



McCleary City Council

PROPOSED AGENDA

September 12, 2012

7:00 Council Meeting

Flag Salute

Roll Call

Public Comment:

Minutes (Tab A)

Mayor's Report/Comments: Budget Schedule

Staff Reports: Dan Glenn, City Attorney (Tab B)
 Nick Bird, Director of Public Works (Tab C)
 Staff Reports (Tab D)

Old Business: Generator Service Agreement (Tab E)

New Business: Public Sewers Revision (Tab F)
 Intersection Review (Tab G)
 BIAS Online Xpress Bill Pay (Tab H)

Resolutions: Solid Waste Comprehensive Plan Update (Tab I)
 Gender Neutral Recreational Facility Access (Tab J)

Ordinances: Special Event Permit (Tab K)
 Budget Amendment (Tab L)
 Public Sewers (Tab M)

Vouchers

Mayor/Council Comments

Public Comment

Executive Session

Adjournment

Americans with Disabilities Act (ADA)
Accommodation is Provided Upon Request

Please Turn Off Cell Phones – Thank You

The City of McCleary is an equal opportunity provider and employer.
La ciudad de McCleary es un proveedor de igualdad de oportunidades y el empleador.

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: September 7, 2012
RE: LEGAL ACTIVITIES as of SEPTEMBER 12, 2012

THIS DOCUMENT is prepared by the City Attorney for utilization by the City of McCleary and its elected officials and is subject to the attorney-client privileges to the extent not inconsistent with laws relating to public disclosure.

1. **SUPPLEMENTAL BUDGET ORDINANCE**: This ordinance is on tonight for final consideration. As required by law, more than five days have passed since its introduction. Obviously, although a public hearing with published notice is not required, the opportunity for public comment is required by the statute prior to final consideration. Finally, as to adoption, unlike the regular budget which may be adopted by a simple majority vote, a supplemental budget such as this requires an affirmative vote of a majority plus one.

2. **GENDER ANTI-DISCRIMINATION RESOLUTION**: On tonight's agenda is a draft resolution relating to a policy applicable to the City's recreational facilities, primarily Beerbower Park and the ball field. It is provided in light of the fact the City makes available a variety of recreational facilities to the various groups and leagues.

The basic issue present is that, so as far as my review could establish, the City does not have in place formally a resolution making it clear there is to be no discrimination based upon gender in relation to access to the City's recreational facilities. This has been an issue dealt with by the federal government under what is known as Title IX of a federal law and by state government through the adoption of RCW 69.50.500 and .505. For your reference, I have attached at the bottom of this report the two statutes involved. I have included the findings upon which the requirements are based. The requirement of RCW 69.50.500 is logical and no surprise. The requirement set forth

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in RCW 69.50.505 requires the formalization in a written form that policy, as well as mandating that it be made available to all users.

Thus, to insure compliance with state law, I have prepared a draft resolution which formalizes the policy. As you will note, it does require the City to provide copies of the document to any entity utilizing the parks and fields with the City's consent. For example, the Soccer and Baseball organizations.

3. **SPECIAL EVENT ORDINANCE**: Ms. Collins and Mr. Bird have been reviewing the draft. Based upon a desire to avoid multiple permitting, we have inserted language in the definition of a "special event" to exclude events which operate under a rental agreement, such as the Community Center site, or through a permit issued in relation to the parks and recreation provisions of the Code.

Obviously, this is an extensive ordinance with various areas requiring "filling in" blanks. If, during the course of your review, you come up with questions or suggestions, please direct them to one of the three of us.

4. **SOLID WASTE COMPREHENSIVE PLAN UPDATE**: The Mayor and Mr. Bird may well be more aware of this matter than I. Apparently, a committee chosen by the County consisting of a number of individuals has been working with a consultant retained by the County to provide an update to this plan. The update is mandated. Ms. Collins received the material from the County and will, I am certain, make it available to you. It consists of an updated plan, a summary of the impacts, and a rough draft of a resolution.

Once you have had the opportunity to review the proposed update and assuming you find it acceptable, it will require your formal adoption by resolution. Thus, I have prepared a "morphed" version of the document they provided for your use to adopt the plan. Obviously, the timing depends upon when you feel that you have received adequate information.

5. **CANINE ISSUE**: This matter was raised as the last session and dealt with, as to alternatives, in the Council Report. Obviously, there was a difference of opinion between the two individuals involved in the particular situation. However, the basic issue is whether the Council and Mayor wish to undertake a review of the situation in terms of regulating in greater detail the number of animals which may be on a property.

I will await your direction on the matter.

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6. SEWER SYSTEM ORDINANCE: As reported in the prior Report, I have provided Staff with a somewhat extensive proposed update of the Sewer/Waste Water Chapter of the Code. It is my understanding that Staff are in process of reviewing the draft in terms of what needs to be added, are any provisions unnecessary for us, etc. Upon the completion of their review and the making of any recommended changes, the updated draft will be provided to you for your review and consideration.

7. JAIL CONTRACT DISCUSSIONS: As noted in the prior report, a meeting did occur with the County (Commissioner Willis, Sheriff Whelan, future Sheriff Scott, and Prosecutor Menefee) a couple of weeks ago attended on the cities' behalf by a group consisting of two of the County's Mayors, two chiefs of police, Ms. Powell, and two city attorneys, including myself. Bluntly, not much was accomplished. Based upon discussions, the City "side" made an offer to deal with misdemeanor defendants only with the felony confines issue left out. At that stage, the meeting came to an end with an understanding the County would submit a written draft contract dealing with this area only.

There was to be a follow up meeting on Friday, September 7. On Thursday, September 6, we received an initial draft agreement from Mr. Menefee. In the transmission, he noted it had not yet been reviewed by the Commissioners or Sheriff. Later in the day a communication was received indicating that, due to the absence of prior review, we should not consider it as a proposal from the County. (I am certain that Mr. Menefee will be providing a subsequent draft partial agreement after it is reviewed by the County group.)

However, due to a bit of miscommunication and the timing of the receipt of the initial draft and its withdrawal, it was felt the meeting would likely not be beneficial. Thus, it was cancelled. It is anticipated a meeting will occur during the 1st week of October.

As you are aware, my biggest concern continues to be about the potential fiscal impacts of the County's position as to felons. If our officers were to arrest an individual within the corporate limits for a felony and book him or her into the jail, the County continues to want the City to not only pay the per day jail cost through the time of sentencing, but also be responsible for any medical expense. Based upon my research so far, there is no effective medical insurance available to cover the matter. So, one really sick felony defendant could eat up a significant portion of the City's budget.

We will see where this goes.

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As always, this is not meant to be all inclusive. If you have any questions or comments, please direct them to me.

DG/le

49.60.500. Community athletics programs - Sex discrimination prohibited - Definitions.

(1) No city, town, county, or district may discriminate against any person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults. A third party receiving a lease or permit from a city, town, county, district, or a school district, for a community athletics program also may not discriminate against any person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults.

(2) The definitions in this subsection apply throughout this section.

(a) "Community athletics program" means any athletic program that is organized for the purposes of training for and engaging in athletic activity and competition and that is in any way operated, conducted, administered, or supported by a city, town, county, district, or school district other than those offered by the school and created solely for the students by the school.

(b) "District" means any metropolitan park district, park and recreation service area, or park and recreation district.

History

[2009 c 467 § 2.]

Findings - Declarations - 2009 c 467: "The legislature finds and declares:

On June 23, 1972, President Richard Nixon signed into law Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act. This landmark legislation provides that:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...." Title IX has expanded opportunities for males as well as females in educational programs and activities, including ensuring access to athletic opportunities for girls and women in educational institutions and to male and female staff to coaching and athletics administrative positions in educational institutions. The dramatic increases in participation rates at both the high school and college levels since Title IX was passed show that when doors are opened to women and girls, they will participate.

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Further, ensuring equality in the state of Washington, the legislature passed an amendment to the state Constitution, ratified by the voters in November 1972, providing "Equality of rights and responsibilities under the law shall not be denied or abridged on account of sex." In 1975, Washington continued to be at the forefront of this issue by adopting legislation that established our own statutory version of the federal Title IX law that prohibited "inequality in the educational opportunities afforded women and girls at all levels of the public schools in Washington state."

Athletic opportunities provide innumerable benefits to participants, including greater academic success, better physical and psychological health, responsible social behaviors, and enhanced interpersonal skills. Athletic scholarships make it possible for some young people to attend college. The Washington state legislature, recognizing the importance of full participation in athletics, has passed numerous bills directed at achieving equity and eliminating discrimination in intercollegiate athletics in the state's institutions of higher education.

Despite advances in educational settings and efforts by some local agencies to expand opportunities in community athletics programs, discrimination still exists that limits these opportunities. It is the intent of the legislature to expand and support equal participation in athletics programs, and provide all sports programs equal access to facilities administered by cities, towns, counties, metropolitan park districts, park and recreation service areas, or park and recreation districts. Nothing in this act is intended to affect the holding in the Washington state supreme court's ruling in Darrin v. Gould, 85 Wn.2d 859, 540 P.2d 882 (1975) and its progeny that held it is not acceptable to discriminate in contact sports on the basis of sex." [2009 c 467 § 1.]

Editor's Notes. Pursuant to Wa. Const., Art. II, § 41, this section took effect July 26, 2009.

49.60.505. Community athletics programs - Nondiscrimination policy required.

(1) By January 1, 2010, each city, town, county, or district operating a community athletics program or issuing permission to a third party for the operation of such program on its facilities shall adopt a policy that specifically prohibits discrimination against any person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults.

(2) It is the responsibility of each city, town, county, or district operating a community athletics program or issuing permission to a third party for the operation of such program on

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its facilities to publish and disseminate this policy. At a minimum, the nondiscrimination policy should be included in any publication that includes information about the entity's own athletics programs, or about obtaining a permit for operating athletics programs and on the appropriate city, town, county, or district web site.

(3) School districts issuing permission to a third party for the operation of a community athletics program on its facilities shall also follow the provisions of this section but may modify and use existing school district policies and procedures to the extent that is possible. Nothing in this section may be construed to require school districts to monitor compliance, investigate complaints, or otherwise enforce school district policies as to third parties using school district facilities.

(4) Every city, town, county, or district covered by this section should also publish the name, office address, and office telephone number of the employee or employees responsible for its efforts to comply with and carry out its responsibilities under chapter 467, Laws of 2009.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, Director of Public Works
Date: September 6, 2012
Re: Current Non-Agenda Activity

Well 2 & 3 Project

Work officially started on September 4! So far, everything is going great. The only substantial work to date is the backwash pond has been excavated to grade. Silt fencing has been installed and the job shack has been installed. We have had some difficulty in locating existing water lines, but that is to be expected.

Well No. 2 will be off-line Friday, September 7, 2012

Beginning this weekend, please remember to try and limit water use. Until the new pump in Well No. 2 is installed (expected in January), we would like to limit the potential for pump failure due to overuse. While we do not believe the pump failure is likely, we would like to err on the side of caution. Again, please use discretion in watering lawns, washing vehicles, and excessive use inside homes through January.

12kv Cutover Phase 1

Work identified in the Capital Improvement Plan as Phase I of the Cutover included:

- 1) Constructing the 69 kv transmission line down Simpson (complete),
- 2) Replacing the underbuilt distribution work down Simpson,
- 3) Replacing the distribution down the alley between Simpson and Maple, and
- 4) Upgrading the distribution down Maple from 7th Street to the WWTP.

Again, our goal is to complete Step 2 by the end of 2012. Steps 3 and 4 will likely be completed in 2013.

Cedar Heights

We have contacted Westside Community Bank regarding the debris cleanup and anticipate compliance in the near future. No new discussions have taken place regarding the ADA ramp at the corner of Hemlock and Evergreen Place.

Bicycle and Pedestrian Application

To date, we have not heard back regarding our application.

Summit II

Mr. Glenn has made multiple contacts with the developer's legal counsel. No commitment has been made to date. Again, the goal is to have the developer complete the required work. In the event the developer chooses not to complete the work, Mr. Glenn will start the process of filing a claim against the bond.

M&M Properties

No additional information has been received from the developers after the May 14 phone call.

Snow Policies

Placeholder for updates this summer. Make no mistake; this will be done before snowfall is expected!

Developer Extension

No change has been made by Mr. Birindelli in respect to his responsibility to construct the required improvements at this time. As a result of some recent discoveries, it appears that we are currently at an impasse on this subject. Mr. Glenn and I still looking for an appropriate solution.

