

City of Stanwood



City Council Packet

Stanwood City Council Regular Meeting

Thursday, April 11, 2024



AGENDA
CITY COUNCIL REGULAR MEETING
April 11, 2024 | 7:00 p.m.

Stanwood-Camano School District, Admin. Building Board Room
26920 Pioneer Highway, Stanwood, WA 98292

Members of the public may attend Stanwood City Council meetings in-person or via Zoom. The Zoom link is posted on the City’s website calendar <https://www.stanwoodwa.org>

- 1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
- 2. **ROLL CALL**
- 3. **APPROVAL OF THE AGENDA**
- 4. **PRESENTATIONS**
- 5. **PUBLIC COMMENTS**
 - Verbal comments may be provided in-person.
 - Written comments must be provided to the Clerk by 12:00 p.m. the day of the meeting via this link: <https://stanwoodwa.org/FormCenter/City-Clerk-5/City-Council-Meeting-Remote-Public-Comme-61>
 - Remote (online or phone-in) comments can be received by reasonable accommodation only. Any requests for reasonable accommodation for remote participation, must be sent in writing to the City Clerk at cityclerk@stanwood.wa.us by 12:00 p.m. the day of the meeting.
- 6. **STAFF / DEPARTMENT REPORTS**
 - Police Compstat Report – March **6.1**
- 7. **COUNCIL COMMITTEE REPORTS**
 - a. Finance Committee Meeting Minutes – March 28, 2024 **7.1**
 - b. Public Works Committee Meeting Minutes – April 1, 2024 **7.3**
- 8. **CONSENT AGENDA**
 - a. Approve Vouchers and Payroll Checks **8.1**
 - b. Approve City Council Regular Meeting Minutes – March 28, 2024 **8.5**
 - c. Approve Second Utility Account Adjustment **8.11**
- 9. **UNFINISHED BUSINESS**
- 10. **PUBLIC HEARING**
- 11. **NEW BUSINESS**
 - a. Approve Final Acceptance of the Heritage Park Dog Park Project Completed by JTI Commercial Services **11.1**
 - b. Authorize the Mayor to Sign Paving Contract with Konnerup Construction, Inc. **11.3**
 - c. Approve First Reading of Ordinance 1528 Title 7 - Health, Sanitation and Nuisances **11.7**
 - d. Approve First Reading of Ordinance 1529 Title 8 - Animal Control **11.39**
- 12. **PUBLIC CLOSING COMMENTS**
- 13. **EXECUTIVE/LEGISLATIVE REPORTS**
 - a. Mayor’s Report
 - b. City Administrator’s Report
 - c. Councilmember’s Reports/Questions
- 14. **RECESS TO EXECUTIVE SESSION - NONE**
- 15. **ADJOURN**



**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: **6**

DATE: April 11, 2024

SUBJECT: Police Compstat

CONTACT PERSON: Reports Chief Jason Toner

ATTACHMENTS: A – March 2024 Compstat

SUMMARY STATEMENT

Attached is the March 2024 Compstat Report for council review.

Stanwood Police Department CompStat Report



City of Stanwood Police Chief Jason Toner

Prepared by: Snohomish County Sheriff Office Crime Analysis Unit and Stanwood Police Department

MARCH 2024

Stanwood Police Department

COMPSTAT REPORT



What is CompStat?

CompStat stands for 'Computer Statistics' dealing specifically with crime. It is found to be an effective way to accurately track crime and use the information to deploy officers to address it in timely manner. It is a performance management system that is used to reduce crime and achieve other police department goals. It emphasizes information-sharing, responsibility and accountability and improving effectiveness.

What is the benefit to the community?

CompStat allows us to track crime problems and allocate resources to the areas that are being affected. By being able to focus our efforts on areas being impacted, we are able to make apprehensions and drive down crime in Stanwood.

How is data collected?

Crime Analysts access a variety of systems to collect and analyze law enforcement data. Data collection begins at the 911 call center (SNO911) and carries over into law enforcement records management systems (LERMS). Much of the information presented in this report is also reported to state and federal agencies annually.

What data will you see in this report?

What occurred within the city limits of Stanwood and calls responded to by the Stanwood Police outside the city.

This is a true representation of all police activity occurring in the City of Stanwood, you will see these calls listed as "In the STW Beat". On occasion, Stanwood Police officers will be called outside the city to assist other agencies. We also have deputies who live outside of the city so on occasion they will make a traffic stop or respond to a nearby call while commuting to work. You will see these call listed as "Answered by STW ORI"

Incident data:

This represents what police were called to and includes self-initiated activity. Multiple 911 calls for the same incident are presented as a single incident.

Case data:

An incident becomes a case when the deputy determines reporting protocol is met. A case is often generated based on a specific crime, traffic collisions, arrest or the need to document specific actions or information.

MARCH 2024

Stanwood Police Department

POLICE STAFFING



The City of Stanwood contracts for law enforcement services through the Snohomish County Sheriff's Office. The contract is identified as a "stand alone" contract, which allows the City of Stanwood to maintain its own police identity to include policies and procedures that meet unique small city needs. All uniforms and vehicles are identified as Stanwood Police and we provide services to the city population of approximately 8,405.

DIVISIONS:

CHIEF OF POLICE: Has the rank of Lieutenant with the Sheriff's Office. Oversees all aspects of the Police Department daily operations. The Chief works with city staff to ensure community needs are met.

ADMINISTRATIVE SERGEANT: Administers the day-to-day administrative functions of the Police Department and oversees the day shift deputies, School Resource Officer and Detective. Steps in as the Chief of Police when the chief is absent.

NIGHT SERGEANT: Oversees the swing shift and night shift deputies.

PATROL DIVISION: Responds to crimes in progress, traffic collisions, missing persons, and other emergency and non-emergency calls for service.

SCHOOL RESOURCE OFFICER: Utilizes the concept of educator, informal counselor, and law enforcer; working to bridge the gap and build relationships between law enforcement and youth.

DETECTIVE: Works in conjunction with patrol and the resources of the Snohomish County Sheriff's Office to investigate a broad range of felony- and misdemeanor-level crimes that occurred in the City of Stanwood.

	ASSIGNED	VACANCIES	PERCENTAGE
Chief	1	0	100%
Sergeant	2	0	100%
Deputy	6	0	100%
School Resource Officer No longer a PD employee - SCSO contract	1	0	100%
Detective	1	0	100%

MARCH 2024

Stanwood Police Department

RECORDS UNIT



Records Summary: Job duties include, but are not limited to, the following;

- Provide administrative support for all members of the Stanwood Police Department.
- Assist the Chief of Police with police budget tracking and review.
- Verify and code all incoming invoices for the Police Department.
- Ordering of supplies for the department, and special events.
- Subject matter expert for the Law Enforcement Records Management System (LERMS) used by Stanwood Police Department.
- Manage all Stanwood Police Department documents and records.
- Review all electronic case file entries and information for accuracy.
- Scan paper records into electronic case files.
- Forward criminal arrest referrals to the Prosecuting Attorney's Office.
- Enter trespass notices, gun alerts, and other safety alerts into the agency's electronic records management system.
- Route Child Protective Services & Adult Protective Service referrals.
- Maintain department case file and document archives per Washington State records retention/destruction schedules.
- Responsible for federal reporting of crime statistics to the National Incident Based Reporting System (NIBRS).
- Run monthly case audits and records validations.
- Enter court orders, missing persons, vehicle impounds, lost or stolen property, stolen vehicles, etc. into Washington Crime Information Center and National Crime Information Center (WACIC/NCIC).
- Provide second checks for all entries made into Washington Crime Information Center and National Crime Information Center (WACIC/NCIC).
- Conduct background checks for concealed pistol license and pistol transfers applications.
- Provide fingerprint services for concealed pistol license applicants and citizen fingerprints.
- Review and fulfill public records requests within the guidelines of the Public Records Act.
- Create/update/maintain all process, procedure, and training manuals for the position.
- Serve as Stanwood Police Department's Terminal Agency Coordinator for the Washington State Patrol ACCESS program.
- Assists with walk-in and telephone customers, averaging 8,000 yearly contacts.
- Route calls to 911 and non-emergency dispatch.
- Respond to requests for service and answer general questions.
- Manage key & key fob assignments for City of Stanwood employees.

	2024	2023	2022	2021	Year to Date
Public Records Requests	47	46	40	31	136
Concealed Pistol License Issued	28	47	27	78	104
Pistol Transfer Checks The PD no longer processes Pistol transfer checks. As of Feb 1st they are done by WSP for the entire state	0	45	64	69	YTD total adjusted to correct entry error from January 1
Fingerprinting & Approximate Time	0 0.0 hrs	26 6.5 hrs	13 3.25hrs	37 9.25 hrs	35 8.75 hrs

MARCH 2024

Stanwood Police Department

Message from the Chief



The remodel of the police department finally seems to be making some progress with the walls and windows going up. Our staff has been split to different work areas this past month, with office staff working from home, officers working out of the Public Works building, and our sergeants working amongst the chaos of a remodel at the PD. We are looking forward to opening back up sometime in April.

Blue Bridge Alliance:

Blue Bridge Alliance is a non-profit organization that works to build trust and cooperation between law enforcement and the community. Stanwood officers routinely come in contact with individuals that need immediate short-term assistance, such as food, clothing, fuel, temporary shelter, etc. The Blue Bridge Alliance program will provide 11 Stanwood officers with a pre-loaded debit card with a small but effective amount of money. Officers will use these funds to help people in crisis or to relieve an exigent situation. Additionally, our School Resource Officer will be able to help students, in need whether it be food, a pair of shoes, or a winter coat. These debit cards will allow our officers to see a need and address it immediately.

Blue Bridge Alliance will provide the behind-the-scenes support: mobile banking, webpage with a donation portal, model policies and guidelines, procedural templates, training materials, and accountability with designated funds.

The startup cost for this program will be \$5,000. In February Stanwood Police Department received the REMAX/SCAF Community Grant for \$1500. A big thank you to REMAX, Natalie Hagglund, and the SCAF Board. Additionally, I have applied for the Community Impact Grant from the Stillaguamish Tribe of Indians for the rest of the startup costs. I hope to have this program running by the end of the summer.

For more information about the Blue Bridge Alliance check out bluebridgealliance.org

This past month a passerby was driving by Church Creek Park and observed a large male, pulling a much smaller female into the woods of the park. The passerby called 911 and we responded to a potential kidnaping/assault. SRO McCurry was able to check the high school security cameras. This distance was a little far for the school cameras, but it did appear that a man was pulling a female into the woods. Three Stanwood officers responded, along with deputies from the Snohomish County Sheriff's Office, a K9 Officer, and a Drone operator. Officers searched the woods and located the male and female. It was two 16-year-old high school students, boyfriend, and girlfriend, that were highly intoxicated, looking for a place to continue drinking. One student was transported to the hospital for potential alcohol poisoning and the other was turned over to their parents. Thank you to passerby that saw something suspicious and called 911, even though it was not a kidnapping or an assault the student was in medical need and required help.

Chief Toner

MARCH 2024

Stanwood Police Department

Detective Report



Stanwood Police Case 2024-1741

Forgery and Identity Theft



A woman cashed forged checks at Coastal Community Bank in Stanwood on 01-26-2024 and 02-01-2024. Bank staff called police after the woman attempted to cash a third forged check on 02-07-2024.

Detective Martin shared images of the woman with area law enforcement and learned she had cashed forged checks at Coastal Community Bank branches in Marysville and Arlington.

On 03-26-2024 Marysville Police identified the female during an unrelated contact. The female was in a U-Haul truck and told officers she was on her way to Idaho.

Detective Martin will be referring Forgery and Identity Theft charges to the Prosecutor's Office.

MARCH 2024

Stanwood Camano School District

SCHOOL RESOURCE OFFICER



FENTANYL AWARENESS

On the evening of March 12th, the Stanwood Camano School District held a community Fentanyl Awareness Night. The community was invited to hear the DEA Outreach Team, Snohomish County Sheriff's Office Task Force talk about the dangers and prevalence of fentanyl. Mount Vernon resident Carol Schweigert also spoke about the tragic loss of her son due to the use of fentanyl. The presentation was well received. More presentations are being talked about for the future.



ELECTRIC SCOOTER CONCERNS

Parents have expressed concerns about electric motorized scooters on the sidewalks, as students walk to Cedarhome Elementary. The City of Stanwood has specific codes which state motorized (electric) scooters are NOT allowed on public sidewalks. The codes also dictate parental responsibilities to adhere to the Stanwood Municipal Codes. If a child is found to be riding their motorized scooter on a sidewalk, law enforcement will choose to warn and educate the parents or guardians of the child. If the child is found again to be riding their motorized scooter on the sidewalk, the parents or guardians can face fines or impoundment of the scooter. Deputy McCurry has asked Cedarhome Elementary to include a message to families regarding this scooter mayhem in the next family newsletter.

8th GRADE TOURS

8th graders from our middle schools came to visit and tour Stanwood High School to prepare for their exciting year next year.



MARCH 2024



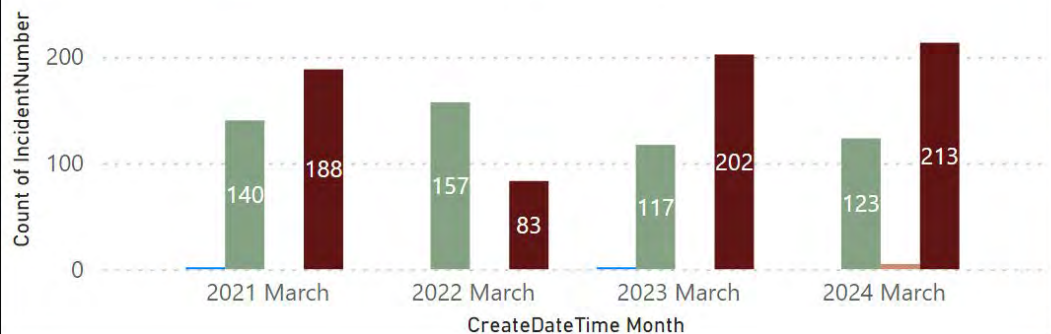
The following pages cover incidents data. This is also known as calls for service. If 30 people call because there's a wreck in front of Haggens, it counts here once.



Previous Month Over Time

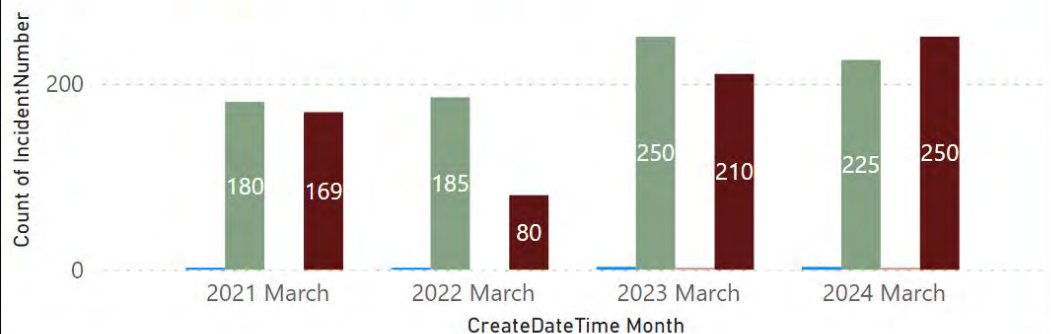
Stanwood West, Incidents by Origination

Call Origination (Blank) 911 call ASAP Officer-Initiated



Stanwood East, Incidents by Origination

Call Origination (Blank) 911 call ASAP Officer-Initiated



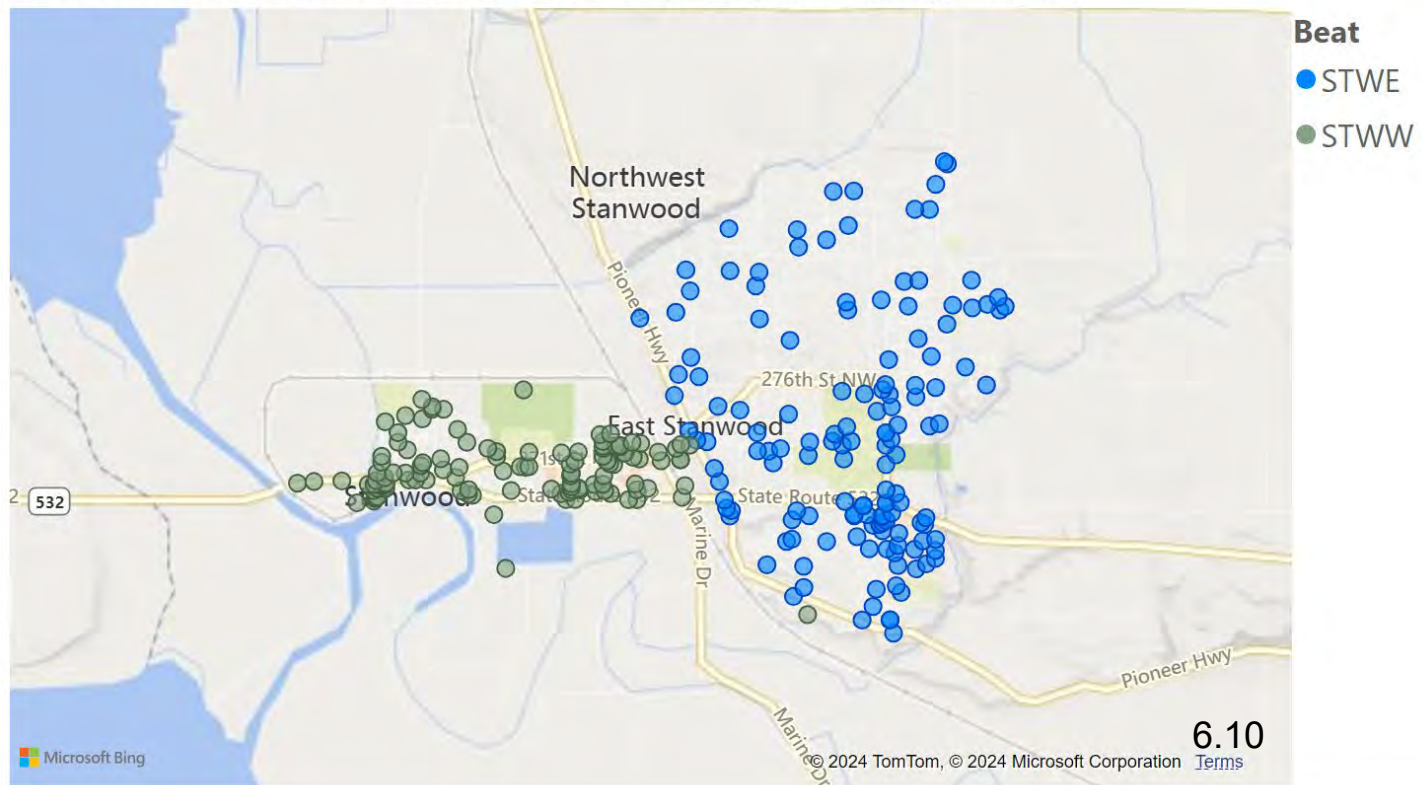
TOTAL INCIDENTS - ALL ORIS inside STW

Total Incident Counts, Past 6 Full Months by Origination Type

Call Origination (Blank) 911 call ASAP Officer-Initiated



All incidents Past 1 Month - excludes victim privacy concerning incidents

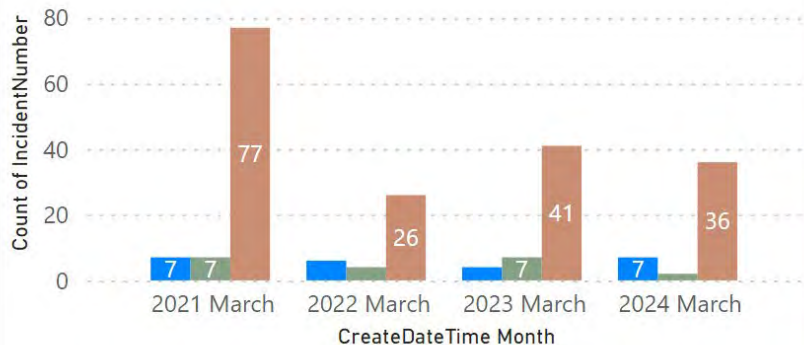




Previous Month Over Time

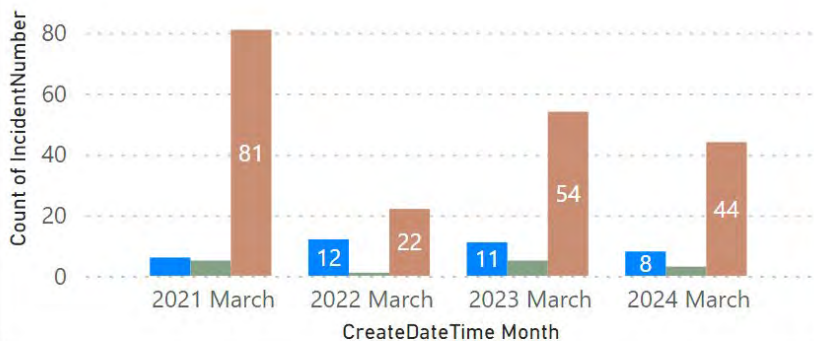
Stanwood West

IncidentType ● Collision ● DUI ● Traffic



Stanwood East

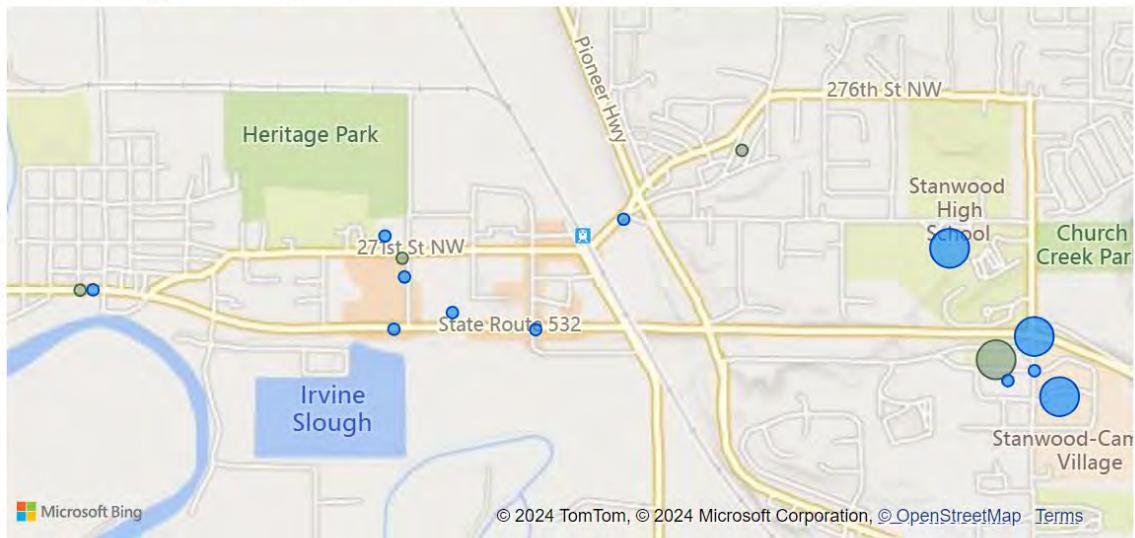
IncidentType ● Collision ● DUI ● Traffic



Collision, DUI, and Traffic INCIDENTS

Previous Month, Current Year

IncidentType ● Collision ● DUI

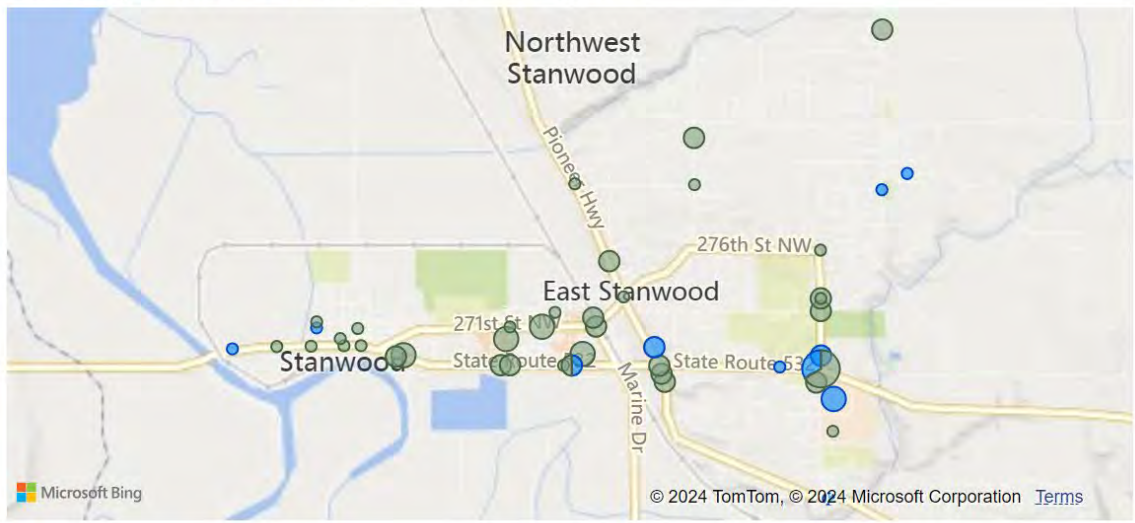


STWW & STWE

Year	Collision	DUI
2023		
October	13	7
November	20	5
December	17	6
2024		
January	19	5
February	17	2
March	15	5

Traffic - Previous Month, Current Year

Call Origination ● 911 call ● Officer-Initiated



STWW & STWE

Year	Traffic
2023	
October	255
November	69
December	110
2024	
January	98
February	52
March	80



Tickets - To Current Date, Current Year

Data begins in 2021, due to lack of tickets issued in 2020 (due to covid lockdowns).

of Tickets - This CY

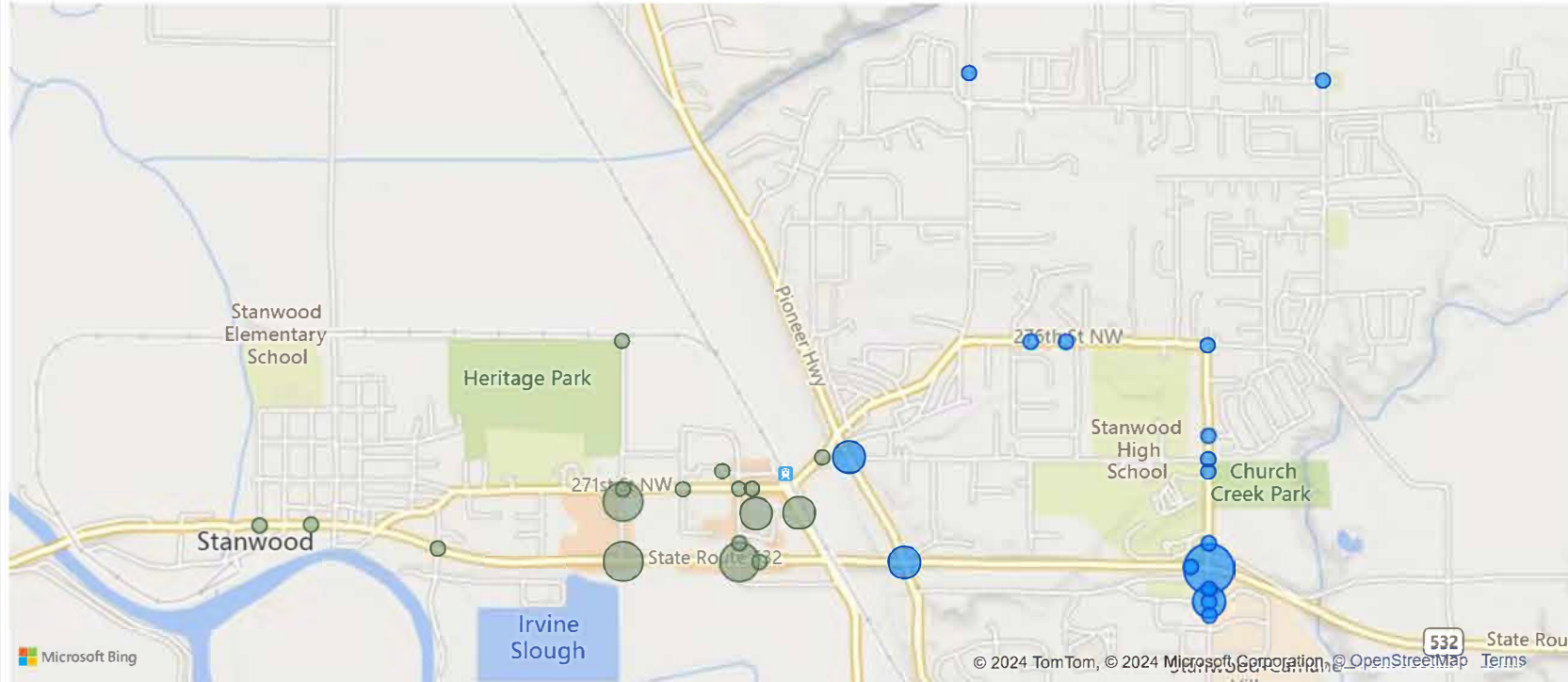
40

of Citations - This CY

48

Location of Citations this CY

Beat ● STWE ● STWW



Total Tickets

Month	2023	2024
January	18	20
February	36	16
March	16	12
April	16	
May	23	
June	30	
July	9	
August	36	
September	38	
October	102	
November	26	
December	28	

How Many Tickets Had More than One Citation? 2022 to present

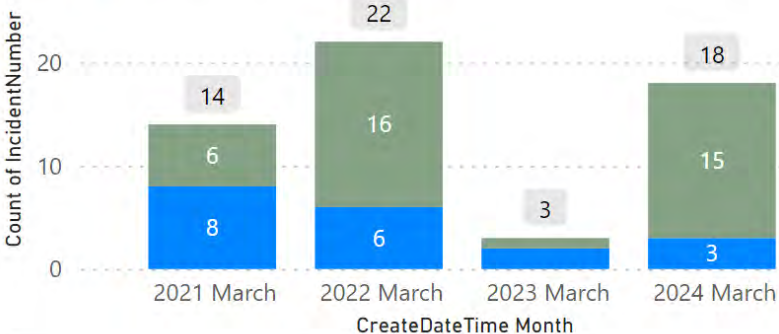
75



Alarms

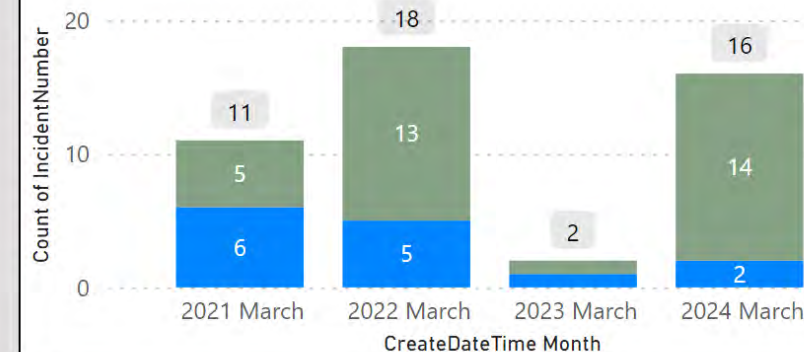
Alarms

Beat ● STWE ● STWW



Alarms that were False Alarms

Beat ● STWE ● STWW



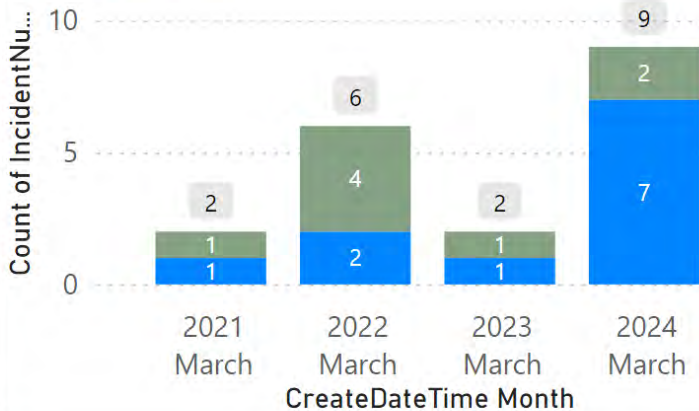
STWW & STWE

Year	Alarm
2023	October
	November
	December
2024	January
	February
	March

Abandon Vehicles

Abandon Vehicles

Beat ● STWE ● STWW

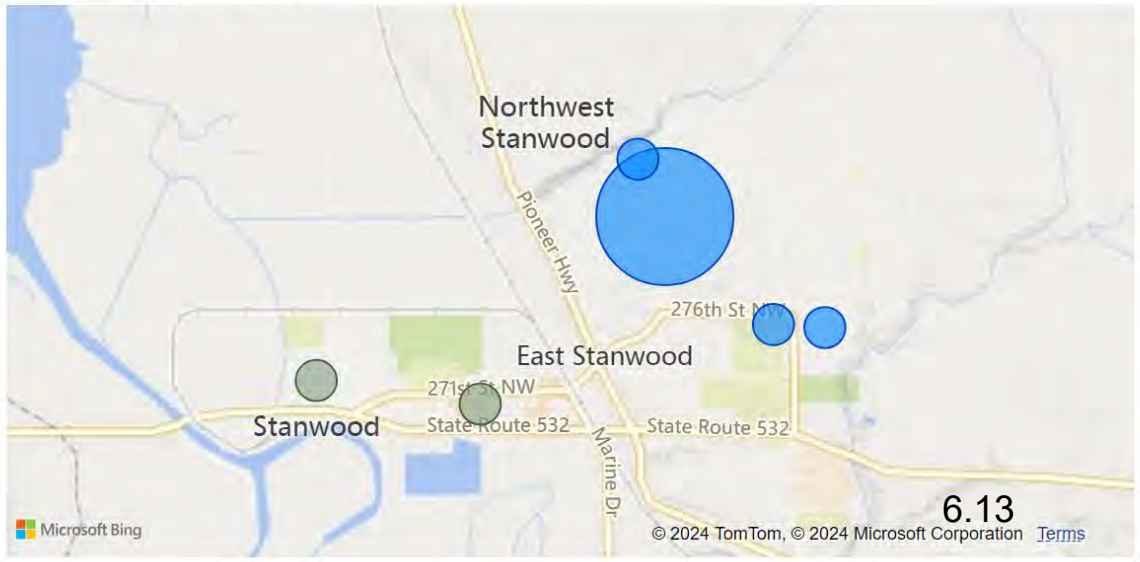


STWW & STWE

Year	Abandoned Vehicle
2023	October
	November
	December
2024	January
	February
	March

