



**CITY OF EDGEWOOD
REGULAR COUNCIL MEETING AGENDA**

Tuesday, February 25, 2020 – 7:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

Roll Call, Pledge of Allegiance

2. AUDIENCE COMMENT

3. MAYOR'S REPORT

4. CONSENT AGENDA: *The consent agenda includes items that are routine in nature and are adopted by one motion. Should Council wish to discuss a consent agenda item, the item would be removed from the consent agenda and discussed under Council Business.*

The following items are presented for Council approval:

A. Study Session Meeting Minutes of February 4, 2020

B. Regular Meeting Minutes of February 11, 2020

C. Study Session and Special Joint Meeting of February 18, 2020

D. AB20-007, a motion approving February 2020 Budgeted Expenditures as follows: Deferred Compensation Program; Payroll Direct Deposit; Dept. of Retirement Systems; Dept. of Child Support; and IRS 941 ACHs in the amount of \$122,530.07; and Vendor Check Numbers 24230 through 24261 with EFT and Direct Pay Payments in the amount of \$557,173.44. Total distributions submitted for review & authorization in the amount of \$679,703.51

E. AB20-0493 - adopting Resolution No. 20-0493, Second Amendment to the Berger Contract for the 36th and Meridian Park Phase One

5. COUNCIL BUSINESS

A. AB20-008, Applicant Introduction and Recommendations to the Code Enforcement Board

B. AB20-0572, adopting Ordinance No. 20-0572, related to Code Enforcement housekeeping amendments

C. AB20-0573, adopting Ordinance No. 20-0573, amending section 15.05.100 of the Edgewood Municipal Code related to adoption of the International Property Maintenance Code and Code Enforcement

D. AB20-0574, adopting Ordinance No. 20-0574, reducing the speed limit from 35 mph to 25 mph on 114th Avenue East between Jovita Boulevard East and the King / Pierce County Line

6. COUNCIL COMMENTS

7. ADJOURN

This meeting is accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (253) 952.3299, 24 hours in advance.



CITY OF EDGEWOOD

02/04/2020 STUDY SESSION MEETING AGENDA SUMMARY

Tuesday, February 4, 2020 – 7:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1 CALL TO ORDER

Mayor Eidinger called the meeting to order at 7:00pm and Councilmember Lowry led attendees in the Pledge of Allegiance.

Present: Mayor Daryl Eidinger, Councilmember John West, Councilmember Ryan Day, Councilmember Rosanne Tomin, Deputy Mayor Mark Creley, Councilmember Tyron Christopherson, Councilmember Nate Lowry, Councilmember Colleen Wise

Staff Present: Assistant City Administrator Dave Gray, City Clerk Rachel Pitzel, Community & Economic Development Director Darren Groth, Jeremy Metzler Public Works Director, Matthew Ray, IT Director, Police Chief Micah Lundborg.

2 COUNCIL BUSINESS

A. Staff Meet and Greet

Community & Economic Development Director Darren Groth introduced Building Inspector/Plans Examiner Cory McVay who then shared a bit about himself.

B. Discussion/Review - Resolution - Equipment and Vehicle Surplus

Public Works Director Jeremy Metzler spoke on this agenda item and the request to remove vehicles no longer in use to recoup whatever value may be left in them.

Mayor Eidinger emphasized the city's desire to move all public works employees into all wheel drive vehicles.

Council requested this item be placed on an upcoming consent agenda.

C. Discussion - Tree Preservation

Community & Economic Development Director Darren Groth opened this follow up discussion by asking for council direction in moving forward.

Discussion ensued between Council and staff about closing possible loop holes.

Council requested this be brought back for further discussion at a later date.

3 OTHER COUNCIL ITEMS

Mayor Eidinger spoke.

Councilmember Wise spoke.

Councilmember West spoke.

Councilmember Christopherson spoke.

Councilmember Tomin spoke.

Discussion then took place on how Council would like to vote- consensus was to continue with an audible vote.

4 ADJOURN

7:51pm



CITY OF EDGEWOOD

02/11/2020 REGULAR COUNCIL MEETING MEETING AGENDA SUMMARY

Tuesday, February 11, 2020 – 7:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1 CALL TO ORDER

Mayor Eidinger called the meeting to order at 7:01pm and Councilmember West led attendees in the Pledge of Allegiance.

Present: Mayor Eidinger, Councilmember Tomin, Councilmember West, Councilmember Lowry, Councilmember Creley, Councilmember Christopherson, Councilmember Day, Councilmember Wise

Staff Present: Assistant City Administrator Dave Gray, City Clerk Rachel Pitzel, Community & Economic Development Director Darren Groth, Jeremy Metzler Public Works Director, Matthew Ray, IT Director, Police Chief Micah Lundborg.

2 AUDIENCE COMMENT

There was no audience comment.

3 STATE OF THE CITY ADDRESS

Director Reports were given after the Mayor's State of the City Address

4 CONSENT AGENDA

- A.** Study Session Meeting Minutes of January 21, 2020
- B.** Regular Meeting Minutes of January 28, 2020
- C. AB20-005**, a motion approving February 2020 Budgeted Expenditures as follows: Deferred Compensation Program; Payroll Direct Deposit; Dept. of Retirement Systems; Dept. of Child Support; AWC Employee Benefit Trust; and IRS 941 ACHs in the amount of \$171,126.75; and Vendor Check Numbers 24210 through 24230 with EFT and Direct Pay Payments in the amount of \$70,332.27. Total distributions submitted for review & authorization in the amount of \$241,459.02.
- D. AB20-0492**, adopting Resolution No. 20-0492, authorizing the Mayor to declare miscellaneous obsolete computer equipment, electronics, and automobiles as surplus and administer the donation or sale of the items

Motion: As read, **Action:** Approve, Moved by Councilmember Tomin, **Seconded** by Councilmember West. **Motion passed Unanimously 7-0**

5 COUNCIL BUSINESS

- A. AB20-006**, Applicant Introductions and Recommendation to the Economic Development Advisory Board
A Motion confirming the Mayoral appointment of Dawne Swanson to the Economic Development Advisory Board Position No. 6
Motion: As Read, **Action:** Approve, **Moved by** Councilmember Christopherson **Seconded by** Councilmember Wise. **Motion passed unanimously 7-0**

6 COUNCIL COMMENTS

Councilmember Day spoke.
Councilmember West spoke.
Councilmember Tomin spoke.
Councilmember Wise spoke.
Mayor Eiding spoke.
Deputy Mayor Creley spoke.
City Attorney Ann Marie Soto spoke.

7 ADJOURN

7:25pm



**CITY OF EDGEWOOD
STUDY SESSION AND SPECIAL JOINT MEETING MEETING AGENDA
SUMMARY**

Tuesday, February 18, 2020 – 7:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1 CALL TO ORDER

Mayor Eidinger called the meeting to order at 7:00pm and Deputy Mayor Creley led attendees in the Pledge of Allegiance.

Present: Mayor Eidinger, Councilmember Wise, Councilmember Day, Councilmember Lowry, Deputy Mayor Creley, Councilmember Tomyn, Councilmember West, Councilmember Christopherson (late)

Staff Present: Assistant City Administrator Dave Gray, City Clerk Rachel Pitzel, Community & Economic Development Director Darren Groth, Jeremy Metzler Public Works Director, Matthew Ray, IT Director, Police Chief Micah Lundborg.

2 COUNCIL BUSINESS

A. Development Review

Senior Planner Kristin Moerler briefed Council on this agenda item, and then handed it over to Associate Planner Silas Read who gave a brief overview of the city's GIS program.

B. Code Enforcement Revisions

Code Compliance Specialist John Fairbanks discussed the updates to specific sections of the Edgewood Municipal Code, and then answered questions from Council.

C. Public Works Discussion Items

Public Works Director Metzler briefed on these items, asking that they be moved forward for consideration at an upcoming regular council meeting.

Councilmember Christopherson entered the meeting at 7:29pm

3 COMMISSION & ADVISORY BOARD ITEMS

A. Parks & Recreation Advisory Board Work Plan

Public Works Director Metzler introduced Chair Levenhagen who then reviewed with Council the details of the boards work plan.

Discussion then ensued between Council and staff, Mayor Eidinger then thanked the board members for their dedication and commitment to the city.

B. Planning Commission Work Plan

Planning Technician Evan Hietpas introduced the Planning Commissioners in attendance. He then reviewed with Council items the commission has been working on the last few months, and things they intend to work on moving forward. Mayor Eidinger expressed his gratitude for all the work they've accomplished, and plan to accomplish in the upcoming year.

C. Economic Development Advisory Board Work Plan

Assistant City Administrator Dave Gray introduced members of the Economic Development Advisory Board who then requested feedback from Council on what they'd like to see from them moving forward. Discussion then ensued between Council about their various visions for the city.

4 ADJOURN

8:13pm



City Of Edgewood Council Agenda Summary Sheet

Subject: AB20-007 , a motion approving February 2020 Budgeted Expenditures as follows: Deferred Compensation Program; Payroll Direct Deposit; Dept. of Retirement Systems; Dept. of Child Support; and IRS 941 ACHs in the amount of \$122,530.07; and Vendor Check Numbers 24230 through 24261 with EFT and Direct Pay Payments in the amount of \$557,173.44. Total distributions submitted for review & authorization in the amount of \$679,703.51	Agenda Item #: AB20-007
	For Agenda of: 2/25/2020
	Prepared by: Stephanie Goff
Attachments (list): 1. 022520 Claims Register 2. 022520 Voucher Directory	
Approval of Materials: Stephanie Goff Rachel Pitzel 2/21/2020 Dave Gray 2/21/2020 Daryl Eidingen 2/21/2020	Expenditure Required: \$679,703.51
	Amount Budgeted: N/A
	Timeline: N/A

Summary Statement:

Approving February 2020 Budgeted Expenditures as follows: Deferred Compensation Program; Payroll Direct Deposit; Dept. of Retirement Systems; Dept. of Child Support; and IRS 941 ACHs in the amount of \$122,530.07; and Vendor Check Numbers 24230 through 24261 with EFT and Direct Pay Payments in the amount of \$557,173.44. Total distributions submitted for review & authorization in the amount of \$679,703.51.

Item History:

N/A

Recommended Action:

AB20-007, a motion approving February 2020 Budget MOTION to adopt as presented under the Consent Agenda.

Fiscal Note/Consideration:

City of Edgewood 2020

February 25th 2020 Council Meeting Check & EFT Payment Distribution Review & Authorization

Number	Name	Print Date	Amount
US Bank PAYROLL ACCOUNT DISTRIBUTION			
10610 Last Number Issued Previous Authorization			
<u>DCP EFT 2/14/2020</u>	Deferred Compensation Program	2/14/2020	\$13,919.30
<u>DCS EFT 2/14/2020</u>	WA State Support Registry	2/14/2020	\$275.00
<u>Direct Deposit Run - 2/13/</u>	Payroll Vendor	2/14/2020	\$77,281.09
<u>DRS EFT 2/14/2020</u>	Dept of Retirement Systems	2/14/2020	\$18,309.02
<u>IRS EFT 2/14/2020</u>	IRS 941	2/14/2020	\$12,745.66
Total			\$122,530.07

Number	Name	Print Date	Amount
CLAIM VOUCHER ACCOUNT DISTRIBUTION			
24230 Last Number Issued Previous Authorization			
<u>24231</u>	Berger Partnership	2/25/2020	\$1,795.00
<u>24232</u>	Berk Consulting	2/25/2020	\$3,877.50
<u>24233</u>	City of Edgewood	2/25/2020	\$8,865.00
<u>24234</u>	City of Sumner	2/25/2020	\$4,033.96
<u>24235</u>	Drain-Pro	2/25/2020	\$54.21
<u>24236</u>	Fife Milton Edgewood Chamber of Commerce	2/25/2020	\$25.00
<u>24237</u>	Gray & Osborne, Inc	2/25/2020	\$5,100.36
<u>24238</u>	Int'l Assoc.- Chiefs of Police	2/25/2020	\$190.00
<u>24239</u>	Julie Dyer	2/25/2020	\$1,820.00
<u>24240</u>	Landau Associates	2/25/2020	\$1,798.68
<u>24241</u>	Legend Data Systems, Inc., dba Legend ID	2/25/2020	\$25.55
<u>24242</u>	Madrona Law Group, PLLC	2/25/2020	\$10,313.00
<u>24243</u>	Northwest Custom Apparel	2/25/2020	\$197.82
<u>24244</u>	Office Depot	2/25/2020	\$405.73
<u>24245</u>	Olympic Embroidery	2/25/2020	\$343.96
<u>24246</u>	Petty Cash Custodian	2/25/2020	\$183.67
<u>24247</u>	Pierce County Auditor's Office	2/25/2020	\$105.50
<u>24248</u>	Pierce County Budget & Finance	2/25/2020	\$387.55
<u>24249</u>	Pierce County Budget & Finance Jail	2/25/2020	\$487.43
<u>24250</u>	Pierce County Budget & Finance Sheriff	2/25/2020	\$468,106.66
<u>24251</u>	Raedeke Associates, Inc.	2/25/2020	\$1,967.00
<u>24252</u>	Secoma Fence, Inc.	2/25/2020	\$2,977.69
<u>24253</u>	Stanley Convergent Security Systems	2/25/2020	\$395.64
<u>24254</u>	The News Tribune	2/25/2020	\$1,077.07
<u>24255</u>	The Police and Sheriffs Press	2/25/2020	\$17.55
<u>24256</u>	United States Postal Service	2/25/2020	\$1,079.28
<u>24257</u>	Utilities Underground Location Center	2/25/2020	\$170.28
<u>24258</u>	Vision Municipal Solutions, LLC	2/25/2020	\$2,286.90
<u>24259</u>	Washington Tractor	2/25/2020	\$684.16
<u>24260</u>	Whistle Workwear	2/25/2020	\$811.00
<u>24261</u>	Wilbur-Ellis Company	2/25/2020	\$92.62
<u>Direct Pay Payment 2/21/</u>	Amazon Capital Services	2/25/2020	\$331.92
<u>Direct Pay Payment 2/21/</u>	American Traffic Solutions	2/25/2020	\$16,024.00
<u>Direct Pay Payment 2/21/</u>	CDW Government	2/25/2020	\$3,570.68
<u>EFT Payment 2/21/2020</u>	Comcast	2/25/2020	\$190.18
<u>EFT Payment 2/21/2020</u>	Comcast Business	2/25/2020	\$1,053.04
<u>EFT Payment 2/21/2020</u>	Puget Sound Energy	2/25/2020	\$4,877.25
<u>EFT Payment 2/21/2020</u>	Shell	2/25/2020	\$1,249.43
<u>EFT Payment 2/21/2020</u>	US Bank ACH/EFT	2/25/2020	\$30.00
<u>EFT Payment 2/21/2020</u>	US Bank Corporate Payment System	2/25/2020	\$10,171.17
Total Claims Voucher Distribution			\$557,173.44

Total Distribution Submitted for Review & Authorization \$679,703.51

Authorization Adjustments:

Total Distribution Net of Prior Authorized Adjustments **\$679,703.51**

Claims Voucher Approval: 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 herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Edgewood, and that I am authorized to authenticate and certify to said claim.

Accounting Manager, Stephanie Goff

Mayor, Daryl Eidinger

Council Member



Voucher Directory

Fiscal : 2020 - February

Council Date : 2020 - February - 2nd Council Meeting

Vendor	Number	Reference	Account Number	Description	Amount
Amazon Capital Services					
	Direct Pay	Payment 2/21/2020 8:57:05 AM - 1	2020 - February - 2nd Council Meeting		
		1DKD-GCFV-CQYQ			
			February Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$80.19
				Power Strip, Power Strip Tower, Cleaning Air	
		Total 1DKD-GCFV-CQYQ			\$80.19
		1GJG-4GNH-GYDT			
			February Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$251.73
				Power Strips, Internet Cables, 5 Port PoE Switch	
		Total 1GJG-4GNH-GYDT			\$251.73
	Total Direct Pay	Payment 2/21/2020 8:57:05 AM - 1			\$331.92
Total Amazon Capital Services					\$331.92
American Traffic Solutions					
	Direct Pay	Payment 2/21/2020 8:57:05 AM - 2	2020 - February - 2nd Council Meeting		
		INV00030549			
			January Services		
			001-021-000-521-70-41-11	Traffic Policing-Traffic Camera Contract	\$16,024.00
				January Services	
		Total INV00030549			\$16,024.00
	Total Direct Pay	Payment 2/21/2020 8:57:05 AM - 2			\$16,024.00
Total American Traffic Solutions					\$16,024.00
Berger Partnership					
	24231		2020 - February - 2nd Council Meeting		
		32125			
			Jan Services- Prj 20195029.00		
			310-000-000-594-76-41-03	Professional Svs.-Property	\$1,795.00
				36th & Meridian Phase One	
		Total 32125			\$1,795.00
	Total 24231				\$1,795.00
Total Berger Partnership					\$1,795.00

Vendor	Number	Reference	Account Number	Description	Amount
Berk Consulting					
	24232			2020 - February - 2nd Council Meeting	
		10439-01-20			
			Prj. R0010439		
			001-058-000-558-70-41-26	Economic Development Services	\$3,877.50
				Town Center Market Analysis and Economic Development	
		Total 10439-01-20			\$3,877.50
	Total 24232				\$3,877.50
Total Berk Consulting					\$3,877.50
CDW Government					
	Direct Pay Payment 2/21/2020 8:57:05 AM - 3			2020 - February - 2nd Council Meeting	
		SE2000166			
			January Services		
			001-018-000-518-80-41-01	Contracted IT Services	\$2,698.05
				Microsoft 0365 Deployment	
		Total SE2000166			\$2,698.05
		WRW6005			
			PO 2020004		
			001-018-000-518-85-31-03	Computer Hardware	\$872.63
				Dell 8GB Memory Upgrade (6)	
		Total WRW6005			\$872.63
	Total Direct Pay Payment 2/21/2020 8:57:05 AM - 3				\$3,570.68
Total CDW Government					\$3,570.68
City of Edgewood					
	24233			2020 - February - 2nd Council Meeting	
		021820-COE			
			36th & Meridian Park- Permit Fees		
			310-000-000-594-76-91-01	Permit Fees	\$8,865.00
				36th & Meridian Park- Permit Fees	
		Total 021820-COE			\$8,865.00
	Total 24233				\$8,865.00
Total City of Edgewood					\$8,865.00
City of Sumner					
	24234			2020 - February - 2nd Council Meeting	
		279			
			February Services		
			001-019-000-554-30-41-01	Animal Control Services	\$4,033.96
				Animal Control Svs. for February	
		Total 279			\$4,033.96
	Total 24234				\$4,033.96
Total City of Sumner					\$4,033.96

Vendor	Number	Reference	Account Number	Description	Amount
Comcast					
		EFT Payment 2/21/2020 8:56:16 AM - 1	2020 - February - 2nd Council Meeting		
		8498 35 021 0602869 1/29-2/28/2020			
		1/29-2/28/2020 Services			
		001-018-000-518-30-42-01	Telecommunications Charges		\$190.18
			City Hall Public Internet		
		Total 8498 35 021 0602869 1/29-2/28/2020			\$190.18
		Total EFT Payment 2/21/2020 8:56:16 AM - 1			\$190.18
Total Comcast					\$190.18
Comcast Business					
		EFT Payment 2/21/2020 8:56:16 AM - 2	2020 - February - 2nd Council Meeting		
		96246334			
		2/15-3/14/20 Services			
		001-018-000-518-30-42-01	Telecommunications Charges		\$1,053.04
			City Hall Phones		
		Total 96246334			\$1,053.04
		Total EFT Payment 2/21/2020 8:56:16 AM - 2			\$1,053.04
Total Comcast Business					\$1,053.04
Drain-Pro					
	24235		2020 - February - 2nd Council Meeting		
		58538			
		8/7-8/10/19 Edgemont Park			
		001-076-000-576-80-45-03	Operating Rentals		\$54.21
			Edgemont Park		
		Total 58538			\$54.21
	Total 24235				\$54.21
Total Drain-Pro					\$54.21
Fife Milton Edgewood Chamber of Commerce					
	24236		2020 - February - 2nd Council Meeting		
		2694			
		February Luncheon- D.Eidinger			
		001-013-000-513-10-43-04	Meals Expense		\$25.00
			February Luncheon- D.Eidinger		
		Total 2694			\$25.00
	Total 24236				\$25.00
Total Fife Milton Edgewood Chamber of Commerce					\$25.00
Gray & Osborne, Inc					
	24237		2020 - February - 2nd Council Meeting		
		18-G&O Prj.18626.01			
		56th St E SW Improvements			
		340-000-000-595-10-63-01	Capital Improvements-Engineering		\$3,741.78

Vendor	Number	Reference	Account Number	Description	Amount
				56th St E SW Improvements	
		Total 18-G&O Prj.18626.01			\$3,741.78
		3-G&O Prj.18626.07			
			36th & Meridian Park Phase 1		
			310-000-000-594-76-41-03	Professional Svs.-Property	\$599.94
				36th & Meridian Park Phase 1	
		Total 3-G&O Prj.18626.07			\$599.94
		4-G&O Prj.19614.00			
			General Sewer Plan Update		
			401-000-000-594-35-61-01	Cap Improvements-Sewer Plan Update	\$336.01
				General Sewer Plan Update	
		Total 4-G&O Prj.19614.00			\$336.01
		9-G&O Prj.18626.03			
			24th & Meridian Sidewalks		
			350-000-000-595-61-63-01	Pedestrian Projects	\$422.63
				24th & Meridian Sidewalks	
		Total 9-G&O Prj.18626.03			\$422.63
	Total 24237				\$5,100.36
Total Gray & Osborne, Inc					\$5,100.36
Int'l Assoc.- Chiefs of Police					
	24238			2020 - February - 2nd Council Meeting	
		0095665			
			IACP ID 02107168- M.Lundborg		
			001-021-000-521-10-49-01	Dues & Memberships	\$190.00
				2020 Dues- M.Lundborg	
		Total 0095665			\$190.00
	Total 24238				\$190.00
Total Int'l Assoc.- Chiefs of Police					\$190.00
Julie Dyer					
	24239			2020 - February - 2nd Council Meeting	
		1005-JD			
			2/3-2/15/20 Services		
			001-018-000-518-80-41-01	Contracted IT Services	\$1,820.00
				IT Consulting Services- 2/3-2/15/20	
		Total 1005-JD			\$1,820.00
	Total 24239				\$1,820.00
Total Julie Dyer					\$1,820.00

Vendor	Number	Reference	Account Number	Description	Amount
Landau Associates					
	24240			2020 - February - 2nd Council Meeting	
		0045112			
			Prj. 0495112.010		
			001-058-000-558-60-41-03	Prof. Services (Non-reimbursable)	\$1,798.68
				Prj. 0495112.010 Jovita Blvd Landslide	
		Total 0045112			\$1,798.68
	Total 24240				\$1,798.68
Total Landau Associates					\$1,798.68
Legend Data Systems, Inc., dba Legend ID					
	24241			2020 - February - 2nd Council Meeting	
		128564			
			February Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$25.55
				Photo ID Card- J.Tumelson	
		Total 128564			\$25.55
	Total 24241				\$25.55
Total Legend Data Systems, Inc., dba Legend ID					\$25.55
Madrona Law Group, PLLC					
	24242			2020 - February - 2nd Council Meeting	
		10073			
			January Services		
			001-019-000-515-41-41-01	Legal Services-External	\$10,313.00
				January Services	
		Total 10073			\$10,313.00
	Total 24242				\$10,313.00
Total Madrona Law Group, PLLC					\$10,313.00
Northwest Custom Apparel					
	24243			2020 - February - 2nd Council Meeting	
		112157			
			January Purchases		
			001-018-000-518-20-39-11	Teambuilding-Supplies	\$197.82
				CO Logos for Hawaiian Hats for Police (16)	
		Total 112157			\$197.82
	Total 24243				\$197.82
Total Northwest Custom Apparel					\$197.82
Office Depot					
	24244			2020 - February - 2nd Council Meeting	
		434033284001			
			January Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$57.22

Vendor	Number	Reference	Account Number	Description	Amount
				Plastic Utensils, Hand Sanitizer	
		Total 434033284001			\$57.22
		434186486001			
			January Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$55.63
				Plastic File Box, Copy Paper	
		Total 434186486001			\$55.63
		438639197001			
			February Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$62.35
				Card Stock, Pens, Envelopes	
		Total 438639197001			\$62.35
		438639646001			
			February Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$131.64
				Legal Size Folders	
		Total 438639646001			\$131.64
		438950824001			
			February Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$98.89
				Wireless Keyboard, Copy Paper	
		Total 438950824001			\$98.89
	Total 24244				\$405.73
Total Office Depot					\$405.73
Olympic Embroidery					
24245				2020 - February - 2nd Council Meeting	
	22995				
			January Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$343.96
				COE Jackets- J.Tumelson, C.McVay, J.Blaine	
	Total 22995				\$343.96
	Total 24245				\$343.96
Total Olympic Embroidery					\$343.96
Petty Cash Custodian					
24246				2020 - February - 2nd Council Meeting	
	021920- Petty Cash				
			Replenish Petty Cash		
			001-018-000-518-20-39-11	Teambuilding-Supplies	\$5.00
				Gift Card-BE Team-Teambuilding	
			001-018-000-518-30-48-07	Maintenance & Repairs-Vehicles	\$5.00
				Car Wash- City Vehicle	
			001-058-000-558-50-43-01	Training/Travel Costs	\$20.00
				ICC Meeting 1/16/20- J.Tumelson	

Vendor	Number	Reference	Account Number	Description	Amount
			001-058-000-558-50-43-01	Training/Travel Costs	\$20.00
				ICC Meeting 1/16/20- D.Mundy	
			001-058-000-558-50-43-01	Training/Travel Costs	\$20.00
				ICC Meeting 1/16/20- G.Mehr	
			001-058-000-558-60-43-01	Training/Travel Costs	\$10.50
				Souder Train reim- S.Read	
			001-076-000-576-80-31-01	Operational Supplies	\$5.24
				HD Fowler-Nelson Farm Supplies	
			001-076-000-576-80-31-01	Operational Supplies	\$52.68
				HD Fowler-Nature Park Supplies	
			001-076-000-576-80-31-02	Recreation Activities & Events	\$27.77
				Tree Lighting Supplies- L. Howard	
			001-076-000-576-80-31-02	Recreation Activities & Events	\$17.48
				Movie Night Snacks- R.Tomyn	
		Total 021920- Petty Cash			\$183.67
	Total 24246				\$183.67
Total Petty Cash Custodian					\$183.67
Pierce County Auditor's Office					
24247				2020 - February - 2nd Council Meeting	
		CI-283585			
			Recording Fees		
			001-058-000-558-60-41-10	Pierce County Recording Fees	\$105.50
				Recording Fees-Acct# 5049	
		Total CI-283585			\$105.50
	Total 24247				\$105.50
Total Pierce County Auditor's Office					\$105.50
Pierce County Budget & Finance					
24248				2020 - February - 2nd Council Meeting	
		CI-282838			
			2020 PCRC Dues		
			001-018-000-518-90-49-52	Puget Sound Regional Council	\$387.55
				2020 PCRC Dues	
		Total CI-282838			\$387.55
	Total 24248				\$387.55
Total Pierce County Budget & Finance					\$387.55
Pierce County Budget & Finance Jail					
24249				2020 - February - 2nd Council Meeting	
		CI-283717			
			January Services		
			001-021-000-523-60-41-01	Jail Services	\$487.43