2nd Street Access (Ecology Blocks)

This topic is addressed under new business. Please refer to the staff report and associated memorandum for more detail.

Water Right Transfer

We received confirmation on August 31 that the Department of Ecology acknowledges Well 2 and 3 as additional sources for the water right originally obtained for Well No. 1. As part of the notification, the letter states that "the city is advised that Well 1 must be decommissioned promptly if plans change such that the well will no longer be maintained for future use."

As the budget season is upon us, I have asked Gray & Osborne to see if the Contractor will hold his bid prices for the additive items originally included in the project so that decommissioning Well No. 1 can take place sooner rather than later.

STAFF REPORT

To: Mayor Dent
From: Colin Mercer Webmaster
Date: September 7, 2012
Re: August Website & Help Desk



Re-Occurring Website Activities

- Council Agenda/Packet posted online.
- Council Minutes posted online.

New Website Activity

Posted Burn Ban Notice starting August 15th

Posted lost dog picture on Police page and removed when dog was reunited with owner.

Started a new item on the home page highlighting a specific municipal code, "Municipal Code of the Month"

Additional Tasks

Help Desk Activity

Month	Number of Incidents Reported	Staff Reported / Closed / Open	Citizen Reported / Closed / Open
May	11	6 / 1 / 15	5 / 3 / 12
June	14	9 / 9 / 15	5 / 3 / 14
July	14	8 / 6 / 17	6 / 10 / 10
August	15	12 / 3 / 26	3 / 3 / 10

Conservation Program

Month	Applications Received	Conservation Permits Issued	Rebates Paid This Month	Total Rebates Paid To Date
May	1	2	\$70.00	\$1740.00
June	0	0	0	\$1740.00
July	1	1	\$425.00	\$2165.00
August	0	0	0	\$2165.00

Website Comments:

Comments: Thank you Mayor Dent for the quick response to the Cedar Heights vegetation problem. Your leadership and firm response was very much appreciated. Again, Thank You.

Website Traffic August 1, 2012 through August 31, 2012

Section	Page Views	Percent of Total
Default Home Page	2727	38.73%
Events Calendar	376	5.34%
Agendas and Minutes	300	4.26%
City Departments	272	3.86%
City Jobs	259	3.68%
Utilities	257	3.65%
Code, Ordinances & Standards	255	3.62%
Police	241	3.42%
Conservation Program	209	2.97%
Search Results	173	2.46%
Public Facilities	151	2.14%
Mayor and Council	147	2.09%
Administration	127	1.8%
Helpful Links	111	1.58%
Light & Power	103	1.46%
Planning Department	102	1.45%
City Photos	101	1.43%
Bear Festival	101	1.43%
Water / Wastewater	87	1.24%
Development Services / Building	86	1.22%
FAQ's Page	85	1.21%
Chamber of Commerce	85	1.21%
Fire	78	1.11%
Municipal Court	70	0.99%
Home Page	64	0.91%
2008-12 Budget	59	0.84%
Bear Festival Photos	56	0.8%
Previous Years Council Minutes	47	0.67%
City Staff	41	0.58%
Tell Us What You Think!	39	0.55%
Park Project Photos	36	0.51%
65th Anniversary Photos	35	0.5%
Flood Photos 2009	33	0.47%
Christmas Photos 2007	32	0.45%
Previous Years Council Agendas	31	0.44%
Interlocal Agreements	29	0.41%
Community Center	17	0.24%
Conservation Data Page	9	0.13%
Surveys & Questionnaires	9	0.13%
Public Facilities Survey (Ends March 7th)	1	0.01%
TOTAL	7041	100%

STAFF REPORT

To: Mayor Dent
From: George M. Crumb, Chief of Police
Date: September 7, 2012.
RE: Report for September 12, 2012 Council Meeting

SUMMARY OF POLICE INCIDENTS / ACTIVITIES:

The below listed information are calls or contacts received by McCleary Police Officers either generated by Grays Harbor County dispatch 911 service, citizen reports, call in's, contacts, or other officer generated incidents:

*1988 incident histories reported as of 090712 / 1303 hours

Speeding.	DWLS
Speeding in School Zone	...Burglary
Fire Response's	..Disorderly Conduct
Traffic Stop's	.. Assault/Firearm used /Threats/Weapon call
Agency Assist's	.. Drug Incidents
Animal Complaints	...Curfew Violations
Traffic Hazard Reports	.. Welfare Checks
Report of Harassment	.. Suspicious Person/Vehicle
Police Information or Referrals	.. Trespass
Traffic Offense/Reckless	.. Found Property Reports
Motorist Assist/Citizen Assist	.. Theft Reports
Attempt to Locate	.. Juvenile Problems/Run-a-way
Malicious Mischief	.. Warrant Arrests
9-1-1 Open Line	.. Domestic Violence
Custody dispute/Civil	.. D.U.I.
Audible Alarm	...Subject Stop
Hit & Run	.. Noise Complaints

Discussion: Open:

Current vehicle status: 2013 Ford Explorer, veh 5 in service
2013 Ford Explorer, veh 6 in service
2008 Ford Crown Vic Police Interceptor in service.
2006 Ford Crown Vic. Police Interceptor in service.
2005 Chevy Impala Police Vehicle in reserve service
1998 Ford Crown Released to City for Fire Department use.

Council Members Present: ALL.... Mr. Ator, Mr. Reed, Mr. Caterlin, Mr. Lant,
Mr.Shiller.

Mayor Dent: Present / Not Present

Officer Reporting: Chief Crumb



STAFF REPORT

To: Mayor Dent
From: Todd Baun, Public Facilities Manager
Date: September 7th, 2012
Re: August Report

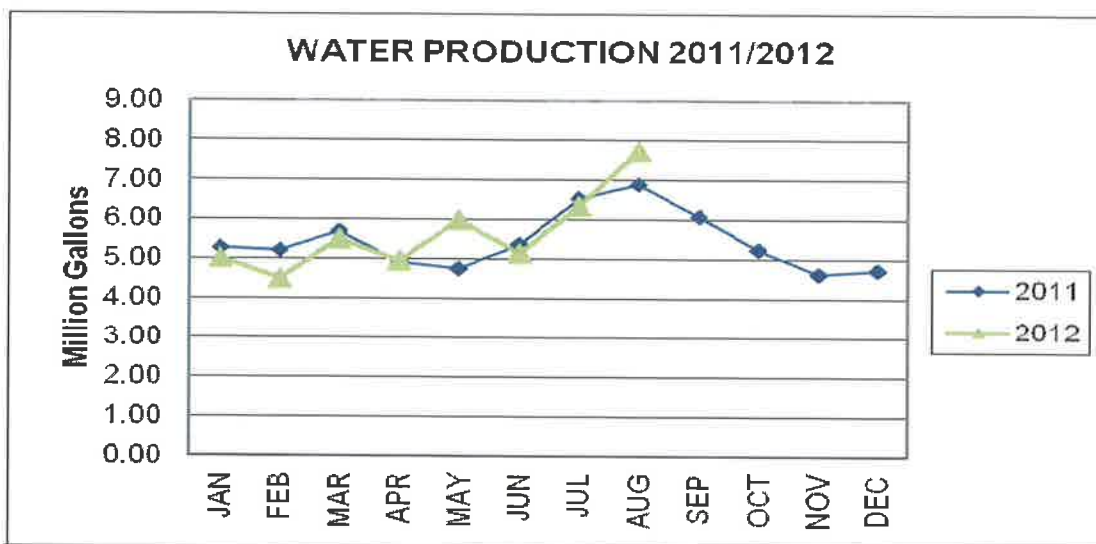
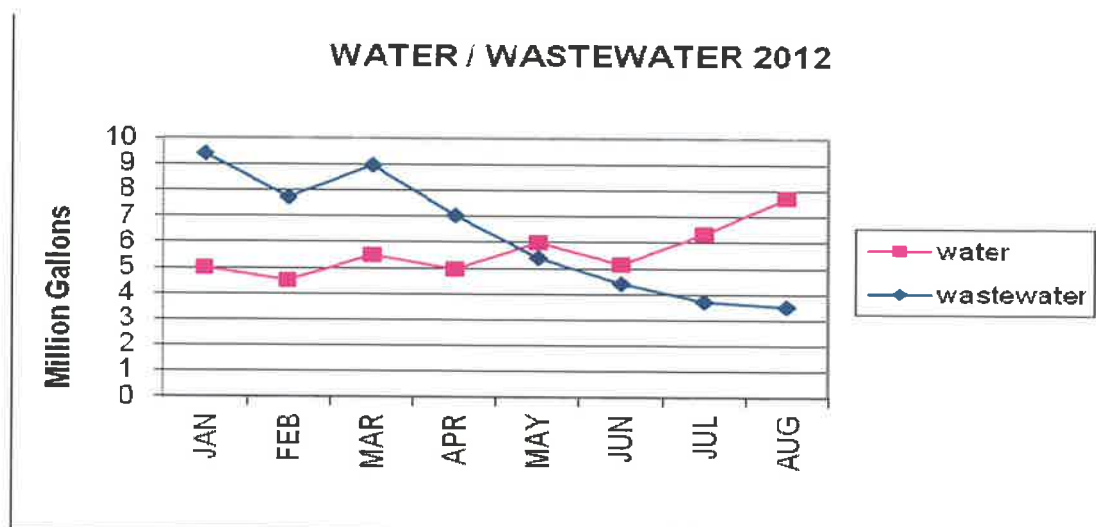
The following items are the highlights of what I have been working on during the past month.

- I still have received no contact from Mr. and Mrs. Gravatt on the storm water issue affecting their property located at 311 W. Simpson Ave. We are in a holding pattern until we receive the legal documents that have been given to them by the city.
- The flower baskets will be taken down on September 17th. The summer help did a great job on keeping them looking good.
- The crew is still filling in many potholes throughout the City. .
- We have repaired another failing section of 24" concrete storm line. It was on Maple St. between 5th and 6th Streets. This line is old and starting to separate in other places. I have talked to Nick about possible solutions to fix this line.
- We have ordered a new hydrant. This new hydrant will replace the broken hydrant in front of City Hall.
- We have fixed several leaks in our sprinkler system at the cemetery.
- We are running a new water service on Larson Road. With the well project started, the contractor will be upgrading the water lines at the wells. We have 2 customers that are fed water from the well area, but we have no idea on the locations of their service lines. By running the services down Larson Rd, we will then be able to service the customers properly.
- We have fixed 2 water leaks this month. One leak was on McCleary Road and the other was on S. 8th Street.
- I have completed my budget requests for 2013. Nick and Wendy now have them.
- And as always, we are trying to keep up on all our routine and daily maintenance of the parks, cemetery, streets, water, sewer, storm and buildings.

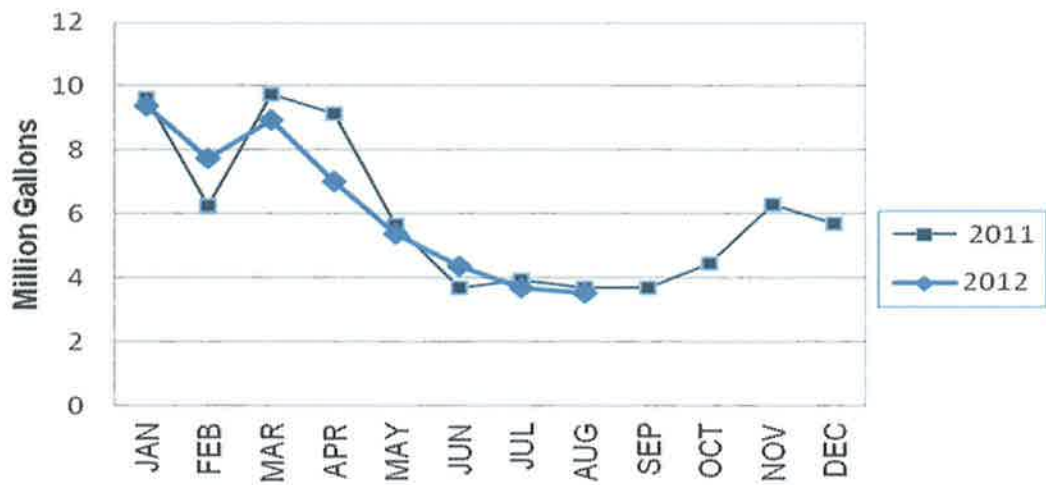
If you have any questions, don't be afraid to ask. If you see something that needs attention or have any ideas that you would like me to pursue, my door is always open, so please come and talk to me.