Abandon Vehicles Past Calendar Month, ThisYear

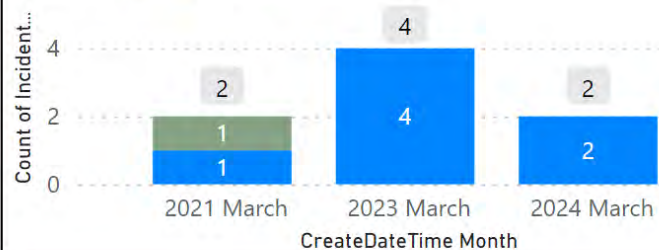
Beat ● STWE ● STWW



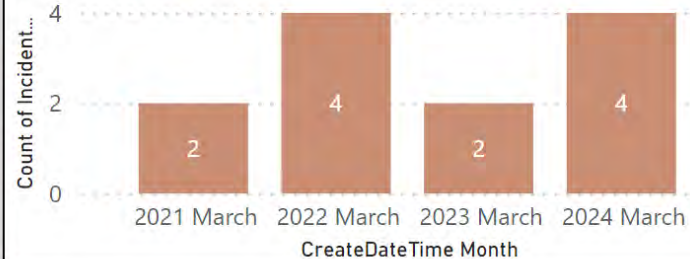


Stanwood West

IncidentType ● BHC ● Suicide

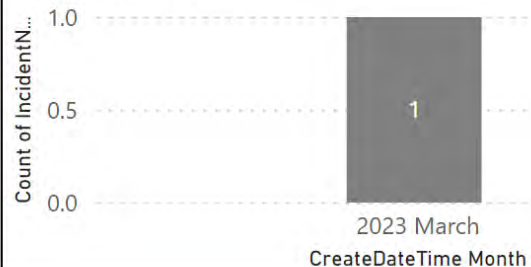


IncidentType ● Welfare Check



Death Investigations - STWW

IncidentType ● Death



Year BHC Suicide

2023		
October	6	
November	4	
December	7	3
2024		
January	9	1
March	2	

Year Welfare Check

2023	
November	2
December	9
2024	
January	1
February	5
March	4

Stanwood East

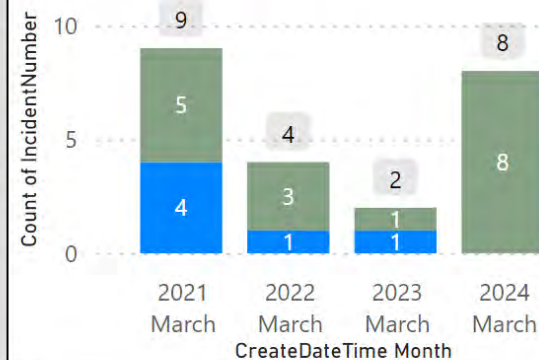
Year BHC Suicide

2023		
October	15	4
November	16	1
December	17	1
2024		
January	4	
February	1	1
March		8

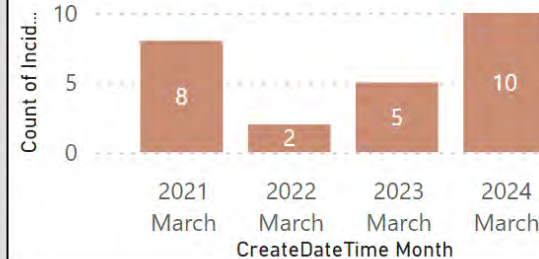
Year Welfare Check

2023	
October	12
November	12
December	1
2024	
January	4
February	6
March	10

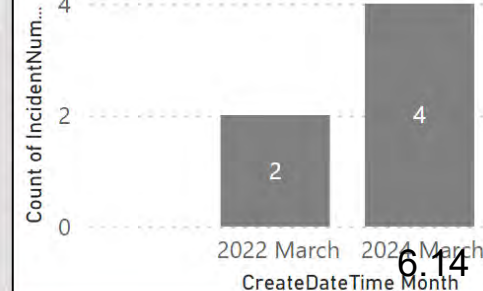
IncidentType... ● BHC ● Suicide



IncidentType... ● Welfare Check



IncidentType... ● Death



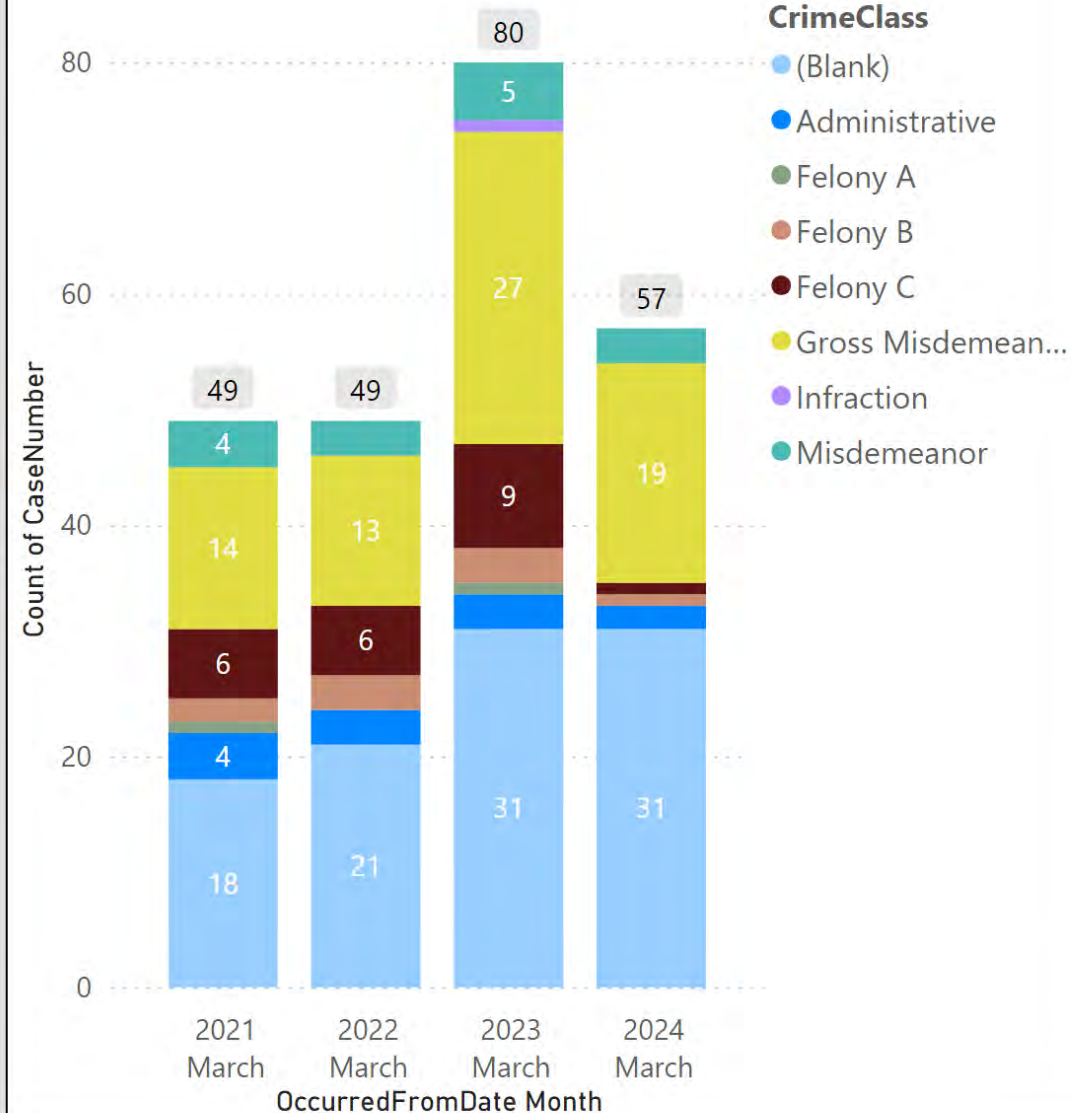


The following pages cover case data. The key difference between cases and incidents data is a Deputy has determined something did transpire that justifies writing a case report.

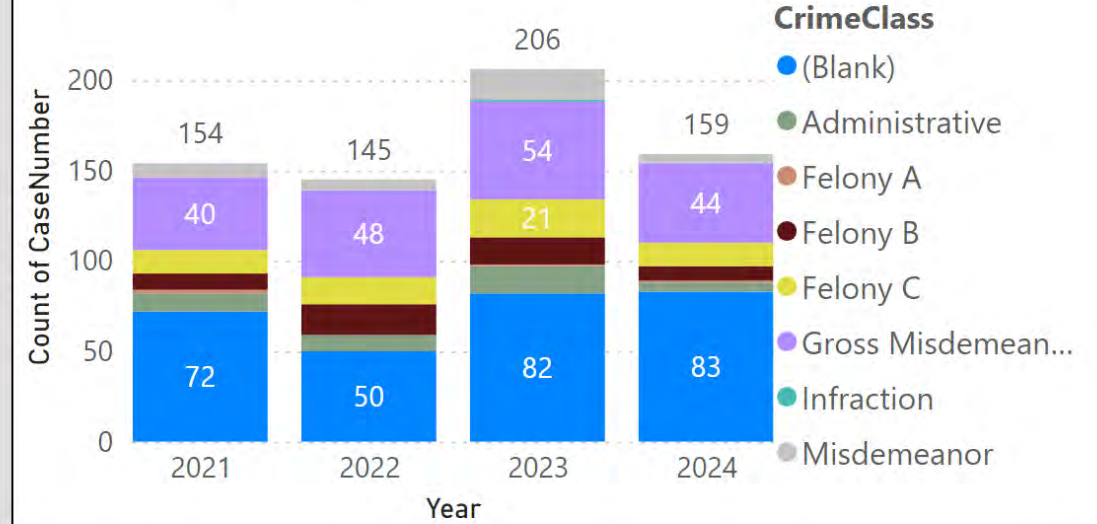
TOTAL CASES

IN THE STW BEAT

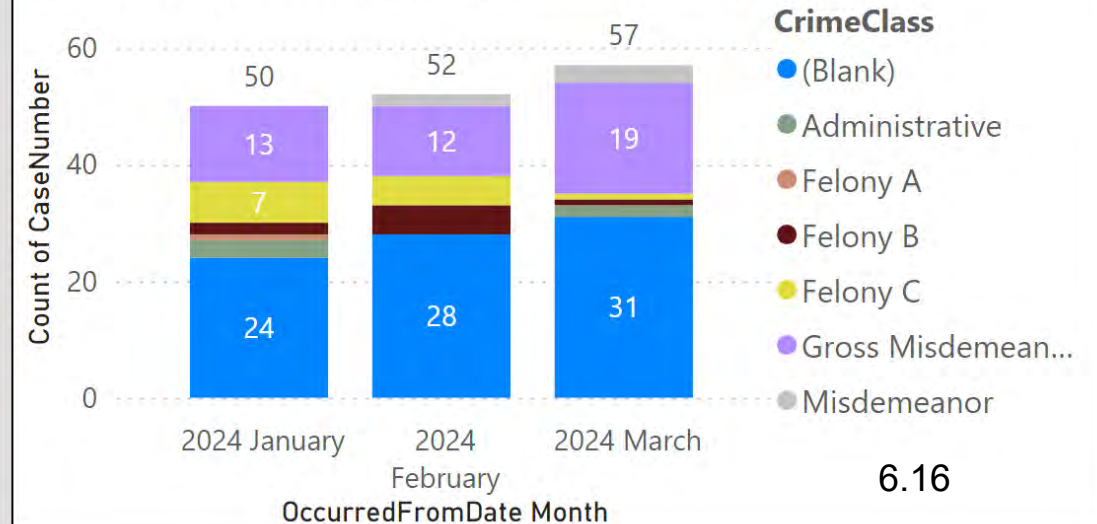
Cases, Previous Month, Yr over Yr



Case Count by Statute, Jan 1 - present, Yr over Yr



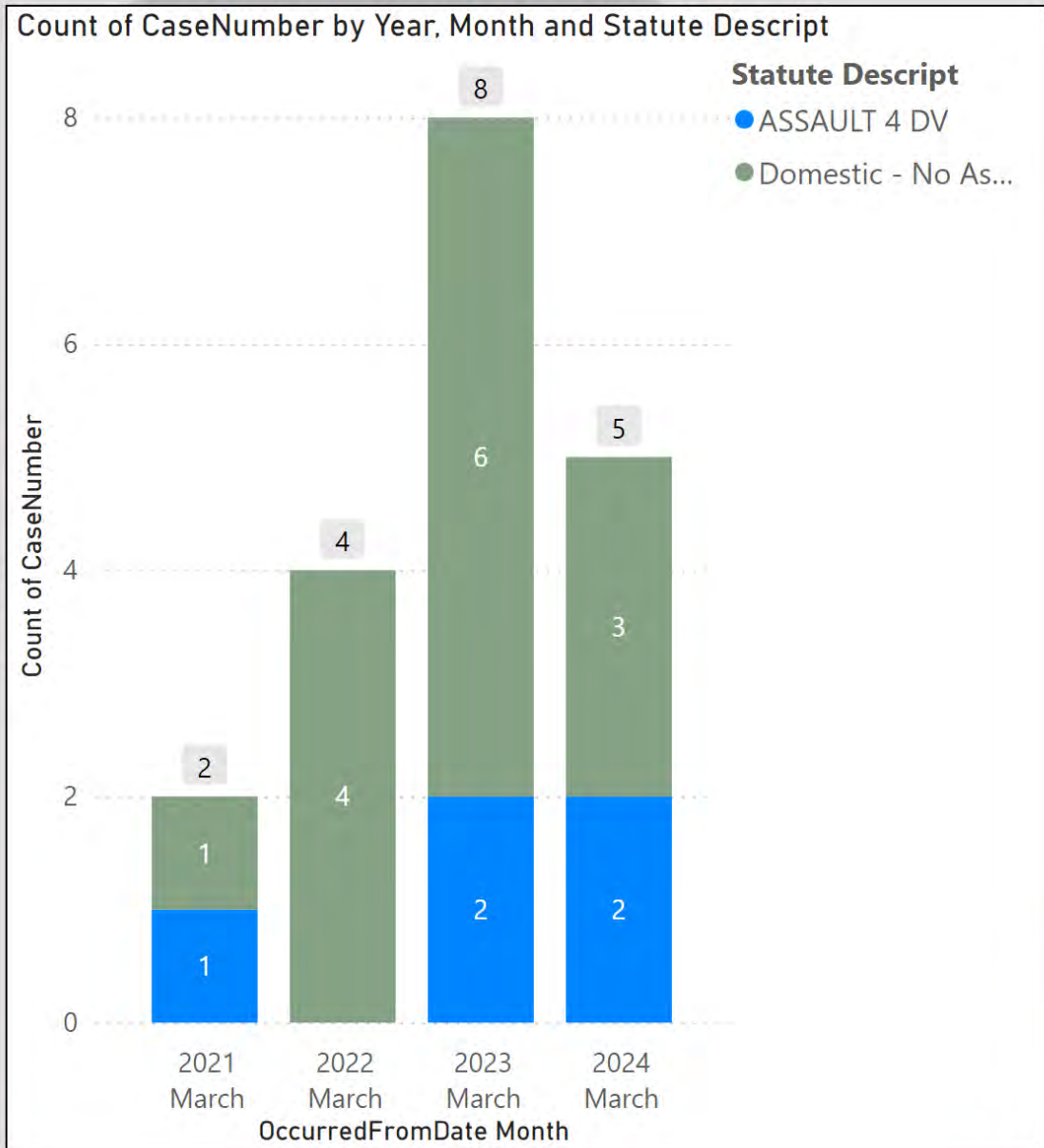
Case Count by Statute, Jan 1 - present, Current Year



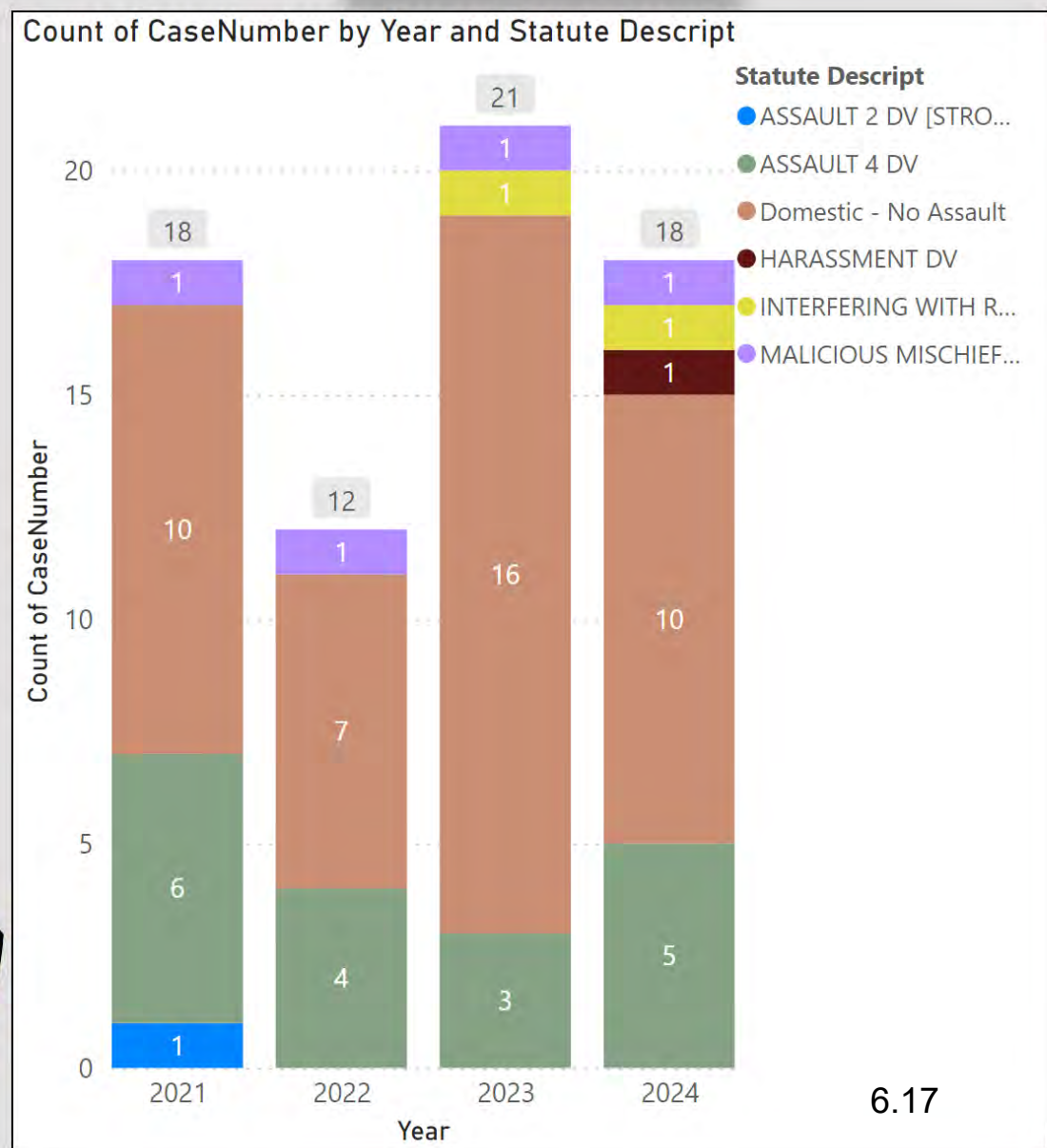
Domestic Related CASES

IN THE STW BEAT

Previous Month Over Time



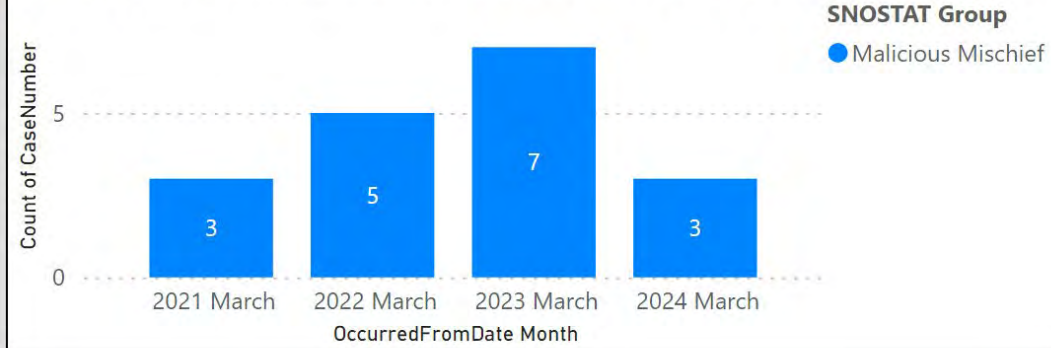
To Date By Year





Malicious Mischief CASES

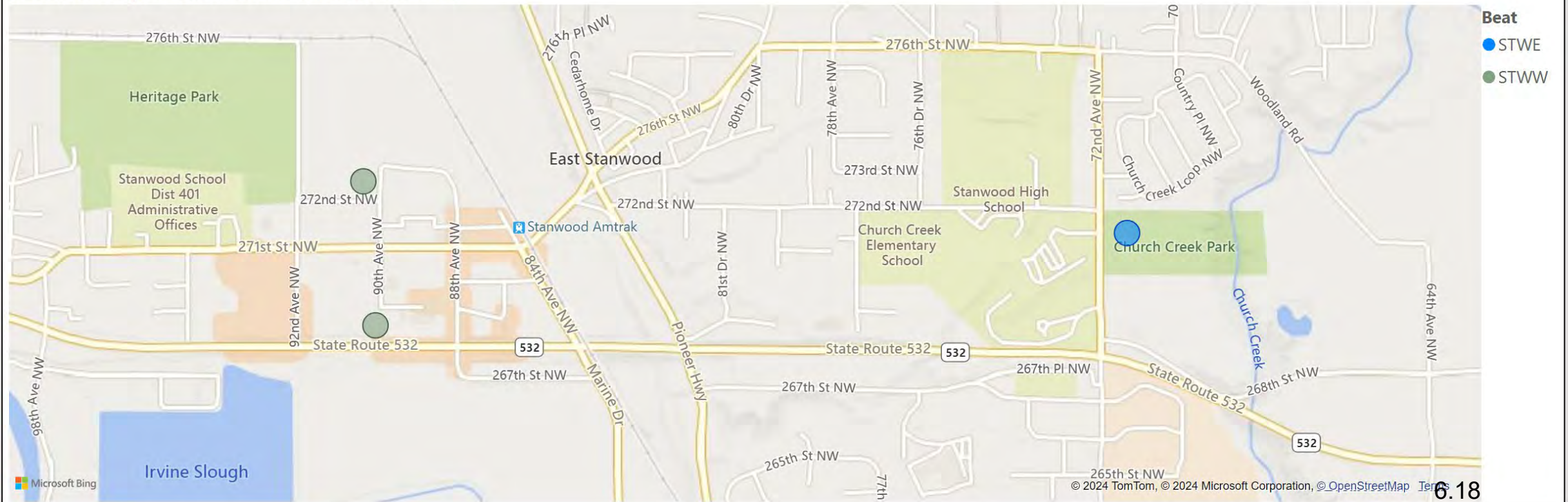
Count of CaseNumber by Year, Month and SNOSTAT Group



Count of CaseNumber by Year and Month



Cases in the past Calendar month, Current Year



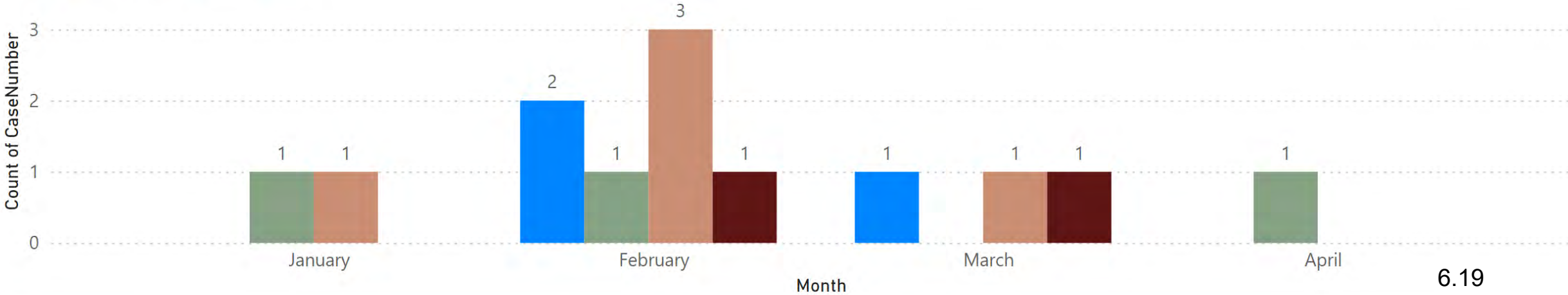


Auto Theft CASES



Jan 1 - Present, each year

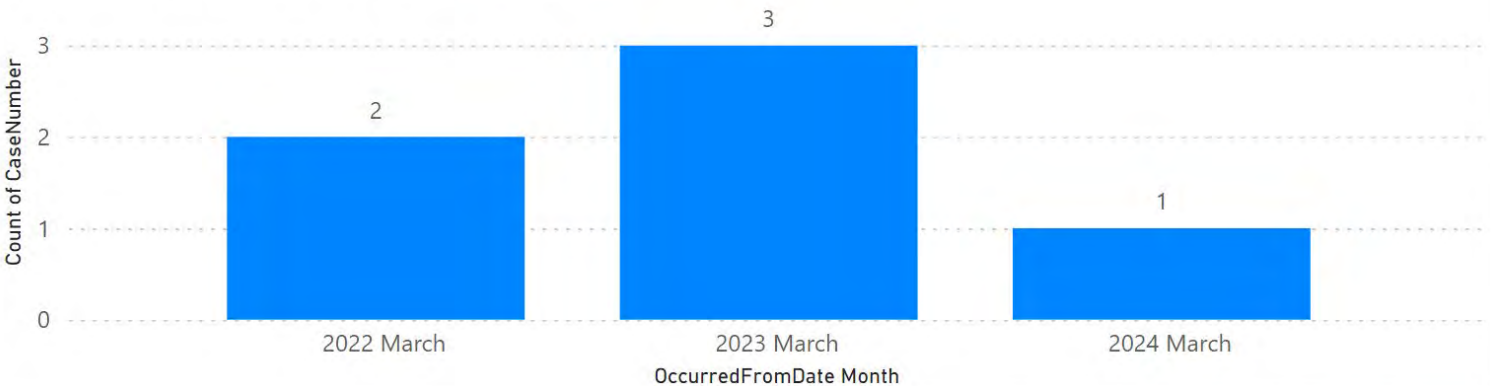
Year ● 2021 ● 2022 ● 2023 ● 2024





Vehicle Prowl CASES

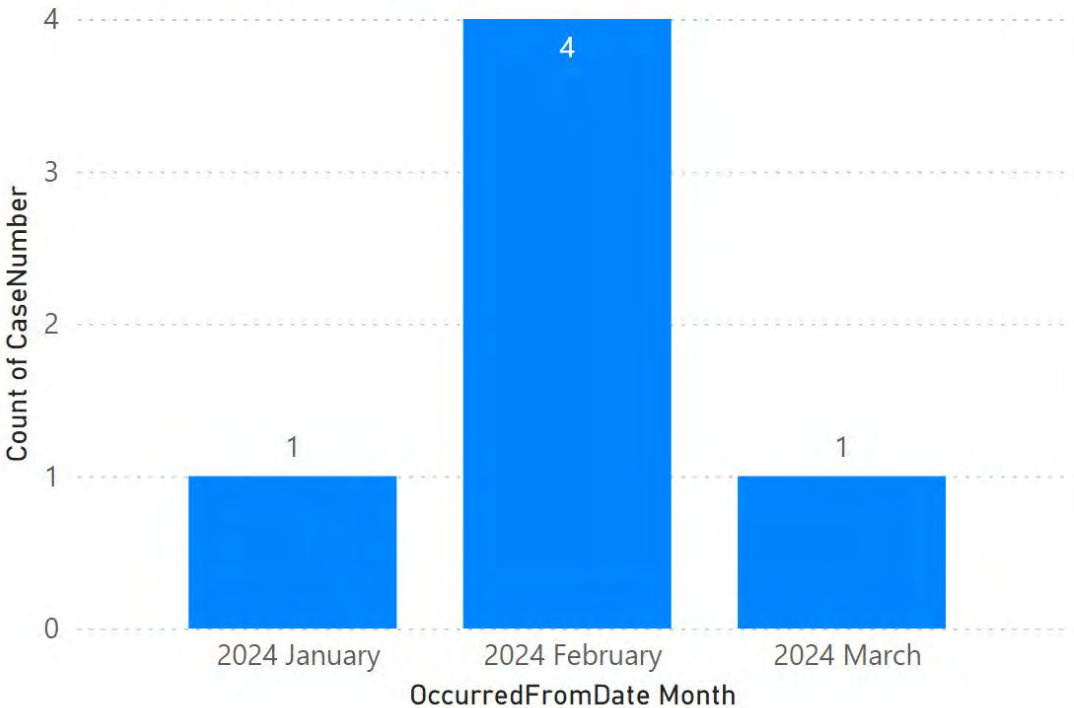
Count of CaseNumber by Year and Month



Jan 1 - Current Date, Current Year

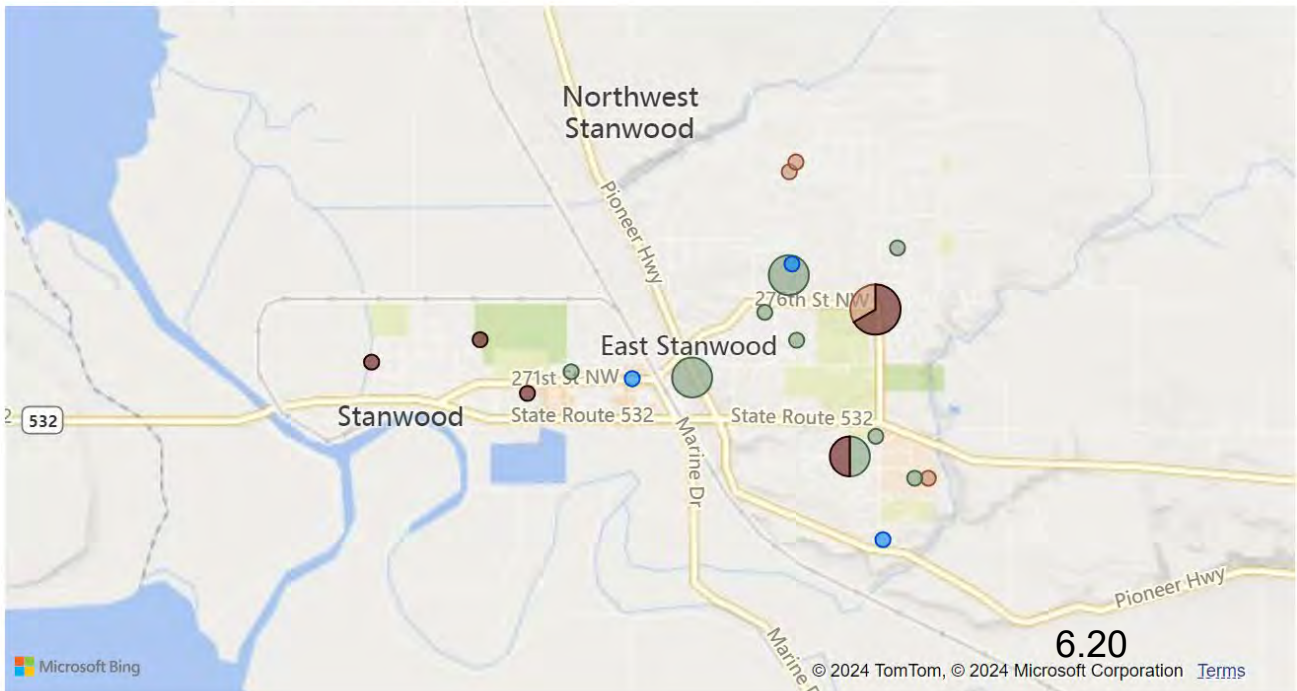
Year	Veh Prowl 2	Total
2021	3	3
2022	11	11
2023	4	4
2024	6	6