Vendor	Number	Reference	Account Number	Description	Amount
				January Services	
		Total CI-283717			\$487.43
	Total 24249				\$487.43
Total Pierce County Budget & Finance Jail					\$487.43
Pierce County Budget & Finance Sheriff					
	24250			2020 - February - 2nd Council Meeting	
		CI-283629			
			January Services		
			001-021-000-521-20-41-01	Police Services	\$234,053.33
				January Services	
		Total CI-283629			\$234,053.33
		CI-283673			
			February Services		
			001-021-000-521-20-41-01	Police Services	\$234,053.33
				February Services	
		Total CI-283673			\$234,053.33
	Total 24250				\$468,106.66
Total Pierce County Budget & Finance Sheriff					\$468,106.66
Puget Sound Energy					
	EFT Payment 2/21/2020 8:56:16 AM - 3			2020 - February - 2nd Council Meeting	
		300000011233 January 2020			
			January Statement		
			001-018-000-518-30-47-01	Electricity	\$4,877.25
				January Statement	
		Total 300000011233 January 2020			\$4,877.25
	Total EFT Payment 2/21/2020 8:56:16 AM - 3				\$4,877.25
Total Puget Sound Energy					\$4,877.25
Raedeke Associates, Inc.					
	24251			2020 - February - 2nd Council Meeting	
		58458			
			Feb Services- Prj. 2018-097		
			001-058-000-558-60-41-01	Reim.Engineering - Prof. Serv	\$27.00
				109-2 Barth Estates	
			001-058-000-558-60-41-01	Reim.Engineering - Prof. Serv	\$161.00
				110 McCutcheon RUP	
			310-000-000-594-76-41-03	Professional Svs.-Property	\$1,253.00
				108a 36th & Meridian	
		Total 58458			\$1,441.00

Vendor	Number	Reference	Account Number	Description	Amount
		58459			
			Feb Services- Prj. 2018-097		
			310-000-000-594-76-41-03	Professional Svs.-Property	\$526.00
			108b-108e 36th & Meridian		
		Total 58459			\$526.00
	Total 24251				\$1,967.00
Total Raedeke Associates, Inc.					\$1,967.00
Secoma Fence, Inc.					
	24252			2020 - February - 2nd Council Meeting	
		14719			
			February Services- PO#2019031		
			340-000-000-595-10-41-06	Public Works Facility Acquisition	\$2,977.69
				Privacy Slats- PW Storage Yard Fence	
		Total 14719			\$2,977.69
	Total 24252				\$2,977.69
Total Secoma Fence, Inc.					\$2,977.69
Shell					
	EFT Payment 2/21/2020 8:56:16 AM - 4			2020 - February - 2nd Council Meeting	
		63788723			
			January Statement		
			001-018-000-518-30-32-01	Fuel	\$1,249.43
				January Statement	
		Total 63788723			\$1,249.43
	Total EFT Payment 2/21/2020 8:56:16 AM - 4				\$1,249.43
Total Shell					\$1,249.43
Stanley Convergent Security Systems					
	24253			2020 - February - 2nd Council Meeting	
		17211526			
			3/1/20-2/28/21 Services		
			001-018-000-518-30-46-01	Alarm Monitoring	\$395.64
				3/1/20-2/28/21 Services	
		Total 17211526			\$395.64
	Total 24253				\$395.64
Total Stanley Convergent Security Systems					\$395.64
The News Tribune					
	24254			2020 - February - 2nd Council Meeting	
		255556 12/30/19-2/2/2020			
			January Statement		
			001-019-000-511-30-41-02	Legal Publications	\$802.72
				Legal Notice	
			001-058-000-558-60-41-08	Legal Notices/Publications	\$274.35

Vendor	Number	Reference	Account Number	Description	Amount
				Legal Notice	
		Total 255556 12/30/19-2/2/2020			\$1,077.07
	Total 24254				\$1,077.07
Total The News Tribune					\$1,077.07
The Police and Sheriffs Press					
	24255			2020 - February - 2nd Council Meeting	
		130690			
			February Purchases		
			001-021-000-521-20-31-01	Office & Operational Supplies	\$17.55
				ID Card- B.Ashmore	
		Total 130690			\$17.55
	Total 24255				\$17.55
Total The Police and Sheriffs Press					\$17.55
United States Postal Service					
	24256			2020 - February - 2nd Council Meeting	
		0211920-USPS			
			Spring 2020 Magazine Postage		
			001-018-000-518-20-42-02	Postage	\$1,079.28
				Spring 2020 Magazine Postage	
		Total 0211920-USPS			\$1,079.28
	Total 24256				\$1,079.28
Total United States Postal Service					\$1,079.28
US Bank ACH/EFT					
	EFT Payment 2/21/2020 8:56:16 AM - 5			2020 - February - 2nd Council Meeting	
		013120-USBank			
			January Safekeeping Fees		
			001-019-000-514-20-42-05	Bank & Bond Fees	\$30.00
				January Safekeeping Fees	
		Total 013120-USBank			\$30.00
	Total EFT Payment 2/21/2020 8:56:16 AM - 5				\$30.00
Total US Bank ACH/EFT					\$30.00
US Bank Corporate Payment System					
	EFT Payment 2/21/2020 8:56:16 AM - 6			2020 - February - 2nd Council Meeting	
		012720-USBank			
			January Statement		
			001-013-000-513-10-43-01	Travel/Training Costs	\$680.00
				D.Groth-ICSC-Conference Registration for D.Eidinger	

Vendor	Number	Reference	Account Number	Description	Amount
			001-013-000-513-10-43-01	Travel/Training Costs	\$680.00
				D.Groth-ICSC-Conference Registration for D.Gray	
			001-013-000-513-10-43-04	Meals Expense	\$28.35
				D.Eidinger-Ranchito-Lunch w/M.Creley-Transition to Deputy Mayor Discussion	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$12.13
				B.Murray-Amazon-Cleaning Supplies	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$284.74
				J.S-Herrera-Amazon-Desk Chair	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$27.46
				B.Murray-Amazon-Cleaning Supplies	
			001-018-000-518-20-31-01	Office & Operational Supplies	\$20.67
				D.Eidinger-Home Depot-Light Bulbs for CH Sign	
			001-018-000-518-20-31-08	Wellness Supplies	\$19.54
				J.Bartelson-Baskin Robins-Plant Based Ice Cream, Wellness	
			001-018-000-518-20-35-01	Small Tools/Minor Equipment	\$43.85
				D.Eidinger-Ebay-Gate Openers for PW Yard	
			001-018-000-518-20-39-11	Teambuilding-Supplies	\$109.90
				J.Bartelson-NW Custom Apparel-Embroidery for Staff Shirts	
			001-018-000-518-20-39-11	Teambuilding-Supplies	\$156.16
				B.Murray-Safeway-Food for Staff BBQ	
			001-018-000-518-20-39-11	Teambuilding-Supplies	\$31.87
				J.Curbow-Dollar Tree-B.E. Team Supplies	
			001-018-000-518-20-39-11	Teambuilding-Supplies	\$20.97
				B.Murray-Safeway-Food for Staff BBQ	
			001-018-000-518-20-42-02	Postage	\$17.32
				B.Murray-USPS-Mail American Flag	
			001-018-000-518-20-43-04	Employee Meals	\$8.75
				J.Bartelson-Papa Murphy's-Salad, Dinner for Staff Meet & Greet	
			001-018-000-518-20-43-04	Employee Meals	\$152.30
				B.Murray-Domino's-Pizza, Dinner for Staff Meet & Greet	
			001-018-000-518-30-32-01	Fuel	\$9.23
				A.Thompson-Tahoma Market-Gas Can Fuel	
			001-018-000-518-30-32-02	Supplies/Parts - Vehicles & Equipment	\$362.66
				J.Privett-Billy Bob's Offroad-Steps for Dump Truck	
			001-018-000-518-30-48-07	Maintenance & Repairs-Vehicles	\$43.95
				D.Eidinger-Sterling Automotive-Ford Escape Oil Change	
			001-018-000-518-30-48-07	Maintenance & Repairs-Vehicles	\$10.00
				A.Thompson-Sud Star Milton-Car Wash, Sign Truck	
			001-018-000-518-30-48-07	Maintenance & Repairs-Vehicles	\$20.00
				J.Privett- Sub Star Milton-Car Wash for Snow Plow & John Deere	
			001-018-000-518-30-48-07	Maintenance & Repairs-Vehicles	\$20.00
				J.Privett-Sud Star Milton-Car Wash for Snow Plow & 1998 Chevy 2500	
			001-018-000-518-85-49-03	Computer Subscriptions	\$17.95
				B.Murray-Cloud Cover Music-CH Lobby Music Subscription	
			001-018-000-518-85-49-03	Computer Subscriptions	\$600.00
				M.Ray-CarbonHelix-MaaS360 Annual License	

Vendor	Number	Reference	Account Number	Description	Amount
			001-019-000-514-20-43-01	Travel & Training Costs	\$250.00
				S.Goff-MRSC-Annual Financial Workshop, Goff & Gray	
			001-019-000-514-20-43-01	Travel & Training Costs	\$1,725.10
				R.Pitzel-Seattle Reseach Partners-SHRM Certification Course	
			001-019-000-514-20-49-01	Memberships & Subscriptions	\$170.00
				R.Pitzel-IIMC-City Clerk Membership	
			001-019-000-514-20-49-01	Memberships & Subscriptions	\$75.00
				M.Ray-ACCIS-IT Director's of WA Membership	
			001-019-000-514-20-49-01	Memberships & Subscriptions	\$45.00
				J.Bartelson-PayPal-2020 WSAPT Membership	
			001-019-000-514-20-49-01	Memberships & Subscriptions	\$110.00
				J.S-Herrera-IIMC-Renewal for Annual Membership	
			001-019-000-514-20-49-01	Memberships & Subscriptions	\$25.00
				J.S-Herrera-WAPRO-Renewal for Annual Membership	
			001-058-000-558-50-43-01	Training/Travel Costs	\$125.00
				J.Curbow-WABO-Education Institute Conference	
			001-058-000-558-50-43-01	Training/Travel Costs	\$540.00
				J.Tumelson-PayPal-ICC Training	
			001-058-000-558-50-43-01	Training/Travel Costs	\$540.00
				G.Mehr-PayPal-ICC Training	
			001-058-000-558-50-43-01	Training/Travel Costs	\$500.00
				D.Mundy-WABO-2018 Code Update	
			001-058-000-558-50-43-01	Training/Travel Costs	\$120.00
				C.McVay-ICC-Certification Renewals	
			001-058-000-558-50-49-01	Memberships	\$30.00
				J.Curbow-DOL-Notary License Renewal	
			001-058-000-558-50-49-01	Memberships	\$95.00
				J.Tumelson-WABO-Jurisdictional Membership Renewal	
			001-058-000-558-50-49-01	Memberships	\$45.00
				J.Curbow-PayPal-WA Assoc. of Permit Techs 2020 Membership	
			001-058-000-558-60-31-10	Outdoor Gear	(\$59.34)
				J.Fairbanks-Whistle Workwear-Return Work Boots, Insoles, Work Pants	
			001-058-000-558-60-43-01	Training/Travel Costs	\$215.96
				D.Groth-SW Airlines-Airfare to Las Vegas for RECON	
			001-058-000-558-60-43-01	Training/Travel Costs	\$680.00
				D.Groth-ICSC-Conference Registration for D.Groth	
			001-058-000-558-60-49-01	Memberships	\$75.00
				J.Fairbanks-AACE-Annual Membership Dues	
			001-076-000-576-80-43-01	Travel/Training Costs	\$21.08
				A.Thompson-WA DOL-CDL	
			101-000-000-542-30-35-01	Roadway-Small Tools & Minor Equipment	\$154.99
				J.Metzler-Ultra Bright Lightz-Safety Flasher Module	
			101-000-000-542-64-31-01	Traffic Control Devices-Office & Operational Supplies	\$80.23
				D.Eidinger-Ebay-(2) Yellow Traffic Signal Bulbs for School Zone	

Vendor	Number	Reference	Account Number	Description	Amount
			101-000-000-542-90-43-01	Travel/Training Costs	\$285.00
				J.Metzler-CM Inspector Training-APWA CM Inspector Training, J.Blaine	
			101-000-000-542-90-43-01	Travel/Training Costs	\$21.08
				A.Thompson-WA DOL-CDL	
			101-000-000-542-90-49-09	Miscellaneous	\$120.00
				J.Metzler-The Mill-End of Year Team Lunch	
			410-000-000-531-38-31-01	Operational Supplies	\$31.87
				J.Privett-The Bag Lady- (100) Empty Sandbags	
			410-000-000-531-38-43-01	Training/Travel Costs	\$195.00
				J.Blaine-ECO 3-CECSL Re-Certification Training	
			410-000-000-531-38-43-01	Training/Travel Costs	\$175.00
				J.Blaine-NW Environmental-SW Conference	
			410-000-000-531-38-43-01	Training/Travel Costs	\$21.08
				A.Thompson-WA DOL-CDL	
			410-000-000-531-38-43-01	Training/Travel Costs	\$285.00
				J.Metzler-CM Inspector Training-APWA CM Inspector Training, J.Blaine	
			410-000-000-594-31-61-01	Land	\$10.82
				J.Metzler-Pierce County Auditor-PC Auditor Excise Tax Affidavit	
			501-000-000-594-18-65-03	City Equipment	\$21.50
				D.Eidinger-WA DOL-2003 F450 License & Registration	
			501-000-000-594-18-65-03	City Equipment	\$64.00
				D.Eidinger-WA DOL-2019 F350 License & Registration	
			Total 012720-USBank		\$10,171.17
			Total EFT Payment 2/21/2020 8:56:16 AM - 6		\$10,171.17
Total US Bank Corporate Payment System					\$10,171.17
Utilities Underground Location Center					
	24257		2020 - February - 2nd Council Meeting		
		0010146			
			January Services		
			410-000-000-531-38-49-09	Misc. Fees & Charges	\$170.28
				Utility Locating Svs. for January	
			Total 0010146		\$170.28
			Total 24257		\$170.28
Total Utilities Underground Location Center					\$170.28
Vision Municipal Solutions, LLC					
	24258		2020 - February - 2nd Council Meeting		
		09-7819			
			Task/Ticket: T20200121.0199		
			001-014-000-594-14-64-03	Software - Computer	\$2,286.90
				Microsoft SQL Server	
			Total 09-7819		\$2,286.90
			Total 24258		\$2,286.90
Total Vision Municipal Solutions, LLC					\$2,286.90

Vendor	Number	Reference	Account Number	Description	Amount
Washington Tractor					
	24259		2020 - February - 2nd Council Meeting		
		2005901	February Purchases		
			001-076-000-576-80-31-01	Operational Supplies	\$96.05
			4" Hose Kit		
			101-000-000-542-30-31-01	Roadway-Operational Supplies	\$192.11
			4" Hose Kit		
			410-000-000-531-38-31-01	Operational Supplies	\$192.11
			4" Hose Kit		
		Total 2005901			\$480.27
		2007272	February Purchases		
			001-076-000-576-80-31-01	Operational Supplies	\$203.89
			Pruner Attachment, Oil		
		Total 2007272			\$203.89
	Total 24259				\$684.16
Total Washington Tractor					\$684.16
Whistle Workwear					
	24260		2020 - February - 2nd Council Meeting		
		481669	February Purchases		
			001-076-000-576-80-31-01	Operational Supplies	\$385.74
			H.Bowers- Boots		
		Total 481669			\$385.74
		481673	February Purchases		
			001-076-000-576-80-31-01	Operational Supplies	\$79.11
			H.Bowers- Raingear		
		Total 481673			\$79.11
		481683	February Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$326.38
			A.Thomspon- Work Boot, Rubber Boots		
		Total 481683			\$326.38
		482740	February Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$19.77
			A.Thompson- Safety Vest		
		Total 482740			\$19.77
	Total 24260				\$811.00
Total Whistle Workwear					\$811.00

Vendor	Number	Reference	Account Number	Description	Amount
Wilbur-Ellis Company	24261			2020 - February - 2nd Council Meeting	
		13202196			
			January Purchases		
			001-076-000-576-80-31-09	Chemicals	\$92.62
			Herbicide		
		Total 13202196			\$92.62
	Total 24261				\$92.62
Total Wilbur-Ellis Company					\$92.62
Grand Total		Vendor Count	40		\$557,173.44



City Of Edgewood Council Agenda Summary Sheet

Subject: AB20-0493 - adopting Resolution No. 20-0493, Second Amendment to the Berger Contract for the 36th and Meridian Park Phase One	Agenda Item #: AB20-0493
	For Agenda of: 2/25/2020
	Prepared by: Jeremy Metzler
Attachments (list): 1. Resolution 20-0493 with attachments	
Approval of Materials: Jeremy Metzler Rachel Pitzel 2/20/2020 Dave Gray 2/20/2020 Daryl Eidingen 2/21/2020	Expenditure Required: \$330,460.00
	Amount Budgeted: \$304,700.00
	Timeline: 02/25/2020 - RCM Action

Summary Statement:

On March 13, 2019, the City and The Berger Partnership, P.S. (Berger) entered into a Professional Services Agreement (the "Agreement") for design and construction administration for the 36th and Meridian Park, Phase One. The City subsequently requested revised design concepts, requiring additional work authorized under the First Amendment on July 23, 2019. This Second Amendment request is due to additional work required by a previously unidentified wetland on the property and revisions requested by the grant agency on the Cultural Resource Assessment. This additional design work will result in a \$25,760.00 increase in the maximum compensation to be paid to Consultant, from \$304,700.00 to \$330,460.00.

Item History:

03/13/2019 - Original Contract Executed
 07/23/2019 - First Amendment Approved
 02/18/2020 - Second Amendment SS Discussion

Recommended Action:

MOTION to adopt **AB20-0493** - adopting Resolution No. 20-0493, Second Amendment to the Berger Contract for the 36th and Meridian Park Phase One

Fiscal Note/Consideration:

With this revision and the last construction cost estimate, this project is still within the original anticipated budget, requiring \$2.16M in Park Impact Fees (PIF). Based on YE 2019, the PIF balance is over \$2.8M.

RESOLUTION NO. 20-0493

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
EDGEWOOD, PIERCE COUNTY, WASHINGTON,
AUTHORIZING THE MAYOR TO ENTER INTO A SECOND
AMENDMENT TO THE PROFESSIONAL SERVICES
AGREEMENT WITH THE BERGER PARTNERSHIP, P.S., FOR
DESIGN OF THE 36TH AND MERIDIAN PARK PHASE ONE**

WHEREAS, by passing Resolution 19-0449 on March 12, 2019, the City Council authorized execution of a Professional Services Agreement (“Agreement”) with The Berger Partnership, P.S. (“Berger”) for the 36th and Meridian Park Phase One Design and Construction Administration Services; and

WHEREAS, by passing Resolution 19-0466 on July 23, 2019, the City Council authorized execution of the First Amendment to said Agreement, addressing site entry safety concerns and related park layout impacts; and

WHEREAS, due to an onsite wetland not previously identified, the City requested Berger to adjust the park entry and surface water discharge location to avoid impacts; and

WHEREAS, the Washington State Recreation and Conservation Office (RCO) requested changes to the Cultural Resource Assessment prepared for the park prior to plan approval; and

WHEREAS, the additional work requires an amendment to the Agreement’s scope of work and compensation, which both parties desire;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD,
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

Section 1. The Mayor is hereby authorized to enter into the Second Amendment to Professional Services Agreement, attached hereto, between the City of Edgewood and The Berger Partnership, P.S.

**PASSED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 25TH DAY OF
FEBRUARY, 2020.**

Daryl Eidinger, Mayor

ATTEST:

Rachel Pitzel, CMC
City Clerk

**SECOND AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF EDGEWOOD
AND THE BERGER PARTNERSHIP, P.S.**

Section I. Date and Parties.

This document (“Second Amendment”), is dated the 26th day of February, 2020, and is entered into by and between the CITY OF EDGEWOOD, a Washington municipal corporation (“City”) and The Berger Partnership, P.S. (“Consultant”). This Second Amendment modifies the Professional Services Agreement dated March 13, 2019, by and between the City and Consultant (the “Agreement”), and the First Amendment thereto dated July 24, 2019.

Section II. General Recitals.

A. The City and Consultant entered into the Contract for the purposes of allowing the Consultant to perform work on the 36th and Meridian Park, Phase One – Design and Construction Administration (Design).

B. Since the Contract was executed, the City requested adjustments to avoid a wetland not previously identified, and the Washington State Recreation and Conservation Office (RCO) requested changes to the Cultural Resource Assessment prior to plan approval. Therefore, the Consultant has been requested to perform additional work in addition to the agreed Scope of Work for the Design.

C. The parties have now determined that such an amendment is required as set forth in this Second Amendment and its Exhibits.

Section III. Amendments to the Agreement.

A. Section 1. Services by Consultant. Section 1 of the original Agreement is hereby amended by adding the Exhibit A attached to this Second Amendment to the Exhibit A mentioned in this Section 1, which is incorporated herein by this reference.

C. Section 4. Compensation and Hourly Rate. Section 4 of the original Agreement is hereby amended to read as follows:

☒ TIME AND MATERIALS NOT TO EXCEED. Compensation for these services shall not exceed ~~\$304,700.00~~ \$330,460.00, including all applicable tax, without written authorization and will be based on billing rates and rates and reimbursable expenses attached hereto as Exhibit “B.”

Section IV. Other Terms Unchanged. All other terms of the Agreement remain unchanged and enforceable. The Second Amendment is intended to modify the terms and conditions of the original Agreement only insofar as such modifications are set forth in this Amendment. In the

case of any conflict between the terms of the Agreement, First Amendment, and Second Amendment, the provisions of the Second Amendment shall control.

DATED: This 26th day of February, 2020.

CITY OF EDGEWOOD

CONSULTANT

By: _____

By: _____

Its: Mayor, Daryl Eidingen

Printed Name: _____

Its: _____

Date: February 26, 2020

Date: _____, 2020

ATTEST:

City Clerk, Rachel Pitzel

APPROVED AS TO FORM:

City Attorney

2.10.20

Mr. Jeremy Metzler
Public Works Director
City of Edgewood
2224 104th Avenue East
Edgewood, WA 98372

Scope of Work for Additional Services Request No.2 – 36th and Meridian Park, Civil Design Changes and RCO Requested Revisions

Dear Mr. Metzler:

This additional services request is for design changes to specific elements of the park. This request amends our contract dated 3/1/19. The scope of work includes changes to the layout of the access drive to the park and RCO requested changes to the Archaeology Survey Report prepared by ESA. This proposal outlines the scope of work, and estimated fees.

Parking Access Drive

Discovery of a wetland at the south edge of the site requires the access driveway be relocated to avoid conflict. KPFF will provide the necessary redesign and documentation.

Specific services include the following:

- Revise the layout and grading of the park access drive.
- Revise ADA access.
- Revise storm water collection structures.
- Revise outfall location for the proposed detention pond.
- Revise storm water calculations and update drainage report.

Cultural Resources Report Update

RCO has requested an update and additional information to the Cultural Resources Report. The updated include the following:

- Provide subsurface archaeological survey to supplement early reconnaissance.
- Coordinate with NPS/RCO and DAHP.
- Supplement archival research previously provided.
- Conduct fieldwork including subsurface survey.
- Summarize findings in a Technical Report meeting DAHP standards.
- Submit final report to RCO/NPS and upload to DAHP.

2.10.20
Mr. Jeremy Metzler
City of Edgewood
Scope of Work for Additional Services – 36th and Meridian Park
Page 2 of 2

Fees

Based on the scope of services identified at this time, we have established a fee for landscape architectural services as follows:

Parking Access Drive	\$4,900.00
Cultural Resources Report Update	\$18,060.00
Sub consultants 10% mark-up	<u>\$2,296.00</u>
Subtotal	\$25,256.00
Reimbursable Expenses	<u>\$500.00</u>
Total	\$25,756.00

If you have questions, would like more information, or wish to make any modifications, please do not hesitate to contact us. We look forward to working with you on the development of 36th and Meridian Park.

Sincerely,

Berger Partnership PS



Greg Brower, PLA
Principal



January 20, 2020

Mr. Greg Brower
Berger Partnership
1927 Post Alley, Suite 2
Seattle, WA 98101

Subject: 36th and Meridian Park
Civil Engineering Additional Services No. 1 – Revise Driveway Entrance

Dear Greg:

We appreciate the opportunity to submit this proposal for additional civil engineering services for this project.

Per survey information received from the City of Edgewood on November 1, 2019, there is an existing wetland where the driveway entrance is proposed. We have been asked to revise the driveway entrance and storm drainage pipes to avoid impacting the existing wetland. This is a change to our original scope, and we are requesting additional compensation for these services, as outlined below.

SCOPE OF ADDITIONAL SERVICES

KPFF's anticipated scope of additional services is as follows:

- Coordinate with the landscape architect and City of Edgewood.
- Revise layout and grading for the driveway entrance.
- Revise grading for ADA ramps at path through driveway entrance.
- Revise storm drainage infrastructure south of the driveway.
- Revise outfall location for the proposed detention pond.
- Revise stormwater calculations and update Drainage Report.

ASSUMPTIONS

- The existing wetland on site will remain. No work is proposed inside the 25-foot wetland buffer. Further wetland-related effort, including special permitting if required, is not part of the civil scope.

Mr. Greg Brower
January 20, 2020
Page 2

FEE

We propose to accomplish the above services on a lump-sum basis for a total fee of \$4,900, in accordance with the Terms and Conditions of our original contract. We will not exceed this fee without prior written agreement.

We appreciate the opportunity to continue working with you, and we forward to a successful and rewarding project. If this letter of agreement meets with your approval, please sign and return one copy for our files. Should you have any questions concerning the above, please call me at (206) 622-5822.

Sincerely,

A handwritten signature in blue ink that reads "David E. Schwartz". The signature is fluid and cursive, with the first name "David" being more prominent.

David E. Schwartz, PE, LEED AP
Principal

WHL:

1900254-11

Approved: _____ Date: _____
Berger Partnership

36th & Meridian Park: Phase 1 Implementation Concept Plan – Archaeological Survey

SCOPE OF WORK

Project Description

The Berger Partnership, on behalf of the City of Edgewood, has asked ESA to assist with the 36th & Meridian Park project. The project involves developing a new public park with playground, walking paths, parking lot, stormwater basin, performance area, and open grass event amphitheater on a vacant parcel. The proponent is the City of Edgewood. The project is subject to Section 106 of the National Historic Preservation Act, and the lead agency is the National Park Service (NPS), due to the use of federal grant funding from NPS. NPS has delegated certain Section 106 compliance responsibilities to the Washington State Recreation and Conservation Office (RCO) as administrator of the grant funds.

NPS/RCO has already defined the Area of Potential Effects (APE) and initiated Section 106 Consultation. NPS/RCO has determined that subsurface archaeological survey is required as supplement to archival review and pedestrian reconnaissance completed by ESA in 2016.

This scope of work describes the tasks and activities necessary to conduct subsurface archaeological survey and complete a survey report to meet Washington Department of Archaeology and Historic Preservation standards. This scope of work describes the task that ESA will provide and the assumptions, deliverables and schedule associated with each.

General Project Assumptions

- ESA will provide Personal Protection Equipment (PPE), as needed, for performing work.
- Berger/City of Edgewood (City) will provide GIS/CAD files of the Phase 1 Implementation Concept Plan prior to fieldwork.
- ESA will not prepare any Section 106 regulatory correspondence.
- No Historic Property Inventory forms will be required.
- ESA assumes that for each deliverable identified herein, there will be one draft submittal and one final submittal unless otherwise specified. If additional review cycles are required, a scope and budget amendment may be required.