To: Mayor Dent
From: Vern Merryman, Water/Wastewater
Date: September 2012
Re: Monthly Report

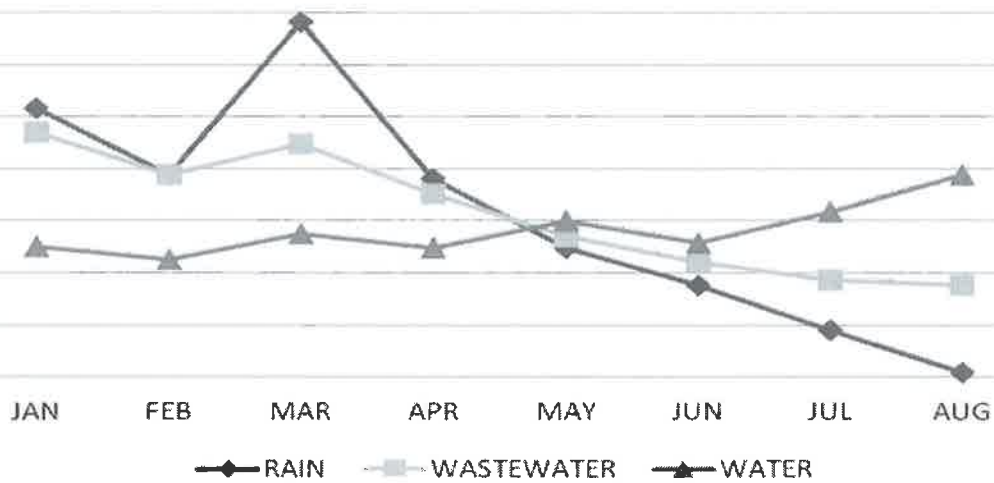
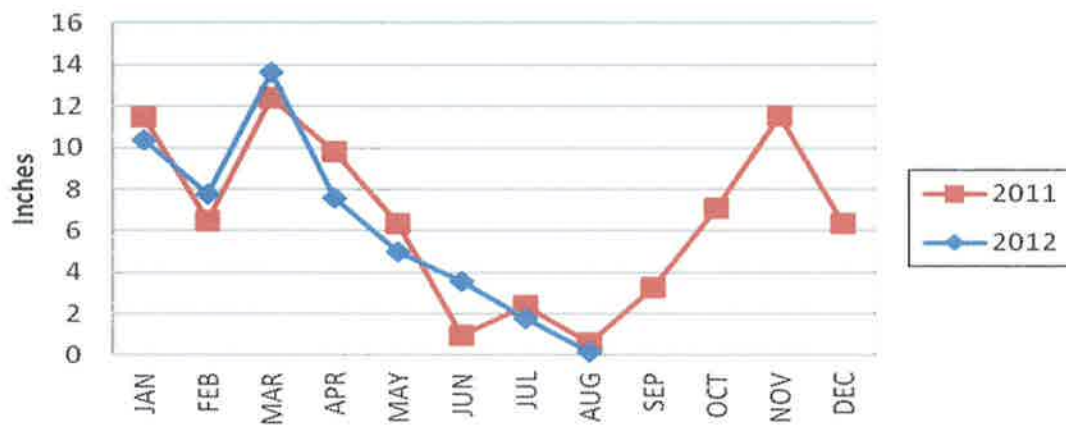
August totals: Water, 6.36 million gallons.
Wastewater, 3.54 million gallons.
Precipitation, .16 inches.
Biosolids, 34,086 liquid gallons or .72 dry tons.



WASTEWATER FLOW 2011/2012



PRECIPITATION 2011/2012



STAFF REPORT

To: Mayor Dent
From: Colin Mercer *CM*
Date: September 7, 2012
Re: August Building Department

Activities

- Plans submitted for modifications to the AT&T cell tower located at 49 Larson Road. Gray & Osborne is in the progress of reviewing this submittal, permit expected to be issued early September.
- Plans submitted for replacing the Play Shed at the McCleary School.
- Permit issued for a new exterior exiting balcony at the Evergreen Christian Church.
- The Beehive Retirement Facility has started the demolition phase of the New Harmony House Dementia Unit. We are waiting on revised plans for electrical service and civil work.
- Final inspection passed for Simpson Door roof collapse repairs.
- Lexar Homes, 1567 N. 5th St. final inspection, 539 E. Bear St in the framing stage.
- High Definition Homes, 1487 N. Summit Rd. is in the finishing stage, 1570 N. 5th St. is in the drywall stage.
- High Definition Homes was issued a new building permit for 1562 N. 5th St., will be starting foundation soon.
- Energy Wise Construction, 379 E. Bear St. is in the finishing stage.
- A permit has been issued for a remodel project located at 137 S. 3rd St. the owners plan is to rent this building to an antiques retailer.

Nuisance Issues in Progress

- Cedar Heights development brush cutting, storm pond maintenance.
- Overgrown property at 315 W. Simpson has been escalated to legal action.
- Overgrown property at 216 E. Cedar St. contact made with Bank of America.
- Overgrown property at 109 S. 5th Street waiting for owner to respond to letter.
- Overgrown property at 336 S. 2nd St. contact made with Bank of America.
- Overgrown property at 103 W. Hemlock contact made with property owner, owner to maintain.
- Overgrown property at 351 S. Birch, mortgage company responsible has started maintenance.
- Overgrown property at S. 2nd St. and Pine St. contact made with property owner, owner to maintain.
- Garbage issue at 695 N. Summit Rd. has been escalated to legal action.

Nuisances Resolved

- Over grown yards mowed: 709 W. Simpson, 116 S. 8th St, 525 Maple, 655 Maple, 127 S. 5th St, 1501 N. 5th St, 423 W. Simpson, 917 Summit Rd, 610 S. 4th St, 626 W. Ash St, 402 S. 4th St., 103 W. Hemlock,
- Removed many signs that were attached to city power poles etc, which is a violation of MMC 8.16.080 Defacing public or private property. See Photo.



Building Department Activity

ACTIVITY	MONTHLY TOTALS	YEAR TO DATE TOTALS	ACTIVITY EXPLANATION
Customer Service	78	557	Answer building department related questions in person or by phone, meeting with potential applicants.
Building Permits Issued	2	24	Remodels, new construction & additions, both residential and commercial.
Plan Reviews Performed	2	35	Reviewing plans for building code and municipal code compliance.
Inspections Performed	31	204	Field inspections, writing of corrections or approving work.
Finals or Certificates of Occupancies	2	8	Performing of the final inspection & issuing of certificate of occupancy allowing use of the structure.
Complaints Received	2	13	Investigate and address citizen or staff reported issues, obtain resolution or acceptable compromise.
Nuisance Letters Sent	6	36	Formal notice from the City informing citizens of violations and providing expectation of the City for compliance.
Lemay's Garbage Letters Sent	9	36	Formal notice from City after notification from Lemay that service has been stopped.
Building Department Revenue	\$7266.00	\$43,880.97	Funds generated by the Building Department from permits, inspections, reviews etc.

Conservation Program

Month	Applications Received	Conservation Permits Issued	Rebates Paid This Month	Total Rebates Paid To Date
July	1	1	\$425.00	\$2165.00
August	0	0	0	\$2165.00

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: September 6, 2012
Re: Generator Service Agreement

At the request of Council, we did not act on the proposed maintenance agreement with Generator Services Northwest. This was done with the intent of ensuring local companies had the opportunity to provide proposals for the work. After the meeting, I discussed this issue with Vern, who indicated there were no Harbor companies specializing in large generator service and repair.

Three companies were initially contacted (prior to the initial presentation of the agreement on August 22). The companies were Legacy Power Systems – Gig Harbor, Cummings Northwest – Centralia, and Generator Services Northwest – Lynwood. Only Generator Services Northwest responded prior to the meeting. Legacy Power Systems provided a proposal on August 23; a day after the Council Meeting. We have continued to attempt to contact Cummings Northwest, who was told that a proposal must be received by September 6 to be considered. No additional responses from Cummings Northwest have been received. Please note that we have been asking for proposals from these companies for an extended period of time now.

After reviewing the proposals received, the proposed service is roughly equivalent; however, Legacy Power Systems provides this service at a much lower cost.

As such, you will find following this report a service maintenance agreement with Legacy Power Systems. The annual cost of the service is \$1,105 + sales tax.

Staff Recommendation:

As Legacy Power Systems provides a thorough service for a reasonable cost, staff recommends execution of the attached agreement.

Action Requested:

Please consider authorizing the service agreement, as attached, with Legacy Power Systems.



Power Systems

A Division of Legacy Telecommunications, Inc.

August 22, 2012

Hello Vern:

RE: Quote for annual preventative maintenance.

Thank you for your request for a proposal to perform preventative maintenance on your generator and automatic transfer switch.

Below is our scope of work and pricing as well as an attachment of our worksheet which will be provided to you upon work completion.

Annual and semi-annual (2 visit per year) preventative maintenance on 350kw MQ genset shall include:

- Lube, oil and filter change; parts included
- Service or replace air filter; parts not included
- Replace fuel filter; parts included
- Verify fuel supply
- Visual inspection for oil, coolant or fuel leaks
- Inspect all hoses, clamps and drive belts for cracking or wear
- Inspect exhaust system for leaks/corrosion
- Coolant test for thermal level and combustion leaks
- Pressure test coolant system and check for leaks
- Check engine block heater operation
- Check battery charger operation and charging rate
- Load test batteries, check specific gravity and clean and treat terminals
- Check generator voltage and adjust as necessary to match utility voltage
- Check emergency system without load
- Check frequency and governor operation adjusting as necessary
- Check engine alternator and charge rate
- Check gauges and meters for proper operation and reading levels
- Check generator auto shutdown and alarms
- Check automatic transfer switch
- With approval, interrupt utility power and test transfer switch and generator for full building load functionality; Inspect for any rodent issues and make recommendations
- 1 - 2 hour load bank with progressive loads to 90%
- Provide detailed summary of maintenance performed noting any issues

Total for annual preventative maintenance and resistive load bank.....\$1,105.00

Any issues found and corrected beyond our scope of work will be invoiced at \$85.00 per hour plus any associated parts and/or supplies. Any additional work will require pre-authorization.

Thank you for the opportunity to quote your power generation needs.

Sincerely,

Tom Tracy
Legacy Power Systems
253-858-0214 (office)
253-686-3050 (mobile)
tomt@legacypower.com

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: September 6, 2012
Re: Public Sewers

An internal review of the draft sewer ordinance revision has been completed. To date, no significant modifications have been suggested. As such, staff feels that it is ready for Council review.

Staff Recommendation:

As there is a significant amount of information included in the draft ordinance revision, we suggest no action be taken at this time.

Action Requested:

None at this time.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: September 6, 2012
Re: Intersection Review

Attached you will find a memorandum summarizing the findings of the review conducted at the intersection of 3rd Street and 2nd Street. To summarize, two realistic solutions are presented:

1. Reduce the posted speed limit through this section to 20 mph
2. Increase the intersection sight distance

A third option relating to adding stop control on the 4th leg is an alternative, but it is a stretch to meet the warrant requirements triggering stop control.

If the City were to reduce the posted speed limit, yes it will limit the City's liability. However, after a discussion with the Chief of Police, significant enforcement must be undertaken to reduce the risk of vehicles traveling over the posted speed limit. As the Chief pointed out, focusing on one major area is very difficult to do given our department size. Please note that reducing the speed limit to 20 mph is under the typical speed limit for most roadways. Please note that we will have to purchase new speed limit signs, reduced speed signs, and traffic revision signs to accommodate this option.

If we were to increase the sight distance to meet the American Association of State Highway and Transportation Officials (AASHTO) standards (the reference standard for transportation related design), an estimated planning level cost is approximately \$15,000, all of which would be internalized.

In the event the intersection is opened up, whichever option the City chooses, annual maintenance of this intersection will increase to ensure the sight distance remains in compliance with the AASHTO standard.

Staff Recommendation:

Staff believes both options will meet the need of opening up the intersection. Reducing the speed limit will impact all drivers, where increasing the sight distance will not. Based on this item, staff suggests increasing the sight distance at the intersection.

Action Requested:

Please let staff know how you would like to proceed on this matter.



City of McCleary
Home of the McCleary Bear Festival

MEMORANDUM

DATE: August 24, 2012

TO: File

FROM: Nick Bird

SUBJECT: Intersection Sight Distance – 2nd Street and 3rd Street

On July 25, 2012, Mr. Blankenship presented a letter dated July 3, 2012 to the City Council regarding two separate intersections, 1) 2nd Street and 3rd Street and 2) Hemlock Street and 3rd Street. As the intersection of 2nd and 3rd is currently closed, the intent of the presentation was to open that intersection.