Count of CaseNumber by Year and Month



Count of CaseNumber by Year, Lat and Lon

Year ● 2021 ● 2022 ● 2023 ● 2024

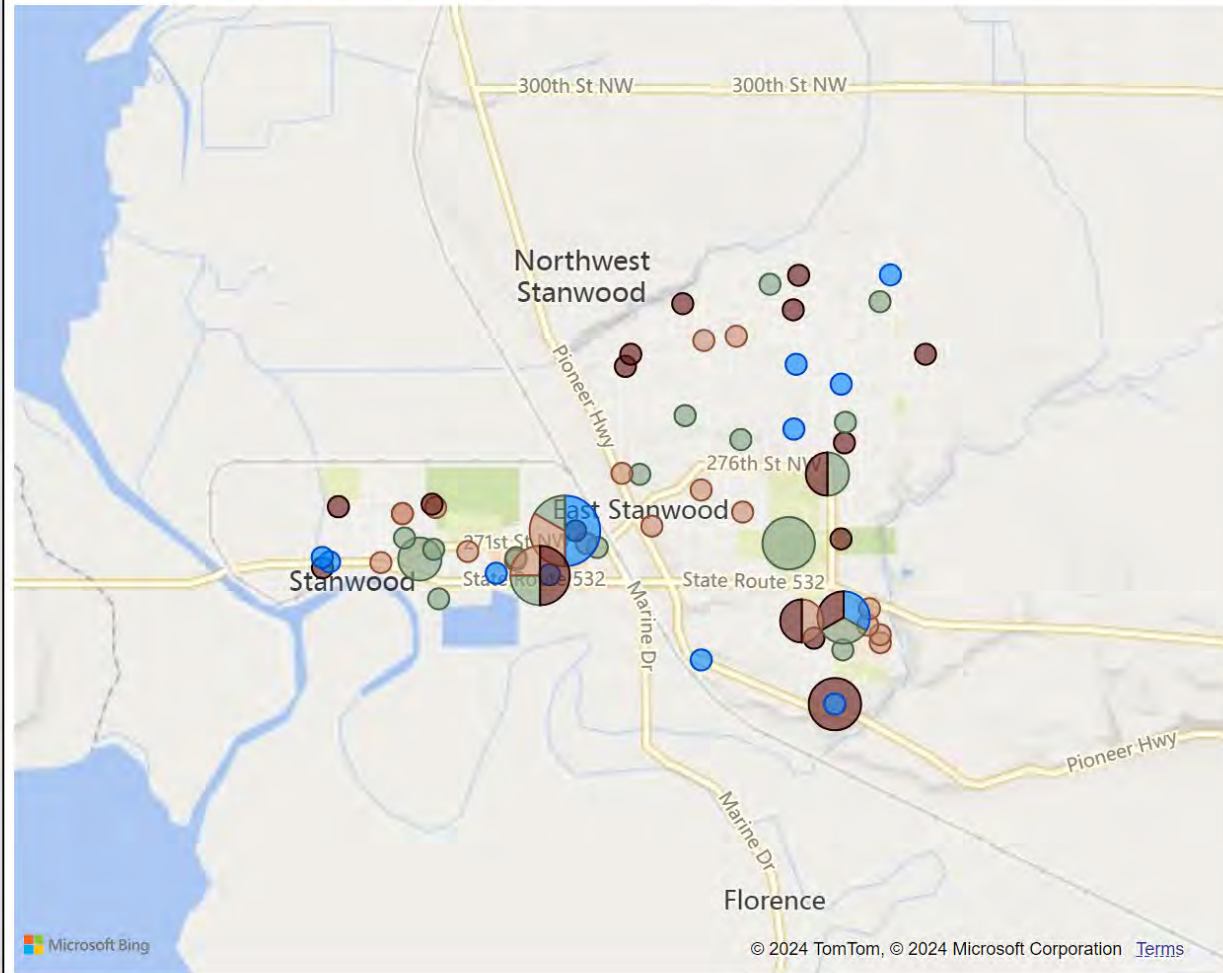




Theft CASES

Count of CaseNumber by Year, Lat and Lon

Year ● 2021 ● 2022 ● 2023 ● 2024



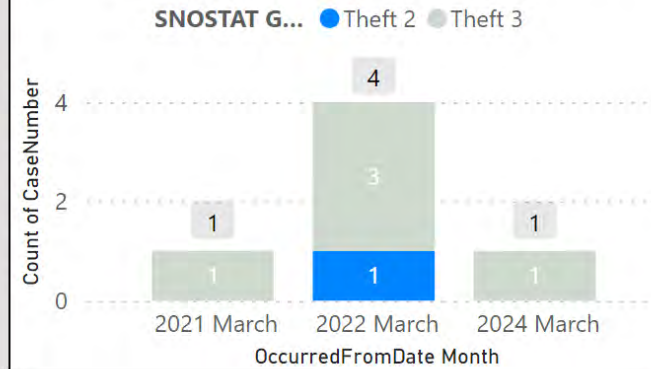
Jan 1 - Current Date

Beat	2021	2022	2023	2024
STWE	6	12	8	9
STWW	7	9	7	5
Total	13	21	15	14

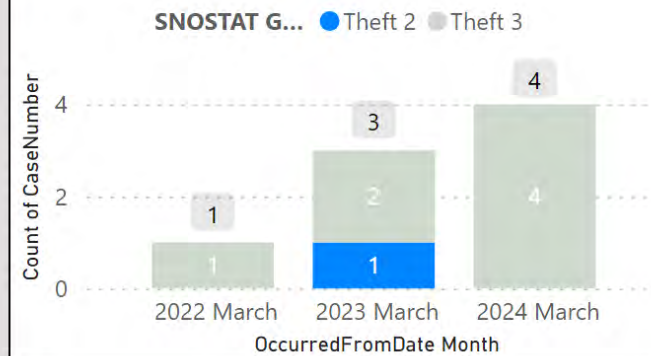
Current YTD

Year	STWE	STWW
▼		
☐ 2024		
March	4	1
February	2	2
January	3	2

Stanwood West



Stanwood East

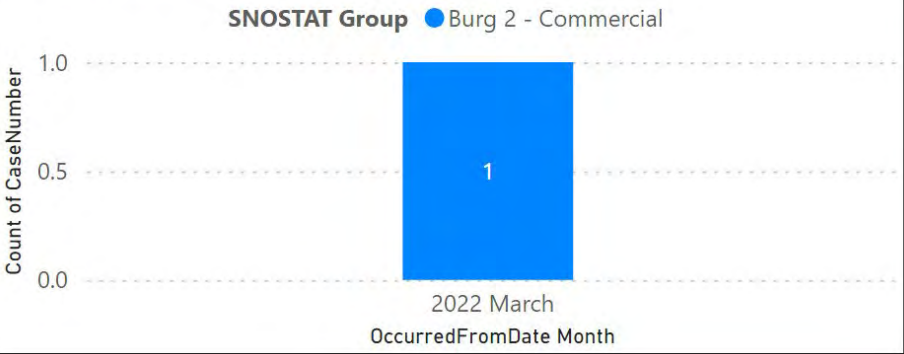




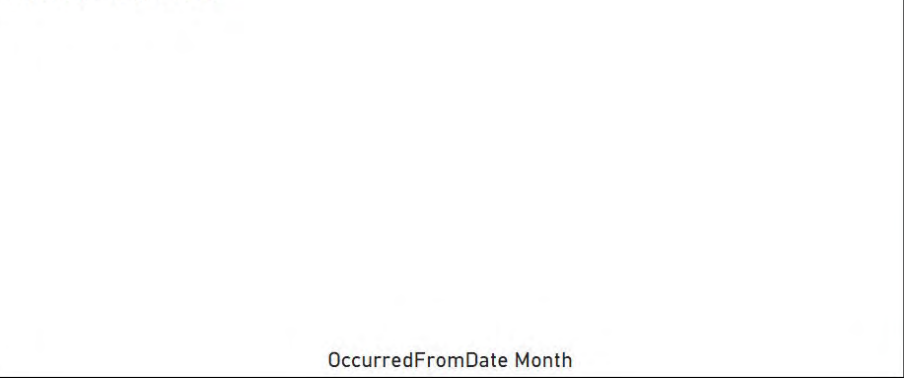
Burglary CASES

Jan 1 - Current Date		
Year	STWE	STWW
2021	1	2
2022	4	3
2023	4	1
2024	1	1

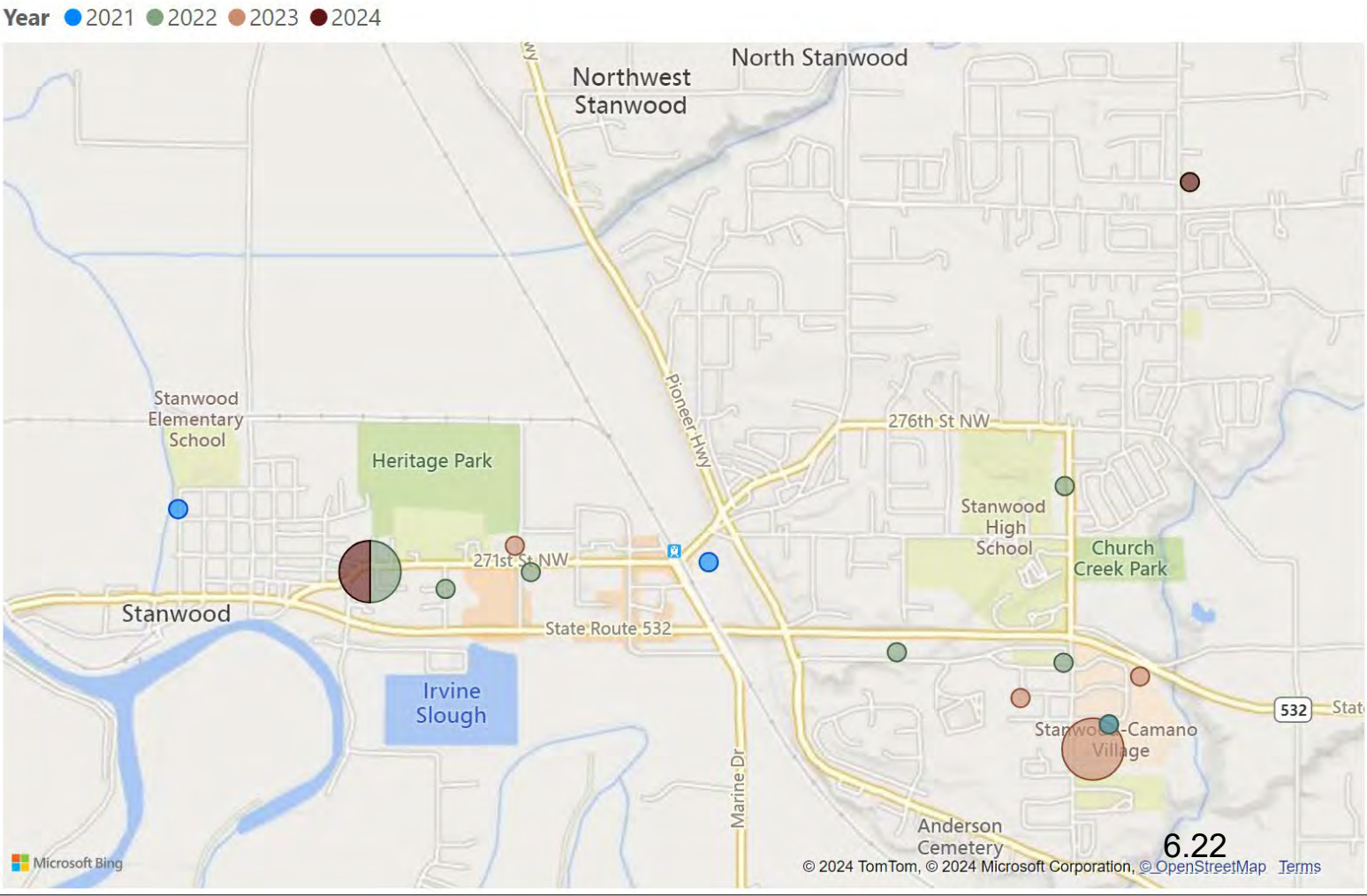
Stanwood West



Stanwood East



Count of CaseNumber by Year, Lat and Lon



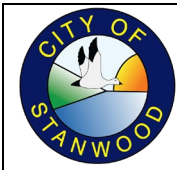


CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 7a
DATE: April 11, 2024
SUBJECT: Finance/Personnel Committee Report
CONTACT PERSON: David A. Hammond, Finance Director
ATTACHMENTS: A – Finance/Personnel Committee Meeting
Minutes for March 28, 2024

SUMMARY STATEMENT

The minutes of the March 28, 2024, Finance/Personnel Meeting are attached to this staff report for council review.



Finance & Personnel Committee Meeting Minutes March 28, 2024

Councilmembers Present: Andreena Bergman, Dani Gaumond, Robert 'Chili' Hicks

Staff present: David Hammond, Finance Director, Lisa Sokolik, City Clerk

Councilmember Bergman called the meeting to order at 6:01 p.m.

Agenda Items Discussed

1. Strategic Plan

Hammond described progress on development of the city's five-year strategic plan and the draft Goal and Strategies specific to the finance department. Council expressed appreciation for the business-like method of five-year strategic planning.

2. NextRequest software

Hammond and Sokolik described the background selecting the NextRequest public records request management software, and the efficiency benefit from using this program instead of the manual processes currently used. Additionally, staff noted the significant financial risk of non-compliance with the Public Records Act and how this program will reduce that risk. Council strongly supported this direction.

Meeting adjourned at: 6:45 pm



**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 7b

DATE: April 11, 2024

SUBJECT: Public Works Committee Meeting Minutes

CONTACT PERSON: Kevin Hushagen, Public Works Director

ATTACHMENTS: A – April 1, 2024, Public Works Committee Minutes

SUMMARY STATEMENT

Minutes from the April 1, 2024, Public Works Committee Meeting are attached to this staff report for approval as presented.



Public Works Committee
Meeting Minutes
April 01, 2024

Attendance:

Councilmembers: Timothy Schmitt, Darren Robb, Marcus Metz

City Staff: Public Works Director Kevin Hushagen, Engineer Alan Lytton, Public Works Office Specialist Amanda Slattery

Citizen: Gordy Holmes, Robert Seda, Wendy Pantz

Meeting was conducted in person. The full meeting agenda packet with detailed information can be found on the City's website at [Agenda Center](#).

Call to order at 5:31 pm

Agenda-

1. Camano Stanwood Pickleball Association Presentation

Members of the Camano Stanwood Pickleball Association came and gave a presentation. They discussed the need for more pickleball courts at Heritage Park. They would like one to be covered with lights to provide year-round playing. They also talked about how they would like to have the courts built beside the current ones. **No action taken.**

2. 284th and 72nd Overlay Bid Tab Review

Alan went over the bid tab for the 284th and 72nd Overlay project. The low bid was Konnerup with a bid amount of \$624,043.50. **No action taken.**

3. Transportation Improvement Plan (TIP) First Review

The committee reviewed the current projects that are on the TIP. They also discussed projects that they want to add to the 2026-2031 TIP. There was also talk about doing an amendment to the current TIP to add some projects. **No action taken.**

Adjourn: 7:23 pm



**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 8a

DATE: April 11, 2024

SUBJECT: Approval of Voucher and Payroll Checks

CONTACT PERSON: Amy Bergemeier, Accounting Specialist

ATTACHMENTS: A - Voucher Check Detail

SUMMARY STATEMENT

Approve issuance of Washington Federal Bank voucher checks 38240 through 38284 and electronic fund transfers in the amount of \$581,924.78. Approve issuance of Washington Federal payroll electronic fund transfers in the amount of \$49,750.00.

RECOMMENDED MOTION

MOTION TO APPROVE ISSUANCE OF WASHINGTON FEDERAL BANK VOUCHER CHECKS 38240 THROUGH 38284 AND ELECTRONIC FUND TRANSFERS IN THE AMOUNT OF \$581,924.78. APPROVE ISSUANCE OF WASHINGTON FEDERAL PAYROLL ELECTRONIC FUND TRANSFERS IN THE AMOUNT OF \$49,750.00.

CHECK REGISTER

ATTACHMENT A

City Of Stanwood

Time: 09:31:05 Date: 04/03/2024

03/16/2024 To: 04/03/2024

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
1272	03/22/2024	Payroll	3	EFT		3,350.00	March 2024 Draw
1273	03/22/2024	Payroll	3	EFT		1,800.00	March 2024 Draw
1274	03/22/2024	Payroll	3	EFT		2,500.00	March 2024 Draw
1275	03/22/2024	Payroll	3	EFT		2,500.00	March 2024 Draw
1276	03/22/2024	Payroll	3	EFT		2,000.00	March 2024 Draw
1277	03/22/2024	Payroll	3	EFT		1,000.00	March 2024 Draw
1278	03/22/2024	Payroll	3	EFT		2,000.00	March 2024 Draw
1279	03/22/2024	Payroll	3	EFT		3,000.00	March 2024 Draw
1280	03/22/2024	Payroll	3	EFT		4,000.00	March 2024 Draw
1281	03/22/2024	Payroll	3	EFT		2,000.00	March 2024 Draw
1282	03/22/2024	Payroll	3	EFT		2,000.00	March 2024 Draw
1283	03/22/2024	Payroll	3	EFT		2,200.00	March 2024 Draw
1284	03/22/2024	Payroll	3	EFT		1,600.00	March 2024 Draw
1285	03/22/2024	Payroll	3	EFT		2,000.00	March 2024 Draw
1286	03/22/2024	Payroll	3	EFT		500.00	March 2024 Draw
1287	03/22/2024	Payroll	3	EFT		1,500.00	March 2024 Draw
1288	03/22/2024	Payroll	3	EFT		1,800.00	March 2024 Draw
1289	03/22/2024	Payroll	3	EFT		1,000.00	March 2024 Draw
1290	03/22/2024	Payroll	3	EFT		2,500.00	March 2024 Draw
1291	03/22/2024	Payroll	3	EFT		2,000.00	March 2024 Draw
1292	03/22/2024	Payroll	3	EFT		500.00	March 2024 Draw
1293	03/22/2024	Payroll	3	EFT		4,500.00	March 2024 Draw
1294	03/22/2024	Payroll	3	EFT		1,500.00	March 2024 Draw
1295	03/22/2024	Payroll	3	EFT		2,000.00	March 2024 Draw
1389	03/27/2024	Claims	3	EFT	Aramark Uniform Services, LLC	54.68	937963000
1390	03/27/2024	Claims	3	EFT	Aramark Uniform Services, LLC	54.68	937963000
1391	03/27/2024	Claims	3	EFT	CDI	3,388.30	City of Stanwood
1392	03/27/2024	Claims	3	EFT	Edge Analytical, Inc	33.00	STA01
1393	03/27/2024	Claims	3	EFT	Edge Analytical, Inc	259.00	STA23
1394	03/27/2024	Claims	3	EFT	Edge Analytical, Inc	394.00	STA23
1395	03/27/2024	Claims	3	EFT	ICONIX Waterworks (US) Inc.	1,047.72	CITSTA
1396	03/27/2024	Claims	3	EFT	In-Depth Excavation, LLC	1,762.25	City of Stanwood
1397	03/27/2024	Claims	3	EFT	Meyer Sign & Advertising Co. Inc	38,400.96	City of Stanwood
1398	03/27/2024	Claims	3	EFT	Perteet Inc.	1,320.00	City of Stanwood
1399	03/27/2024	Claims	3	EFT	RH2 Engineering Inc	18,222.85	City of Stanwood
1400	03/27/2024	Claims	3	EFT	RH2 Engineering Inc	10,405.80	City of Stanwood
1401	03/27/2024	Claims	3	EFT	RH2 Engineering Inc	10,134.26	City of Stanwood
1402	03/27/2024	Claims	3	EFT	Taylors Excavators Inc	20,211.89	City of Stanwood
1403	03/27/2024	Claims	3	EFT	US Bank	21,221.79	4485 5945 5564 1495
1404	03/27/2024	Claims	3	EFT	WA St Dept of Revenue **	19,874.43	City of Stanwood
1451	03/26/2024	Claims	3	EFT	HSA Bank	5.00	H.S.A. fee for March
1405	03/27/2024	Claims	3	38240	APP- Associated Petroleum Products	3,298.70	AP0100494
1406	03/27/2024	Claims	3	38241	Asphalt Patch Systems, Inc	1,510.98	City of Stanwood
1407	03/27/2024	Claims	3	38242	BHC Consultants, LLC	10,803.20	City of Stanwood
1408	03/27/2024	Claims	3	38243	Cascade Lumber, Inc	79.05	S158
1409	03/27/2024	Claims	3	38244	Cascade Natural Gas Corp	1,705.09	498 440 0000 7; 931 607 9072 6; 839 440 0000 5; 608 440 0000 4; 9535400002
1410	03/27/2024	Claims	3	38245	Databar Inc.	1,261.58	8952; 8952
1411	03/27/2024	Claims	3	38246	Funderburke Autobody	409.88	City of Stanwood
1412	03/27/2024	Claims	3	38247	General Pacific, Inc.	460.15	101681
1413	03/27/2024	Claims	3	38248	Global Industrial	3,641.32	7066636
1414	03/27/2024	Claims	3	38249	Grainger, Inc	781.99	848089215; 848089215
1415	03/27/2024	Claims	3	38250	Hamilton Lumber LLC	328.50	66; 66
1416	03/27/2024	Claims	3	38251	JTI Commercial Services, LLC	95,327.72	City of Stanwood
1417	03/27/2024	Claims	3	38252	Judha of Lion Landscaping And Services L	10,936.18	City of Stanwood

CHECK REGISTER

ATTACHMENT A

City Of Stanwood

Time: 09:31:05 Date: 04/03/2024

03/16/2024 To: 04/03/2024

Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
1418	03/27/2024	Claims	3	38253	Lankford Associates, Inc.	2,848.25	City of Stanwood; City of Stanwood
1419	03/27/2024	Claims	3	38254	Lenz Enterprises Inc	182.04	City of Stanwood; City of Stanwood
1420	03/27/2024	Claims	3	38255	Les Schwab Tire Centers	1,564.76	S34-00006
1421	03/27/2024	Claims	3	38256	Lithtex NW Printing Solutions	1,839.81	CIOST001L
1422	03/27/2024	Claims	3	38257	Maul Foster Alongi, Inc.	3,105.00	
1423	03/27/2024	Claims	3	38258	Chandler T O'Neill	162.12	City of Stanwood
1424	03/27/2024	Claims	3	38259	ODP Business Solutions, LLC	118.26	36274097; 36274097; 36274097; 36274097
1425	03/27/2024	Claims	3	38260	Owen Equipment Company Inc	2,372.34	36577
1426	03/27/2024	Claims	3	38261	PUD Of Snohomish County *	9,818.78	201942398; 202423729; 200794063; 200592889; 200208858
1427	03/27/2024	Claims	3	38262	Pace Engineers, Inc	43,498.40	City of Stanwood; City of Stanwood; City of Stanwood; City of Stanwood
1428	03/27/2024	Claims	3	38263	Pape' Machinery	48.66	314673
1429	03/27/2024	Claims	3	38264	Refund -CPI Plumbing, Heating, Cooling		incorrect amount
1430	03/27/2024	Claims	3	38265	Ricoh USA, Inc-Maint	588.53	4250811; 4250811; 4250811; 4250811
1431	03/27/2024	Claims	3	38266	Ricoh USA, Inc.	442.50	1316669-3800326; 1316669-3816549
1432	03/27/2024	Claims	3	38267	Rodda Paint	340.83	631460
1433	03/27/2024	Claims	3	38268	C/O Matthew Heist SCCFOA	40.00	City of Stanwood
1434	03/27/2024	Claims	3	38269	Safeway	32.30	191483
1435	03/27/2024	Claims	3	38270	Skagit Farmers Supply	1,408.89	135052; 135052; 135052; 13552
1436	03/27/2024	Claims	3	38271	Lisa Sokolik	328.28	City of Stanwood
1437	03/27/2024	Claims	3	38272	Stanwood Ace Hardware #14901	1,503.74	20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013
1438	03/27/2024	Claims	3	38273	Stanwood Auto Parts	525.81	56100; 56100; 56100; 56100; 56100; 56100
1439	03/27/2024	Claims	3	38274	Stanwood City Utility	3,242.87	1271; 1241; 4252; 1328; 1332; 1348; 1473; 2416; 1573; 1675; 1587; 1674; 4916; 4724
1440	03/27/2024	Claims	3	38275	Stanwood Redi-Mix Inc	878.76	1CI090
1441	03/27/2024	Claims	3	38276	Stilly Auto Parts Napa	149.61	27197
1442	03/27/2024	Claims	3	38277	TRICO C/O SAVIBANK	13,773.98	City of Stanwood
1443	03/27/2024	Claims	3	38278	TRICO Companies, LLC	212,479.86	City of Stanwood
1444	03/27/2024	Claims	3	38279	US Bank Na Custody/ Treas Div-Money Ctr	70.00	777221717
1445	03/27/2024	Claims	3	38280	WA St Dept of Ecology *	2,291.49	City of Stanwood
1446	03/27/2024	Claims	3	38281	WA St Dept of Transportation *	500.00	City of Stanwood
1447	03/27/2024	Claims	3	38282	Association Washington Law Enforcement Info/Records	50.00	City of Stanwood
1448	03/27/2024	Claims	3	38283	Wave Broadband	290.84	3201-0316547-01; 3201-0316545-01
1449	03/27/2024	Claims	3	38284	Ziply Fiber	93.12	360-939-0579-080320-5
001 General Fund						81,794.08	
101 Street Fund						5,795.67	
103 Street Construction Fund						4,754.57	
104 Park And Trail Improvement Fund						153,946.93	
107 Equipment Reserve Fund						3,629.84	
110 Building Improvement Fund						226,253.84	
401 Sewer Fund						26,218.62	
403 Sewer Construction Fund						1,288.50	
410 Drainage Fund						46,443.44	

CHECK REGISTER

ATTACHMENT A

City Of Stanwood

Time: 09:31:05 Date: 04/03/2024

03/16/2024 To: 04/03/2024

Page: 3

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
		411 Drainage Construction Fund				50,855.12	
		421 Water Fund				16,918.41	
		422 Water Construction Fund				10,405.80	
		457 Sewer Equipment Reserve				143.46	
		458 Drainage Equipment Reserve				1,772.30	
		459 Water Equipment Reserve				110.67	
		630 Agency Fund				1,343.53	
							Claims: 581,924.78
		* Transaction Has Mixed Revenue And Expense Accounts				631,674.78	Payroll: 49,750.00

CERTIFICATION: 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 and that the claim is a just, due and unpaid obligation against the City of Stanwood, and that I am authorized to authenticate and certify to said claim.

() Finance Director () Auditing Officer  Date: April 3, 2024
() Deputy Finance Director



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8b
DATE: April 11, 2024
SUBJECT: City Council Meeting Minutes – March 28, 2024
CONTACT PERSON: Lisa Sokolik, City Clerk
ATTACHMENTS: A – Council Meeting Minutes

SUMMARY STATEMENT

The City Council meeting minutes for March 28, 2024, are attached to this staff report for Council's approval.

RECOMMENDED MOTION

“I MOVE TO APPROVE THE MARCH 28, 2024, CITY COUNCIL MEETING MINUTES AS PRESENTED”.

CITY OF STANWOOD
Regular Meeting of the City Council
March 28, 2024 | 7:00 p.m.
MINUTES

1. Call to Order and Pledge of Allegiance

Mayor Sid Roberts called the meeting to order at 7:00 p.m. Councilmember Hicks led the Pledge of Allegiance.

2. Roll Call

City Clerk Lisa Sokolik called the roll with the following Councilmembers Present: Dani Gaumond, Marcus Metz, Darren Robb, Robert Hicks, Steve Shepro, Andreena Bergman, and Tim Schmitt. The meeting was quorate.

Also present: City Administrator Shawn Smith, Community Development Director Patricia Love, Finance Director David Hammond, Fire Chief John Cermak, Police Chief Jason Toner, Police Sgt. Karl Gilje, Police Sgt. Kore Oyetuga, City Attorney Nikki Thompson, City Planner Tansy Schroeder, Communications & Marketing Specialist Niki Strachila, City Engineer/Capital Projects Manager Alan Lytton, and City Clerk Lisa Sokolik. Public Works Supervisor Leigh Danielson attended via Zoom.

3. Approval of the Agenda

*Motion by Councilmember Metz, second by Councilmember Gaumond to approve the agenda as published. **Motion carried unanimously.***

4. Presentation

Stanwood High School Update - Student Representative Grace Pacheco

Pacheco said the months of April and May will be very busy with the following events: Middle School Leadership Camp, National Honor Society Rabbit Fun Run, ASB Talent Show, National Honor Society Induction, Blooming Plant Sale, Senior Prom, Band Concert, Celebration of Excellence, Drama Play, Scholarship Night, Senior Sunset, and Senior Graduation.

5. Public Comments

No public comments.

6. Staff / Department Report

No public comments.