Project Tasks

Task 1 — Agency/Client Coordination

ESA will maintain regular communication with Berger regarding progress, budget, and schedule, and coordinate with the necessary agencies. ESA will coordinate with NPS/RCO and DAHP to review and revise the archaeological survey,

if needed. If revisions require additional fieldwork beyond that described in this scope, an amendment will be required. This task includes time for client and internal team meetings. ESA will provide monthly progress reports and invoices and for the duration of the tasks.

Deliverables:

- Monthly invoices over the term of this work assignment.
- ESA will attend up to two 1-hour conference calls.

Assumptions:

- The project is anticipated to last up to 2 months from Notice to Proceed.
- RCO/NPS have initiated, and will continue to guide, Section 106 Consultation.

Task 2 – Supplemental Archival Literature Review

ESA will conduct archival research at the Washington State Department of Archaeology and Historic Preservation (DAHP), relevant libraries and archives, within its own research library, and online repositories to identify recorded and potential cultural resources in the project study area; this work will supplement research previously compiled by ESA in 2016, and will focus on new surveys and cultural resources documented since 2016.

Deliverables:

- Information gathered during this task will be included in the Technical Report.

Assumptions:

- The Study Area will be 1-mile radius of the project footprint (1.00 mile is standard) for archaeological resources. For aboveground historic resources (buildings, structures, and objects), the Study Area will include the APE and the immediately adjacent parcels.

Task 3 – Fieldwork

Archaeological Survey

ESA will conduct a subsurface survey of the APE. To comply with Washington State law, ESA will request a utility locate prior to any subsurface survey.

DAHP's Statewide Predictive Model classifies the APE as Low Risk for archaeological sites. The APE is on an upland glacial plain. However, 45-PI-1276 (Bray Site), a large precontact site, is also located on the same glacial plain approximately 1.5 miles ENE of the APE; the DAHP model classifies the Bray Site location as Low, Moderately Low, and Moderate Risk for archaeological sites. Furthermore, the historic Seattle-Fort Steilacoom military road is mapped as having crossed the eastern portion of the APE, and the western portion of the APE formerly held several buildings, suggesting an elevated potential for historic-period archaeological resources.

ESA will excavate up to 55 hand-dug shovel probes along planned construction elements (see map). Probes will be advanced to 50 cm (18 inches) below surface (bs), or until intact glacial deposits are encountered (whichever comes last); this depth of probing is selected based on the depth of archaeological recovery at the Bray Site (0-40 cmbs) and a review of soils data for the APE, which suggests that intact glacial deposits should be encountered above 50 cmbs. Probes will be placed at approximately 25 m (82 foot) intervals, except in proximity to the supposed location of the

military road. If several sequential probes contain no cultural remains and also exhibit similar stratigraphic properties, probing may be adapted to utilize a larger interval between probes.

Spoils will be screened through ¼-inch hardware mesh. Probe locations will be recorded using GPS. Probes will be backfilled immediately upon termination. ESA will not collect artifacts, if encountered. Any artifacts will be recorded and reburied or left on the surface at their location of discovery. If an archaeological isolate or site is identified, it will require recording on DAHP forms and an amendment will be necessary.

Deliverables:

- Information gathered during this task will be included in the Technical Report.

Assumptions:

- The City of Edgewood will provide rights-of-entry, if needed.
- Pedestrian survey of the APE was conducted in 2016; any supplemental pedestrian survey will be embedded within movement from probe location to probe location.
- Field schedule may be affected by field conditions such as snow, flooding, or forest fires.
- ESA will arrange to have utilities located and flagged prior to fieldwork, pursuant to RCW 19.122 "Underground Utilities," which requires notification to the State Public Works Office at least 3 days before digging. ESA assumes that the project area is readily accessible by utility locators and ESA will not need to meet locators on-site.
- ESA assumes no archaeological sites, isolates, or human remains will be identified. If encountered, an amendment will be required.
- ESA will not collect artifacts, if encountered. Any artifacts will be photographed and described and then reburied at their location of discovery.
- ESA will not attempt to delineate or determine the boundaries of any archaeological sites that may be encountered. If NPS/RCO require delineation, an amendment will be required.

Task 4 – Technical Report

ESA will summarize the findings and recommendations in a Technical Report. The report will meet the current DAHP standards for a cultural resources assessment. ESA will submit a Draft Report (Word format) for simultaneous review by Berger and City of Edgewood. Once all comments are received, ESA will prepare a Revised Draft Report for review by RCO, NPS and Section 106 Consulting parties (Word format). RCO/NPS will be responsible for circulating the report to Section 106 Consulting parties.

Once all comments are received, ESA will prepare the Final Report (PDF format) and submit it to RCO/NPS. RCO/NPS will upload the Final Report to DAHP's WISAARD system.

Deliverables:

- One Draft Report (Word format) for review by Berger and City of Edgewood.
- One Revised Draft Report (Word format) for review by RCO, NPS and Section 106 Consulting parties.

- One Final Report (PDF format) for submission to DAHP by RCO/NPS.

Assumptions:

- RCO/NPS will review eligibility and affect recommendations and make determinations of eligibility and affect.
- ESA will prepare up to two draft (Draft and Revise Draft) reports and one final report.

Budget Proposal
Version: 1

Project No.: 150922.01
Project Title: 36th & Meridian: Archaeological Survey
Client: Berger Partnership
Budget Total: \$18,486

Project Manager: Chris Lockwood
Contract No.:
Location: Edgewood, WA

Rate:		Group Director 200.00 Hours	Progam Manager 190.00 Hours	Technical Editor 160.00 Hours	Lead Archaeologist 125.00 Hours	Historian 125.00 Hours	Field Technician 100.00 Hours	Mapping 120.00 Hours	Project Admin 120.00 Hours	Totals Hours Cost	
Task 1	Client/Agency Coordination	2.00	6.00						2.00	10.00	\$1,780
Task 2	Archival Review				4.00	8.00				12.00	\$1,500
Task 3	Fieldwork				36.00		36.00	4.00	2.00	78.00	\$8,820
Task 4	Technical Report	2.00	4.00	2.00	24.00	8.00		4.00		44.00	\$5,960
Subtotal Hours		4.00	10.00	2.00	64.00	16.00	36.00	8.00	4.00	144.00	\$18,060
Task 99999	Reimbursable Expenses:							Units	Rate	Cost	
								Mileage	480.00	\$0.575	\$276
								GPS tablet use (day rate)	6.00	\$25.00	\$150
Subtotal Reimbursables											\$426
PROJECT TOTAL											\$18,486



City Of Edgewood Council Agenda Summary Sheet

Subject: AB20-008 , Applicant Introduction and Recommendations to the Code Enforcement Board	Agenda Item #: AB20-008
	For Agenda of: 2/25/2020
	Prepared by: John Fairbanks
Attachments (list):	
Approval of Materials: John Fairbanks Rachel Pitzel 2/20/2020 Dave Gray 2/21/2020 Daryl Eidinger 2/21/2020	Expenditure Required: N/A
	Amount Budgeted: N/A
	Timeline:

Summary Statement:

In accordance with Section 2.33.020 of Edgewood Municipal Code (EMC), regarding the appointment to the Code Enforcement Board(CEB), the initial members shall be appointed by the mayor and confirmed by the city council, in accordance with the process set forth in the council rules of procedure. The city council shall also fill vacancies as stated in the council rules of procedure: the newly appointed board member(s) will serve the remainder of the vacant term(s).

The newly created CEB has openings for positions 1,2,3 and alternate positions 4 and 5. This agenda item will allow for interviews and the subsequent confirmation of the Mayor's appointment for Positions 1,2, and 3 with appointments beginning on the initial appointment date. The terms for position 1 and 3 will ends on December 31, 2022. The term for Position 2 will end on December 31, 2021

Item History:

N/A

Recommended Action:

MOTION confirming Mayoral Appointment of ...

Fiscal Note/Consideration:

N/A



City Of Edgewood Council Agenda Summary Sheet

Subject: AB20-0572 , adopting Ordinance No. 20-0572, related to Code Enforcement housekeeping amendments	Agenda Item #: AB20-0572
	For Agenda of: 2/25/2020
	Prepared by: John Fairbanks
Attachments (list): 1. ORDINANCE NO. 20-0572 - Amending Code Enforcement Provisions 2. EMC Section 2.40.080 (Examiner – Powers and duties), Amended 3. EMC Section 5.10.050 (Nuisance), Amended 4. EMC Title 8 (Health and Safety), Amended 5. Chapter 11.65 EMC (Violations and Enforcement), Amended. 6. EMC Title 13 (Surface Water Management and Site Development), Amended. 7. Chapter 14.10 EMC (General Provisions), Amended. 8. EMC Title 15 (Buildings and Construction), Amended. 1 9. EMC Section 16.01.130 (Violation – Penalty), Amended 10. EMC Title 18 (Development Standards), Amended.	
Approval of Materials: John Fairbanks Rachel Pitzel 2/20/2020 Dave Gray 2/21/2020 Daryl Eidinger 2/21/2020	Expenditure Required: N/A
	Amount Budgeted: N/A
	Timeline: 2/28/2020 RCM Action

Summary Statement:

The City Council adopted Ordinance No 20-0569 Title 7, Code Enforcement during it's January 28, 2020 regular council meeting.

Changes to other sections of the code are necessary to facilitate enforcement.

City staff now recommends adopting Ordinance No 20-0572 to amend other provisions of the EMC related to code enforcement to implement, and ensure consistency with the new procedures in Title 7.

Item History:

2/04/2020 SS - DISCUSSION

2/18/2020 SS - DISCUSSION

Recommended Action:

MOTION to adopt **AB20-0572**, adopting Ordinance No. 20-0572, related to Code Enforcement housekeeping amendments

Fiscal Note/Consideration:

ORDINANCE NO. 20-0572

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, RELATED TO CODE ENFORCEMENT HOUSEKEEPING AMENDMENTS; AMENDING TITLE 2 OF THE EDGEWOOD MUNICIPAL CODE (“EMC”) RELATED TO CODE ENFORCEMENT APPEALS; AMENDING EMC TITLE 5 RELATED TO BUSINESS LICENSE ENFORCEMENT; AMENDING EMC TITLE 8 RELATED TO HEALTH AND SAFETY ENFORCEMENT; AMENDING EMC TITLE 11 RELATED TO SEWER SYSTEM ENFORCEMENT; AMENDING EMC TITLE 13 RELATED TO SURFACE WATER MANAGEMENT ENFORCEMENT; AMENDING EMC TITLE 14 RELATED TO CRITICAL AREAS ENFORCEMENT; AMENDING EMC TITLE 15 RELATED TO BUILDING AND CONSTRUCTION ENFORCEMENT; AMENDING EMC TITLE 16 RELATED TO SUBDIVISION CODE ENFORCEMENT; AMENDING EMC TITLE 18 RELATED TO DEVELOPMENT CODE ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Article XI, Section 11 of the Washington State Constitution grants cities, such as the City of Edgewood, the authority to “make and enforcement within its limits all such local police, sanitary and other regulations as are not in conflict with general laws”; and

WHEREAS, the Revised Code of Washington (“RCW”) also grants cities the authority to declare what shall constitute a nuisance, to abate the same, and to impose fines upon persons who may create, continue, or allow nuisances to exist through statutes such as RCW 35.22.280(30), RCW 35.23.440(10), RCW 35.27.410, and RCW 35A.21.160; and

WHEREAS, the City has adopted the Edgewood Municipal Code (“EMC”) as the laws and regulations of the City; and

WHEREAS, the EMC is intended to support compelling governmental and public interests on behalf of the people who live in, work within, and visit the City; and

WHEREAS, such interests include, but are not limited to, providing an environment supportive of commerce, transportation, public safety, housing, and the overall general health, safety, and welfare of the community; and

WHEREAS, code violations and nuisances undermine the public’s interests in promoting the general health, safety and welfare of the entire community and are a financial burden on city resources; and

WHEREAS, on January 28, 2020, the City Council adopted Ordinance No. 20-0569, enacting a new comprehensive code enforcement Title 7 of the EMC to ensure compliance with the EMC and to provide procedures and mechanisms for enforcement of the City’s code; and

WHEREAS, the addition of the new Title 7 requires housekeeping amendments to other provisions of the EMC related to code enforcement to implement, and ensure consistency with, the new procedures; and

WHEREAS, the City Council considered this ordinance during study sessions held on February 4, 2020 and February 18, 2020; and

WHEREAS, the City Council adopted this ordinance during its regular City Council meeting of February 25, 2020;

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

Section 1. EMC Section 2.40.080 (Examiner – Powers and duties), Amended. Section 2.40.080 of the Edgewood Municipal Code entitled, “Examiner – Powers and duties,” is hereby amended as set forth in as Exhibit A, attached hereto and by this reference fully incorporated herein.

Section 2. EMC Section 5.10.050 (Nuisance), Amended. Section 5.10.050 of the Edgewood Municipal Code entitled, “Nuisance,” is hereby amended as set forth in as Exhibit B, attached hereto and by this reference fully incorporated herein.

Section 3. EMC Title 8 (Health and Safety), Amended. Title 8 of the Edgewood Municipal Code entitled, “Health and Safety,” is hereby adopted as set forth in as Exhibit C, attached hereto and by this reference fully incorporated herein.

Section 4. Chapter 11.65 EMC (Violations and Enforcement), Amended. Chapter 11.65 of the Edgewood Municipal Code entitled, “Violations and Enforcement,” is hereby amended as set forth in as Exhibit D, attached hereto and by this reference fully incorporated herein.

Section 5. EMC Title 13 (Surface Water Management and Site Development), Amended. Title 13 of the Edgewood Municipal Code entitled, “Surface Water Management and Site

Development,” is hereby adopted as set forth in as Exhibit E, attached hereto and by this reference fully incorporated herein.

Section 6. Chapter 14.10 EMC (General Provisions), Amended. Chapter 14.10 of the Edgewood Municipal Code entitled, “General Provisions,” is hereby amended as set forth in as Exhibit F, attached hereto and by this reference fully incorporated herein.

Section 7. EMC Title 15 (Buildings and Construction), Amended. Title 15 of the Edgewood Municipal Code entitled, “Buildings and Construction,” is hereby adopted as set forth in as Exhibit G, attached hereto and by this reference fully incorporated herein.

Section 8. EMC Section 16.01.130 (Violation – Penalty), Amended. Section 16.01.130 of the Edgewood Municipal Code entitled, “Violation – Penalty,” is hereby amended as set forth in as Exhibit H, attached hereto and by this reference fully incorporated herein.

Section 9. EMC Title 18 (Development Standards), Amended. Title 18 of the Edgewood Municipal Code entitled, “Development Standards,” is hereby adopted as set forth in as Exhibit I, attached hereto and by this reference fully incorporated herein.

Section 10. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 11. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication, as provided by law. The full text of this Ordinance shall be mailed without charge, upon request.

PASSED BY THE CITY COUNCIL ON THE 25TH DAY OF FEBRUARY, 2020

Mayor Daryl Eiding

ATTEST/AUTHENTICATED:

Rachel Pitzel, CMC
City Clerk

APPROVED AS TO FORM:

Interim City Attorney, Ann Marie J. Soto

Date of Publication: February 27, 2020

Effective Date: March 3, 2020

Title 2

Amend Section 2.40.080(B)(1)(c)

C. Appeals from any Code Enforcement Board decision, final administrative order or decision of the community development department in administration, interpretation or enforcement of the city of Edgewood Municipal Code.

Amend Section 2.40.080(B)(2)(j)

j. Appeals from any Code Enforcement Board decision, final administrative order or decision of the community development department in administration, interpretation or enforcement of the city of Edgewood Municipal Code.

EMC Section 5.10.050 (Nuisance), Amended

5.10.050 Nuisance.

A. Public Nuisance. In addition to any applicable criminal penalties, any adult entertainment facility operated, conducted, or maintained in violation of this chapter or any law of the city of Edgewood shall be deemed a public nuisance, and all remedies given by law for the prevention and abatement of public nuisances shall apply regardless of any other remedy.

B. Moral Nuisance. Any adult entertainment facility operated, conducted, or maintained contrary to the provisions of Chapter [7.48A](#) RCW shall be deemed a moral nuisance, and all remedies given by law for the prevention and abatement of moral nuisances shall apply in addition to any other remedy. (Ord. 03-212 § 2).

C. Unless otherwise specified, violations of this chapter deemed a “nuisance” or a “public nuisance” shall be subject to enforcement and penalties as prescribed in EMC Title 7, Code Enforcement, or as authorized by law.

EMC Title 8 (Health and Safety), Amended

Chapter 8.05 HEALTH AND WELFARE

Sections:

8.05.010 Authority to adopt interim health and welfare code.

8.05.020 Adoption of administrative rules.

8.05.025 Enforcement

8.05.030 Adoption of certain other laws.

8.05.040 Reference to hearing bodies.

8.05.050 PCC sections and chapters not adopted.

8.05.010 Authority to adopt interim health and welfare code.

Pursuant to RCW [35.21.180](#), [35A.11.020](#), and [35A.21.160](#), the city adopts by reference PCC Title [8](#), Health and Welfare, as presently constituted or hereinafter amended, as the interim health and welfare code. (Ord. 96-17 § 1).

8.05.020 Adoption of administrative rules.

There are further hereby adopted by reference any and all implementing administrative rules and enforcement remedies now in effect regarding PCC Title [8](#), Health and Welfare, that have been adopted elsewhere in the Pierce County Code except that, unless the context requires otherwise, any reference to the “county” or to “Pierce County” shall refer to the city of Edgewood, and any reference to county staff shall refer to the mayor or designee. (Ord. 15-447 § 1 (Exh. A); Ord. 96-17 § 2).

8.05.025 Enforcement

Violations of this chapter shall constitute civil violations subject to enforcement pursuant to EMC Title 7, Code Enforcement, unless otherwise specified. Enforcement of the provisions herein, and any violations thereof, shall be as described in this title and/or EMC Title 7, Code Enforcement.

8.05.030 Adoption of certain other laws.

To the extent that any provision of the Pierce County Code, or any other law, rule or regulation referenced in the attached health and welfare code is necessary or convenient to establish the validity, enforceability or interpretation of the attached health and welfare code, then such provision of the Pierce County Code, or other law, rule or regulation, is hereby adopted by reference. (Ord. 96-17 § 3).

8.05.040 Reference to hearing bodies.

To the extent that the attached health and welfare code refers to commissions, board of appeals, hearing examiner, or any other similar body, the city council shall serve in all such roles, but retains the right to establish any one or more of such bodies, at any time and without regard to whether any quasi-judicial or other matter is then pending. (Ord. 96-17 § 4).

8.05.050 PCC sections and chapters not adopted.

The following provisions of PCC Title [8](#) are excluded from the scope of this chapter and are expressly not adopted by reference hereunder:

A. PCC [8.72.090](#)(A);

B. Chapter [8.08](#) PCC (Public Nuisances); and

C. Chapter [8.09](#) PCC (Chronic Nuisance Properties). (Ord. 19-540 § 1; Ord. 16-477 § 1).

Chapter 8.08 JUNK VEHICLES

Sections:

8.08.010 Purpose.

8.08.020 Definitions.

8.08.030 Exemptions.

8.08.040 Public nuisance declared, violations.

8.08.050 Enforcement.

~~**8.08.060 Investigation and notice of violation.**~~

~~**8.08.070 Time to comply — Determination of time.**~~

~~**8.08.080 Hearing.**~~

~~**8.08.090 District court order.**~~

~~**8.08.100 Removal and disposal — Costs.**~~

8.08.110 Penalties.

8.08.120 Additional relief.

8.08.010 Purpose.

The purpose of this chapter is to provide for the abatement and removal of junk vehicles on private property as provided for in RCW [46.55.240](#). Abatement is necessary to preserve and enhance the

aesthetic character of the city's neighborhoods, protect property values and rights and to reduce environmental health and safety problems associated with junk vehicles. (Ord. 19-540 § 2 (Exh. A)).

8.08.020 Definitions.

For the purposes of this chapter, the following definitions apply:

A. "Junk vehicle" is any vehicle which is certified under RCW [46.55.230](#) as meeting at least three of the following criteria:

1. Is three years old or older;
2. Is extensively damaged, such damage including, but not limited to, any of the following:
 - a. Broken window or windshield;
 - b. Flat tires;
 - c. Missing tires, motor or transmission;
 - d. Rusted exterior; and
 - e. Leaking oil or gasoline;
3. Is apparently inoperable, meaning that a vehicle does not appear to comply with requirements for vehicles used on public streets with regard to brakes, lights, tires, safety glass or other safety equipment; and
4. Has an approximate fair market value equal only to the approximate value of the scrap in it.

B. "Enforcement officer" means the city community development director, his or her designee, representative or a city of Edgewood law enforcement official.

C. "Landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

D. "Vehicle" shall include, but not be limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on the public right-of-way, and shall also include parts of vehicles, but shall not include devices moved by human or animal power, or used exclusively upon stationary rails or tracks. (Ord. 19-540 § 2 (Exh. A)).

8.08.030 Exemptions.

The provisions of this chapter shall not apply to:

A. A vehicle or part thereof that is completely enclosed within a building in a lawful manner, or otherwise parked legally on the property so as not to be visible from adjacent or nearby public property. Temporary tarp garages and carports do not satisfy this exemption;

B. A vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dismantler or licensed vehicle dealer and is fenced in accordance with the provisions of RCW [46.80.130](#);

C. A vehicle enclosed in an opaque auto cover specifically designed to completely shield the vehicle from view as long as the vehicle is parked in a lawful manner on private property. The cover must be in good condition and must be replaced if it is torn, weather-beaten, or acquires any other defects. Tarps and makeshift covers do not meet the requirement. This exemption will apply to only two vehicles per legal lot. Vehicles stored on vacant or undeveloped land are not exempted by this subsection (C). (Ord. 19-540 § 2 (Exh. A)).

8.08.040 Public nuisance declared, violations.

A. The storage or retention of junk vehicles on private property is declared a public nuisance which is subject to the enforcement, removal and abatement procedures in this chapter and as provided in state law.

B. It shall be unlawful for any person, firm or corporation to retain, place or store junk vehicles on private property, in conflict with or in violation of any of the provisions of this chapter.

C. Additional Violations. In addition to the above, it is a violation of this chapter to:

1. Remove or deface any sign, notice, complaint or order required by or posted in accordance with this chapter;
2. Fail to comply with any of the requirements of this chapter, including any requirement of the city's codes and state codes adopted by reference herein. (Ord. 19-540 § 2 (Exh. A)).

8.08.050 Enforcement.

A. The enforcement officer shall have the authority to enforce this chapter. The enforcement officer may call upon the building, fire, police and community development or other appropriate city departments to assist in enforcement.

B. This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

C. It is the intent of this chapter to place the obligation of complying with its requirements upon the property owner, occupier of the property, owner of the junk vehicle and/or other person responsible for the storage or retention of junk vehicles within the scope of this chapter.

D. No provision of or any term used in this chapter is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action. (Ord. 19-540 § 2 (Exh. A)).

E. Violations of this chapter shall constitute civil violations subject to enforcement and penalties as set forth in EMC Title, Code Enforcement, except as specified herein. Enforcement of the provisions herein, and any violations thereof, shall be as described in this title and/or EMC Title 7, Code Enforcement.

8.08.060 Investigation and ~~N~~otice of ~~C~~ode ~~V~~iolation.

A. Investigation. The enforcement officer shall investigate the premises which he/she reasonably believes does not comply with the standards and requirements of this chapter.

B. Notice of Code Violation. If, after investigation, the enforcement officer determines that the standards or requirements of this chapter have been violated, the enforcement officer shall serve a notice of violation upon the property owner of record and the last registered owner of record for the vehicle. ~~tenant, vehicle owner, or other person responsible for the condition.~~ The notice of code violation shall include the content, and be served, as set forth in chapter 7.20 EMC, and shall contain the following additional information:

1. Name and address of the person(s) to whom the ~~citation-notice~~ is issued;
2. The location of the subject property by address or other description sufficient for identification of the subject property;
3. A description of the vehicle(s) and its location;
4. A separate statement of each standard, code provision or requirement violated, and the reasons for which the city deems the vehicle(s) to meet the definition of "junk vehicle" in EMC [8.08.020](#) and to be a public nuisance as defined in EMC [8.08.040](#);

5. What corrective action, if any, is necessary to comply with the standards, code provisions or requirements;

6. A reasonable time for compliance;

7. A statement that if the person(s) to whom the notice of violation is issued fails to complete the corrective action by the date required, the city enforcement officer or its designee shall remove, impound and dispose of the vehicle(s), and will assess all costs of administration and removal against the owner of the property upon which the vehicle(s) is located or otherwise attempt to collect such costs against the owner of the vehicle(s);

8. A statement that either the property owner of record on which the vehicle is located or the last registered owner of record of the vehicle(s) may request a hearing and that if no hearing is requested, that the vehicle(s) will be removed. ~~At the hearing, the property owner may appear and deny responsibility for the presence of the junk vehicle(s) on the land, with his/her reasons for denial; and~~

~~9. A statement that if a request for a hearing is received, a notice giving the time, location and date of the hearing on the question of abatement and removal of the vehicle(s) or parts thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record of the vehicle(s), unless the vehicle(s) is in such condition that identification numbers are not available to determine ownership.~~

~~C. Service. The notice of violation shall be served on the last registered owner of record of the junk vehicle and the property owner of record by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person(s) is unknown or service cannot be accomplished and the enforcement officer makes an affidavit to that effect, then service of the notice upon such person(s) may be made by:~~

~~1. Publishing the notice once each week for two consecutive weeks in the city's official newspaper; and~~

~~2. Mailing a copy of the notice to each person named on the notice of violation by first class mail to the last known address as shown on the last equalized assessment roll for the property and to the last registered and legal owner of record of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership.~~

~~D. Posting. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.~~

~~E. Amendment. A notice or order may be amended at any time in order to:~~

~~1. Correct clerical errors; or~~

~~2. Cite additional authority for a stated violation.~~

~~F. Withdrawal. The city may choose to withdraw a notice of violation at any time, without prejudice to the city's ability to reissue it, if a certificate of compliance has not been obtained for the specific violations. (Ord. 19-540 § 2 (Exh. A)).~~

8.08.070 Time to comply – Determination of time.

~~When calculating a reasonable time for compliance, the enforcement officer shall consider the following criteria:~~

~~A. The type and degree of violation cited in the notice;~~

~~B. The stated intent, if any, of a responsible party to take steps to comply;~~

~~C. The procedural requirements for obtaining a permit to carry out corrective action;~~

~~D. The complexity of the corrective action, including seasonal considerations; and~~

~~E. Any other circumstances beyond the control of the responsible party. (Ord. 19-540 § 2 (Exh. A)).~~

8.08.080 Hearing.

A. The property owner or vehicle owner or other person responsible for the violation may request a hearing by submitting such request within 150 calendar days after service of the notice of violation. When the last day of the period so computed is a Saturday, Sunday, or federal or city holiday, the period shall run until 5:00 p.m. on the next business day. The request shall be in writing, and filed with the city clerk. ~~Upon receipt of the hearing request by the enforcement officer, he/she shall forward the request to the Pierce County district court judge.~~

B. If a request for a hearing is received, a notice giving the time, location and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll for the property and to the last registered and legal owner of record of the

vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership.