On August 23, 2012, Todd Baun and I conducted a field evaluation of the subject intersection. When evaluating the vision triangle, we used a 3.5-foot vision height located 3-feet behind the stop bar and a 3-foot object height in the middle of the southbound travel lane. Based on the field observation, the entering sight distance from viewing point to intersection was approximately 175 lineal feet measured along the center of the travel lane. A secondary evaluation was conducted on August 24. The vision location was moved to the stop bar, which is 10-feet off the fog line. Using this vision location, the entering sight distance was increased to 209 lineal feet measured along the center of the travel lane. For the purpose of this evaluation, an existing entering sight distance of 209 lineal feet will be used.

Intersection sight distance with stop control on a minor road is evaluated via the 2004 AASHTO Geometric Design of Highways and Streets under Case B1 (Left Turn from Minor Road), Case B2 (Right Turn from Minor Road), and Case B3 (Crossing Maneuver from the Minor Road).

The intersection layout is as follows:

- 2nd Street (under review), Stop Controlled, One Way, Southbound Into Intersection.
- William McCleary Road, Stop Controlled, Two Way, Westbound Into Intersection, Eastbound Out Of Intersection.
- Mox Chehalis Road, Stop Controlled, Two Way, Northbound Into Intersection, Southbound Out Of Intersection.
- 3rd Street, Uncontrolled, Two Way, Eastbound Into Intersection, Westbound Out Of Intersection.

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La ciudad de McCleary es un proveedor de igualdad de oportunidades y el empleador.

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Case B1 (Left Turn from Minor Road)

Traffic volumes conducting left turns from the minor road (2nd Street) to William McCleary Road are virtually non-existent. Additionally, traffic approaching from the left (3rd Street) typically is slowing for a right turn (Mox Chehalis Road). As such, approaching traffic will rarely travel down William McCleary Road at the same time a left turn is being conducted from the minor road. Therefore, this Case need not be evaluated further.

Case B2 (Right Turn from Minor Road)

Similar to Case B1, traffic from Mox Chehalis Road and William McCleary Road entering the intersection is stop controlled. This Case need not be evaluated further.

Case B3 (Crossing Maneuver from Minor Road)

As three legs of the intersection are stop controlled and the traffic entering the intersection from the west is uncontrolled, the crossing maneuver and left turn lane cases should be evaluated. As previously stated, Case B1 need not be evaluated due to very low volumes. This approach cannot be used for this case as the majority of traffic through the intersection for the review leg will conflict with the high traffic volume heading toward the freeway.

The current posted speed limit is 25 mph, which will be used as the design speed for the initial evaluation. As shown in Exhibit 9-58 of the 2004 Green Book, modified based on the approach grade, the stopping sight distance is 170 feet and the intersection sight distance for passenger cars is 264 feet. With the field observation distance of 209 feet, it is expected that vehicles will be able to stop prior to a collision, but traffic impacts are inevitable.

Potential Solutions

Two potential solutions to the traffic impacts associated with opening the 2nd Street leg of this intersection are shown below.

Reduce Posted Speed Limit

If the posted speed limit were permanently reduced to 20 mph, the required stopping sight distance and intersection sight distance would be reduced to 115 feet and 195 feet, respectively. The required intersection sight distance would be sufficient to allow for safe and unobtrusive traffic maneuvers. While lowering the speed limits may help reduce the number of vehicle collisions, it will be difficult to get drivers to comply with the lowered limits. Typically drivers feel that the lowered speed limit is unreasonable, thus they are more likely to engage in tailgating and speeding, which can increase the severity and frequency of collisions.

Increase Intersection Sight Distance

To correct the existing deficiency, the intersection sight distance needs to be increased by 26%. To accomplish this, two power poles and two existing regulatory signs must be relocated in conjunction with minor bank grading and vegetation removal. At this time we are not certain if the required grading and vegetation removal is within our right of way. It is likely the property owner will be very cooperative if work is necessary on their property as MMC 8.16.020 states that no obstruction of vehicle traffic is authorized. The planning level estimate for facilitating this work is approximately \$15,000, all of which would be internalized.

STAFF REPORT

To: Mayor Dent
From: Wendy Collins, Clerk-Treasurer
Date: September 12, 2012
Re: BIAS Online Xpress Bill Pay

The City received the contractual documents to add "xpress bill pay" to the City's website. The benefit is that residents can pay by either credit card or debit card 24-hours per day, 7-days a week from the City's website. This has been an on-going request by many residents for convenience purposes. The cost is \$2500.00 plus tax.

Action Requested:

Please authorize the Mayor to sign a contract for online xpress bill pay.

Online Payments

powered by

Xpress Bill Pay
Innovative Internet Payment Systems

Modules	Licensed Modules & Costs	Training & Implementation
Online Payment Module	\$ 2,000.00	\$ 500.00
Bill-pay Interface	Included	Included
Auto Pay Module	Included	Included
Billing Interface	Included	Included
Card Swipe Module	Included	Included
Modules Total	\$ 2,000.00	\$ 500.00
Training, Modules, Other	\$ 2,500.00	
Total Bid W/O Tax	\$ 2,500.00	

Travel and Lodging Billed as incurred.

Monthly Fees

	Statement Fee	\$ 19.00
	Hosting/Support Fee	\$ 75.00
Gateway Fees*		<i>Per Transaction</i>
	Credit Card Processing	\$ 0.22
	Online Banking Transactions	\$ 0.20
	Auto-pay Processing	\$ 0.40
	EFT Returned	\$ 14.00
	Check Conversion	\$ 0.28

Optional Equipment

	Credit Card Swipe Machine	\$ 100.00
Check Conversion Scanner		
	30 items per minute	\$ 1,195.00
	60 items per minute	\$ 1,395.00
	90 items per minute	\$ 1,595.00

*Online credit card payments requires a merchant processing vendor. Additional processing fees are incurred by your merchant processing vendor.

RESOLUTION NO. _____

**A RESOLUTION ADOPTING THE GRAYS HARBOR
COUNTY COMPREHENSIVE SOLID WASTE MANAGEMENT
PLAN REVISION, AUGUST 2012.****R E C I T A L S:**

1. RCW 70.95 requires local governments to prepare local solid waste plans based upon state guidelines.

2. The Cities and County have previously resolved to jointly plan for future solid waste management. As a result, a Comprehensive Solid Waste Management Plan was developed.

3. In order to comply with applicable standards, the Plan is required to undergo periodic review, which has been done. As a result of that review, the Cities and the County have had the opportunity to review and provide input to the draft Revised Comprehensive Solid Waste Management Plan.

4. The City has been informed that staff of the Department of Ecology and the Utilities and Transportation Commission have reviewed the draft Plan and recommended certain modifications which have been incorporated into the final Plan.

5. Final adoption of the revised 2012 Grays County Comprehensive Solid Waste Management Plan by the Board of Commissioners and the Department of Ecology is contingent upon adoption by the participating cities in Grays Harbor County.

6. It appears to be in the best public interest to adopt and implement the revised Comprehensive Solid Waste Management Plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY, THE MAYOR SIGNING IN AUTHENTICATION THEREOF:

SECTION I: The City of McCleary hereby adopts the revised Grays County Comprehensive Solid Waste Management Plan, August 2012, a copy of which is on file in the Office of the Clerk-treasurer.

SECTION II: The Clerk-treasurer shall provide a copy of this resolution to the Clerk of the Board of the County Commissioners.

PASSED THIS _____ DAY OF _____, 2012, by the City Council of the City of McCleary, and signed in authentication thereof this _____ day of _____, 2012.

CITY OF McCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

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9-6-12
dg/le

CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

Department of Public Services

Phone: 360-249-4222

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GRAYS HARBOR COUNTY

STATE OF WASHINGTON

August 27, 2012

Gary Dent, Mayor
City of McCleary
100 S. 3rd
McCleary, WA 98557

Dear Mayor Dent:

The Grays Harbor County Solid Waste Advisory Committee (SWAC) and the Solid Waste Division is pleased to submit for your review the 2012 Grays Harbor County Solid Waste Management Plan.

Since the signing in 2009 by your city to the Interlocal Agreement pertaining to the preparation of the Comprehensive Solid Waste Management Plan, the SWAC and the county have been busy completing the plan before you now. This document has undergone review through the Department of Ecology and the State Environmental Policy Act.

We are now at the point that we are requesting final comments from all nine participating cities on the attached draft. To aid you, your staff, and council in this process, we have also have attached a short, two-page overview of the plan. We would greatly appreciate your city's assistance in forwarding any comments to our Assistant Manager for Solid Waste, Mr. Mark Cox at mcox@co.grays-harbor.wa.us by Friday, September 21, 2012. If we receive any substantive comments that change the substance of the plan in relation to your city, the SWAC will review and incorporate them immediately and reissue the document for your approval.

The county hopes to conclude this process in September 2012 with the adoption of the plan by each participating city and the Board of Commissioners. In preparation of that adoption, I have taken the liberty to include a sample resolution. Please feel free to use or amend it as necessary.

If you, your council, or staff have questions on the document, or would like to schedule a presentation, please contact Mr. Cox and we will do our best to accommodate your needs.

On behalf of the SWAC and Grays Harbor County, I thank you for your assistance in this matter.

Sincerely,

Kevin Varness, Director

Utilities and Development Division

*Full Copies
Available to
Council Members
upon request
It is a 75-page
document.*



9-7-2012

RESOLUTION NO. _____

**A RESOLUTION ADOPTING A POLICY TO INSURE
GENDER NEUTRALITY IN THE USE OF THE CITY'S
PARKS AND RECREATION FACILITIES.**

R E C I T A L S:

1. Under the provisions of RCW 49.60.500, the State has confirmed the illegality of discrimination between males and females in terms of the use of public recreational facilities. Such a position is consistent with the provisions of Title IX adopted many years ago by the Federal Government.

2. Pursuant to the provisions of RCW 49.60.505, the City is required to adopt a written policy assuring compliance with those requirements and that any party using the City's facilities under written agreement is aware of those requirements.

3. The Council has determined it appropriate to adopt such a policy by written resolution.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY, THE MAYOR SIGNING IN AUTHENTICATION THEREOF:

SECTION I: General Statement

Through the adoption of this resolution, it is the goal and intention of the City to confirm the City's policy in

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CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

relation to and establish procedures to insure the provision of equal access to public community athletic programs and sports facilities by prohibiting discrimination on the basis of gender.

SECTION II: Definitions

For purposes of this resolution and its implementation, the following definitions shall apply.

2.1. Community Athletic Programs - Any athletic program that is organized for the purpose of training for and engaging in athletic activity and competition that is in any way operated, conducted, administered or supported by the City.

2.2. Sports Facilities - Any property owned, operated or administered by the City for the purpose of training for and/or engaging in athletic activity and competition.

SECTION III: Confirmation of Existing Policy

This resolution shall confirm the City's policy that it does not and will not discriminate against any person on the basis of gender in the operation, conduct, or administration of community athletic programs or sports facilities.

SECTION IV: Applicable Protocols

For purposes of implementing the policy confirmed by this resolution, any Community Athletic Programs administered by the City will be operated in a manner that promotes equal opportunities for females and males. To achieve that goal, the following protocols shall be applied:

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CITY OF McCLEARY
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McCLEARY, WASHINGTON 98557

4.1. Community Athletic Programs administered by City staff will be operated in a manner that promotes equal opportunities for females and males.

4.2. The City Staff having responsibility for such allocation will allocate and schedule Sports Facilities in a manner that provides equal access to all Community Athletic Programs.

4.3. The policy set forth in this resolution will be added as a provision of all lease or use agreements for the use of the City's sports facilities.

4.4. In recognition of the statutory mandates, the City will not issue a lease or permit for use of any Sports Facility to a third party that discriminates against any person on the basis of gender in the operation, conduct, or administration of a Community Athletic Program.

4.5. A copy of this resolution setting forth the policy will be posted on the City's website, along with the name, title, office address, and office telephone number of the Department Head responsible for carrying out compliance with this policy.

4.6. This policy and the name, title, office address, and office telephone number of the Department Head or employee responsible for carrying out compliance with this policy will be included in all of the City's publications that contain

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CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

information about athletic programs or facilities operated or administered by the City.