7. Council Committee Reports

- a. Economic Development Board Meeting Minutes – February 16, 2024
- b. Parks and Trails Advisory Committee Meeting Minutes – February 20, 2024
- c. Planning Commission Meeting Minutes – February 12, 2024
- d. Public Safety Committee Meeting Minutes – March 14, 2024

8. Consent Agenda

- a. Approve Vouchers and Payroll Checks
- b. Approve City Council Regular Meeting Minutes – March 14, 2024
- c. Authorize the Mayor to Sign an On-Call Professional Service Agreement with Hough Beck and Baird and to Sign a Task Order for the Church Creek Park Trail Design and Management Plan
- d. Authorize the Mayor to Sign a Purchase Agreement with NextRequest for Public Records Request Management Software
- e. Approve Second Leak Adjustment for Account 1936
- f. Approve Planning Commission Appointment – Kathy Moe
- g. Approve Salary Commission Appointment – Karl Hedeem

*Motion by Councilmember Robb, second by Councilmember Hicks to approve the consent agenda items A through G. **Motion carried unanimously.***

9. Unfinished Business

- a. Cedarside Development Agreement

Councilmember Gaumond recused herself and left the meeting.

Schroeder gave a brief review of the Cedarside Development Agreement.

Schmitt ask about the infrastructure and if there is water and sewer capacity. Schroeder answered yes there is enough capacity. Rh2 Engineering does an analysis for every new development, part of this development also includes a new sewer lift station on 268th Street.

Motion by Councilmember Robb, second by Councilmember Bergman to approve Resolution 2024-03 for the Cedarside Commons Development Agreement and to authorize the Mayor to sign the development agreement in accordance with SMC 17.60.060, Development Agreements.

Councilmembers made comments and gave their reasoning for voting yes or no on the binding development contract.

Roll call of votes was taken:

<i>Councilmember Bergman</i>	<i>– Yes</i>
<i>Councilmember Schmitt</i>	<i>– Yes</i>
<i>Councilmember Metz</i>	<i>– Yes</i>
<i>Councilmember Robb</i>	<i>– No</i>
<i>Councilmember Hicks</i>	<i>– Yes</i>
<i>Councilmember Shepro</i>	<i>– No</i>

Motion Passes 4 Yes, 2 No.

- b. Approve Second Reading and Adoption of Ordinance 1530 268th Street Vacation

Motion by Councilmember Robb, second by Councilmember Hicks to approve the first reading of Ordinance 1530 as set forth in attachment “F” vacating a portion of 268th Street NW between 72nd Avenue NW and 68th Avenue NW.

Roll call of votes was taken:

<i>Councilmember Bergman</i>	– Yes
<i>Councilmember Schmitt</i>	– Yes
<i>Councilmember Metz</i>	– Yes
<i>Councilmember Robb</i>	– Yes
<i>Councilmember Hicks</i>	– Yes
<i>Councilmember Shepro</i>	– No

Motion Passes 5 Yes, 1 No.

10. Public Hearing:

Parks, Recreation and Open Space Plan (PROS Plan)

Mayor Roberts opened the Public Hearing at 7:45 p.m. to receive public testimony on the Parks, Recreation and Open Space Plan.

Schroeder explained that the main purpose of the 2024 PROS Plan is to qualify the city for grant and funding opportunities through the Washington State Recreation and Conservation Office (RCO). The PROS Plan also is a document that informs the parks element of the City's Comprehensive Plan, it includes an analysis of how parks planning and maintenance is funded in addition to a capital improvement project list. The last PROS Plan was adopted in 2018, we are required to update it every six years. The PROS Plan must be adopted by April 15th to be eligible for upcoming RCO grant opportunities.

The 2024 PROS Plan was brought to the Parks and Trails Advisory Committee three times, the Planning Commission, and Community Development Committee for review.

With no public comments, Mayor Roberts closed the public hearing at 8:47 p.m.

Council asked questions and made comments.

Motion by Councilmember Hicks, second by Councilmember Shepro to approve Resolution 2024-06 for the adoption of the 2024 Stanwood Parks, Recreation, and Open Space Plan.
Motion carried unanimously.

11. New Business

a. Approve Storefront Improvement Program – Pure Smoke

Strachila presented the Pure Smoke storefront improvement application to council. Council approved the program in 2023 with the purpose to enhance and revitalize the downtown Stanwood.

Motion by Councilmember Hicks, second by Councilmember Robb to approve Pure Smoke Storefront Improvement Program application and award \$13,000 as a reimbursable grant award.
Motion carried unanimously.

b. Authorize the Mayor to Sign Snohomish County Public Works Loan Agreement for Viking Way Phase Two

Hammond presented this item to council to discuss the pros and cons of loans and borrowing. He explained the positives of a low-interest, long-term loan and the benefits of an intergenerational equity.

Hammond added that all the credit for securing this loan goes to Alan Lytton.

Motion by Councilmember Robb, second by Councilmember Metz to authorize the Mayor to sign a Public Works Assistance Fund Loan agreement with Snohomish County for \$1,000,000.
Motion carried unanimously.

12. Public Closing Comments:

Name:	City:	Topic:
Cathy Wooten	Stanwood	Thanked everyone for speaking into microphones.
Kristi Bell	Stanwood	Request for staff to quantify the state's growth requirement so citizens know exactly what that means.
Star Hallman	Stanwood	Agreed with Councilmember Shepro's comments on the Cedarside Development Agreement.

13. Executive/Legislative Reports**a. Mayor's Report**

- Reminder to councilmembers that their F1 form is due by April 15th to the Public Disclosure Commission.
- Hoping to schedule the fireworks discussion for April 25th or May 9th.
- Grateful for all the people who attended the last three meetings, democracy does work and it was at play tonight.

b. City Administrator Report

- Smith and the mayor met Sheriff Johnson, the new Snohomish County Sheriff. They discussed the police station remodel, the future new police station planned up on the hill, the police contract, and the potential of adding another officer to our roster.
- Today, Lytton opened eight bids for the pavement preservation project, the low bid was 25% lower than the engineer's estimate. The city also received a TIB grant for this project.

c. Councilmember's Report/Questions

- Metz said it has been a stressful & emotional several weeks to make a hard decision, he appreciates everyone for being involved as it takes everyone's input and care to create the best result that we're capable of.
- Robb welcomed the two new commission members: Kathy Moe and Karl Hedeem. He thanked staff for the speed study on 80th Ave and wanted to acknowledge his appreciation for the continued focus, the study was an interesting read.
- Hicks agreed with citizen Kristi Bell who made a public comment requesting more information on what the meaning of the state's requirements are for the city. Wished everyone a Happy Easter, for those who celebrate.
- Shepro said it was a great turn-out by the public tonight and hopes everyone will continue to stay involved.

- Bergman appreciated all of Councilmember Shepro's comments. She said if the development item had come to council as a vote for yes or no on allowing the development project to be built, she would have voted no, but this item came to council as a vote on a contract only, voting no would not stop the development from happening, by voting yes, the city has some say on what they build.
- Schmitt said the plot of land being developed was his best friend's uncle's farm. He has fond memories of bailing and bucking hay, riding horses and feeding pigs. The thought that it's going to be developed gives him a twinge of sorrow. He wanted to share two thoughts: 1. Over two years ago the Planning Commission said that it could be Stanwood's job to absorb the growth and leave the country-side pristine; if we don't go dense, we'll have to go out.
2. When the Haggens complex and Church Creek Estates were developed, citizens thought that would be the end of Stanwood, yet Stanwood adapted.

14. Recess to Executive Session

No executive session.

15. Adjourn

There being no further business before the Council, and hearing no objection to adjournment, Mayor Roberts adjourned the meeting at 8:20 p.m.

CITY OF STANWOOD

ATTEST:

Sid Roberts, Mayor

Lisa Sokolik, City Clerk



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8c
DATE: April 11, 2024
SUBJECT: Utility Account Second Adjustment—Account 2595
CONTACT PERSON: David A. Hammond, Finance Director
ATTACHMENTS: A – SMC 12.20.060 Adjustment to bills.

PURPOSE

The purpose of this agenda item is for Council consideration of a second water leak adjustment to Utility Account Number 2595 in the amount of \$63.13.

BACKGROUND

Stanwood Municipal Code (SMC) Section 12.20.060; provides authorization for the Finance Department to adjust a utility account when a leak occurs, however, no more than once each two-year period. The code allows, after evidence the leak was repaired, for a rate adjustment up to 50 percent of the volume consumed in any one billing period in excess of the bi-monthly average of water consumed over the previous twelve months.

Additionally, the SMC authorizes City Council approval of a second adjustment, within a two-year period, if one or more of the following circumstances exist:

- i) The leak could not have been readily detectable with reasonable diligence;
- (ii) The customer does not occupy or use the subject property on a continuous basis;
- (iii) Any prior leak for which an adjustment was made by the city was repaired within 30 days of discovery;
- (iv) The customer account has been kept current and there have been no delinquencies within the previous 24 months.

ANALYSIS

Staff recommends approval of a second leak adjustment, which qualifies according to SMC 12.06.020. Customer found and fixed leak between billing reads, resulting in the second leak adjustment request.

Fiscal Impact			
The 2023-2024 budget for utility operations is adequate to make the requested adjustment.			
Fund(s):	Utility Operating		
Amount:	\$ 63.13	Project Estimate:	\$ -
Budget Authorized	☒ Yes ☐ No	Amendment Required	☐ Yes ☒ No ☐ Monitor

RECOMMENDATIONS

Staff Recommendation: Staff recommends Council authorize the Finance Director to approve a second utility bill adjustment in the amount of \$63.13.

Committee/Board Recommendation: N/A

CITY COUNCIL OPTIONS

1. The City council may authorize a second utility bill leak adjustment in the amount of \$63.13
2. The City council may choose not to authorize a second utility bill adjustment in the amount of \$63.13.
3. The City council may choose not to authorize a second utility bill adjustment in another amount.
4. The City council may direct staff to provide additional information.

PROPOSED MOTION

I MOVE TO AUTHORIZE THE FINANCE DIRECTOR TO APPROVE A SECOND UTILITY BILL ADJUSTMENT FOR ACCOUNT 2595 IN THE AMOUNT OF \$63.13.

12.20.060 Adjustments to bills.

(1) In the event a meter fails to register the correct amount of water used, the customer will be charged at the average rate of monthly consumption for the previous 12 months as shown by the meter when in working order.

(2) In the event a leak or failure of a private water system or private service between the meter and the structure located on private property results in excess consumption, the city may, through a determination of the city finance director, provide for a rate adjustment up to 50 percent of the volume consumed in any one billing period in excess of the bi-monthly average of water consumed over the previous 12 months at that service address.

(a) Customers shall be required to provide proof of repair to leak or failure prior to receiving any rate adjustment.

(b) Application for the credit or adjustment must be made in written form and approved by the city finance director or his/her designee.

(c) No more than one application for credit may be considered per service address in any 24-month period without city council approval. In order to grant a second adjustment the council must find one or more of the following circumstances exist:

(i) The leak could not have been readily detectable with reasonable diligence;

(ii) The customer does not occupy or use the subject property on a continuous basis;

(iii) Any prior leak for which an adjustment was made by the city was repaired within 30 days

of discovery;

(iv) The customer account has been kept current and there have been no delinquencies within the previous 24 months.

(3) In the event of a leak or failure of a private water system or private service between the meter and the structure located on private property that was the result of a city project involving a public work as defined by state law, or maintenance performed at the expense of the city, the city public works director will have the authority to provide a rate adjustment for more than 50 percent of the volume consumed in excess of the bimonthly average of water consumed over the previous 12 months at that service address.

Adjustments are final and requests for reversal will not be granted and are not subject to appeal. (Ord. 1415 § 1, 2016; Ord. 1405 § 1 (Exh. 1), 2015; Ord. 1359 § 1, 2013; Ord. **1295 § 2, 2011; Ord. 1189 § 4, 2006**).

This Page Intentionally Left Blank



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 11a
DATE: April 11, 2024
SUBJECT: Final Acceptance of the Heritage Park Dog Park Project
CONTACT PERSON: Kevin Hushagen, Public Works Director
ATTACHMENTS: A – Final Pay Request

PURPOSE

The purpose of this agenda item is to authorize final acceptance of the Heritage Park Dog Park project completed by JTI Commercial Services.

BACKGROUND

At the November 20, 2023, meeting, Council approved a contract with JTI Commercial Services for the Heritage Park Dog Park project. Council elected to include both the covered shelter and shade tree alternates. The total contract price including the two alternates was \$98,559.76. The total cost of the project was \$99,897.60. The overage, approximately \$1,337, included adding two more personal gates to make the park accessible from the trail south of Heritage Park.

FIANCIAL IMPACT

Total fiscal impact was \$99,897.60. The budget was \$115,000.

PROPOSED MOTION

“I MOVE TO AUTHORIZE THE FINAL ACCEPTANCE OF THE HERITAGE PARK DOG PARK PROJECT COMPLETED BY JTI COMMERCIAL SERVICES”.

ATTACHMENT A

Invoice

JTI COMMERCIAL SERVICES LLC

1006 Central Rd
 Everson, WA 98247
 3603982000
 www.jticommercialservices.com

Date	Invoice #
3/11/2024	8411
JTI Job No.	230668

Bill To
City of Stanwood Alan Lytton 10220 270 Street NW Stanwood, WA 98292

P.O. No.	Terms	Due Date
	Net 30	4/10/2024

Date	Description	Quantity	U/M	Rate	Amount
3/6/2024	Heritage Park- Dog Park Invoice 1 of 2 Base Bid 1. 5' Black Chain Link (LF) 1050 @\$46.86=\$49,203.00 2. Personal Gates (EA) 6@\$612.00= \$3,672.00 3. Vehicles Gates (EA) 2@\$2,142.00 = \$4,284.00 4. Pea Gravel (TN) 40@ \$195.39= \$7,815.60 5. Dog Waste Station (EA) 1@\$871.00 =\$ 871.00 9. Trash Receptacle (EA) 1 @ \$1,314.00 = \$1,314.00 7. Picnic Table (EA) 1@\$1,443.00 = \$1,443.00 8. Bench Inc Concrete(EA) 2@\$2625.36= \$5,250.72 9. Privacy Slats(LS) 1@\$2886.67 = \$2,886.67 Bid Alternates 1. Covered Structure(EA) 1@\$12,586.19 = \$12,586.19 2. Tree Planting (EA) 4@\$517.86 = \$ 2,071.44				91,397.62T
3/6/2024	5% Retainage withheld.				-4,569.88

Credit Cards are accepted at 3% fee, No fees for Debit Card, Cash, Checks

Past due balances will be charged at a rate of 1.5% per month.

Subtotal	\$86,827.74
Sales Tax (9.3%)	\$8,499.98
Total	\$95,327.72
Payments	\$0.00
Balance Due	\$95,327.72



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 11b

DATE: April 11, 2024

SUBJECT: Authorize the Mayor to Sign a Contract Konnerup Construction for the 284th and 72nd Overlay Projects

CONTACT PERSON: Kevin Hushagen, Public Works Director

ATTACHMENTS: A – Certified Bid Tabs

PURPOSE

The purpose of this agenda item is to authorize the Mayor to sign a contract with Konnerup Construction for the 284th and 72nd Overlay Projects.

BACKGROUND

Staff applied for, and was successful in obtaining, a Transportation Improvement Board (TIB) grant to grind and overlay 72nd Avenue from 265th Street to Pioneer Highway and grind and overlay 284th from 68th Street to Copper Station along with replacing 24 ADA ramps to align with current standards. The City received nine (9) bids total, with the low bid of \$624,043.50 from Konnerup Construction. The City will receive \$547,262 from TIB for the project. The remainder will be local funds. We currently have \$410,000 budgeted for Overlay & ADA Improvements. In addition to the contract price, Public Works is requesting approval for a 10% contingency to cover unforeseen conditions, and quantity overages.

FISCAL ANALYSIS

Fiscal Impact			
\$101,577 (after consideration of the TIB grant in the amount of \$547,262)			
Fund(s):	Street Construction 595 30 63 56		
Amount:	\$686,447	Project Estimate:	\$410,000
Budget Authorized	☐ Yes ☐ No Partially	Amendment Required	☐ Yes ☐ No ☒ Monitor

Staff budgeted \$410,000 based on an expectation the city would receive TIB grant funding for one of two projects submitted, however, both projects received grant funding. Staff will monitor the Street Construction Fund budget to determine if amendment becomes necessary.

RECOMMENDATIONS

Staff Recommendation:

Staff recommends awarding to the low bidder, Konnerup Construction, 284th & 72nd Overlay project in the amount of \$624,043.50 and \$62,404 contingency.

Committee/Board Recommendation:

The Public Works Committee will have reviewed this at their April 1st meeting and may have additional input.

COUNCIL OPTIONS

1. Authorize the Mayor to sign a contract with Konnerup Construction for the 284th & 72nd Overlay project in the amount of \$624,043.50 AND a \$62,404 contingency.
2. Send back to the Public Works Committee for additional discussion.
3. Reject all bids and delay project.

RECOMMENDED MOTION

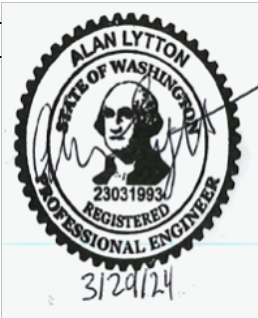
I MOVE TO AUTHORIZE THE MAYOR TO SIGN A CONTRACT WITH KONNERUP CONSTRUCTION FOR THE 284TH & 72ND OVERLAY PROJECT IN THE AMOUNT OF \$624,043.50 AND AUTHORIZE A \$62,404 CONSTRUCTION CONTINGENCY.



BID TABULATION
2024 Overlays 284th & 72nd
Bid Opening: Thursday, March 28, 2024 @ 2PM

ATTACHMENT A

				Engineer's Estimate		KONNERUP		REECE		COLACURCIO BRO.		JB ASPHALT		TRICO	
	ITEM DESCRIPTION	UNITS	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	UNEXPECTED SITE CHANGES	EST	1	\$ 5,000	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
2	SPCC PLAN	LS	1	\$ 1,000	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,300.00	\$ 1,300.00	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 630.00	\$ 630.00
3	MOBILIZATION	LS	1	\$ 74,000	\$ 74,000.00	\$ 50,000.00	\$ 50,000.00	\$ 55,090.00	\$ 55,090.00	\$ 70,000.00	\$ 70,000.00	\$ 85,000.00	\$ 85,000.00	\$ 72,275.00	\$ 72,275.00
4	PROJECT TEMPORARY TRAFFIC CONTROL	LS	1	\$ 59,200	\$ 59,200.00	\$ 50,000.00	\$ 50,000.00	\$ 44,000.00	\$ 44,000.00	\$ 59,500.00	\$ 59,500.00	\$ 78,000.00	\$ 78,000.00	\$ 76,970.00	\$ 76,970.00
5	SAW CUTTING	LF	620	\$ 7	\$ 4,340.00	\$ 3.50	\$ 2,170.00	\$ 7.50	\$ 4,650.00	\$ 4.00	\$ 2,480.00	\$ 5.00	\$ 3,100.00	\$ 7.00	\$ 4,340.00
6	REMOVING CEMENT CONC. SIDEWALK	SY	475	\$ 45	\$ 21,375.00	\$ 40.00	\$ 19,000.00	\$ 45.00	\$ 21,375.00	\$ 10.00	\$ 4,750.00	\$ 26.00	\$ 12,350.00	\$ 30.00	\$ 14,250.00
7	REMOVING CEMENT CONC. CURB AND GUTTER	LF	620	\$ 35	\$ 21,700.00	\$ 20.00	\$ 12,400.00	\$ 22.00	\$ 13,640.00	\$ 8.50	\$ 5,270.00	\$ 20.00	\$ 12,400.00	\$ 11.00	\$ 6,820.00
8	ROADWAY EXCAVATION INCL. HAUL	CY	40	\$ 75	\$ 3,000.00	\$ 60.00	\$ 2,400.00	\$ 34.50	\$ 1,380.00	\$ 60.00	\$ 2,400.00	\$ 120.00	\$ 4,800.00	\$ 206.00	\$ 8,240.00
9	CRUSHED SURFACING TOP COURSE	TON	130	\$ 75	\$ 9,750.00	\$ 60.00	\$ 7,800.00	\$ 5.00	\$ 650.00	\$ 64.00	\$ 8,320.00	\$ 60.00	\$ 7,800.00	\$ 32.00	\$ 4,160.00
10	PLANING BITUMINOUS PAVEMENT INC HAUL	SY	15,000	\$ 6	\$ 90,000.00	\$ 2.50	\$ 37,500.00	\$ 3.50	\$ 52,500.00	\$ 3.75	\$ 56,250.00	\$ 4.50	\$ 67,500.00	\$ 4.00	\$ 60,000.00
11	HMA CL. 1/2" PG 58-22	TON	1,640	\$ 135	\$ 221,400.00	\$ 150.00	\$ 246,000.00	\$ 132.00	\$ 216,480.00	\$ 146.00	\$ 239,440.00	\$ 129.00	\$ 211,560.00	\$ 150.00	\$ 246,000.00
12	ADJUST MANHOLE	EA	12	\$ 1,000	\$ 12,000.00	\$ 500.00	\$ 6,000.00	\$ 953.00	\$ 11,436.00	\$ 1,000.00	\$ 12,000.00	\$ 1,300.00	\$ 15,600.00	\$ 1,083.00	\$ 12,996.00
13	ADJUST UTILITY STRUCTURE	EA	6	\$ 1,000	\$ 6,000.00	\$ 500.00	\$ 3,000.00	\$ 953.00	\$ 5,718.00	\$ 1,000.00	\$ 6,000.00	\$ 1,300.00	\$ 7,800.00	\$ 1,406.00	\$ 8,436.00
14	ADJUST WATER VALVE BOX	EA	36	\$ 900	\$ 32,400.00	\$ 350.00	\$ 12,600.00	\$ 953.00	\$ 34,308.00	\$ 850.00	\$ 30,600.00	\$ 950.00	\$ 34,200.00	\$ 496.00	\$ 17,856.00
15	INLET PROTECTION	EA	29	\$ 150	\$ 4,350.00	\$ 100.00	\$ 2,900.00	\$ 129.00	\$ 3,741.00	\$ 50.00	\$ 1,450.00	\$ 100.00	\$ 2,900.00	\$ 103.00	\$ 2,987.00
16	EROSION/WATER POLLUTION CONTROL	EST	1	\$ 1,000	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
17	PROPERTY RESTORATION	EST	1	\$ 5,000	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
18	TOPSOIL, TYPE A	CY	20	\$ 65	\$ 1,300.00	\$ 100.00	\$ 2,000.00	\$ 88.00	\$ 1,760.00	\$ 90.00	\$ 1,800.00	\$ 75.00	\$ 1,500.00	\$ 81.00	\$ 1,620.00
19	CEMENT CONC. TRAFFIC CURB AND GUTTER	LF	700	\$ 75	\$ 52,500.00	\$ 46.00	\$ 32,200.00	\$ 41.00	\$ 28,700.00	\$ 50.00	\$ 35,000.00	\$ 55.00	\$ 38,500.00	\$ 59.00	\$ 41,300.00
20	CEMENT CONC. PEDESTRIAN CURB	LF	170	\$ 65	\$ 11,050.00	\$ 52.00	\$ 8,840.00	\$ 44.00	\$ 7,480.00	\$ 65.00	\$ 11,050.00	\$ 60.00	\$ 10,200.00	\$ 92.00	\$ 15,640.00
21	CEMENT CONC. SIDEWALK	SY	540	\$ 135	\$ 72,900.00	\$ 78.00	\$ 42,120.00	\$ 83.00	\$ 44,820.00	\$ 85.00	\$ 45,900.00	\$ 80.00	\$ 43,200.00	\$ 103.00	\$ 55,620.00
22	CEMENT CONC. CURB RAMP TYPE PERPENDICULAR	EA	16	\$ 4,500	\$ 72,000.00	\$ 2,128.00	\$ 34,048.00	\$ 1,890.00	\$ 30,240.00	\$ 2,500.00	\$ 40,000.00	\$ 2,600.00	\$ 41,600.00	\$ 2,826.00	\$ 45,216.00
23	CEMENT CONC. CURB RAMP TYPE PARALLEL	EA	6	\$ 4,500	\$ 27,000.00	\$ 2,300.00	\$ 13,800.00	\$ 1,890.00	\$ 11,340.00	\$ 2,700.00	\$ 16,200.00	\$ 2,750.00	\$ 16,500.00	\$ 2,660.00	\$ 15,960.00
24	CEMENT CONC. CURB RAMP TYPE COMBINATION	EA	2	\$ 4,500.00	\$ 9,000.00	\$ 2,875.00	\$ 5,750.00	\$ 1,890.00	\$ 3,780.00	\$ 3,200.00	\$ 6,400.00	\$ 3,350.00	\$ 6,700.00	\$ 3,325.00	\$ 6,650.00
25	PAINT LINE	LF	6,557	\$ 2.00	\$ 13,114.00	\$ 1.50	\$ 9,835.50	\$ 2.00	\$ 13,114.00	\$ 1.00	\$ 6,557.00	\$ 1.20	\$ 7,868.40	\$ 1.50	\$ 9,835.50
26	PLASTIC STOP LINE	LF	150	\$ 20.00	\$ 3,000.00	\$ 11.00	\$ 1,650.00	\$ 11.00	\$ 1,650.00	\$ 10.00	\$ 1,500.00	\$ 11.00	\$ 1,650.00	\$ 10.00	\$ 1,500.00
27	PLASTIC TRAFFIC ARROW	EA	4	\$ 300.00	\$ 1,200.00	\$ 220.00	\$ 880.00	\$ 229.00	\$ 916.00	\$ 210.00	\$ 840.00	\$ 230.00	\$ 920.00	\$ 220.00	\$ 880.00
28	PLASTIC CROSSWALK LINE	SF	1,220	\$ 20.00	\$ 24,400.00	\$ 7.50	\$ 9,150.00	\$ 7.50	\$ 9,150.00	\$ 7.00	\$ 8,540.00	\$ 7.50	\$ 9,150.00	\$ 9.00	\$ 10,980.00
				Base Bid Subtotal	\$ 858,979.00		\$ 624,043.50		\$ 630,218.00		\$ 684,247.00		\$ 732,298.40		\$ 752,161.50
				Sales Tax 9.3%	N/A		N/A		N/A		N/A		N/A		N/A
				Total Base Bid with Tax	\$ 858,979.00		\$ 624,043.50		\$ 630,218.00		\$ 684,247.00		\$ 732,298.40		\$ 752,161.50





BID TABULATION
2024 Overlays 284th & 72nd
Bid Opening: Thursday, March 28, 2024 (

	ITEM DESCRIPTION	GRANITE		CENTRAL PAVING		SRV		LAKESIDE	
		UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	UNEXPECTED SITE CHANGES	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
2	SPCC PLAN	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 250.00	\$ 250.00	\$ 700.00	\$ 700.00
3	MOBILIZATION	\$ 75,000.00	\$ 75,000.00	\$ 92,000.00	\$ 92,000.00	\$ 76,500.00	\$ 76,500.00	\$ 70,000.00	\$ 70,000.00
4	PROJECT TEMPORARY TRAFFIC CONTROL	\$ 121,000.00	\$ 121,000.00	\$ 77,500.00	\$ 77,500.00	\$ 99,000.00	\$ 99,000.00	\$ 160,500.00	\$ 160,500.00
5	SAW CUTTING	\$ 7.00	\$ 4,340.00	\$ 2.00	\$ 1,240.00	\$ 3.55	\$ 2,201.00	\$ 3.60	\$ 2,232.00
6	REMOVING CEMENT CONC. SIDEWALK	\$ 170.00	\$ 80,750.00	\$ 22.00	\$ 10,450.00	\$ 23.00	\$ 10,925.00	\$ 30.00	\$ 14,250.00
7	REMOVING CEMENT CONC. CURB AND GUTTER	\$ 25.00	\$ 15,500.00	\$ 14.80	\$ 9,176.00	\$ 16.00	\$ 9,920.00	\$ 20.00	\$ 12,400.00
8	ROADWAY EXCAVATION INCL. HAUL	\$ 160.00	\$ 6,400.00	\$ 132.00	\$ 5,280.00	\$ 60.00	\$ 2,400.00	\$ 72.00	\$ 2,880.00
9	CRUSHED SURFACING TOP COURSE	\$ 28.00	\$ 3,640.00	\$ 196.00	\$ 25,480.00	\$ 46.00	\$ 5,980.00	\$ 42.00	\$ 5,460.00
10	PLANING BITUMINOUS PAVEMENT INC HAUL	\$ 3.00	\$ 45,000.00	\$ 4.80	\$ 72,000.00	\$ 3.10	\$ 46,500.00	\$ 4.35	\$ 65,250.00
11	HMA CL. 1/2" PG 58-22	\$ 143.00	\$ 234,520.00	\$ 129.50	\$ 212,380.00	\$ 160.00	\$ 262,400.00	\$ 140.00	\$ 229,600.00
12	ADJUST MANHOLE	\$ 250.00	\$ 3,000.00	\$ 1,185.00	\$ 14,220.00	\$ 1,525.00	\$ 18,300.00	\$ 975.00	\$ 11,700.00
13	ADJUST UTILITY STRUCTURE	\$ 250.00	\$ 1,500.00	\$ 1,185.00	\$ 7,110.00	\$ 1,525.00	\$ 9,150.00	\$ 975.00	\$ 5,850.00
14	ADJUST WATER VALVE BOX	\$ 150.00	\$ 5,400.00	\$ 910.00	\$ 32,760.00	\$ 950.00	\$ 34,200.00	\$ 560.00	\$ 20,160.00
15	INLET PROTECTION	\$ 150.00	\$ 4,350.00	\$ 100.00	\$ 2,900.00	\$ 92.00	\$ 2,668.00	\$ 80.00	\$ 2,320.00
16	EROSION/WATER POLLUTION CONTROL	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
17	PROPERTY RESTORATION	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
18	TOPSOIL, TYPE A	\$ 285.00	\$ 5,700.00	\$ 300.00	\$ 6,000.00	\$ 155.00	\$ 3,100.00	\$ 240.00	\$ 4,800.00
19	CEMENT CONC. TRAFFIC CURB AND GUTTER	\$ 48.00	\$ 33,600.00	\$ 35.00	\$ 24,500.00	\$ 59.00	\$ 41,300.00	\$ 61.00	\$ 42,700.00
20	CEMENT CONC. PEDESTRIAN CURB	\$ 50.00	\$ 8,500.00	\$ 35.00	\$ 5,950.00	\$ 65.00	\$ 11,050.00	\$ 80.00	\$ 13,600.00
21	CEMENT CONC. SIDEWALK	\$ 72.00	\$ 38,880.00	\$ 79.75	\$ 43,065.00	\$ 104.00	\$ 56,160.00	\$ 115.00	\$ 62,100.00
22	CEMENT CONC. CURB RAMP TYPE PERPENDICULAR	\$ 1,200.00	\$ 19,200.00	\$ 4,070.00	\$ 65,120.00	\$ 2,950.00	\$ 47,200.00	\$ 2,900.00	\$ 46,400.00
23	CEMENT CONC. CURB RAMP TYPE PARALLEL	\$ 2,200.00	\$ 13,200.00	\$ 4,070.00	\$ 24,420.00	\$ 3,150.00	\$ 18,900.00	\$ 2,900.00	\$ 17,400.00
24	CEMENT CONC. CURB RAMP TYPE COMBINATION	\$ 2,000.00	\$ 4,000.00	\$ 4,070.00	\$ 8,140.00	\$ 3,725.00	\$ 7,450.00	\$ 2,900.00	\$ 5,800.00
25	PAINT LINE	\$ 1.00	\$ 6,557.00	\$ 0.60	\$ 3,934.20	\$ 1.20	\$ 7,868.40	\$ 1.20	\$ 7,868.40
26	PLASTIC STOP LINE	\$ 10.00	\$ 1,500.00	\$ 12.00	\$ 1,800.00	\$ 11.20	\$ 1,680.00	\$ 12.00	\$ 1,800.00
27	PLASTIC TRAFFIC ARROW	\$ 210.00	\$ 840.00	\$ 600.00	\$ 2,400.00	\$ 236.00	\$ 944.00	\$ 250.00	\$ 1,000.00
28	PLASTIC CROSSWALK LINE	\$ 7.00	\$ 8,540.00	\$ 14.00	\$ 17,080.00	\$ 7.70	\$ 9,394.00	\$ 8.00	\$ 9,760.00
			\$ 752,917.00		\$ 776,405.20		\$ 796,440.40		\$ 827,530.40
			N/A		N/A		N/A		
			\$ 752,917.00		\$ 776,405.20		\$ 796,440.40		\$ 827,530.40



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 11c

DATE: April 11, 2024

SUBJECT: Stanwood Municipal Code Title 7 – Health and Sanitation

CONTACT PERSON: Patricia Love, Community Development Director

ATTACHMENTS: A – Ordinance 1528 Adoption of Title 7 – Health and Sanitation
B – City of Marysville Graffiti Abatement Ordinance

PURPOSE

The purpose of this agenda item is for Council review and acceptance of the first reading of Ordinance 1528, adoption of Title – 7, Health and Sanitation, of the Stanwood Municipal Code.