C. The hearing shall be held before the Code Enforcement Board as set forth in EMC Title 7. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle, with the reasons for denial. If it is determined that the vehicle was placed on the property without the consent of the landowner and that the landowner has not subsequently acquiesced in its presence, then the city shall not assess costs of administration or costs of removal against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner cannot be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW [46.12.650](#). The city may also provide for the payment to a tow truck operator or wrecker as part of a neighborhood revitalization program. (Ord. 19-540 § 2 (Exh. A)).

~~8.08.090 District court order.~~

~~A. At or after the hearing, the district court judge may:~~

- ~~1. Sustain the notice of violation and require that the vehicle be removed and disposed of at the request of the enforcement officer after the date of issuance of the court's order, and that the junk vehicle be disposed of by a licensed vehicle wrecker or tow truck operator, with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked;~~
- ~~2. Withdraw the notice of violation;~~
- ~~3. Continue the review to a date certain for receipt of additional information;~~
- ~~4. Modify the notice of violation, which may include an extension of the compliance date, and/or determine that the owner of the property is not responsible for the costs of removal, pursuant to EMC [8.08.050\(C\)](#); and/or~~
- ~~5. Assess the costs of administration and/or removal of the vehicle or parts thereof as provided in this section.~~

~~B. Unless mutually agreed to by the appellant and the court, the order of the court shall be served upon the person to whom it is directed, either personally or by mailing a copy of the order to such person at his/her last known address as determined by the enforcement officer within 15 calendar days following the conclusion of testimony and hearings and the closing of the record. Proof of service shall be made by~~

~~a written declaration by the person effecting the service, declaring the time and date of service and the manner by which service was made.~~

~~C. The district court, in affirming the enforcement officer's notice of violation and abatement, may assess administrative costs or costs related to the abatement of the violator's vehicle. The court may also order the refund of hearings fees to parties deemed not responsible for the violation.~~

~~D. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence, then the district court's order shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the landowner. (Ord. 19-540 § 2 (Exh. A)).~~

8.08.100 Removal and disposal – Costs.

After notice has been given of the intent of the city to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap. ~~A. Commencing 45 calendar days after service of the order as provided in EMC 8.08.090, the enforcement officer shall supervise the removal and disposal of the vehicle or part thereof pursuant to RCW 46.55.230. The enforcement officer will provide notice to the Washington State Patrol and the Washington State Department of Licensing that the vehicle has been processed in accordance with the laws of the state of Washington.~~

~~B. The city's costs related to the removal of the junk vehicle may be collected from the registered owner of the vehicle(s) if the identity of the owner can be determined, unless the owner, in the transfer of ownership, has complied with RCW 46.12.101. Alternatively, the cost may be collected from the owner of the property on which the vehicle has been stored. (Ord. 19-540 § 2 (Exh. A)).~~

8.08.110 Abandonment of Junk Vehicle on PropertyPenalties.

~~A. Abandonment of Junk Vehicle on Property.~~ The city hereby adopts RCW [46.55.230](#) by reference, as if fully set forth herein. It is a gross misdemeanor for a person to abandon a junk vehicle on property. If a junk vehicle is abandoned, the vehicle's registered owner shall also pay a cleanup restitution payment equal to twice the costs incurred in the removal of the junk vehicle. The court shall distribute one-half of

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the restitution payment to the landowner of the property upon which the junk vehicle is located, and one-half of the restitution payment as provided in RCW [46.55.230](#).

~~B. Civil Penalties.~~

~~1. In addition to any other sanction or remedial procedure which may be available, any person, firm or corporation violating or failing to comply with any of the provisions of this chapter shall be subject to a cumulative civil penalty in the amount of \$250.00 per day for each violation from the date set for compliance until compliance with the notice of violation is achieved. This penalty may be imposed by the city from the date of issuance of the notice of violation until compliance is achieved. The penalty will be held in abeyance if a hearing is requested under EMC [8.08.080](#) until issuance of the court's order, as provided in EMC [8.08.090](#).~~

~~2. The penalty imposed by this section may be collected by civil action brought in the name of the city. The enforcement officer may notify the city attorney in writing of the name of any person subject to the penalty, and the city attorney may, with the assistance of the enforcement officer, take appropriate action to collect the penalty. (Ord. 19-540 § 2 (Exh. A)).~~

8.08.120 Additional relief.

The enforcement officer may ask the city attorney to seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this title when civil penalties are inadequate to effect compliance. (Ord. 19-540 § 2 (Exh. A)).

8.15.060 Remedies nonexclusive.

The provisions of this chapter are nonexclusive, cumulative, and without prejudice to any other remedy, penalty and/or procedure available to the city with respect to the subject matter hereof. Violations of this chapter are also subject to enforcement and penalties as set forth in EMC Title 7, Code Enforcement.

Chapter 11.65 VIOLATIONS AND ENFORCEMENT

Sections:

[11.65.010 Civil infractions.](#)

[11.65.020 Failure to connect.](#)

[11.65.030 Disconnection of side sewer.](#)

~~[11.65.040 City of Tacoma.](#)~~

[11.65.0540 Criminal violations.](#)

~~[11.65.050 Other civil violations.](#)~~

11.65.010 Civil infractions.

The following actions shall be separate civil infractions of this code, which shall be enforceable pursuant to Chapter [1.10](#) EMC, General Penalty:

- A. Violation of any of the conditions of the connection permit and agreement.
- B. Tampering with, disturbing, removing, damaging, or destroying any part of the city's sewer system.
- C. Connecting more than one building to a side sewer without written approval from the director.
- D. Connecting pipes carrying surface water or groundwater to a side sewer or a plumbing system that drains to the side sewer.
- E. Failure to meet the requirements of EMC [11.45.020](#) before connecting to an existing side sewer.
- F. Connecting a septic tank or drain field discharge line to the sewer system.
- G. Failure to connect to the sewer when required under regulations contained in this title. The penalty shall be as provided in EMC [11.65.020](#).
- H. Discharging any material into a manhole or cleanout without a written permit from the director.
- I. Discharging prohibited materials into the sewer system.
- J. Discharging wastewater to other than a sewer or septic tank or other device that has been approved by the Tacoma-Pierce County health department.

K. Discharging wastewater or septic tank effluent to any storm drain, natural outlet, or upon the land within the city.

L. Installing a sewer line within 10 feet of a water line, except as provided in EMC [11.35.020](#).

M. Construction or planting within an easement in violation of EMC [11.35.060](#).

N. Obstruction of city access to or within an easement.

O. Incorporating materials or equipment in a public works or system extension project not meeting the requirements of the agreement, project specifications, or Design and Construction Standards.

P. Providing false information in application for a sewer system connection, system extension, record drawing, or on any other document or application related to the sewer utility.

Q. Failure to install and maintain a grease, oil, and sand interceptor when so required by this title.

~~R. Failure to maintain a grease, oil, and sand interceptor as required in EMC 11.50.090.~~

~~S. Adding, injecting or placing emulsifiers, enzymes, or other additives to the sewer system or to wastewater that will be discharged into the sewer system that have not been approved in writing by the director and the city of Tacoma.~~

~~T.S. Failure to permit access for inspections during normal business hours or obstructing a city inspector while attempting to make an inspection.~~

~~U.T. Constructing, maintaining, or discharging wastewater into a privy, privy vault, or cesspool.~~

~~V.U. Failure to meet the requirements of EMC [11.55.070](#) when providing or being required to provide temporary portable toilets.~~

~~W. Failure to meet the requirements of Chapter [11.50](#) EMC, Discharges to the Sewer. (Ord. 06-271 § 1).~~

~~11.65.040 City of Tacoma.~~

~~In addition to the civil infractions and penalties provided for above, Chapter [11.50](#) EMC shall be administered, its regulations enforced, and penalties imposed, as set forth in the Tacoma Municipal Code, by the city of Tacoma. (Ord. 06-271 § 1).~~

~~11.65.0540~~ Criminal violations.

A. It is unlawful and a misdemeanor to make or cause to be made or to maintain any sewer connection with any sewer of the city, or with any sewer which is connected directly or indirectly with any sewer of the city, without obtaining a permit and paying the connection charge (RCW [35.67.350](#)).

B. Any person who commits civil infractions listed in EMC [11.65.010](#)(B), (F), (H), (I), (J), (K), (P), (S), or (T) shall also be guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine not to exceed \$5,000 or by imprisonment in the county jail for not more than one year, or by both fine and imprisonment. (Ord. 06-271 § 1).

11.65.050 Other civil violations.

Except as otherwise specified herein, violations of this Title shall be deemed civil violations subject to enforcement pursuant to EMC Title 7, Code Enforcement.

EMC Title 13 (Surface Water Management and Site Development), Amended.

13.05.100 Penalties and enforcement.

A. General. Failure to comply with this chapter and the manual will be cause for withholding or withdrawing approval of the overall project plans, revocation of the site development permit, suspension of building inspections, forfeiture of the financial guarantee submitted to the city, and/or nonacceptance of the work by the city.

B. Impact of Forest Practices Permit. A site development application or permit will not be issued on any parcel that has a valid nonconversion forest practices permit for a period of six years from the date of the forest practice application approval.

C. Illegal Earthwork. The city may require the property owner to remove or replace illegal earthwork and/or restore and reclaim an illegally graded parcel. Earth material brought onto a parcel must be removed to a properly permitted disposal site.

D. Enforcement Actions. The director shall ~~be responsible for enforcing~~have the authority to enforce this chapter. The director is authorized to issue violation notices, ~~cease and desist orders~~, levy fines, recover costs, issue notices of civil infraction, and/or institute both civil and criminal actions in the court. Recourse to any single remedy shall not preclude recourse to any other remedies available to the city. The director is also authorized to issue Stop Work, Cease Activity, and Emergency Orders in accordance with chapter 7.10 EMC. Except as otherwise specified, violations of this Title shall constitute civil violations subject to enforcement and penalties as set forth in this Title and Title 7, Code Enforcement.

E. Improper Construction. Prior to acceptance or approval of the development, the city may remove, correct, or replace any improperly constructed facility, structure, or portion thereof which was allowed through an issued site development permit, and all expenses incurred by the city shall be paid by the property owner or applicant. If the city is required to bring an action to recover such costs, the city will recover reasonable attorney's fees and interest at 12 percent per annum to run from the date the work was completed by the city. Applicants must agree to this provision as a condition of issuance of any permit authorized by these regulations.

~~F. Cease and Desist Orders. The city may serve a cease and desist order for violations of this chapter. The order shall include the following:~~

- ~~1. Description of Violation. A description of the specific nature, extent, and time of violation. The order may include the damage or potential damage resulting from the violation. A notice that the~~

~~violation or the potential violation cease and desist may, in appropriate cases, specify corrective action to be taken within a given time. A civil infraction citation may be issued with the order pursuant to the provisions of Chapter 1.10 EMC.~~

~~2. Effective Date. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.~~

~~3. Compliance. Failure to comply with the terms of a cease and desist order can result in enforcement action including, but not limited to, the issuance of a civil infraction citation.~~

~~4. Corrective Measures. The order may include specific corrective measures to be taken to mitigate environmental damage.~~

~~5. Request for Hearing. The order shall state that a hearing may be requested by an affected party by sending a written request for a hearing to the city hearing examiner within 10 days of the receipt of said order.~~

GE. Civil Infraction. Any person who fails to comply with a written request of the director, or designee, shall be liable to the city for a civil infraction pursuant to Chapter 1.10 EMC, as well as all and any civil remedies available at law. Each violation, and in the case of a continuing violation, each day of continued violation, shall be a separate and distinct violation. Civil penalties shall be assessed at a rate of \$250.00 per day per violation, and statutory assessments will be in addition to this amount pursuant to EMC 1.10.010(A).

HG. Civil Penalty. The provisions of this section are in addition to and not in lieu of any other penalty, sanction or right of action provided by law. The purpose of this penalty is to encourage compliance with this chapter and to obtain redress for ecological, recreational, and economic values lost or damaged due to the unlawful action. Any person who fails to obtain a necessary permit prior to conducting activities governed by the provisions of this chapter shall be assessed a civil penalty as follows:

1. The director may assess the violator a civil penalty at a rate of \$250.00 per day per violation. Each violation or each day of continued unlawful activity shall constitute a separate violation.

2. Any person who, through an act of commission or omission, aids in a violation shall be considered to have committed the violation for purposes of the civil penalty.

~~3. The penalty provided for in this section shall be imposed by the director in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the~~

~~penalty, describing the violation with reasonable particularity and ordering appropriate corrective action to be taken within a specified time.~~

~~4. Within 30 days after the notice of penalty is received, the person incurring the penalty may apply in writing to the director for remission or mitigation of such penalty. Upon receipt of the application, the director may remit or mitigate the penalty upon whatever terms are deemed proper to bring about compliance with this chapter.~~

~~5. Any decision(s) regarding remission or mitigation of penalties imposed pursuant to this subsection may be appealed to the city hearing examiner under EMC 18.40.090.~~

~~6. If the penalty is not appealed, the violator will have up to 30 days after receipt of notice for payment of the penalty, unless a written request is made to the director and granted for a longer payment period.~~

~~7. All civil penalties recovered during the enforcement of this section shall be deposited into a fund of the division taking the enforcement action.~~

~~H.~~ H. Recovery of Costs Incurred by the City. Any person violating any of the provisions of this chapter, who discharges or causes a discharge which violates the city NPDES permit and/or produces a deposit or obstruction or causes damage to or impairs the city stormwater disposal system or causes damage to physical, chemical, or biological systems of waters of the state or waters of the United States, shall be liable to the city for any expense, loss, or damage caused by such violation or discharge, including the costs for bringing the city back into compliance with its NPDES permit associated with the violation of these regulations, and any fines levied for violations of the city's NPDES permit.

1. A bill issued by the director or designee for collection of costs incurred is appealable within 14 days from the date of the letter. Appeals may be filed by submitting an appeal fee, in accordance with the city's fee schedule, along with written statement identifying the basis for disputing city claim to the department initiating the action.

~~J.~~ J. Violators Punishable by Fine and Imprisonment. Any person who, without authorization, discharges pollutants into a municipal drainage system, uses an unapproved connection to discharge into a municipal drainage system, submits false information in permitting and reporting requirements, violates the terms and conditions of a permit, violates a cease and desist order issued by the director or designee, fails to pay a civil penalty or cost recovery assessment, or obstructs or damages a municipal drainage system shall be deemed guilty of a misdemeanor. Any person convicted of a misdemeanor under this code shall be punished by a fine not to exceed \$5,000 or by imprisonment not to exceed one year, or by

both such fine and imprisonment, in accordance with Chapter [1.10](#) EMC. Each person found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which the violation is committed, continued, or permitted by such person and shall be punishable as provided for in this chapter. Any person who, through an act of commission or omission, procures, aids, or abets in violation shall be considered to have committed a violation for the purpose of this section.

~~KJ~~. Injunction and Other Civil Remedies. In addition to any other penalty or method of enforcement, the ~~prosecuting city~~ attorney may bring civil actions and suits for damages, injunctive relief and/or for other civil remedies as necessary. Any violation of this chapter shall constitute a public nuisance, and may be enjoined as provided by the statutes of the state of Washington, ~~and~~ Chapter [1.10](#) EMC, ~~and EMC Title 7, Code Enforcement~~.

L. Public Nuisance. Any work carried out contrary to the provisions hereof shall constitute a public nuisance and may be enjoined as provided by the statutes of the state of Washington, ~~and~~ Chapter [1.10](#) EMC, ~~and EMC Title 7, Code Enforcement~~. (Ord. 16-482 § 2 (Exh. B); Ord. 05-259 § 1).

13.25.070 Enforcement.

A. Authorization. The director is authorized to administer, interpret and enforce this chapter and any permit, order or approval issued pursuant to this chapter, against any violation or threatened violation thereof, in accordance with city of Edgewood illicit discharge detection and elimination program technical and administrative guidelines. The director is further authorized to develop administrative guidelines for the purpose of administering and interpreting this chapter. Such guidelines shall include, without limitation, criteria for review and approval of hobby farm management plans. Without prejudice to any other remedy or penalty, violations of this chapter shall constitute a public nuisance subject to abatement in accordance with the laws of the state of Washington, Chapter 1.10 EMC and EMC Title 7. The guidelines shall be consistent with the provisions of this chapter, shall be for the sole convenience of the city and shall not vest any rights in or for any other person.

B. Compliance. The director shall secure compliance with this chapter by requiring the implementation and maintenance of BMPs. The director may initially emphasize cooperative measures such as education and informational assistance to gain voluntary compliance with this chapter, unless the director determines a violation poses a hazard to public health, safety, or welfare, or the environment, endangers any property, or adversely affects the safety and operation of city rights-of-way, utilities and/or other property owned or maintained by the city. The director may demand immediate cessation of discharges,

assess penalties and/or take such other measures with respect to violations that pose an imminent or substantial danger to public health or welfare or danger to the environment. (Ord. 16-482 § 2 (Exh. B); Ord. 10-345 § 2 (Exh. A)).

13.25.080 Penalties.

A. Enforcement Actions. The director shall ~~be responsible for enforcing~~have the authority to enforce this chapter. The director is authorized to issue violation notices, ~~cease and desist orders~~, levy fines, recover costs, and/or institute civil and/or criminal actions in the court to the fullest extent allowed by law. The director is also authorized to issue Stop Work, Cease Activity, and Emergency Orders in accordance with chapter 7.10 EMC. Except as otherwise specified, violations of this Title shall constitute civil violations subject to enforcement and penalties as set forth in this Title and Title 7, Code Enforcement. Recourse to any single remedy shall not preclude recourse to any other remedies available to the city.

B. ~~Cease and Desist Orders. The city may issue a cease and desist order for violations of this chapter. The order shall include the following:~~

~~1. Description of Violation. A description of the specific nature, extent, and time of violation. The order may include a description of the damage or potential damage resulting from the violation. A notice that the violation or the potential violation cease and desist may, in appropriate cases, specify corrective action to be taken by a specified deadline. A monetary penalty may be imposed with the order pursuant to subsection (C) of this section.~~

~~2. Effective Date. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.~~

~~3. Compliance. Failure to comply with the terms of a cease and desist order may result in further enforcement action(s) including, but not limited to, abatement, criminal misdemeanor liability and/or the imposition of monetary penalties pursuant to subsection (C) of this section.~~

~~4. Corrective Measures. The order may include specific corrective measures to be taken to mitigate environmental or other damage.~~

~~5. Request for Appeal Hearing. The order shall state that an appeal hearing may be requested by filing a written request for an appeal hearing with the city clerk within 30 days of the date of said order, together with the applicable appeal fee. Failure to file an appeal within this deadline shall conclusively waive the person's rights to challenge the order.~~

~~C.~~Civil Penalty. The purpose of this penalty is to encourage compliance with this chapter and to obtain redress for ecological, recreational, and economic values lost or damaged due to the unlawful action. Any person who fails to obtain a necessary permit for discharge into the city's MS4 or otherwise violates any provision of this chapter may be assessed a civil penalty as follows:

1. The director may assess the violator a civil penalty for each violation as set forth in this section and in accordance with the procedures outlined in Title 7. The penalty amount shall be determined by consideration of any and all relevant factors, including without limitation:

- a. The severity and duration of the violation;
- b. Any unforeseeable circumstances that impede compliance;
- c. The extent of any environmental, property or other damage resulting from the violation;
- d. The willful, negligent or inadvertent nature of the violation; and
- e. The compliance and violation history of the subject property.

2. Civil penalties for first time violators may not exceed \$500.00 per day. For repeat violations that occur within two years of a previous violation, the director may impose the following penalties:

- a. Second violation: up to \$1,000 per day.
- b. Subsequent violations: up to \$2,000 per day.

3. Any person who, through an act of commission or omission, aids in a violation shall be considered to have committed the violation for purposes of the civil penalty.

~~4. The penalty provided for in this section shall be imposed by the director in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty, describing the violation with reasonable particularity and ordering appropriate corrective action to be taken within a specified time. The penalty shall commence accrual on the date of violation, unless otherwise provided for in the cease and desist order.~~

~~5. Within 30 days after the notice of penalty is received, the person incurring the penalty may apply in writing to the director for remission or mitigation of such penalty. Upon receipt of the application, the director may in his/her sole discretion remit or mitigate the penalty upon whatever terms are deemed appropriate.~~

~~6. Any penalty imposed pursuant to this subsection may be appealed to the city hearing examiner pursuant to Chapter 2.40 EMC by filing a written appeal with the city clerk, together with the applicable appeal fee. Failure to file an appeal within the above deadline shall conclusively waive the violator's rights to challenge a civil penalty imposed pursuant to this section.~~

~~7. If the penalty is not appealed, the violator shall, no later than 30 days from the date of the penalty, fully remit payment therefor to the city; provided, that the director may, in his/her sole discretion, extend the payment period up to 120 days upon written request by the violator. The director's decision under this subsection shall not be appealable.~~

84. All civil penalties recovered during the enforcement of this section shall be deposited into a separate fund and shall be used exclusively for the protection of the city's MS4 as set forth in this chapter.

DC. Recovery of Costs Incurred by the City. Without prejudice to any other remedy or penalty, any person violating any of the provisions of this chapter, who discharges or causes a discharge which violates the city's NPDES permit and/or produces a deposit or obstruction or causes damage to or impairs the city's MS4, shall be liable to the city for any expense, loss, or damage caused by such violation or discharge, including the costs for bringing the city back into compliance with its NPDES permit associated with the violation of these regulations, and any fines levied for violations of the city's NPDES permit.

~~E. Appeal Rights of Civil Penalties and Recovery of Cost Assessments. A bill issued by the director or designee for collection of costs incurred is appealable to the hearing examiner pursuant to Chapter 2.40 EMC within 30 days from the date of the letter. Appeals of the cost assessment may be filed by submitting a written appeal to the city clerk, together with the applicable appeal fee, in accordance with the city's fee schedule, along with written statement identifying the basis for disputing city claim. Failure to file an appeal within the above deadline shall conclusively waive the violator's rights to challenge a civil penalty imposed pursuant to this section.~~

FD. Misdemeanor. Without prejudice to any other remedy or penalty, any person who without authorization discharges pollutants into the city's MS4, uses an unapproved connection to discharge into the city's MS4, submits false information in permitting and reporting requirements, violates the terms and conditions of a permit, violates a ~~cease and desist~~stop work, cease activity, or emergency order issued by the director or designee, fails to pay a civil penalty or cost recovery assessment, or obstructs or damages the city's MS4, shall be deemed guilty of a misdemeanor, and may be punished by fine not to exceed \$5,000 or by imprisonment not to exceed one year, or by both such a fine and imprisonment, in accordance with Chapter 1.10 EMC. Each person found guilty of a violation shall be punished as provided

for in this chapter. Any person who, through an act of commission or omission, procures, aids, or abets in violation shall be considered to have committed a violation for the purpose of this section. (Ord. 16-482 § 2 (Exh. B); Ord. 10-345 § 2 (Exh. A)).

Chapter 14.10 EMC (General Provisions), Amended.

14.10.010 Authority.

A. This title is established and adopted pursuant to the Growth Management Act (RCW [36.70A.060](#)).

B. As provided herein, the director or their designee is given the authority to interpret ~~and~~ apply, and ~~the responsibility to enforce,~~ this title.

14.10.145 Enforcement.

Unless otherwise specified, violations of this Title shall be deemed civil violations subject to enforcement pursuant to EMC Title 7, Code Enforcement.

Title 15 Amendments or additions

15.05.050 Building code.

The International Building Code and Standards published by the International Code Council, and Appendix C (Group U – Agricultural Buildings), and Appendix J (Grading), together with amendments and/or additions thereto, are hereby adopted by reference. The 2015 Edition of the International Building Code is amended to include the following new and amended provisions. In the event of any conflict between any provision of the IBC and this section, the provisions of this section shall apply. New sections or subsections shall be deemed deleted from the IBC and the amended provisions inserted in their place in accordance with the direction of this section.

A. International Building Code Defined. The terms “International Building Code” and “IBC” shall refer to the adoption by reference in this chapter.

B. IBC Section 101.1 entitled “Title,” is hereby amended to read as follows:

These regulations shall be known as the Building Code of the City of Edgewood, Washington, hereinafter referred to as “this code”.

C. IBC Section 101.4.3 Plumbing. Section 101.4.3 of the IBC is hereby deleted in its entirety.

D. IBC Section 101.4.6 Energy. Section 101.4.6 of the IBC is hereby deleted in its entirety.

E. IBC Section 102.6 Amended. Section 102.6 of the IBC is hereby amended by adding subsection 102.6.1 to read as follows:

102.6.1 Additions, alterations or repairs. Additions, alterations or repairs to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all of the requirements of this Code. A 50% or greater change to an existing floor area shall meet the provisions of this Code and shall apply to existing and proposed additional square footage in their entirety.

F. IBC Section 104 Amended. Section 104 of the IBC is hereby amended by adding subsection 104.12 to read as follows:

104.12 Lot lines and setback lines. Notwithstanding the general authority of the building official to administer and enforce the building code, the building official shall have no duty, and no authority, to verify or establish lot lines or setback lines. No such duty or authority is created by this code, and none shall be implied. The sole responsibility for verifying and/or establishing lot lines and setback lines shall rest with the applicant. Such responsibility shall not be affected by any oral statement and/or written order, report, directive, permit or approval of the building official.

G. IBC Section 105.3 Amended. Section 105.3 of the IBC is hereby amended by adding subparagraph 105.3(8), to read as follows:

8. Supply as much information as required to provide an accurate environmental disclosure pursuant to adopted land use, zoning and environmental regulations.

H. IBC Section 107.1 Amended. Section 107.1 of the IBC is hereby amended to read as follows:

107.1 Submittal Documents. Plans, specifications, engineering calculations, diagrams, soil investigation reports, environmental data pertaining to any Critical Area designation as required per EMC Title [14](#), special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by a licensed architect, engineer, or geologist, the Building Official may require that the applicant submitting such plans or other data demonstrate that state law does not require that the plans be prepared by a licensed architect, engineer or geologist. The Building Official may require plans, computations and specifications to be prepared and designed by an engineer, geologist, or architect licensed by the state to practice as such even if not required by state law.

Each sheet of plans must bear the seal and signature of the architect, engineer, or geologist who prepared the plans and specifications. Such architect, engineer, or geologist must be qualified in the proposed work and authorized for such practice in the State of Washington. Further, plans, computations, and specifications for all structural design work must bear the seal and signature of and be prepared and designed by (or under the direct supervision of) an architect, structural engineer or geologist authorized to practice as such in the state of Washington. However, the Building Official may accept the design of the engineer for assembly line products or designed specialty structural products.

I. IBC Section 109.2 Amended. Section 109.2 of the IBC is hereby amended by adding subsection 109.2.1 to read as follows:

109.2.1 Permit Fees. The fee for each permit shall be as set forth in the adopted City of Edgewood Fee Schedule.

J. IBC Section 109.2 Amended. Section 109.2 of the IBC is hereby amended by adding subsection 109.2.2 to read as follows:

109.2.2 Plan Review Fees. When submittal documents are required by Section 106.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65% of the building permit fee as set forth in the City's adopted fee schedule.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2.1 and are in addition to the permit fees.

K. IBC Section 109.3 Amended. Section 109.3 of the IBC is hereby amended to read as follows:

109.3 Building permit valuations. The determination of the value or valuation under any of the provisions of Chapter [15.05](#) EMC will be made on the basis of the most current Building Valuation Data published annually in the International Code Council (ICC) Building Safety Journal. The valuation to be used in computing the plan review and permit fees will be the fair market value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguisher systems or any other permanent work or permanent equipment.