SECTION V: Enforcement

5.1. Any citizen who feels she or he has been the victim of discriminatory treatment in violation of this policy should report this concern in writing to the Director of Public Works.

5.2. If discrimination is determined, the Director shall report that determination to the Mayor and the City will take the appropriate corrective action.

PASSED THIS _____ DAY OF _____, 2012, by the City Council of the City of McCleary, and signed in authentication thereof this _____ day of _____, 2012.

CITY OF McCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

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8/16/12
DG/le

CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

ATTACHMENT A

Staff Members Responsible for Carrying out Compliance

DIRECTOR OF PUBLIC WORKS

NICK BIRD

100 South 3rd Street

McCleary, WA 98557

360-495-3667

CLERK-TREASURER

WENDY COLLINS

100 South 3rd Street

McCleary, WA 98557

360-495-3667

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8/16/12

DC/le

CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

ORDINANCE NO. _____

AN ORDINANCE RELATING TO GOVERNMENTAL OPERATION, ESTABLISHING A PERMITTING PROCESS FOR SPECIAL EVENTS; PROVIDING AN APPEAL PROCESS, AND ADDING A NEW CHAPTER IN TITLE 12 OF THE McCLEARY MUNICIPAL CODE.

R E C I T A L S:

1. The City has received one or more applications in past years for authorization to carry forth special events which utilize public property, including rights of way.

2. The request has been to establish an administrative process for the processing of such applications.

3. In furtherance of that request, it is found appropriate to establish such a process, setting forth time periods and criteria, granting administrative authority, and providing for an appeal process from a decision of the official to whom the authority is delegated.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY:

SECTION I DEFINITIONS.

A. "Applicant" means any person or organization who or which seeks a special event permit from the City to conduct or sponsor an event governed by this section. An applicant must be eighteen years of age or older.

B. "Chief Law Enforcement Officer" shall mean the Chief of the Police Department.

C. "Director" shall mean the Director of Public Works.

D. "Global Special Event Permit" means a permit obtained by the prime sponsor of a special event which will have _____ or more vendors who would otherwise be required to obtain the temporary business license required under Section II.B.

E. "Motorcade" means any organized procession containing ten or more vehicles, except funeral processions, upon a public street, sidewalk, alley, or other public right-of-way.

F. "Parade" means any march or procession consisting of people, animals, bicycles, vehicles, or combination thereof, except funeral processions, on any public street, sidewalk, alley or other public right-of-way, which obstructs, delays, or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws or controls.

G. "Special Event" means any parade, fair, show, festival, carnival, rally, party, filming, motorcade, run, street dance, bike-a-thon, race, walks, athletic event, or other attended entertainment or celebration that is to be held in whole or in part upon publicly owned property and/or public right-of-way, or, if held wholly upon private property, will nevertheless affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of the event. Special event shall also mean any activity to be held in whole or in part upon publicly owned or controlled property and/or public rights-of-way where merchandise or services are offered for sale, whether by for profit or nonprofit organizations. An event which utilizes the Community Center under a rental agreement or utilizes the facilities of Beerbower Park under a written authorization of the City shall not be deemed to be a within this classification.

H. "Street Dance" means any dance of _____ or more people on or within any publicly owned parking lot or other publicly owned property, or any public street, alley, sidewalk or other public right-of-way.

SECTION II. PERMIT REQUIRED.

A. Any person or organization desiring to conduct or sponsor a special event in the City shall first obtain a special event permit from the Director of Public Works (the Director).

B. Subject to the exemption set forth in Section III.E, temporary business licenses are required for all vendors who or which desire to sell products or services during the event and do not maintain a physical location within the corporate limits from which they do business of a similar nature both before and after the special event. The license shall be obtained regardless of the physical proximity of the location chosen by the vendor. A temporary business license fee shall be set by written resolution and shall be issued by the Office of the Clerk-treasurer. The

temporary business license shall be obtained prior to the commencement of business activity by the vendor.

SECTION III. PERMIT-NOT REQUIRED.

Special event permits are not required for the following:

A. Funeral processions on the streets so long as there is no blockage of the streets;

B. Parades involving a total of thirty or fewer pedestrians marching along a parade route that is restricted to marching on sidewalks, and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls;

C. Groups of students involved in exercising as part of an organized school event;

D. Special events sponsored in whole by the City.

E. A vendor who is authorized by the holder of a global special event permit to display and sell its product or service as part of the event sponsored by that holder shall not be required to obtain the temporary business license which would otherwise be required under Section II.B.

SECTION IV. PERMIT - APPLICATION - REQUIREMENTS.

A. **Filing of Application.** Any person or organization desiring to sponsor a special event not exempted by this chapter shall apply for a special event permit by filing a completed application with the Public Works Director on a form supplied by the City. This application shall be filed not less than thirty (30) days in advance of the date on which the event is to occur if the event requires the closure of any highway or street, any detouring of traffic, or any significant impact on City services. Applications as to other events not requiring the foregoing are to be filed not less than twenty (20) days in advance of the proposed event.

B. **Waiver of Application Deadline.** Upon a showing of good cause, in the discretion of the Public Works Director, the Director may consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police and other City services for the event. Good cause can be demonstrated by the applicant showing that the circumstance that gave rise to the permit application did not reasonably allow the participants to file within the time prescribed, or that the event is for the purpose of exercising the right of free speech.

C. **Information Requested on Application.** In order that adequate arrangements may be made for the proper protection of

the special event, the Public Works Director shall have the authority to set the information required on the application. Such information shall include, but not be limited to, the following:

1. The name of the applicant, the sponsoring organization, the special event chairperson, and the address and telephone number of each;

2. The purpose of the special event, the date when it is proposed to be conducted, the location and the hours of operation, including site map or maps, schedule of events and location of events;

3. Such other information as the Public Works Director may deem reasonably necessary.

D. Application Filing Fee. The application for a special event permit shall be accompanied by a filing fee in an amount set by the City Council by written resolution.

SECTION V. PERMIT - APPLICATION - REVIEW.

In reviewing the application for the purpose of determining whether the permit should be issued or denied, the Public Works Director shall notify and seek consultation with such other governmental officials as the Director may deem appropriate in relation to the potential impacts upon or demands for services arising from the holding of the event and shall make such review in conformance with the grounds for denial set forth in this chapter.

SECTION VI. PERMIT - DENIAL.

The Director may deny an application for a special event permit if the Director determines from a consideration of the application, or other pertinent information, upon the following bases:

A. Information contained in the application, or supplemental information requested from the applicant, is found to be false or nonexistent in any material detail;

B. The applicant fails to complete the application form after having been notified of the additional information or documents required;

C. The applicant refuses to agree to abide or comply with all of the conditions and terms of the permit;

D. It is found that the purpose of the special event is principally devoted to the advertising and sale of a commercial product or service or for a private commercial process;

E. The time, route, hours, location, or size of the special event will unnecessarily disrupt the movement of other traffic within the area;

F. The special event is of the size or nature that requires the diversion of so great a number of law enforcement officers of the City to properly police the event, site, and contiguous areas that allowing the special event would unreasonably deny police protection to the remainder of the City and its residents;

G. Another special event permit application has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion, or the law enforcement and/or other City departments are unable to meet the needs for police and other City services for both events;

H. The location of the special event would cause undue hardship for adjacent businesses or residents;

I. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way, or a previously granted right-of-way disturbance permit;

J. The event shall occur at a time when a school is in session at a route or location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the education activities of the school or class;

K. The event would seriously inconvenience the general public's use of public property, services or facilities;

L. The applicant fails to comply in a timely manner with the conditions set forth upon the issuance of the permit, including the liability insurance requirements, or the applicant's insurance lapses or is cancelled;

M. The event would create or constitute a public nuisance;

N. The event would be likely to cause significant damage to public property or facilities; or

O. The event would engage in or encourage participants to engage in illegal acts.

The denial of a permit shall be in writing setting forth the reasons for the denial. A copy of the denial shall be provided to the Applicant's representative

SECTION VII. CONDITIONS.

The Director may condition the issuance of a special event permit by imposing reasonable requirements concerning the time, place, and manner of the event, and such requirements as are necessary to protect the safety of persons and property, and the control of traffic; provided such conditions shall not unreasonably restrict the right of free speech. Such restrictions may include, but are not limited to, the following:

A. Alteration of the date, time, route or location of the event proposed on the event application;

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

C. Conditions concerning the area of assembly and disbanding of a parade or other events occurring along a route;

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

E. Requirements for the use of traffic cones or barricades;

F. Requirements for the use of City personnel and equipment;

G. Requirements for the provision of first aid or sanitary facilities;

H. Requirements for the use of event monitors and providing notice of permit conditions to event participants;

I. Requirements to provide notice to surrounding property owners;

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

K. Compliance with animal protection ordinances and laws;

L. Requirement for the use of garbage containers, cleanup and restoration of City property;

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

N. Compliance with any relevant ordinance or law and obtaining any legally required permit or license;

O. Any other restriction or requirement deemed necessary to ensure public safety and well-being;

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

SECTION VIII. PERMIT - ISSUANCE.

As provided in Section XIV, the Director shall issue the special events permit once the application has been approved by the Director and the applicant has agreed in writing to comply with the terms and conditions of the permit, as well as the sections of this chapter dealing with indemnification, insurance, fees for City services, and cleanup deposits, when applicable.

SECTION IX. INDEMNIFICATION AGREEMENT.

Prior to the issuance of a special event permit, the permit applicant and authorized officer of the sponsoring organization, if any, must sign an agreement to defend the City against, and indemnify and hold the City, its officers, employees and agents, where such claim arises in whole or in part out of the activities for which such permit is issued; except any claims arising solely out of the negligent acts or omissions of the City, its officers, employees and agents.

SECTION X. INSURANCE REQUIREMENTS.

A. Liability Coverage Required. The applicant/sponsor of an event must possess or obtain public liability insurance of a form and content reasonably satisfactory to the Clerk-treasurer to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. A certificate of insurance shall be filed no less than ten (10) days prior to the event with the Office of the Clerk-treasurer, and shall name the City, its officials, employees and agents, as additional insured. Insurance coverage must be maintained for the duration of the event.

B. Minimum Limits Defined. Coverage shall be a commercial general liability policy. Minimum limits required are one million dollars each occurrence combined single limit bodily injury and property damage; and be of no less than one million dollars aggregate. If food or nonalcoholic beverages are sold or served at the event, the policy must also include an endorsement for liquor liability. If the event involves athletic or other types of active participants, the policy must include participant coverage. The Director may require additional endorsements depending upon the proposed activity.

C. Waiver or Reduction of Required Limits. The Public Works and/or Parks Director may waive or reduce the insurance requirements of this chapter under the following conditions:

1. The applicant or an officer of the sponsoring organization signs a verified statement that insurance coverage in the limits required is impossible to obtain. The statement shall include the

name and address of two insurance agents or other source of insurance coverage contacted.

2. The Public Works and/or Parks Director determines that the insurance limits are in excess of the reasonable risk presented by the proposed special event.

SECTION XI. CITY SERVICES AND EQUIPMENT USE FEES.

A. Prepayment of Fees. Upon approval of an application for a special event permit, the Director shall provide the applicant with a statement of the estimated cost of providing City personnel and equipment. In the discretion of the Director, the applicant/sponsor of the event may be required to prepay these estimated costs for City services and equipment ten days prior to the special event. City services and equipment may include the use of police officers and public works employees for traffic and crowd control, pick up and delivery of traffic control devices, picnic tables, extraordinary street sweeping, and any other needed, requested, or required City service and the cost of operating City equipment to provide such services.

B. Refunds or Overruns. If the actual cost for City services and equipment utilized as a result of the event is less than the estimated cost, the applicant/sponsor will be refunded the difference by the City in a timely manner. If the actual cost for City services and equipment utilized as a result of the event is greater than the estimated cost, the applicant/sponsor will be billed for the difference.

C. Waiver of Fees. The fees for the use of City services and equipment, and prepayment, may be waived in part or in full by the City Council if in review of the application it finds that the event is of sufficient community benefit to warrant the expenditure of City funds without reimbursement by the applicant/sponsor.

SECTION XII. REVOCATION OF PERMIT.

A. Any permit issued pursuant to this chapter may be summarily revoked by the chief law enforcement officer of the City at any time when, by reason of disaster, public calamity, riot or other emergency, he or she determines that the safety of the public or property requires such revocation.

B. The Director of Public Works may also summarily revoke any permit issued pursuant to this chapter if he finds that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit.

Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or certified mail at the address specified by the permittee in his application.