SUMMARY

Title 7, Health and Sanitation is the next Title to be amended as part of the Municipal Code Update project. The draft amendments delete outdated code citations and modernize the text by applying current best practices. It notes where new sections have been added or where moved.

Title 7 is the general nuisance code for the City. The rewrite of Title 7 retains the existing chapters while updating the language for consistency with the style guide in addition to adding a new chapter for smoking and vaping.

BACKGROUND

The City initiated the Municipal Code Update project in 2022 to modernize the code reflecting best practices with respect to content and administration of the code. The update is intended to be user friendly for staff, property owners and developers by 1) removing legalese and jargon unfamiliar to the lay person, 2) improving clarity and overall functionality, and 3) reflect regulatory best practices. The amendments will also be consistent with current case, state and federal laws.

To help guide the review of the amendments, two types of informational banners are included in the descriptive versions of each amendment. These blue- and yellow-colored bars highlight changes, recommendations and questions; it notes where new sections have been added or where moved.

 Blue banner describes actions taken or issue descriptions.

 Yellow banners highlight important policy issues.

Due to the sheer size of amending an entire municipal code, work has been broken into manageable pieces with similar titles, or titles that interact with each other, being processed together. To date, the Council has approved the following Title groupings:

Stanwood Municipal Code Titles	Action
Interim Zoning Regulations Prohibiting Mini-Storage Facilities	Council Approved October 27, 2022
Interim Sign Regulations Signs in the Right of Way	Council Approved January 26, 2023
Title 1 – General Provisions Title 2 – Personnel Title 4 – Administration (New)	Council Approved April 23, 2023 Three Readings
Title 6 – Parks and Public Spaces (New) Title 9 – Public Peace, Morals, and Safety Title 13 – Civil Enforcement	Council Approved June 8, 2023 Three Readings
Title 7 – Noise Ordinance Only	Council Approved July 13, 2023
Title 3 – Revenue and Finance Title 5 – Business Licenses & Regulations	Council Approved December 14, 2023 Three Readings
Title 7 – Health and Sanitation	Pending Council Action April / May 2024
Title 8 – Animals	Pending Council Action April / May 2024

As amendments are approved, there may be times when chapters or sections within previously approved Chapters or Titles will need to be amended to ensure consistency throughout the Municipal Code.

ANALYSIS

Title 7 establishes the City's authority to regulate garbage collection and nuisances.

Chapter 7.04 – Garbage Collection: This chapter will be renamed to “Solid Waste” to reflect modern terminology and will be updated to be consistent with the City's service agreement with Waste Management, adding anti-scavenging provisions, and setting penalties for violations or fees for additional service. It also notes that

participation in the City's garbage collection service offered by Waste Management is not required, but that owners are responsible for legally disposing of their garbage.

Chapter 7.12 – Littering: This entire chapter was rewritten to reflect current state law regarding littering and unsecured loads.

Chapter 7.16 – Nuisances: Amendments include grouping the list of nuisances under common themes for readability. It also names the Community Development Director as the enforcement responsible official; however, the Police Department and Code Enforcement Officer will act as the compliance officer. The following new nuisances have been added: abandoned properties, graffiti, unmaintained vegetation, street and sidewalk accessibility obstructions, and chronic nuisances.

Chapter 7.18 – Junk and Nuisance Vehicles: New chapter to specifically deal with junk vehicles. Junk vehicles are defined as a vehicle that is 3-years old, extensively damaged and inoperable, and had only scrap value. Nuisance vehicles have the same definition, but are not legally licensed or registered.

New Chapter 7.20 – Smoking and Vaping: The smoking provisions contained in Title 6 will be expanded to cover any indoor or outdoor public places, not just parks and open spaces.

Smoking in public spaces (RCW 70.160.020):

"Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the state of Washington, or other public entity, and regardless of whether a fee is charged for admission, and includes a presumptively reasonable minimum distance, as set forth in RCW 70.160.075, of twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A public place does not include a private residence unless the private residence is used to provide licensed child care, foster care, adult care, or other similar social service care on the premises.

Public places include, but are not limited to: Schools, elevators, public conveyances or transportation facilities, museums, concert halls, theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, state legislative chambers and immediately adjacent hallways, public restrooms, libraries, restaurants, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, casinos, reception areas, and no less than seventy-five percent of the sleeping quarters within a hotel or motel that are rented to guests. A public place

does not include a private residence. This chapter is not intended to restrict smoking in private facilities which are occasionally open to the public except upon the occasions when the facility is open to the public.

"Place of employment" means any area under the control of a public or private employer which employees are required to pass through during the course of employment, including, but not limited to: Entrances and exits to the places of employment, and including a presumptively reasonable minimum distance, as set forth in RCW 70.160.075, of twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a place of employment.

Vaping in public spaces (RCW 70.345.150):

Use of products in public places—When prohibited.

(1) Indoor areas.

(a) The use of vapor products is prohibited in the following indoor areas:

- (i) Inside a child care facility, provided that a child care facility that is home-based is excluded from this paragraph when children enrolled in such child care facility are not present;
- (ii) Schools;
- (iii) Within five hundred feet of schools;
- (iv) Schools buses; and
- (v) Elevators.

(b) The use of vapor products is permitted for tasting and sampling in indoor areas of retail outlets.

(2) Outdoor areas. The use of vapor products is prohibited in the following outdoor areas:

- (a) Real property that is under the control of a child care facility and upon which the child care facility is located, provided that a child care facility that is home-based is excluded from this paragraph when children enrolled in such child care facility are not present;
- (b) Real property that is under the control of a school and upon which the school is located; and
- (c) Playgrounds, during the hours between sunrise and sunset, when one or more persons under twelve years of age are present at such playground.

New Chapter 7.30 – Noise Control: Readopts the Council’s approved the noise regulations which were adopted in July of 2023. This version includes a new section providing for noise variance applications.

Council Policy Decision Issues:

The following policy issues need to be discussed before the final reading:

Mandatory Garbage Service Collection (SMC 7.04.030):

Confirm that residents are not required to participate in the garbage collection service offered by the City. If people choose not to participate in the collection service, they must dispose of their garage at legal collection sites.

Placement of Garbage Cans (SMC 7.04.060):

Garbage cans can be placed on sidewalks and within the roadway area but must ensure accessible access around the cans and must be removed within 24 hours of garbage collection.

Graffiti as a Public Nuisance (SMC 7.16.040(12):

Consider adopting a graffiti removal program similar to the City of Marysville - MMC 6.25 - or follow the City's standard enforcement process. See Exhibit B.

Construction Noise Hours (SMC 7.30.040):

Currently construction noise is prohibited from 10 pm to 7 am Monday – Friday (M-F) and 6 pm to 8 am on Saturdays, Sundays and state recognized holidays (SSH) in the City of Stanwood. A request has been submitted for Council to consider changing the construction noise hour restrictions from 10 pm to 8 pm on weekdays. Below is a summary of how other jurisdictions regulate construction noise hours.

Jurisdiction	Prohibited Construction Hours
Stanwood	10 pm – 7 am M-F 6 pm – 8 am SSH
Everett	10 pm – 7 am M-F 10 pm – 9 am SSH
Arlington	10 pm – 7 am
Marysville	9 pm – 7 am
Mukilteo	9 pm – 7 am M-F 7 pm – 9 am SSH
Lynnwood	6 pm – 7 am M-F Weekends Subject to Approval
Edmonds	6 pm – 7 am M-F 6 pm – 10 am Saturdays
Mill Creek	“Limited to Day Time Hours”
Bothell	10 pm – 7 am
Lake Stevens	9 pm – 7 am
Snohomish	9 pm – 7 am M-F

	9 pm – 9 am SSH
Monroe	8 pm – 7 am M-F 8 pm – 9 am SSH

There are generally three types of general contractors: large corporate home builders, small builders and homeowners managing small additions or remodels. Each have their own style of doing business. Typically, the large to mid-size homebuilders end their workday around 5 or 6 pm, whereas homeowners will work on additions / alterations later into the evening and on weekends. Of the above listed cities, 9 pm is the average time when construction work is prohibited.

The most noise complaints received by the city are for contractors starting work before 7 am.

Fiscal Impact
No direct financial impact. Code work was already budgeted and approved through the Municipal Code Update Project contract and scope of work.

RECOMMENDATIONS

Staff Recommendation:

Staff recommends that the Council accept the first reading of the proposed amendments and proceed to the second reading.

Committee/Board Recommendation:

The Advisory Group, Planning Commission and City Council Community Development Committee have all reviewed the proposed amendments; their comments have been incorporated into the drafts. All groups have recommended to adopt the amendments.

Planning Commission Comments:

Require hauling large loads to be secured and cross reference this section to hauling restrictions.

Community Development Committee:

Address sidewalk obstructions, including garbage cans on collection day. The Committee is supportive of allowing small, compatible livestock animals within the City.

Advisory Group Comments:

- Address how the city can access property to inspect complaints or do investigations.
- Questioned if the section “Buildings, Structures and Improvements” is

appropriately located under the nuisance code. Also concerned that the code is too restrictive by stating buildings that do not comply with the building code are considered a nuisance.

- Support smoking restrictions and hope they can be applied to outdoor seating and special events.
- Consider if “blasting” be prohibited under the noise section.

CITY COUNCIL OPTIONS

1. Accept the first reading of Ordinance 1528 adopting Title 7, Health and Sanitation, and to proceed with the second reading.
2. Request changes to Ordinance 1528 and direct staff to address specific Council issues or concerns prior to Council reconsideration the ordinance.

PROPOSED MOTION

I MOVE TO ACCEPT THE FIRST READING OF ORDINANCE 1528 AS SET FORTH IN ATTACHMENT “A” AND TO PROCEED WITH THE SECOND READING.

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE NO. 1528

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING
STANWOOD MUNICIPAL CODE (SMC) TITLE 7 - HEALTH, SANITATION AND
NUISANCES, AND TITLE 6 - PARKS AND PUBLIC SPACES AND ESTABLISHING
SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the City of Stanwood has begun a process to comprehensively update its municipal code to conform to current law and practice; and

WHEREAS, the purpose of this code amendment is to eliminate conflicts, improve clarity and overall function of the municipal code, and reflect current city and best practices; and

WHEREAS, Title 7 adopts the City's health, sanitation and nuisance regulations; and

WHEREAS, the amendments were reviewed for consistency with the City's Waste Management contract and best management practices around regulation of garbage collection, littering, nuisances, noise, smoking and vaping; and

WHEREAS, a minor amendment is proposed in Title 6 - Parks and Public Places, adding smoking and vaping in public places as a nuisance; and

WHEREAS, the City of Stanwood SEPA Responsible Official has reviewed the proposed amendments to the Stanwood Municipal Code, determined that the amendments are categorically exempt from SEPA, and memorialized those conclusions under file number 23-0182; and

WHEREAS, the Stanwood Advisory Group reviewed the draft ordinance at their October 18, 2023, meeting, and has recommended that the City Council adopt the ordinance; and

WHEREAS, the Stanwood Planning Commission reviewed the draft ordinance at their November 13, 2023, meeting and has recommended that the City Council adopt the ordinance; and

WHEREAS, the Council Community Development Committee revised the draft ordinance at their December 7, 2023, meeting and has recommended that the City Council adopt the ordinance;

WHEREAS, the City Council held a public meeting and first reading of the draft code amendment on April 11, 2024, a second reading on April 25, 2024, and accepted public comment; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD,
WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. Stanwood Municipal Code Title 7, Health, Sanitation and Nuisances, is repealed in its entirety and replaced with the new Title 7 provided in Exhibit "A" attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 2. Stanwood Municipal Code Title 6, Parks and Public Places, is amended as shown in Exhibit "B" attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 3. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 4. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbers, section/subsection numbers and any references thereto.

Section 5. Effective Date. This Ordinance shall take effect five days after its passage and publication as required by law.

PASSED and APPROVED this ____ day of _____, 2024.

CITY OF STANWOOD:

Sid Roberts, Mayor

Attest:

Lisa Sokolik, City Clerk

Approved as to Form:

Nikki Thompson, City Attorney

Date of Publication: _____

Effective Date: _____

EXHIBIT A

Title 7 Health, Sanitation, and Nuisances	4
Chapter 7.01 General Provisions	4
7.01.020 Severability	4
Chapter 7.04 Solid Waste.....	4
7.04.010 Applicability	4
7.04.020 Definitions	5
7.04.030 Optional Service	6
7.04.040 Hauling Restrictions.....	6
7.04.050 Deposit of Solid Waste	6
7.04.060 Solid Waste Containers	7
Chapter 7.12 Littering.....	7
7.12.020 Definitions	7
7.12.040 Littering Prohibited	7
7.12.060 Unsecured Loads Prohibited	8
Chapter 7.16 Nuisances	8
7.16.020 Administration.....	8
7.16.030 Public Nuisance Defined.....	8
7.16.040 Public Nuisances Enumerated	8
7.16.050 Agriculture Excluded	12
7.16.060 Enforcement.....	12
Chapter 7.18 Junk Vehicles	12
7.18.010 Purpose.....	12
7.18.020 Definitions	12
7.18.030 Administration.....	13
7.18.040 Junk and nuisance vehicles prohibited.....	13
7.18.050 Process for removal of a junk vehicle.....	13
7.18.060 Exemptions	14
Chapter 7.20 Smoking and Vaping.....	14
7.20.010 Purpose.....	14
7.20.020 Definitions	14
7.20.030 Smoking Prohibited in Public Places.....	14
7.20.040 Vaping Prohibited in Certain Places	15
Chapter 7.30 Noise Control.....	15
7.30.010 Purpose.....	15
7.30.020 Definitions	15

7.30.030 Public nuisance and disturbance noise violations..... 16

7.30.040 Noises exempt at all times. 17

7.30.050 Noises exempt during daytime hours. 17

7.30.055 Noises exempt at other times. 18

7.30.060 Noise variances..... 18

7.30.070 Enforcement – Penalties. 19

7.30.075 Enforcement – Complaints..... 19

7.30.080 Provisions not exclusive. 19

7.30.100 No third-party rights..... 19

6.40.040 General Rules 21

Title 7 Health, Sanitation, and Nuisances

- i** This title is a complete rewrite of existing SMC Title 7. We have preserved existing chapter numbers where possible.
- i** Note that RCW 35A.11.020 limits a city to imposing the identical punishment for a criminal violation as state law provides, but that limitation does not apply to civil violations. While this proposed chapter incorporates by reference the level of civil infraction identified in state law, the City could choose to vary from it.

Chapter 7.01 General Provisions

7.01.020 Severability

The various chapters, sections, and clauses of the ordinances codified in this title are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the title must not be affected.

Chapter 7.04 Solid Waste

- i** This chapter is a rewrite of existing chapter 7.04 regarding garbage collection.
- i** This chapter is renamed to encompass all forms of solid waste.
- i** This chapter has been written to be consistent with the city's 2022 solid waste contract with WM.

7.04.010 Applicability.

This chapter applies to solid waste and collection services for solid waste within the City of Stanwood.

7.04.020 Definitions

i Definitions are based on the city's 2022 solid waste contract with WM.

"Collection services" means the process by which solid waste is removed from single-family and commercial premises; transported to a transfer, disposal, or processing facility; and subsequently disposed of or processed.

"Commercial premises" means non-single-family premises and includes multi-family premises and premises on which business, governmental, religious, or educational activity is conducted; however, a business conducted upon a single-family premises which is permitted under applicable zoning regulations, and is not the primary use of the premises, is excluded.

"Construction and demolition debris" means commonly used or discarded materials removed from construction, remodeling, repair, demolition, or renovation operations on any pavement, dwelling unit, single-family premises, commercial premises or other structure, or from landscaping. such materials include, but are not limited to, dirt, sand, rock, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastic pipe, roofing material, carpeting, concrete, wood, masonry, trees, remnants of new construction materials (including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, and/or packaging); but does not include any unacceptable waste.

"Food waste" means waste composed of animal, fruit or vegetable matter, resulting from food preparation or consumption.

"Garbage" means all putrescible and non-putrescible solid, semi-solid, and liquid wastes including, but not limited to rubbish, cold bagged ashes, industrial wastes, swill, dead small animals completely wrapped in plastic and weighing less than fifteen pounds (15 lbs.), and discarded recyclable materials. Needles or "sharps" are included in the definition of garbage to the extent such items may be disposed of in accordance with applicable law. Garbage includes construction and demolition debris; but does not include any recyclables, organic waste, hazardous waste, or unacceptable waste.

"Multi-family premises" means any premises with five or more attached or unattached dwelling units, where all such dwelling units receive centralized collection services and are billed collectively.

"Organic waste" means food waste and yard debris and includes shredded paper. Organic waste excludes any unacceptable waste.

"Recyclables" means the types of materials identified in the City's agreement with its provider of solid waste collection services.

"Single-family premises" means premises in the service area having less than five dwelling units, where each dwelling unit is occupied individually by a renter or owner, that receive individual collection services and are billed individually.

"Solid waste" means all putrescible and non-putrescible solid, semi-solid, and liquid wastes that are generated or coming to exist in the Service Area, including Garbage, Recyclables and Organic Waste, but excluding any Unacceptable Waste.

"Solid waste container" means a container provided to the customer by the City or the City's provider of solid waste collection services for the type of waste intended to be deposited into it.

"Unacceptable waste" means any waste tires, radioactive, volatile, corrosive, flammable, explosive, biomedical, infectious, bio-hazardous, regulated medical or hazardous waste, toxic substance or material, as defined by, characterized, or listed under applicable federal, state, or local laws or regulations, any materials containing information protected by federal, state or local privacy and security laws or regulations, or any material the acceptance or handling of which would cause a violation of any applicable law, damage or threatened damage to collection service equipment or facilities, or present a substantial endangerment to the health or safety of the

public or the collection service's employees. Title to and liability for unacceptable waste will always remain with the generator of such unacceptable waste.

"Yard Debris" means leaves, grass, and clippings of woody, as well as fleshy plants, and unflocked holiday trees. Materials larger than 4" in diameter or 4' in length are excluded.

 Confirm that residents are not required to participated in a garbage collection service.

7.04.030 Optional Service

- (1) Garbage and recyclables collection service is optional for single-family premises.
- (2) Garbage collection service is mandatory for multi-family and commercial premises.

7.04.040 Hauling Restrictions

 This section is based on Bellingham MC 9.12.020 and implements section 2.1 in the city's 2022 contract with WM.

- (1) It is unlawful for any person, other than a contractor having a contract for solid waste collection and disposal with the city, to collect, haul or dispose of garbage or refuse within the city. This subsection does not apply to the collection of garbage and refuse from commercial locations within the city by a person who does not have a contract with the city so long as such person holds a valid, permanent certificate of public convenience and necessity under which the Washington Utilities and Transportation Commission has authorized the collection of garbage and refuse from such locations.
- (2) It is unlawful for any person, other than a contractor having a contract for garbage collection and disposal with the city, to collect, remove, haul, or dispose of any recyclables from any public or privately owned premises within the city without first obtaining the consent of the occupant or owner of the premises.
- (3) A violation of this section is a class 1 civil infraction and may also be enforced per SMC Title 13.

7.04.050 Deposit of Solid Waste

 This section is based on Bellingham MC 9.12.030.

- (1) An owner, occupant, or tenant of a single-family or multi-family premises must deposit or cause to be deposited all solid waste that may accumulate on any premises owned or occupied by such owner, occupant, or tenant, into a solid waste container except:
 - (a) Organic waste may be composted on private premises or at a public place designated for composting, providing the compost site is maintained so as not to create odors, expose raw garbage, allow garbage to become scattered, or increase the risk from pests. Non-putrescible garbage and refuse, animal wastes, and materials containing animal or vegetable fats may not be composted.
 - (b) Organic waste may be provided to the city's service provider for solid waste service consistent with that provider's policies.
 - (c) Solid waste, including construction and demolition debris, may be contained and then hauled or transported from one's own premises to an authorized disposal area or transfer station.

 Added additional provision limiting the accumulation of solid waste.

- (2) Outside of a solid waste container that is regularly provided for collection, it is unlawful to maintain:

- (a) more than 3 cubic yards of non-putrescible solid waste;
 - (b) more than a cubic yard of putrescible solid waste, except for composted organic waste as identified above.
- (3) A violation of this section is a class 3 civil infraction.

7.04.060 Solid Waste Containers

- (1) A solid waste container may only be used for the type of waste intended to be deposited into it.
- (2) A solid waste container must be either empty, or at all times supported or braced in such a manner that dogs or other animals cannot enter or tip or tilt the container.
- (3) A solid waste container must have its cover closed at all times so that flies, insects, dogs, and other scavengers cannot gain access.
- (4) A solid waste container must be placed with two feet clearance between each cart and two feet from any other obstructions (e.g., mailbox, fence, car) so the hauler can access containers with automated truck arms and avoid contact with nearby obstructions;
- (5) A solid waste container must be located off of any public street, alley, or other public place except at or about the time of collection and must be removed from public property within 24 hours of being collected.

 Optional language for placement of waste containers could read: A solid waste container may not be placed on a sidewalk in a manner that blocks pedestrian access on collection days.

- (6) A solid waste container may not be placed on any sidewalk at any time.
- (7) After it is provided to a premises, a solid waste container is the responsibility of the owner or lessor of that premises.
- (8) It is unlawful for any person to willfully damage or destroy any solid waste container.
- (9) A violation of this section is a class 4 civil infraction.

Chapter 7.12 Littering

 This chapter is a rewrite of existing chapter 7.12, renamed from "Litter Control."

7.12.020 Definitions

- (1) "Litter" has the meaning provided in RCW 70A.200.030.
- (2) "Potentially dangerous litter" has the meaning provided in RCW 70A.200.030.

7.12.040 Littering Prohibited

- (1) [RCW 70A.200.060](#) as presently constituted or hereinafter amended is adopted by reference. Per RCW 70A.200.060:
 - (a) It is a class 3 civil infraction for a person to litter in an amount less than or equal to one cubic foot.
 - (b) It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than one cubic yard.
 - (c) It is a gross misdemeanor for a person to litter in an amount of one cubic yard or more.

(d) It is a class 1 civil infraction for a person to illegally discard potentially dangerous litter in any amount.

i The following is from SWMC 8.50.100 and .110.

- (2) It is unlawful to sweep or deposit in any gutter, street, alley, or other public place the accumulation of litter from any building, lot, or from any public or private sidewalk or driveway. A violation of this subsection is a class 3 civil infraction.
- (3) It is unlawful for a driver or passenger in a vehicle to throw or otherwise deposit litter upon any public place or upon any private property. A violation of this subsection is a class 2 civil infraction.

7.12.060 Unsecured Loads Prohibited

i The statutory penalty for unsecured loads varies from a \$93 infraction to a gross misdemeanor, depending on the severity.

[RCW 46.61.655](#), prohibiting unsecured loads, as presently constituted or hereinafter amended is adopted by reference.

Chapter 7.16 Nuisances

7.16.020 Administration

The Director of Planning and Community Development, or the Director's designee, is principally responsible for enforcement of this chapter.

7.16.030 Public Nuisance Defined

i Based on existing SMC 7.16.025(2). See also existing SMC 13.10.050.

Consistent with RCW 9.66.010:

- (1) A public nuisance is a crime against the order and economy of the city.
- (2) The following are public nuisances: every act unlawfully done and every omission to perform a duty, that:
 - (a) annoys, injures, or endangers the safety, health, comfort and repose of any considerable number of persons;
 - (b) offends public decency;
 - (c) unlawfully interferes with, befoils, obstructs, or tends to obstruct or render dangerous for passage a lake, navigable river, bay, stream, canal, or in a public park, square, street, alley, highway or sidewalk; or
 - (d) in any way renders a considerable number of persons insecure in life or use of property.

7.16.040 Public Nuisances Enumerated

i The list in this section is derived from existing SMC 7.16.020.

Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance in the city of Stanwood:

(1) Violations of Other Code Sections.

- (a) Any violation of the International Property Maintenance Code adopted per SMC Title 14.
- (b) Any noise in violation of SMC Chapter 7.30.
- (c) Any animal maintained in violation of SMC Title 8.
- (d) Any litter maintained in violation of SMC Chapter 7.12.
- (e) Any abandoned junk vehicle in violation of SMC Chapter 7.18.
- (f) Any abandoned residential real property as defined in RCW 7.100.010.

i Items below this point are grouped from existing code.

(2) Undesirable vegetation.

- (a) Noxious weeds as defined in Chapter 16-750 WAC, or weeds, including blackberry bushes, that the City determines to be unsightly, harbor vermin, or present a fire hazard;
- (b) Any tree, shrub, or foliage, unless by consent of the city, which is apt to destroy, impair, interfere, or restrict:
 - (i) Streets, sidewalks, sewers, storm drains, utilities, or other improvements,
 - (ii) Visibility on, ADA accessibility of, or free use of, or access to such improvements;
- (c) Any dead, diseased, infested or dying tree that may constitute a danger to street trees, streets, or portions thereof, or public health or safety;
- (d) Any vines or climbing plants growing into or over any street tree, or any public hydrant, pole or electrolier, or the existence of any shrub, vine or plant growing on, around or in front of any hydrant, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto;

i The following is from PAMC 8.30.060 and Burlington Municipal Code 8.08.010.

- (e) Any vegetation, or parts thereof, that:
 - (i) is grass, weeds, or other similar vegetation (but not trees and shrubs, nor flowers or plants within a flower bed or container) exceeding an average height of 12 inches;
 - (ii) hang lower than eight feet above any public walkway or sidewalk;
 - (iii) hang lower than 14 feet above any public street;
 - (iv) are growing in such a manner as to obstruct or impair the free and full use of any public walkway, sidewalk, or street;
 - (v) obscures or conceals any traffic control sign, signals or other device so as to interfere with the full and effective use and visibility of the same to the motoring or pedestrian public;
 - (vi) obscures the visibility of the motoring or pedestrian public as such persons approach a street intersection for a distance of greater than 50 feet in any direction from the intersecting existing rights-of-way lines upon which the property abuts;
 - (vii) has died and which constitutes a fire hazard or a harborage for rats, vermin, or pests;
 - (viii) is dead, decaying, or diseased vegetation of any type, except when in an enclosed container or in a managed composting operation.

- (f) Compost not kept in a manner to prevent it from attracting infestations of rodents or insects, or emitting foul odors.

i Items below this point are new material from PAMC 8.30.060, except 16(g), which is existing code.

(3) Buildings, structures, and improvements.

- (a) Any building or structure, or portion thereof, that is decayed, dilapidated, unsafe, damaged, or in disrepair, to the extent that it poses a threat of collapse, structural failure, or falling.
- (b) Any building or structure, or portion thereof, constructed with inappropriate materials, or improperly fastened together or anchored, to the extent that it poses a threat of collapse, structural failure, or falling.
- (c) Any partially constructed building or structure, or portion thereof that has been left unattended and unfinished for more than 180 continuous days, unless an extension has been granted by the Building Official.
- (d) Any building, structure, or portion thereof, used for habitation that does not have functioning electricity, water, or sanitation services.
- (e) All vacant, unused, or unoccupied buildings and structures, that are allowed to become or to remain open to entrance by unauthorized persons or the general public.
- (f) Any fence or other structure or thing on private property that is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition.

(4) Accumulations of garbage and materials.

- (a) Any accumulation, stack, or pile of building or construction materials not associated with a current, in-progress project or not in a lawful storage structure or container.
- (b) Any accumulation of broken, discarded, inoperable, or neglected items or parts thereof, including, but not limited to, household furniture, furnishings, equipment, appliances, machinery, litter, salvage materials, or junk not in an approved enclosed structure, container, or waste receptacle.
- (c) Any garbage, waste, refuse, litter, debris, recyclables, rubble, or other materials, or combination thereof, not in an approved enclosed structure, container, or waste receptacle.

(5) Noxious and putrid materials. Maintaining, using, placing, depositing, leaving, or permitting to be or remain in or upon, any private or public property any of the following:

- (a) Any unsound, putrid, or unwholesome bone, meat, hides, skin, or the whole or parts of any dead animal or fish or the offal, garbage, or other offensive parts of any animals.
- (b) Any accumulation of animal waste maintained contrary to SMC Chapter 7.04;
- (c) Any materials, garbage, waste, refuse, litter, or debris in which insects may breed or multiply; which provides harborage for rats or other vermin.
- (d) Any open drain, sewer, or septic tank that emits any noxious, foul, offensive, injurious, unpleasant, or disagreeable odor or substance.
- (e) Any noxious, foul, or putrid substance.
- (f) Harmful insects, including but not limited to tent caterpillars.

(6) Hazardous conditions.

- (a) Any refrigerator, freezer, or food-storage locker having a capacity of 1½ cubic feet or more, or any other container manufactured, custom-made or homemade designed for storage that is discarded, abandoned

or left in any place accessible to children and that has not had the door, lid, or latching mechanism removed to prevent the latching or locking of the door or lid.

- (b) Any enclosure which may entrap a human or an animal, including accessible refrigeration appliances, that have not had the doors secured or removed.
- (c) Any excavated or naturally occurring hole, vault, sump, pit, well, or any other similar condition, that is not fenced or otherwise secured to prevent access.

(7) Streets and sidewalks.

i The Title 12 chapter specifically about sidewalks will govern most sidewalk maintenance issues.

- (a) Any object, construction, damage, condition, or act that interferes with, inhibits, obstructs, or renders dangerous the use of a public walkway, sidewalk, street, or highway and other rights-of-way in the City, including:
 - (i) basketball hoops or similar sports equipment;
 - (ii) signs or seating that block ADA access;
 - (iii) vehicles.
- (b) Accumulations of dirt or debris that inhibits or obstructs the use of a public walkway or sidewalk.
- (c) All obstructions to streets, rights-of-way, or other public ways that are made without lawful permission, or that, having been made with lawful permission, are kept and maintained after the purpose thereof has been accomplished.

(8) Fire hazards. Any stack or accumulation of flammable material left in a manner that poses a substantial risk of combustion or the spread of fire, as determined by the Fire Marshal.

(9) Dangerous waste. Any dangerous wastes, hazardous substances, hazardous household substances, hazardous waste, moderate-risk wastes, or any hazardous materials, as defined in RCW 70.136.020 and 70A.300.010, that are not securely contained within an appropriate storage container.

(10) Smoke, soot, dust, or odors.

- (a) Allowing the escape or emission of any smoke, soot, fumes, gases, or odors that are offensive or harmful to a reasonable person.
- (b) Burning or disposal of refuse, sawdust, or other materials in such a manner as to cause or permit ashes, sawdust, soot, or cinders to be cast upon the streets or alleys of the City, or to cause or permit the smoke, ashes, soot, or gases arising from such burning to become annoying or to injure or endanger the health, breathing, or comfort of persons, except from a legally established and permitted land use operating within the requirements of its permit.
- (c) Any disturbance of any land area, or permitting the same, without taking affirmative measures to suppress and minimize the blowing and scattering of dust that unreasonably interferes with the breathing or comfort of a reasonable person.

(11) Bodies of water.

- (a) All stagnant, pooled water, excluding natural features and any City-approved structures related to storm drainage systems.
- (b) The polluting of or unapproved discharge into any waterway, well, or body of water.
- (c) Interference with, damage to, or polluting of designated habitat areas, restoration sites, streams, creeks, lakes, wetlands, or tributaries and similar areas thereto.



Consider adopting a graffiti removal program similar to the City of Marysville - MMC 6.25 - or follow the City's standard enforcement process.

(12) Graffiti. Any unauthorized graffiti visible to a public street or alley.

7.16.050 Agriculture Excluded

Agricultural activities, operation, facility, or appurtenances, regardless of past or future changes in the surrounding area's land use or zoning designation, when conducted or maintained for commercial purposes, and in a manner consistent with current best management practices and state and federal law, are not public nuisances under this chapter.