The "gross area" used in conjunction with the ICC building valuation means the total areas of all floors – measured from the exterior face, outside dimensions, or exterior column line of a building – including basements, cellars, and balconies but not including unexcavated areas. Where walls and columns are omitted in the construction of a building, such as an open shed or marquee, the exterior wall of the open side or sides will be the edge of the roof.

109.3.1 Washington State Energy Code (Chapters 51-11) Fees. In addition to the fees established here, a fee will be levied and collected by the City to defray costs of plan review and inspection related to those state codes. This fee is payable whenever a plan review fee is required by Chapter [15.05](#) EMC for proposed construction of new buildings and additions other than those structures or areas which are neither heated, cooled, nor supplied with artificially illuminated floor space. The fee, as established in the City's current fee schedule is due at issuance.

109.3.2 State Building Council Surcharge. The state Building Code fee is collected for the state on all building permits at the rate of \$4.50 each. The fee for new multifamily building permits is \$4.50 for the first unit and \$2.00 for each additional unit.

L. IBC Section 109.4 Amended. Section 109.4 of the IBC is hereby amended to read as follows:

109.4 Work commencing before permit issuance. Any person who erects, constructs, alters or repairs a building or structure, or where a permit is otherwise required by this Code, before obtaining the necessary permits, shall be subject to a \$500 Administrative Compliance Fee or an investigation fee equal to the permit fee as required by this Code, whichever is greater in addition to all other applicable remedies and penalties. The \$500 Administrative Compliance Fee or the investigation fee shall be in addition to the required permit fees.

M. IBC Section 110 Amended. Section 110 of the IBC is hereby amended by adding subsection 110.3.1.2 to read as follows:

110.3.1.2 Temporary Erosion Control, Critical Area or Buffer Identification Inspection. Temporary erosion control, critical area and buffer identification inspection shall be made after all required temporary erosion control is in place, and any critical areas and/or associated buffers located on site have been identified by markers, flagging or other approved method. This inspection shall be approved prior to any site work or other construction activities.

N. IBC Section 110.3.1 Amended. Section 110.3.1 of the IBC is hereby amended to read as follows:

110.3.1 Footing and Foundation Inspection. A footing and foundation inspection shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with approved nationally recognized standards, the concrete need not be on the job. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the Building Official.

Notwithstanding the authority of the Building Official to administer and enforce the Building Code, the Building Official shall have no duty to verify or establish lot lines or setback lines. No such duty is created by Chapter [15.05](#) EMC, and none shall be implied. The location of lot lines and/or setback lines at a development and construction related thereto shall be the responsibility of the applicant/owner.

O. IBC Section 110.6 Amended. Section 110.6 of the IBC is hereby amended to read as follows:

110.6 Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate that portion of the construction is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

There shall be a final inspection and issuance of a Certificate of Occupancy for all buildings and structures when completed and ready for occupancy or use.

P. IBC Section 111.3 Amended. Section 111.3 is hereby amended to read as follows:

111.3 Temporary occupancy. The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid. The Building Official may, in his sole discretion, impose such conditions of approval upon a temporary certificate of occupancy as may be reasonable required to ensure the timely completion of the unfinished work, and/or the protection of public health, safety, and/or welfare.

Q. IBC Section 111.5 Added, Violation of Requirements for Certificate of Occupancy. Section 111.5 is hereby added to read as follows:

111.5 Violation of requirements of certificate of occupancy. The City Council affirms that the issuance of any certificate of occupancy is of vital importance in the safeguarding of life safety, property, safety and health of occupants of any structure; and further, that the enforcement of all City development regulations is of vital importance to the City's economic vitality and the public good. Any person allowing a building to be occupied without a certificate of occupancy first being issued as required by this Chapter shall be in violation of this Chapter. [Except where a specific violation classification, penalty, or enforcement mechanism is prescribed herein, violations of this chapter shall constitute civil violations subject to enforcement pursuant to EMC Title 7, Code Enforcement.](#)

R. IBC Section 113.1 Amended. Section 113.1 of the IBC is hereby amended to read as follows:

113.1 General. The hearing examiner shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the appellant and interpretation of the IBC, as amended, in accordance with chapter [2.40](#) EMC. The appellant shall pay the fee required pursuant to the City's currently adopted fee schedule, as may be amended from time to time. References made to board of appeals, 113.2 and 113.3, shall mean hearing examiner.

S. IBC Section 114.4 Amended. Section 114.4 of the International Building Code is hereby amended to read as follows:

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be [subject to issuance of a notice a code civil violation](#) subject to the enforcement procedures and penalties as set forth in ~~chapter 15.07~~ EMC [Title 7, Code Enforcement, unless otherwise specified](#).

T. IBC Section 115.2 Amended. Section 115.2 of the International Building Code shall be amended to read as follows:

115.2 Issuance. The building official shall follow the procedures in chapter [15.07](#) EMC for the substance of the stop work order and issuance. Appeals of a stop work order shall proceed as set forth in chapter [15.07](#) EMC.

U. IBC Section 115.3 Amended. Section 115.3 of the IBC is amended to read as follows:

115.3 Unlawful continuance. It is unlawful for any person to continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition. The penalties for violations of stop work orders shall be as established in chapter [15.077.10](#) EMC.

V. IBC Section 202 Amended. Section 202 of the IBC is hereby amended to include the added definition:

Bedroom. A room, other than a bathroom or a kitchen, within a dwelling with at least 80 square feet, a window, a door, and a closet. This presumption shall not apply to the first family room in a residence or to both one family room and one den in a residence with more than three bedrooms.

W. IBC Chapters 9 and 10 are amended to incorporate International Fire Code (IFC) Chapters 9 and 10 as set forth in EMC [15.05.110](#).

X. IBC Section 1704.1 Amended. Section 1704.1 of the IBC is hereby amended to read as follows:

1704.1 General. Where application is made for construction as described in this section, the owner or the registered design professional in responsible charge acting as the owner's agent shall employ one or more special inspectors to provide inspections during construction on the types of work listed under Section 1704. The special inspector shall be certified by the Washington Association of Building Officials (WABO), or shall be a qualified person who shall demonstrate competency to the satisfaction of the Building Official, for inspection of the particular type of construction or operation requiring special inspection. These inspections are in addition to the inspections specified in Section 110.

Y. IBC Section 1805.4.2 Amended. Section 1805.4.2 of the IBC is hereby amended to read as follows:

1805.4.2 Foundation Drain. Provisions shall be made for the control and drainage of surface or standing water around buildings in the manner prescribed in the City's currently adopted stormwater regulations (see also Section 1808.7.4), and in accordance with provisions of the Uniform Plumbing Code chapter 11 Storm Drainage.

Adequate provisions shall be made to ensure that under-floor spaces remain free of running or standing water by the installation of drains. At a minimum, such drains shall be installed around the perimeter of the building at the footings. Additional drains may be required in the under-floor space. The drainpipes shall be of sufficient size to adequately convey water to an approved location, but shall be a minimum size of four inches. Provisions shall be made to prevent the drainage system from becoming blocked with soil. The Building Official may waive the provisions of this section when soils appear to adequately drain the site and no water will stand or run under the building and the project is in compliance with adopted stormwater requirements.

Z. IBC Section 1805.4.3 Amended. Section 1805.4.3 of the IBC is hereby amended to read as follows:

1805.4.3 Drainage discharge. The floor base and foundation perimeter drain shall discharge by gravity into an approved drainage system that complies with the requirements of EMC Title [13](#), Surface Water Management.

AA. IBC Section 3107.1 Amended. Section 3107.1 of the IBC is hereby amended to read as follows:

3107.1 General. Signs shall be designed, constructed and maintained in compliance with Chapter [18.97](#) EMC. All structural elements shall comply with this Code in its entirety.

BB. IBC Section 3109 Amended. Section 3109 of the IBC is hereby amended by adding new subsections 3109.6 through 3109.6.3 to read as follows:

3109.6 Swimming Pool, Spa, or Hot Tub Waste Water Disposal. Waste water shall be disposed of as set forth in EMC Chapter 13.25 and the December 2015 Edition of the Pierce County Stormwater Management and Site Development Manual (PCM), Volume VI, Chapter 3.6.

3109.6.1 No direct connection shall be made between any storm drain, sewer, drainage system, sub-soil drainage line, and any line connected to a swimming pool, spa or hot tub.

3109.6.2 Except as provided herein, when a public sewer or storm drain of adequate capacity is available for use, waste water may be discharged there into in accordance with EMC Title [11](#) and/or Chapter 13.25, and approval shall be obtained in writing from the proper authority. A copy of such approval stating maximum size of the waste line between the receptor and the sewer, and other specific requirements and approved plans, shall accompany the applications for a permit.

3109.6.3 No waste water from any swimming pool, spa or hot tub shall discharge into a private sewage disposal system.

CC. IBC Section J104 Amended. Section J104, Permit Application and Submittals, is amended by adding new subsections J104.5 and J104.6 to read as follows:

J104.5 Grading Permit Fees. A fee for each grading permit shall be paid as set forth in the City's adopted fee schedule.

J104.6 Grading Plan Review Fees. A fee for each grading plan review shall be paid at time of submitting the grading plan for plan review. Said plan review fee shall be as set forth in the City's adopted fee schedule.

(Ord. 17-501 §§ 1 – 5; Ord. 16-482 § 2 (Exh. D); Ord. 16-478 § 1 (Exh. A); Ord. 10-343 § 1 (Exh. A); Ord. 07-289 § 1; Ord. 04-224 § 1).

15.05.060 Residential building code – Adopted – Amendments.

The International Residential Building Code and Standards, issued by the International Code Council, 2015 Edition, together with amendments and/or additions thereto, is hereby adopted by reference; except, Chapter 11 and Chapters 25 through 43 are specifically not adopted. Appendix H (Patio Covers), and Appendix R (Technical Installation Standards), are hereby adopted in their entirety. Appendix S (Fire Sprinklers) is hereby adopted as amended. In the event of any conflict between any provision of the IRC and this section, the provisions of this section shall apply. New sections or subsections shall be deemed deleted from the IRC and the amended provisions inserted in their place in accordance with the direction of this section.

A. International Residential Code Defined. The terms “International Residential Code” and “IRC” shall refer to the adoption by reference in this chapter.

B. IRC Section R102.7.1 Amended. Section R102.7.1 of the IRC is hereby amended to read as follows:

R102.7.1 Additions, alterations or repairs. Additions, alterations or repairs to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all of the requirements of this Code. A 50% or greater change to an existing floor area shall meet the provisions of this Code and shall apply to existing and proposed additional square footage in their entirety. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

C. IRC Section R105.2 Amended. Section R105.2 of the IRC is hereby amended to read as follows:

1. One-story detached accessory structures used as tool or storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m²) except, on lots that are less than one-half acre accessory structures shall not exceed 120 square feet (11.15 m²).

D. IRC Section R105.3 Amended. Section R105.3 of the IRC is hereby amended by adding subparagraph R105.3 (3) to read as follows:

3. Supply as much information as required to provide an accurate environmental disclosure pursuant to adopted land use, zoning and environmental regulations.

E. IRC Section R106.1 Amended. Section R106.1 of the IRC is hereby amended to read as follows:

R106.1 Submittal Documents. In addition to the materials required by RCW [19.27.095](#) for a complete building permit application, plans, specifications, engineering calculations, diagrams, soil investigation reports, environmental data pertaining to any Critical Area

designation as required by EMC Title [14](#), special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit.

Each sheet of plans must bear the seal and signature of the architect, geologist, or engineer who prepared the plans and specifications. Such architect, geologist or engineer must be qualified in the proposed work and authorized for such practice in the state of Washington. Further, plans, computations, and specifications for all structural design work must bear the seal and signature of and be prepared and designed by (or under the direct supervision of) an architect, geologist, or structural engineer authorized to practice as such in the state of Washington. However, the Building Official may accept the design of a professional engineer for assembly line products or designed specialty structural products.

F. IRC Section R108.2 Amended. Section R108.2 of the IRC is hereby amended by adding subsection R108.2.1 to read as follows:

R108.2.1 Permit Fees. The fee for each permit shall be as set forth in the adopted City of Edgewood fee schedule.

G. IRC Section R108.2 Amended. Section R108.2 of the IRC is hereby amended by adding subsection R108.2.2 to read as follows:

R108.2.2 Plan Review Fees. A plan review fee shall be paid at the time plan documents are submitted for review as required by Section 106.1. Said plan review fee shall be 65 percent of the building permit fee as calculated in the City's adopted fee schedule.

The plan review fees specified in this section are separate from and in addition to the permit fees specified in Section R108.2.1.

H. IRC Section R108.3 Amended. Section R108.3 of the IRC is hereby amended to read as follows:

R108.3 Building permit valuations. The determination of the value or valuation under any of the provisions of Chapter [15.05](#) EMC will be made on the basis of the most current Building Valuation Data published annually in the International Code Council (ICC) Building Safety Journal. The valuation to be used in computing the plan review and permit fees will be the fair market value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguisher systems or any other permanent work or permanent equipment.

The “gross area” used in conjunction with the ICC building valuation means the total areas of all floors – measured from the exterior face, outside dimensions, or exterior column line of a building – including basements, cellars, and balconies, but not including unexcavated areas. Where walls and columns are omitted in the construction of a building, such as an open shed or marquee, the exterior wall of the open side or sides will be the edge of the roof.

R108.3.1 Washington State Energy Code (Chapters [51-11](#) WAC) Fees. In addition to the fees established here, a fee will be levied and collected by the City to defray costs of plan review and inspection related to those state codes. This fee is payable whenever a plan review fee is required by the Edgewood Building Code for proposed construction of new buildings and additions other than those structures or areas which are neither heated, cooled, nor supplied with artificially illuminated floor space. The fee, as established in the City's current fee schedule is due at issuance.

R108.3.2 State Building Council Surcharge. The state Building Code fee is collected for the state on all building permits at the rate of \$4.50 each. The fee for new multifamily building permits is \$4.50 for the first unit and \$2.00 for each additional unit.

I. IRC Section R109.1.1 Amended. Section R109.1.1 of the IRC is hereby amended to read as follows:

R109.1.1 Foundation inspection. A foundation inspection shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with approved nationally recognized standards, the concrete need not be on the job. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the Building Official.

Notwithstanding the general authority of the Building Official to administer and enforce the Building Code, the Building Official shall have no duty and no authority, to verify or establish lot lines or setback lines. No such duty or authority is created by Chapter [15.05](#) EMC, and none shall be implied. The sole responsibility for verifying and/or establishing lot lines and setback lines shall rest with the applicant. Such responsibility shall not be affected by any oral statement and/or written order, report, directive, permit or approval of the building official.

J. IRC Section R109.1.1.2 Added. A new subsection R109.1.1.2, Temporary Erosion Control, Critical Area and Buffer Identification Inspection, is hereby added to the IRC to read as follows:

R109.1.1.2 Temporary Erosion Control, Critical Area and Buffer Identification Inspection. Temporary erosion control, critical area and buffer identification inspection shall be made after all required temporary erosion control is in place, and any critical areas and/or associated buffers located on site have been identified by markers, flagging or other approved method. This inspection shall be approved prior to any site work or other construction activities.

K. IRC Section R112.1 Amended. Section R112.1 of the IRC is hereby amended to read as follows:

R112.1 General. The hearing examiner shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the IRC as amended in accordance with chapter [2.40](#) EMC. The appellant shall pay the fee required pursuant to the City's currently adopted fee schedule, as may be amended from time to time. References made to the board of appeals or decision of the board, R112.2 through R112.4, shall mean hearing examiner or decision of the hearing examiner.

L. IRC Section R113.4 Amended. Section R113.4 of the IRC is hereby amended to read as follows:

R113.4 Violation Penalties. Any person who erects, constructs, alters or repairs a building or a structure in violation of this Code, shall be ~~subject to issuance of a notice of code violation~~ [violation](#) subject to the enforcement procedures and penalties set forth in EMC [Title 7, Code Enforcement, unless otherwise specified](#). In addition, any person who erects, constructs, alters or repairs a building or a structure before obtaining the necessary permits required by this Code, or fails to obtain a permit when otherwise required by this Code, shall be subject to a \$500 Administrative Compliance Fee or an investigation fee equal to the permit fee as required by this Code, whichever may be greater in addition to all other applicable remedies and penalties. The \$500 Administrative Compliance Fee or the investigation fee shall be in addition to the required permit fees.

M. IRC Section 114 Amended. Section 114 of the IRC is amended to read as follows:

R114.1 Notice to owner or the owner's authorized agent. Upon notice from the building official that work on any building or structure is being executed contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The building official shall follow the procedures in chapter [07.10](#) EMC for the preparation, issuance and service of the stop work order. Appeals of stop work orders shall follow the procedures in chapter [7.10](#) EMC.

R114.2 Unlawful Continuance. Any person who continues any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove an unsafe condition, shall be subject to [issuance of a civil infraction and the enforcement procedures and penalties set forth in EMC Title 7, Code Enforcement](#).

N. IRC Section R202 Amended. Section R202 of the IRC is hereby amended to include the added definition:

Bedroom. A room, other than a bathroom or a kitchen, within a dwelling with at least 80 square feet, a window, a door, and a closet. This presumption shall not apply to the first family room in a residence or to both one family room and one den in a residence with more than three bedrooms.

O. IRC Table R301.2. (1) Added, Climate and Geographic Design Criteria. Table R301.2. (1) is hereby amended to read as follows:

Table R301.2.(1) Climatic and Geographic Design Criteria:

Ground Snow Load:	25 psf
Wind Speed (mph):	85 @ 3 second gust, Exposure-B
Topographic Effects:	NO
Special wind region:	NO
Wind-borne debris zone:	NO
Seismic Design Category:	D1
Subject to Damage From:	
Weathering:	Moderate
Frost Line Depth:	12 inches
Termite:	Slight to Moderate
Winter Design Temp:	24 deg F

Ice Barrier	N/A
Underlayment Req.:	
Flood hazards:	In accordance with EMC 14.80
Air Freezing Index:	1500
Summer Design Temp:	83 deg F

P. IRC Section R405.1 Amended. Section R405.1 of the IRC is hereby amended to read as follows:

R405.1 Foundation Drainage. Provisions shall be made for the control and drainage of surface or standing water around buildings in accordance with the requirements of EMC Title [13](#), Surface Water Management and Site Development, and in accordance with the provisions of Uniform Plumbing Code Chapter 11 Storm Drainage.

Adequate provisions shall be made to ensure that under-floor spaces remain free of running or standing water by the installation of drains. At a minimum, such drains shall be installed around the perimeter of the building at the footings. Additional drains may be required in the under-floor space. The drainpipes shall be of sufficient size to adequately convey water to an approved location, but shall be a minimum size of four (4) inches. Provisions shall be made to prevent the drainage system from becoming blocked with soil. The Building Official may waive the provisions of this section when soils appear to adequately drain the site and no water will stand or run under the building and the project is in compliance with adopted storm water requirements.

Q. IRC R329 Amended. ISPC 320.1 is hereby amended to read as follows:

320.1 Swimming Pool, Spa, or Hot Tub Waste Water Disposal. Waste water shall be disposed of as set forth in EMC Title 13.25 and PCM, Volume IV, Chapter 3.6.

320.1.1 No direct connection shall be made between any storm drain, sewer, drainage system, sub-soil drainage line, and any line connected to a swimming pool, spa or hot tub.

320.1.2 Except as provided herein, when a public sewer or storm drain of adequate capacity is available for use, waste water shall be discharged thereunto in accordance with EMC Title [11](#) and/or Chapter 13.25, and approval shall be obtained in writing from the proper authority. A copy of such approval stating maximum size of the waste line between the receptor and

the sewer, and other specific requirements and approved plans, shall accompany the applications for a permit.

320.1.3 No waste water from any swimming pool, spa or hot tub shall discharge into a private sewage disposal system.

R. IRC Appendix V Amended. Appendix V subsection AV107.1 of the IRC is hereby amended to read as follows:

AV107.1 Fire sprinklers. An approved automatic fire sprinkler system shall be installed in new one-family and two-family dwellings and townhouses in accordance with Appendix Q.

Exception: Detached one-family dwellings with less than 5,000 square feet of livable space; provided, any new addition to an existing residential structures shall only be required to sprinkle the new area when the total livable space exceeds 5000 square feet and the percentage of new area is 40% or more of the original square feet of livable space.

(Ord. 17-501 §§ 6 – 8; Ord. 16-482 § 2 (Exh. D); Ord. 16-478 § 1 (Exh. A); Ord. 10-343 § 1 (Exh. A); Ord. 07-289 § 1; Ord. 04-224 § 1).

15.05.080 Plumbing code.

A. Plumbing Code Adopted. The following chapters of the Uniform Plumbing Code and Standards, published by the International Association of Plumbing and Mechanical Officials, 2015 Edition, together with amendments and/or additions thereto, are adopted by reference, as amended herein; provided, that nothing in this section shall apply to venting and combustion air of fuel fired appliances as found in Chapter 5, and those portions of the code addressing building sewers are not adopted. In the event of any conflict between any provision of the UPC and this section, the provisions of this section shall apply. New sections or subsections shall be deemed deleted from the UPC and the amended provisions inserted in their place in accordance with the direction of this section.

Chapter 1	Administration
Chapter 2	Definitions
Chapter 3	General Regulations

Chapter 4	Plumbing Fixtures and Fixture Fittings
Chapter 5	Water Heaters
Chapter 6	Water Supply and Distribution
Chapter 7	Sanitary Drainage
Chapter 8	Indirect Wastes
Chapter 9	Vents
Chapter 10	Traps and Interceptors
Chapter 11	Storm Drainage
Chapter 13	Medical Gas Systems
Chapter 14	Mandatory Referenced Standards

B. Uniform Plumbing Code Defined. The terms “Uniform Plumbing Code” and “UPC” shall refer to the adoption by reference in this chapter.

C. UPC Section 106 Amended. Section 106 of the UPC is hereby amended to read as follows:

106.3 Penalties. Any person, firm or corporation violating any provision of this Code shall be Guilty of a misdemeanor, punishable by a criminal penalty as set forth in EMC Section [1.10.010](#), or by imprisonment not exceeding 364 days, or by both such penalty and imprisonment.

106.4 Stop Orders. The building official shall use the procedures in chapter [15-07.10](#) EMC for the preparation, issuance and service of stop work orders. Appeals of stop work orders shall proceed as set forth in chapter [15-07.10](#) EMC.

D. UPC Section 107.0 Amended. Section 107.0 of the UPC is hereby amended ~~by adding subparagraph 107.3~~ to read as follows:

[107 Appeals](#)

~~107.13 General Appeals.~~ Appeals of final orders or decisions made by the building official under the Uniform Plumbing Code, other than enforcement actions, shall be processed according to the procedures set forth in chapter ~~2.4015.07~~ EMC. [AMS1] [JF2]

107.2 is specifically not adopted

E. UPC 104.5 Amended. Section 104.5 of the UPC is hereby amended to read as follows:

104.5 Fee Schedule. The fees for plumbing work shall be as indicated in the City of Edgewood fee schedule.

F. UPC Section 713.2 Amended. Section 713.2 of the UPC is hereby amended adding new subsections to read as follows:

713.2.1 In areas not served by sanitary sewers as specified by Section 305 of the UPC, septic tanks and drain fields conforming to the most currently adopted rules and regulations of the Tacoma-Pierce County Health Department shall be installed. Approval of such systems must be obtained from Tacoma-Pierce County Health Department prior to installation. All on site systems must conform to EMC Chapter 11.55.

G. UPC Section 1101.2 Amended. Section 1101.2 of the UPC is hereby amended to read as follows:

1101.2 Where Required. All roof drainage and other impervious surface, as defined by the 2015 Edition, Pierce County Stormwater Management and Site Development Manual, shall comply with EMC Chapter 13.05.

H. UPC Section 1101.6 Amended. Section 1101.6 of the UPC is hereby amended to read as follows:

1101.6 Subsoil Drains. Subsoil drains shall be provided around the perimeter of all buildings having basements, cellars, or crawl spaces or floors below grade. Such subsoil drains shall be positioned outside the footing, and placed in a trenched depression along the bottom edge of the footing. Subsoil drains shall be perforated pipe not less than four (4) inches in diameter, and shall be laid in gravel, slag, crushed rock, or other approved porous material with a minimum (4) inches surrounding the pipe on the top and side. Subsoil drains shall be provided with a positive slope to allow for gravity drainage. Mirafi 140N or equal, nonwoven filter media shall be provided.

I. UPC Section 1101.6.1 Amended. Section 1101.6.1 of the UPC is hereby amended to read as follows:

1101.6.1 Subsoil drains shall be piped to approved storm water facilities in accordance with EMC Chapter 13.05.

(Ord. 17-501 §§ 9, 10; Ord. 16-482 § 2 (Exh. D); Ord. 16-478 § 1 (Exh. A); Ord. 10-343 § 1 (Exh. A); Ord. 07-289 § 1; Ord. 04-224 § 1).

15.05.090 Mechanical code.

A. Mechanical Code Adopted. The International Mechanical Code, published by the International Code Council, 2015 Edition, together with amendments and/or additions thereto, is adopted in its entirety by reference; provided, however, that the standards for liquefied petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

B. International Mechanical Code Defined. The terms "International Mechanical Code" and "IMC" shall refer to the adoption by reference in this chapter.

C. IMC Section 106.5.2 Amended. Section 106.5.2 of the IMC is hereby amended to read as follows:

106.5.2 Fee Schedule. The fees for mechanical work shall be as indicated in the City of Edgewood fee schedule.

D. IMC Section 106.5.3 Amended. Section 106.5.3 of the IMC is hereby amended to read as follows:

106.5.3 Fee Refunds. The code official shall authorize the refunding of these fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date for the fee payment.

E. IMC Section 108.4 Amended. Section 108.4 of the IMC is hereby amended to read as follows:

108.4 Violation -- Penalties. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor and subject to the criminal penalty set forth in EMC Section [1.10.010](#).

F. IMC Section 108.5 Amended. Section 108.5 of the International Mechanical Code shall be amended to read as follows:

108.5 Stop Work orders. Upon notice from the code official that mechanical work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. The code official shall follow the procedures in chapter [7.10](#) EMC for preparation, issuance and service of the stop work order. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be [subject to issuance of a civil infraction](#) as set forth in [Chapter 7.10](#) EMC. [AMS3] [JF4]

G. IMC Section 109 Amended. Section 109 of the IMC is hereby amended to read as follows:

109 Appeals

109.1 General Appeals. Appeals of final orders or decisions other than enforcement actions under the International Mechanical Code shall be processed according to the procedures set forth in chapter [2.4015.07](#) EMC. [AMS5] [JF6]

Sections 109.1 through 109.7 are specifically not adopted

(Ord. 17-501 §§ 11 – 13; Ord. 16-478 § 1 (Exh. A); Ord. 10-343 § 1 (Exh. A); Ord. 07-289 § 1; Ord. 04-224 § 1).

15.05.110 International Fire Code.

A. Fire Code Adopted. The International Fire Code (IFC) and Standards, issued by the International Code Council, 2015 Edition, together with amendments and/or additions thereto, is adopted by reference. Appendix B (Fire Flow Requirements for Buildings), Appendix C (Fire Hydrant Locations and Distribution)

and Appendix D (Fire Apparatus Access Roads) are hereby adopted in their entirety. The 2015 Edition of the International Fire Code is amended to include the following new and amended provisions. In the event of any conflict between any provision of the IFC and this section, the provisions of this section shall apply. New sections or subsections shall be deemed deleted from the IFC and the amended provisions inserted in their place in accordance with the direction of this section.