SECTION XIII. DUTIES OF PERMITTEE/SPONSOR OF EVENT.

Each permittee/sponsor of an event shall:

1. Comply with all the terms and conditions of the special event permit;
2. Ensure that the person leading a parade or other event along a route, or the person in charge of any other event, shall be informed of the permit conditions and shall carry a copy of the special event permit on his person for the duration of the event;
3. Ensure that the area used for the permitted event is cleaned and restored to the same condition as existed prior to the event, immediately following the completion of the event.

SECTION 14. PERMIT ISSUANCE OR DENIAL & APPEAL PROCESS

A. The decision of the Director, whether it is to issue the permit, including any conditions placed thereon, or to deny the permit, shall be in writing. If the decision is to deny the application, the notice shall set forth the reasons for the denial. A copy of the Director's decision shall be provided to the Applicant's representative either by personal service or by mailing it to the address provided upon the application. The decision shall include a notification of the applicant's right to appeal the decision to the City Council within fifteen (15) days of the mailing of the decision to the applicant.

B. As set forth in sub-paragraph A, an applicant who disagrees with the Director's decision shall have the right to appeal the Director's decision to the City Council. In submitting an appeal, the applicant may submit such additional written information about the application and the decision as the Applicant deems necessary to which the Director may submit a written response. The Council shall hear the appeal at a regular session of the Council more than ten days after the filing of the notice with the Office of the Clerk-treasurer. In its discretion, the Council may, but is not required to, allow oral testimony or comment and the provision of additional written information. The decision of the Council shall be final.

SECTION XV. VIOLATION-PENALTY.

A. **Unlawful to Sponsor or Participate in an Event Without a Permit.** It is unlawful for any person to sponsor or conduct a special event requiring a special event permit pursuant to this chapter unless a valid permit has been issued for the event. It is unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a required, valid permit.

B. Unlawful to Exceed Scope of Permit. The special event permit authorizes the permittee/sponsor to conduct only such an event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee/sponsor to willfully violate the terms and conditions of the permit, or for any event participant with knowledge thereof to willfully violate the terms and conditions of the permit.

C. Violation Is a Misdemeanor. Any person or organization violating the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof, is subject to a penalty of a fine of not more than five hundred dollars or by imprisonment of not more than ninety days, or by both such fine and imprisonment.

SECTION XVI: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION XVII: Sections I through XV shall constitute a new chapter in Title 12 of the McCleary Municipal Code.

SECTION XVIII: This Ordinance shall take effect upon the fifth day following date of publication.

PASSED THIS _____ DAY OF _____, 2012,
by the

City Council of the City of McCleary, and signed in approval
therewith this _____ day of _____, 2012.

CITY OF MCCLEARY:

D. GARY DENT, Mayor

ATTEST:

ORDINANCE NO. _____, AS AMENDED

AN ORDINANCE ADOPTING A SUPPLEMENTAL BUDGET FOR THE CALENDAR YEAR 2012; AMENDING ORDINANCE 775 AS TO CERTAIN PARTICULAR ELEMENTS; AND DECLARING AN EMERGENCY.

R E C I T A L S:

1. Since the adoption of the budget for 2012, as set out in Ordinance 775, it has been discovered that funding for the summer temporary employees of the City was not included within the ordinance's salary attachment.

2. Based upon this most recent information received from the Director of Public Works, the Mayor and City Council have undertaken a review of the anticipated expenditures and revenue of the City in the affected areas for the year 2012.

3. These expenditures, while not included in the budgetary ordinance, were anticipated by the City at the time of the adoption of Ordinance 775.

4. Since introduction, further information has been received in relation to the resolution of several labor contracts and other fiscal matters relating to compensation of exempt employees.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY:

SECTION I: Attachment B of Ordinance 775, adopting a salary schedule for the year 2012, is replaced to read as set forth upon Attachment #1 attached hereto. All compensation amounts shall be deemed to have become effective January 1, 2012, such retroactivity being found to be in the public interest.

SECTION II: The Office of the Clerk-treasurer shall be authorized to modify the referenced funds and accounts as may be required and authorized pursuant to the BARS accounting system issued by the Office of the State Auditor to correctly reflect revenues and expenditures.

SECTION III: To the extent not amended by Section I, the budget adopted pursuant to Ordinance 775 is reaffirmed.

SECTION IV: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

PASSED THIS _____ day of _____, 2012, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of _____, 2012.

CITY OF McCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON)
 : ss.
GRAYS HARBOR COUNTY)

I, WENDY COLLINS, being the duly appointed Clerk-Treasurer of the City of McCleary, do certify that I caused to have published in a newspaper of general circulation in the City of McCleary a true and correct summary of Ordinance Number _____ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number _____, as it was published, is on file in the appropriate records of the City of McCleary.

WENDY COLLINS

SIGNED AND SWORN to before me this _____ day of
_____, 2012, by WENDY COLLINS.

NOTARY PUBLIC IN AND FOR THE STATE OF
WASHINGTON, Residing at:
My appointment expires:

Attachment "1"

City of McCleary 2012 Salary Schedule

I. Unrepresented Admin Personnel

	Beginning Salary	Step A 2nd year of service	Step B 3rd year of service	Step C 4th year of service	Step D 5th year of service
POSITION	0-12 M	13-24 M	25-36 M	37-48 M	49-60 M
Police Chief	\$5,436.14	\$5,599.23	\$5,767.21	\$5,940.22	\$6,118.43
Clerk-Treasurer	\$4,848.54	\$4,994.00	\$5,143.82	\$5,298.13	\$5,457.07
PW Director	\$6,681.87	\$6,882.32	\$7,088.79	\$7,301.46	\$7,520.50
Court Clerk/Police Clerk	\$3,368.74	\$3,469.80	\$3,573.89	\$3,681.11	\$3,791.54

II. Unrepresented Labor Personnel

Part Time Maintenance (600 Hours) \$9.04 / Hour

Part Time Seasonal Employee (680 Hours)..... \$9.04 / Hour

III. Unrepresented Fire Personnel

Fire Chief (Volunteer) \$2,767 / Year + calls

Fire Assistant Chief (Volunteer)..... \$1,237 / Year + calls

Firefighter (Volunteer)..... \$9.04 / Hour

IV. Represented Police Personnel (FOP)

	Beginning Salary	Step A 2nd year of service	Step B 3rd year of service	Step C 4th year of service	Step D 5th year of service
POSITION	0-12 M	13-24 M	25-36 M	37-48 M	49-60 M
Police Officer	\$3,375.04	\$3,564.36	\$3,737.90	\$3,939.83	\$4,184.89
Seargent	N/A	N/A	N/A	N/A	\$4,603.48

*Note: Pending union contract approval

V. Represented Administrative Personnel (IBEW)

	Step A 1st year of service	Step B 2nd year of service	Step C 3rd year of service	Step D 4th year of service	Step E 5th year of service	Step F 6th year of service
POSITION	0-12 M	13-24 M	25-36 M	37-48 M	49-60 M	60+ M
Deputy City Clerk	\$3,272.49	\$3,339.15	\$3,406.85	\$3,476.63	\$3,546.42	\$3,617.24
Utility Accounts Manager	\$3,954.70	\$4,034.90	\$4,117.18	\$4,201.54	\$4,286.95	\$4,372.35
Public Works / Planning Assistant	\$3,474.55	\$3,545.38	\$3,616.20	\$3,688.07	\$3,762.01	\$3,837.00
Building Official	\$4,510.88	\$4,602.53	\$4,696.27	\$4,792.09	\$4,889.99	\$4,987.90

VI. Represented Light and Power Personnel (IBEW)

Senior Lineman.....	\$42.56/hr	\$7,377.07 / Month
Lineman	\$38.69/hr	\$6,706.27 / Month
Line Equipment Operator 3 rd Year	\$32.89/hr	\$5,700.93 / Month
Line Equipment Operator 2 nd Year.....	\$31.92/hr	\$5,532.80 / Month
Line Equipment Operator 1 st Year.....	\$30.95/hr	\$5,364.67 / Month
Lineman in Training – 6k Hours	\$36.75/hr	\$6,370.00 / Month
Lineman in Training – 4k Hours	\$33.66/hr	\$5,834.40 / Month
Lineman in Training – 2k Hours	\$30.95/hr	\$5,364.67 / Month
Ground Worker.....	\$19.26/hr	\$3,338.40 / Month
Beginning Groundman.....	\$16.07/hr	\$2,785.47 / Month

*Note: Contract displays hourly wage; monthly salary shown for reference.

VII. Represented Public Works Personnel (Teamsters)

	Beginning Salary	Step A 2nd year of service	Step B 3rd year of service	Step C 4th year of service	Step D 5th year of service
POSITION	0-12 M	13-24 M	25-36 M	37-48 M	49-60 M
Public Facilities Manager	\$3,893.34	\$4,136.10	\$4,379.88	\$4,622.64	\$4,866.42
Water/ Wastewater Manager	\$3,893.34	\$4,136.10	\$4,379.88	\$4,622.64	\$4,866.42
Public Works Crew Field Forman	\$3,448.62	\$3,630.18	\$3,819.90	\$4,024.92	\$4,229.94
Wastewater Treatment Plant Operator	\$3,448.62	\$3,630.18	\$3,819.90	\$4,024.92	\$4,229.94
Utility Maintenance II	\$3,106.92	\$3,268.08	\$3,442.50	\$3,625.08	\$3,814.80
Utility Maintenance I	\$2,752.98	\$2,896.80	\$3,050.82	\$3,215.04	\$3,381.30
Ground Maintenance I	\$2,752.98	\$2,896.80	\$3,050.82	\$3,215.04	\$3,381.30

VIII. Longevity

Longevity is not shown in the previously displayed charts. Longevity shall be added to the base pay shown in the respective section in accordance with the appropriate provisions of the Collective Bargaining Agreement or the Employee Handbook.

ORDINANCE NO. _____

AN ORDINANCE RELATING TO PUBLIC UTILITIES, PROVIDING DEFINITIONS, REGULATIONS & PROVISION FOR ADMINISTRATION, ADDING NEW SECTIONS TO CHAPTER 13.12 OF THE MUNICIPAL CODE, IMPOSING PENALTIES; AMENDING SECTION 13.12.070 M.M.C.; REPEALING SECTIONS 13.12.010, 13.12.300, 13.12,310, & 13.12.330. M.M.C.; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

R E C I T A L S:

1. The City maintains a wastewater collection and treatment system for the benefit of the public it serves.
2. During the course of review of existing operations, a number of areas which would benefit from clarification were identified.
3. Since the adoption of the most recent extensive updating of the applicable Code provisions in 1980, a significant number of changes, whether in regulation or operation, have occurred. As a result, an updating of certain provisions has been recommended, as well as the addition of a number of provisions.

4. It is found to be in the interest of public health and safety to implement the recommendations.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY:

SECTION I: For purposes of the Municipal Code, the following acronyms shall apply:

"AKART" means all known, available, and reasonable methods (prevention, control, and treatment) to prevent and control pollution of the waters of the state of Washington. (Chapter 90.48 RCW.) AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. AKART shall be applied by all users of the City's utility systems. AKART includes best management practices and may be required by the Director of Public Works for any discharge to the POTW.

"ANSI" means the American National Standards Institute.

"ASTM" means the American Society for Testing and Materials.

"BOD" means biochemical oxygen demand as defined in Section II of this Ordinance.

"DOE" or "Ecology" means the Washington State Department of Ecology.

"EPA" means U.S. Environmental Protection Agency.

"ERU" means equivalent residential unit as defined under "normal domestic waste" in Section II of this Ordinance.

"FIFRA" means the Federal Insecticide Fungicide Rodenticide Act.

"FOG" means fats, oils and grease.

"NPDES" means the National Pollutant Discharge Elimination System.

"POTW" means publicly owned treatment works as defined in Section II of this Ordinance.

"PVC" means polyvinyl chloride.

"RCRA" means the Resource Conservation and Recovery Act.

"RCW" means Revised Code of Washington.

"SDR" means standard dimension ratios.

"SIC" means Standard Industrial Classification.

"SNC" means significant noncompliance as defined in Section II of this Ordinance.

"STEP" means septic tank effluent pumping.

"TKN" means total kjeldahl nitrogen as defined in Section II of this Ordinance.

"TRC" means technical review criteria as defined in as Section II of this Ordinance.

"TSCA" means the Toxic Substances Control Act currently codified in RCW 70.105D.

"TSS" means total suspended solids as defined in Section II of this Ordinance.