7.16.060 Enforcement



Declaring nuisances to be criminal offenses means criminal search warrants are available to facilitate enforcement. Note we've already done this in existing SMC 13.10.050.

- (1) Per RCW 9.66.030, maintaining a public nuisance is a misdemeanor.
- (2) This chapter may also be enforced per SMC Title 13.
- (3) Enforcement of junk vehicles must comply with the requirements of RCW 46.55.240.

Chapter 7.18 Junk and Nuisance Vehicles



This is a new chapter to specifically deal with junk vehicles. Note that the city's authority to regulate in this area is limited by RCW 46.55.240.

7.18.010 Purpose

The purpose of this chapter is to mitigate the harm to neighborhoods, the environment, and the order and economy of the City of Stanwood associated with junk vehicles.

7.18.020 Definitions



"Junk vehicle" must be at least 3 years old, extensively damaged and inoperable, and only valuable as scrap.

"Junk vehicle" has the meaning provided in RCW 46.55.010.

"Nuisance vehicle" means any vehicle that meets one of the criteria of RCW 46.55.010 and is not validly licensed or registered under the laws of the state of Washington.

"Tow truck" has the meaning provided in RCW 46.55.010.

"Vehicle" has the meaning provided in RCW Chapter 46.04 and includes trailers and vehicle hulks.

"Vehicle hulk" means the remnant or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of vital parts or mechanisms and the application of a substantial amount of labor to effect repairs.

7.18.030 Administration

- (1) The Director of Planning and Community Development, or the Director's designee, is principally responsible for enforcement of this chapter.
- (2) This chapter may also be enforced by any city law enforcement or code enforcement officer.

7.18.040 Junk and nuisance vehicles prohibited

- (1) It is unlawful to maintain a junk or nuisance vehicle upon privately owned property unless it is at all times stored or parking within a fully enclosed building or located behind a sight obscuring fence or hedge. A violation of this paragraph is a misdemeanor.
- (2) It is unlawful for any person to keep, store, or park any abandoned vehicle, junk vehicle or nuisance vehicle upon any public street within the city for more than twenty-four hours.
- (3) RCW 46.55.230(6), making it a gross misdemeanor to abandon a junk vehicle, as presently constituted or hereinafter amended is adopted by reference.

7.18.050 Process for removal of a junk vehicle

i Note this section is crafted to limit the City's ability to dispose of private property without allowing for the opportunity for redemption that is provided in Article V of Title 10 governing impoundment.

i The other provisions for authorizing disposal are specifically authorized by RCW 46.55.230.

- (1) The City may inspect a junk vehicle maintained inconsistent with this chapter. The person making the inspection must:
 - (a) Record the make and vehicle identification number or license number of the vehicle; and
 - (b) Verify the value of the vehicle is equivalent only to the approximate value of the parts.
- (2) Procedure for authorizing disposal.
 - (a) The City may authorize and direct that a junk vehicle be towed by a tow truck operator or by the City itself. The vehicle may be disposed of consistent with Article V of Title 10.
 - (b) A tow truck operator may authorize the disposal of an abandoned junk vehicle if:
 - (i) the vehicle has been abandoned two or more times;
 - (ii) the registered ownership information has not changed since the first abandonment;
 - (iii) and the registered owner is also the legal owner.
 - (c) A landowner upon whose property a junk vehicle has been abandoned may authorize the disposal of the vehicle per the following procedure:
 - (i) The City must provide information on the vehicle's registered and legal owner to the landowner.
 - (ii) Upon receiving information on the vehicle's registered and legal owner, the landowner must mail a notice to the registered and legal owners. The notification must describe the redemption procedure and the right to arrange for the removal of the vehicle.
 - (iii) If the vehicle remains unclaimed more than 15 days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.

- (iv) If no information on the vehicle's registered and legal owner is found in the records of the department, the landowner may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.

7.18.060 Exemptions

Per RCW 46.55.240(3)(c), the following vehicles are exempt from the provisions of this chapter:

- (1) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;
- (2) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130.

Chapter 7.20 Smoking and Vaping

7.20.010 Purpose

The purpose of this chapter is to protect the health of the public, and especially children, from the risks of secondhand smoke and vapor.

7.20.020 Definitions

- (1) "Smoke" or "smoking" has the meaning provided in [RCW 70.160.020](#).
- (2) "Public place" has the meaning provided in RCW 70.160.020.
- (3) "Place of employment" has the meaning provided in RCW 70.160.020.
- (4) "Playground" has the meaning provided in [RCW 70.345.010](#).
- (5) "School" has the meaning provided in RCW 70.345.010.
- (6) "Vapor product" has the meaning provided in RCW 70.345.010.

7.20.030 Smoking Prohibited in Public Places

i SMC Chapter 9.18, Offenses Against Juveniles, incorporates by reference the prohibition in RCW 26.28.080 on selling or giving tobacco to a minor, which is a gross misdemeanor. We have generally tried to place criminal offenses in Title 9.

- (1) The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW 70.160.030 Smoking prohibited in public places or places of employment.

RCW 70.160.075 Smoking prohibited within twenty-five feet of public places or places of employment

- (2) It is unlawful to smoke in any of the following outdoor places:

- (a) streets and sidewalks along mainstreet (271st Street and 270th Street);
- (b) outdoor restaurant seating;
- (c) bus stops;
- (d) outdoor festivals and farmers markets;
- (e) schools, playgrounds, and parks.

i RCW 70.160.070 limits the penalty to \$100; a class 3 civil infraction is \$50.

(3) A violation of this section is a class 3 civil infraction.

7.20.040 Vaping Prohibited in Certain Places

i SMC Chapter 9.18, Offenses Against Juveniles, incorporates by reference the prohibition in RCW 70.345.140, Purchase or possession [of vapor products] by persons under 18, which it makes a civil infraction.

(1) The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW 70.345.150 Use of [vapor] products in public places—When prohibited.

i Note that RCW 70.345.210 preempts the City from regulating vapor use in outdoor public places, except those where children congregate, such as schools, playgrounds, and parks.

(2) Use of vapor products is prohibited in:

- (a) the public places identified in RCW 70.345.150;
- (b) indoor public places;
- (c) schools, playgrounds, and parks.

i RCW 70.345.140 sets the penalty for possession under age 18 as a class 3 civil infraction.

(3) A violation of this section is a class 3 civil infraction.

Chapter 7.30 Noise Control

i This chapter was recently adopted (during 2023). The changes here are some reorganization to exempt legal firework noises and to add a process to receive authorization to exceed the noise limits.

7.30.010 Purpose

i This is a new section.

This chapter is intended to regulate noise that constitutes a public nuisance and implement the provisions of Chapter 173-60 WAC as authorized by Chapter 70A.20 RCW.

7.30.020 Definitions

"Director" means the Director of Planning and Community Development or the Director's designee.

7.30.030 Public nuisance and disturbance noise violations.

i The following line is existing section 7.30.020.

- (1) It is unlawful for any person to cause or allow to originate, or for any person in possession of property to allow to originate from said property, sound that is a public nuisance.

i The following subsection is existing 7.30.010 with minor changes.

- (2) The following noises are prohibited and hereby declared to be public nuisances, except to the extent that they may be specifically exempted by other provisions of this chapter:
- (a) Noise levels in excess of the standards established by the Department of Ecology pursuant to Chapter 70A.20 RCW and contained in Chapter 173-60 WAC, which are hereby incorporated by reference;
 - (b) Noise levels in excess of the permitted standards in Chapter 173-62 WAC, Motor Vehicle Noise Performance Standards, which are hereby incorporated by reference;
 - (c) Frequent, repetitive, or continuous noise made by any animal which unreasonably disturbs or interferes with peace, comfort and repose of property owners or possessors, except that such sounds are exempt when originating from lawfully operated animal shelters, kennels, pet shops, and veterinary clinics;
 - (d) The frequent, repetitive, or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;
 - (e) The creation of frequent, repetitive or continuous noise in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine within Class A EDNA, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;
 - (f) Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time and place so as to unreasonably disturb or interfere with peace, comfort and repose of owners or possessors of real property;
 - (g) The use of a sound amplifier or other device capable of producing or reproducing amplified sound on public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure or property of the contents therein;
 - (h) The making of any loud and raucous noise which unreasonably interferes with the use of any school, church, hospital, sanitarium, nursing, or convalescent facility;
 - (i) The creation of frequent, repetitive, or continuous sounds which emanate from any building, structure, or property which can be heard at a distance greater than 50 feet from the source or which unreasonably interferes with the peace, comfort and repose of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions, or social gatherings;
 - (j) Sound from audio equipment, including but not limited to tape players, radios, and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source, and if not operated upon the property of the operator;
 - (k) The use of unmuffled engine compression brakes.

i The following is existing 7.30.030, with updated cross-reference.

- (3) Additional provisions.

- (a) For the purpose of enforcing subsection (2)(a), all lands zoned MR, SR 5.0, SR 7.0, SR 9.6, SR 12.4, or TN are declared to be Class A EDNAs.
- (b) Between the hours of 10:00 p.m. Friday and 9:00 a.m. Saturday, and 10:00 p.m. Saturday and 9:00 a.m. Sunday, the noise limitations of the table in WAC 173-60-040 are reduced by 10 dBA for receiving property within Class A EDNAs.

7.30.040 Noises exempt at all times.

i Existing section, with one change proposed below.

The following noises are exempt from the provisions of this chapter at all times; except that nothing in these exemptions is intended to preclude the city from requiring installation of the best available noise abatement technology consistent with economic feasibility:

- (1) Noise originating from aircraft in flight;
- (2) Noise created by safety and protective devices, such as relief valves where noise suppression would defeat the safety release intent of the device;
- (3) Noise created by fire alarms;
- (4) Noise created by emergency equipment, including, but not limited to, emergency standby or backup equipment, and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community; and including, but not limited to, any emergency work necessary to replace or repair essential utility services;
- (5) Noise created by auxiliary equipment on motor vehicles used for highway maintenance;

i Note the next line changes the existing "public event" to "special event" for consistency with our proposed new chapter on special events (that includes both public and private events).

- (6) Noise originating from an officially sanctioned parade, sporting event, or other special event authorized by SMC Chapter 5.06 Special Events;
- (7) Noise created by warning devices not operated continuously for more than 30 minutes per incident;
- (8) Noise originating from existing natural gas transmission facilities, subject to any requirements that may be established by appropriate state or federal agencies;
- (9) Noise created by existing stationary equipment used in the conveyance of water by a utility and noise created by existing electrical substations;
- (10) Noise created by the operation of equipment or facilities by a railroad in interstate commerce;
- (11) Noise created by existing stationary equipment used in the conveyance of water by a utility and noise created by existing electrical substations.

7.30.050 Noises exempt during daytime hours.

! No changes proposed to this existing section. However, if Council would like to restrict the noise hours after 8 pm, a separate ordinance should be prepared and sent to the Department of Ecology for review. Ecology has 90 days to approve or disapprove any proposed noise hours different that the state-imposed levels.

The following noises are exempt from the provisions of this chapter between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 10:00 p.m. on weekends:

- (1) Noise created by powered equipment used in temporary or periodic maintenance or repair of residential property, including but not limited to grounds and appurtenances, such as lawnmowers, powered hand tools, and composters;
- (2) Noise created by the discharge of firearms on city police department authorized shooting ranges;
- (3) Noise created by the installation or repair of essential utility services;
- (4) Noise created by blasting;
- (5) Noise created by bells, chimes, or carillons not operating for more than five minutes in any one hour;
- (6) Noise originating from forest harvesting;

i The following subsections were in section .040 for noises that are ALWAYS exempt, but were time limited. These subsections have been moved down into the "exempt during daytime hours" section, and their hours have been deleted to be consistent with the daytime hours established at the beginning of this section.

- (7) Noise emanating from temporary construction sites;
- (8) Noise emanating from marine-oriented construction sites;
- (9) Noise created by aircraft-engine testing and maintenance not related to flight operations.

7.30.055 Noises exempt at other times.

i This is a new section to exempt the noise from legally discharged fireworks. Our original Title 7 scoping memo recommended exemption of legal fireworks noise but that exemption didn't make it into the new noise chapter.

The following noises are exempt from the provisions of this chapter:

- (1) Fireworks discharged consistent with SMC Chapter 9.42.
- (2) A public display of fireworks properly licensed per SMC Chapter 5.04.

7.30.060 Noise variances.

i This is a new section to add a process to authorize exceedance of the noise limits.

i This section is constructed to be consistent with WAC 173-60-080.

- (1) A variance from the requirements of this chapter may be authorized consistent with this section.
- (2) An application for a variance must be submitted to the Director on forms provided by the Department.
- (3) A variance may be granted if the Director finds that immediate compliance with requirement of this chapter cannot be achieved because of:
 - (a) special circumstances rendering immediate compliance unreasonable in light of economic or physical factors;
 - (b) encroachment upon an existing noise source; or
 - (c) because of nonavailability of feasible technology or control methods.
- (4) A variance must include all of the following:
 - (a) An identification of the persons authorized to vary from the provisions of this chapter.

- (b) An identification of the location or locations to which the variance applies.
- (c) An identification of the provisions of this chapter for which the variance is authorized.
- (d) One or more of the findings described in subsection (3).
- (e) A schedule for achieving compliance with this chapter. A variance may not be granted for a period longer than 30 days unless the Department provides at least a two-week opportunity for public comment on the application.

7.30.070 Enforcement – Penalties.

i This section is existing SMC 7.30.070. No change proposed to this section.

- (1) Except as otherwise provided, a violation of this chapter may be punished by a class 3 civil infraction.
- (2) A second violation of this chapter within 30 days may be punished by a class 2 civil infraction.
- (3) A third violation of this chapter within 30 days may be punished by a class 1 civil infraction.
- (4) A fourth violation of this chapter within a six-month period may be punished by a misdemeanor.
- (5) A property owner who permits an activity on their property that violates this chapter is jointly and severally liable for the violation.
- (6) This chapter may also be enforced pursuant to SMC Title 13.

7.30.075 Enforcement – Complaints.

i This section is existing SMC 7.30.060, renumbered to make room for the permitting procedure in .060.

The city of Stanwood will generally enforce this chapter only in response to complaints; however, nothing herein may be interpreted to prohibit proactive enforcement.

7.30.080 Provisions not exclusive.

i This section is existing SMC 7.30.080. No change proposed to this section.

The provisions of this chapter are cumulative and nonexclusive, and do not affect any other claim, cause of action or remedy, nor, unless specifically provided, may this chapter be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise, but must be deemed additional to existing legislation and common law on noise.

7.30.100 No third-party rights.

i This section is existing SMC 7.30.100. No change proposed to this section.

- (1) It is expressly the purpose of this chapter to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.
- (2) No provisions nor any term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers or employees, for whom the implementation and enforcement of this chapter is discretionary and not mandatory.

- (3) Nothing contained in this chapter is intended nor may be construed to create or form the basis of any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees, or agents.

EXHIBIT B

SMC 6.40.040 is amended as follows:

6.40.040 General Rules

- (1) Within the boundaries of any park owned or operated by the city of Stanwood, it is unlawful to:
 - (a) Be present in any park, or park any vehicle in any park, between one hour after sunset and one hour before sunrise except with written permission of the director;
 - (b) Possess or consume any alcoholic beverage except within a permitted beer garden;
 - (c) Permit any dog to be off leash except in designated off leash areas;
 - (d) Knowingly cause a horse to be upon park premises;
 - (e) Operate, stop, park, or leave a motor vehicle, including any motorcycle or motor-driven cycle, any place in the park, except on a driveway or parking area;
 - (f) Engage in the sale of any merchandise or services, or operate any concession, without authorization from a special event permit issued under Chapter 5.06 SMC or a temporary use permit issued under SMC Title 17;
 - (g) Use park facilities without paying any applicable user fee adopted by city council resolution;
 - (h) Fail to pick up pet waste and properly dispose of such waste in a trash receptacle;
 - (i) Smoking or vaping in violation of SMC Chapter 7.20.
- (2) A violation of this section is a class 3 civil infraction.

SMC 6.40.070, Smoking and vaping, is repealed.

Chapter 6.25

GRAFFITI NUISANCE

Sections:

6.25.010 Graffiti deemed nuisance.

6.25.020 Definitions.

6.25.030 Continued presence of graffiti an infraction.

6.25.040 Graffiti – Notice of removal.

6.25.050 Appeal.

6.25.060 Removal by city.

6.25.070 City cost recoverable – Debt – Lien.

6.25.075 Sale or gift of aerosol paint and indelible markers.

6.25.077 Rewards.

6.25.080 Severability.

6.25.010 Graffiti deemed nuisance.

Graffiti and other defacement of public and private property, including walls, rocks, bridges, fences, gates and other structures, trees, and other real and personal property within the city, constitute a nuisance.

Although it is appropriate, where possible, to request that the courts require people who are convicted of acts of malicious mischief and vandalism involving the application of graffiti to public or private property to restore the property so defaced, damaged or destroyed, oftentimes it is difficult to identify, or to identify and convict, the wrongdoer.

The continued presence of graffiti is a blight on the community. While voluntary graffiti removal should be encouraged, where graffiti has not been promptly removed, graffiti should be removed in accordance with the provisions of this chapter. (Ord. 2684, 2007; Ord. 2295 § 1, 1999).

6.25.020 Definitions.

For the purposes of this chapter, the following words shall have the following meanings:

- (1) “Abate” means the removal, painting over, or other obscuring of graffiti from view as directed by the notice provided for in MMC [6.25.040](#).
- (2) “Graffiti” means the defacing, damaging or destroying by spraying of paint or marking of ink, chalk, dye or other similar substances on public or private buildings, structures, facilities, natural features, and places.
- (3) “Graffiti nuisance property” means property upon which graffiti exists and where, after notice as provided by this chapter, the graffiti has not been abated by the deadline set in a notice as established by this chapter.
- (4) “Indelible marker” shall mean any marker, pen or similar implement containing anything other than a solution which can be removed with water after it dries and having a flat, pointed or angled writing surface of a width of four millimeters or greater.

(5) "Owner" means any entity or entities having a legal or equitable interest in real or personal property including but not limited to the interest of a tenant or lessee.

(6) "Pressurized container" shall mean any can, bottle, spray device or other mechanism designed to propel liquid which contains ink, paint, dye or other similar substance which is expelled under pressure either through the use of aerosol devices, pumps or similar propulsion devices.

(7) "Responsible party" means an owner, and also an entity or person acting as an agent for an owner, or an entity or a person who has dominion and control over a property. There may be more than one responsible party for a particular property. (Ord. 2684, 2007; Ord. 2295 § 1, 1999).

6.25.030 Continued presence of graffiti an infraction.

It shall be a civil infraction for a responsible party to allow a graffiti nuisance property to exist. Each day a graffiti nuisance property shall exist shall be a separate infraction. A civil infraction under this chapter shall be punishable by a penalty of \$25.00 for each violation. (Ord. 2684, 2007; Ord. 2295 § 1, 1999).

6.25.040 Graffiti – Notice of removal.

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

(2) Whenever the responsible party fails to abate and remove graffiti as set forth in subsection (1) of this section, and whenever the mayor or his/her designated representative determines that graffiti exists, a notice shall be issued to the responsible person to abate the nuisance by a stated deadline, which shall be no more than 48 hours after the date of the notice unless weather or seasonal conditions require a longer deadline.

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

(a) By personal service on the responsible party;

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

(4) The notice shall be as established by the chief of police. The notice shall include a list of community resources and references where the property owner may seek assistance in the eradication of graffiti. (Ord. 2684, 2007; Ord. 2295 § 1, 1999).

6.25.050 Appeal.

The hearing examiner for the city of Marysville hereby is given jurisdiction to hear appeals of a "Notice of Graffiti, of Graffiti Nuisance Property and Removal."

An appeal shall be commenced by filing a notice of appeal with the city clerk within 10 days after the service of the "Notice of Graffiti, of Graffiti Nuisance Property and Removal" on the party or parties to whom the notice is directed. If no appeal is filed within said 10 days, the "Notice of Graffiti, of Graffiti Nuisance Property and Removal" shall become final and conclusive, and not subject to appeal or review in any forum.

In any appeal, the city shall have the burden to prove by a preponderance of the evidence that the property contains graffiti, the named party is a responsible party, the deadline for abatement is reasonable and should not be adjusted for weather or seasonal conditions, and the manner of abatement is reasonable.

If the hearing examiner finds that the property contains graffiti and that the named party is a responsible party, but that either the manner of abatement is not reasonable, or the deadline should be extended for seasonal or weather conditions, then the hearing examiner shall modify the manner of abatement to make the same reasonable or extend the deadline a reasonable period to account for seasonal or weather conditions, as the case may be.

The hearing examiner shall issue a written decision containing the following information: (1) findings of fact (which shall include the common address and legal description for the property) and conclusions of law; (2) the manner of any required abatement action and the deadline by which abatement must be completed; (3) a description of the civil penalty for an infraction which may accrue if the responsible party fails to abate the graffiti by the deadline established in the decision and order; (4) a statement that the decision of the hearing examiner becomes final 21 days after the date of the decision unless the decision of the hearing examiner is appealed to the Snohomish County Superior Court; and (5) a statement that if the graffiti is not abated by the deadline established in the decision and order that the city or its contractor may abate the graffiti and the cost of abatement will be a personal obligation of the responsible party and a lien against the graffiti nuisance property.

(1) The hearing examiner shall mail his/her decision to the named party by regular and certified mail, and a copy of the decision also shall be posted on the property in a conspicuous location.

(2) Any review of the decision of the hearing examiner must be by land use petition filed within 21 days of issuance of the decision and order in the Snohomish County Superior Court in accordance with the Land Use Petition Act. (Ord. 2684, 2007; Ord. 2295 § 1, 1999).

6.25.060 Removal by city.

When the deadline established under this chapter has passed, and the property is deemed graffiti nuisance property, the city may abate the graffiti nuisance property. Either city resources or contractors may be used in abating the graffiti nuisance property.

Using any lawful means, the city and its representatives may enter upon the graffiti nuisance property and abate the graffiti. The city may seek such judicial process or writ as is deemed necessary to carry out the abatement. (Ord. 2684, 2007; Ord. 2295 § 1, 1999).

6.25.070 City cost recoverable – Debt – Lien.

If the city is required to remove graffiti and abate a graffiti nuisance property, the city shall bill the cost of removal and abatement to the responsible party. The costs billed shall be due and payable to the city within 10 calendar days of billing. The costs billed shall include the value of the use of city staff and resources (at the current established hourly rate) and all payments made to third parties.

If the costs billed are not paid when due, they shall be a personal debt of the responsible party and automatically the costs shall be a lien upon the graffiti nuisance property. The city may take all lawful action to collect the debt of the responsible party or to foreclose its lien upon the graffiti nuisance property. (Ord. 2684, 2007; Ord. 2295 § 1, 1999).

6.25.075 Sale or gift of aerosol paint and indelible markers.

On a voluntary basis, the Marysville city council requests and encourages all businesses within the city and all citizens to refrain from selling, offering to sell, causing to be sold, giving or lending any aerosol paint or pressurized container of paint or any indelible marker to any minor under the age of 18 years. Businesses are encouraged to require picture identification for all persons who may be under the age of 18 years. All businesses who offer for sale aerosol paint or indelible markers are requested to voluntarily restrict access to those items from the public by either placing them behind a locked counter, cabinet or other storage facility so that access to them cannot be gained without their being unlocked by an authorized employee or other authorized representative of such business or by placing them in a location where they can be in constant, uninterrupted view of

an authorized employee or other authorized representative of such business. Within one year of the effective date of the ordinance codified in this chapter, the city council shall review the effectiveness of this section and shall consider whether such provisions shall be made mandatory rather than voluntary. (Ord. 2684, 2007).

6.25.077 Rewards.

The city may offer a reward not to exceed \$300.00 for information leading to the identification and apprehension of any person who willfully damages or destroys any public or private property by the use of graffiti. The actual amount awarded (not to exceed \$300.00) shall be determined in the discretion of the chief of police. In the event of damage to public property, the offender or the parents or legal guardian of any unemancipated minor must reimburse the city for any reward paid. In the event of multiple contributors of information, the reward amount shall be divided by the city in the manner it shall deem appropriate. Claims for rewards under this section shall be filed with the chief of police or his designee in the manner specified by the Marysville police department. No claim for a reward shall be allowed unless the city investigates and verifies the accuracy of the claim and determines that the requirements of this section have been satisfied. (Ord. 2684, 2007).

6.25.080 Severability.

The provisions of this chapter are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection or portion of this chapter, or the application thereof to any person or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances. (Ord. 2684, 2007; Ord. 2295 § 1, 1999).

The Marysville Municipal Code is current through Ordinance 3301, passed January 3, 2024.

Disclaimer: The city clerk's office has the official version of the Marysville Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.marysvillewa.gov/>

City Telephone: (360) 363-8000

[Code Publishing Company](#)



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 11d

DATE: April 11, 2024

SUBJECT: Stanwood Municipal Code Title 8 – Animals

CONTACT PERSON: Patricia Love, Community Development Director

ATTACHMENTS: A – Ordinance 1529 Adoption of Title 8 – Animals
B – Larson 2020 Docket Request
C – Mitchell 2020 Docket Request
D – Substitute Senate Bill 5934 – Beehives

PURPOSE

The purpose of this agenda item is for Council review and acceptance of the first reading of Ordinance 1529, adoption of Title – 8, Animals, of the Stanwood Municipal Code.

SUMMARY

Title 8, Animals is part of the next group of Titles to be amended as part of the Municipal Code Update project. The draft amendments delete outdated code citations and modernize the text by applying current best practices. It notes where new sections have been added or where moved.

Title 8 is the general animal code for the City. Title 8 has been entirely rewritten and segregated into logical chapters for readability while updating the language for consistency with the style guide. Title 8 amendments also include addressing two 2020 docket items regarding allowing nontraditional animals as pets and amending the lot area size for small farm animals.

BACKGROUND

The City initiated the Municipal Code Update project in 2022 to modernize the code reflecting best practices with respect to content and administration of the code. The update is intended to be user friendly for staff, property owners and developers by 1) removing legalese and jargon unfamiliar to the lay person, 2) improving clarity and overall functionality, and 3) reflect regulatory best practices. The amendments will also be consistent with current case, state and federal laws.

To help guide the review of the amendments, two types of informational banners are included in the descriptive versions of each amendment. These blue- and yellow-colored bars highlight changes, recommendations and questions; it notes where new sections have been added or where moved.

 Blue banner describes actions taken or issue descriptions.

 Yellow banners highlight important policy issues.

Due to the sheer size of amending an entire municipal code, work has been broken into manageable pieces with similar titles, or titles that interact with each other, being processed together. To date, the Council has approved the following Title groupings:

Stanwood Municipal Code Titles	Action
Interim Zoning Regulations Prohibiting Mini-Storage Facilities	Council Approved October 27, 2022
Interim Sign Regulations Signs in the Right of Way	Council Approved January 26, 2023
Title 1 – General Provisions Title 2 – Personnel Title 4 – Administration (New)	Council Approved April 23, 2023 Three Readings
Title 6 – Parks and Public Spaces (New) Title 9 – Public Peace, Morals, and Safety Title 13 – Civil Enforcement	Council Approved June 8, 2023 Three Readings
Title 7 – Noise Ordinance Only	Council Approved July 13, 2023
Title 3 – Revenue and Finance Title 5 – Business Licenses & Regulations	Council Approved December 14, 2023 Three Readings
Title 7 – Health and Sanitation	Pending Council Action April / May 2024
Title 8 – Animals	Pending Council Action April / May 2024

As amendments are approved, there may be times when chapters or sections within previously approved Chapters or Titles will need to be amended to ensure consistency throughout the Municipal Code.

ANALYSIS

Title 8 contains the animal control licensing and regulations of the City. This Title as currently written contains only one chapter and is difficult to follow and attempts to

combine too many issues that may or may not be consistent. This Title has been revised into new, logical Chapters addressing specific issues for ease of reading and enforcement.

Chapter 8.01 – General Provisions: Contain provisions applicable to the entire Title such as definitions, enforcement, and severability.

Chapter 8.10 – Animal Regulations: Addresses the Larson 2020 docket request to allow some types of livestock as pets.

Chapter 8.12 – Dogs - Licensing: Address dog licensing and renewal requirements.

Chapter 8.14 – Dogs – Dangerous and Potentially Dangerous: This chapter was moved and completely rewritten to clarify the requirements for keeping and enforcement of dangerous and potentially dangerous dog provisions.

Chapter 8.20 – Hobby Kennels and Catteries: Modified to clarify that these regulations apply only to hobby kennels and not commercial enterprises. Much of the existing code language was preserved. Commercial businesses are addressed in another chapter.

Chapter 8.30 – Poultry and Rabbits: Separated from the “livestock” section to provide better clarity on the requirements for different types of animals.

Chapter 8.40 – Livestock: Contains provisions regulating the number of livestock allowed per lot size, enclosure requirements, and additional requirements for keeping of pigs that are not considered pets. This Chapter will also amends the lot area for keeping small livestock as requested in the 2020 Mitchell docket application.

Chapter 8.50 – Beekeeping: New Chapter of the animal code addressing beekeeping and number of hives allowed per lot area. New substitute Senate Bill 5934 restricts cities from prohibiting hives, but the city may restrict the number and location of hives.

Chapter 8.60 – Dangerous Animals: Create a specific chapter addressing exotic, wild or dangerous animals (other than dogs) consistent with state law.

Chapter 8.70 – Animal Welfare: Relocated regulations of animal shelters, commercial kennels, daycares and grooming parlors.

Chapter 8.80 – Animal Cruelty: Existing code provisions adopted in its own chapter and updated per state law.

Chapter 8.90 – Enforcement and Impoundment: Enforcement chapter for the Title, include laws regarding impound animals and dealing with stray animals.

Council Policy Decision Issues:

The following policy issues need to be discussed before the final reading:

Keeping of nontraditional animals as pets and small livestock (SMC 1.10.030):

In 2020 the City received two docket requests to amend the animal control regulations to allow property owners to keep nontraditional animals as pets and to consider changing the lot size requirement for small livestock. Both of these docket items were approved by Council to consider as part of the update to the animal control regulations.

It has become common for people to keep different types of animals as pets and the city's code has not kept up with these changes. In fact, many people have nontraditional animals as service or emotional support animals. Many cities around the state have regulations for keeping of nontraditional pets and animals. The proposed regulations in Title are based off of Vancouver Washington's code; other agencies in the area that allow nontraditional pets include Seattle, Olympia, Arlington, Duvall, Tukwila and King County. This is not an exhaustive list, but just a sample of agencies identified.

Title 8, as drafted, would allow pot-bellied pigs, miniature horses, Flemish giant rabbits and miniature goats on residential zoned lots subject to the following limitations.

Animal	Restriction
Full Size Pig 	1 pig allowed on a quarter acre lot or larger.
Potbellied Pig: 	2 pigs up to 18" in height and weighing less than 95 each allowed per lot.

Miniature Horses:



Two miniature livestock less than 100 pounds on a lot of at least 6,000 square feet. One additional animal if the lot is at least 12,000 sf.

It should be noted that miniature horses are becoming common service animals.

Miniature Goats:



Same as miniature horses.

Flemish Giant Rabbits:



Up to 6 chicks or rabbits per lot; no lot size requirement.

Other:

Barns, shed, enclosures must be located in rear or side yards out sight from a public street.

Dangerous Dog Bond or Insurance Amount (SMC 8.14.070):

The current bond or insurance amount for keeping a dangerous dog is \$250,000. The City Attorney is recommending raising that level to \$500,000. The \$250,000 amount was established in 2002, just over 20 years ago. Raising the limit is recommended to keep up with the rising cost of potential claims.

Beekeeping (SMC 8.50):

This is a new section of the animal code. Keeping of bees is also becoming more common in cities. Recently the Washington State Legislature pass Substitute Senate Bill 5934 which prohibits cities from banning beekeeping but does allow them to be regulated.

Beehives	Location Restrictions
	Beehives would be allowed as follows: 1 hive per 6,000 square foot lot; 2 hives for lots 6,001 sf – 15,000 sf 5 hives for lots 15,001 – 35,000 sf - Max of 15 hives for lots over 35,000 sf

Note: pictures in this staff report were taken from google images for illustrative purposes only.