B. International Fire Code Defined. The term “International Fire Code” and “IFC” shall refer to the adoption by reference in this chapter.

C. Amendments.

Section 101.1 Title.

These regulations shall be known as the Fire Code of the City of Edgewood, hereinafter referred to as “this code.”

1. Wherever the word “jurisdiction” is used in the International Fire Code, it means the City of Edgewood.
2. Wherever the term “corporate counsel” is used in the International Fire Code, it means the attorney for the city.
3. “Fire Department” means East Pierce Fire & Rescue.
4. “Fire Chief”, for the purpose of Section 104.11 means the fire chief of East Pierce Fire & Rescue. For all other purposes in the code, “fire chief” means the fire code official.
5. Whenever the term “livable space” is used in this chapter, it shall have the same definition as the term “conditioned space” as defined in the International Building Code.

Section 102.13 Additions, alterations or repairs.

Additions, alterations or repairs to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all the requirements of this code except that a 50% or greater change to an existing floor area shall meet the provisions of this code and shall apply to existing and proposed additional square footage in their entirety.

Section 103.1 General.

The department of fire prevention, also known as the Fire Marshal Office, is established within the jurisdiction under the direction of the fire code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

Section 105.1.1. Permits required.

Permits required by this code shall be obtained through the City of Edgewood on behalf of East Pierce Fire & Rescue. Permit fees, if any shall be paid prior to issuance of the permit and shall be consistent with the City of Edgewood adopted fee schedule. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official and the building code official.

Section 105.4.1 Submittals.

Submittals shall be made to the City of Edgewood on behalf of East Pierce Fire & Rescue. Construction documents shall be submitted in one or more sets and in such form and detail as required by the fire code official. More specifically, for fire alarm systems three sets are required and for automatic sprinkler systems four sets are required. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed and have licenses and credentials as required by the state of Washington. All companies installing fire protection systems within the City of Edgewood shall have a City of Edgewood business license.

In addition to the requirements of this section fire alarm equipment shall be installed and maintained by individuals who are in compliance with the Revised Code of Washington [19.28](#) as approved by the electrical authority having jurisdiction. All companies installing fire alarm systems shall have a state electrical contractor's license.

No building shall be occupied prior to the installation and approval of required fire alarm/detection and fire suppressions systems as set forth in this chapter.

Section 105.7.4

Fire alarm and detection systems and related equipment.

A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

Exception:

Household fire warning equipment installed in Group R-3 occupancies.

108.1 ~~Board Appeals~~. Appeals of any final order or decision made by the fire code official relative to the application and interpretation of the IFC, other than enforcement actions, shall follow the procedures set forth in chapter ~~215.0407~~ EMC. [AMS7] [JF8]

109.3 Violation penalties. Except as otherwise specified, ~~P~~persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under the provisions of this code, shall be guilty of misdemeanor, punishable by a criminal penalty as set forth in EMC Section 1.10.010. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

111.1 Stop Work Order. The fire code official or building code official may issue a stop work order under the circumstances described in chapter 15.077.10 EMC, and shall follow the procedures in chapter 15.077.10 EMC for preparation, issuance and service of stop work orders. Appeals of stop work orders shall follow the procedure in chapter 15.077.10 EMC.

111.4 Failure to Comply. Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the issuance of a civil infraction and enforcement ~~criminal and~~ penalties as set forth in EMC Section 1.10.010 Title 7, Code Enforcement, unless otherwise specified. [AMS9] [JF10]

Section 202 General Definitions.

FIRE APPARATUS. See Section 502.1.

FIRE CODE OFFICIAL. The designated authority charged with the administration of the code, or a duly authorized representative.

Chapter 5 Fire Service Features

Section 502.1 Definitions.

FIRE APPARATUS. Fire apparatus is a vehicle such as a fire pumper, aerial ladder truck, fire tender, elevated platform, rescue squad, fire ground support vehicle or similar fire-fighting or reserve equipment, including emergency medical response vehicles.

Section 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception:

The fire code official is authorized to increase the dimensions of 150 feet (45,720 mm) where:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Chapter 9 of the International Fire Code.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies. This exception does not apply to Adult Family Homes.

In addition to the provision of Exception “3” of this section, adult family homes shall be served by fire apparatus access roads as if new construction.

Section 503.2.1 Dimensions.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet with no parking on either side or 28 feet with parking allowed on one-side, except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

Exception:

Fire apparatus access roads serving not more than 2 group R-3 dwellings or gated access roads built exclusively to meet the intent of Section 503.1.2.1 shall have an unobstructed width of not less than 15 feet (4572mm).

503.2.4 Turning Radius. The required turning radius of a fire apparatus access road shall have a minimum inside turning radius of 30 feet.

503.3 Marking. Where required by the Fire Code Official, approved signs or other ap-

proved notices shall be provided for fire apparatus roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary for adequate visibility.

In accordance with the Washington State Highway Commission Sign Fabrication Manual M240-70 HT and the Manual of International Traffic Control Devices issued by the Federal Highway Administration, per

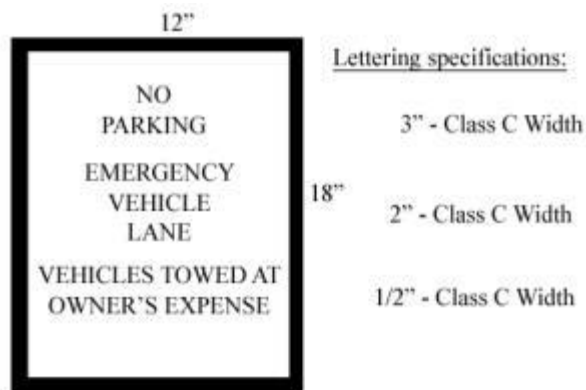
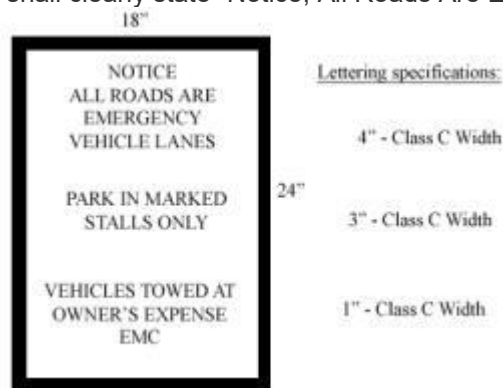


illustration:

Entrance Signs: The chief may allow the use of entrance signs for multi-family dwelling occupancies. When allowed, the signs shall be placed at each entrance to the property. Signs shall be in a clearly conspicuous location and shall clearly state "Notice, All Roads Are Emergency Vehicle Lanes, and Park



in Marked Stalls Only".

Section 503.6 Security gates.

The installation of security gates across a fire apparatus access road shall be approved by the Fire Chief. Where security gates are installed, they shall meet the following requirements:

1. Locked gates shall have an approved key box or key override system installed.
2. Gates serving 10 or more dwelling units shall have an Opticom activation system with a Knox key override or an equivalent and compatible system approved by the Fire Chief.
3. All electrically-activated gates shall have default capabilities to the unlock position.
4. The minimum clearance width of a gate shall be compatible with the required width of the fire apparatus access road. Gate posts, keypads and other gate appurtenances shall be located in such a manner that they will not obstruct or restrict the ingress and egress of emergency vehicles.
5. A vehicular turn-around sufficient to allow a car to maneuver must be provided in front of the gate.
6. Gates shall not be permitted over private roads that provide access to existing or proposed public facilities.
7. The security gate and the emergency operation shall be maintained operational at all times.

All residential developments with greater than 10 dwelling units, commercial, or industrial developments which are to be constructed with their access points containing gates shall be constructed in a manner which includes the installation of an emergency vehicle preemption system to open all such gates to allow for immediate entry of emergency vehicles into the development. The design and final installation of the system must be approved by the City of Edgewood. Further, such system must be maintained in proper working order by the owners of the development or the proper homeowners or business owners association, whichever shall be the case.

Section 503.7 Enforcement.

Enforcement of Section 503.4 of the International Fire Code shall be the responsibility of the city police department which shall have the authority to impound or otherwise cause such obstruction to be removed, and said remedies shall be in addition to the criminal penalties provided by the Edgewood Municipal Code.

505.1 Premises identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 6 inches high with

a minimum stroke width of 0.5 inch. In addition, new and existing buildings located 100' or more from the street right of way shall have the same 6 inch address dimension on the building and at the street.

1. Multi-Family Residential, Commercial, or Small Business:

Amount of Setback	Number/Letter Size
50 Feet or less	6 inches
51 Feet to 100 Feet	12 inches
100 Feet or more	18 inches
Individual Apartment Units	4 inches

2. Large Commercial or Industrial Complexes:

Amount of Setback	Number/Letter Size
50 Feet or less	12 inches
51 Feet to 100 Feet	18 inches
100 Feet or more	24 inches

Section 507.5.1 Where required.

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exception:

For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m). Adult family homes shall be provided with fire flow as if new construction for a Group R-3 occupancy.

Section 507.5.7 Fire hydrant locations and distribution.

Public and private fire hydrants shall be provided as required in Sections 508.5.7.1 through 508.5.7.9. Fire hydrants shall be placed in locations approved by the code official and along fire apparatus access roads and adjacent public streets.

Section 507.5.7.1 Spacing on public and private roads. Fire hydrants shall be placed on public and private roads every 500 feet when serving all occupancies other than Group Use R-3 and U. For Group Use R-3 and U occupancies fire hydrants shall be placed every 600 feet.

507.5.7. 2 Fire department connections.

A fire hydrant shall be located within 50 feet of a fire department connection.

507.5.7. 3 On-site hydrants.

Buildings or structures required to have on-site fire hydrants shall have them spaced an average of 330 feet throughout the site and shall be accessible from fire access roads or lanes. Fire hydrants shall be located a safe distance from the building they are to serve. Locations shall be approved by the fire marshal prior to installation.

Exception:

Group R-3 and Group U occupancies.

507.5.7. 4 Hydrants on principal roads.

In no case shall hydrants which are located across any roadway designated as an arterial by the Department of Public Works be considered available.

507.5.7. 5 Existing fire hydrants.

Existing fire hydrants on public streets are allowed to be considered as available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads.

507.5.7. 6 Approved type.

All new hydrants and replaced hydrants shall be provided with a 5-inch Storz fitting. Two port village hydrants will not be accepted as an approved type.

Section 903 - Automatic Sprinkler Systems

903.1 General.

Automatic sprinkler systems shall comply with this section.

For structures with unknown tenants, the sprinkler density of .39 per 5,600 square feet shall be used for design purposes where required by the Fire Chief.

903.1.1 Alternative Protection.

Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in lieu of automatic sprinkler protection where recognized by the applicable standard and approved by the fire code official.

903.2 Where Required.

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.

All buildings hereinafter constructed or enlarged as defined by the International Fire Code, 2015 edition, shall be equipped with a fully automatic sprinkler system designed, installed, maintained and tested per NFPA 13, 13D, 13R, or 25, the edition currently adopted by the city, where the gross floor area or occupant load exceeds those listed below, or the building is 35 feet in height or three or more stories.

Buildings protected by a fire sprinkler system. Canopies 4 feet or more in width shall be protected by a fire sprinkler system.

For the purpose of this chapter, gross floor area shall be as defined in Chapter 2 of the International Building Code, 2015 edition.

903.2.1 Group A.

An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group occupancies as provided in this section. For Group A-1, A-2, A-3 and A-4 occupancies, the automatic

sprinkler system shall be provided throughout the gross floor area where the Group A-1, A-2, A-3 or A-4 occupancy is located, and in all floors between the Group occupancy and the level of exit discharge. For Group A-5 occupancies, the automatic sprinkler system shall be provided in the spaces indicated in Section 903.2.1.5.

903.2.1.1 Group A-1.

An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The gross floor area exceeds 5,000 square feet;
2. The gross floor area has an occupant load of 100 or more;
3. The gross floor area is located on a floor other than the level of exit discharge; or
4. The gross floor area contains a multi-theater complex.

903.2.1.2 Group A-2.

An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

1. The gross floor area exceeds 5,000 square feet;
2. The gross floor area has an occupant load of 100 or more; or
3. The gross floor area is located on a floor other than the level of exit discharge.

903.2.1.3 Group A-3.

An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The gross floor area exceeds 5,000 square feet;
2. The gross floor area has an occupant load of 100 or more; or
3. The gross floor area is located on a floor other than the level of exit discharge.

Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

903.2.1.4 Group A-4.

An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

1. The gross floor area exceeds 5,000 square feet;
2. The gross floor area has an occupant load of 100 or more; or
3. The gross floor area is located on a floor other than the level of exit discharge.

Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

903.2.1.5 Group A-5.

An automatic sprinkler system shall be provided in concession stands, retail areas, press boxes, and other accessory use areas in excess of 1,000 square feet of gross floor area.

Chapter 2 - Group B.

Business as described in chapter 2. An automatic sprinkler system shall be provided throughout all buildings with a Group B occupancy where one of the following conditions exists:

1. Where the gross floor area of a Group B occupancy exceeds 5,000 square feet;
2. Where the gross floor area of a Group B occupancy is located more than three stories above grade; or
3. Where the combined gross floor area of all Group B occupancies on all floors, including any mezzanines, exceeds 5,000 square feet.

903.2.3 Group E.

An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E occupancies where the gross floor area exceeds 5,000 square feet or as required by Washington State amendments.

903.2.4 Group F-1.

An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. Where the gross floor area of a Group F-1 occupancy exceeds 5,000 square feet;
2. Where the gross floor area of a Group F-1 occupancy is located more than three stories above grade;
or
3. Where the combined gross floor area of all Group F-1 occupancies on all floors, including any mezzanines, exceeds 5,000 square feet.

903.2.4.1 Woodworking Operations.

An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet in gross floor area which generate finely divided combustible waste or which use finely divided combustible materials.

903.2.5 Group H.

Automatic sprinkler systems shall be provided in high-hazard occupancies as required in Sections 903.2.5.1 through 903.2.5.3.

903.2.5.1 General.

An automatic sprinkler system shall be installed in Group H occupancies.

903.2.5.2 Group H-5 Occupancies.

An automatic sprinkler system shall be installed throughout buildings containing Group H-5 occupancies. The design of the sprinkler system shall not be less than that required under the International Building Code for the occupancy hazard classifications in accordance with Table 903.2.5.2.

Where the design area of the sprinkler system consists of a corridor protected by one row of sprinklers, the maximum number of sprinklers required to be calculated is 13.

TABLE 903.2.5.2

GROUP H-5 SPRINKLER DESIGN CRITERIA

LOCATION	OCCUPANCY HAZARD CLASSIFICATION
Fabrication areas	Ordinary Hazard Group 2
Service corridors	Ordinary Hazard Group 2
Storage rooms without dispensing	Ordinary Hazard Group 2
Storage rooms with dispensing	Extra Hazard Group 2
Corridors	Ordinary Hazard Group 2

903.2.5.3 Pyroxylin Plastics.

An automatic sprinkler system shall be provided in buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds.

903.2.6 Group I.

An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.

Exception: An automatic sprinkler system installed in accordance with Section 903.3.1.2 or 903.2.1.3 shall be allowed in Group I-1 facilities.

903.2.7 Group M.

An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. Where the gross floor area of a Group M occupancy exceeds 5,000 square feet;
2. Where the gross floor area of a Group M occupancy is located more than three stories above grade; or
3. Where the combined gross floor area of all Group M occupancies on all floors, including any mezzanines, exceeds 5,000 square feet.

903.2.7.1 High-Piled Storage.

An automatic sprinkler system shall be provided as required in Chapter 23 in all buildings of Group M occupancy where storage of merchandise is in high-piled or rack storage arrays. Permits may be required.

903.2.8 Group R.

An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all buildings with a Group R fire area.

1. Or as required by the International Fire Code and/or Washington State Amendments.

Exception: Detached one-family dwellings with less than 5,000 square feet of livable space and in accordance with AV107.1 as amended under EMC [15.05.060](#) (R).

For residential fire-flow requirements, see Section B105.1 One family dwellings.

903.2.9 Group S-1.

An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. Where the gross floor area of a Group S-1 occupancy exceeds 5,000 square feet;
 2. Where the gross floor area of a Group S-1 occupancy is located more than three stories above grade;
- or

3. Where the combined gross floor area of all Group S-1 occupancies on all floors, including any mezzanines, exceeds 5,000 square feet.

903.2.9.1 Repair Garages.

An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with the International Building Code, as follows:

1. Buildings two or more stories in height, including basements, with a gross floor area containing a repair garage exceeding 5,000 square feet.
2. One-story buildings with a gross floor area containing a repair garage exceeding 5,000 square feet.
3. Buildings with a repair garage servicing vehicles parked in the basement.

903.2.9.2 Bulk Storage of Tires.

Buildings and structures where the area for the storage of tires exceeds 20,000 cubic feet shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

903.2.10 Group S-2.

An automatic sprinkler system shall be provided throughout buildings classified as an enclosed parking garage in accordance with the International Building Code or where located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies.

903.2.10.1 Commercial Parking Garages.

An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks or buses where the gross floor area exceeds 5,000 square feet.

903.2.11.3 Building height. An automatic sprinkler system shall be installed throughout buildings 35 feet in height or three or more stories.

Exceptions:

1. Airport control towers

2. Open parking structures

3. Occupancies in Group F-2

903.3.1.1.1 Exempt locations.

Subject to the approval of the Fire Chief, automatic sprinklers may be omitted in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Safe deposit or other vaults of fire-resistive construction, when used for the storage of record files and other documents, when stored in metal cabinets.
3. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the fire code official.
4. Generator and transformer rooms separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
5. In rooms or areas that are of non-combustible construction with wholly non-combustible contents.
6. Fire service access elevator machine rooms and machinery spaces.

Section 903.3.7 Fire department connections.

The location of fire department connections shall be approved by the fire code official. A fire department connection shall be located within 50 feet of a fire hydrant, and not closer than 50 feet from the protected structure.

903.4.2 Alarms.

Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be installed on the exterior of the building

in an approved location. An approved audible sprinkler flow alarm to alert the occupants shall be provided in the interior of the building in a normally occupied location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

903.4.3 Indicating valves.

All automatic sprinkler systems shall be provided with a listed and approved indicating valve. Such valve shall be provided on the exterior of the building in a location to be determined by the Fire Chief. When possible, such valve shall be located not less than 50 feet from the protected structure. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in high-rise buildings.

903.5 Testing and maintenance.

Sprinkler systems shall be tested and maintained in accordance with Section 901 of the fire code. A copy of the annual inspection report shall be signed by the individual conducting the inspection, and a copy of the report shall be forwarded to the fire department.

903.6 Existing buildings. The provisions of this section are intended to provide a reasonable degree of safety in existing structures not complying with the minimum requirements of the International Building Code by requiring the installation of an automatic sprinkler system in all existing structures with a gross floor area exceeding 5,000 square feet that are altered 50% or more of floor area as defined by the 2015 International Building and Fire Code.

Section 907.1.3 Equipment.

Systems and their components shall be listed and approved for the purpose for which they are installed.

In addition to the requirements found in Section 907.2, the following shall apply.

The fire alarm control panel, remote annunciator panel and access keys to locked fire alarm equipment shall be installed and maintained in locations approved by the fire code official.

The automatic/manual fire alarm system shall consist of a minimum of the following:

1. Addressable fire alarm control panel and components

2. Interior audible/visual alarm devices for the notification of the building occupants throughout. WAC 51.50.1101 and IBC Chapter 11.

3. Visible devices in restrooms

4. Exterior horn/strobe shall be located on the address side of the building.

5. Manual pull stations at each exit

6. Smoke detection in corridors

7. Monitoring of the automatic fire sprinkler systems/fire alarm systems

8. Buildings containing multiple tenants shall have an addressable fire alarm system capable of monitoring and sending notification of all protection systems and the individual suite address within the building to an approved central station.

9. Multiple story buildings shall have an addressable system capable of monitoring and sending notification of all protection systems within the building to an approved central station.

Section 907.2 Where required – new buildings and structures.

An approved manual, automatic, or manual and automatic fire alarm system shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23.

Fire alarm systems required by Sections 907.2.1 through 907.2.23 shall be of an addressable type. In addition to the requirements of this section an approved addressable fire alarm system shall be provided in all buildings containing 5,000 square feet of gross floor area or greater.

Exceptions:

1. Group R-3 and Group U Occupancies.

2. Where automatic sprinkler protection is installed in accordance with Section 903.3.1.1 or 903.3.1.2 is provided and connected to the building fire alarm system, automatic heat detection required by this section shall not be required. Automatic sprinkler protection installed in accordance with Section 903.1.1 or 903.3.1.2 shall be monitored by central station, with central station service as defined in NFPA 72.

[The remainder of this section is as printed in the International Fire Code and as amended by Chapter 15.05.110 of the Edgewood Municipal Code.]

Section 912.2 Location.

With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the building for other fire apparatus. The location of the fire department connection shall be approved and shall not be greater than 50 feet from a fire hydrant.

[The remainder of this section is as printed in the International Fire Code.]

Section 3404.2.9.5.1 Locations where aboveground tanks are prohibited.

The limits referred to in Section 3404.2.9.5.1 of the International Fire Code in which storage of Class I and Class II liquids outside in above-ground storage tanks is prohibited are established as all areas of the city, except for tanks that comply with Section 3404.2.8 Vaults.

Section 3804.2 Maximum capacity within established limits.

The limits referred to in Section 3804.2 of the International Fire Code in which liquefied petroleum gas is restricted are established as all areas of the city with the zoning designation other than that of light industrial when referring to above-ground containers.

Section B105.1 One and two-family dwellings.

The minimum fire-flow requirements for detached one-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet of livable space (344.5 M²) shall be 1000 gallons per minute for each hydrant providing fire flow. Fire-flow and flow duration for detached one-family dwellings having a fire-flow calculation area in excess of 3,600 (344.5 M²) square feet livable space shall not be less than that specified in Table B105.1.

Exception:

The required fire flow may be reduced when using the City of Edgewood one-family dwelling fire flow credit worksheet hereby referred to as Table B105.2

Section B105.2 Buildings other than detached one-family dwellings.

The minimum fire-flow and flow duration for buildings other than detached one-family dwellings shall be as specified in Table B105.1 of the International Fire Code.

Section D103.7 Curbs and Striping.

Where required by the fire code official, curbs along fire apparatus access roads shall be painted red, with the words “No Parking—Fire Lane—Tow Away Zone” stenciled in 4-inch tall letters in white. Such curb painting shall be provided at the beginning and end of the fire lane as determined by the fire code official. Where no curb is provided, the traffic surface may be painted with high-visibility red diagonal striping of not less than 4-inches in width with an unpainted clear space of 12-inches between the painted stripes. High visibility white painted words indicating “No Parking—Fire Lane—Tow Away Zone” shall be painted within the striped area as determined by the fire code official.

Detached One-Family Dwellings (R-3) and Private Garages (U-1) Fire Flow Worksheet

Table B105.2

Permit #: _____ Date: _____

Project Address: _____

Applicant: _____

Credit Options ^{1, 2, 3, 4, 5, 6, 7}	% of Credit	Items Selected
NFPA 13 Monitored Sprinkler System (1)	60%	
NFPA 13 Sprinkler System (1)	50%	
Building < 2000 square feet	25%	
Monitored Fire Alarm	25%	
30' Minimum Setback from Property Lines (6)	20%	
Modified 1-Hr Construction (2)	15%	
Class A or B Roofing Material	15%	

60% Brick/Stone Exterior	15%
Paved Access within 150' of Building	10%
Existing Hydrant (see 3, 4 and 5 below)	____%

1. Some credits may not be taken together.
2. One-hour construction shall be a minimum of 1/2-inch type "X" drywall throughout the interior for one-family residence (R-3) occupancies and garage (U-1) occupancies. All other occupancy groups shall meet the requirements for one-hour construction per the International Building Code and International Residential Code.
3. Existing hydrants located within 600 feet of the furthest point of structure, but not meeting minimum fire flow requirements, may take a 50 percent credit so long as the existing fire flow is greater than 500 gpm.
4. Existing hydrants located farther than 600 feet from the furthest point of the structure, but not more than 1,000 feet and meeting minimum fire flow requirements may take a 50 percent credit.
5. No hydrant credits will be given for hydrants located farther than 1,000 feet from the furthest point of the structure regardless of fire flow. One hundred percent credit must be obtained from the above table.
6. The 30-foot setback is from the side and rear property lines. Front setbacks may be that allowed by the zoning of the property.
7. The minimum fire flow requirements for private garages (U-1) shall be 750 gpm for 45 minutes; however, fire flow is not required for private garages meeting all of the following criteria:
 - a) It does not exceed 1,000 square feet;
 - b) It is accessory to a one- or two-family dwelling (R-3) that meets the requirements of this section;
 - c) It has setbacks from side and rear lot lines of at least 20 feet, and at least 10 feet from other buildings on the same lot;
 - d) It has modified, one-hour construction throughout the interior consisting of one layer 1/2-inch type "X" drywall.

e) Residential Fire Flow Requirements. Table 105-B applies to two lots or less.

The minimum fire flow requirements for detached one-family dwellings having a fire flow calculation area which does not exceed 3,600 square feet of livable space shall be 1,000 gallons per minute for each hydrant providing fire flow. Fire flow and flow duration for detached one-family dwellings having a fire flow calculation area in excess of 3,600 square feet shall not be less than that specified in Table B105.1.

(Ord. 17-501 §§ 17 – 20; Ord. 16-478 § 1 (Exh. A); Ord. 10-343 § 1 (Exh. A); Ord. 07-289 § 1; Ord. 04-224 § 1).

Chapter 15.07 BUILDING CODE ENFORCEMENT

Sections:

15.07.010 Intent.

15.07.020 Violations.

15.07.030 AuthorityResponsibility to enforce.

15.07.03540 Enforcement

~~15.07.040 Investigation and notice of violation.~~

~~15.07.050 Time to comply.~~

~~15.07.060 Stop work order.~~

~~15.07.070 Emergency order.~~

~~15.07.080 Appeals.~~

~~15.07.090 Appeal hearing.~~

~~15.07.100 Civil penalty.~~

15.07.110 Criminal penalties.

15.07.120 Additional relief.

15.07.010 Intent.

This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons. It is the intent of this chapter to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of the building code, this title. No provision of, or any term used in, this chapter is intended to impose any duty to enforce, or any other duty upon the city or

any of its officers or employees which would subject them to damages in a civil action. (Ord. 17-501 § 21).

15.07.020 Violations.

A. It is a violation of the building code, this title, for any person to initiate, maintain or cause to be initiated or maintained, the use of any structure, land or property within the city, without first obtaining the permits or authorizations required for the use by the aforementioned code.

B. It is a violation of the building code, this title, for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished any structure, land or property within the city, in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the aforementioned code; provided, that the terms or conditions are explicitly stated on the permit or the approved plans.

C. In addition to the above, it is a violation of this title:

1. To remove or deface any sign, notice, complaint or order required by or posted in accordance with the aforementioned title; and
2. To misrepresent any material fact in any application, plans or other information submitted to obtain any building or construction authorization. (Ord. 17-501 § 21).

15.07.030 ~~Authority~~Responsibility to enforce.

A. The building official shall have the ~~authority~~responsibility to enforce this chapter. The building official may call upon the police, fire, community development, public works or other appropriate city departments to assist in enforcement. As used in this chapter, "building official" or "code official" shall also mean his or her duly authorized representative(s).

B. Upon presentation of proper credentials, the building official may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant, in order to perform the responsibilities imposed by this chapter. (Ord. 17-501 § 21).

~~15.07.035~~40 Enforcement

Except where a specific violation classification, penalty, or enforcement mechanism is prescribed herein, violations of this chapter shall be deemed civil violations subject to enforcement pursuant to EMC Title 7, Code Enforcement. Enforcement of the provisions herein, and any violations thereof, shall be as described in this title; and/or EMC Title 7, Code Enforcement.

~~15.07.040 Investigation and notice of violation.~~

~~A. Investigation. The building official is authorized to investigate any structure or use which he/she reasonably believes does not comply with the standards and requirements of the building code, this title.~~

~~B. Notice of Violation. If, after investigation, the building official determines that the standards or requirements of the building code, this title, or the provisions of this chapter have been violated, the building official may serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall contain the following information:~~

- ~~1. The name and address of the person to whom it is directed;~~
- ~~2. The location and specific description of the violation;~~
- ~~3. A statement that the notice (or order, in the case of a stop work or emergency order) is effective immediately upon posting at the site and/or receipt by the person to whom it is directed;~~
- ~~4. The notice of violation may include or reference a stop work order or emergency order requiring that the violation immediately cease, or that the potential violation be avoided;~~
- ~~5. The notice of violation may include or reference a stop work or emergency order requiring that the person cease all work on the premises until correction and/or remediation of the violation as specified in the order;~~
- ~~6. A specific identification of each standard, code provision or requirement violated;~~
- ~~7. A specific description of the actions required to correct, remedy or avoid the violation or to comply with the standards, code provision or requirements, including but not limited to replacement, repair, supplementation, revegetation or restoration;~~
- ~~8. A reasonable time for compliance;~~
- ~~9. A statement that the violation may result in the imposition of penalties, and if the violation is not already subject to criminal prosecution, that any subsequent violations may result in criminal prosecution as provided in EMC 15.07.110;~~
- ~~10. A statement that failure to comply with the notice of violation may result in further enforcement actions, including issuance of additional notices of violation, civil fines and/or criminal penalties; and~~
- ~~11. A statement that the notice of violation represents a determination that a violation has been committed by the person named in the notice of violation, and that the determination shall be final~~

~~unless appealed as provided in EMC 15.07.080, and that the appeal must be timely filed under the procedures set forth in EMC 15.07.080(E) (within 15 calendar days of service of the notice of violation).~~

~~C. Each Day a Separate Violation. Each day a person or entity fails to comply with the code provision cited in the notice of violation may be considered a separate violation for which a citation may be issued.~~

~~D. Service. The notice of violation shall be served on the owner, tenant or other person responsible for the condition in the manner set forth in RCW 4.28.080 for service of a summons, or personally, as set forth in RCW 4.28.080(15). In lieu of service under RCW 4.28.080(15), where the person cannot with reasonable diligence be served as described, the notice of violation may be served as provided in RCW 4.28.080(16).~~

~~E. Posting. A copy of the notice of violation shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.~~

~~F. Other Actions May Be Taken. Nothing in this chapter shall be deemed to limit or preclude any action or proceeding pursuant to EMC 15.07.060 (Stop work order), 15.07.070 (Emergency order), 15.07.100 (Civil penalty), 15.07.110 (Criminal penalties), or 15.07.120 (Additional relief).~~

~~G. Additional Notice to Others. The building official may mail or cause to be delivered to all residential and/or nonresidential rental units in the structure, or post at a conspicuous place on the property, a notice which informs each recipient or resident about the notice of violation, stop work order or emergency order and the applicable requirements and procedures.~~

~~H. Recording. A copy of the notice of violation may be filed with the county auditor when the responsible party fails to correct the violation and no appeal is filed, or the building official requests that the city attorney take appropriate enforcement action. The building official may choose not to file a copy of the notice or order if the notice or order is directed only to a responsible person other than the owner of the property.~~

~~I. Amendment. A notice or order may be amended at any time in order to:~~

- ~~1. Correct clerical errors; or~~
- ~~2. Cite additional authority for a stated violation. (Ord. 17-501 § 21).~~

~~15.07.050 Time to comply.~~

~~When calculating a reasonable time for compliance in the notice of violation, the building official shall consider the following criteria:~~

~~A. The type and degree of violation cited in the notice;~~

~~B. The stated intent, if any, of a responsible party to take steps to comply;~~

~~C. The procedural requirements for obtaining a permit to carry out corrective action;~~

~~D. The complexity of the corrective action, including seasonal considerations, construction requirements and the legal prerogatives of landlords and tenants; and~~

~~E. Any other circumstances beyond the control of the responsible party. (Ord. 17-501 § 21).~~

~~15.07.060 Stop work order.~~

~~A. Whenever a continuing violation of this title will materially impair the building official's ability to secure compliance, or when the continuing violation threatens the health or safety of the public, the building official has the authority to issue a stop work order prohibiting any work or other activity at the site. The stop work order shall be in writing and served upon persons engaged in doing such work or causing such work to be done. The stop work order shall be immediately posted on the property. Failure to comply with a stop work order shall constitute a violation of this chapter.~~

~~B. The stop work order shall include the information in EMC 15.07.040(B)(1) through (8). In addition, the stop work order shall include a statement that the person to whom the stop work order is directed or the property owner may file an appeal and request an expedited hearing with the hearing examiner within seven calendar days after service of the stop work order. If no appeal is filed and compliance is not achieved within the compliance date, the building official may ask the city attorney to seek additional relief under EMC 15.07.120 and/or the building official may file a notice of violation for the violation pursuant to EMC 15.07.040, seeking compliance and describing penalties.~~

~~C. Expedited Appeal. The hearing examiner shall hold the expedited appeal hearing on a stop work order according to the applicable procedures in EMC 15.07.090. If the hearing examiner finds that a violation has occurred which has not been corrected by the deadline established for compliance, the building official may ask the city attorney to seek additional relief under EMC 15.07.120 and/or the building official may issue a notice of violation for the violation pursuant to EMC 15.07.040, describing penalties. (Ord. 17-501 § 21).~~

~~15.07.070 Emergency order.~~

~~A. Whenever any use or activity in violation of this title threatens the health and safety of the occupants of the premises or any member of the public, the building official has the authority to issue an emergency order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The emergency order shall be immediately posted on the property and served on the person(s) responsible. Failure to comply with an emergency order shall constitute a violation of this chapter.~~

~~B. The emergency order shall include all of the information in EMC 15.07.040(B)(1) through (8). In addition, the emergency order shall include a statement that the person to whom the emergency order is directed may file an appeal and request an expedited hearing with the hearing examiner within seven calendar days after service or posting of the emergency order. If no appeal is filed and compliance is not achieved, the building official may ask the city attorney to seek additional relief under EMC 15.07.120 and/or the building official may issue a notice of violation pursuant to EMC 15.07.040, seeking compliance and penalties.~~

~~C. Expedited Appeal. The hearing examiner shall hold the expedited appeal hearing on an emergency order according to the applicable procedures in EMC 15.07.090. If the hearing examiner finds that the violation described in the emergency order occurred or exists, any condition described in the emergency order which is not corrected within the time specified is hereby declared to be a public nuisance and the building official may ask that the city attorney take action to obtain a warrant of abatement for the property in superior court. The owner or person responsible (or both) shall be responsible for the costs associated with the abatement, in the manner provided by law. (Ord. 17-501 § 21).~~

~~15.07.080 Appeals.~~

~~A. No Appeal of a Notice of Violation or Infraction Citing Criminal Penalties. There is no administrative appeal of a notice of violation issued pursuant to EMC 15.07.040 for violations which would subject the violator to criminal prosecution and/or the imposition of criminal penalties. A notice of violation or citation for a violation that subjects the violator to criminal penalties is enforced in municipal court.~~

~~B. Expedited Appeal Hearings on Stop Work and Emergency Orders. An expedited public hearing shall be held by the hearing examiner, according to the procedures in this section, on an appeal of a stop work or emergency order, regardless of whether the violations described in the stop work order or emergency order would eventually subject the violator to civil or criminal prosecution and/or the imposition of civil or criminal penalties. The expedited appeal hearing shall be for the sole purpose of determining whether the stop work or emergency order was correctly issued and/or whether a violation occurred. If a violation occurred, the building official may issue a notice of violation.~~

~~C. Appeal Hearings on Notices of Violations Citing Civil Penalties. Unless an appeal of a notice of violation is filed with the building official in accordance with this section, or an appeal involving an expedited hearing is filed, the notice of violation shall become the final order of the building official. The final order, including the collection of penalties, may be enforced by the city attorney in superior court.~~

~~D. Standing to File Appeal.~~

~~1. Notice of Violation. Only parties of record have standing to file an appeal of a notice of violation.~~

~~"Parties of record" are defined to mean:~~

~~a. The property owner or the person responsible for the condition of the property;~~

~~b. Any person who can demonstrate that he/she is aggrieved by the decision; and~~

~~c. The city council.~~

~~2. Stop Work Order and Emergency Order. Only the property owner or the person responsible for the condition of the property may request an expedited appeal hearing for a stop work order or emergency order.~~

~~E. Time to File Appeal.~~

~~1. Notice of Violation under EMC 15.07.040. The party of record must file an appeal with the building official within 15 calendar days of service of the notice of violation.~~

~~2. Stop Work or Emergency Orders under EMC 15.07.060 or 15.07.070. The property owner or the person responsible for the condition of the property may request an expedited appeal hearing within seven calendar days after service of the stop work or emergency order.~~

~~3. Computing Deadline for Filing Appeal. For purposes of computing the time for filing an appeal, the day the decision issued shall not be counted. If the last day of the deadline for filing the appeal is a Saturday, Sunday or holiday designated by RCW 1.16.050 or city ordinance, then the appeal must be filed on the next business day. Appeals shall be delivered to the building official by mail, email, by personal delivery or by fax before 5:00 p.m. on the last business day of the appeal period. Appeals received by mail after 5:00 p.m. on the last day of the appeal period will not be accepted, no matter when such appeals were mailed or postmarked.~~

~~E. Content of Appeal. Appeals shall be in writing, be accompanied by the required appeal fee, and contain the following information:~~

- ~~1. Appellant's name, address and phone number;~~
- ~~2. A statement describing appellant's standing to appeal;~~
- ~~3. Appellant's statement of grounds for appeal and the facts upon which the appeal is based with specific references to the facts in the record;~~
- ~~4. The specific relief sought;~~
- ~~5. A statement that the appellant has read the appeal and believe the contents to be true, followed by the appellant's signature.~~

~~F. Effect. The timely filing of an appeal shall stay any enforcement action based on a stop work order, emergency order or notice of violation until the hearing examiner's decision issues unless the building official finds that the violation causes an immediate threat to public health or safety. (Ord. 17-501 § 21).~~

~~15.07.090 Appeal hearing.~~

~~A. The public hearing on an appeal shall include the following elements and be conducted as follows:~~

- ~~1. The hearing examiner shall set the time and place of the hearing, and arrange for notice of the public hearing to be provided, except in cases involving an expedited hearing. For expedited hearings, notice of the hearing shall be provided to the appellant and every reasonable effort shall be made to schedule the hearing within one week after receipt of the appeal.~~
- ~~2. A party to the hearing may participate personally or by an attorney.~~
- ~~3. The hearing examiner shall, at the appropriate stage in the proceeding, give all parties full opportunity to submit and respond to motions and file briefs and objections.~~
- ~~4. If the person requesting the hearing fails to attend or participate in the hearing (other than filing the timely request for an appeal hearing as provided in this chapter), the hearing examiner may issue a default order of dismissal.~~
- ~~5. To the extent necessary for full disclosure of all relevant facts and issues, the hearing examiner shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination and submit rebuttal evidence.~~
- ~~6. The hearing examiner shall cause the hearing to be recorded by a method chosen by the city, which shall allow preparation of a verbatim transcript.~~

~~7. The hearing shall be open to public observation.~~

~~8. All testimony of parties and witnesses shall be made under oath or affirmation.~~

~~9. Ex parte communications shall be addressed as set forth in Chapter 42.36 RCW.~~

~~10. The scope and standard of review shall be de novo. The city shall have the initial burden of proof in cases involving notices of violation, stop work orders, emergency orders or penalties, to demonstrate by a preponderance of the evidence the existence of a violation or that the legal standard for imposing the penalty has been met. The examiner shall grant substantial weight or otherwise accord deference whenever directed by ordinance or statute.~~

~~11. The hearing examiner may hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the building code (all incorporated into this title). An appeal of these orders, decisions or determinations shall be based upon a claim that the intent of the code(s) have been incorrectly interpreted, the provisions of the code(s) do not fully apply, or an equivalent method of protection or safety is proposed. The hearing examiner shall not have authority to waive requirements of the codes in this title.~~

~~12. After the conclusion of the public hearing, the hearing examiner may allow the parties a designated time for the submission of memos, briefs or proposed findings, as long as the hearing examiner can still issue his/her final decision according to any applicable deadline established by this chapter.~~

~~13. At or after the appeal hearing on a notice of violation, the hearing examiner may:~~

~~a. Sustain the notice of violation;~~

~~b. Withdraw the notice of violation;~~

~~c. Continue the review to a date certain for receipt of additional information;~~

~~d. Modify the notice of violation, which may include an extension of the compliance date.~~

~~D. Except with regard to expedited hearings, the hearing examiner shall issue written findings of fact and conclusions of law within 10 calendar days of the date of the completion of the hearing and shall cause the same to be mailed by regular first class mail to the person(s) named on the notice of violation, mailed to the complainant, if possible. A copy of the final decision may be recorded against the property in the~~

~~county auditor's office. The decision on expedited hearings shall issue within five business days after the completion of the hearing.~~

~~E. The decision of the hearing examiner on appeal shall be final, and no further administrative appeal may be filed. In order to appeal the decision of the hearing examiner, a person with standing must file an appeal of the decision to superior court as provided under Chapter 36.70C RCW within the deadline set forth in RCW 36.70C.040. (Ord. 17-501 § 21).~~

~~15.07.100 Civil penalty.~~

~~A. In addition to any other sanction or remedial procedure which may be available, any person violating or failing to comply with any of the provisions of this chapter relating to the International Building Code, the International Residential Code or the Property Maintenance Code shall be subject to a cumulative civil penalty in the amount of \$250.00 per day for each violation from the date set for compliance until compliance is achieved. Each day of noncompliance shall constitute a separate offense.~~

~~B. The penalty imposed by this section shall be collected by civil action brought in the name of the city. The building official shall notify the city attorney in writing of the name of any person subject to the penalty, and the city attorney shall, with the assistance of the building official, take appropriate action to collect the penalty.~~

~~C. The violator may show as full or partial mitigation of liability:~~

- ~~1. That the violation giving rise to the action was caused by the willful act, or neglect, or abuse of another; or~~
- ~~2. That correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by inability to obtain necessary materials or labor, inability to gain access to the subject structure, or other condition or circumstance beyond the control of the defendant. (Ord. 17-501 § 21).~~

15.07.110 Criminal penalties.

A. Any person violating or failing to comply with any of the provisions of the International Fire Code, the International Mechanical Code or the Uniform Plumbing Code (all as incorporated into this title) or who has had a judgment entered against him or her [pursuant to EMC 15.07.100 in any civil action brought by the City](#) or subsection (B) of this section for the same violation within the past five years shall be [guilty of a misdemeanor](#) subject to criminal prosecution and upon conviction shall be fined the amount set forth in EMC [1.10.010](#). Each day of noncompliance shall constitute a separate offense.

B. The above criminal penalty may also be imposed:

1. For any other violation of this chapter or the building code, this title, for which corrective action is not possible; and
2. For any willful, intentional, or bad faith failure or refusal to comply with the standards or requirements of this chapter or the building code, this title. (Ord. 17-501 § 21).

15.07.120 Additional relief.

The building official may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of the building code, this title, when civil or criminal penalties are inadequate to effect compliance. (Ord. 17-501 § 21).

16.01.130 Violation – Penalty.

A. Unless otherwise specified, violations of this title shall constitute civil violations enforced as set forth in EMC Title 7.

B. Any person, firm, corporation or association or any agency who violates any provision of this Title, relating to the sale, offer for sale, lease or transfer of any lot, tract, or parcel of land shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation of any provision of Subdivisions, EMC Title 16, shall be deemed a separate and distinct offense and subject to a separate citation.

C. Whenever land within a subdivision granted final approval is used in a manner or for a purpose which violates any provision of this Title, or any condition of plat approval prescribed for the plat by the city, the city attorney may commence an action to restrain and enjoin such use and compel compliance with the provisions of Subdivisions, EMC Title 16, or with such terms and conditions. The costs of such action shall be levied against the violator. (Ord. 17-495 § 1; Ord. 06-269 § 2 (Exh. A)).

Chapter 18.85 ENFORCEMENT

Sections: v

18.85.010 Intent.

18.85.015 Enforcement

18.85.020 Violations.

18.85.030 AuthorityResponsibility to enforce.

~~18.85.040 Investigation and notice of civil infraction.~~

~~18.85.050 Time to comply.~~

~~18.85.060 Stop work order.~~

~~18.85.070 Emergency order.~~

~~18.85.075 Prohibition on permit approvals.~~

~~18.85.076 Response to notice.~~

~~18.85.080 Contesting the determination and civil infraction.~~

~~18.85.085 Failure to respond.~~

~~18.85.090 Hearings — Rules of procedure — Counsel.~~

~~18.85.095 Hearings — Contesting determination that infraction committed — Appeal.~~

~~18.85.096 Hearings — Explanation of mitigating circumstances.~~

~~18.85.100 Monetary penalties — Restitution — Restoration orders.~~

~~18.85.104 Order of court — Modification of penalty — Community restitution.~~

~~18.85.105 Costs and attorneys' fees.~~

~~18.85.110 Failure to respond to notice of infraction — Failure to satisfy penalty.~~

~~18.85.120 Additional relief.~~

~~18.85.130 Penalties for subdivision violations.~~

~~18.85.140 Record of notices to be kept — Audit.~~

18.85.010 Intent.

This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons. It is the intent of this chapter to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of the Development Standards Code, this title, the Critical Areas Code, EMC Title [14](#), and the Subdivisions Code, EMC Title [16](#). No provision of, or any term used in, this chapter is intended to impose any duty to enforce, or any other duty, upon the city or any of its officers or employees which would subject them to damages in a civil action. (Ord. 19-543 § 1 (Exh. A); Ord. 17-495 § 4).

18.85.015 Enforcement

Unless otherwise specified, violations of this chapter shall be deemed civil violations subject to enforcement pursuant to EMC Title 7, Code Enforcement.

18.85.020 Violations.

A. It is a violation of the Development Standards Code, this title, the Critical Areas Code, EMC Title [14](#), and the Subdivisions Code, EMC Title [16](#), for any person to initiate, maintain or cause to be initiated or maintained the use of any structure, land or property within the city, without first obtaining the permits or authorizations required for the use by the aforementioned codes.

B. It is a violation of the Development Standards Code, this title, the Critical Areas Code, EMC Title [14](#), and the Subdivisions Code, EMC Title [16](#), for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished any structure, land or property within the city, in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the aforementioned titles; provided, that the terms or conditions are explicitly stated on the permit or the approved plans.

C. In addition to the above, it is a violation of EMC Titles [14](#) and [16](#) and this title to:

1. Remove or deface any sign, notice, complaint or order required by or posted in accordance with the aforementioned titles; and
2. To misrepresent any material fact in any application, plans or other information submitted to obtain any building or construction authorization. (Ord. 19-543 § 1 (Exh. A); Ord. 17-495 § 4).

18.85.030 ~~Authority~~Responsibility to enforce.

A. The community development director shall have the ~~authority~~responsibility to enforce this chapter. The director may call upon the police, fire, building, public works or other appropriate city departments to assist in enforcement. As used in this chapter, “community development director” or “director” shall also mean his or her duly authorized representative(s).

B. Upon presentation of proper credentials, the director may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant, in order to perform the responsibilities imposed by this chapter. (Ord. 19-543 § 1 (Exh. A); Ord. 17-495 § 4).

18.90.140 Performance standards.

A. Performance standards deal with the operational aspects of land uses and their impacts on other adjacent uses, the community and the general public. The intent of this section is to provide standards and regulations to minimize and mitigate the potential adverse effects to other properties, development and people.

B. While performance standards are primarily concerned with the impact of commercial and industrial development upon the environment, performance standards shall apply to all land uses within the city. Continued compliance with the performance standards shall be required of all uses, except as otherwise provided for in this title. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable condition. The following elements, if created, may become dangerous, injurious, noxious or otherwise objectionable under the circumstances, and are then referred to as dangerous or objectionable elements:

1. Noise, vibration or glare.
2. Smoke, dust, odor or other form of air pollution.
3. Heat, cold or dampness.
4. Hazardous substances and wastes.

C. Uses established before the effective date of this title, which are nonconforming as to performance standards, shall be given five years from the date of adoption of this title in which to conform therewith.

D. The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the dangerous and/or objectionable elements and at any point where the existence of such elements may be more apparent. This is provided, however, that the measurement of performance standards for noise, vibration, odors, glare or hazardous substances or wastes shall be taken at the property lines and/or at the buffer zone setback line for any hazardous substance land use facility, in all zoning districts.

E. Restrictions on Dangerous and Objectionable Elements.

1. The provisions of Chapter [8.76](#) PCC, Noise Control (as adopted in EMC Title [8](#)), shall apply. In addition, frequent, repetitive or continuous sounds emanating from any use or facility other than transportation facilities or temporary construction work shall not exceed 75 decibels at the property lines. If the community development director or designee determines it to be necessary or has reason to believe that noise levels are being exceeded, the owner and/or operator of a use or facility shall be required to provide noise reading data for noise levels at all property lines.

2. No vibration shall be permitted which is discernible without instruments at the points of measurement specified in this section.

3. No emission shall be permitted of odorous gases or other odorous matter released from any operation or activity in such quantities so as to exceed the odor threshold beyond lot lines. The odor threshold shall be defined as the concentration in the air of a gas or vapor which will just evoke a response in the human olfactory system.

4. No direct or reflected light or glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the property lines or skyward beyond the building height of the zone, shall be permitted.

5. The regulations of the federal occupational safety and health standards shall apply for all radioactivity and electrical disturbance unless local codes and ordinances supersede this federal regulation.

F. The community development director or designee shall have the power to authorize the following procedures prior to the issuance of an application approval:

1. An application for approval for a use subject to performance standard procedures shall be accompanied by a site plan and detailed information describing the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the creation or emission of dangerous and objectionable elements as set forth in this section. The applicant shall also provide such supporting scientific, technical or other data and/or information as is necessary to establish that the use will comply with the performance standards set forth in this section, subject to review by expert consultants. The community development director or designee, at his or her discretion, may refer the application for review and evaluation to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in this section, in a manner set forth in the application. The applicant shall be responsible for the cost of the expert review required by the city. A deposit to cover costs prior to review is required. If the deposit is insufficient, the city will notify the applicant and discontinue further review until additional deposit funds have been applied. All unused deposits will be refunded upon completion of review. A copy of such report shall be filed with the community development department for inspection by interested persons.

2. The community development director or designee shall determine whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize issuance of a zoning approval, or require a modification of the proposed equipment or operation. Any zoning approval so authorized and issued shall be conditioned upon, among other

things, the applicant's completed buildings and installations application conforming to the applicable performance standards.

3. Enforcement. Violations of performance standards shall constitute civil violations subject to enforcement and penalties as prescribed in Title 7 EMC, Code Enforcement, unless otherwise specified.

~~a. The community development department shall investigate any purported violation of performance standards. For the purpose of investigating such violations, the community development director or designee may employ qualified experts.~~

~~b. After investigation, on due notice to the alleged violator, the community development director or designee may order the violations corrected within a prescribed period of time, and if such violations are not so corrected, may order the violator to cease and desist from carrying on that portion of the operation or process causing a violation.~~

~~c. If a violation has occurred, the community development director or designee may employ any or all of those enforcement measures established in this title necessary to ensure future compliance with this section. (Ord. 15-448 § 2 (Exh. A); Ord. 03-203 § 1).~~

18.97.290 Nonconforming signs, maintenance, removal and enforcement.

A. Nonconforming Signs. Any lawful nonconforming sign may be continued, as long as it is maintained only in the manner and to the extent that it existed at the time it became nonconforming. Illegal signs shall not be considered nonconforming signs.

B. Maintenance. It is unlawful for any owner of record, lessor, lessee, manager or other person having lawful possession or control over a building, structure or parcel of land to fail to maintain any signs on the building, structure or parcel in compliance with this chapter and the zoning code (this title, Development Standards). Failure to maintain a sign constitutes a violation of this chapter, and shall subject the violator to issuance of a notice of code civil violation and enforcement under the provisions of Title 7 and Chapter 18.85 EMC, Enforcement unless otherwise specified.

1. Sign Maintenance. All signs, whether or not in existence prior to the adoption of this chapter, shall be maintained. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation and the provisions of this chapter.

2. Landscape Maintenance. Required landscaped areas associated with an approved sign shall receive regular repair and maintenance. Plant materials that do not survive after installation in required landscape areas are required to be replaced within six months of the plant's demise or within the next planting season, whichever event first occurs.

C. Removal. Any vacant or unused sign support structures, angle irons, sign poles or other remnants of old signs which are currently not in use, or are not proposed for immediate reuse by a sign permit application for a permitted sign, shall be removed. In addition to the remedies in Chapter [18.85](#) EMC, Enforcement, the director shall have the authority to require the repair, maintenance or removal of any sign or sign structure which has become dilapidated or represents a hazard to the safety, health or welfare of the public, at the cost of the sign and/or property owner.

D. Enforcement. Violations of the provisions of this chapter shall be deemed civil violations enforced according to Title 7 and Chapter [18.85](#) EMC, ~~Enforcement, unless otherwise specified~~. (Ord. 19-552 § 2 (Exh. A)).

18.97.300 Definitions.

The words and phrases used in this chapter shall be construed as defined in this section, unless the context clearly appears otherwise. Unless specifically defined in this section, the definitions set forth in other provisions of this code shall likewise apply to this chapter.

A Definitions.

“A-frame sign” means signs capable of standing without support or attachment. See also “Portable sign” or “Sandwich board sign.”

“Abandoned sign” means a sign, the face of which has been removed or is broken and is not refaced within 180 days thereafter. Abandoned signs shall also include signs with rusted, faded, peeled, cracked or otherwise deteriorated materials or finishes that have not been repaired within 90 days after the city provides notice of the sign's deteriorated condition under the city's enforcement ~~chapter title~~ (Chapter ~~18.85~~ EMC Title 7, Code Enforcement).

...

18.100.120 Marijuana-related uses – Prohibited.

A. Definitions.

1. The definitions in RCW [69.51A.010](#) (relating to medical cannabis) are hereby adopted by reference.
2. The definitions in RCW [69.50.101](#) are hereby adopted by reference.
3. “Marijuana-related business” means any facility for the growing, production, processing, transportation, sale and/or delivery of marijuana or marijuana products in accordance with the provisions of Chapter [69.50](#) RCW. Without limitation of the foregoing, marijuana-related businesses specifically include marijuana producers, marijuana processors and marijuana retailers as defined by Chapter [69.50](#) RCW. “Cooperatives” as described in RCW [69.51A.250](#) are included in this definition of “marijuana-related businesses.”
4. “Illegal marijuana uses” means any growing, production, processing, transportation, sale and/or delivery of cannabis or marijuana or marijuana products under Chapters [69.50](#) and [69.51A](#) RCW which is in violation of either state or federal law; provided, however, that nothing herein shall be construed as criminalizing the growing or manufacture of cannabis by a qualifying patient or designated provider in accordance with RCW [69.51A.040](#).