"SWDA" means the Solid Waste Disposal Act currently codified in RCW 70.95.

"WAC" means the Washington Administrative Code.

SECTION II: For the purposes of Chapter 13.12, the words set out in this section shall have the following meanings: PROVIDED THAT, if any provision of federal or state law, whether statutory or rule or regulation is referenced and is hereafter succeeded or amended, the successor is to be deemed adopted by reference.

1. "Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act (33 USC 1251 et seq.), as amended.

2. "Administrative authority" means the Director of Public Works of the City of McCleary or his/her designee.

3. "Alternative sewer systems" shall mean grinder pump low-pressure sewer systems.

4. "Applicable pretreatment standards" means for any specified pollutant: the more stringent of the City of McCleary prohibitive standards, State of Washington pretreatment standards, or applicable National Categorical Pretreatment Standards.

5. "Authorized representative of the user":

A. If the user is a corporation: the president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively; or

C. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

D. The individuals described in subsections (A) through (C) of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the

discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of McCleary.

6. "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures during five days at twenty degrees centigrade, usually expressed as a concentration (milligrams per liter (mg/l)).

7. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.

8. "Building drain" means that part of the lowest piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the side sewer beginning three feet outside the building wall.

9. "Capital costs" means all costs incurred as a result of planning, permitting, design or construction of the wastewater collection or treatment facilities.

10. "Categorical pretreatment standard or categorical standard" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and(c) of the Act (33 USC 1317) which applies to a specific

category of users and which appears in 40 CFR Chapter I, Subchapter N, Parts 405-471.

11. "Categorical user" means a user covered by one or more categorical standards as defined herein.

12. "McCleary urban region" means the City of McCleary and that portion of Grays Harbor County outside the McCleary corporate City limits that will be served by the McCleary wastewater treatment facility, as shown upon the applicable Facility Plan as now in existence or hereinafter amended.

13. "City" means the City of McCleary.

14. "City council" means the governing body of the City of McCleary.

15. "Combined business-residential user" means any user whose plumbing facilities serve both a domestic user and a commercial user.

16. "Commercial user" means any nonresidential customer who engages in business activities or combination of business and residential activities if combined through a single-meter service.

17. "Cooling water" means water used for cooling purposes generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration. For purposes of

this chapter, such waters are further divided into two subcategories:

A. Uncontaminated: water to which the only pollutant added is heat, which has no direct contact with any raw material, waste, intermediate, or final product, and which does not contain a level of contaminants detectably higher than that of the intake water.

B. Contaminated: water likely to contain levels of pollutants detectably higher than intake water. This includes water contaminated through any means, including chemicals added for water treatment, corrosion inhibition, or biocides, or by direct contact with any process materials, products, and/or wastewater.

18. "Color" means the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero optical density.

19. "Composite sample" means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

20. "County" means Grays Harbor County or any other county in which the City's wastewater facilities are located.

21. "Customer" (synonymous with user) means each person, business, property owner, sewer user, other entity separately billed by the City for the use or availability of public sewers in the McCleary sanitary sewer service area.

22. "Department of Ecology (DOE)" means the Washington State Department of Ecology or authorized representatives thereof.

23. "Director" shall mean the City's Director of Public Works or his or her designee.

24. "Domestic user" means any person who contributes, causes, or allows the discharge of wastewater into the City of McCleary's POTW that is similar in volume and/or chemical make-up to domestic wastewater. For comparison, the Director of Public Works may assume discharges of domestic wastewater from dwelling units to be one hundred gallons containing 0.2 pounds (three hundred mg/l) of BOD, 0.2 pounds (three hundred mg/l) of TSS and 0.024 pounds (24 mg/l) of TKN per capita per day, or as identified in the design of the POTW.

25. "Domestic wastewater" means wastewater from residential kitchens, bathrooms, and laundries, and water

borne human wastes from sanitary facilities in all other buildings, together with such groundwater infiltration or surface waters as may be present.

26. "Environmental Protection Agency (EPA)" means the U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of the agency.

27. "Explosion meter" means an electrical device that measures air quality for flammable or explosive gases.

28. "Facility plan" means a report titled "City of McCleary Wastewater Facilities Plan," as the same now exists or is hereafter amended, and is on file with the Office of the Clerk-treasurer.

29. "Grab sample or discrete sample" means a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

30. "Grinder pump systems" means low pressure sewer systems designed to grind or macerate the materials in the domestic sewage discharged from a residential or commercial/industrial customer and pump it to the existing gravity sanitary sewer system. The system includes all tanks,

pumps, valves, control systems, and the low-pressure force main pipe conveying the sewage to the gravity sewer.

31. "Health department" means the Grays Harbor County Environmental Health Department.

32. "Income," as used herein, means gross income as defined in Section 61(a) of the Internal Revenue Code of 1954, as now in effect or hereafter amended, plus any and all social security retirement and/or disability payments, Veterans Administration retirement and/or disability payments, Railroad Retirement Board pension and/or disability payments, and payments received from any other public or private pension, retirement, profit-sharing and disability plans, and unemployment compensation.

33. "Indirect discharge or discharge" means the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

34. "Industrial user" means any nonresidential user whose wastewater results from any process or activity

conducted by that user. Such wastewater includes contaminated wash water or leachate from solid waste facilities that may enter the wastewater utility collection system.

35. "Industrial wastewater" means water or liquid-carried waste from any industry, manufacturing operation, trade, or business which includes any combination of processed wastewater, cooling water, contaminated storm water, contaminated leachates, or other waters such that the combined effluent differs in some way from purely domestic wastewater, or is subject to regulation under the Federal Categorical Pretreatment Standards, the State Waste Discharge Permit program, or this chapter.

36. "Interference" means the effect of a discharge or discharges on the POTW from one or more users which results in either: (a) inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal; (b) violation of any permit regulating the City of McCleary wastewater discharge or sewage sludge; or (c) prevention of sewage sludge use or disposal in compliance with any applicable statutory or regulatory provision or permit issued thereunder. (Application sludge regulations shall include Section 405 of the Clean Water Act (33 USC 1345 et

seq.); the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.); state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act (42 USC 7401 et seq.); the Toxic Substances Control Act (TSCA) (15 USC 2601 et seq.); and 40 CFR part 503).

37. "Low-income senior citizen user" shall be defined as sixty-two years of age or older and whose total income, including that of his or her spouse or cotenant, does not exceed the amount specified in RCW 84.36.381(5)(b)(ii) as the same now exists or is hereafter amended.

38. "Low-income totally disabled user" shall be defined as any person who has been classified as totally disabled by the Social Security Administration and whose total income does not exceed the amount provided for low-income senior citizen users.

39. "Maximum daily concentration allowed" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

40. "Medical wastes" means isolation wastes, infectious agents, human blood and blood products or byproducts, pathological wastes, sharps, body parts, fomites, etiology agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

41. "National Pollutant Discharge Elimination System (NPDES)" as defined under Section 402 of the Clean Water Act.

42. "New source" means:

A. Any facility constructed after proposed categorical standards applicable to operations conducted at the facility where published, provided the facility is or may be a source of discharge to the POTW, and:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

2. The new construction totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. Construction of a new source as defined under this paragraph has commenced if the owner or operation has either:
(i) begun, or caused to begin any placement, assembly, or installation of facilities or equipment; (ii) begun, or caused to begin significant site preparation work including removal

of existing facilities necessary for the emplacement of new source facilities or equipment; or (iii) entered into a binding contractual obligation for the purchase of facilities or equipment for use in operation of a new source.

43. "New user" means any non-categorical user that plans to discharge a new source of wastewater to the City of McCleary's collection system after the effective date of the ordinance codified in this chapter. This discharge may be from either a new or an existing facility. Any person that buys an existing facility discharging non-domestic wastewater will be considered an "existing user" if no significant changes in facility operation are made and wastewater characteristics are not expected to change.

44. "Normal domestic waste" means one hundred gpd/c containing less than three hundred mg/l BOD and TSS, twenty-four mg/l TKN, one hundred mg/l FOG.

45. "Overhead" means all costs and expenses, including administrative overhead and equipment replacement, chargeable directly to the operation and maintenance of the wastewater treatment and collection facilities.

46. "Pass through" means a condition occurring when discharges from users, (singly or in combination), exit the

POTW in quantities or concentrations which either: (1) cause a violation of any requirement of the City of McCleary's NPDES or state waste discharge permit; (2) cause an increase in the magnitude or duration of a violation; or (3) cause a violation of any water quality standard for waters in the state promulgated regulations including Chapter 173-201A WAC.

47. "Permittee" means any person or user issued a wastewater discharge permit by EPA, DOE, or the City.

48. "Person" means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, any federal, state, or local governmental agency or entity, or any other entity whatsoever; or their legal representatives, agents or assigns.

49. "pH" means a measure of the acidity or alkalinity of a substance, expressed in standard units (technically defined as the logarithm of the reciprocal of the mass of hydrogen ions in gram moles per liter of solution).

50. "Pollutant" means any substance, either liquid, gaseous, solid, or radioactive, discharged to the POTW which, if discharged directly, would alter the chemical, physical, thermal, biological, or radiological properties of waters of the state of Washington including pH, temperature, taste,

color, turbidity, oxygen demand, toxicity or odor. This includes any discharge likely to create a nuisance or render such waters harmful, detrimental or injurious to any beneficial uses, terrestrial or aquatic life, or to public health, safety or welfare.

51. "Pollution prevention" means source reduction; protection of natural resources by conservation; or increased efficiency in the use of raw materials, energy, water, or other resources.

52. "Population equivalent" also referred to as "Equivalent Residential Unit" [ERA) or "Residential Equivalent Unit" (ERU) means a measure of wastewater production equivalent to one person served by the wastewater treatment facilities: one hundred gallons per day, 0.2 lbs per day BOD and TSS, three hundred mg/l BOD and TSS, 0.024 lbs per day or twenty-four mg/l TKN.

53. "Population equivalent user factor" means the number of population equivalents assigned to each user for the purposes of calculating sewer service charges.

54. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to

(or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

55. "Pretreatment requirements" means any substantive or procedural local, state, or federal requirement related to pretreatment developed under Chapter 90.48 RCW and/or Sections 307 and 402 of the Clean Water Act or this chapter.

56. "Pretreatment standards" means any pollutant discharge limitations including categorical standards, state standards, and limits set forth in Chapter 13.12 of the Municipal Code applicable to the discharge of non-domestic wastes to the POTW. The term shall also include the prohibited discharge standards of Chapter 13.12, WAC 173-216-060, and 40 CFR Part 403.5.

57. "Prohibited discharge standards or prohibited discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section III.

58. "Public sewer" means a common sewer directly controlled by public authority.

59. "Publicly owned treatment works (POTW)" means a treatment works, as defined by Section 212 of the Act (33 USC 1292), which is owned by the City of McCleary. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastewater and any conveyances which convey wastes to a wastewater treatment plant.

60. "Septage" means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system. This includes liquids and solids from domestic holding tanks, chemical toilets, campers, and trailers, when these systems are cleaned or maintained.

61. "Sewage or wastewater" means water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, storm, or other waters as may be present.

62. "Sewer" means any pipe, conduit, ditch, or other device used to collect and transport sewage.

63. "Sewer service charges" includes all charges billed to a particular user.

64. "Side sewer" means that part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer or individual sewage disposal system.

65. "Significant industrial user":

A. A user subject to categorical pretreatment standards;
or

B. A user that:

1. Discharges an average of twenty-five thousand gallons per day or more of processed wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); or

2. Contributes a processed waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

3. Is designated as such by the DOE with input from the City of McCleary on the basis that it, alone or in conjunction with other sources, has a reasonable potential for adversely

affecting the POTW's operation or for violating any pretreatment standard or requirement.

C. Upon a finding that a user meeting the criteria in subsection a of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the DOE may at any time, on its own initiative or in response to a petition received from a user or the City of McCleary, and in accordance with procedures in 40 CFR 403.8(f)(6) determine that such user should not be considered a significant industrial user.

66. "Significant noncompliance (SNC)" shall refer to a violation or pattern of violation of one of the following natures:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all wastewater measurements taken during a six month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

B. Technical review criteria (TRC) violations, defined herein as those in which thirty-three percent or more of all wastewater measurements taken for each pollutant parameter

during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other discharge violation the City of McCleary believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of the City of McCleary personnel or the general public);

D. Any discharge of pollutants that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the City of McCleary's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within thirty days after the due date, any required reports, including baseline monitoring reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s) which the administrative authority determines will adversely affect the operation or implementation of the local pretreatment program.