Fiscal Impact
No direct financial impact. Code work was already budgeted and approved through the Municipal Code Update Project contract and scope of work.

RECOMMENDATIONS

Staff Recommendation:

Staff recommends that the Council accept the first reading of the proposed amendments and proceed to the second reading.

Committee/Board Recommendation:

The Advisory Group, Planning Commission and City Council Community Development Committee have all reviewed the proposed amendments; their comments have been incorporated into the drafts. All groups have recommended to adopt the amendments.

Planning Commission Comments:

- Have there been code enforcement complaints surrounding small livestock?
Yes, there were complaints about pigs and roosters.
- Leave Chapter 8.40 – Livestock, as it is and add a provision for small livestock.
- Control noise and odors from livestock.
- Require a pet license for livestock as pets.
- Consider a minimum lot size for allowing livestock as pets.
- The Health and Sanitation chapter appears to be more applicable to commercial zones and not so much to residential.

Community Development Committee:

The Committee was supportive of allowing small, compatible livestock animals within the City.

CITY COUNCIL OPTIONS

1. Accept the first reading of Ordinance 1529 adopting Title 8, Animals, and to proceed with the second reading.
2. Request changes to Ordinance 1529 and direct staff to address specific Council issues or concerns prior to Council reconsideration the ordinance.

PROPOSED MOTION

I MOVE TO ACCEPT THE FIRST READING OF ORDINANCE 1529 AS SET FORTH IN ATTACHMENT “A” AND TO PROCEED WITH THE SECOND READING.

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE NO. 1529

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING
STANWOOD MUNICIPAL CODE (SMC) TITLE 8, ANIMALS, AND ESTABLISHING
SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the City of Stanwood has begun a process to comprehensively update its municipal code to conform to current law and practice; and

WHEREAS, the purpose of this code amendment is to eliminate conflicts, improve clarity and overall function of the municipal code, and reflect current city and best practices; and

WHEREAS, Title 8 adopts the City's animal control licensing and regulations; and

WHEREAS, as currently written, Title 8 attempts to combine too many issues into a single chapter making it difficult to administer; and

WHEREAS, Title 8 has been revised to include logical chapters addressing specific issues for ease of reading and enforcement; and

WHEREAS, a new chapter has been added regulating non-traditional animals as pets; and

WHEREAS, the City of Stanwood SEPA Responsible Official has reviewed the proposed amendments to the Stanwood Municipal Code, determined that the amendments are categorically exempt from SEPA, and memorialized those conclusions under file number 24-0022; and

WHEREAS, the Stanwood Advisory Group reviewed the draft ordinance at their October 18, 2023, meeting, and has recommended that the City Council adopt the ordinance; and

WHEREAS, the Stanwood Planning Commission reviewed the draft ordinance at their November 13, 2023, meeting and has recommended that the City Council adopt the ordinance; and

WHEREAS, the Stanwood Council Community Development Committee reviewed the draft ordinance at their December 7, 2023, meeting and has recommended that the City Council adopt the ordinance; and

WHEREAS, the City Council held a public meeting and first reading of the draft code amendment on April 11, 2024 , a second reading on April 25, 2024, and accepted public comment; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD,
WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. Stanwood Municipal Code Title 8, Animals, is repealed in its entirety and replaced with the new Title 8 provided in Exhibit “A” attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 2. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 3. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener’s clerical errors, references, ordinance numbers, section/subsection numbers and any references thereto.

Section 4. Effective Date. This Ordinance shall take effect five days after its passage and publication as required by law.

PASSED and APPROVED this ____ day of _____, 2024.

CITY OF STANWOOD:

Sid Roberts, Mayor

Attest:

Lisa Sokolik, City Clerk

Approved as to Form:

Nikki Thompson, City Attorney

Date of Publication: _____

Effective Date: _____

EXHIBIT A

Title 8 Animals	5
Chapter 8.01 General Provisions	5
8.01.010 Purpose.....	5
8.01.020 Administration and Enforcement.....	5
8.01.030 Definitions	5
8.01.040 Owner Responsibility.....	5
8.01.050 Third-Party Liability	6
8.01.060 Savings	6
8.01.070 Severability	6
Chapter 8.10 Animal Regulations	6
8.10.030 Limitations on animals not traditionally kept as pets	6
8.10.040 Limitation on number of dogs	7
8.10.050 Leash requirement for dogs	7
8.10.060 Noisy dogs and cats	8
8.10.080 Trespassing dogs	8
8.10.100 Animal waste	8
8.10.120 Nuisance or destructive behavior	8
8.10.140 Disposal of diseased animals.....	9
Chapter 8.12 Dogs—Licensing	9
8.12.020 License—Required.....	9
8.12.040 License—Exemptions	9
8.12.060 License—Application	10
8.12.080 License—Renewal	10
Chapter 8.14 Dogs—Dangerous and Potentially Dangerous	10
8.14.010 Purpose.....	10
8.14.020 Applicability	10
8.14.030 Definitions	11
8.14.040 Declaration as Potentially Dangerous or Dangerous Dog	11
8.14.050 Registration Requirement for Potentially Dangerous and Dangerous Dogs.....	13
8.14.060 Requirements for Potentially Dangerous Dogs	13
8.14.070 Requirements for Dangerous Dogs	13
8.14.080 Requirement to Provide Notice to City	14
Chapter 8.20 Hobby Kennels and Catteries	15
8.20.020 Permit Required.	15
8.20.040 Hobby Kennel Permit	15
Chapter 8.30 Poultry and Rabbits.....	16

8.30.020 Allowed as accessory.....	16
8.30.030 Standards for housing poultry and rabbits.....	16
Chapter 8.40 Livestock.....	17
8.40.020 Applicability	17
8.40.030 Driving or riding animals so as to endanger person or property	17
8.40.040 Livestock not to run at large.....	17
8.40.050 Required area for certain livestock	17
8.40.060 Standards for buildings and enclosures	18
8.40.070 Swine	18
8.40.080 Violations.....	18
Chapter 8.50 Beekeeping.....	19
8.50.020 Beekeeping allowed in residential zones	19
8.50.030 Limitations on hives.....	19
8.50.040 Additional standards for beekeeping	19
8.50.050 Bees may be considered a nuisance.....	19
Chapter 8.60 Dangerous Animals	20
8.60.020 Definitions	20
8.60.030 Prohibition.....	20
8.60.040 Confiscation.....	20
8.60.050 Violations.....	21
Chapter 8.70 Animal Welfare.....	21
8.70.030 Standards for Shelters, Kennels, and Similar Facilities.....	21
8.70.040 Standards for Grooming Parlors.....	22
8.70.050 Violations.....	22
Chapter 8.80 Animal Cruelty	22
8.80.010 Adoption by reference	22
Chapter 8.90 Enforcement and Impoundment.....	23
8.90.010 Authority	23
8.90.020 Animal Control Shelter	24
8.90.030 Impoundment Authorized.....	24
8.90.040 Required Notice.....	25
8.90.050 Redemption	25
8.90.060 Impoundment Costs	25
8.90.070 Destruction and Sale	26
8.90.080 Obstruction of Impoundment	26

Title 8 Animals

i The existing SMC Title 8 includes only a single chapter, 8.02. The proposed revision of this title breaks that chapter up into logical components.

Chapter 8.01 General Provisions

i This is a new chapter.

8.01.010 Purpose

i Based on existing SMC 8.02.030.

The purpose of this title is to encourage, secure, and enforce animal control measures that are desirable and necessary for the protection of human health and safety, and to the greatest degree practicable to prevent injury to property and cruelty to animal life.

8.01.020 Administration and Enforcement

- (1) The director of Planning and Community Development is principally responsible for administration of permits and determinations pursuant to this title.
- (2) The police chief is principally responsible for enforcement of this title.

8.01.030 Definitions

i Definitions based on existing SMC 8.02.260 except where noted.

- (1) "Animal control officer" means any individual employed, contracted with or appointed by the city of Stanwood for the purpose of aiding in the enforcement of this chapter or any other law or ordinance in the city of Stanwood relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include the seizure and impoundment of any animal. This term has the same meaning as in RCW 16.08.070.
- (2) "Livestock" means domestic or farm animals including but not limited to horses, cattle, sheep, donkeys, emus, ostriches, buffaloes, llamas, goats, and swine. Livestock does not include poultry.
- (3) "Poultry" means chickens, turkeys, geese, ducks, pigeons, peahens, or other domestic fowl.
- (4) "Owner" means any person or legal entity having a possessory property right in an animal or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by them.

8.01.040 Owner Responsibility

i This is a new section.

The owner, as defined in this SMC 8.01.030, of an animal is responsible for compliance with this title.

8.01.050 Third-Party Liability

i This section is based on existing SMC 8.02.520.

- (1) It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.
- (2) It is the specific intent of this chapter to place the obligation of complying with its requirements upon the owner and possessors of animals and no provisions nor any term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers or employees, for whom the implementation and enforcement of this chapter is discretionary and not mandatory.
- (3) Nothing contained in this chapter is intended nor may be construed to create or form the basis of any liability on the part of the city, or its officer, employees or agents, for any injury or damage resulting from the failure to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents.

8.01.060 Savings

i Based on existing SMC 8.02.540.

Nothing contained in this chapter may be construed as abating any action now pending under or by virtue of any ordinance of the city herein superseded; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the city under any ordinance or provision thereof in force at the time of passage of the ordinance codified in this title.

8.01.070 Severability

The various chapters, sections, and clauses of the ordinances codified in this title are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the title must not be affected.

Chapter 8.10 Animal Regulations

8.10.030 Limitations on animals not traditionally kept as pets

! New section based on docket requests to allow nontraditional animals as pets and revise the lot area for small livestock.

i This section is based on Vancouver municipal code and is intended to address docketed requests for small livestock kept as pets.

- (1) An animal kept as a pet, including but not limited to, a pot-bellied pig, miniature horse, miniature goat or Flemish giant rabbit, but not a dangerous animal per SMC Chapter 8.60, is allowed within the City subject to the following limitations:
 - (a) Only one full-size pig may be kept as a pet per lot, and only on a lot at least 1/4-acre in size.

- (b) Up to two pot-bellied or similar pigs, that at maturity will be no more than 18 inches tall at the shoulder nor weigh more than 95 pounds, are permitted per lot.
 - (c) Up to two miniature livestock, such as certain breeds of mini-goats and mini-horses, that will weigh under 100 pounds at maturity, are permitted per lot and only on a lot of at least 6,000 square feet; one additional animal may be permitted if the lot is at least 12,000 square feet in size. .
 - (d) Up to six chickens or domesticated rabbits are permitted per lot with no required minimum lot size.
 - (e) All such animals that are taken off their associated lot must be kept on a leash and licensed per the dog license provisions listed in this Title.
- (2) Barns, sheds, and shelters used to house such animals must be located in the rear or side yard, without visibility to a public street. Doorways and other openings must be oriented away from neighboring properties. Animals must be confined or tethered in such a manner that intrusion on to neighboring property or damage to neighboring landscaping and fences is avoided.
- (3) An animal kept per this section may not:
- (a) unreasonably disturb persons with frequent, repetitive, or intermittently continuous sounds including but not limited to, barking, howling, yelping, or whining;
 - (b) may not trespass on private without the permission or consent of the property owner;
 - (c) may not be used for commercial purposes. Commercial purposes does not include sale of offspring, milk, or eggs.
- (4) A violation of this section is a class 3 civil infraction.

8.10.040 Limitation on number of dogs

i Existing SMC 8.02.105

- (1) It is unlawful to keep more than four adult dogs on any premises in the city except as provided for in SMC Chapter 8.20.
- (2) A violation of this section is a class 3 civil infraction.

8.10.050 Leash requirement for dogs

i This section is based on existing SMC 8.02.310, and also implements the definition of "animal at large" in SMC 8.02.020. This language based on AMC 6.04.100. Existing code limited leash length to 8 ft, but with many standard retractable leashes exceeding that length, that limit was deleted.

- (1) It is unlawful to allow any dog to roam, stray, or be away from the premises of the owner or keeper, or to be in or on any public place or property unless such animal is physically controlled by the owner or keeper or other competent and authorized person by means of a physical control device; except while the animal is present within the boundaries of a city-owned or sanctioned off-leash dog park or while participating in an organized exhibition or training session.
- (2) The control device requirements of this section do not apply to a police dog while in the performance of a law enforcement function.
- (3) A violation of this section is a class 3 civil infraction.

8.10.060 Noisy dogs and cats

i Based on existing SMC 8.02.230 with revisions based on PTMC 9.09.030.C.8.

- (1) It is unlawful to allow a dog or cat to unreasonably disturb persons with frequent, repetitive, or intermittently continuous sounds including but not limited to, barking, howling, yelping, or whining.
- (2) It is an affirmative defense under this section that the animal was intentionally provoked to bark or make any other noise by any person.
- (3) A violation of this section is a class 2 civil infraction.

8.10.080 Trespassing dogs

i Based on existing SMC 8.02.210.

- (1) It is unlawful to permit a dog to trespass on private without the permission or consent of the property owner.
- (2) A violation of this section is a class 3 civil infraction.

8.10.100 Animal waste

i Subsections (1) and (2) are based on existing SMC 8.02.210 (2)-(3). Subsection (3) is new.

- (1) It is unlawful to fail to remove fecal matter deposited by an animal on the property of another before the owner and the animal leave the immediate area in which the fecal matter was deposited.
- (2) It is unlawful for a person to fail to have in his or possession the equipment necessary to remove fecal matter deposited by an animal when on public property or a public right-of-way.
- (3) It is unlawful for any owner or keeper to allow waste to accumulate on the owner's property to the extent that neighbors are adversely affected by odor or runoff.
- (4) A violation of this section is a class 3 civil infraction and may also be enforced per SMC Title 13.

8.10.120 Nuisance or destructive behavior

i Based on AMC 6.04.140.

- (1) It is unlawful for an owner to:
 - (a) permit a dog or pets to chase, run after, or jump at vehicles lawfully using the public streets, alleys, and ways;
 - (b) permit any dog or pets to trespass on public or private property so as to damage or destroy any lawn, garden, or other property or thing of value;
- (2) It is a defense to a charge of violation of this section that the dog had been intentionally provoked to perform the nuisance or destructive behavior by a person other than the owner.
- (3) A violation of this section is a class 3 civil infraction.

8.10.140 Disposal of diseased animals

i Based on existing SMC 8.02.330.

- (1) If an animal dies or has been killed due to disease, the owner must immediately notify a veterinarian and dispose of the carcass per veterinarian instructions.
- (2) No person may sell, offer to sell, or give away the carcass of any animal, which died or was killed on account of disease.
- (3) The city has the authority to seize the carcass for public health and safety purposes.
- (4) A violation of this section is a class 1 civil infraction.

Chapter 8.12 Dogs—Licensing

8.12.020 License—Required

i Existing SMC 8.02.110

- (1) It is unlawful to own, possess, harbor, or otherwise be the custodian of any dog over the age of six months within the city unless the dog is licensed per this chapter.

i The following is based on part of existing SMC 8.02.150.

- (2) A license is required within 30 days of acquisition of a dog.

i The following is based on part of existing SMC 8.02.120.

- (3) A licensed dog must display its city-issued license tag, securely affixed to a substantial collar or harness, at all times except when the animal is securely confined within a residence or enclosure or is being displayed in an exhibition.
- (4) An electronic identification device is not a substitute for the city-issued license tag.
- (5) A violation of this section is a class 2 civil infraction.

8.12.040 License—Exemptions

i Existing SMC 8.02.160 Dog license exemptions.

- (1) The following dogs are exempt from the requirement for a dog license in SMC 8.10.100:
 - (a) a dog in the custody of a veterinarian, or animal shelter or animal rescuer; or
 - (b) a dog whose owners are nonresidents temporarily within the city for a period not exceeding 30 days.
- (2) A service dog is exempt from payment of dog license fees.

8.12.060 License—Application

i Existing SMC 8.02.120 plus additional requirements for application information, existing SMC 8.02.140

- (1) An application for a dog license or renewal of a dog license must be made to the Finance Director on forms provided by the Finance Department.
- (2) An application for a license for a dog must include the following:
 - (a) The name, address and telephone number of the legal owner of the animal;
 - (b) The name, address and telephone number for the person having custody of the animal, if other than the legal owner, and for an emergency contact;
 - (c) The name, age, breed, color, sex, distinguishing features, markings or tattoos of the animal, and, in the case of dogs, whether the animal has been altered;
 - (d) The address of the property at which the animal is ordinarily kept or maintained;
 - (e) A certificate of a veterinarian indicating the dog has current rabies immunization;
 - (f) A certificate of a veterinarian indicating the dog has been altered, if claiming so;
 - (g) EID microchip transponder information, if applicable;
 - (h) Any applicable fees as set by City Council resolution.

8.12.080 License—Renewal

i The following is based on part of existing SMC 8.02.150. Staff verified this is consistent with current practice.

- (1) Except as provided in (2), a dog license expires on December 31 of each year and must be renewed within 45 days of expiration.
- (2) A lifetime license purchased before May 3, 2015, is valid for the lifetime of the dog, but updated rabies certificates must be submitted when vaccinations expire.

Chapter 8.14 Dogs—Dangerous and Potentially Dangerous

i This chapter is mostly a complete rewrite of the applicable provisions in the existing animals title.

8.14.010 Purpose

The purpose of this chapter is to regulate dogs that may be dangerous to people or other domestic animals.

8.14.020 Applicability

- (1) This chapter applies to all domestic dogs *Canis lupus familiaris*.
- (2) For wild animals and wolf hybrids, see SMC Chapter 8.60.

8.14.030 Definitions

i These definitions are taken from RCW 16.08.070, slightly modified to fit the hierarchical numbering scheme, and are replicated here instead of incorporated by reference in case the city wishes to expand or otherwise modify them.

- (1) "Dangerous dog" means any dog that:
 - (a) inflicts severe injury on a human being without provocation on public or private property,
 - (b) kills a domestic animal without provocation while the dog is off the owner's property, or
 - (c) has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans.
- (2) "Potentially dangerous dog" means:
 - (a) any dog that when unprovoked, inflicts bites on a human or a domestic animal either on public or private property, or
 - (b) any dog that when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or
 - (c) any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals.
- (3) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

8.14.040 Declaration as Potentially Dangerous or Dangerous Dog

- (1) An animal control officer may issue a notice of intent to declare a dog either "potentially dangerous" or "dangerous" if there is probable cause to believe that the dog meets the terms of either definition.
- (2) Basis.
 - (a) The animal control officer's determination must be based on:
 - (i) the written complaint of a person who is willing to testify that the animal has acted in a manner which causes it to fall within the definition;
 - (ii) one or more dog bite reports filed with the police department;
 - (iii) actions of the dog witnessed by any animal control officer or law enforcement officer; or
 - (iv) other substantial evidence, including hearsay if it is of a nature that a reasonable and prudent person would rely upon.
 - (b) Per RCW 16.08.090(3), a dog may not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.
- (3) Contents. The notice of intent to declare a dog potentially dangerous or dangerous must include all of the following:
 - (a) a description of the animal;
 - (b) the name and address of the owner or keeper of the animal, if known;

- (c) the whereabouts of the animal if it is not in the custody of the owner;
- (d) the facts upon which the declaration is to be based;
- (e) the restrictions that will be placed on the animal as a result of the declaration;
- (f) a reference to the penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner;
- (g) a statement that the owner is entitled to an opportunity to meet with the police chief to give any reasons or information as to why the dog should not be declared potentially dangerous or dangerous;
- (h) a proposed date, time, and place for such a meeting, and that the owner may propose an alternative meeting date and time, but that such meeting must occur within 15 days of the date the notice was served.

(4) Service.

- (a) The notice of intent issued pursuant to this section must be in writing and served on the owner in one of the following methods:
 - (i) Personally;
 - (ii) By certified mail, with return receipt requested, and ordinary first class mail to the owner's or keeper's last known address; or
 - (iii) If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.
- (b) Service is effective on the date the notice is received; or, in the case of certified mail, three days after the notice is mailed; or, in the case of service by publication, 15 days after publication.
- (c) The owner of any dog found to be a potentially dangerous or dangerous dog under this Chapter may be assessed all service costs expended under this subsection.

i Existing SMC 8.02.410 provides an appeal opportunity to the hearing examiner, but a formal appeal is not required, and review by police chief is substantially more expeditious.

(5) Review by police chief.

- (a) If the owner does not attend the scheduled meeting with the police chief, the police chief may issue an order declaring that the dog is potentially dangerous or dangerous.
- (b) If the owner attends the scheduled meeting with the police chief, the owner may offer, orally or in writing, any reason or information as to why the dog should not be found potentially dangerous or dangerous.
- (c) After review of the record and the owner's reasons and information, the police chief must determine whether a preponderance of the evidence weighs in favor of finding the dog potentially dangerous or dangerous.
- (d) If the police chief determines that the dog is potentially dangerous or dangerous, the police chief must issue a declaration that includes:
 - (i) a recital of the authority for the declaration;
 - (ii) a concise statement of the facts that support the determination; and
 - (iii) the signature of the person who made the determination.

- (e) The police chief's determination is final and may be appealed to District Court, which will review the record made at the meeting to determine whether the declaration is supported by a preponderance of the evidence. Any such appeal must be filed within 20 days of service of the order. Upon notice that an appeal has been filed, the police chief must file a certified copy of the record from any such meeting with the District Court. A recording of the meeting will be made available to the person appealing the ruling, who will have the responsibility of transcribing the meeting for the appeal.
- (6) A dog that has been declared "potentially dangerous" or "dangerous" in another jurisdiction under substantially similar definitions is considered the same as if it had been declared by the city.

8.14.050 Registration Requirement for Potentially Dangerous and Dangerous Dogs

- (1) An owner of a potentially dangerous or dangerous dog must maintain a current certificate registration for the dog with the police department, including maintaining the current address of the dog with the city at all times. The owner must notify the police department if the dog dies, is removed from the city, or has its ownership transferred to another person.
- (2) The police department may not issue a certificate of registration to the owner of a potentially dangerous or dangerous dog unless the owner presents sufficient evidence of compliance with the signage and secure enclosure requirements of SMC 8.14.070.
- (3) No violation of the registration requirements occur until ten days after the initial declaration of a dog as potentially dangerous or dangerous.

8.14.060 Requirements for Potentially Dangerous Dogs

i State law creates requirements for dangerous dogs, but not potentially dangerous dogs, which it leaves up to local jurisdictions.

- (1) An owner of a potentially dangerous dog must:
 - (a) Register the dog with the police department per SMC 8.14.050;
 - (b) Conspicuously display a sign with a warning symbol on any premises where the dog is kept that informs children of the presence of a potentially dangerous dog;
 - (c) While on the owner's property, ensure the dog is restrained by chain, leash, or other confinement suitable to prevent the animal from leaving the owner's property;
 - (d) While off the owner's property, ensure the dog is under physical restraint by the owner or other responsible person;
 - (e) Ensure the dog wears a bright orange collar bearing the warning "potentially dangerous dog"; and
 - (f) Ensure the dog has a microchip implant for permanent identification.
- (2) A violation of this section is a misdemeanor.

8.14.070 Requirements for Dangerous Dogs

i Note a municipality also has the ability to simply prohibit dangerous dogs within its jurisdiction.

- (1) An owner of a dangerous dog must:
 - (a) Register the dog with the police department per SMC 8.14.050;
 - (b) Conspicuously display a sign with a warning symbol on any premises where the dog is kept that informs children of the presence of a dangerous dog;

i The following requirement is based on the statutory definition of "proper enclosure of a dangerous dog."

- (c) Ensure the dog is securely confined indoors, or inside a locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping, with secure sides and a secure top, that also provides protection from the elements for the dog;
- (d) Whenever not confined, ensure the dog is securely muzzled, on a leash that is not longer than six feet in length, and under the control of a person 15 years of age or older who is physically able to control the dog;
- (e) Ensure the dog wears a bright orange collar bearing the warning "dangerous dog";
- (f) Ensure the dog has a microchip implant for permanent identification; and

! Note these amounts are set by RCW 16.08.080(6), but may be set higher. The City Attorney recommends raising the limit to \$500,000 give the excessive awards that sometimes occur.

- (g) Maintain either:
 - (i) A surety bond issued by a surety insurer qualified under RCW Chapter 48.28 in a form acceptable to the city in the sum of at least \$250,000, payable to any person injured by the dangerous dog; or
 - (ii) A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least \$250,000, insuring the owner for any personal injuries inflicted by the dangerous dog.

(2) A violation of this section is a gross misdemeanor.

8.14.080 Requirement to Provide Notice to City.

- (1) The owner of a dangerous dog or potentially dangerous dog must immediately notify the police department when the animal:
 - (a) is loose or unconfined off the property; or
 - (b) has bitten or injured a human being or other domestic animal; or
 - (c) is sold, given away, or dies; or
 - (d) is moved to another address;
 - (e) is declared potentially dangerous or dangerous by another jurisdiction.
- (2) A violation of this section is a misdemeanor.

Chapter 8.20 Hobby Kennels and Catteries

i This chapter includes existing kennel provisions (e.g., SMC 8.02.440-450, and 470). This section is based on SMC 8.02.440. The terms "license" and "permit" have been consolidated to "permit." This chapter deletes special licenses for shelters and kennels, which are subject to standard business licenses.

8.20.020 Permit Required.

i This section is based on SMC 8.02.450.

- (1) It is unlawful to keep dogs over six months of age in numbers that exceed:
 - (a) the maximums identified in SMC 8.10.040 without a permit from the city for that purpose under this chapter;
 - (b) the maximums identified in a hobby kennel permit issued per SMC 8.20.040.
- (2) Exception. A veterinarian must obtain the required permit for any service other than the one which by law may be performed only by a veterinarian, but no such permit is required for a veterinarian's possession of animals solely for the purposes of veterinary care.
- (3) A violation of this section is a class 1 civil infraction.

8.20.040 Hobby Kennel Permit

- (1) A permit for a hobby kennel must be applied for to the Planning and Community Development Director on forms provided by the Department.

i This section is based on SMC 8.02.470 except where noted.

- (2) Limitation on Number of Dogs Allowed. The city may limit the number of dogs or cats allowed by a hobby kennel permit based on the following guidelines:
 - (a) The amount of lot area, except that:
 - (i) the maximum number may not exceed four where the lot is less than one acre;
 - (ii) the maximum number may not exceed five per acre where the lot area contains one acre but less than five acres; and
 - (iii) the maximum number may not exceed 25 where the lot area contains five acres or more;
 - (b) The facility specifications or dimensions in which the dogs are to be maintained;
 - (c) The zoning classification in which the hobby kennel would be maintained.

i Existing SMC 8.02.450, allowing exceeding the limit, is no longer incorporated into this section.

- (3) Requirements for Hobby Kennels.
 - (a) All open run areas must be completely surrounded by a six-foot fence set back at least 20 feet from all property lines; for purposes of this section "open run area" means that area, within the property lines of the premises on which the hobby kennel is to be maintained, where the dogs are sheltered and maintained.

- (b) No commercial signs or other appearances advertising the hobby kennel are permitted on the property except for the sale of the allowable offspring set forth in this section, or otherwise allowable under the city sign code.
 - (c) The Director may require setback, additional setback, fencing, screening or soundproofing as deemed necessary to ensure the compatibility of the hobby kennel with the surrounding neighborhood. Factors to be considered in determining such compatibility are:
 - (i) Statement, provided by the applicant, regarding approval or disapproval of surrounding neighbors relative to maintenance of a hobby kennel at the address applied for;
 - (ii) Past history of animal control complaints relating to the dogs and cats of the applicant at the address for which the hobby kennel is applied for;
 - (iii) Facility specifications and dimensions in which the dogs are to be maintained;
 - (iv) Animal size, type, and characteristics of breed;
 - (v) The zoning classification of the premises on which the hobby kennel is maintained.
 - (d) The hobby kennel may limit dog reproduction to no more than one litter per license year per female dog and two litters per license year per female cat;
 - (e) Each dog in the hobby kennel must have current and proper immunization from disease according to the dog's species and age, including DHLPP inoculation for dogs over three months of age and rabies inoculations for all dogs over six months of age.
- (4) Permit Issuance and Maintenance. Only when the Director is satisfied that the requirements of this chapter have been met may a hobby kennel permit be issued. The license will continue in full force throughout the license year unless, at any time, the hobby kennel is maintained in such a manner as to:
- (a) Exceed the number of dogs allowed at the hobby kennel by the animal control section; or
 - (b) Fail to comply with any of the requirements of this chapter.

Chapter 8.30 Poultry and Rabbits

8.30.020 Allowed as accessory

i Based on existing SMC 8.02.355

- (1) Poultry and rabbits are allowed as an accessory use to an existing residence.
- (2) Roosters or peacocks are prohibited.
- (3) The number of poultry and rabbits allowed is limited to one poultry or rabbit, or any combination thereof, per 1,000 square feet of lot area, with a maximum of 20 poultry and rabbits per lot.
- (4) Poultry may not disturb persons with loud and continuous noises.

8.30.030 Standards for housing poultry and rabbits

i Based on existing SMC 8.02.350.

- (1) A maximum of two accessory buildings for housing poultry or rabbits may be permitted on a lot. Each building must be located a minimum distance of five feet from any property line and 20 feet from any neighboring residence or business. Such accessory buildings may not be located in the required front yard.

- (2) A house, pen, or enclosure where poultry or rabbits are kept must be kept clean and free from disagreeable odors.
- (3) No organic materials furnishing food for flies or rodents may be allowed to accumulate on the premises.
- (4) All manure and other refuse must be kept in tightly covered fly-proof receptacles and disposed of at least once each week in a manner approved by the animal control officer.
- (5) No poultry or rabbits may be allowed to run at large, during any hour of the day or night upon any unenclosed land public or private, within the city limits.
- (6) An accessory building used for housing poultry or rabbits must be provided and must be a minimum of four square feet per animal.

Chapter 8.40 Livestock

i This chapter incorporates existing provisions in SMC 8.02 concerning livestock. Existing 8.02.060 and 070 is not addressed here.

8.40.020 Applicability

This chapter applies to livestock, as defined in SMC Chapter 8.01, and not to animals kept as pets per SMC 8.10.030.

8.40.030 Driving or riding animals so as to endanger person or property

i Existing SMC 8.02.100

It is unlawful to drive, herd, or ride a horse or other livestock in the city in such a manner as to endanger or to be likely to endanger any person or property, or to drive or ride a horse or other livestock upon any sidewalk in the city; provided, that this section shall not prohibit any person from driving or herding livestock in a safe manner consistent with reasonable farming or ranching practices.

8.40.040 Livestock not to run at large

i Based on existing SMC 8.02.040.

No livestock of any kind may be allowed to run at large, during any hour of the day or night upon any unenclosed land public or private, within the city limits.

8.40.050 Required area for certain livestock

i Based on existing SMC 8.02.320. New exclusion for small animals.

- (1) All persons owning or having control or possession of any livestock within the city of Stanwood must keep the livestock safely and appropriately enclosed at all times on the premises owned and occupied by such person.
- (2) The entire roaming area enclosing the livestock must be fenced. Fences must be of such a size and type to prevent encroachment on adjacent property, defined as reaching over, under, or through, as well as trespassing or intruding upon, the property of another.

i Based on existing SMC 8.02.050. Note existing language had an exemption for small farms or ongoing agricultural activity, which were not defined. Limitation to animals weighing 500 lbs at maturity is based on Vancouver municipal code.

(3) Minimum lot size for livestock animals:

- (a) that will weigh more than 500 pounds at maturity requires a minimum lot size of one acre for the first animal, and an additional 10,000 contiguous square feet for each additional animal;
- (b) that will weigh 100-500 pounds at maturity requires a minimum lot size of 1/2 acre for the first animal, and an additional contiguous 5,000 square feet for each additional animal.

i The following is new material.

(4) If a livestock animal gives birth, thereby exceeding the number of livestock animals allowed by the minimums set forth in this section, the owner must conform the number of the animals or the dimensional requirements within one year of the birth of the animals.

8.40.060 Standards for buildings and enclosures

i Based on existing 8.02.350 and 380.

