; Ord. 806-03 § 1)

22.06.035 Portable signs.

Portable signs are permitted, subject to the regulations set forth below.

A. Size and Height. No sign shall exceed six square feet in area per face with a maximum height of three feet.

B. Setbacks. Portable signs shall maintain a 15-foot side yard setback in all districts and shall not obstruct traffic visibility at street, highway, or driveway intersections.

C. Location. Portable signs shall be located on the business premises advertised except in the UC (urban center) zone where they may be located 150 feet off the business premises provided the location does not create a hazard to pedestrian movement on the sidewalk, or the use of the adjacent street, including on-street parking spaces.

D. Number of Signs Permitted.

1. Single-Tenant Building. No more than one portable sign shall be allowed for each street frontage for any single-tenant building.

2. Multi-building Complexes or Multitenant Buildings. For multi-building complexes or multitenant buildings no more than one portable sign shall be allowed for each 50 feet of continuous street frontage; provided, that a minimum 25-foot separation must be maintained between signs.

E. Anchoring. All signs shall be anchored in a manner which both prevents the sign from being moved or blown over from its approved location and also allows for the prompt removal of the sign.

F. Illumination. No portable identification sign may be illuminated.

G. Hazard. No portable sign or associated apparatus shall be situated or used in a manner which creates a hazard to the public. The city retains the right to revoke any permit and to remove a portable sign that, in the judgment of the city officials, may create an accident or hazardous situation. The determination to remove a portable sign or revoke a permit for a portable sign may be appealed to the city council by filing a written request therefore within 10 days of the removal of the sign or the revocation of the permit. The permit shall not be restored, nor the sign replaced, until a determination by the city council has been made.

H. Permit and Permit Sticker Required. No portable sign may be installed or utilized without first obtaining a permit therefore from the city of Sultan building official. Applications for permits may

be made according to such procedures and upon such forms as may be established by the building official. A valid city-issued permit sticker shall be affixed to the sign in the location determined appropriate by the building official prior to installation of any portable sign. (Ord. 806-03 § 1)

22.06.040 Application and permits.

A. Permit Requirement. No sign governed by the provisions of this chapter shall be displayed, erected, relocated, or altered without first obtaining a sign permit. When such a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of said permit without prior written approval from the building and zoning official.

B. Application for Permit. An application for a sign permit shall be made by the owner of the property or his authorized agent, except for political signs or other signs not requiring a permit. The permit application shall contain a legal description of the property where the sign is proposed to be located; the name, address, and telephone number of the owner or his/her authorized agent; the name, address, and telephone number of the sign installer/erector; the type of sign surface area, and value of the sign proposed; the signature of the applicant; a drawing to scale showing the design and location of the sign, and an indication as to the material to be used to construct the sign, its color, and how it is proposed to be affixed to the property; and any other pertinent information deemed necessary by the building and zoning official's office to ensure compliance with these standards.

C. Statement of Authorization. Any application for a sign permit that is signed by an individual other than the property owner shall be accompanied by a notarized statement of authorization consenting to the sign placement by the owner of record or, if the property or building upon which the sign to be located is leased, a copy of the executed lease shall accompany the application form. Off-premises signs shall require a notarized statement from the property owner authorizing the placement of the sign. (Ord. 806-03 § 1)

22.06.050 Design and construction standards.

A. Plans and Specifications. Plans and specifications for any proposed sign shall be prepared and submitted in triplicate to accompany the application. Such plans and specifications shall be drawn to scale and, at a minimum, include the following:

1. Sign dimensions;

2. Lot frontage on all public rights-of-way;

3. Maximum and minimum height of the sign, as measured from the finished ground floor grade;

4. The location of the sign in relation to property lines, public rights-of-way, easements, buildings, and any other existing signs on the property;

5. Dimensions of the sign's supporting members;

6. For illuminated signs, the type, placement, intensity, and proposed hours of operation;

7. All construction and electrical specifications, if any, of the proposed sign;

8. Lineal footage of building frontage;

9. Contact and number for dial-a-dig location;

10. For ground and pole sign footing and foundation details and specifications.

B. Existing Signs. The number, type, location, and surface area of all existing signs on the same property and/or building upon which the proposed sign is to be located shall be indicated.

C. Revocation of Permit. If the work involving the erection of any sign is found, upon inspection, to not be proceeding in accordance with the drawings and specifications contained in the sign permit application, and/or is proceeding in violation of these standards, or any other codes and laws of the city of Sultan, the owner or his/her authorized agent shall be notified of the violation in writing by the building and zoning official's office. If the owner or his authorized agent fails or refuses to make corrections within 15 working days of being notified, it shall be the duty of the building and zoning official's office to revoke such permit and serve notice upon such owner. It shall be unlawful for any person to continue with any work associated with sign erection/installation after such notice is issued.

D. Revocation of Permit for Nonuse. If work has not commenced within 90 working days from the date of the issuance of the sign permit, the permit shall become null and void. If construction of a sign has commenced under a sign permit, but is then suspended for a period of at least 60 working days, such permit shall become null and void. If any sign permit has been declared null and void and the owner, developer, or tenant decides to reinstate action on the construction/installation of the sign, it shall be necessary for him/her to reapply in writing for a new permit. All requests for extensions of the time limit and all approvals (or denials) for these requests shall be in writing.

E. Inspection. The building and zoning official's office may make or require any inspections of any sign construction or installation to ensure compliance with these standards and other pertinent laws. (Ord. 806-03 § 1)

22.06.060 Structural requirements and sign design.

A. Landscaping. The purpose of this subsection is to establish aesthetic standards that will lead to an attractive appearance along public rights-of-way through the use of landscaping.

1. A landscaped area shall be provided and maintained in a neat and orderly manner at the base of every freestanding or ground sign, in addition to any other required landscape standards.

2. Said landscaped area shall contain a minimum of one square foot for each square foot of sign surface area.

3. Real estate, permitted banners, and pennants, all permitted temporary signs, and political signs are exempt from this requirement.

B. Sign Locations.

1. No sign shall be attached to a gutter, drainpipe, or fire escape, nor shall any sign be installed that impedes access to a roof. No sign shall encroach into a means of egress as identified in the Uniform Building Code.

2. No sign shall be installed in any location where, by reason of its position, it will obstruct the view of any authorized traffic signal, sign, or other traffic control device.

3. No sign shall be attached to any public tree, utility pole, traffic sign device and restraining object.

4. All signs, except for political signs and temporary noncommercial social event signs, shall pertain to a permitted use on the property upon which they are installed.

5. No business, office, or industrial use shall have more than two signs per public right-of-way frontage.

6. There shall be a clearance of at least nine feet between the ground and the bottom of the sign and no sign shall overhang within two feet of the vertical projection of a public right-of-way or curb line in the urban center district.

C. Traffic Hazard. No sign shall hereinafter be erected, installed, operated, used, or maintained that:

1. Due to its position, shape, color, format, or illumination, obstructs the view of or may be confused with an official traffic sign, signal, or device.

2. Contains display lights resembling the flashing lights customarily associated with emergency situations, such as those used by police, fire, ambulance, or any other emergency vehicle.

3. Uses, in a manner which may confuse motor vehicle operators, the words "stop," "warning," "turn," or similar words implying the existence of danger or the need to stop or maneuver.

4. Obstructs the view of motor vehicle operators entering or exiting a public roadway from any parking area, service drive, or other thoroughfare.

5. Obstructs visibility at street intersections for motorists.

6. Is placed within the public right-of-way.

D. Compliance with Other Codes. All signs hereafter erected shall comply with all applicable provisions of all other codes as related to location, structural design, and construction.

1. All freestanding and ground signs erected within the right-of-way of State Highway No. 2 or within the required building setback areas of properties adjacent to State Highway No. 2 shall incorporate break away design standards into the design and construction of the sign(s) as recommended by the Washington State Department of Transportation.

E. Other Specifications.

1. No sign shall be erected or installed so as to obstruct any fire escape, require exits, or window or door opening intended as a means of egress from a building.

2. No sign shall be erected or installed that interferes with any opening required for ventilation.

3. No sign shall be erected or installed that creates a potentially unsafe situation because of its proximity to electrical conductors.

4. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for potable water, wastewater, gas, fuel, electricity, or communications equipment or lines. The placement of any sign shall not interfere with any stormwater drainage facility or channel.

5. No visible angle or other supporting frame structure for the support of projecting, and/or canopy signs are prohibited except for structures designed to be an integral part of the sign.

6. Signs shall not contain more than three cabinets or modules. (Ord. 806-03 § 1)

22.06.070 Sign variance procedure.

A. The hearing examiner may approve or approve with modification the application for a variance from the provisions of the sign code if:

1. The applicant is unable to obtain signage consistent with this chapter due to special circumstances or conditions related to the size, topography, location or other physical characteristics of the premises, and that such special circumstances or conditions are not the direct result of the actions or omissions of the applicant. For purposes of this section, such special circumstances may include the proximity of the premises to any state highway, but shall not include proximity to local streets and roads.

2. The variance shall not constitute a grant of a special privilege inconsistent with the limitation upon signage and other uses of other properties in the vicinity and zone in which the property, on behalf of which the application was filed, is located.

3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in the zone in which the subject property is situated.

B. A nonrefundable sign permit variance fee shall be collected at the time of application submittal. Fees will be set by resolution by the city council.

C. Any person aggrieved by the decision of the hearing examiner on a variance application shall have the right to appeal that decision to the Snohomish County superior court. (Ord. 806-03 § 1)

22.06.080 Nonconforming use and discontinuance of use.

A. A legal, nonconforming sign existing on the effective date of this sign code shall be allowed to continue in existence without abatement provided all of the following criteria are met:

1. The sign was lawfully constructed, erected, posted or displayed in full compliance with all development regulations and standards then in effect; and

2. The sign does not present a threat to the public health and safety.

B. A legal, nonconforming sign shall immediately be brought into compliance with the applicable provisions of this sign code upon any of the following events:

1. Any change in the use classification of the primary building or structure to which the sign advertises or relates, as determined by reference to the most current version of the Uniform Building Code as adopted by reference.

2. Any significant modification or repair to the structure, frame, or support of the nonconforming sign. For purposes of this section, "significant modification or repair" shall mean modification or repair that exceeds 50 percent of the fair market value of the sign.

3. Any relocation or replacement of a nonconforming sign.

C. A legal, nonconforming sign shall not be expanded or enlarged to any degree without bringing the sign into conformance with the provisions of this sign code.

D. Where the use of a legal nonconforming sign is abandoned or discontinued for a continuous period of 180 days, such sign shall lose its nonconforming status and shall be immediately removed or brought into compliance with the provisions of this sign code. For commercial signs, a nonconforming sign shall be considered to be abandoned or discontinued upon the close, expiration, or termination of the commercial location or activity to which the sign relates. (Ord. 806-03 § 1)