B. Prohibition. Cooperatives, marijuana-related businesses and illegal marijuana uses are prohibited in the following zoning districts:

1. All single-family, multifamily and mixed residential zones, including without limitation SF-2, SF-3, SF-5, MR-1, MR-2 and MUR;
2. All town center, commercial and business park zones, including without limitation TC, C, and BP;
3. All industrial zones, including without limitation I;
4. All public zones, including without limitation P; and
5. Any new zoning district established after October 28, 2014.

C. Additional Violations.

1. It is unlawful to own, establish, operate, use or permit the establishment or operation of a marijuana-related business, marijuana cooperative, or to produce, process, dispense, barter, sell or deliver medical or recreational marijuana, except as otherwise allowed in the definition of “illegal marijuana uses” in subsection (A)(4) of this section. This prohibition extends to producers, processors, retailers and collectives, even if the same are licensed by the state of Washington. This prohibition applies to any person who participates as an employee, contractor, agent or volunteer,

or in any other manner or capacity, in any marijuana-related business or illegal marijuana use, regardless of whether he/she has a license from the state of Washington.

2. It is unlawful to perform any group marijuana cultivation activities, including cooperatives, anywhere in the city, regardless of whether such group cultivation or cooperatives are addressed in Chapter [69.51A](#) RCW and allowed with a license from the state.

3. It is unlawful to lease, rent, or otherwise allow any site, whether located indoors, outdoors, in any building, premises, location or land in the city, for marijuana-related businesses or illegal marijuana uses, regardless of whether such activity has been licensed by the state of Washington.

4. The city shall not issue any business license for any marijuana-related business or illegal marijuana use. Any business license obtained through misrepresentation of the activities conducted by the individual business or use shall be invalid and of no force and effect.

D. No Vested or Nonconforming Rights. Neither this section nor any other city ordinance, city action, failure to act, statement, representation, certificate, license, approval or permit issued by the city or its departments, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding any marijuana-related business or illegal marijuana use, even if licensed by the state of Washington.

E. Penalty. Violations of this section shall be enforced as set forth in [Title 7 and](#) Chapter [18.85](#) EMC, or, as applicable, the Uniform Controlled Substances Act, Chapter [69.50](#) RCW. In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated by the city attorney under applicable provisions of this code or state law, including but not limited to the provisions of Chapters [1.10](#), [8.05](#), ~~and~~ [18.85](#) EMC, ~~and~~ [EMC Title 7](#). (Ord. 17-502 § 1; Ord. 14-425 § 2).



City Of Edgewood Council Agenda Summary Sheet

Subject: AB20-0573 , adopting Ordinance No. 20-0573, amending section 15.05.100 of the Edgewood Municipal Code related to adoption of the International Property Maintenance Code and Code Enforcement	Agenda Item #: AB20-0573
	For Agenda of: 2/25/2020
	Prepared by: John Fairbanks
Attachments (list): 1. ORDINANCE NO. 20-0573 - Amending International Property Maintenance Code 2. Section 15.05.100 EMC (International Property Maintenance Code) - FINAL	
Approval of Materials: John Fairbanks Rachel Pitzel 2/20/2020 Dave Gray 2/20/2020 Daryl Eidinger 2/20/2020	Expenditure Required: N/A
	Amount Budgeted: N/A
	Timeline: 2.25.2020 RCM - Action

Summary Statement:

The City Council adopted Ordinance No 20-0569 Title 7, Code Enforcement during it's January 28, 2020 regular council meeting.

Changes to other sections of the code are necessary to facilitate enforcement.

City staff now recommends adopting Ordinance No 20-0573 to amend EMC section 15.05.100, adopting the 2018 International Property Maintenance Code with amendments, specific to the City of Edgewood.

Item History:

2.18.2020 SS - Discussion

Recommended Action:

MOTION to adopt **AB20-0573**, adopting Ordinance No. 20-0573, amending section 15.05.100 of the Edgewood Municipal Code related to adoption of the International Property Maintenance Code and Code Enforcement

Fiscal Note/Consideration:

ORDINANCE NO. 20-0573

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 15.05.100 OF THE EDGEWOOD MUNICIPAL CODE (“EMC”) RELATED TO ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND CODE ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Article XI, Section 11 of the Washington State Constitution grants cities, such as the City of Edgewood, the authority to “make and enforcement within its limits all such local police, sanitary and other regulations as are not in conflict with general laws”; and

WHEREAS, the Revised Code of Washington (“RCW”) also grants cities the authority to declare what shall constitute a nuisance, to abate the same, and to impose fines upon persons who may create, continue, or allow nuisances to exist through statutes such as RCW 35.22.280(30), RCW 35.23.440(10), RCW 35.27.410, and RCW 35A.21.160; and

WHEREAS, the City has adopted the Edgewood Municipal Code (“EMC”) as the laws and regulations of the City; and

WHEREAS, the EMC is intended to support compelling governmental and public interests on behalf of the people who live in, work within, and visit the City; and

WHEREAS, such interests include, but are not limited to, providing an environment supportive of commerce, transportation, public safety, housing, and the overall general health, safety, and welfare of the community; and

WHEREAS, code violations and nuisances undermine the public’s interests in promoting the general health, safety and welfare of the entire community and are a financial burden on city resources; and

WHEREAS, on January 28, 2020, the City Council adopted Ordinance No. 20-0569, enacting a new comprehensive code enforcement Title 7 of the EMC to ensure compliance with the EMC and to provide procedures and mechanisms for enforcement of the City’s code; and

WHEREAS, on February 25, 2020, the City Council adopted Ordinance No. 20-0572, amending other provisions of the EMC related to code enforcement to implement, and ensure consistency with, the new procedures; and

WHEREAS, in addition to the housekeeping amendments necessary to implement the new code enforcement procedures, additional amendments are necessary to enact updates to the International Property Maintenance Code specific to the City of Edgewood; and

WHEREAS, the City Council considered this ordinance during its study session held on February 18, 2020; and

WHEREAS, the City Council adopted this ordinance during its regular City Council meeting of February 25, 2020;

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

Section 1. EMC Section 15.05.100 (International Property Maintenance Code), Amended. Section 15.05.100 of the Edgewood Municipal Code entitled, “International Property Maintenance Code,” is hereby amended as set forth in as Exhibit A, attached hereto and by this reference fully incorporated herein.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication, as provided by law. The full text of this Ordinance shall be mailed without charge, upon request.

PASSED BY THE CITY COUNCIL ON THE 25TH DAY OF FEBRUARY 2020

Mayor Daryl Eidinger

ATTEST/AUTHENTICATED:

Rachel Pitzel, CMC
City Clerk

APPROVED AS TO FORM:

Interim City Attorney, Ann Marie J. Soto

Date of Publication: February 27, 2020
Effective Date: March 3, 2020

EMC 15.05.100 2018 International Property Maintenance Code.

- A. International Property Maintenance Code Adopted. The International Property Maintenance Code, issued by the International Code Council, 2018 Edition, together with amendments and/or additions thereto, is adopted by reference. The 2018 Edition of the International Property Maintenance Code is amended to include the following new and amended provisions. In the event of any conflict between any provision of the IPMC and this section, the provisions of this section shall apply. New sections or subsections shall be deemed deleted from the IPMC and the amended provisions inserted in their place in accordance with the direction of this section.
- B. International Property Maintenance Code Defined. The terms “International Property Maintenance Code” and “IPMC” shall refer to the adoption by reference in this chapter.
- C. Section 101.1 Insert: City of Edgewood.
- D. Section 102.3 Amend to read: Repairs, additions to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, Washington State Energy Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, Uniform Plumbing Code, International Residential Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provisions of the Edgewood Municipal Code.
- E. Section 103 Amend to read: Administration.
- F. Section 103.1 Amend to read: The Community Development Department is charged with the enforcement of this code and the Director or his/her designee shall be known as the code official.
- G. Section 103.4 Amend to read: The code official, Code Enforcement Board, Hearing Examiner, or employee authorized to enforce this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.
- H. Section 103.5 Amend to read: Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be in accordance with the fees and rates established in the City’s adopted fee schedule.
- I. Section 104.1 Amend to read: The code official is hereby authorized to enforce the provisions of this code. The code officials shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code

- J. Section 106.2 Amend to read: Code Violation. Except as otherwise provided, violations of any of the provisions of this chapter shall be subject to issuance of a notice of code violation and/or enforcement as provided in EMC Title 7, for which a monetary penalty may be imposed as provided therein.
- K. Sections 106.3 through 106.4 are hereby deleted.
- L. Section 107: Delete sections 107 through 107.6.
- M. Section 108.3 Amend to read: Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with EMC Section 7.20.030. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in EMC Section 7.20.020.
- N. Section 109.5 Amend to read: Costs incurred in the performance of emergency work may be paid by the city. The legal counsel of the city may institute appropriate action against the owner of the premises or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs if paid by the city.
- O. Section 109.6 Amend to read: Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon submittal of a written appeal filed with the City Clerk within 14 days of the order, be afforded a hearing. Any appeal under this section shall be heard by the hearing examiner of the city in accordance with EMC 2.40.090 for review of such decision. Appeals shall be subject to an administrative appeal fee in accordance with EMC 3.35.010.
- P. Section 110.2 Amend to read: Whenever the code official determines that a structure is in violation of the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with EMC Section 7.20.030. The notice shall be in the form prescribed in EMC Section 7.20.020.
- Q. Section 111 Delete entire section.
- R. Section 112 Delete entire section.
- S. Section 201.3 Terms defined in other codes, Amend to read: Where terms are not defined in this code and are defined in the Edgewood Municipal Code, International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.
- T. Section 202 Garbage, Amend to read: Any waste, including but not limited to, animal and vegetable waste resulting from the handling, packaging, cooking or consumption of food or beverage or other refuse.

- U. Section 202 Rubbish, Amend to read: Combustible and noncombustible waste materials, except garbage; including but not limited to the residue from the burning of wood and other combustible materials, paper, rags, cartons, boxes, pallets, wood, rubber, leather, tree branches, yard and landscape trimmings, tin cans, metals, broken and inoperable machinery, equipment, or parts thereof, glass, broken or discarded household furniture and appliances, building and construction materials not neatly stacked or weather resistant, broken stone or cement.
- V. Section 202 Add new definition: **Junk Vehicle**. “Junk vehicle” means a vehicle intended to be self-propelled and used for the transport of people, goods, and/or services that meets at least three of the following requirements:
 - (i) Is three years old or older;
 - (ii) Is extensively damaged, such damage including, but not limited to, any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;
 - (iii) Is without a valid, current license plate or certificate of registration;
 - (iv) Is apparently inoperable;
 - (v) Has an approximate fair market value equal only to the approximate value of the scrap in it.
- W. Section 202 Add new definition: Vehicle as defined in RCW 46.04.670.
- X. Section 301.2 Amend to read: Owners, occupants, and other persons responsible shall be jointly and severally responsible for compliance with this chapter and jointly and severally liable for any damages or costs incurred or imposed under this chapter regardless of any written agreement that imposes certain maintenance obligations upon an occupant. Buildings, structures and premises shall be maintained in a safe and sanitary condition and shall comply with the requirements of this chapter.
- Y. Section 301.4 Security shall be added and shall read: All vacant buildings must be secured against outside entry at all times. Security shall be by the normal building amenities such as windows and doors having adequate strength to resist intrusion. All doors and windows must remain locked. There shall be at least one operable door into every building and into each housing unit. Exterior walls and roofs must remain intact without holes.
- Z. Section 302.1 amend to read: Exterior property and premises shall be maintained in a clean, safe and sanitary condition and free from any accumulation of rubbish, garbage or fire hazards.
- AA. Section 302.4 amend to read: Premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches on developed properties and 12 inches on undeveloped properties; or if the weeds or plant growth is in such a condition as to cause a fire or provide a ready fuel to augment the spread and intensity of fire, in the opinion of the Fire Code Official or Code Official. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual or perennial plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Non-residential properties that have landscaping due to permitting requirements shall maintain said landscaping in compliance with the Approved Landscaping Plan for the project.

BB. Section 302.7 amend to read: Accessory structures, including detached garages, storage buildings, carports, fences and retaining walls, shall be maintained structurally sound and in good repair.

CC. Section 302.8 amend to read: Except as provided for in other regulations, no junk vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: In residential zones, personal passenger vehicles are permitted to undergo major overhaul, including body work, provided that such work is performed inside a permanent structure. In commercial zones, vehicles of any type are permitted to undergo major overhaul, including body work, provided that such work is performed inside a permanent structure or similarly enclosed area designed, permitted and approved for such purposes.

DD. Section 302.10 **Semi-tractors, semi-trailers and storage containers** shall be added and shall read: Any use of, parking of or storage of semi-tractors, semi-trailers and storage containers where the primary use of the property is residential, is prohibited

EE. Section 302.11 Vehicle storage in residential zones shall be added and shall read:

1. The following vehicle types may be stored on a residential lot upon which a principal dwelling is located: recreational vehicles, campers, travel trailers, boats, motorcycles, and other types of similar recreational vehicles. If such vehicles are located within the front or street-side setback of the principal building and/or accessory building, they must be stored on an approved driveway (see EMC Chapter 10.60). In addition, any vehicle stored on a residential lot shall be owned by the owner of the property or resident of the dwelling.
2. Vehicles over sixteen thousand pounds gross vehicle weight which are not specifically mentioned in subsection A of this section shall not be parked or stored on residentially zoned lots. In respect to any motor vehicle designed, used or maintained primarily for the transportation of property, which is not equipped with a plate or marker showing the manufacturer's gross vehicle weight rating, the weight of a vehicle shall be determined as follows:
 - a. Any vehicle having less than six wheels is the equivalent of a vehicle having a manufacturer's gross vehicle weight rating of less than sixteen thousand pounds.
 - b. Any vehicle having six wheels or more is the equivalent of a vehicle having a manufacturer's gross vehicle weight rating of sixteen thousand pounds or more.

FF. Section 303.2 amend to read: Private swimming pool, hot tub and spa enclosures shall comply with the applicable requirements of the current edition of the International Swimming Pool and Spa Code and Title 10 of the Edgewood City Code.

GG. Section 304.14: Delete entire section.

HH. Section 308.2.2 amend to read: Refrigerators, freezers and similar equipment not in operation shall not be discarded, abandoned or stored on premises.

II. Section 308.3.1 amend to read: The owner of every dwelling or dwelling unit shall supply an approved leak proof, covered, outside garbage container. The owner of the premises shall be responsible for the disposal of garbage and rubbish. Excluding alleys, containers shall be stored

behind the front building line, or screened from view from the street and behind the front setback line, except on the day of scheduled collection. Containers shall be placed at curbside on a public street or private road on the day of scheduled collection day, and shall be removed to their proper storage location as soon as possible, but not later than 24 hours after collection.

JJ. Section 502.5 amend to read: Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with Plumbing Code adopted by the city. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

KK. Section 505.1 amend to read: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot and cold running water in accordance with the Plumbing Code adopted by the city.

LL. Section 602.3 amend to read: Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

MM. Section 602.4: Delete entire section.



City Of Edgewood Council Agenda Summary Sheet

Subject: AB20-0574 , adopting Ordinance No. 20-0574, reducing the speed limit from 35 mph to 25 mph on 114th Avenue East between Jovita Boulevard East and the King / Pierce County Line	Agenda Item #: AB20-0574
	For Agenda of: 2/25/2020
	Prepared by: Jeremy Metzler
Attachments (list): 1. Ordinance 20-0574 - Speed Limit (114th Ave E) - AMS edits 2. Map Exhibit	
Approval of Materials: Jeremy Metzler Rachel Pitzel 2/20/2020 Dave Gray 2/20/2020 Daryl Eidinger 2/21/2020	Expenditure Required: \$300 (est.)
	Amount Budgeted: \$10,000 (Signs)
	Timeline: 02/25/2020 - RCM Action

Summary Statement:

As traffic congestion increases in the region, more commuters have discovered local arterial streets as a convenient bypass with minimal traffic flow restrictions. Recent years have seen increased traffic, resulting in accidents and excessive speeds, causing concern for the safety and welfare of local residents. To help improve enforceability, introduce traffic calming, and align with the statutory maximum lawful speed limit within cities, the Council reduced the maximum posted speed on several local arterial streets from 35 miles per hour to 25 miles per hour in March 2018.

A request has been made to reduce the speed limit of 114th Ave E between Jovita Blvd E and the King/Pierce County Line from 35mph to 25mph, which would be consistent with the existing speed limit established by King County to the north. This road segment is about 800 feet long, and the future extension of the Interurban Trail will cross near its mid-point. Staff has prepared the attached ordinance for action, based on Council discussion and direction at the Study Session last week.

Item History:

02/18/2020 - SS Discussion

Recommended Action:

MOTION to adopt **AB20-0574**, adopting Ordinance No. 20-0574, reducing the speed limit from 35 mph to 25 mph on 114th Avenue East between Jovita Boulevard East and the King / Pierce County Line

Fiscal Note/Consideration:

With the passing of this ordinance as presented, there are 2 existing speed limit signs would need to be updated. Assuming the existing sign posts can remain, the estimated cost to accomplish this is approximately \$300.

ORDINANCE NO. 20-0574

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, RELATING TO SPEED LIMITS ON THE CITY'S STREETS AND HIGHWAYS, REDUCING THE SPEED LIMIT FROM 35 MPH TO 25 MPH ON 114TH AVENUE EAST BETWEEN JOVITA BOULEVARD EAST AND THE KING / PIERCE COUNTY LINE, AND DIRECTING THE TRAFFIC ENGINEER TO POST SIGNS REFLECTING THE NEW SPEED LIMITS ON THE AFFECTED STREETS; AMENDING EDGEWOOD MUNICIPAL CODE SECTION 10.10.020; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Revised Code of Washington (RCW) Section 46.61.400(2)(a) establishes a maximum lawful speed of twenty-five (25) miles per hour on city and town streets; and

WHEREAS, on January 12, 1999, the City Council for Edgewood adopted Ordinance 98-0124, establishing maximum lawful speed limits for vehicles using certain city streets, roads and highways as 35 and 40 miles per hour (as codified in EMC Section 10.10.020); and

WHEREAS, since the passing of said Ordinance, traffic volumes and speeds on certain arterial streets within the city have increased to the extent that the City Council now believes that the public health and safety require a reduction of the maximum speed limit for certain streets identified in EMC Section 10.10.020; and

WHEREAS, RCW 46.61.415 requires the City to obtain an engineering and traffic study when the City determines that the maximum speed permitted under RCW 46.61.400 for city streets is greater or less than is reasonable and safe under the conditions found to exist; and

WHEREAS, the default maximum speed permitted in RCW 46.61.400 is 25 miles per hour on city streets; and

WHEREAS, the City's decision to reduce the speed limit on certain streets from 35 mph to the default maximum speed for city streets of 25 mph in RCW 46.61.400 is therefore consistent with RCW 46.61.415 and does not require a traffic study; and

WHEREAS, since the passage of Ordinances 18-0519 and 19-0545, the City Council now believes the speed limit along 114th Avenue East, north of Jovita Boulevard East, shall be reduced in order to protect the public's health and safety;

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

Section 1. Speed Limit Established. Section 10.10.020 of the Edgewood Municipal Code is hereby amended as follows:

10.10.020 Increasing state speed limit. Whenever conditions are found to exist upon an arterial street or highway which warrant an increase in the speed permitted by state law, the legislative authority of this City, subject to the approval of the State Highway Commission in cases involving state highways, shall determine and declare a reasonable and safe maximum speed limit for such arterial street or highway, or portion thereof, not to exceed 55 miles per hour. Pursuant to the foregoing authority, the following speed limits are established for the following streets and highways:

- A. Twenty-Five Miles Per Hour (25 MPH). The speed limit on the following streets shall be established as 25 mph, consistent with RCW 46.61.400(2)(a).
 - 1. 16th Street East from SR 161 (Meridian Avenue East) to 112th Avenue East;
 - 2. 18th Street East from 112th Avenue East to 114th Avenue East;
 - 3. 18th Street East from 114th Avenue East to 122nd Avenue East;
 - 4. 24th Street East from SR 161 (Meridian Avenue East) to 122nd Avenue East;
 - 5. 32nd Street East from SR 161 (Meridian Avenue East) to 114th Avenue East;
 - 6. 32nd Street East from 114th Avenue East to 122nd Avenue East;
 - 7. 36th Street East from SR 161 (Meridian Avenue East) to 114th Avenue East;
 - 8. 36th Street East from 114th Avenue East to 122nd Avenue East;
 - 9. 48th Street East from Chrisella Road East to 114th Avenue East;
 - 10. 48th Street East from 114th Avenue East to 122nd Avenue East;
 - 11. 48th Street East from 122nd Avenue East to 127th Avenue East / Edgewood Drive East;
 - 12. 112th Avenue East from 16th Street East to 18th Street East;
 - 13. 112th Avenue East from 18th Street East to 24th Street East;
 - 14. 112th Avenue East from 24th Street East to 32nd Street East;
 - 15. 114th Avenue East from Jovita Boulevard East to King/Pierce County Line;
 - ~~15~~16. 114th Avenue East from 8th Street East to 18th Street East;
 - ~~16~~17. 114th Avenue East from 32nd Street East to 36th Street East;
 - ~~17~~18. 114th Avenue East from 36th Street East to 48th Street East;
 - ~~18~~19. Edgewood Drive East from 48th Street East / 127th Avenue East to Sumner Heights Drive East (5600 block); and
 - ~~19~~20. Sumner Heights Drive East from Edgewood Drive East (5800 block) to Sumner city limits.
- B. Thirty-Five Miles Per Hour (35 MPH).
 - 1. 8th Street East from 114th Avenue East to 122nd Avenue East;
 - 2. 8th Street East from SR 161 (Meridian Avenue East) to 114th Avenue East;

3. 20th Street East from 87th Avenue Court East to 92nd Avenue East;
4. 24th Street East from 92nd Avenue East to SR 161 (Meridian Avenue East);
5. 92nd Avenue East from 20th Street East to 24th Street East;
6. 114th Avenue East from 8th Street East to Jovita Boulevard East;
- ~~7. 114th Avenue East from Jovita Boulevard East to King/Pierce County Line;~~
- ~~78.~~ 122nd Avenue East from 36th Street East to 48th Street East;
- ~~89.~~ 122nd Avenue East from 8th Street East to 18th Street East;
- ~~910.~~ 122nd Avenue East from 32nd Street East to 36th Street East;
- ~~1011.~~ 122nd Avenue East from 24th Street East to 32nd Street East;
- ~~1112.~~ 122nd Avenue East from 18th Street East to 24th Street East;
- ~~1213.~~ Jovita Blvd East from 114th Avenue East to West Valley Hwy East;
- ~~1314.~~ Jovita Blvd East from SR 161 (Meridian Avenue East) to 114th Avenue East;
- ~~1415.~~ Meridian Avenue East from the King/Pierce County line south to the City limits.

Section 2. Enforcement. The City's Traffic Engineer is hereby directed to post appropriate signage on City streets consistent with this ordinance immediately upon the effective date herein.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication, as provided by law. The full text of this Ordinance shall be mailed without charge, upon request.

PASSED BY THE CITY COUNCIL ON THE 25TH DAY OF FEBRUARY, 2020

Mayor Daryl Eidinger

ATTEST/AUTHENTICATED:

Rachel Pitzel, CMC
City Clerk

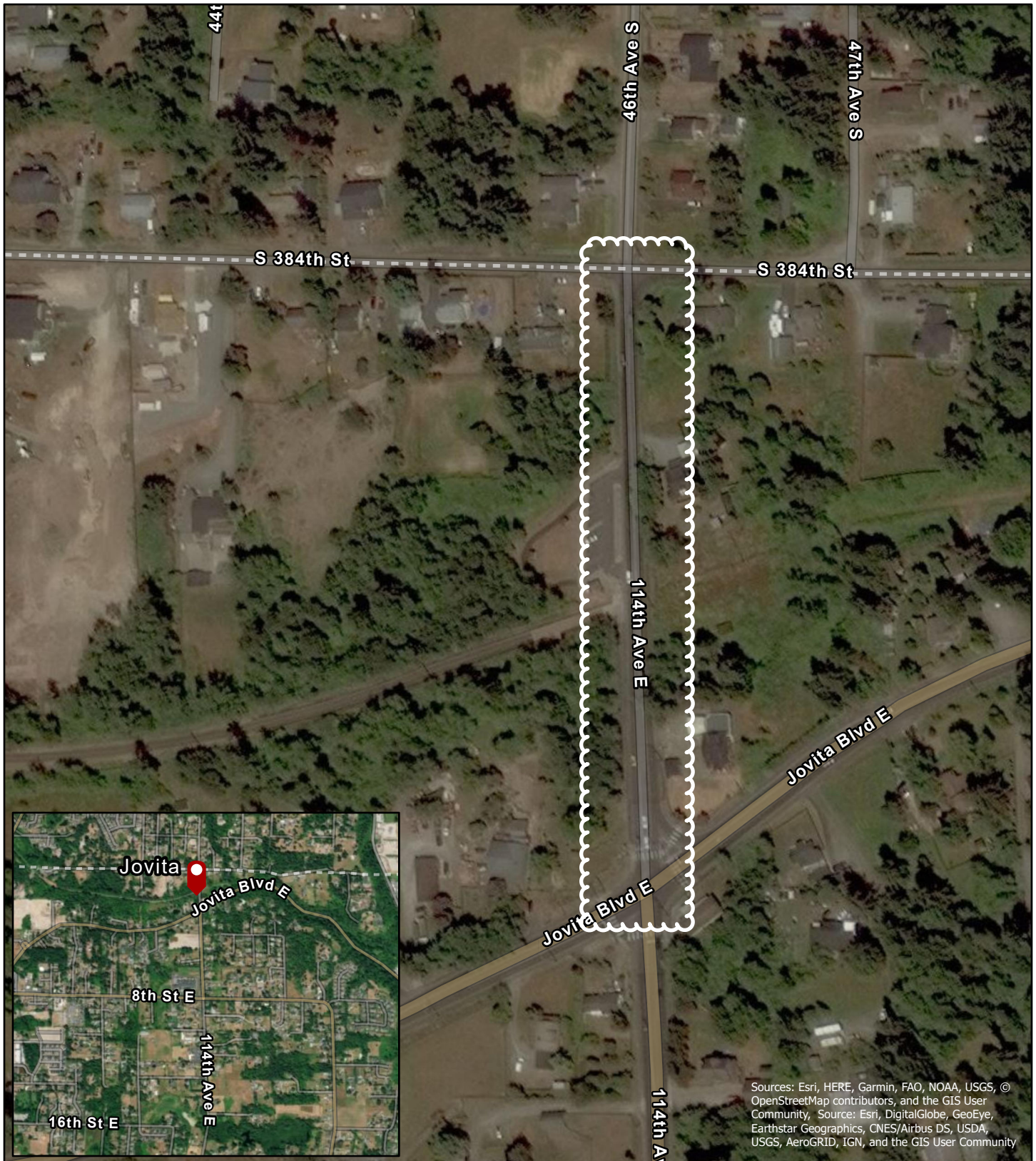
APPROVED AS TO FORM:

Interim City Attorney, Ann Marie J. Soto

Date of Publication: February 27, 2020
Effective Date: March 3, 2020



Speed Limit Reduction



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