- (1) Any building containing livestock must be located at a minimum distance of 100 feet of any adjoining residence.
- (2) All premises where livestock are kept must be free from rats and rat and mice harborages.

8.40.070 Additional Standards for Swine

i Based on existing SMC 8.02.360 and 370.

- (1) No pigsty, piggery, or other place where swine are kept may be built or maintained on marshy ground or land subject to overflow, nor within 200 feet of any stream or other source of water supply, nor within 300 feet of any inhabited house or public meeting house on adjoining property.
- (2) When garbage is fed to pigs, all unconsumed garbage must be removed daily and disposed of by burial or incineration. No organic material furnishing feed for flies may be allowed to accumulate on the premises. All garbage must be handled and fed upon platforms of concrete or other impervious material. Unslaked lime, hypochlorite of lime, borax or mineral oil must be used daily in sufficient quantities to prevent offensive odors and the breeding of flies.

8.40.080 Violations

A violation of this chapter is a class 2 civil infraction and may also be enforced per SMC Title 13.

Chapter 8.50 Beekeeping



New section based on Arlington municipal code; the 6,000 sf minimum is based on Kettle Falls Municipal Code 17.03.132.

8.50.020 Beekeeping allowed in residential zones

- (1) Hives or colonies of bees may be kept within residential zones consistent with the following requirements:
 - (a) The minimum lot size where colonies may be kept is 6,000 square feet.
 - (b) A maximum of two hives are permitted if the lot is between 6,001 and 15,000 square feet or less.
 - (c) A maximum of five hives are permitted if the lot is between 15,001 and 35,000 square feet.
 - (d) A maximum of fifteen hives are permitted if the lot is more than 35,000 square feet.

8.50.030 Limitations on hives

- (1) Hives must be moveable frame hives with adequate space and management techniques to prevent overcrowding and swarming.
- (2) Hives may not be located within 10 feet of a property line.
- (3) Hives must be registered with the director of the department of agriculture of the state of Washington as provided in RCW 15.60.021, and must provide proof of such registration to the City upon request.

8.50.040 Additional standards for beekeeping



The following is based on Kettle Falls Municipal Code 17.03.132.

- (1) The beekeeper must:
 - (a) establish and maintain a flyway barrier at least six feet in height consisting of a solid wall, solid fencing material, dense vegetation or combination thereof that is parallel to the property line and extends ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the colony; or
 - (b) situate the colony ten feet or more above the grade of the nearest adjoining property line.
- (2) The beekeeper must ensure an adequate supply of water for bees is located close to each colony.
- (3) The beekeeper must identify the apiary for beekeeping by placing a sign so it is visible to passersby.
- (4) In any instance in which a colony exhibits aggressive or swarming behavior, the beekeeper must ensure that the colony is re-queened. Aggressive behavior is any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs.

8.50.050 Bees may be considered a nuisance



This section is based on Ellensburg Municipal Code 5.30.

- (1) Bees may be considered a public nuisance when any of the following occurs:
 - (a) colonies of bees are defensive or objectively interfere with the normal use of property, or the enjoyment of persons, animals or property adjacent to an apiary;

- (b) hives of bees do not conform to this chapter;
 - (c) the hive becomes deceased, as defined by the Department of Agriculture; or
 - (d) the hive becomes abandoned by its beekeeper.
- (2) Bees that are a public nuisance are subject to abatement under SMC Title 13, and should be rehomed to a more suitable location by a professional bee relocation service.

Chapter 8.60 Dangerous Animals

- i** This chapter is based on existing SMC 8.02.035, with corrections.
- i** Definition is expanded to include wolf hybrids and all cougars.

8.60.020 Definitions

- i** The state law definition excludes wolf hybrids and wild-bred cougars, so this definition adds them back in.

- (1) "Dangerous animal" means:
- (a) All animals listed in the definition of "potentially dangerous wild animal" in RCW 16.30.010;
 - (b) All animals of the family *Canidae* (as dogs, wolves, jackals, or foxes) and their hybrids, except for the domestic dog *Canis lupus familiaris*; and
 - (c) All cougars.

8.60.030 Prohibition

- (1) It is unlawful to own, possess, breed, import, export, barter, have custody or control over, buy, sell, or attempt to buy or sell any dangerous animal.
- (2) It is unlawful to display or sponsor a display of dangerous animals within the City of Stanwood.
- (3) This prohibition is not subject to the exceptions provided in RCW 16.30.020.

8.60.040 Confiscation

- i** This language mostly mirrors RCW 16.30.040.

- (1) The Animal Control Authority or a law enforcement officer may immediately confiscate a dangerous animal held in contravention of this chapter.
- (2) An Animal Control Authority or law enforcement officer who confiscates an animal prohibited by this chapter must serve notice upon the possessor in person or by regular and certified mail, return receipt requested, notifying the possessor of the confiscation, that the possessor is responsible for payment of reasonable costs for caring and providing for the animal during the confiscation, and that the possessor must demonstrate a plan to immediately remove the animal from the city in order for the animal to be returned to the possessor.
- (3) If a dangerous animal confiscated under this section is not returned to the possessor, the Animal Control Authority or law enforcement officer may release the animal to a facility outside the city, such as a wildlife sanctuary, where the animal is legal to possess. If the animal control authority or law enforcement officer is unable to relocate the animal within a reasonable period of time, it may euthanize the animal.

8.60.050 Violations

- (1) A violation of this chapter is a misdemeanor punishable by up to 90 days in jail, a \$1000 fine, or both.
- (2) A violation of this chapter occurs with respect to each animal that is possessed in violation of this chapter.

Chapter 8.70 Animal Welfare

i This chapter includes existing SMC 8.02.460 and .480.

8.70.030 Standards for Shelters, Kennels, Animal Daycares, and Similar Facilities

i The following is based on existing SMC 8.02.460.

- (1) Provisions.
 - (a) An animal housed in any animal shelter, kennel, pet shop, or similar facility must be provided housing facilities that are structurally sound, maintained in good repair, and designed so as to protect the animals from injury and restrict the entrance of other animals.
 - (b) An animal housed in any animal shelter, commercial kennel or pet shop or enclosure therein must be provided with adequate floor space to allow each animal to turn about freely and to easily stand, sit, and lie in a comfortable normal position.
 - (c) Electrical power must be supplied in conformance with applicable electrical codes adequate to supply heating and lighting as may be required by this chapter.
 - (d) Water must be supplied at sufficient pressure and quantity to clean indoor housing facilities and enclosures of debris and excreta.
 - (e) Suitable food and bedding must be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents.
 - (f) Refrigeration must be provided for the protection of perishable foods.
 - (g) Facilities for the removal and disposal of animal and food wastes, bedding, dead animals and debris must be provided and operated as to minimize vermin infestation, odors, and disease hazards.
 - (h) Washroom facilities, including sinks and toilets, with hot and cold water, must be conveniently available to maintain cleanliness among animal caretakers and for the purpose of washing utensils and equipment.
- (2) Operation.
 - (a) Sick, diseased, or injured animals must be separated from those appearing healthy and normal and, if for sale, must be removed from display and sale and kept in isolation quarters with adequate ventilation to keep from contaminating well animals.
 - (b) An employee responsible for the care and supervision of the animals must be on duty at all times during the hours a store is open.
 - (c) An employee, keeper or owner must feed, water, and do the necessary cleaning of animals on days the store or establishment is closed.
 - (d) No person may misrepresent an animal to a consumer in any way.
 - (e) No person may knowingly sell a sick or injured animal.

- (f) An animal that is caged, closely confined, or restrained must be permitted daily, and for an appropriate length of time, as determined by their size, age and species, to exercise in a yard or area suitable for that purpose.

8.70.040 Standards for Grooming Parlors and Self Washing Stations

i The following is based on existing SMC 8.02.480. Deleted subsection (5) about prescribing medicine, which is regulated by state law.

- (1) A grooming parlor must:
 - (a) Keep each animal in an individual cage;
 - (b) Not permit animals therein kept for the direct purpose of grooming to have contact with other animals kept therein;
 - (c) Sanitize all equipment after each animal has been groomed;
 - (d) Take reasonable precautions to prevent injury from occurring to any animals while in the custody of said parlor;
 - (e) Not leave animals unattended during the drying process;
 - (f) Remove animal waste.
- (2) A grooming parlor may not board animals, but may keep said animals for a reasonable time in order to perform the business of grooming.
- (3) A self washing station must:
 - (a) Access must comply with all ADA requirements;
 - (b) Each station must have a leash, faucet, and blow dryer;
 - (c) The floor surface must have a drain and slope not to exceed two percent; and
 - (d) Boarding of animals is prohibited.

8.70.050 Violations

A violation of this chapter is a class 3 civil infraction for each animal affected, for each day it occurs, and may also be enforced per SMC Title 13.

Chapter 8.80 Animal Cruelty

i This chapter includes existing SMC 8.02.390, with updates.

8.80.010 Adoption by reference

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW [9.08.030](#) False certificate of registration of animals—False representation as to breed.

RCW [9.08.065](#) Definitions

RCW [9.08.070](#) Pet animals—Taking, concealing, injuring, killing, etc.—Penalty.

RCW [9.91.170](#) Interfering with dog guide or service animal.

RCW [16.52.011](#) Definitions

RCW [16.52.015](#) Enforcement Powers

RCW [16.52.080](#) Transporting or Confining Animals in an Unsafe Manner

RCW [16.52.085](#) Removal of Neglected Animals for Feeding and Restoration to Health – Examination – Notice – Return – Non-Liability

RCW [16.52.090](#) Docking Horses – Misdemeanor

RCW [16.52.095](#) Cutting Ears – Misdemeanor

RCW [16.52.100](#) Confinement Without Food and Water

RCW [16.52.110](#) Old or Diseased Animals at Large

RCW [16.52.117](#) Animal Fighting – Owner, Trainers, Spectators – Exceptions

RCW [16.52.180](#) Limitations on Application of Chapter

RCW [16.52.185](#) Exclusions from Chapter

RCW [16.52.190](#) Poisoning Animals--Penalty

RCW [16.52.193](#) Poisoning Animals – Strychnine Sales

RCW [16.52.200](#) Sentences – Forfeiture of Animals – Liability for Costs – Civil Penalty

RCW [16.52.207](#) Animal cruelty in the second degree

RCW [16.52.210](#) Destruction of Animal by Law Enforcement Officer – Immunity from Liability

RCW 16.52.225—Nonambulatory livestock—Transporting or accepting delivery—Gross misdemeanor—Definition.

RCW 16.52.230—Remedies not impaired.

RCW [16.52.300](#) Dogs or Cats Used as Bait – Penalties

RCW [16.52.305](#) Unlawful use of hook – Gross misdemeanor

RCW 16.52.310—Dog breeding—Limit on the number of dogs—Required conditions—Penalty—Limitation of section—Definitions.

RCW [16.52.340](#) Leave or confine any animal in unattended motor vehicle or enclosed space—Class 2 civil infraction—Officers' authority to reasonably remove animal.

RCW [46.61.660](#) Carrying Animal on Outside of Vehicle

Chapter 8.90 Enforcement and Impoundment

i Existing provisions in SMC 8.02 regarding impoundment and other actions required for enforcement are reorganized in this new chapter. Existing SMC 8.02.190 regarding stray animals is incorporated here.

8.90.010 Authority

This title may be enforced by the police chief, Animal Control Officer, or any law or code enforcement officer.

8.90.020 Animal Control Shelter

i Based on existing SMC 8.02.270 Animal control shelter.

- (1) The city may maintain and operate, or contract to maintain and operate an animal control shelter, which may be used as the public pound for any animal impounded pursuant to this chapter.

i Based on existing SMC 8.02.170(4).

- (2) A resident of the city of Stanwood may, for a fee equal to the costs associated with the current agreement, deliver and relinquish ownership of unwanted dogs or cats owned by them to the animal control shelter providing that service pursuant to a contract with the city. The person must show acceptable proof of Stanwood residency. The fee must be paid directly to the animal shelter by the person relinquishing the animal at the time of release.

8.90.030 Impoundment Authorized.

i This section based on existing SMC 8.02.170.

- (1) The City may impound any of the following animals:
 - (a) Dogs maintained in violation of SMC Chapter 8.10;
 - (b) Dogs that are not licensed or do not exhibit the identification tag per SMC Chapter 8.12;
 - (c) An animal left in an unattended motor vehicle or enclosed space per RCW 16.52.340;
 - (d) Livestock in violation of SMC 8.40.020 or 8.40.040;
 - (e) Trespassing dogs and cats in violation of SMC 8.10.080;
 - (f) Potentially dangerous or dangerous dogs in violation of SMC Chapter 8.14, as authorized by RCW 16.08.100(1);
 - (g) Animal carcasses maintained in violation of SMC 8.10.140.
- (2) Notwithstanding other time limits in this chapter, an impounded animal that has bitten a person or another animal must be made available for testing for rabies or other disease and maintained in quarantine for the requisite length of time.

i The following is based on SMC 8.02.300 except for subsection (7), which seems to require a warrant anyway.

- (3) Entry. An animal control officer or law enforcement officer may enter private property:
 - (a) with consent of the owner or any adult occupant of any premises where the animal lives to determine compliance with the provisions of this chapter;
 - (b) in the absence of the owner or occupant, using reasonable force when, in the officer's judgment, an animal on such premises needs emergency assistance to prevent an animal's death or serious injury;
 - (c) with a search warrant or when authorized by law;
 - (d) to remove and impound any animal left in an unattended motor vehicle or enclosed space per RCW 16.52.340, leaving notice of the impounding and disposition of the animal in plain view with the vehicle;

- (e) when in hot pursuit, with or without a warrant, to take possession of an animal observed to be at large in violation of this title.

8.90.040 Required Notice

i Based on existing SMC 8.02.070 Notice of impoundment.

- (1) When the city impounds an animal pursuant to SMC 8.90.030, the city must give the owner thereof written notice of the impoundment as soon as possible, but not more than three days after impoundment.
- (2) Notice should be provided by personal service or by regular and certified mail with return receipt requested. If the owner is not known, such notice must be given by posting the same in a conspicuous place at the entrance of City Hall and the city police department.
- (3) The notice must state that the animal or animals described therein have been taken up and impounded and will be sold at public auction to the highest bidder for cash at the time therein named. That time may not be less than 10 days from the time of service or posting of the notice.
- (4) For a potentially dangerous or dangerous dog, the notice must specify the reason for the confiscation of the dog, that the owner is responsible for payment of the costs of confinement and control, and that the dog will be destroyed in an expeditious and humane manner if the deficiencies for which the dog was confiscated are not corrected within 20 days, and that redemption is not available until sufficient evidence of such corrections is provided.

8.90.050 Redemption

i Based on existing SMC 8.02.080.

- (1) If the owner claims an impounded animal before the scheduled sale of the animal, the owner is entitled to possession thereof by paying to the city the fees established by Council resolution for:
 - (a) Transportation and impoundment expenses. The fee shall progressively double for each impoundment of the same animal during any one-year period.
 - (b) Actual cost per day for room and board during the period of impoundment.
 - (c) Any and all delinquent court fines imposed with respect to the animal.
- (2) At the time named in the notice of impoundment, if the impounded animal has not been claimed and redeemed, the city may sell such animal per SMC 8.90.070.
- (3) Within one year from the date of sale, if the owner of an animal sold per this section provides satisfactory proof of ownership, the owner is entitled to receive the net proceeds of such sale so paid into the city treasury, after deducting all legal charges, administrative costs and expenses. If those funds have not been claimed after one year, such proceeds shall be deemed forfeited and deposited in the general fund.

8.90.060 Impoundment Costs

i Based on existing SMC 8.02.170(4).

- (1) The owner of an animal impounded under this title must pay the city assessed penalties and all fees and costs associated with apprehension, transportation, impoundment, care, boarding, and any veterinary care incurred, including euthanasia and disposal if applicable, as a result of the confiscation or impoundment, whether or not the animal is redeemed.

- (2) Relinquishment of the animal by its owner does not constitute a waiver of fees or costs incurred under this section or fines otherwise imposed.
- (3) The net proceeds of the sale of an impounded animal may not offset any delinquent court fines.
- (4) The city may collect the penalties, fees, and expenses by use of appropriate legal remedies.

8.90.070 Destruction and Sale

i Based on existing SMC 8.02.170 and 180.

- (1) The city may sell or destroy, by humane means, an impounded animal pursuant to this chapter, when such animal has not been redeemed by its owners within ten working days after the animal is impounded.
- (2) The city may immediately destroy an impounded animal immediately if it would be humane to destroy an injured or diseased animal and the animal is unlicensed or the owner cannot be located. Determination of whether the animal should be destroyed must be made by a veterinarian, animal control officer, or police officer.
- (3) To sell an impounded animal, the city must sell at public auction to the highest bidder for cash and give a receipt to the purchaser. The net proceeds of such sale must be paid into the city treasury, after deducting legal charges, administrative costs, and expenses. The city may contract for auctioneer services and pay expenses thereof from the proceeds from the sale of said animals.

8.90.080 Obstruction of Impoundment

i Based on existing SMC 8.02.290.

- (1) It is unlawful for any person to prevent or hinder or to attempt to prevent or hinder the lawful impounding of any animal, or by force or otherwise remove or attempt to remove any animal from the public pound without the authority of the animal control officer, or other person in charge of the pound, or to aid in any attempt to remove any animal or animals from the pound.
- (2) A violation of this section is a misdemeanor, which upon conviction thereof, may be punished by a fine of up to 90 days in jail or \$1,000 fine, or both, plus costs.

ATTACHMENT B

Attn: City of Stanwood Community Development Department, 10220 270th St NW, Stanwood, WA 98292

09/28/2020

Re: Annual Docket Request

To Whom it May Concern:

I, Joshua Larson, at 8411 276th PI NW, Stanwood, WA 98292, would like to please request a revision to codes 8.02.050, *required area for livestock*, and 8.02.360 *pigsty*.

My family and I would like to please propose the following amendments:

Exception that a maximum of one swine and its associated pigsty/pig house/run may be kept on a residentially zoned property of no less than $\frac{1}{4}$ acre, with no minimum of distance from habitable structures, when said swine is strictly a **pet**. There may be no exception for multiple swine, breeding, raising to butcher, showing in exhibits/fairs/rodeos/etc., or any other type of asset use.

Pigs are very smart, clean creatures and can make wonderful pets. For example, for a family with dog allergies, a pig can make a very acceptable substitute. Pigs can be trained, just as a dog can (including the use of a "litter box"), and always go potty away from their feeding and sleeping quarters in a designated space. Given they are to be kept on a vegetarian diet, their waste is less offensive than a dog's. Pigs are also less noisy than typical pets that may bark or meow. Just as with pet dogs and cats, it is the owner's responsibility to maintain a healthy and safe environment for the pet and any other's that may be subjected to the pet.

We politely request that this change be considered.



Joshua Larson and Family

8411 276th PI NW

Stanwood, WA 98292

253-226-3306



**ANNUAL
DOCKET REQUEST**

COMMUNITY DEVELOPMENT
10220 270th Street NW Stanwood, WA 98292

INSTRUCTIONS

Please submit the following with your permit application:

- ☐ Docket Request Information Sheet
- ☐ Docket Request Application Form
- ☐ Written Narrative of Proposal



**CITY OF STANWOOD
COMMUNITY DEVELOPMENT
CONTACT INFORMATION**

Address: 10220 270th Street NW
Stanwood, WA 98292
Phone Number: 360-629-2181
Office Hours: Monday – Friday 9:00 am to 5:00 pm
Online Applications: <http://www.ci.stanwood.wa.us/cd/page/land-use-permit-applications>



ANNUAL DOCKET REQUEST APPLICATION

COMMUNITY DEVELOPMENT
10220 270th Street NW Stanwood, WA 98292

Date: _____

Permit Number(s): _____

Fee: _____

DOCKET REQUEST

- ☐ Comprehensive Plan Text Amendment
☐ Comprehensive Plan Map Amendment / Rezone
☒ Zoning / Municipal Code / Development Regulation Text Amendment

	OWNER	APPLICANT	CONTACT
Business Name			
Name	Lauren Mitchell	Lauren Mitchell	206-841-5907
Full Address	8118 274 th St NW Stanwood, WA 98292		
Phone Number	206-841-5907		
E-mail	lamitch.emory@gmail.com		

FOR COMPREHENSIVE PLAN MAP AMENDMENTS AND REZONES

Project Address					
Nearest Intersection or General Location					
Tax Parcel ID Numbers All involved properties					
Approximate Acreage of Properties					
Water Supply	Current	Proposed	Sewer Supply	Current	Proposed
Existing Use of Property			Zoning Classification		
Proposed Use of Property			Comprehensive Plan Designation		

FOR ALL DOCKET REQUESTS

Explain your request and all proposed text or map amendments included in this proposal:

I request that we re-analyze and change the "lifestock" zoning rule: 1 lifestock per .5 acre. As it stands, this law qualifies any lifestock as being equal...from a dwarf goat to a buffalo. I would propose that not all lifestock be counted as equal. People use goats to clear land. Others have indoor pigs as pets, not livestock. I would like to be able to have goats in my back ravine to clear the invasive ivy.

RECEIVED

OCT 07 2020

11.74
CITY OF STANWOOD

FOR ALL DOCKET REQUESTS

Attach a written description of how the proposal meets the following:

Comprehensive Plat Text Amendments – Show consistency with SMC 17.157.080

- (1) The amendment bears a substantial relation to the public health, safety, or welfare;
- (2) The amendment is warranted because of changed circumstances or because of a need for additional property in the proposed Comprehensive Plan designation or because the proposed amendment is appropriate for reasonable development of the subject property;
- (3) The subject property is suitable for development in conformance with standards under the proposed Comprehensive Plan designation;
- (4) The amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property;
- (5) The proposed Comprehensive Plan amendment has merit and value for the community as a whole; and
- (6) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

Comprehensive Plan Map Amendments (Rezones) – Show consistency with SMC 17.155.090 (1)

- (a) The reclassification bears a substantial relation to the public health, safety, or welfare;
- (b) The reclassification is warranted because of changed circumstances or because of a need for additional property in the proposed land use zone classification or because the proposed zoning classification is appropriate for reasonable development of the subject property;
- (c) The subject property is suitable for development in general conformance with zoning standards under the proposed zoning classification;
- (d) The reclassification will not be materially detrimental to uses or property in the immediate vicinity of the subject property;
- (e) The reclassification has merit and value for the community as a whole;
- (f) The reclassification is consistent with the Comprehensive Plan; and
- (g) The reclassification complies with all other applicable criteria and standards of the Stanwood Municipal Code.

Zoning / Municipal Code / Development Regulation Text Amendments – Show consistency with SMC 17.155.090 (2)

- (a) The purpose and desired effect of the proposed zoning code amendment are consistent with the Stanwood Municipal Code;
- (b) There is a positive relationship to the public health, safety and welfare of the community; and
- (c) The proposed amendment is consistent with the Stanwood Comprehensive Plan.

APPLICANT CERTIFICATION

I certify that I am the Owner or Owner's authorized agent. If acting as an authorized agent, I further certify that I am authorized to act as the Owners agent regarding the property at the above referenced address for the purpose of filing applications for permits or review under the Stanwood Municipal Code and I have full power and authority to perform on behalf of the Owner all acts required to enable the City to process and review such applications.

I do hereby declare under penalty of perjury under the laws of the State of Washington that I have familiarized myself with the rules and regulations with respect to preparing and filing this application and that the statements and information submitted herewith are in all respects true and correct to the best of my knowledge and belief.



Applicant's Signature

10-5-20

Date

Lauren Mitchell

Print Name

REAL PROPERTY OWNER CERTIFICATION (Signature of the Property Owner of Record is Required)

I do hereby declare under penalty of perjury under the laws of the State of Washington that I am the owner of the subject property, that it is my desire to seek the subject land use permit, and that I will abide by any requirements and conditions that may be part of the approval of this request. I also hereby grant permission for City employees, agents of the City and/or other agency officials to enter the subject property, if necessary, for the purpose of site inspections.

	SIGNATURE	PRINT NAME	ADDRESS	PHONE NUMBER
1.		Lauren Mitchell	8118 274th St NW Stanwood, WA	206-841-5907
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

ATTACHMENT D

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5934

Chapter 337, Laws of 2024

68th Legislature
2024 Regular Session

POLLINATOR HABITATS—VARIOUS PROVISIONS

EFFECTIVE DATE: June 6, 2024

Passed by the Senate March 5, 2024
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Passed by the House March 1, 2024
Yeas 96 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved March 28, 2024 2:19 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5934** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 29, 2024

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5934

AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

State of Washington

68th Legislature

2024 Regular Session

By Senate Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Padden, Van De Wege, Dhingra, Lias, Salomon, and Warnick)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to pollinator habitat; amending RCW 64.38.057 and
2 64.90.512; adding a new section to chapter 35.63 RCW; adding a new
3 section to chapter 35A.63 RCW; and adding a new section to chapter
4 36.70 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.63
7 RCW to read as follows:

8 (1) A city may encourage an applicant of a project permit or
9 commercial building permit to include pollinator friendly plants in
10 any landscaped area to the extent practicable by:

11 (a) Providing the list of native forage plants as developed by
12 the department of agriculture in compliance with RCW 39.04.410 to
13 applicants for project permits;

14 (b) Providing information regarding the benefits of pollinators
15 and pollinator habitat; and

16 (c) Offering incentives, including expedited processing or
17 reduced application fees, for permit applicants that include
18 pollinator habitat as part of the permit application.

19 (2) A city may set restrictions related to beehives, but may not
20 adopt an ordinance banning beehives.

21 (3) For the purposes of this section:

(a) "Commercial building permit" has the same meaning as defined in RCW 19.27.015.

(b) "Pollinator habitat" means an area of land that is or may be developed as habitat beneficial for the feeding, nesting, and reproduction of all pollinators. "Pollinator habitat" does not include beehives, except for mason bee houses.

(c) "Project permit" has the same meaning as defined in RCW 36.70B.020.

NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.63 RCW to read as follows:

(1) A code city may encourage an applicant of a project permit or commercial building permit to include pollinator friendly plants in any landscaped area to the extent practicable by:

(a) Providing the list of native forage plants as developed by the department of agriculture in compliance with RCW 39.04.410 to applicants for project permits;

(b) Providing information regarding the benefits of pollinators and pollinator habitat; and

(c) Offering incentives, including expedited processing or reduced application fees, for permit applicants that include pollinator habitat as part of the permit application.

(2) A code city may set restrictions related to beehives, but may not adopt an ordinance banning beehives.

(3) For the purposes of this section:

(a) "Commercial building permit" has the same meaning as defined in RCW 19.27.015.

(b) "Pollinator habitat" means an area of land that is or may be developed as habitat beneficial for the feeding, nesting, and reproduction of all pollinators. "Pollinator habitat" does not include beehives, except for mason bee houses.

(c) "Project permit" has the same meaning as defined in RCW 36.70B.020.

NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70 RCW to read as follows:

(1) A county may encourage an applicant of a project permit or commercial building permit to include pollinator friendly plants in any landscaped area to the extent practicable by:

1 (a) Providing the list of native forage plants as developed by
2 the department of agriculture in compliance with RCW 39.04.410 to
3 applicants for project permits;

4 (b) Providing information regarding the benefits of pollinators
5 and pollinator habitat; and

6 (c) Offering incentives, including expedited processing or
7 reduced application fees, for permit applicants that include
8 pollinator habitat as part of the permit application.

9 (2) A county may set restrictions related to beehives, but may
10 not adopt an ordinance banning beehives.

11 (3) For the purposes of this section:

12 (a) "Commercial building permit" has the same meaning as defined
13 in RCW 19.27.015.

14 (b) "Pollinator habitat" means an area of land that is or may be
15 developed as habitat beneficial for the feeding, nesting, and
16 reproduction of all pollinators. "Pollinator habitat" does not
17 include beehives, except for mason bee houses.

18 (c) "Project permit" has the same meaning as defined in RCW
19 36.70B.020.

20 **Sec. 4.** RCW 64.38.057 and 2020 c 9 s 2 are each amended to read
21 as follows:

22 (1) The governing documents may not prohibit the installation of
23 drought resistant landscaping, pollinator habitat, including beehives
24 compliant with local regulation, or wildfire ignition resistant
25 landscaping. However, the governing documents may include reasonable
26 rules regarding the placement and aesthetic appearance of drought
27 resistant landscaping, pollinator habitat, or wildfire ignition
28 resistant landscaping, as long as the rules do not render the use of
29 drought resistant landscaping, pollinator habitat, or wildfire
30 ignition resistant landscaping unreasonably costly or otherwise
31 effectively infeasible.

32 (2) If a property is located within the geographic designation of
33 an order of a drought condition issued by the department of ecology
34 under RCW 43.83B.405, an association may not sanction or impose a
35 fine or assessment against an owner, or resident on the owner's
36 property, for reducing or eliminating the watering of vegetation or
37 lawns for the duration of the drought condition order.

(3) Nothing in this section may be construed to prohibit or restrict the establishment and maintenance of a fire buffer within the building ignition zone.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Building ignition zone" means a building and surrounding area up to two hundred feet from the foundation.

(b) "Drought resistant landscaping" means the use of any noninvasive vegetation adapted to arid or dry conditions, stone, or landscaping rock.

(c) "Firewise" means the firewise communities program developed by the national fire protection association, which encourages local solutions for wildfire safety by involving homeowners, community leaders, planners, developers, firefighters, and others in the effort to protect people and property from wildfire risks.

(d) "Pollinator habitat" means an area of land that is or may be developed as habitat beneficial for the feeding, nesting, and reproduction of all pollinators. "Pollinator habitat" does not include beehives, except for mason bee houses.

(e) "Wildfire ignition resistant landscaping" includes:

(i) Any landscaping tools or techniques, or noninvasive vegetation, that do not readily ignite from a flame or other ignition source; or

(ii) The use of firewise methods to reduce ignition risk in a building ignition zone.

Sec. 5. RCW 64.90.512 and 2020 c 9 s 4 are each amended to read as follows:

(1)(a) The declaration of a common interest ownership and any governing documents adopted by an association may not prohibit the installation of drought resistant landscaping, pollinator habitat, including beehives compliant with local regulation, or wildfire ignition resistant landscaping. However, the declaration or governing documents may include reasonable rules regarding the placement and aesthetic appearance of drought resistant landscaping, pollinator habitat, or wildfire ignition resistant landscaping, as long as the rules do not render the use of drought resistant landscaping, pollinator habitat, or wildfire ignition resistant landscaping unreasonably costly or otherwise effectively infeasible.

(b) This subsection does not apply to condominium associations.

1 (2) If a property is located within the geographic designation of
2 an order of a drought condition issued by the department of ecology
3 under RCW 43.83B.405, an association may not impose a fine or
4 assessment against an owner, or resident on the owner's property, for
5 reducing or eliminating the watering of vegetation or lawns for the
6 duration of the drought condition order.

7 (3) Nothing in this section may be construed to prohibit or
8 restrict the establishment and maintenance of a fire buffer within
9 the building ignition zone.

10 (4) The definitions in this subsection apply throughout this
11 section unless the context clearly requires otherwise.

12 (a) "Building ignition zone" means a building and surrounding
13 area up to two hundred feet from the foundation.

14 (b) "Drought resistant landscaping" means the use of any
15 noninvasive vegetation adapted to arid or dry conditions, stone, or
16 landscaping rock.

17 (c) "Firewise" means the firewise communities program developed
18 by the national fire protection association, which encourages local
19 solutions for wildfire safety by involving homeowners, community
20 leaders, planners, developers, firefighters, and others in the effort
21 to protect people and property from wildfire risks.

22 (d) "Pollinator habitat" means an area of land that is or may be
23 developed as habitat beneficial for the feeding, nesting, and
24 reproduction of all pollinators. "Pollinator habitat" does not
25 include beehives, except for mason bee houses.

26 (e) "Wildfire ignition resistant landscaping" includes:

27 (i) Any landscaping tools or techniques, or noninvasive
28 vegetation, that do not readily ignite from a flame or other ignition
29 source; or

30 (ii) The use of firewise methods to reduce ignition risk in a
31 building ignition zone.

Passed by the Senate March 5, 2024.

Passed by the House March 1, 2024.

Approved by the Governor March 28, 2024.

Filed in Office of Secretary of State March 29, 2024.

--- END ---