67. "Slug load" means any pollutant released in a discharge at a flow rate or concentration which could violate this chapter, or any discharge of a non-routine, episodic nature such as an accidental spill or a non-customary batch discharge.

68. "Standard Industrial Classification (SIC) Code" means a classification pursuant to the "Standard Industrial Classification Manual" issued by the United States Office of Management and Budget.

69. "State" means the state of Washington.

70. "STEP system" means septic tank effluent pumping sewer systems consisting of a liquid/solids separation tank with a pumping system discharging into the gravity sewer system.

71. "Storm water" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

72. "Total kjeldahl nitrogen (TKN)" means the total of organic compounds, i.e., amino acids, proteins, etc. (human waste). The TKN measures the combined amount of organic nitrogen and the amount of ammonia in a given sample.

73. "Total suspended solids (TSS)" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

74. "Toxic pollutant" means one or a combination of the pollutants listed as toxic in regulations promulgated by EPA under Section 307 (33 USC 1317) of the Act.

75. "Treatment plant effluent" means the discharge from the City of McCleary POTW.

76. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with applicable treatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

77. "User or industrial user" means any non-domestic source of wastewater discharged to the POTW. This excludes domestic users as defined herein.

78. Wastewater." See "Sewage."

79. "Wastewater discharge permit (industrial wastewater discharge permit, discharge permit)" means an authorization or equivalent control document issued by the DOE to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this chapter.

80. "Wastewater treatment facilities" means the City of McCleary wastewater treatment plant and outfall and all facilities designed for the collection and transmission of sewage to the plant.

81. "Wastewater utility" means the entity reporting to the Director of Public Works, which is responsible for the operation, maintenance, upgrade and improvement of the wastewater collection and treatment system of the City.

SECTION III: As to any user of the wastewater collection and treatment facilities of the City, the following prohibitions shall apply:

A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements. (40 CFR 403.5(a) and WAC 173-216-060(2)(b)(I)).

B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants in any form (solid, liquid, or gaseous):

1. Any pollutant which either alone or by interaction may create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (sixty degrees Celsius) using the test methods specified in 40 CFR 261.21 (40 CFR 403.5(b)(1)), or are capable of creating a public nuisance (WAC 173-216-060(2)(b)(ii)). This includes waste streams sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair. At no time shall a waste stream cause two successive readings on an explosion meter to be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of

the meter at any point in the collection system or treatment works;

2. Any pollutant which will cause corrosive structural damage to the POTW, but in no case discharges with a pH less than 6.0 or more than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW, unless the system is specifically designed to accommodate such discharge and the discharge is authorized by an applicable wastewater discharge permit (40 CFR 403.5(b)(2) and WAC 173-216-060(2)(b)(iv));

3. Any solid or viscous substances including fats, oils, and greases in amounts which may cause obstruction to the flow in a POTW or other interference with the operation of the POTW (40CFR 403.5(b)(3) and WAC 173-216-060(2)(b)(vi));

4. Any discharge of pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, is sufficient to cause interference with the POTW (40 CFR 403.5(b)(4) and WAC 173-216-060(2)(b)(vi));

5. Any waste stream having a temperature which will inhibit biological activity in the treatment plant resulting

in interference, or cause worker health or safety problems in the collection system. In no case shall wastewater be discharged at a temperature which causes the temperature of the influent to the treatment plant to exceed one hundred four degrees Fahrenheit (forty degrees Celsius) unless the system is specifically designed to accommodate such a discharge, and the discharge is authorized by an applicable wastewater discharge permit (40 CFR 403.5(b)(5) and WAC 173-216-060(2)(b)(v));

6. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through (40 CFR 403.5(b)(6)(ii));

7. Any pollutants which result in the presence of toxic gases, vapors, or fumes within any portion of the POTW in a quantity that may cause acute worker health and safety problems (40 CFR 403.5(b)(7) and WAC 173-216-060(2)(b)(ii));

8. Any trucked or hauled wastes, except at discharge points designated by the City and in compliance with all applicable City requirements and during specified hours (40 CFR 403.5(b)(8));

9. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with

other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair (WAC 173-216-060(2)(b)(ii));

10. Any of the following discharges unless approved by the administrative authority under extraordinary circumstances such as the lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions (WAC 173-216-060(2)(b)(vii)):

- a. Noncontact cooling water in significant volumes,
- b. Storm water, and other direct inflow sources, or
- c. Wastewater significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the POTW;

11. Any dangerous or hazardous wastes as defined in Chapter 173-303 WAC, as amended, except as allowed in compliance with that regulation (WAC 173-216-060(1) and 40 CFR Part 261);

12. Any substance which will cause the POTW to violate its NPDES, state waste discharge or other disposal system permits or causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

13. Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or would interfere with the reclamation process or cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed pursuant to the federal, state, or local statutes or regulations applicable to the sludge management method being used;

14. Any discharge which imparts color which cannot be removed by the POTW's treatment process such as dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plant's effluent, thereby violating the City's NPDES permit. Color, in combination with turbidity, shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthesis activity in the receiving waters by more than ten percent from the seasonably established norm for aquatic life;

15. Any discharge containing radioactive wastes or isotopes except as specifically approved by the administrative authority in compliance with applicable state or federal regulations including WAC 246-221-190 "Disposal By Release Into Sanitary Sewerage Systems"; and meeting the concentration

limits of WAC 246-221-290, Appendix A, Table I, Column 2; and WAC 246-221-300, Appendix B;

16. Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes;

17. Any medical wastes, except as specifically authorized by the administrative authority;

18. Any detergents, surface-active agents, or other substances in amounts which may cause excessive foaming in the POTW;

19. Any incompatible substance such as: grease, animal guts or tissues, paunch contents, manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, or any other organic or inorganic matter greater than one-half inch in any dimension;

20. Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA);

21. Any wastewater, which in the opinion of the administrative authority can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under a legal and binding agreement by the administrative authority (except that no waiver may be given to any categorical pretreatment standard).

C. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

D. Every building, structure, or premise used or occupied by any sewer user where any commercial or industrial operations are conducted or permitted which result in the discharge into the sewer system of any products, waste products, or other substances, matter, or liquid in the manner and to the extent prohibited in this section shall be equipped with an adequate and suitable grease trap, filter, or other interception device installed in such a manner that the product, waste products, or other substances, materials, or liquid herein set forth will not flow into or be discharged into the sanitary sewer system. The grease trap, filter, or

other interceptor shall be adequately maintained, readily accessible for inspection by the administrative authority at any time to ensure its proper operation, and is subject to the terms in Section IV.

E. The owner of any vehicle-washing facility shall install and maintain in a proper manner and at his own expense an approved sediment and oil trap located in the side sewer line. Records of proper cleaning and maintenance must be kept and made available to City inspectors.

SECTION IV: Pretreatment of fats, oils and grease required.

A. Dischargers who operate newly constructed multiplex units or apartment complexes, restaurants, cafes, lunch counters, cafeterias, bars, or clubs; or hotels, hospitals, sanitariums, factories, churches or school kitchens; or other establishments that serve or prepare food where grease may be introduced to the sewer system shall have pretreatment facilities to prevent the discharge of fat waste, oil, or grease (FOG). Take-out food establishments or other establishments that prepare food, but do not cook in oil or grease, and who serve food only in disposable containers, may be exempted from this requirement, provided their discharges

do not violate the general discharge prohibitions of this ordinance. These pretreatment facilities must have grease interceptors installed in the waste line leading from sinks, drains, or other fixtures where grease may be discharged.

1. The grease interceptors must meet, at a minimum, the specifications of then applicable Plumbing Code adopted by the City. The administrative authority is authorized to adopt and publish additional criteria for grease interceptors.

2. Dischargers must maintain these facilities in a manner that will always prevent fat waste, oil, or grease from being carried into the sewer system. Fat waste, oil, or grease removed from such a facility shall not be disposed of in sanitary or storm sewers.

B. All existing restaurants, cafes, lunch counters, cafeterias, bars, or clubs, or hotels, hospitals, sanitariums, factories, churches, or school kitchens or other establishments that serve or prepare food where grease may be introduced to the sewer system which do not have a grease interceptor at the time of adoption of this ordinance shall meet the requirements for grease, oil, and fats by installing a grease interceptor within _____ of the effective date of this ordinance. Failure to install a

grease interceptor within _____ shall result in penalties as outlined in MMC 13.12.450. All grease removal systems must be approved by the administrative authority prior to installation.

SECTION V: Washing facilities, grease rack: Pretreatment.

Dischargers who operate automatic and coin-operated laundries, car washes, filling stations, commercial garages, or similar businesses having any type of washing facilities or grease racks and any other dischargers producing grit, sand, oils, or other materials which have the potential of causing partial or complete obstruction of the building sewer or other areas in the sewer system shall install approved interceptors or tanks in accordance with the latest specifications adopted by the City such that excessive amounts of oil, sand, and inert solids are effectively prevented from entering the City sewer. Effective upon the effective date of this ordinance, all new car washes shall be closed loop, no discharge systems. Proof of required operation and maintenance records must be made available for City inspectors.

SECTION VI: Provisions Relating to Maintenance, Inspection, and Results of Treatment Failure.

A. All grease interceptors, oil/water separators, settling tanks, and grit traps shall be installed, maintained, and operated by the discharger at the discharger's sole expense. The installation shall be kept in continuous operation at all times, and shall be maintained to provide efficient operation.

B. Cleaning must be performed by a service contractor qualified to perform such cleaning. All material removed shall be disposed of in accordance with all state and federal regulations. Certification of maintenance shall be made readily available to City-authorized personnel for review and inspection.

C. Inspection and cleaning frequency of grease interceptors/traps may be established pursuant to a rule or regulation established by the administrative authority.

D. If a failure to maintain settling tanks, grit traps, grease interceptors, or oil/water separators results in partial or complete blockage of the building sewer or other parts of the wastewater utility system, or adversely affects the treatment or transmission capabilities of the system, or requires excessive maintenance by the City, the discharger responsible for the facilities shall be subject to the

remedies, including enforcement and penalties detailed in this chapter.

E. Regular inspections will be conducted at no charge to the customer; however, re-inspections for systems not properly maintained will be charged a re-inspection fee in an amount established by written resolution of the Council.

SECTION VII: The Director shall be and is hereby authorized to promulgate such written rules and regulations as may be deemed reasonably necessary and appropriate to implement and administer the provisions of this ordinance. Prior to its effectiveness, any proposed rule or regulation shall be submitted to the City Council and Mayor for review. To the extent not disapproved, such rule or regulation shall go into effect upon the thirtieth day following the first Council Meeting at which they are presented to the Mayor and Council in a written form: PROVIDED that the Council specifically reserves to itself the right (a) to suspend such proposed rule or regulation, (b) authorize its immediate effectiveness, or (c) reject, modify, or supplement such proposed regulations.

SECTION VIII: Section 13.12.070 MMC and Ord. 399 Art. 3 § 2, 1980 shall be amended to read as follows:

Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit from the Grays Harbor Health Department (~~Grays Harbor-Pacific Health District~~). The owner shall abide by all the rules and regulations of the city and the health department (~~Grays Harbor-Pacific Health District~~) regarding the placement, construction, operation and maintenance of such private wastewater disposal system.

SECTION IX: Codification and Repeal:

A. Sections I through VII shall constitute new sections in Chapter 13.12 of the Municipal Code.

B. The following sections of Chapter 13.12 shall be repealed: 13.12.010, 13.12.300, 13.12.310, & 13.12.330.

SECTION X: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason

this Ordinance should be declared invalid or unconstitutional,
then the original ordinance or ordinances shall be in full
force and effect.

SECTION XI: This Ordinance shall take effect upon the
fifth day following date of publication.

PASSED THIS _____ DAY OF _____,
2012, by the City Council of the City of McCleary, and signed
in approval therewith this _____ day of
_____, 2012.

CITY OF MCCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON)

GRAYS HARBOR COUNTY : ss.
)

I, WENDY COLLINS, being the duly appointed Clerk-Treasurer of the City of McCleary, do certify that I caused to have published in a newspaper of general circulation in the City of McCleary a true and correct summary of Ordinance Number _____ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number _____, as it was published, is on file in the appropriate records of the City of McCleary.

WENDY COLLINS

SIGNED AND SWORN to before me this _____ day of _____, 2012, by WENDY COLLINS.

NOTARY PUBLIC IN AND FOR THE STATE OF
WASHINGTON, Residing at:
My appointment expires: