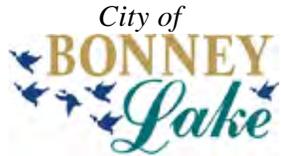


**CITY COUNCIL MEETING**

**June 22, 2010**

**7:00 p.m.**

**AGENDA**



*The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.*

Website: [www.ci.bonney-lake.wa.us](http://www.ci.bonney-lake.wa.us)

**SIGN-UP TO SPEAK FOR SPECIFIC ACTION ITEMS ON THE AGENDA:** *If you have signed-up prior to the Council meeting to speak with respect to a particular ordinance or resolution appearing on the agenda, you will be recognized to address the Council for up to one minute before the Council takes action on that item. Those wishing to address items appearing on the "Consent Agenda" should do so during the "Citizen Comments" portion of the Agenda. If the Council chooses to discuss the item further after taking comments, they may restrict additional public comment before taking action. Please look for the speaker sign-up sheets near the Council Chamber doorway. (See Item II B. for Citizen Comments on other items of City business.)*

**Location:** City Hall Council Chambers, 19306 Bonney Lake Blvd., Bonney Lake.

**I. CALL TO ORDER**

**A. Flag Salute**

**B. Roll Call:**

**Elected Officials:** Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember Jim Rackley.

**Expected Staff Members:** City Administrator Don Morrison, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Administrative Services Director/City Clerk Harwood Edvalson, Community Services Director Gary Leaf, and City Attorney Jim Dionne.

**C. Announcements, Appointments and Presentations:**

**1. Announcements:**

**2. Appointments:**

**3. Presentations:**

- a. Proclamation: 2010 Relay for Life
- b. Planning Commission Recommendation: AB10-111 - Ordinance 10-111 - An Ordinance of the City of Bonney Lake, Pierce County, Washington, Updating R-2 and R-3 Zoning.

**D. Agenda Modifications:**

Page

5  
7-13

**II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:****A. Public Hearings:****B. Citizen Comments:**

*You may address the City Council on matters of City business for up to 5 minutes. Those commenting about ordinances or resolutions on the "Consent Agenda" should limit their comments to one minute per item. When recognized by the Mayor, please state your name and address for the official record. Designated representatives speaking on behalf of a group may take up to 10 minutes on matters of general City business.*

**C. Correspondence:****III. COUNCIL COMMITTEE REPORTS:****A. Finance Committee****B. Community Development Committee****C. Public Safety Committee****D. Other Reports****IV. CONSENT AGENDA:**

*The items listed below may be acted upon by a single motion and second of the City Council. By simple request to the Chair, any Councilmember may remove items from the Consent Agenda for separate consideration after the adoption of the remainder of the Consent Agenda items.*

15-24

**A. Approval of Minutes:** June 1, 2010 Council Workshop and June 8, 2010 Council Meeting Minutes.

**B. Accounts Payable:** checks/vouchers #58748 thru 58783 (including wire transfer # 60110) in the amount of \$82,220.57; Accounts Payable checks/vouchers #58784 thru 58833 (including wire transfer's #5152010, 6022010) in the amount of \$369,187.31; Accounts Payable checks/vouchers #58834 thru 58880 for utility refunds in the amount of \$6,416.76.

**C. Approval of Payroll:** Payroll for June 1-15 2010 for checks **29062-29096** including Direct Deposits and Electronic Transfers in the amount of **\$418,327.29**

25-46

**D. AB10-74 – Ordinance D10-74 –** An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 15.28 BLMC.

47-53

**E. AB10-82 - Resolution 2036 -** A Resolution of the City of Bonney Lake, Pierce County, Awarding Fennel Creek Trail and 192nd Avenue Sidewalks Projects Phase 1 contract to Titan Earthwork, LLC

**V. FINANCE COMMITTEE ISSUES:**

Page

**VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:**

- 55-64 A. AB10-102 - Resolution 2045 - A Resolution of the City of Bonney Lake, Pierce County, Washington awarding the contract for TWD Intertie S. Prarie Road E Waterline Project to Mountain West Construction
- 65-67 B. **AB10-110 - Resolution 2049** - A Resolution of the City of Bonney Lake, Pierce County, Washington, Adopting Policies to Reduce Greenhouse Gas Emissions as Required Under RCW 70.235.070.

**VII. PUBLIC SAFETY COMMITTEE ISSUES:**

- 69-82 A. **AB10-94 - Ordinance D10-94** - An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Repealing Chapter 6.04 of the Bonney Lake Municipal Code and Ordinance nos. 584.A, 584b, 764, 1986, and 1989, and Replacing it with a New Chapter 6.04

**VIII. FULL COUNCIL ISSUES:**

- 83-95 A. **AB10-98 - Ordinance D10-98** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 15.04, 15.08, And 15.24 Of The Bonney Lake Municipal Code And Ordinance Nos. 700, 711,778,826, 851 And 885, Relating To Adoption Of Revised International Codes Of Building And Related Regulations.
- 97-111 B. **AB10-104 - Ordinance D10-104** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 15.16 Of The Bonney Lake Municipal Code And Ordinance Nos. 700, 711, 778, 826, 851, and 885, Relating To Adoption Of Revised Regulations Related To The Installation Of Automatic Fire Extinguishing Systems.

**IX. EXECUTIVE SESSION:**

Pursuant to RCW 42.30.110, the City Council may hold an executive session. The topic(s) and the session duration will be announced prior to the executive session.

**X. ADJOURNMENT**

**For citizens with disabilities requesting translators or adaptive equipment for communication purposes, the City requests notification as soon as possible of the type of service or equipment needed.**

**THE COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA.**





## Proclamation

*In recognition and support of the American Cancer Society Relay For Life*

*Whereas*, Relay For Life is the signature activity of the American Cancer Society and honors cancer survivors (anyone who has ever been diagnosed with cancer) and remembers those lost to the disease; and

*Whereas*, There are an estimated 10.5 million Americans with a history of cancer alive today; and

*Whereas*, This year alone, more than 1.4 million new cases of cancer will be diagnosed in the United States; and 32,380 new cases of cancer will be diagnosed in the State of Washington.

*Whereas*, Money raised during the American Cancer Society Relay For Life of Sumner/Bonney Lake helps support research, education, advocacy and patient services; and

*Whereas*, Relay For Life helps fund more than \$100 million in cancer research each year; and

***Now, Therefore, I***

Mayor Neil Johnson, Mayor of the City of Bonney Lake

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do hereby proclaim Wednesday, June 30, 2010 to be,

***“Paint the Town Purple Day”***

In Bonney Lake, WA and encourage all citizens to join in this observance.





**ORDINANCE NO. D10-111**

**AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, UPDATING R-2 AND R-3 ZONING**

WHEREAS, The purpose of this ordinance is to adopt a minimum density in the R-3 zone as recommended by the Pierce County Buildable Lands report, replace lot size requirements in the R-2 zone, and allow zero lot line development in R-3; and

WHEREAS, the State Environmental Policy Act was complied with through the issuance of a DNS on October 14, 2009; and

WHEREAS, the Planning Commission conducted a public hearing on November 4, 2009; and

WHEREAS, the Planning Commission issued a recommendation for passage of this Ordinance on May 19, 2010; and

WHEREAS, a letter informing the Washington state department of Commerce was mailed on October 15, 2009, more than 60 days ago informing it about the possible adoption of this ordinance;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1.** BLMC Chapter 18.04.200 is hereby amended to read as follows:

**18.04.200 “T”.**

“Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

“Townhouse” or “Townhome” means a type of attached dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

“Toxic or noxious matter” is any solid, liquid, or gaseous matter or any combination of these containing properties which by their nature tend to impair the health and safety or welfare of individuals or to be destructive of property.

“Tract of land,” see “Lot.”

“Trailer” means a prefabricated living unit of less than 550 square feet in floor area capable of being moved by towing upon the public roads and highways. (Ord. 746 § 19, 1997; Ord. 740 § 2, 1997).

**Section 2.** BLMC Chapter 18.16.020 is hereby amended to read as follows:

**18.16.020 Uses permitted outright.**

The following uses are permitted in an R-2 zone, subject to the off-street parking requirements, bulk regulations and other provisions and exceptions set forth in this code:

A. Residential Uses.

1. Single-family residence;
2. Duplexes (two-family residences);
3. Accessory dwelling units.

4. Townhouses;

B. Educational Uses.

1. Elementary schools.

C. Cultural, Religious, Recreational, and Entertainment Uses.

1. Parks, opens space and trails;
2. Churches of less than 250 seats; provided the requirements of BLMC

18.22.040 are met.

D. Resource Management Uses.

1. Agriculture and orchards;
2. Forestry and tree farms;
3. Raising of livestock, small animals and fowl; provided the requirements of

BLMC 18.22.060 are met.

E. Transportation, Communication, Utilities.

1. Public utility facility; provided the requirements of BLMC 18.22.050 are met;
2. Wireless communications facilities are permitted as principal or accessory uses provided the requirements of Chapter 18.50 BLMC are met. (Ord. 1137 § 3, 2005; Ord. 747 § 1, 1997; Ord. 746 § 3, 1997; Ord. 740 § 5, 1997).

**Section 3.** BLMC Chapter 18.16.050 is hereby amended to read as follows:

**18.16.050 Setback and bulk regulations.**

The following bulk regulations shall apply to the uses permitted in the district subject to the provisions for yard projections included in BLMC 18.22.080:

A. ~~Minimum Lot Areas.~~ Density shall be a minimum of 5 and a maximum of 9 dwelling units per net acre

- ~~1. For a single family residence, modular or manufactured home on a single lot: 8,600 square feet;~~
- ~~2. For a duplex residence: 10,000 square feet~~

B. Minimum lot width: 55 feet.

C. Minimum front setback: 20 feet from the right-of-way line, except State Highway 410 where the setback shall be 55 feet from the right-of-way line. In areas where existing right-of-way is insufficient, additional setback may be required by the public works director.

D. Minimum side yard: five feet, with a total of 15 feet required for both side yards.

E. Minimum Rear Setback.

1. Residence: 20 feet;
2. Separated garage or accessory building: 10 feet;
3. Boathouse, if approved: no rear yard setback.

F. Maximum height: 35 feet above grade.

G. Maximum lot coverage by impervious surfaces shall be 60 percent. (Ord. 1302 § 2, 2009; Ord. 1099 § 18, 2005; Ord. 740 § 5, 1997).

**Section 4.** A new Section of Chapter 18.02 is hereby added to read as follows:

**18.02.110 Rounding of Fractions of Dwelling Units**

The number of dwelling units allowed on the subject property is determined by dividing the net area of the subject property by the number of permitted dwelling units. When this results in a fraction, the number of permitted dwelling units will be rounded up to the next higher whole number of units if the fraction is at least two-thirds. If the fraction is less than two-thirds, the number of permitted dwelling units will be rounded down to the next lower whole number of units.

**Section 5.** BLMC Chapter 18.18.010 is hereby amended to read as follows:

**18.18.010 General intent.**

This zone is intended to provide appropriately located areas for multifamily living at densities ~~up to~~ from 10 to 20 units per acre to meet the needs of households with a variety of income levels and lifestyles. They are further intended to protect the public health, safety and general welfare by assuring access to arterial or collector roads and transit, and the provision of adequate utility services, public facilities and amenities necessary to assure the comfort and enhance the lifestyles of their occupants. (Ord. 1250 § 2, 2007; Ord. 740 § 6, 1997).

**Section 6.** BLMC Chapter 18.18.050 is hereby amended to read as follows:

**18.18.050 Setback and bulk regulations.**

The following bulk regulations shall apply to the uses permitted in the district subject to the provisions for yard projections included in BLMC 18.22.080:

~~A. Minimum lot area shall be determined by yard setbacks, parking, landscaping and open space requirements.~~

~~A.B~~ Density shall be a minimum of 10 and a maximum of 20 units per net acre for multifamily residential uses, exclusive of public rights-of-way. ~~Exception: Within the transit-oriented development (TOD) overlay residential density shall be at least 10 units per net acre as “net acre” is defined in BLMC 18.04.140 and there shall be no density limit.~~

~~BC.~~ Minimum lot width: 40 feet. Exception: There is no minimum lot width for developments within the transit-oriented development overlay.

~~CD.~~ Minimum front setback: 15 feet from the right-of-way; provided, that a greater setback may be required from streets with inadequate rights-of-way at the discretion of the public works director.

~~DE.~~ Minimum side yard setback: five feet, with a total side yard setback of 15 feet for both side yards. Exception: Townhouse development may have zero side yard setbacks provided, that the end units of a group have a minimum of 5 and a total of 20 feet for

~~both yards regardless of whether the yards are considered side, front or rear. Lots internal to a development within the transit-oriented development overlay may have zero side yard setback provided the development is capable of meeting the applicable design standards.~~

EF. Minimum rear setback is 20 feet; provided, that a separated garage may be built within 10 feet of the rear property line.

FG. Minimum setback to a single-family residential zone: ~~20~~ 10 feet from required landscape buffer for buildings having an entrance or exit facing the landscape buffer.  
Exception: Buildings taller than 35 feet shall increase the setback by one foot from any single-family residential zone for every one foot of building height increase over 35 feet. ~~For example, a proposed building of 50 feet shall be set back at least 35 feet from any single family zone (20 feet plus 15 extra feet for the height increase over 35 feet).~~

GH. Maximum height: 35 feet; provided, that the director(s), with the concurrence of the fire chief of Pierce County Fire Protection District No. 22, may approve buildings up to four stories tall if adequate provision is made for fire protection.

HI. Maximum impervious surface: 80 percent. (Ord. 1250 § 2, 2007; Ord. 1230 § 19, 2007; Ord. 1155 § 4, 2005; Ord. 1099 § 19, 2005; Ord. 851 § 32, 2000; Ord. 740 § 6, 1997).

**Section 7.** If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

**Section 8.** This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Neil Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James J. Dionne, City Attorney

Passed:  
Valid:  
Published:  
Effective Date:



# Memo

**Date** : May 19, 2010  
**To** : Mayor and City Council  
**From** : Grant Sulham, Planning Commission Chair  
**CC** :  
**Re** : **Changes to R-2 and R-3 zoning**

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## BACKGROUND

When the Planning Commission began discussion of possible updates to the R-3 zoning in 2009, one of the stated reasons for doing so was to adopt minimum density standards. This change was recommended by Pierce County in their 2008 Buildable Lands Consistency Evaluation. The recommendation was based on the fact that Bonney Lake was found to have insufficient residential capacity at the time and that the City had overestimated the density at which R-3 would be built out.

In December 2009 an R-3 overlay was adopted by Council that requires a minimum of 10 units per acre, however, the overlay only applies to the R-3 zoned area of the WSU Forest at this time. In order to fully comply with Pierce County's recommendation, the Planning Commission recommends that that all R-3 zoning have a minimum density of 10 units per acre.

The attached ordinance also addresses the issue of zero lot lines for townhouses in R-3 as well as development in R-3 adjacent to single family.

In order to make R-2 consistent with the R-1 and R-3, the attached draft ordinance would replace the lot size requirements of R-2 with density requirements. It would also codify rounding of decimals in density calculations.

The Planning Commission recommends that the City Council adopt the ordinance as drafted.



**CITY COUNCIL WORKSHOP**

**June 1, 2010  
5:30 p.m.**

**MINUTES**



*“Where Dreams Can Soar”*

*The City of Bonney Lake’s Mission is to protect the community’s livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.*

*Website: www.ci.bonney-lake.wa.us*

Audio Time Stamp ↓

**Location:** City Hall Council Chambers, 19306 Bonney Lake Blvd., Bonney Lake.

**I. Call to Order:** Mayor Neil Johnson, Jr. called the workshop to order at 5:33 p.m.

**II. Roll Call:** [A1.3]

Records & Information Specialist Susan Duis called the roll. In addition to Mayor Neil Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember James Rackley.

[Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Community Services Director Gary Leaf, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Jim Dionne and Records & Information Specialist Susan Duis.]

**III. Agenda Items:**

5:33:52

**A. Council Open Discussion:**

WSU Forest: Councilmember Hamilton said he noticed motorcycle tire tracks in the forest, as well as an area where people have regularly been lighting fires. Chief Mitchell said he walked the trails last week to identify problem areas and plan for enforcement. He said he is aware of the tire tracks and evidence of a fire pit.

Puyallup River Watershed Council: Councilmember Carter attended a meeting of the Watershed Council on May 26<sup>th</sup>, and provided copies of the recent report that was discussed.

Safe Routes to School Open House: Councilmember Carter said the City will host an open house on June 12<sup>th</sup> at 10:00 a.m. at City Hall to provide citizens information on the Safe Routes to School program.

Ready for Kindergarten Program: Councilmember Carter said Ann Cook from Sumner School District has provided information on the Ready for Kindergarten program. Councilmember Carter said this is a great program for kids who are not in preschool. She said a \$45 donation will help provide additional kits for children.

YMCA: Councilmember Carter said the Puyallup Herald newspaper has featured information on the Sumner YMCA, including suggestions that a new pool be constructed in Sumner. Mayor Johnson said the School District is working to resolve issues with the current pool, and there are no plans to build a new pool in Sumner. He said he is also working to set up a meeting between him, some councilmembers and Bob Ecklund to discuss planning for Bonney Lake’s future community center.

Community Garden: Councilmember Carter said the City held a ribbon-cutting ceremony for the new Community Garden on May 27<sup>th</sup>. She said the Food Bank and volunteers have done great work in a small amount of time, and they are still seeking donations of wood and soil for additional beds.

Cedar Grove Sewer: Councilmember Carter said she was contacted by a resident who wants to subdivide a property in Cedar Grove, and asked about future plans for sewer service in Midtown. Councilmember Rackley said this should be included in development of a Midtown plan. The area is currently served by septic systems and past Councils have had concerns about development in this area.

Downtown Traffic Improvements: Councilmember Carter said she has received reports of erratic driving related to new traffic controls installed for the Downtown Improvements Project. She said people are making illegal u-turns, driving over the curb barrier to access 182<sup>nd</sup> St E, cutting through the auto supply store parking lot, and misusing the right-turn lane onto SR 410. She asked whether more signage or police enforcement might help. Director Grigsby said the City owns right-of-way along the auto supply store on 182<sup>nd</sup> and Sumner-Buckley Hwy, and can install blocks to prevent people from making a left turn into the parking lot. He said people will eventually get used to the traffic revisions and learn that Main St E is a faster route. Chief Mitchell noted that some cities have an ordinance making it an infraction to cut through a business parking lot. Mayor Johnson asked for a traffic control emphasis in this area, and asked Public Works staff to look at options for additional directional signage.

Mayor Johnson asked the Council to move to Item B, since the Library representative was ready to speak, and continue with Open Discussion afterwards.

5:55:23

B. **Presentation:** Pierce County Library District Facilities Master Plan – Neel Parikh, District Director.

Ms. Parikh provided the Council with an overview of the Pierce County Library System's 2030 Plan, which describes the vision, potential partnerships, and future needs for the library system. She said since the Bonney Lake Library was built in the 1980s, population growth has exceeded projections and services and expectations have changed dramatically. She described surveys and studies done to identify important issues and needs. Their recommendations include increasing the amount of seating, computers, meeting rooms, and square feet for all libraries in the system. The estimated project cost is \$310 million, which would be funded by a 20-year bond.

She said the current Bonney Lake library is 6,400 square feet and is one of the busier libraries in the system. Their study recommends construction of a new library in Bonney Lake that is about 38,200 to 44,400 square feet. She has met with Mayor Johnson and City Administrator Morrison to discuss potential locations in the planned downtown Civic Center, and said she is particularly interested in a location on Main Street. She said they are willing to partner with a business or the City to share building space.

Ms. Parikh said due to current economic conditions, the Library Board will not put a bond issue on the ballot for some time. The Library System will continue monitoring trends and economic conditions and set up a citizen advisory committee to refine plans for a new library. In the meantime, she said they will implement improved

service designs, floor plans, community engagement, etc. She introduced library staff in attendance: Deputy Director Georgia Lomax, Regional Manager Lynne Zeiher, and Bonney Lake Senior Librarian Lauren Murphy.

In response to a question from Councilmember Hamilton, Ms. Parikh said users can check out e-books from the library, and they plan for at least 20% electronic books in the future. Councilmember Carter suggested the library participate in the Kids Club events at Cedarview Park. Ms. Murphy said is already working with Special Events Coordinator David Wells to cross-advertise events and participate in City events. Deputy Mayor Swatman and Mayor Johnson spoke in support of building a new library in the Civic Center. The Council thanked Ms. Parikh and the library staff members for attending and their hard work to serve the community.

6:29:14

**A. Council Open Discussion: *Continued***

Comprehensive Plan: Deputy Mayor Swatman said the recently-approved Planning Commission workplan includes the addition of a Historical Element to the Comprehensive Plan, and asked if the Council had specific goals in mind. Mayor Johnson said staff are developing an outline and scope for Council review and direction. Councilmember Rackley said the Comprehensive Plan should provide the City with guidance on all aspects of the City, and should not be written simply to comply with the Growth Management Act. Councilmember Hamilton said he is primarily interested in historic preservation. Councilmember Lewis said he envisions that the element will provide a starting point for staff. Councilmember Carter said the City already has a lot of good information from previous surveys and citizen input, and the Park Board is working on a survey that includes other related questions.

WSU Forest: Councilmember Carter said a recent news article states that a traffic signal will be installed on SR 410 near the WSU Forest Medical Building. Mayor Johnson said there is no plan for a signal and the statement is in error.

Reed Property Tour: Mayor Johnson said he will work to set up a tour of the recently acquired Reed property in late June or July.

6:31:54

**Review of Council Minutes:** May 18, 2010 Workshop and May 25, 2010 Meeting Draft Minutes.

Councilmember Carter asked that the May 18 minutes, p. 3, be revised to “~~Orting~~ Washington State plans to move the Orting fish hatchery.” She asked p. 3 of the May 25 minutes be revised to move discussion of nuisance ordinances under Citizen Comments, not Correspondence. Councilmember Lewis asked p. 6 of these minutes be revised to “~~Director~~ Councilmember Lewis asked if the cultural resources...” The corrected minutes were forwarded to the June 8, 2010 Meeting for action.

6:34:41

**C. Discussion: AB10-74 - Ordinance D10-74 - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Updating The Sign Code To Allow Nonpolitical Campaign Signs In The Right Of Way.**

City Attorney Dionne said the Council has previously reviewed different versions of this ordinance, but had concerns about restricting the content and type of signs. He said he has reviewed various alternatives, including creating a separate definition for civic versus commercial events, allowing the Director to approve signs on a case-by-

case basis, and posting signs in specific locations. He said this draft includes a revised definition of “special event” signs, which includes non-commercial special events like those held by civic groups and non-profits. He said he included language providing for an appeal process, which is not included in the current code. He said this draft also clarifies and cleans up language he felt was confusing or redundant. He noted that past Councils have discussed changes to the sign code, but were mired in the complexity and other issues and did not approve any changes.

City Attorney Dionne said if the code allowed signs in specific areas in the City, the code could not restrict which entities can place their signs. He said realistically, a business could place their sign advertising a big sale or store closing in the designated sign area, just as civic groups could post their event signs. Mayor Johnson said his original intention in bringing up the issue was to provide civic groups an option to place signs without starting a long process that requires review by the Planning Commission. He said he did not want to open up the code to allow all types of event signs to be posted around the City. City Attorney Dionne said he does not believe changes to the sign code need to go through Planning Commission review. He said the only substantive policy decision before the Council at present relates to the definition and procedures for special events signs in general, and the other changes are based on his legal opinion.

City Attorney Dionne reiterated that the City cannot differentiate between commercial and civic event signs, as it sets up different allowances for specific types of speech. He said the City cannot use a lack of enforcement as a way to allow certain types of event signs, either. He said the current code allows businesses and groups to post signs on the premises, but not elsewhere, which is the main issue for non-profit groups trying to advertise an event. He said the Council could allow groups to post signs on private property with the property owner’s permission. Mayor Johnson and Councilmembers spoke in support of this option. Council consensus was to review a clean draft of the proposed ordinance, including the City Attorney’s suggested legal changes, at the June 15, 2010 Workshop.

**IV. Executive Session:** None.

7:10:41

**V. Adjournment:**

**At 7:10 p.m. Councilmember Rackley moved to adjourn the workshop. Councilmember Decker seconded the motion.**

**Motion approved 7 – 0.**

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Harwood T. Edvalson, CMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items submitted to the Council Workshop of June 1, 2010:

- Pierce County Library System – *Information & Imagination* – Neel Parikh, District Director.

**CITY COUNCIL MEETING**

**June 8, 2010  
7:00 P.M.**

**MINUTES**



**"Where Dreams Can Soar"**

*The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.*

Website: [www.ci.bonney-lake.wa.us](http://www.ci.bonney-lake.wa.us)

Audio Time  
Stamp ↓

**Location:** City Hall Council Chambers, 19306 Bonney Lake Blvd., Bonney Lake.

**I. CALL TO ORDER** – Mayor Neil Johnson, Jr. called the meeting to order at 7:00 p.m.

A. Flag Salute: Mayor Johnson led the audience in the Pledge of Allegiance.

B. Roll Call:

Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor Neil Johnson, Jr., elected officials attending were Deputy Mayor Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember Jim Rackley.

[Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Chief Financial Officer Al Juarez, Community Development Director John Vodopich, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

C. Announcements, Appointments and Presentations:

1. Announcements:

- a. Councilmember Rackley announced that he has decided not to run for the open Pierce County Council position.
- b. Mayor Johnson said that Senior Services Manager Sue Hilberg received an award through the United States Administration on Aging's "My Recipe for Strength" program. She won the award for a photograph of Bonney Lake area seniors on a playground slide. He congratulated Ms. Hilberg on receiving the award.

2. Appointments:

- a. **AB10-101** – A Motion of the Bonney Lake City Council Re-Appointing Roy Nishiyori to the Civil Service Commission for a Full Six-Year Term.

Mayor Johnson said Mr. Nishiyori has served on the commission for many years and his service is appreciated.

**Councilmember Decker moved to approve the appointment.  
Councilmember Carter seconded the motion.**

**Motion approved 7 – 0.**

3. Presentations:

- a. **Proclamation:** June 21, 2010 - Bonney Lake Panther Day – Go Panthers!

Mayor Johnson read the proclamation aloud and congratulated student athletes for their accomplishments. He also congratulated Bonney Lake High School State Champion wrestlers Nick Bendon and Andrew Cunningham (who were in attendance at the meeting), and track and field athlete Dara Winder, the 2010 Division 3A girl’s shot put champion. Mayor Johnson gave these students certificates, and said he will drop off certificates for all the high school teams that competed at the State level, including the varsity softball team, the girl’s varsity basketball team, the boy’s track & field team, the girl’s track & field team, the girl’s golf team, and the boy’s wrestling team.

D. Agenda Modifications:

Deputy Mayor Swatman said Full Council Issue Item A, Ordinance D10-74, is not ready for Council action and should be tabled to the next Workshop for discussion.

**Councilmember McKibbin moved to table Ordinance D10-74 to the June 15, 2010 Workshop for discussion. Councilmember Lewis seconded the motion.**

**Motion approved 7 – 0.**

Deputy Mayor Swatman said Consent Agenda Item F. should be removed from the agenda because all bids for the project were rejected and the project cannot be awarded yet.

**Deputy Mayor Swatman moved to table Resolution 2044 to the June 22, 2010 Council Meeting. Councilmember Lewis seconded the motion.**

**Motion approved 7 – 0.**

7:12:07

**II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:**

- A. Public Hearings: None.

- B. Citizen Comments:

Darcie Severson, 9920 192<sup>nd</sup> Ave, Bonney Lake, read aloud a written statement regarding the City’s dangerous dog ordinance and the impoundment of her dog, which she provided to the City Clerk. She said the City is holding her dog illegally and should settle her case out of court and release her dog. She asked the Council to revise the definitions and dangerous dog portion of the municipal code.

- C. Correspondence: None.

7:18:19

**III. COUNCIL COMMITTEE REPORTS:**

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and discussed the Community Forestry Grant, a revised easement agreement with Puget Sound Energy for the Interim Justice Center, review of minutes, and options to purchase or rent a new street roller, and new phone system options for the IJC and other City buildings.
- B. Community Development Committee: Councilmember Rackley said the committee met on June 7, 2010 and reviewed the switch to a new billing company and utility bill, which has gone smoothly. The committee discussed credits for storm water ponds on commercial properties, and will continue discussions at their next meeting. Deputy Fire Chief John McDonald discussed the International Building and Fire codes with the committee, which will be forwarded for Full Council discussion at a future workshop.
- C. Public Safety Committee: Councilmember Hamilton said the committee met on June 7, 2010 and forwarded amendments to the Chapter 6 of the Municipal Code to the June 22, 2010 Meeting. Ona Deane-Gordley of Spanaway spoke to the Committee about her experience being attacked by a dog. She encourages all cities and the State to pass laws keeping dangerous dogs out of the community, and to require owners of dangerous dogs to carry insurance. The committee discussed possible amendments to the dangerous dog portion of Chapter 6, but did not forward any changes to this section for Council action at this time.

The Committee also heard a statement from Ronald Bobbitt, who spoke about his recent arrest, his claim that the City lacks accountability, and his problem with specific Police Officers who work for the City. Mr. Bobbitt's sister, Melissa Smith-St. John, also spoke about her and her brother's arrests. She said she believed her brother's arrest was excessive, that the search of her person was not appropriate, and that she was not treated well at the Buckley jail.

Councilmember Hamilton said the first meeting of the Church Lake Advisory Committee, regarding boating noise and speeds, is scheduled for June 21, 2010 at 5:00 p.m., and will likely be held at the Public Safety Building.

The Committee heard information from staff on a proposed inattentive driving ordinance, which was recommended by the City Prosecutor. The Committee also discussed the International Building and Fire Codes with Deputy Chief John McDonald. He said discussion of the Codes was forwarded to the June 15, 2010 Workshop for discussion.

- D. Other Reports: None.

7:26:42

**IV. CONSENT AGENDA:**

- A. **Approval of Minutes**: May 18, 2010 Workshop and May 25, 2010 Meeting Minutes.

- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #58673 thru 58717 (including wire transfer #'s 5968054, 6012010 & 30018173) in the amount of \$665,962.77. Accounts Payable checks/vouchers #58178 thru 58746 in the amount of \$854,238.40. Accounts Payable checks/vouchers #58747 for hydrant meter deposit refund in the amount of \$500.00.
- C. **Approval of Payroll:** Please note correction in the payroll check sequence. It was reported as follows: Payroll for May 1-15 2010 for checks 28985-28920 including Direct Deposits and Electronic Transfers in the amount of \$ 396,621.12. Correct check sequence is 28985-29020. Payroll for May 16-31st 2010 for check 29021 – 29059 including Direct Deposits and Electronic Transfers in the amount of \$561,138.80.
- D. **AB10-78 – Resolution 2032** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Netversant To Install 24-Strand Single Mode Fiber Optical Cable From Public Safety Building To The IJC With A drop At The Annex For \$13,939.27.
- E. ~~**AB10-92 – Resolution 2042** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Interlocal Agreement With The Town Of Ruston For Code Enforcement Services. Moved to Full Council Issues, Item C.~~
- F. ~~**AB10-99 – Resolution 2044** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The City To Accept A \$10,000 2010 Community Forestry Grant From The Washington State Department Of Natural Resources. Tabled to the June 22, 2010 Meeting for action.~~

City Clerk Edvalson noted that a correction to the Minutes of May 25, 2010 that was requested at the June 1<sup>st</sup> Workshop was not made in the minutes presented in the agenda packet. He said the correction to rearrange placement of a sentence has been made to the final copy of the minutes for the Mayor's signature.

Councilmember McKibbin asked that Item E. (Resolution 2042) be moved to Full Council Issues for discussion. Item F. (Resolution 2044) was previously removed from the agenda during agenda modifications.

**Consent Agenda approved as modified 7 – 0.**

7:28:15

**V. FINANCE COMMITTEE ISSUES:**

- A. **AB10-103 – Resolution 2046** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign The Puget Sound Energy, Inc. Easement On Parcel # 564000-160-0 & 564000-157-0 To Serve The Interim Justice Center.

**Councilmember Decker moved to approve Resolution 2046. Councilmember Lewis seconded the motion.**

Councilmember Rackley noted that this is simply a correction to an earlier version of the easement that Council approved earlier in the year (Resolution 2014). Director Vodopich noted that the document removes the previously approved easements and applies this revised easement.

**Resolution 2046 approved 7 – 0.**

**VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:** None.

**VII. PUBLIC SAFETY COMMITTEE ISSUES:** None.

7:29:05

**VIII. FULL COUNCIL ISSUES:**

- A. ~~AB10-74 Ordinance D10-74~~—An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 15.28 BLMC. (Tabled to June 15, 2010 Council Workshop.)
- B. **AB10-100** – A Motion of the Bonney Lake City Council Selecting the Voting Delegates to the 2010 AWC Annual Conference.

**Councilmember Decker nominated Deputy Mayor Swatman. Councilmember Hamilton nominated Councilmember McKibbin. Councilmember Rackley nominated Councilmember Lewis.**

**Councilmember Rackley moved to approve the nominations. Councilmember Carter seconded the motion.**

**Councilmembers Lewis, McKibbin and Swatman approved as voting delegates.**

- C. **AB10-92 – Resolution 2042** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Interlocal Agreement With The Town Of Ruston For Code Enforcement Services. (Moved from Full Council Issues, Item E.)

**Councilmember Decker moved to approve Resolution 2042. Councilmember Lewis seconded the motion.**

Councilmember McKibbin asked for clarification on Assistant Planner Dan Buhl’s total hours under the agreement. Director Vodopich said he will work 36 hours per week for Bonney Lake and 4 hours per week for the Town of Ruston. He said Mr. Buhl lives in Tacoma, and will not be compensated for his commute time to and from Ruston and Bonney Lake. He said this agreement is similar to the City’s existing agreement with Buckley for the Associate Planner.

**Resolution 2042 approved 7 – 0.**

**IX. EXECUTIVE SESSION:** None.

7:33:58

**X. ADJOURNMENT:**

**At 7:33 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Carter seconded the motion.**

**Motion approved 7 – 0.**

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson  
Mayor

*Items submitted to the Council Meeting of June 8, 2010:*

- Citizen of Bonney Lake – *Dangerous Dog Ordinance statement* – Darcie Severson.

**City of Bonney Lake, Washington  
City Council Agenda Bill (C.A.B.) Approval Form**

<b><u>Department / Staff Contact:</u></b> Exec /	<b><u>Workshop / Meeting Date:</u></b> 22 Jun 2010	<b><u>Agenda Bill Number:</u></b> AB10-74
<b><u>Ordinance Number:</u></b> D10-74	<b><u>Resolution Number:</u></b>	<b><u>Councilmember Sponsor:</u></b>

**Agenda Subject:** Update of the Sign Code

**Proposed Motion:** AB10-74 – Ordinance D10-74 – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 15.28 BLMC.

**Administrative Recommendation:**

**Background Summary:** The City Attorney has revised the draft ordinance to clarify legal enforcement issues under the City's Police power authority. The Council reviewed a draft ordinance and an annotated version explaining the proposed changes at a previous workshop; the attached proposed ordinance incorporates the changes discussed by Council.

<b><u>BUDGET INFORMATION:</u></b>			
<b>Budget Amount</b>	<b>Required Expenditure</b>	<b>Budget Impact</b>	<b>Budget Balance</b>
N/A			
<b>Budget Explanation:</b>			

<b><u>COMMITTEE/BOARD REVIEW:</u></b>
<b>Subcommittee Review Date:</b> -
<b>Commission/Board Review Date:</b> -
<b>Hearing Examiner Date:</b>

<b><u>COUNCIL ACTION:</u></b>	
<b>Workshop Date(s):</b> April 20, 2010; May 4, 2010; June 1, 2010; June 15, 2010	<b>Public Hearing Date(s):</b>
<b>Meeting Date(s):</b> April 27, 2010; June 8, 2010; June 22, 2010	<b>Tabled To Date:</b>

**Signatures:**

Director Authorization	Mayor	Date City Attorney Reviewed May 21, 2010; June 4, 2010
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**ORDINANCE NO. D10-74**

**AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY,  
WASHINGTON, AMENDING CHAPTER 15.28 BLMC.**

WHEREAS, the City of Bonney Lake wishes to preserve the aesthetic nature of its community; and

WHEREAS, the City wishes to prevent distraction of motorists and preserve the safety of its residents and those using the City's streets, roads, and highways; and

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE,  
WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1.** Chapter 15.28 of BLMC is hereby amended to read as follows.

**Article I. Purpose and Scope**

**15.28.010 Purpose.**

The overall purpose of this chapter is to enhance and maintain the aesthetic character, to promote the public health, safety and general welfare, and to increase the effectiveness of visual communication in the city. This chapter is also intended to avoid visual clutter that may adversely impact traffic and pedestrian safety, or be adverse to property values, business opportunities and the city's appearance and to prevent and abate public nuisances. The purpose of this chapter is implemented by controlling the construction, location, use and maintenance of all signs and sign structures. It is also the intent of this chapter to afford noncommercial speech the same or greater protection afforded commercial speech and to not regulate noncommercial speech to a stricter standard than commercial speech. (Ord. 880 § 1, 2001; Ord. 614 § 1.01, 1989).

**15.28.020 Scope.**

The primary intent of this chapter shall be to regulate signs intended to promote commercial, retail, or other business purposes, or be viewed by pedestrians or be visible from any vehicular right-of-way. This chapter shall not relate to building design nor shall this chapter regulate official traffic or government signs; the copy and message of signs; signs not visible from a public right-of-way; window displays; product dispensers and point of purchase displays; score boards on athletic fields; flags of any nation, government, or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign. Thus, the primary intent of this chapter shall be to regulate signs of a commercial nature intended to be viewed from any vehicular public right-of-way. (Ord. 880 § 1, 2001; Ord. 614 § 1.02, 1989).

## Article II. Definitions

### 15.28.030 Definitions.

Certain terms are defined for the purposes of this chapter as follows:

“Abandoned sign” means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

“Administrator” means the planning and community development director or his designated representative.

“Ambient light” means surrounding or environmental light that is everywhere equally intense and has no directionality.

“Animated sign” means any sign which uses movement or change of lighting to depict action or to create a special effect or scene (compare “flashing sign”).

Area. (See “Sign, area of.”)

“Awning” means a shelter projecting from and supported by the exterior wall of a building, constructed of nonrigid materials on a supporting framework (compare “marquee”).

“Awning sign” means a sign painted on, printed on, or attached flat against the surface of an awning.

“Banner sign” means a sign made of fabric or any nonrigid material with no enclosing framework.

Billboard. (See “Off-premises sign.”)

“Building” means as defined in Section 403 of the Uniform Building Code.

“Changeable copy sign (automatic)” means a sign on which the copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electronic time and temperature units.

“Changeable copy sign (manual)” means a sign on which copy is changed manually in the field, e.g., readerboards with changeable letters.

City. Unless the context clearly discloses a contrary intent, the word “city” means the city of Bonney Lake.

“Civic organization” means an organization which is formed for civic purposes.

“Clearance (of a sign)” means the smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

“Construction sign” means a temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

“Copy” means the wording on a sign surface in either permanent or removable letter form.

“Directional/informational sign” means an on-premises sign which is located to guide or direct pedestrian or vehicular traffic to parking entrances, exits, and service areas.

“Double-faced sign” means a sign with two faces.

“Electrical sign” means a sign or sign structure in which electrical wiring, connections or fixtures are used.

“Electronic message center” means an electronically activated sign whose message content, either whole or in part, contains only text and may be changed by means of electronic programming.

“Facade” means the entire building front including the parapet.

“Face of sign” means the area of a sign on which the copy is placed.

“Festoon” means a string of ribbons, tinsel, small flags, or pinwheels.

“Flashing sign” means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light (compare “animated sign,” “changeable copy sign”).

“Freestanding sign” means a sign supported upon the ground by poles or braces and not attached to any building.

“Frontage” means the length of the property line of any one premises along a public right-of-way on which it borders.

“Frontage, building” means where the main entrance is located on a facade which is visible from a public or private street, parking lot, or highway.

“Government sign” means any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

“Height (of a sign)” means the vertical distance from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less (compare “clearance”).

“Identification sign” means a sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

“Illegal sign” means a sign which does not meet the requirements of this code and which has not received legal nonconforming status.

“Illuminated sign” means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

“Incidental sign” means a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

“Interactive sign” means an electronic or animated sign that reacts to the behavior or electronic signals of drivers.

“Lot” means a parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record of survey map.

“Maintenance” means the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

“Message,” pertaining to electronic signs, means a text message, image, or combination thereof meant to be comprehended as a whole by the viewer. Each sentence or simple concept shall be deemed a separate message. A message can either be a static display or a display which, not fitting onto the screen all at once, is broken into parts which appear sequentially, appearing on or scrolling across the screen. Electronic signs are capable of changeable messages.

“Monument sign” means a freestanding sign having the appearance of a solid base of landscape construction materials such as brick, stucco, stonework, textured wood, tile or textured concrete materials harmonious with the material of the primary structure on the subject property.

“Multiple-building complex” means a group of structures housing at least one retail business, office, commercial venture or independent or separate part of a business which shares the same lot, access and/or parking facilities.

“Multiple-tenant building” means a single structure housing more than one retail business, office or commercial venture but not including residential apartment buildings.

“Nameplate” means a nonelectric on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

“Nit” means a luminance unit equal to one candle per square meter measured perpendicular to the rays from the source.

“Nonconforming sign” means a sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations; a sign which does not conform to the sign code requirements but for which a special permit has been issued.

“Occupancy” means the portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

“Off-premises sign” means a sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., “billboards” or “outdoor advertising.”

“On-premises sign” means a sign which pertains to the use of the premises on which it is located.

“Outdoor vendor sign” means a temporary, movable A-frame sign which is used for temporary outdoor vendors such as Christmas tree lots, fruit stands, and farmers’ markets (compare “real estate sign, off-premises” and “real estate directional sign”).

“Owner” means a person recorded as such on official records. For the purposes of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the administrator, e.g., a sign leased from a sign company.

“Painted wall sign” means a sign which is applied with paint or similar substance on the face of a wall.

“Parapet” means the extension of a false front or wall above a roofline.

“Pennant” means any long, narrow, usually triangular flag.

“Person” means any individual, corporation, association, firm, partnership, or similarly defined interest.

“Pixel” means the basic unit of the composition of an image on an electronic sign.

“Point of purchase display” means advertising of a retail item, accompanying its display, e.g., an advertisement on a product dispenser.

“Pole cover” means covers enclosing or decorating poles or other structural supports of a sign.

“Political sign” means a temporary sign used in connection with a local, state, or national election or referendum.

“Portable sign” means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

“Premises” means a parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

“Projecting sign” means a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

“Readerboard, portable” means a sign face, illuminated or nonilluminated, which is designed to hold readily changeable sign graphics allowing frequent changes of copy.

“Real estate directional sign” means a portable and temporary directional sign which is intended to assist in finding the location of a difficult to locate property which is for sale or rent.

“Real estate sign” means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

“Right-of-way” means land privately owned, or dedicated to the public, which is primarily for the movement of vehicles, wheelchairs, and pedestrian traffic.

“Roof sign” means any sign erected over or on the roof of a building (compare “wall sign”).

“Roofline” means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

“Sandwich board/sidewalk sign” means a portable sign consisting of two sign faces hinged at the top and separated at the bottom to make it self-standing.

“Searchlight” means an apparatus containing a light and reflector on a swivel, for projecting a strong, far-reaching beam in any direction.

“Service organization sign” means a sign sponsored by service or civic organizations, clubs and similar organizations located in the city of Bonney Lake.

“Sign” means any device, structure, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services (compare BLMC 15.28.020).

Sign, Area of.

1. “Projecting and freestanding signs” means the entire area of a sign, on which graphics, letters, figures, symbols, trademarks and/or written copy is to be placed, excluding sign structure, architectural embellishments, and framework. Sign area is calculated by measuring the perimeter enclosing the extreme limits of the module or sign face containing the graphics, letters, figures, symbols, trademarks, and/or written copy.

2. “Wall, canopy, or awning signs” means the area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message; provided, however, that individual letters, numbers, or symbols using a wall, canopy, or awning as background have sign area calculated by measuring the perimeter enclosing each letter, number, or symbol.

“Special event” means a business or use event such as a grand opening, celebration, holiday, or promotional period beginning on or shortly after the date of the event. Grand opening events must be related to: a change of business location; construction of a new business structure; major remodeling; change of ownership; change of name; or change in type of business engaged in by an existing business.

“Subdivision identification sign” means a monument or wall sign identifying a recognized subdivision, condominium complex, or residential development.

“Temporary sign” means a sign not constructed or intended for long-term use or permanent use.

“Under-canopy sign” means a sign suspended beneath a canopy, ceiling, roof, or marquee.

“Use” means the purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

“Video” means a high-resolution, high-frames-per-second motion picture display.

“Wall sign” means a sign attached parallel to and extending not more than 12 inches from the wall of a building. This definition includes painted, individual letter, cabinet signs, and signs on a mansard roof.

“Window sign” means a sign installed inside a window and intended to be viewed from the outside. (Ord. 1285 § 1, 2008; Ord. 880 § 1, 2001; Ord. 614 § 2, 1989).

### **Article III. General Provisions**

#### **15.28.040 Compliance with code required.**

It is hereafter unlawful for any person to install, replace, repair or maintain a sign in the city except in accordance with the provisions of this chapter. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this chapter. Any sign in violation of any provision of this chapter may be removed and may result in an assessment in the cost of removal pursuant to Chapter 14.130 BLMC. (Ord. 880 § 1, 2001; Ord. 614 § 3, 1989).

#### **15.28.050 Permits required – Criteria.**

A. Unless otherwise provided by this chapter, permits shall be required for all signs with appropriate payment of fees as described in Chapter 3.68 BLMC. No permit is required

for the repair or maintenance of any sign for which a permit has previously been obtained pursuant to this chapter, or for a change of copy on painted, printed, or changeable copy signs.

B. The criterion for issuance of permits shall be compliance with this chapter. (Ord. 988 § 2, 2003; Ord. 880 § 1, 2001; Ord. 614 § 3.02, 1989. Formerly 15.28.060).

#### **15.28.060 Permit application.**

To obtain a permit required by this chapter, the applicant shall pay all applicable fees and costs and file an application which shall include the following:

A. A completed building permit application in a form, as determined by the director of planning and community development, which shall include the name and address of the owner of the sign, street address or location of the property on which the sign(s) are to be located, and the name and address of the property owner;

B. The identification of the type of sign or sign structures as defined in this chapter;

C. A site plan, drawn to scale, showing all existing buildings on the site, the proposed location of the sign(s) in addition to the location and area of all existing sign(s) on the same premises or building;

D. A landscape and irrigation plan, drawn to scale, for freestanding sign(s);

E. Specifications and elevations, drawn to scale, showing dimensions, materials, color, and design of all proposed sign(s);

F. Specifications and drawings, to scale, showing the structural supports and electrical components of the proposed sign(s); and

G. Such other information as the director of planning and community development requires to meet the intent of this code. (Ord. 880 § 1, 2001; Ord. 614 § 7.02, 1989. Formerly 15.28.220).

#### **15.28.070 Signs prohibited.**

The following types of signs are prohibited in all districts:

A. Abandoned signs;

B. Banners, pennants, festoons, searchlights (except as allowed in BLMC 15.28.090);

C. Signs imitating or resembling official traffic or government signs or signals;

D. Signs attached to trees, utility poles, public benches, light standards, or placed on any public property or in any public right-of-way except as allowed in subsection F of this section;

E. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (this does not apply to allowed portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business);

F. Signs, other than political and government signs, which are placed in or extend over a public right-of-way except as otherwise allowed in this chapter or as approved by the director(s);

G. All portable and semi-portable readerboard signs;

H. All off-premises signs except as otherwise allowed in this chapter;

I. Any sign which constitutes a traffic hazard or detriment to traffic safety by reason of its size, location, movement, coloring, or method of illumination, or by obstructing the vision of drivers, or detracting from the visibility of any official traffic control device by diverting or tending to divert the attention of drivers of moving vehicles from traffic movement on streets, roads, intersections, or access facilities. No sign shall be erected so that it obstructs the vision of pedestrians by glare or method of illumination or constitutes a hazard to traffic. No sign may use words, phrases, symbols or characters in such a manner as to interfere with, mislead, or confuse traffic;

J. Signs which are structurally, materially or electrically defective, or which do not structurally or materially conform to the requirements of the city's adopted International Building Code, or which endanger the public; and

K. Interactive signs, other than those used for public safety as determined by the director. (Ord. 1285 § 2, 2008; Ord. 988 § 2, 2003; Ord. 880 § 1, 2001; Ord. 614 § 3.01, 1989. Formerly 15.28.050).

#### **15.28.080 Signs not requiring permits.**

The following types of signs are exempt from permit requirements but shall be in conformance with all other requirements of this chapter and with this section:

A. Civic Organization Signs. Nonilluminated permanent signs used by churches, schools, or civic organizations not over 12 square feet in area. Such signs must be located on the institution's premises.

B. Construction/Contractor Signs. One construction sign for each street frontage of a construction project, not to exceed six square feet per face in area in residential zones or 24 square feet in area in all other zones. Such signs may be erected seven days prior to commencement of construction and may be removed within seven days following

completion of construction or issuance of the final certificate of occupancy. Any such sign in violation of these requirements may be removed and may result in an assessment in the cost of their removal pursuant to Chapter 14.130 BLMC.

C. Directional/Informational Signs. May not exceed a total of two or less square feet per face and 10 feet in height.

D. Garage/Yard Sale Signs. A maximum of two movable A-frame signs or signs on stakes may be placed along the periphery of a public right-of-way, provided it does not interfere with traffic safety consistent with BLMC 15.28.070. Such signs shall only be displayed between dawn and dusk on the days of the sale. A maximum of four square feet per face is allowed. Any such sign in violation of these requirements may be removed and may result in an assessment in the cost of their removal in accordance with Chapter 14.130 BLMC.

E. Incidental Signs. Incidental signs and sandwich board signs are permitted in all commercial and manufacturing zones not to exceed eight square feet in aggregate sign area per occupancy. A double-sided sandwich board with no other incidental sign may be no greater than two feet by two feet. A single-sided sandwich board with no other incidental sign may be no greater than four feet by two feet. Sandwich board signs are to be maintained on the business' premises, not in a public right-of-way.

F. Nameplates. Nameplates identifying the occupant of a residence or business office shall not exceed two square feet in area per face.

G. Political Signs. Political signs may be permitted up to a maximum of four square feet per face in area without a sign permit. In no case shall political signs in rights-of-way exceed four square feet in area. Political signs may be removed within seven days following the election or referendum for which they were posted, except that signs promoting successful candidates in a primary election may remain displayed until seven days following the subsequent general election. Such signs shall not be posted on any public utility pole, public building, public information or traffic sign, or public structures. Political signs may be placed on parking strips/public rights-of-way where such signs are installed pursuant to the permission of the owner of the property abutting said parking strip and within public rights-of-way; provided, that they are installed in such a manner as not to constitute a traffic hazard or impair or impede pedestrian thoroughfares. Political signs may be placed on private property only with the permission of the property owners. Spacing of signs and total numbers of signs are not regulated. Any such sign in violation of these requirements may be removed and may result in an assessment in the cost of their removal pursuant to Chapter 14.130 BLMC.

H. Public Signs or Notices. Public signs or notices such as, but not limited to, notice of land use action signs, posted by the city of Bonney Lake, or any sign relating to an emergency.

I. Real Estate Signs.

1. Residential “for sale or rent” and “sold” signs: such signs shall be limited to one sign per street frontage not to exceed six square feet in sign area per side, placed entirely on the property for sale, and not to exceed a height of eight feet. Such sign shall be removed by the owner or agent within seven days of the sale closing date or the occupancy of the rental unit.

2. Residential directional “open house” signs: such signs shall be limited to one sign per street frontage on the premises for sale and three off-premises signs. However, if a broker/agent has more than one house open for inspection in a single development or subdivision, he/she is limited to four off-premises “open house” signs in the entire development or subdivision. Such signs are permitted only during daylight hours and when the broker/agent or seller or an agent is in attendance at the property for sale. No such sign shall exceed six square feet in sign area per side and eight feet in height. The sign may be placed along the periphery of a public right-of-way, provided it does not interfere with traffic safety consistent with BLMC 15.28.070.

3. Commercial and industrial property “for sale or rent” signs: one sign per street frontage advertising undeveloped commercial and industrial property for sale or for rent is permitted while the property is actually for sale or rent. The sign shall not exceed 24 square feet in sign area per side and eight feet in height and must be placed entirely on the property for sale. Such sign shall be removed by the owner or agent within seven days of the sale closing date or the occupancy of the rental unit.

J. Window Signs. Signs installed inside a window of a business establishment which are intended to be viewed from the outside and which are only legible from a distance of eight feet or less. (Ord. 1230 § 16, 2007; Ord. 880 § 1, 2001; Ord. 614 § 3.03, 1989. Formerly 15.28.070).

#### **15.28.090 Temporary permits.**

A. Application may be made along with required permit fees to the department of planning and community development for a temporary permit for the following purposes:

1. Special Event Signs. Temporary, special event sign(s) and decorations are allowed by the director of planning and community development for special events, grand openings, or holidays. Such signs and decorations may be used for a period of not exceeding 14 days and only two such permits shall be issued to any one person/organization per calendar year. Such signs must be removed within 48 hours following completion of event or activity. Any such sign in violation of these requirements may be removed and may result in an assessment in the cost of their removal pursuant to Chapter 14.130 BLMC.

2. Outdoor Vendor Signs. A maximum of two movable sandwich board signs are allowed on the premises for temporary outdoor vendors, that is Christmas tree lots, fruit stands, and farmers' markets, in the DC, DM, C-2, C-3, C-2/C-3 combined and M-1 zone classifications. Such signs are limited to a maximum of six square feet in area per face and a maximum height of four feet. Such signs are permitted for a duration of 120 days within a one-year period. Such signs are not permitted in any public right-of-way. Such signs are prohibited on the roof of any temporary or permanent building, trailer, or vehicle used by the vendor. All outdoor vendor signs shall be designed to fit with the community character and be constructed of durable materials such as metal, wood, or plastic. Such signs must be removed within 48 hours of the completion of the event or activity. Any such sign in violation of these requirements may be removed and may result in an assessment in the cost of their removal pursuant to Chapter 14.130 BLMC.

B. Permit Application. The applicant shall file an application for a temporary permit which shall include the following:

1. A completed permit application on a form provided by the planning and community development department including the name and address of the owner of the sign, street address or location of the property on which the sign(s) are to be located, and the name and address of the property owner.
2. The identification and description of all proposed sign(s), as part of the temporary permit.
3. A site plan or map-the proposed location(s) of the sign(s).
4. In addition to items listed above, applicant will be required to pay all review fees (BLMC 3.68.010) and permit fees.

C. Appeal. An individual or organization who is denied a temporary permit under this section may appeal such denial. Such appeal must be filed with the planning and community development department and must be in writing, explaining the reason for the appeal. Such appeal must be filed within 2 business days of the temporary permit decision. The City Administrator will review the written appeal and issue a written determination within 2 business days. The individual or organization may appeal the determination of the City Administrator to a hearing examiner pursuant to the procedures and deadlines of BLMC 14.120.020. (Ord. 1230 § 17, 2007; Ord. 1155 § 6, 2005; Ord. 988 § 2, 2003; Ord. 880 § 1, 2001).

#### **Article IV. Regulation of On-Premises Signs by District**

##### **15.28.100 Signs permitted in residential districts and public facilities district.**

A. Signs are allowed as follows in R-1, R-2, R-3, and RC-5 residential districts and in the public facilities district:

1. All signs as permitted in BLMC 15.28.080, unless specifically prohibited by this section;
2. One permanent, nonelectric subdivision identification sign per neighborhood, subdivision, development, apartment, or condominium complex per main entrance not to exceed 32 square feet in sign area per face and six feet in height. Such sign may be indirectly lighted;
3. Churches, schools, city parks, fire stations, police stations, municipal buildings, public libraries, community centers and other similar uses may have no more than one monument or one wall sign for each street frontage. A monument or wall sign shall not exceed 32 square feet per face in area and shall not exceed six feet in height;
4. Home occupations (see BLMC 18.22.010) may, unless restricted by any applicable protective covenants, have one unlighted sandwich board sign not over eight square feet in area counting both sign faces, with permanent letters. The sign shall be on the premises, not on public right-of-way nor attached to any structure, and may be removed from sight during non-business hours. (Ord. 1112 § 2, 2005; Ord. 880 § 1, 2001; Ord. 614 § 4.02, 1989. Formerly 15.28.130).

**15.28.110 Signs permitted in commercial and light industrial districts.**

A. Signs are allowed as follows in DC, DM, C-1, C-2, C-3, and C-2/C-3 combined commercial and M-1, light industrial, warehousing, and heavy commercial sales districts:

1. All signs as permitted in BLMC 15.28.080 unless otherwise noted;
2. Freestanding, wall, roof, projecting, and under-canopy sign(s) per business establishment, not to exceed one and one-half square feet in combined sign area for each linear foot of building frontage up to a maximum of 150 square feet;
3. Each multi-tenant building or building complex shall be permitted one freestanding directory sign not to exceed 100 square feet. The directory sign shall identify two or more tenants and/or the complex as a whole. The directory sign shall be considered additional permitted signage, allowed beyond the limitations of subsection (A)(2) of this section. If a tenant in a multi-tenant building or multi-building complex has a sign on the freestanding directory sign then the tenant shall not have an individual freestanding sign;
4. On a business, multi-tenant building or multi-building complex with total frontage on the main street of more than 300 feet, the business, multi-tenant building or multi-building complex shall be allowed one additional freestanding directory sign for each 300 feet of frontage, not to exceed 50 square feet. Each sign shall be placed not less than 150 feet apart;

5. Animated and electronic message center signs provided the requirements of BLMC 15.28.115 are met.

B. Special regulations and allowances for commercial and light industrial districts are as follows:

1. Setbacks Required. All permitted freestanding signs shall have a setback of 20 feet from the SR 410 right-of-way. If a monument sign is used, the sign may be located within 10 feet of the SR 410 right-of-way. Signs shall have a setback of five feet from all other rights-of-way and be subject to required sight distance criteria.

2. Height. Maximum height for freestanding signs shall not exceed 20 feet; maximum height for monument signs shall not exceed 14 feet. Freestanding and under-canopy signs shall have a minimum clearance of 14 feet over any parking area and eight feet over any pedestrian area such as a sidewalk.

3. Sign Area Bonus. The total sign area may be increased by 25 percent if the business uses only wall signs. Animated signs are not included and do not qualify for bonus increase.

4. Animated signs and electronic message centers shall not be allowed in commercial and industrial zoning districts if the proposed sign location is within 200 feet measured in any direction from a residential zoning district and the sign face is visible from the RC-5, R-1, R-2, or R-3 zones. The exception is electronic message centers associated with schools as provided in BLMC 15.28.100(A)(3).

5. Landscaping. Freestanding and monument signs are required to be landscaped around the base of the sign to improve the overall visual appearance of the sign. Landscaping shall be in proportion to the size and height of the sign, with a minimum of one-half square foot of landscaping for each square foot of sign area and shall be maintained throughout the life of the sign.

a. The landscaping and sign base shall be protected from vehicles by a vertical curb (or equivalent) at least three feet from the sign base.

b. Landscaping shall be installed in the planting season closest to the issuance of the sign permit. Signs installed after the planting season shall be landscaped no later than the following planting season.

c. Landscaping requirements may be waived by the director of planning and community development. (Ord. 1285 § 3, 2008; Ord. 1155 § 7, 2005; Ord. 880 § 1, 2001; Ord. 614 § 4.03, 1989. Formerly 15.28.140).

**15.28.115 Animated signs.**

A. Any animated sign shall be no more than 30 percent of the total allowable sign face for any sign; provided, that all other requirements in this section are followed.

B. In multi-tenant buildings or building complexes, only freestanding directory signs per BLMC 15.28.110(A)(3) may be animated or electronic message centers, not individual tenant signs. If, within a multi-tenant building or building complex, an individual tenant already has an animated sign or electronic message center, the multi-tenant building or building complex as a whole shall not be allowed to have an additional sign of this type.

C. Maximum brightness levels for electronic signs shall not exceed 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn, i.e., the time of the day between sunrise and sunset.

D. Newly permitted animated signs shall include an ambient light meter and programmable or manual dimming capacity. (Ord. 1285 § 4, 2008).

#### **Article V. Nonconforming Signs**

##### **15.28.120 Determination of legal nonconformity.**

A. To ease the economic impact of this code on businesses with substantial investment in signs in existence on the date of adoption of this code, this section provides for up to six years of continued use of a nonconforming sign in its existing state. During this period it is expected that the sign may be amortized on federal income taxes; however, whether it may be so amortized shall not affect the application of this section. Similar treatment is accorded signs in areas annexed to the city after the code's enactment.

B. The administrator shall, as soon as practical, survey the city for signs which do not conform to the requirements of this chapter. Upon determination that a sign is nonconforming or illegal, the administrator shall use reasonable efforts to so notify, either personally or in writing, the sign user or owner of the sign, and where practical, the owner of the property on which the sign is located of the following; provided, that the business license holder of the business with which the sign is associated shall be presumed to be the sign user under this code. The administrator shall notify the owner of the following:

1. The sign's nonconformity or illegality;
2. Whether the sign may be eligible for a nonconforming sign permit.

If the identity of the sign user, owner of the sign, or owner of the property on which the sign is located cannot be determined after reasonable inquiry, the notice may be affixed in a conspicuous place on the sign or on the business premises with which the sign is

associated. A file shall be established in the department, and a copy of the notice and certification of posting shall be maintained for records.

C. Existing signs which do not conform to the specific provisions of this chapter may be eligible for the designation “legal nonconforming”; provided, that:

1. The administrator determines that such signs are properly maintained and do not in any way endanger the public;
2. The sign was covered by a valid permit or variance or complied with all applicable laws on the date of adoption of the ordinance codified in this chapter;
3. Signs permitted after November 1, 1989 which were made nonconforming by the adoption of this chapter shall be permitted to remain in place and be maintained for a period not to exceed six years from the date this chapter takes effect; provided, that no action is taken which increases the degree of nonconformity;
4. All nonconforming temporary signs, off-premises signs, real estate signs, and signs erected without a permit shall not be eligible for the designation, “legal nonconforming.” All such signs shall be subject to the provisions of this chapter and be brought into conformance immediately;
5. All signs permitted prior to November 1, 1989 and which were deemed legal conforming signs under city of Bonney Lake Ordinance No. 614, shall be brought into conformance with this chapter upon written notice by the director of planning and community development;
6. Each sign user within the city having existing nonconforming signs designated under this chapter shall be permitted to designate only one such sign as “nonconforming” for each street upon which the business premises fronts. Such designation shall be made in the application for a nonconforming sign permit;
7. A nonconforming sign permit is required for each nonconforming sign designated under this chapter. The permit shall be obtained by the sign user or the sign owner, or the owner of the property upon which the sign is located with 60 days of notification by the city. The permit shall be issued and shall expire at the end of the applicable amortization period prescribed in this chapter. Applications for a nonconforming sign permit shall contain the name and address of the sign user, the sign owner, and the owner of the property upon which the sign is located and such other pertinent information as the administrator may require to ensure compliance with the code, including proof of the date of installation of the sign. A nonconforming sign for which no permit has been issued with the 60-day period of notification shall within six months be brought into compliance with the code or be removed. Failure to comply shall subject the sign user, owner or owner of the property on which the sign is located to penalties cited in this chapter.

8. Within areas annexed to the city of Bonney Lake after the effective date of this chapter, all signs not in conformance with this chapter shall be given six years from the effective date of the annexation to come into compliance with this chapter or be removed. (Ord. 880 § 1, 2001; Ord. 614 § 5.01, 1989. Formerly 15.28.150).

**15.28.125 Loss of legal nonconforming status.**

A legal nonconforming sign shall lose this designation, and must be brought into compliance immediately, if:

- A. The sign is relocated or replaced;
- B. The structure or size of the sign is altered in any way except towards compliance with this chapter. This does not refer to change of copy or normal maintenance;
- C. Any proposed change, repair, or maintenance that would constitute an expense of more than 25 percent of the lesser of the original value or replacement value of the sign;
- D. No application for a nonconforming sign permit is filed by the sign user, sign owner, or owner of the property upon which the sign is located within 60 days following notification by the city that the sign is nonconforming and that a permit must be obtained;
- E. The loss of legal nonconforming status takes place upon any change in land use or occupancy, or change in business name, and the sign shall be brought into conformity with this chapter by revising to the area and height standards or be removed. Upon any of the above referenced circumstances taking place, any permit or designation for what had been a nonconforming sign shall become void. The administrator shall notify the sign user, sign owner or owner of the property upon which the sign is located of cancellation of the permit or designation and the sign shall immediately be brought into compliance with this chapter and a new permit secured or may be removed.
- F. An illegal sign is any sign which does not comply with the requirements of this chapter within the city limits as they now or hereafter exist and which is not eligible for characterization as nonconforming under this chapter. (Ord. 880 § 1, 2001; Ord. 614 § 5.02, 1989. Formerly 15.28.160).

**15.28.130 Amortization period for nonconforming signs.**

Nonconforming signs, as defined in this chapter, for which a nonconforming sign permit has been issued may remain in a nonconforming state for six years after the effective date of this chapter. Thereafter, the sign shall be brought into conformity with this code by obtaining a permit or be removed; provided, however, that the amortization period established by this section may be used only so long as the sign retains its legal nonconforming status. (Ord. 880 § 1, 2001).  
15.28.140 Maintenance and repair of nonconforming signs.

The legal nonconforming sign is subject to all requirements of this code regarding safety, maintenance, and repair. However, if the sign suffers more than 50 percent damage or deterioration, it must be brought into conformance with this code or be removed.

In addition, any repainting, replacement of “copy,” panels and/or lettering, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign or structure in any way which is not in compliance with the requirements of this code, or the sign will lose its nonconforming status. (Ord. 880 § 1, 2001; Ord. 614 § 5.03, 1989. Formerly 15.28.170).

## **Article VI. Construction Specifications**

### **15.28.150 Compliance with building code.**

All signs shall be constructed in accordance with the requirements of the Uniform Building Code, current adopted edition, including Section 5-281 of the Uniform Sign Code and Section 5-66 of the Uniform Building Code. (Ord. 988 § 2, 2003; Ord. 880 § 1, 2001; Ord. 614 § 6.01, 1989. Formerly 15.28.180).

### **15.28.160 Anchoring.**

- A. Signs shall not be suspended by nonrigid attachments that will allow the sign to swing in a wind.
- B. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.
- C. All portable signs on display shall be braced or secured to prevent motion. (Ord. 880 § 1, 2001; Ord. 614 § 6.02, 1989. Formerly 15.28.190).

### **15.28.170 Wind loads and additional construction specifications.**

- A. Solid signs, other than wall signs, shall be designed to withstand a wind load of 20 pounds per square foot on any face.
- B. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress. (Ord. 880 § 1, 2001; Ord. 614 § 6.03, 1989. Formerly 15.28.200).

### **15.28.180 Maintenance.**

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The director of planning and community development shall have the right under this chapter to order the repair or removal of any sign which is defective, damaged, deemed a safety hazard, or is substantially deteriorated. (Ord. 880 § 1, 2001; Ord. 614 § 3.04, 1989. Formerly 15.28.080).

**15.28.190 Lighting.**

Unless otherwise specified by this chapter, all signs may be illuminated. However, no sign regulated by this chapter may utilize:

- A. An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion;
- B. Any exposed incandescent lamp in excess of 25 watts;
- C. Any revolving beacon light;
- D. Any spot or flood light system directed toward or shining on vehicular or pedestrian traffic on a street, or adversely affecting surrounding premises or residential structures;
- E. Any continuous or sequential flashing operation. (Ord. 880 § 1, 2001; Ord. 614 § 3.05, 1989. Formerly 15.28.090).

**15.28.200 Sign contractor’s license.**

No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without a valid contractor’s license and all required city, state and federal licenses. (Ord. 880 § 1, 2001; Ord. 614 § 3.07, 1989. Formerly 15.28.110).

**15.28.210 Inspection upon completion.**

Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the director of planning and community development upon completion of the work. The director of planning and community development may require in writing, upon issuance of a permit, that he be notified for inspection prior to the installation of certain signs. The director of planning and community development may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs. (Ord. 880 § 1, 2001; Ord. 614 § 7.06, 1989. Formerly 15.28.260).

**Article VII. Administration and Enforcement**

**15.28.220 Code administrator.**

Repealed by Ord. 988. (Ord. 880 § 1, 2001; Ord. 614 § 7.01, 1989. Formerly 15.28.210).

**15.28.230 Permit fees.**

Repealed by Ord. 988. (Ord. 880 § 1, 2001; Ord. 614 § 7.03, 1989).

**15.28.240 Issuance and denial.**

Repealed by Ord. 988. (Ord. 880 § 1, 2001; Ord. 614 § 7.05, 1989).

### **15.28.260 Variances.**

Sign variances shall be Type 1 permits – see Chapter 14.30 BLMC. Variances to specific provisions of this chapter may be approved by the director(s) in accordance with the following:

A. Application. Variance applications shall be made on forms available from the planning and community development department. An application shall consist of a completed form, any necessary supporting documentation such as sign drawings, site plans, building elevations, photographs, or other information, and the application fee.

B. Approval Criteria. In issuing any favorable decision on a variance application, the director(s) shall adopt findings of fact and conclusions based on those findings which meet the following criteria:

1. The variance is in harmony with the purpose and intent of the sign regulations;
2. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon signage of other properties that have had to conform to the provisions of this chapter;
3. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property that are not contemplated or provided for by this chapter;
4. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;
5. Alternative signage concepts that comply with the provisions to which the variance is requested have been evaluated, and undue hardship would result if the strict adherence to the provisions of this chapter is required; and
6. The variance is not granted for the convenience of the applicant or for the convenience of regional or national businesses which desire to use a standardized sign.

C. Conditions. Conditions may be imposed upon the approval of any variance. Unless otherwise specified, variance approval shall be subject to all plans, specifications, and conditions set forth in the application.

D. Variance. A variance shall not be granted which would increase the number of signs allowed by this chapter, allow a large sign face, allow a taller sign, or allow a type of sign

which is prohibited by this chapter. (Ord. 988 § 2, 2003; Ord. 880 § 1, 2001; Ord. 614 § 7.07, 1989. Formerly 15.28.270).

**15.28.270 Compliance and enforcement.**

Any violations of this chapter such as the placement of prohibited signs on a property or the failure to maintain existing or new signage in good condition shall be subject to the enforcement provisions of Chapter 14.130 BLMC. (Ord. 1285 § 5, 2008).  
15.28.280 Appeals.

All appeals of decisions made under this chapter shall follow the procedures as set forth in BLMC Title 14, Development Code Administration. (Ord. 988 § 2, 2003; Ord. 880 § 1, 2001; Ord. 614 § 7.11, 1989. Formerly 15.28.290).

**Article VIII. Conflict**

**15.28.290 Conflict.**

If any portion of this code is found to be in conflict with any other provisions of any zoning, building, fire, safety, or health ordinances of the city code, the provision which establishes the higher standards shall prevail. (Ord. 880 § 1, 2001; Ord. 614 § 8.01, 1989. Formerly 15.28.300)

**Section 2.** If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

**Section 3.** This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this 22<sup>nd</sup> day of June, 2010.

\_\_\_\_\_  
Neil Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James J. Dionne, City Attorney

**City of Bonney Lake, Washington  
City Council Agenda Bill (C.A.B.) Approval Form**

<b><u>Department / Staff Contact:</u></b> PW / John Woodcock	<b><u>Workshop / Meeting Date:</u></b> 22 Jun 2010	<b><u>Agenda Bill Number:</u></b> AB10-82
<b><u>Ordinance Number:</u></b>	<b><u>Resolution Number:</u></b> 2036	<b><u>Councilmember Sponsor:</u></b> Jim Rackley

**Agenda Subject:** Awarding Contract for Fennel Creek Trail and 192nd Avenue Sidewalks Phase 1

**Proposed Motion:** AB10-82 - Resolution 2036 - A Resolution of the Bonney Lake City FENNEL CREEK TRAIL AND 192ND AVENUE SIDEWALKS PROJECTS PHASE 1 contract to Titan Earthwork, LLC

**Administrative Recommendation:**

**Background Summary:** This sidewalk construction project along 192nd Avenue East is the first phase of a two phase effort that will connect a pedestrian path to the three schools in the 192nd Avenue corridor with residents in the Angeline Road corridor. This phase will construct approximately 2,400 linear feet of curb, gutter, and sidewalk along the east side of 192nd Avenue East; construction of approximately 2,400 linear feet of sidewalk along the west side of 192nd Avenue East; construction of approximately 500 linear feet of curb, gutter, and sidewalk on both sides of 109th Street East to infill from existing curb, gutter, and sidewalk improvements and planned improvements to 192nd Avenue East; and construction of approximately 500 linear feet of curb, gutter, and sidewalk on both sides of 111th Street East to infill from existing curb, gutter, and sidewalk improvements and planned improvements to 192nd Avenue East.

Attachments: Resolution #2036, Map, Contract

**BUDGET INFORMATION:**

<b>Budget Amount</b>	<b>Required Expenditure</b>	<b>Budget Impact</b>	<b>Budget Balance</b>
\$2,100,000.0	\$571,375.32		\$1,528,624.68

**Budget Explanation:**

Acct: 302.00.005.594.76.63.10 Const Capital - Saferoute Sidewalk / Trail  
 Bid \$496,848.10  
 Contingency (10%) \$49,684.81  
 Construction Engineering (5%) \$24,842.41  
 Total \$571,375.32

**COMMITTEE/BOARD REVIEW:**

**Subcommittee Review Date:** Community Development Committee - 21 Jun 2010

**Commission/Board Review Date:** -

**Hearing Examiner Date:**

**COUNCIL ACTION:**

<b>Workshop Date(s):</b>	<b>Public Hearing Date(s):</b>
<b>Meeting Date(s):</b>	<b>Tabled To Date:</b>

**Signatures:**

Director Authorization DAN GRIGSBY	Mayor	Date City Attorney Reviewed
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**RESOLUTION NO. 2036**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BONNEY LAKE, PIERCE COUNTY, WASHINGTON,  
AWARDING THE FENNEL CREEK TRAIL AND 192<sup>ND</sup> AVENUE  
SIDEWALKS PHASE 1 TO TITAN EARTHWORK, LLC**

**WHEREAS**, the City advertised the Fennel Creek Trail and 192<sup>nd</sup> Avenue Sidewalks Phase 1 Project and opened bids on June 9, 2010 and has determined the lowest responsible bid for this contract was received from Titan Earthwork, LLC; and

**WHEREAS**, on September 11, 2007 the City signed AB07-184, that authorized the Mayor to sign a grant agreement with WSDOT in the amount of \$1,482,000 for Safe Routes to School and Pedestrian Safety; and

**NOW, THEREFORE, BE IT RESOLVED** that the City of Bonney Lake Council does hereby authorize the Mayor to sign the attached contract with Titan Earthwork, LLC in the amount of \$496,848.10.

**BE IT FURTHER RESOLVED** that the City of Bonney Lake Council does hereby authorize a 10% Construction Contingency (\$49,684.81) amount based on the contract bid amount as well as a 5% Construction Engineering(\$24,842.41) amount based on the contract bid.

**PASSED** by the City Council this 22nd day of June, 2010.

\_\_\_\_\_  
Neil Johnson, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Harwood T. Edvalson, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James Dionne, City Attorney

**CONTRACT**

State of Washington )  
                                          ) SS  
County of Pierce        )

THIS CONTRACT, made and entered into this 22nd day of JUNE, in the year of 2010, by and between City of Bonney Lake, Washington, a municipal corporation, hereinafter designated as the "Owner," and TITAN EARTHWORK, LLC hereinafter designated as the "Contractor,"

**WITNESSETH:**

That WHEREAS the Owner has heretofore caused to be prepared certain plans and specifications described as the FENNEL CREEK TRAIL AND 192ND AVENUE SIDEWALKS PROJECT PHASE I and the Contractor did on the 9TH day of JUNE, 2010, file with the Owner a proposal to construct said work and agreed to accept as payment therefore the sum fully stated and set forth in the proposal, and

WHEREAS, the said Contract Documents fully and accurately described the terms and conditions upon which the Contractor proposes to furnish said equipment, labor, materials, and appurtenances and perform said work, together with the manner and time of furnishing same;

IT IS THEREFORE AGREED, first, that a copy of said General Conditions and other Contract Documents filed with the Owner, as aforesaid, do, in all particulars, become a part of the Agreement and Contract by and between the parties hereto in all matters and things therein set forth and described; and further, that the Owner and the Contractor hereby accept and agree to the terms and conditions of said Contract Documents as filed as completely as if said terms and conditions and plans were herein set out in full.

IN FAITH WHEREOF, witness the hands and seals of both parties hereto on the day and year in this Agreement first above written.

Contractor TITAN EARTHWORK, LLC

By \_\_\_\_\_

Title \_\_\_\_\_

Attest (If Corporation)                      Witness (If Individual or Partnership)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**City of Bonney Lake**

By \_\_\_\_\_

Title \_\_\_\_\_

# Fennel Creek Trail & 192nd Ave Sidewalks project

June 9, 2010

Bid No.	Units	Description	Engineers Estimate		Titan Earthwork		Johansen Excavating Inc.		
			Qty	Unit Price	Total	Unit Price	Total	Unit Price	Total
<b>SCHEDULE OF PRICES</b>									
<b>Preparation</b>									
1	EST	Miter Changes	1	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	
2	LS	Mobilization	1	10%	\$340,000.00	\$40,000.00	\$19,700.00	\$19,700.00	
3	Acres	Clearing Land Grabbing	1.75	\$5,000.00	\$8,750.00	\$3,865.00	\$2,200.00	\$3,850.00	
4	LS	Removal of Structure and Obstruction	1	\$10,000.00	\$10,000.00	\$9,250.00	\$2,500.00	\$580.00	
5	SY	Removing Cement Conc. Pavement	599	\$15.00	\$8,835.00	\$10.75	6,331.75	\$5.15	3,033.35
6	SY	Removing Cement Conc. Sidewalk	145	\$7.00	\$1,015.00	\$10.10	1,464.50	\$6.75	978.75
7	LF	Removing Cement Conc. Curb & Gutter	20	\$5.00	\$100.00	\$4.00	80.00	\$13.70	274.00
8	SY	Removing Asphalt Conc. Pavement	2922	\$7.00	\$16,254.00	\$4.35	10,585.10	\$5.00	11,610.00
<b>Grading</b>									
9	CY	Roadway Excavation Incl. Hauling	3134	\$20.00	\$62,680.00	\$11.75	36,824.50	\$12.50	39,175.00
10	CY	Unsuitable Foundation Excavation Incl. Hauling	313	\$15.00	\$4,695.00	\$11.35	3,552.55	\$11.00	\$3,443.00
11	CY	Gravel Borrow Incl. Haul	313	\$15.00	\$4,695.00	\$13.25	4,147.25	\$15.25	4,773.25
12	CY	Embankment Compaction	500	\$1.00	\$500.00	\$1.50	750.00	\$3.00	\$1,500.00
13	SF	Structural Earth Wall	1070	\$40.00	\$42,800.00	\$21.75	23,272.50	\$20.25	21,667.50
<b>DRAINAGE, STORM, SEWER</b>									
14	EA	Lacking Solid Metal Cover & Frame for Catch Basin	1	\$500.00	\$500.00	\$485.00	\$485.00	\$365.00	\$365.00
15	EA	Catch Basin Type 1	2	\$1,500.00	\$3,000.00	\$990.00	\$1,980.00	\$885.00	\$1,770.00
16	LF	Schedule A Storm Sewer Pipe 12 in diam Incl. Trench	18	\$80.00	\$1,440.00	\$35.25	634.50	\$42.35	762.30
17	EA	Adjust Catch Basin	29	\$400.00	\$11,600.00	\$150.00	4,350.00	\$305.00	8,845.00
18	LS	Cleaning Existing Drainage Structure	1	\$10,000.00	\$10,000.00	\$4,000.00	\$4,000.00	\$790.00	\$790.00
19	EA	Connection to Drainage Structure	2	\$700.00	\$1,400.00	\$620.00	\$1,240.00	\$520.00	\$1,040.00
<b>Water</b>									
20	EA	Adjust Existing Water Valve Box	12	\$400.00	\$4,800.00	\$295.00	3,540.00	\$305.00	3,660.00
21	EA	Adjust Water Meter Seter Box	3	\$1,000.00	\$3,000.00	\$235.00	705.00	\$91.00	273.00
<b>Surfacing</b>									
22	Tons	Crushed Surfacing Base Course	920	\$25.00	\$23,000.00	\$16.75	14,490.00	\$19.95	18,354.00
23	Tons	Crushed Surfacing Top Course	970	\$20.00	\$19,400.00	\$22.75	22,067.50	\$25.20	24,444.00
<b>HOT MIX ASPHALT</b>									
24	Tons	HMA Ct. 112 in PG 64-22	450	\$100.00	\$45,000.00	\$109.50	49,275.00	\$102.65	46,192.50
<b>EROSION &amp; WATER POLLUTION CONTROL</b>									
25	days	ES&C Lead	90	\$50.00	\$4,500.00	\$72.25	6,502.50	\$61.50	5,535.00
26	HR	Street Cleaning	90	\$100.00	\$9,000.00	\$120.00	10,800.00	\$101.00	9,090.00
27	EA	Inlet Protection	33	\$85.00	\$2,805.00	\$75.00	2,475.00	\$52.75	1,740.75
28	LF	Silt Fence	4480	\$5.00	\$22,400.00	\$3.25	14,560.00	\$3.00	\$13,440.00
29	EST	Erosion/Water Pollution Control	1	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
<b>TRAFFIC</b>									
30	LF	Cement Conc. Traffic Curb & Gutter	4952	\$15.00	\$74,280.00	\$7.35	36,397.20	\$8.00	39,616.00
31	LF	Paint Line	3250	\$0.50	\$1,625.00	\$0.30	975.00	\$0.30	975.00
32	LF	Plastic Stop Line	75	\$5.00	\$375.00	\$7.40	555.00	\$7.45	558.75
33	SF	Plastic Crosswalk Line	256	\$3.00	\$768.00	\$3.50	896.00	\$3.50	896.00
34	LS	Permanent Signposting	1	\$9,500.00	\$9,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00
35	LS	Project Temporary Traffic Control	1	\$100,000.00	\$100,000.00	\$30,000.00	\$30,000.00	\$54,400.00	\$54,400.00
<b>OTHER ITEMS</b>									
36	LS	Project Surveying	1	\$25,000.00	\$25,000.00	\$7,000.00	7,000.00	\$9,225.00	\$9,225.00
37	SY	Cement Conc. Sidewalk	3800	\$20.00	\$76,000.00	\$13.80	71,440.00	\$18.00	68,400.00
38	SY	Cement Conc. Driveway Entrance	350	\$40.00	\$14,000.00	\$24.75	8,662.50	\$37.00	12,950.00
39	SY	Conc. Class EA	454	\$40.00	\$18,160.00	\$30.75	13,950.50	\$35.25	16,003.50
40	EA	Cement Conc. Sidewalk Ramp Type 1	22	\$500.00	\$11,000.00	\$380.00	8,360.00	\$590.00	12,880.00
41	EA	Cement Conc. Sidewalk Ramp Type 2	2	\$1,000.00	\$2,000.00	\$732.00	1,464.00	\$670.00	1,340.00
42	LF	Coated Chain Link Fence Type 4	195	\$25.00	\$4,875.00	\$20.70	4,036.50	\$21.00	4,095.00
43	LS	SPCC Plan	1	\$3,500.00	\$3,500.00	\$175.00	175.00	\$450.00	450.00
44	EA	Mulch Support Type 2	5	\$400.00	\$2,000.00	\$415.00	2,075.00	\$275.00	1,375.00
45	Acres	Seeding, Fertilizing, Mulching	0.5	\$3,500.00	\$1,750.00	\$2,600.00	1,300.00	\$2,240.00	1,120.00
46	SY	Standard Lawn Installation	300	\$2.00	\$600.00	\$2.10	630.00	\$1.05	315.00
47	CY	Bark or Wood Chip Mulch	20	\$50.00	\$1,000.00	\$42.00	840.00	\$48.00	960.00
48	EA	Irrigation System Relocation	10	\$2,000.00	\$20,000.00	\$500.00	5,000.00	\$425.00	4,250.00
49	LS	Property Restoration	1	\$15,000.00	\$15,000.00	\$5,555.00	\$5,555.00	\$7,255.00	7,255.00
<b>Construction Cost:</b>									
WSST @ 9.3%					\$787,002.00				
Total Cost - Including WSST					\$787,002.00				
						\$496,848.10			
								\$501,150.85	

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P:\01 City Projects\01 Current City Projects\Fennel Creek Trail & 192nd Ave Sidewalks\Bid Summary\Fennel Creek Trail & 192nd Ave Sidewalks project June 9 2010 - Bid Tabulation

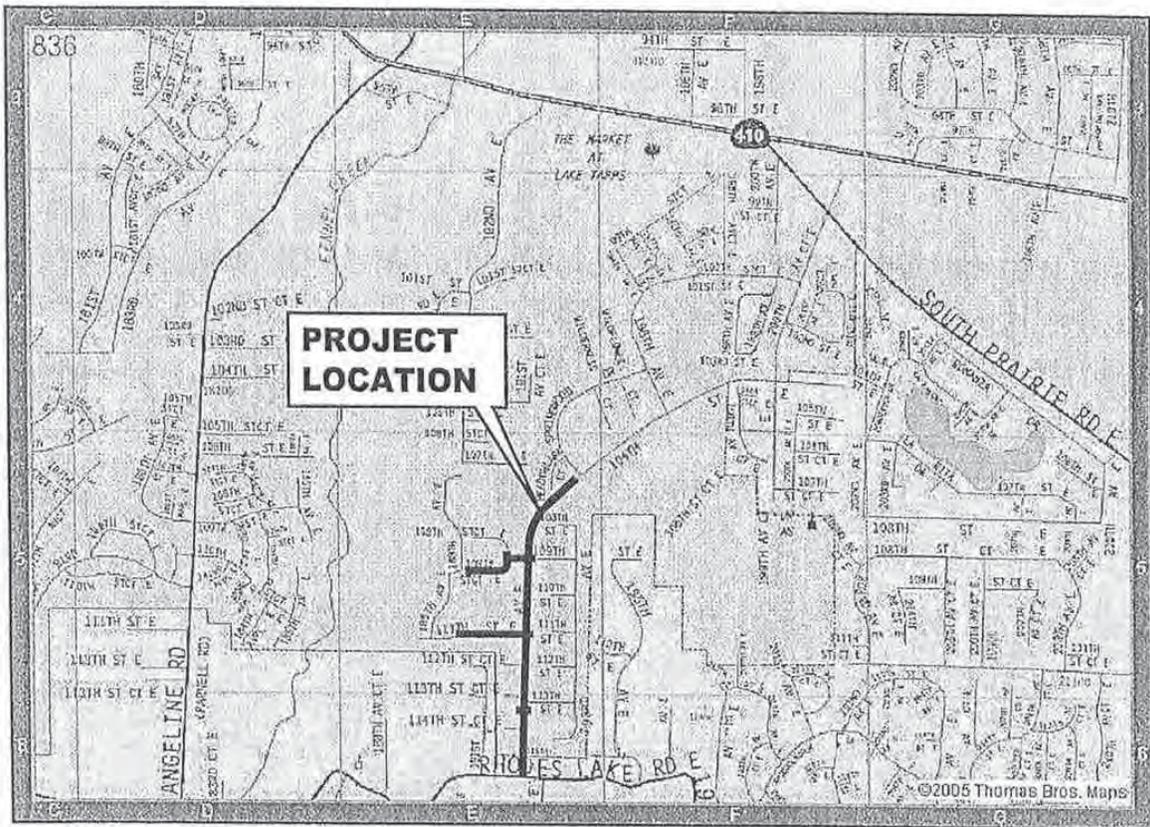
# Fennel Creek Trail & 192nd Ave Sidewalk project

OceanSide Construction		Scotty's General Construction		Hoffman Construction		RS Construction & Excavating		Construct Company	
Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
\$5,000.00	\$ 5,000.00	\$5,000.00	\$ 5,000.00	\$5,000.00	\$ 5,000.00	\$5,000.00	\$ 5,000.00	\$5,000.00	\$ 5,000.00
\$29,400.00	\$ 28,400.00	\$46,861.90	\$ 46,861.90	\$45,320.00	\$ 45,320.00	\$19,000.00	\$ 19,000.00	\$65,000.00	\$ 65,000.00
\$5,000.00	\$ 10,500.00	\$4,184.00	\$ 7,322.00	\$3,300.00	\$ 5,775.00	\$5,285.71	\$ 10,599.99	\$15,000.00	\$ 26,250.00
\$17,000.00	\$ 17,000.00	\$8,400.00	\$ 8,400.00	\$12,520.00	\$ 12,520.00	\$3,500.00	\$ 3,500.00	\$20,000.00	\$ 20,000.00
\$8.00	\$ 4,712.00	\$8.00	\$ 4,712.00	\$6.00	\$ 6,000.00	\$3.39	\$ 1,996.71	\$9.00	\$ 5,301.00
\$8.00	\$ 1,160.00	\$12.00	\$ 1,740.00	\$5.20	\$ 764.00	\$5.17	\$ 749.65	\$9.00	\$ 1,305.00
\$9.00	\$ 4,400.00	\$10.00	\$ 200.00	\$6.60	\$ 132.00	\$5.00	\$ 100.00	\$12.00	\$ 240.00
\$9.00	\$ 11,610.00	\$4.75	\$ 11,029.50	\$5.00	\$ 11,610.00	\$8.18	\$ 18,993.96	\$9.00	\$ 20,896.00
\$14.00	\$ 43,876.00			\$8.60	\$ 26,952.40	\$10.00	\$ 31,340.00	\$25.00	\$ 78,350.00
\$15.00	\$ 4,695.00			\$0.01	\$ 3.13	\$8.00	\$ 2,504.00	\$11.00	\$ 3,443.00
\$24.00	\$ 7,612.00			\$0.01	\$ 3.13	\$8.94	\$ 2,798.22	\$19.00	\$ 5,947.00
\$2.00	\$ 1,000.00			\$10.00	\$ 5,000.00	\$5.00	\$ 2,500.00	\$5.00	\$ 2,500.00
\$20.00	\$ 21,400.00			\$16.00	\$ 17,120.00	\$31.30	\$ 33,491.00	\$28.00	\$ 29,960.00
\$345.00	\$ 345.00	\$395.00	\$ 395.00	\$390.00	\$ 390.00	\$800.00	\$ 800.00	\$351.00	\$ 351.00
\$981.00	\$ 1,362.00	\$1,200.00	\$ 2,400.00	\$1,085.00	\$ 2,130.00	\$1,050.00	\$ 2,100.00	\$1,000.00	\$ 2,000.00
\$56.00	\$ 1,008.00	\$54.00	\$ 972.00	\$90.55	\$ 1,629.90	\$41.66	\$ 749.88	\$37.00	\$ 686.00
\$165.00	\$ 4,785.00	\$125.00	\$ 3,625.00	\$208.30	\$ 6,040.70	\$250.00	\$ 7,250.00	\$200.00	\$ 5,800.00
\$166.00	\$ 166.00	\$500.00	\$ 500.00	\$1,860.00	\$ 3,500.00	\$3,500.00	\$ 3,500.00	\$1,300.00	\$ 1,300.00
\$300.00	\$ 600.00	\$860.00	\$ 1,700.00	\$275.00	\$ 550.00	\$1,000.00	\$ 2,000.00	\$360.00	\$ 700.00
\$140.00	\$ 1,680.00	\$250.00	\$ 3,000.00	\$208.35	\$ 2,500.20	\$233.32	\$ 2,799.84	\$500.00	\$ 2,400.00
\$170.00	\$ 510.00	\$200.00	\$ 600.00	\$667.00	\$ 2,001.00	\$250.00	\$ 750.00	\$200.00	\$ 600.00
\$20.00	\$ 18,400.00	\$20.00	\$ 18,400.00	\$22.10	\$ 20,332.00	\$20.92	\$ 19,246.40	\$14.00	\$ 12,880.00
\$20.00	\$ 19,400.00	\$22.00	\$ 21,340.00	\$22.10	\$ 21,437.00	\$20.87	\$ 20,243.90	\$16.00	\$ 16,520.00
\$116.00	\$ 62,200.00	\$115.00	\$ 51,750.00	\$115.55	\$ 51,997.60	\$127.77	\$ 57,496.50	\$86.20	\$ 43,290.00
\$25.00	\$ 2,250.00	\$50.00	\$ 4,500.00	\$25.10	\$ 2,258.00	\$100.00	\$ 9,000.00	\$1.00	\$ 90.00
\$105.00	\$ 9,450.00	\$50.00	\$ 4,500.00	\$100.55	\$ 9,049.50	\$110.00	\$ 9,900.00	\$105.00	\$ 9,450.00
\$93.00	\$ 3,069.00	\$55.00	\$ 1,815.00	\$90.25	\$ 1,658.25	\$53.03	\$ 1,749.99	\$65.00	\$ 2,145.00
\$3.00	\$ 13,440.00	\$3.75	\$ 18,800.00	\$3.25	\$ 14,560.00	\$4.18	\$ 18,726.40	\$2.75	\$ 12,320.00
\$5,000.00	\$ 5,000.00	\$5,000.00	\$ 5,000.00	\$5,000.00	\$ 5,000.00	\$5,000.00	\$ 5,000.00	\$5,000.00	\$ 5,000.00
\$8.20	\$ 40,505.40	\$8.50	\$ 42,092.00	\$8.80	\$ 43,577.60	\$7.01	\$ 34,713.52	\$12.00	\$ 59,424.00
\$0.32	\$ 1,040.00	\$0.28	\$ 910.00	\$0.30	\$ 975.00	\$0.33	\$ 1,072.50	\$0.29	\$ 942.50
\$7.80	\$ 685.00	\$7.00	\$ 525.00	\$6.35	\$ 476.25	\$7.60	\$ 570.00	\$7.00	\$ 525.00
\$3.50	\$ 921.50	\$5.50	\$ 1,408.00	\$1.31	\$ 1,331.20	\$3.90	\$ 998.40	\$3.28	\$ 839.68
\$6,000.00	\$ 6,000.00	\$9,500.00	\$ 9,500.00	\$6,000.00	\$ 6,000.00	\$7,400.00	\$ 7,400.00	\$7,050.00	\$ 7,050.00
\$33,000.00	\$ 33,000.00	\$29,915.52	\$ 29,915.52	\$29,165.00	\$ 29,165.00	\$30,000.00	\$ 30,000.00	\$50,000.00	\$ 50,000.00
\$10,000.00	\$ 10,000.00	\$8,400.00	\$ 8,400.00	\$9,930.00	\$ 9,930.00	\$20,100.00	\$ 20,100.00	\$8,645.00	\$ 8,645.00
\$18.30	\$ 69,540.00	\$18.00	\$ 64,800.00	\$19.60	\$ 74,580.00	\$16.84	\$ 63,992.00	\$25.00	\$ 95,000.00
\$28.40	\$ 9,440.00	\$27.00	\$ 9,450.00	\$29.15	\$ 10,202.50	\$27.14	\$ 9,499.00	\$33.00	\$ 11,550.00
\$37.50	\$ 17,025.00	\$36.00	\$ 16,344.00	\$38.91	\$ 17,665.14	\$36.34	\$ 16,498.36	\$42.00	\$ 19,068.00
\$557.00	\$ 12,254.00	\$840.00	\$ 14,080.00	\$716.40	\$ 15,760.80	\$488.63	\$ 10,749.86	\$700.00	\$ 15,400.00
\$780.00	\$ 1,560.00	\$860.00	\$ 1,720.00	\$950.00	\$ 1,900.00	\$750.00	\$ 1,500.00	\$930.00	\$ 1,860.00
\$32.00	\$ 448.50	\$25.00	\$ 4,875.00	\$24.05	\$ 4,689.75	\$33.33	\$ 6,499.35	\$19.80	\$ 3,861.00
\$300.00	\$ 300.00	\$1,000.00	\$ 1,000.00	\$2,510.00	\$ 2,510.00	\$5,000.00	\$ 5,000.00	\$500.00	\$ 500.00
\$410.00	\$ 2,050.00	\$360.00	\$ 1,760.00	\$340.00	\$ 2,700.00	\$1,320.00	\$ 5,350.00	\$ 1,750.00	\$ 1,750.00
\$2,320.00	\$ 1,160.00	\$2,500.00	\$ 1,250.00	\$2,410.00	\$ 1,205.00	\$2,800.00	\$ 1,250.00	\$350.00	\$ 1,250.00
\$1.20	\$ 360.00	\$7.50	\$ 2,250.00	\$1.15	\$ 345.00	\$10.66	\$ 3,198.00	\$2.00	\$ 600.00
\$53.00	\$ 1,060.00	\$40.00	\$ 800.00	\$51.75	\$ 4,800.00	\$55.00	\$ 1,100.00	\$40.00	\$ 800.00
\$450.00	\$ 4,500.00	\$350.00	\$ 3,500.00	\$460.00	\$ 4,600.00	\$500.00	\$ 5,000.00	\$2,500.00	\$ 2,500.00
\$5,000.00	\$ 5,000.00	\$4,000.00	\$ 4,000.00	\$11,500.00	\$ 11,500.00	\$10,000.00	\$ 10,000.00	\$1,800.00	\$ 1,800.00
\$511,957.00	N/A	\$515,480.92	N/A	\$517,156.95	N/A	\$530,027.43	N/A	\$694,571.18	N/A
\$511,957.00	N/A	\$315,480.92	N/A	\$317,156.95	N/A	\$330,027.43	N/A	\$694,571.18	N/A

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P:\01 City Projects\01 Current City Projects\Fennel Creek Trail & 192nd St Sidewalks\Bid Summary\Fennel Creek Trail & 192nd Ave Sidewalks project June 9 2010 - Bid Tabulation

# Fennel Creek Trail and 192nd Avenue Sidewalks Project – Phase 1 Contract Documents



LOCATION MAP 



**City of Bonney Lake, Washington  
City Council Agenda Bill (C.A.B.) Approval Form**

<b><u>Department / Staff Contact:</u></b> PW / King Cooper II	<b><u>Workshop / Meeting Date:</u></b> 22 Jun 2010	<b><u>Agenda Bill Number:</u></b> AB10-102
<b><u>Ordinance Number:</u></b>	<b><u>Resolution Number:</u></b> 2045	<b><u>Councilmember Sponsor:</u></b> Jim Rackley

**Agenda Subject:** Award Contract for TWD Intertie S. Prairie Road E Waterline Project

**Proposed Motion:** Motion to award contract for TWD Intertie S. Prarie Road E Waterline Project to Mountain West Construction

**Administrative Recommendation:**

**Background Summary:** This project is part of TWD intertie project that will give the city a permanent connection from TWD to the city's water system and the future Prairie Ridge Drive booster pump station. The City will install 4,300 linear feet of 16 inch water main along S Prairie Road E. The New water main will start at the intersection of Prarie Ridge Drive East and S Prairie Rd E then run along South Prairie Rd E and connect to existing water main at the intersection of 214th Ave E. The City recived 12 bids and Mountain West Construction is the apparent low bidder with the bid of \$570,000.59. The engineers estimate was \$822,902.21 After meeting with contractor, PW staff has determined that their bid proposal is consistent with the requirements of the contract and bid specifications.  
Resolution 2045 requests authorization from the City Council for the Mayor to award the contract to Mountain West Construction. This request includes 10% (\$57,000.05) for contingencies and 5% (\$28,500.02) for construction engineering.  
ATTACHMENTS: Resoultion, Bid tabulation sheet, Contract, and Contract location map

<b><u>BUDGET INFORMATION:</u></b>			
<b>Budget Amount</b>	<b>Required Expenditure</b>	<b>Budget Impact</b>	<b>Budget Balance</b>
\$800,000.00	\$655,500.66	\$655,500.66	\$144,499.34
<b>Budget Explanation:</b>			
Accnt: 401.049.034.594.34.63.04 (Water SDC) -Budget Impact: \$655,500.66			
Contract Amount: \$570,000.59			
10% Contingency: \$57,000.05			
5% Const. Eng: \$28,500.02			
Total: \$655,500.66			

**COMMITTEE/BOARD REVIEW:**

**Subcommittee Review Date:** Community Development Committee - 21 Jun 2010  
**Commission/Board Review Date:** -  
**Hearing Examiner Date:**

**COUNCIL ACTION:**

**Workshop Date(s):** \_\_\_\_\_ **Public Hearing Date(s):** \_\_\_\_\_  
**Meeting Date(s):** 22 JUN 2010 **Tabled To Date:** \_\_\_\_\_

**Signatures:**

Director Authorization Dan Grigsby	Mayor	Date City Attorney Reviewed
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# Action Item #2

**COMMUNITY DEVELOPMENT COMMITTEE**

**DATE: June 21, 2010**

**ORIGINATOR: King Cooper II**

**TITLE: Project Manager**

**SUBJECT:** Motion to award of contract for TWD Intertie S. Prairie Road E Waterline Project to Mountain West Construction

This project is part of TWD intertie project that will give the city a permanent connection from TWD to the cities system and the future south prairie pump station. The City will Install 4,300 linear feet of 16 inch water main along S Prairie Road E. The New water main will start at the intersection Prairie Ridge Drive East and S Prairie Rd E then run along South Prairie Rd E and connect to existing water main at the intersection of 214th Ave E. The City received 12 bids and Mountain West Construction is the apparent low bidder with the bid of \$570,000.59. The engineers estimate was \$822,902.21 After meeting with contractor, PW staff has determined that their bid proposal is consistent with the requirements of the contract and bid specifications. Resolution 2045 requests authorization from the City Council for the Mayor to award the contract to Mountain West Construction. This request includes 10% (\$57,000.05) for contingencies and 5% (\$28,500.02) for construction engineering.

**ORDINANCE/RESOLUTION: 2045**

**REQUEST OR RECOMMENDATION BY ORIGINATOR:**

**ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE  
FINANCE DIRECTOR \_\_\_\_\_  
CITY ATTORNEY \_\_\_\_\_**

<u>2010 Budget Amount</u>	<u>Current Balance</u>	<u>Required Expenditure</u>	<u>Remaining Balance</u>
\$800,000.00	\$800,000.00	\$655,500.66	\$144,499.34

**Explanation:**

Acct: 401.049.034.594.34.63.04 (Water SDC) -Budget Impact: \$655,500.66  
 Contract Amount: \$570,000.59  
 10% Contingency: \$57,000.05  
 5% Const. Eng: \$28,500.02  
 Total: \$655,500.66

**COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL**

	<b>DATE</b>	<b>APPROVED</b>	<b>DISAPPROVED</b>
<b>James Rackley, Chairman</b>	_____	_____	_____
<b>Randy McKibbin</b>	_____	_____	_____
<b>Donn Lewis</b>	_____	_____	_____

**COMMITTEE COMMENTS:** \_\_\_\_\_

**COMMITTEE'S RECOMMENDATION TO FORWARD TO:  
CITY CLERK  
CITY ATTORNEY**

**Please schedule for City Council Meeting date of: June 22, 2010  
Consent Agenda:  Yes  No**

**RESOLUTION NO. 2045**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING AN AGREEMENT WITH MOUNTAIN WEST COMPANY FOR THE TWD INTERTIE S. PRAIRIE ROAD E WATERLINE PROJECT.**

**Whereas**, the City Council approved the contract with KPG Engineering by Resolution No. 1829 for the design of the TWD Intertie S. Prairie Road E Waterline Project; and

**Whereas**, the City advertised and opened bids for construction on June 16, 2010 and has determined the lowest responsible bid for this contract was received from Mountain West; and

**Whereas**, the City Council adopted this project as part of the Tacoma Water Intertie Agreement; and

**Now therefore, be it resolved;** that the City of Bonney Lake Council does hereby authorize the Mayor to sign the attached contract with Mountain West in the amount of \$570,000.59, which includes tax.

**Be it further resolved;** that the City Bonney Lake, does hereby authorize a 10% Construction Contingency (\$57,000.05) amount based on the contract bid amount as well as a 5% Construction Engineering (\$28,500.02) amount based on the contract bid.

**PASSED** by the City Council this 22<sup>nd</sup> day of June, 2010.

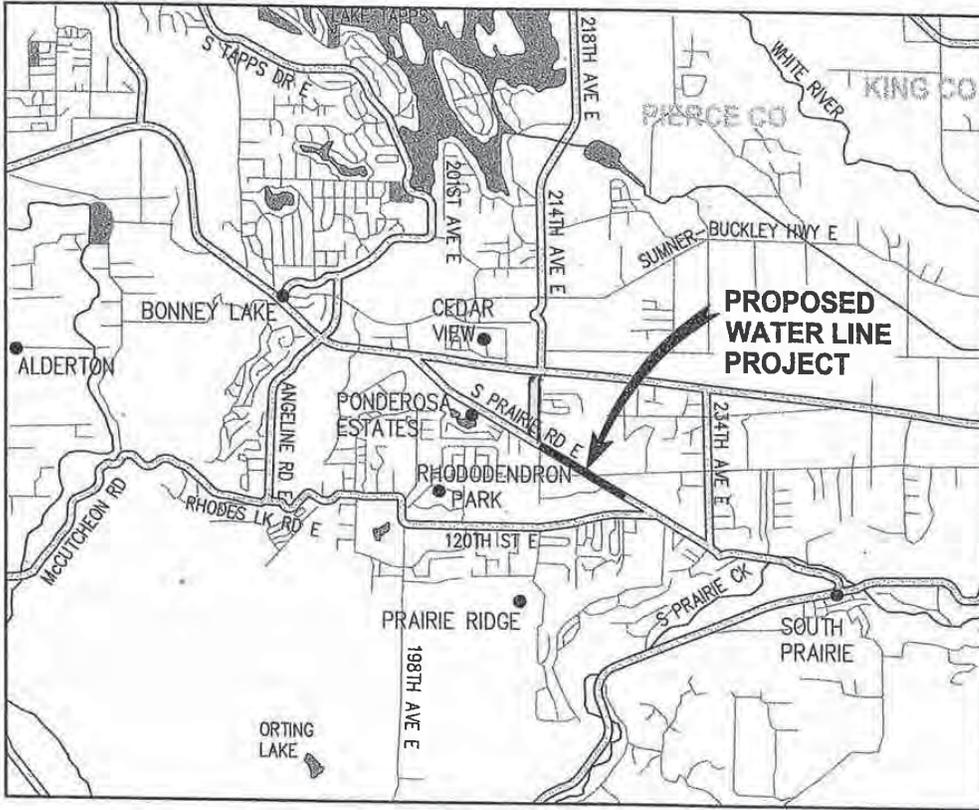
\_\_\_\_\_  
Neil Johnson Jr., Mayor

ATTEST:

\_\_\_\_\_  
Harwood T. Edvalson, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James Dionne, City Attorney



**PLAN - VICINITY MAP**  
 SCALE: 1" = 1 MILE



**PUBLIC WORKS CONTRACT**

THIS AGREEMENT is made and entered into in duplicate this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the CITY OF BONNEY LAKE, hereinafter called the "City," and \_\_\_\_\_ of \_\_\_\_\_, hereinafter called the "Contractor."

WITNESSETH:

That in consideration of the terms and conditions contained herein and attached and made a part of this Agreement, the parties hereto covenant and agree as follows:

- 1. The Contractor shall do all work and furnish all labor, materials, and equipment for:

**CITY OF BONNEY LAKE  
TWD Intertie S Prairie Rd E Water Line Project**

In accordance with and as described in the attached Plans and Specifications, and the 2008 Standard Specifications for Road, Bridge, and Municipal Construction, prepared by the Washington State Department of Transportation with the Washington State Chapter of the American Public Works Association (APWA) and all amendments thereto, which are by this reference incorporated herein and made a part hereof, and shall perform any alterations in, or additions to, the work provided under this Contract and every part thereof.

Work shall start immediately after Notice to Proceed and be completed within the time specified in the Special Provisions of the attached Plans and Specifications.

If said work and identified milestones are not completed within the time specified, the Contractor agrees to pay to the City liquidated damages as specified in the Standard Specifications for each working day said work remains incomplete after expiration of the specified time.

The Contractor shall provide and bear the expense of all equipment, work, and labor of any sort whatsoever that may be required for the transfer of materials and for constructing and completing the work provided for in this Contract and every part thereof, except such as that mentioned in the Specifications to be furnished by the City.

- 2. The City hereby promises and agrees with the Contractor to employ, and does employ, the Contractor to provide the materials and to do and cause to be done the above-described work and to complete and finish the same according to the attached Plans and Specifications and the terms and conditions herein contained; and hereby contracts to pay for the same according to the attached Specifications and the schedule of unit or itemized prices hereto attached, at the time and in the manner and upon the conditions provided for in the Contract.

3. The City shall not be responsible for delays caused by soil conditions; underground obstructions; labor disputes; fire; delays by third parties, particularly public and private utilities; or reasonably foreseen delays.
4. In addition to limiting claims for unreasonable delays to the actual downtime of labor and equipment, as above provided, Contractor agrees that the City's liability to the Contractor for payment of claims or damages of any kind whatsoever relating to this Contract shall be limited to direct costs as provided under the force account provisions of the Standard Specifications. Contractor waives all claims for payment of damages that include or are computed on total costs of job performance, extended overhead, or other similar methods that do not relate to the prices stated herein or are not specific as to the actual, direct costs of contract work as defined in the Standard Specifications force account provisions.
5. For purposes of applying RCW 4.24.115 to this Contract, Contractor and City agree that the term "damages" applies only to the finding in a judicial proceeding and is exclusive of third-party claims for damage preliminary thereto. The Contractor agrees to defend, indemnify, and hold harmless the City from all claims for damages by third parties, including costs and reasonable attorney's fees in the defense of claims for damages arising from performance of the Contractor's express or implied obligations under this Contract. Contractor specifically and expressly waives immunity under Industrial Insurance Law, Title 51 RCW. This provision has been specifically negotiated. Contractor further waives any right of contribution against the City. The Contractor agrees that all third-party claims for damages against the City for which Contractor's insurance carrier does not accept defense of the City may be tendered by the City to the Contractor who shall, if so tendered by the City, accept and undertake to defend or settle with the claimant. The City retains the right to approve claims investigation and counsel assigned to said claim, and all investigation of legal work product regarding said claim shall be performed under a fiduciary relationship to the City. In the event that the City agrees or a court finds that the claim arises from the sole negligence of the City, this indemnification shall be void, and the City shall be responsible for all damages payable to the third-party claimant. In the event that the City and Contractor agree or a court finds that the claim arises from or included negligence of both the Contractor and the City, the Contractor shall be responsible for all damages payable by the Contractor to the third-party claimant under the court findings, and, in addition thereto, the Contractor shall hereunder indemnify the City for all damages paid or payable by the City under the court findings in an amount not to exceed the percentage of total fault attributable to the Contractor.
6. Contractor does hereby agree, and for his/her heirs, executors, administrators, successors, and assigns, agrees, to the full performance of all the covenants herein upon the part of the Contractor.
7. It is further provided that no liability shall attach to the City by reason of entering into this Contract, except as previously provided herein.

8. The obligations under this Contract shall not be assigned without prior written approval of the City.

IN WITNESS WHEREOF, the parties have caused this Contract to be executed the day and year first hereinabove written.

**CITY OF BONNEY LAKE**

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

ATTEST:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

Approved as to Form:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

**CONTRACTOR:**

\_\_\_\_\_

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

# TWD Intertrie S. Prairie Waterline project

June 16, 2010

Bid No.	Units	Description	Qty	Engineers Estimate		Mountain West		Pape and Son	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
1	FA	Minor Changes	1	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
2	LS	Mobilization	1	\$ 40,000.00	\$ 40,000.00	\$ 4,800.00	\$ 4,800.00	\$ 19,000.00	\$ 19,000.00
3	Day	Project Temporary Traffic Control	60	\$ 800.00	\$ 48,000.00	\$ 750.00	\$ 45,000.00	\$ 350.00	\$ 21,000.00
4	Day	Portable Changeable Message Sign	120	\$ 40.00	\$ 4,800.00	\$ 84.50	\$ 10,140.00	\$ 17.25	\$ 2,070.00
5	Hr	Operation of Portable Changeable Message Sign	2880	\$ 1.80	\$ 5,184.00	\$ 2.30	\$ 6,624.00	\$ 2.00	\$ 5,760.00
6	LS	Removal of Structures and Obstructions	1	\$ 5,000.00	\$ 5,000.00	\$ 4,250.00	\$ 4,250.00	\$ 13,000.00	\$ 13,000.00
7	SY	Removal of Asphalt Concrete Pavement	2860	\$ 6.50	\$ 18,590.00	\$ 3.20	\$ 9,152.00	\$ 4.50	\$ 12,870.00
8	LF	Sawcut Asphalt Conc. Pavement	4540	\$ 1.75	\$ 7,945.00	\$ 1.00	\$ 4,540.00	\$ 1.00	\$ 4,540.00
9	LS	Shoring or Extra Excavation Class B	1	\$ 6,000.00	\$ 6,000.00	\$ 922.00	\$ 922.00	\$ 5,000.00	\$ 5,000.00
10	LS	Trimming and Cleanup	1	\$ 5,000.00	\$ 5,000.00	\$ 5,700.00	\$ 5,700.00	\$ 2,500.00	\$ 2,500.00
11	TN	Crushed Surfacing Top Course	870	\$ 30.00	\$ 26,100.00	\$ 12.75	\$ 11,092.50	\$ 16.50	\$ 14,355.00
12	TN	HMA CI 1/2" P.G. 64-22	1000	\$ 85.00	\$ 85,000.00	\$ 79.17	\$ 79,170.00	\$ 85.00	\$ 85,000.00
13	TN	Cold Mix	70	\$ 95.00	\$ 6,650.00	\$ 83.00	\$ 5,810.00	\$ 92.00	\$ 6,440.00
14	SY	Planing Bituminous Pavement	440	\$ 5.00	\$ 2,200.00	\$ 3.40	\$ 1,496.00	\$ 13.50	\$ 5,940.00
15	LF	Plain Concrete Culvert Pipe 12 In. Diam	60	\$ 50.00	\$ 3,000.00	\$ 16.35	\$ 981.00	\$ 32.00	\$ 1,920.00
16	LF	Storm Sewer Pipe 12 In. Diam.	30	\$ 65.00	\$ 1,950.00	\$ 22.00	\$ 660.00	\$ 30.25	\$ 907.50
17	EA	Catch Basin Type 1	1	\$ 1,000.00	\$ 1,000.00	\$ 1,218.00	\$ 1,218.00	\$ 1,265.00	\$ 1,265.00
18	CY	Crushed Surfacing Top Course - Trench Backfill	380	\$ 35.00	\$ 13,300.00	\$ 25.70	\$ 9,766.00	\$ 22.00	\$ 8,360.00
19	CY	Import Bankrun Gravel Trench Backfill	200	\$ 30.00	\$ 6,000.00	\$ 27.00	\$ 5,400.00	\$ 17.00	\$ 3,400.00
20	LF	Ductile Iron Pipe Class 50 for Water Main 16 In. Diam.	4315	\$ 87.00	\$ 375,405.00	\$ 48.50	\$ 209,277.50	\$ 59.75	\$ 257,821.25
21	LF	Ductile Iron Pipe Class 50 for Water Main 12 In. Diam.	180	\$ 85.00	\$ 15,300.00	\$ 39.00	\$ 7,020.00	\$ 36.90	\$ 6,642.00
22	LS	Connection to Existing Water Main SPR STA 0+20.5	1	\$ 2,000.00	\$ 2,000.00	\$ 501.00	\$ 501.00	\$ 4,094.00	\$ 4,094.00
23	LS	Connection to Existing Water Main @ 214th	1	\$ 2,000.00	\$ 2,000.00	\$ 495.00	\$ 495.00	\$ 2,900.00	\$ 2,900.00
24	LS	Comb. Air Release/Air Vacuum Assembly 2 In	4	\$ 2,500.00	\$ 10,000.00	\$ 1,401.00	\$ 5,604.00	\$ 4,035.00	\$ 16,035.00
25	LS	Blow-off Assembly 2 In	4	\$ 2,000.00	\$ 8,000.00	\$ 2,350.00	\$ 9,400.00	\$ 2,800.00	\$ 11,200.00
26	EA	Blow-off Assembly 12 In.	4	\$ 3,000.00	\$ 12,000.00	\$ 1,644.00	\$ 6,576.00	\$ 1,740.00	\$ 6,960.00
27	LS	Gate Valve 12 In.	1	\$ 3,000.00	\$ 3,000.00	\$ 3,455.00	\$ 3,455.00	\$ 8,300.00	\$ 8,300.00
28	EA	Gate Valve 16 In.	3	\$ 1,200.00	\$ 3,600.00	\$ 1,610.00	\$ 4,830.00	\$ 1,650.00	\$ 4,950.00
29	EA	Erosion/Water Pollution Control	7	\$ 2,000.00	\$ 14,000.00	\$ 1,130.00	\$ 35,910.00	\$ 1,650.00	\$ 38,560.00
30	LS	Potholing	1	\$ 3,500.00	\$ 3,500.00	\$ 10,985.00	\$ 10,985.00	\$ 250.00	\$ 250.00
31	EA	Traffic Loop Type 1	8	\$ 325.00	\$ 2,600.00	\$ 284.00	\$ 2,272.00	\$ 200.00	\$ 1,600.00
32	EA	Traffic Loop Type 2	1	\$ 1,500.00	\$ 1,500.00	\$ 1,583.00	\$ 1,583.00	\$ 1,600.00	\$ 1,600.00
33	LF	Paint Line	2	\$ 1,000.00	\$ 2,000.00	\$ 633.00	\$ 1,266.00	\$ 700.00	\$ 1,400.00
34	SF	Plastic Crosswalk Line	4000	\$ 0.55	\$ 2,200.00	\$ 0.31	\$ 1,240.00	\$ 0.25	\$ 1,000.00
35	SF	Plastic Crosswalk Line	320	\$ 8.00	\$ 2,560.00	\$ 2.45	\$ 784.00	\$ 3.75	\$ 1,200.00
36	SF	Plastic Crosswalk Line	320			\$ 2.45	\$ 784.00	\$ 3.75	\$ 1,200.00
Construction Cost:					\$ 752,884.00		\$ 521,501.00		\$ 581,979.75
WSST @ 9.3%:					\$ 70,018.21		\$ 48,499.59		\$ 54,124.12
Total Cost - Including WSST:					\$ 822,902.21		\$ 570,000.59		\$ 636,103.87

Laser Underground		HOS Brothers		Northwest Cascade		Scottys		Johansen	
Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
\$15,000.00	\$ 15,000.00	\$15,000.00	\$ 15,000.00	\$15,000.00	\$ 15,000.00	\$15,000.00	\$ 15,000.00	\$15,000.00	\$ 15,000.00
\$35,000.00	\$ 35,000.00	\$5,240.00	\$ 5,240.00	\$40,000.00	\$ 40,000.00	\$36,260.00	\$ 36,260.00	\$24,000.00	\$ 24,000.00
\$800.00	\$ 48,000.00	\$455.21	\$ 27,312.60	\$100.00	\$ 6,000.00	\$500.00	\$ 30,000.00	\$850.00	\$ 51,000.00
\$100.00	\$ 12,000.00	\$141.62	\$ 16,994.40	\$40.00	\$ 4,800.00	\$80.00	\$ 9,600.00	\$40.00	\$ 4,800.00
\$5.00	\$ 14,400.00	\$0.89	\$ 2,563.20	\$1.00	\$ 2,880.00	\$3.00	\$ 8,640.00	\$8.00	\$ 23,040.00
\$5,000.00	\$ 5,000.00	\$10,909.25	\$ 10,909.25	\$13,000.00	\$ 13,000.00	\$1,000.00	\$ 1,000.00	\$1,500.00	\$ 1,500.00
\$5.00	\$ 14,300.00	\$1.90	\$ 5,434.00	\$2.00	\$ 5,720.00	\$2.00	\$ 5,720.00	\$1.90	\$ 5,434.00
\$1.00	\$ 4,540.00	\$1.25	\$ 5,675.00	\$1.00	\$ 4,540.00	\$0.80	\$ 3,632.00	\$1.50	\$ 6,810.00
\$5,000.00	\$ 5,000.00	\$3,500.00	\$ 3,500.00	\$24,000.00	\$ 24,000.00	\$6,500.00	\$ 6,500.00	\$1,000.00	\$ 1,000.00
\$5,000.00	\$ 5,000.00	\$8,219.60	\$ 8,219.60	\$15,000.00	\$ 15,000.00	\$3,000.00	\$ 3,000.00	\$2,500.00	\$ 2,500.00
\$14.00	\$ 12,180.00	\$14.41	\$ 12,536.70	\$17.00	\$ 14,790.00	\$18.00	\$ 15,660.00	\$16.00	\$ 13,920.00
\$120.00	\$ 120,000.00	\$81.00	\$ 81,000.00	\$95.00	\$ 95,000.00	\$88.00	\$ 88,000.00	\$80.00	\$ 80,000.00
\$100.00	\$ 7,000.00	\$141.34	\$ 9,893.80	\$115.00	\$ 8,050.00	\$80.00	\$ 5,600.00	\$110.00	\$ 7,700.00
\$15.00	\$ 6,600.00	\$3.50	\$ 1,540.00	\$12.00	\$ 5,280.00	\$9.00	\$ 3,960.00	\$14.50	\$ 6,380.00
\$50.00	\$ 3,000.00	\$97.10	\$ 5,826.00	\$59.00	\$ 3,540.00	\$23.00	\$ 1,380.00	\$75.00	\$ 4,500.00
\$70.00	\$ 2,100.00	\$96.62	\$ 5,067.30	\$58.00	\$ 1,740.00	\$20.00	\$ 600.00	\$37.00	\$ 1,110.00
\$1,200.00	\$ 1,200.00	\$996.62	\$ 996.62	\$1,240.00	\$ 1,240.00	\$1,050.00	\$ 1,050.00	\$1,100.00	\$ 1,100.00
\$30.00	\$ 11,400.00	\$24.04	\$ 9,135.20	\$23.00	\$ 8,740.00	\$26.00	\$ 9,880.00	\$18.50	\$ 7,030.00
\$25.00	\$ 5,000.00	\$31.04	\$ 6,208.00	\$18.00	\$ 3,600.00	\$24.00	\$ 4,800.00	\$18.00	\$ 3,600.00
\$72.00	\$ 310,680.00	\$61.86	\$ 266,925.90	\$58.00	\$ 250,270.00	\$53.00	\$ 228,695.00	\$53.00	\$ 228,695.00
\$70.00	\$ 12,600.00	\$91.28	\$ 16,430.40	\$46.00	\$ 8,280.00	\$38.00	\$ 6,840.00	\$44.00	\$ 7,920.00
\$4,000.00	\$ 4,000.00	\$2,096.99	\$ 2,096.99	\$1,150.00	\$ 1,150.00	\$1,500.00	\$ 1,500.00	\$1,500.00	\$ 1,500.00
\$4,000.00	\$ 4,000.00	\$2,109.60	\$ 2,109.60	\$1,025.00	\$ 1,025.00	\$1,000.00	\$ 1,000.00	\$1,500.00	\$ 1,500.00
\$4,000.00	\$ 4,000.00	\$2,259.60	\$ 2,259.60	\$2,100.00	\$ 2,100.00	\$4,640.00	\$ 4,640.00	\$5,000.00	\$ 5,000.00
\$3,200.00	\$ 12,800.00	\$3,519.11	\$ 14,076.44	\$2,350.00	\$ 9,400.00	\$2,712.00	\$ 10,848.00	\$3,400.00	\$ 13,600.00
\$3,000.00	\$ 12,000.00	\$3,179.60	\$ 12,718.40	\$1,370.00	\$ 5,480.00	\$1,950.00	\$ 7,800.00	\$2,200.00	\$ 8,800.00
\$7,000.00	\$ 7,000.00	\$6,144.60	\$ 6,144.60	\$5,000.00	\$ 5,000.00	\$6,000.00	\$ 6,000.00	\$7,500.00	\$ 7,500.00
\$1,800.00	\$ 5,400.00	\$1,847.66	\$ 5,542.98	\$1,800.00	\$ 5,400.00	\$1,900.00	\$ 5,700.00	\$2,000.00	\$ 6,000.00
\$6,000.00	\$ 42,000.00	\$6,181.79	\$ 43,272.53	\$5,500.00	\$ 38,500.00	\$5,750.00	\$ 40,250.00	\$5,800.00	\$ 40,600.00
\$5,000.00	\$ 5,000.00	\$13,959.60	\$ 13,959.60	\$5,500.00	\$ 5,500.00	\$2,500.00	\$ 2,500.00	\$4,000.00	\$ 4,000.00
\$500.00	\$ 4,000.00	\$1,125.72	\$ 9,005.76	\$1,500.00	\$ 1,200.00	\$150.00	\$ 1,200.00	\$400.00	\$ 3,200.00
\$2,000.00	\$ 2,000.00	\$1.00	\$ 1.00	\$1,600.00	\$ 1,600.00	\$2,100.00	\$ 2,100.00	\$1,600.00	\$ 1,600.00
\$1,500.00	\$ 3,000.00	\$1.00	\$ 2.00	\$650.00	\$ 1,300.00	\$750.00	\$ 1,500.00	\$800.00	\$ 1,600.00
\$0.40	\$ 1,600.00	\$0.30	\$ 1,200.00	\$0.30	\$ 1,200.00	\$0.33	\$ 1,320.00	\$0.32	\$ 1,280.00
\$3.00	\$ 960.00	\$3.00	\$ 960.00	\$3.00	\$ 960.00	\$2.75	\$ 880.00	\$2.50	\$ 800.00
\$3.00	\$ 960.00	\$3.00	\$ 960.00	\$3.00	\$ 960.00	\$2.75	\$ 880.00	\$2.50	\$ 800.00
	\$ 758,720.00		\$ 630,717.47		\$ 612,245.00		\$ 573,935.00		\$ 594,819.00
	\$ 70,560.96		\$ 58,656.72		\$ 56,938.79		\$ 53,375.96		\$ 55,318.17
	\$ 829,280.96		\$ 689,374.19		\$ 669,183.79		\$ 627,310.96		\$ 650,137.17



RESOLUTION NO. 2049

**A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADOPTING POLICIES TO REDUCE GREENHOUSE GAS EMISSIONS AS REQUIRED UNDER RCW 70.235.070.**

WHEREAS, cities are now required to adopt policies to reduce greenhouse gas emissions pursuant to RCW 70.235.070 in order to be eligible to apply for Public Works Trust Fund Loans and other state grant-in-aid programs; and

WHEREAS, many local governments throughout the nation, both large and small, are reducing the production of global warming pollutants through programs that provide economic and quality of life benefits, such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy;

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington hereby resolves as follows:

**Section 1.** The City of Bonney Lake adopts the following policies that will benefit its natural resources and reduce the emission of greenhouse gasses:

- A. The City will strive to assure that all new municipal buildings are models of cost-effective, energy- efficient design.
- B. The City will encourage energy conservation practices in City buildings by raising the awareness of employee energy use.
- C. The City will use the recently approved shared resource conservation manager position to conduct energy audits of publicly owned buildings, evaluate potential conservation measures, and then carry out those measures that are appropriate.
- D. The City will monitor the efficiency of the pumps in water and sewer systems, and operate and maintain them at peak efficiency whenever practically feasible. When evaluating new systems, the most cost effective option using the least amount of energy will be preferred.
- E. The City will participate in the County-wide solid waste management plan which reduces the solid waste stream by recycling and other means, investigates ways to convert non-recyclable solid waste to energy, and promotes the purchase of recycled and recyclable goods.
- F. Where and when permitted under the building code, the City will encourage the use of building construction materials made from recycled and recyclable materials.
- G. The City will publicize energy conservation actions to raise public awareness of the value of wise energy use.
- H. The City will promote internal recycling programs, purchasing policies, and employee education to reduce the amount of waste produced.
- I. The City will implement its non-motorized transportation plan, on a funding available basis, to provide safe and convenient access for pedestrians and bicyclists to, across, and along major transit priority streets.

- J. The City will continue to support water conservation through the use of conservation based rates and a tiered rate structures for water use

**PASSED BY THE CITY COUNCIL this 22<sup>nd</sup> day of June, 2010.**

\_\_\_\_\_  
Neil Johnson, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James J. Dionne, City Attorney





**ORDINANCE NO. D10-94**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, REPEALING CHAPTER 6.04 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NOS. 584A, 584b, 764, 1986, AND 1989, AND REPLACING IT WITH A NEW CHAPTER 6.04.**

**WHEREAS**, the City Council has determined that the current BLMC Chapter 6.04 is out of date and needs to be brought into alignment with other cities served by Metro Animal Services; and

**WHEREAS**, the Bonney Lake City Council has determined that it is appropriate to define that a kennel can refer to cats or dogs, and

**WHEREAS**, the Bonney Lake City Council has decided in order to expedite hearings and keep time spent and costs down for kenneling dangerous dogs during said hearings process that the Director shall mean the chief of the Bonney Lake police department, or other appropriate City official designated by the Mayor, rather than hiring a hearing examiner, and

**WHEREAS**, the Bonney Lake City Council has proposed that pet license fees should be simplified and brought into alignment with other cities served by Metro Animal Services, and

**WHEREAS**, the Bonney Lake City Council wishes to encourage microchipping of pets in the City of Bonney Lake;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** A new Chapter 6.04 of the Bonney Lake Municipal Code is hereby adopted to read as follows:

**6.04.010 Definitions.**

Within the provisions of this chapter the following definitions shall obtain:

- A. "Animal" means and includes female, spayed female, male, and neutered male domestic animals including dogs and cats and excepting those animals usually kept in cages in residences such as canaries and hamsters.
- B. "Domestic animal" means any dog, cat, rabbit, horse, mule, ass, bovine animal, lamb, goat, sheep, hog, bird, or other animal made to be domestic.
- C. "Adult dog or cat" means any dog or cat over the age of six months.
- D. "Potentially dangerous dog" means any dog that when unprovoked:
  - 1. Inflicts bites on a human or a domestic animal either on public or private property; or
  - 2. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or otherwise to threaten the safety of humans or domestic animals.
- E. "Dangerous dog" means any dog that according to the records of the city:

1. Has inflicted severe injury on a human being without provocation while on public or private property;
2. Has killed a domestic animal without provocation while off the owner's property; or
3. Has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

F. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

G. "Proper enclosure of a dangerous dog" means while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

H. "Animal control authority" means the city of Bonney Lake which shall have the responsibility to enforce this code.

I. "Animal control officer" means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing of animals, or seizure and impoundment of animals.

J. "Small farm animals" means domesticated fowl and fur-bearing animals bred or maintained within pens, cages, or hutches.

K. "Exotic, wild or dangerous animal" means any member of the animal kingdom which is not commonly domesticated or which is of a wild or predatory nature, or any domesticated animal which because of its size, vicious nature, or other characteristic would constitute a danger to human life or property if not kept, maintained or confined in a safe and secure manner.

L. "Sexually neutered" means medically determined to be incapable of reproduction as certified by a licensed veterinarian.

M. ~~"Kennel" means any facility, residence, site, or area wherein five or more dogs are maintained.~~ "Kennel" includes those places where five (5) or more dogs or cats are kept for breeding and the pups or kittens are sold for profit, or where dogs and/or cats are received for care or boarding.

N. "Animal exhibition" means any public display of any living animal in the promotion of entertainment, education, advertisement, or any commercial enterprise.

O. "Animal at large" means any animal not confined to the premises of its owner, unless restrained by a leash, tether, or other physical control device under the physical control of a person, which enters upon public property or rights-of-way, or upon land of another person without authorization of that person.

P. "Nuisance" means either of the following activities of animals:

1. Habitual barking, howling, whining and other annoying sounds so as to unreasonably disturb or annoy the occupants of two or more dwellings within the neighborhood; or
2. Trespass on private property.

Q. "Owner" means any person having possessory rights in an animal, or having control or custody of an animal, or who knowingly permits any animals to remain on premises occupied by him or her.

~~R. "Director" shall mean the chief of the Bonney Lake police department.~~

R. "Director" shall mean the chief of the Bonney Lake police department, or other appropriate City official designated by the Mayor.

**6.04.020 Administration.** The animal control authority shall operate, maintain or provide an adequate facility or arrange for the use of other adequate facilities or approved agency to receive and care for any animal delivered to his/her custody for disposition under the provisions of this chapter, which facility shall be accessible to the public during reasonable hours for the conduct of necessary business concerning impounding animals.

**6.04.030 Responsibility.** It shall be the primary responsibility of the animal control officer to enforce the provisions of this chapter.

**6.04.040 Promulgation of rules and regulations.** The city may promulgate such rules and regulations as deemed necessary to implement, administer and enforce the provisions of this chapter, provided that such rules and regulations are not inconsistent with anything contained herein.

**6.04.050 Power and authority of animal control officer.** The animal control officer shall be empowered to exercise the authority of peace officer to the extent necessary to enforce this chapter, which power shall include issuance of citations and seizure of animals from upon public property, vacant property and unenclosed private property and subsequent impoundment.

**6.04.060 Enforcement authority.** Persons designated to enforce this chapter shall bear satisfactory identification reflecting the authority under which they act, which identification shall be shown to any person requesting the same.

**~~6.04.070 Registration and licensing of dogs and cats.~~**

~~It is unlawful for any person to own, keep, or have control of a dog or cat over the age of eight weeks in the city, whether confined or not, without having a current license tag attached to the collar or harness which is worn by the dog or cat. These licenses shall be obtained by paying the required license fee in the amounts and within the time limits as provided herein, to the Humane Society for Tacoma and Pierce County Metro Animal Services.~~

**6.04.070 Registration and licensing of dogs and cats.** It is unlawful for any person to own, keep, or have control of a dog or cat over the age of eight weeks in the city, whether confined or not, without having a current license tag attached to the collar or harness which is worn by the dog or cat. These licenses shall be obtained by paying the required license fee in the amounts and within the time limits as provided herein. , to the Humane Society for Tacoma and Pierce County.

A. Dog and cat licenses must be renewed each year and obtained within 30 days of acquisition of the dog or cat. The license shall remain in force for a period of 12 months from the date of issuance, expiring on the last day of the twelfth month. There is no prorating of any license fee. Renewal licenses will retain the original expiration date whether renewed prior to, on, or after their respective renewal month.

B. A metal tag shall be furnished with each license. Such tag shall be securely attached to a collar which shall be worn by the dog or cat at all times, except when displayed in an official exhibition. The shape of the tag shall not be the same for two consecutive years.

C. In order to receive the fee advantage for altered dogs and cats, an individual must provide either proof of alteration from a licensed veterinarian or a written statement from a licensed veterinarian that the spay/neuter procedure would be harmful to the animal.

D. Any person who fails to obtain a license 30 days after the license expiration date, but before 60 days of the expiration date, shall pay a penalty of \$10.00 per license. Any person who fails to obtain a license after 60 days of the license expiration shall pay a penalty of \$20.00 per license. No late penalty shall be charged if:

1. The owner submits proof of purchase or acquisition of the animal within the previous 30 days;

or

2. The owner has moved into the city within the preceding 30 days; or
3. The animal is currently, or has been within the preceding 30 days, under the age which requires a license; or
4. The owner purchases the license(s) voluntarily, prior to in-person or field contact by animal control personnel; or
5. The owner submits other proof deemed acceptable in the animal control authority's administrative policy.

**6.04.080 License fees.**

A. License fees shall be as follows:

Altered adult dogs: ~~\$10.00~~ \$14.00

Unaltered adult dogs: ~~50.00~~ \$65.00

Juvenile dogs: ~~3.00~~

Altered adult cats: ~~6.00~~ \$10.00

Unaltered adult cats: ~~50.00~~ \$65.00

Juvenile cats: ~~3.00~~

B. The reduced rates for senior citizens 55 and older shall be as follows:

Altered adult dogs: ~~\$6.00~~ \$8.00

Unaltered adult dogs: ~~28.00~~ \$35.00

Altered adult cats: ~~3.00~~ \$5.00

Unaltered adult cats: ~~28.00~~ \$35.00

Kennel license fees: \$75.00

Microchip. The city of Bonney Lake has determined that the best method of identification of animals under current technology is the microchip. Microchipping can be performed by veterinarians. If an animal owner residing inside the Bonney Lake city limits shows proof that their animal has been microchipped, the owner can receive a one-time credit of up to \$10.00 on an animal license. Proof of microchipping on the animal to be licensed is required at the time of licensing.

**6.04.081 Penalty for violation.** A person who violates any of the provisions of BLMC 6.04.070 or 6.04.080 shall be guilty of an infraction, for which the penalty shall be \$100.00 for the first offense and \$250.00 for each subsequent offense; provided, that if a person cited for a first offense under this section presents evidence of a valid license obtained subsequent to issuance of a citation or notice of infraction to the Bonney Lake municipal court, the infraction shall be dismissed without cost, except that the court may assess court administrative costs of \$25.00 at the time of dismissal.

**6.04.82 Mandatory spay/neuter and microchipping for impounded dogs and cats – Deposit – Refund – Exception.**

(1) No unaltered dog or cat that is impounded more than once in any 12-month period may be redeemed by any person until the sum of \$75.00 is paid to the animal control authority as a refundable deposit. This deposit shall be held by the animal shelter to ensure that the spay/neuter and microchip procedures are performed. The owner of an unaltered cat or dog that is impounded more than once in any 12-month period shall be required to have the cat or dog spayed/neutered and microchipped by a veterinarian as a condition of redeeming the impounded animal. At the time of redeeming the animal, the owner shall pay the sum of \$75.00 to the animal control authority as a refundable deposit. This deposit shall be held by the animal shelter to ensure that the spay/neuter and microchip procedures are performed.

(2) Refund. The deposit shall be refunded upon a showing of proof of alteration and microchipping from a licensed veterinarian. If there is no proof of alteration or microchipping, the animal control shelter will retain the deposit.

(3) Exception. The deposit shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian that the spay, neuter or microchip installation procedure would be harmful to the animal.

**6.04.090 Kennel license – Required.** It is unlawful and shall constitute a nuisance for any person to maintain or allow to be maintained five or more adult dogs or cats on his or her property, or on property controlled by him or her without first obtaining a kennel license. Any person renewing or applying for a kennel license must show proof in the form of a business license or bona fide membership in a purebred animal club to show that they are still engaging in the type of category for which they are applying or renewing.

**6.04.100 Kennel license – Zoning restrictions.** No kennel license shall be issued where the kennel will be maintained in an R1, R2, or R3 zone as the same are classified by the ordinances of the city, except that those persons who have applied for and received kennel licenses for the year 1979 and each year thereafter, shall be entitled to renew said license in succeeding years, provided the kennel(s) is maintained as per the standards set forth in this chapter.

**6.04.110 Kennel standards.** The animal control officer shall set the standards for the operation of a kennel and the same shall be consistent so far as possible with those standards set forth by Pierce County. Said standards shall be in writing and be available at the City Hall and the police department. Kennel construction will be in accordance with the city building codes.

**6.04.120 Permit required for certain animals.** No person shall have, keep, or maintain or have in his possession, or under his control, within the city limits, any exotic, wild or dangerous animal; provided, however, that such animals may be permitted on the condition that a permit is obtained from the city. The permit shall only be granted upon showing by the applicant that adequate safeguards have been instituted and will be maintained which will effectively control the dangerous or vicious propensities of such animal, eliminating any danger to individuals or property, and providing that the keeping or maintaining of any such animal will in no way constitute a nuisance to the occupants of any surrounding property.

**6.04.130 Small farm animals – Conditions.** Small farm animals may be maintained in a nonagricultural use district, and under the following conditions:

- A. That the animals not constitute a nuisance;
- B. That the animals are properly housed in a suitable structure not out of character with the surrounding neighborhood, which structure is insect and vermin free and maintained in a sanitary condition and which is located no closer than 18 feet from any property line;
- C. That no more than one such animal 1,000 square feet of property, exclusive of buildings, shall be allowed.

**6.04.135 Livestock at large.** No person owning or in control of any livestock shall allow such livestock to enter or trespass upon private or public property without the express permission of the owner or caretaker of such property. Any such livestock may be seized and impounded.

**6.04.140 Cruelty to animals.** A. No person shall beat, ill treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans. Anyone who permits such conduct on premises under his control, and any person present as a spectator at such exhibition, shall also be deemed a violator of this section and subject to punishment therefor.

B. Cruelty to animals includes confinement of an animal within or on a motor vehicle at any

location under such conditions as may endanger the health or well-being of the animal, including, but not limited to, extreme temperatures, lack of food, water or attention, or confinement with a dangerous animal. Any animal control or peace officer is authorized to remove any animal from a motor vehicle, at any location, when he/she reasonably believes it is confined in such conditions as described above. Any animal so removed shall be delivered to the animal control shelter after the removing officer leaves written notice of such removal and delivery, including the officer's name, in a conspicuous, secure location on or within the vehicle.

**6.04.150 Animals given to minors.** No person shall give away any live animal to a minor as a prize for, or as an inducement to enter any contest, game or other competition, or as an inducement to enter a place of amusement, or offer such animal to a minor as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

**6.04.160 Poisoning animals.** It is unlawful for any person to willfully or maliciously poison any domestic animal or domestic bird; provided, that the provisions of this section shall not apply to the killing by poison such animal or bird in a lawful and humane manner by the owner thereof, or by a duly authorized servant or agent of such owner, or by a person acting pursuant to instructions from a duly constituted public authority.

**6.04.170 Animal exhibitions.** No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.

**6.04.180 Harboring stray animals.** Any person who finds and harbors stray animals without knowing the animal owner's identity, shall notify the animal control officer and furnish a description of the animal. The finder may surrender the animal to the animal control officer. Records of reported findings shall be retained by the animal control authority and made available to public inspection.

**6.04.182 Dangerous dogs – Classification procedure.** A. The animal control authority shall classify potentially dangerous dogs. The authority may find and declare a dog potentially dangerous if an animal control officer has probable cause to believe that the dog falls within the definitions set forth in this code. The finding must be based upon:

1. The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definitions of this code; or
2. Dog bite reports filed with the animal control agency; or
3. Actions of the dog witnessed by any animal control officer or law enforcement officer; or
4. Other substantive evidence.

B. The declaration of potentially dangerous dog shall be in writing and shall be served on the owner in one of the following methods:

1. Certified mail to the owner's last known address; or
2. Personally; or
3. If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.

C. The declaration shall state at least:

1. The description of the animal;
2. The name and address of the owner of the animal, if known;
3. The whereabouts of the animal if it is not in the custody of the owner;
4. The facts upon which the declaration of potentially dangerous dog is based;
5. The availability of a hearing in case the person objects to the declaration, if a request is made

within 10 days;

6. The restrictions placed on the animal as a result of the declaration of potentially dangerous dog;

7. The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment and/or ~~finding~~fining of the owner.

D. If the owner of the animal wishes to object to the declaration of potentially dangerous dog;

1. The owner may request a hearing before a ~~hearing examiner~~ the director of the animal control authority or the director's designee by submitting a written request and payment of a \$25.00 administrative review fee to the animal control authority within 10 days of receipt of the declaration, or within 10 days of the publication of the declaration pursuant to subsection C B of this section.

2. If the ~~hearing examiner~~ director or the director's designee finds that there is insufficient evidence to support the declaration, it shall be rescinded, and the restrictions imposed thereby annulled.

3. If the ~~hearing examiner~~ director or the director's designee finds sufficient evidence to support the declaration, the owner may appeal such decision to superior court of Pierce County by means of a writ of review.

**6.04.183 Dogs not declared dangerous when.** Dogs shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have tormented, abused or assaulted the dog or was committing or attempting to commit a crime.

**6.04.184 Dangerous dogs – Registration certificate required.** A. It is unlawful for an owner to have a dangerous dog in this city without a certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work.

B. The animal control authority shall issue a certificate of registration to the owner of such animal if the owner presents to the animal control officer sufficient evidence of:

1. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog;

2. A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least \$50,000, payable to any person injured by the dangerous dog; or

3. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog.

C. Potentially dangerous dogs must be tattooed or have a microchip implanted for identification. This information must be on record at the Humane Society for Tacoma and Pierce County.

**6.04.185 Dangerous dogs – Permits and fees.** Following a declaration of potentially dangerous dog and the exhaustion of any appeal therefrom, the owner of a potentially dangerous dog shall obtain a permit for such dog from the animal control agency, and shall be required to pay the fee for such permit in the amount of \$250.00. In addition, the owner of a potentially dangerous dog shall pay an annual renewal fee for such permit in the amount of \$50.00. These fees shall be in addition to the normal dog licensing fee.

**6.04.186 Dangerous dogs – Confinement required.** A. Following a declaration of potentially

dangerous dog and the exhaustion of the appeal therefrom, it shall be unlawful for the person owning or harboring or having care or control of such potentially dangerous dog to allow or permit such dog to:

1. Be unconfined on the premises of such person; or
2. Go beyond the premises of such person unless such dog is securely leashed and humanely muzzled or otherwise securely restrained.

B. It shall be unlawful for any person to keep or harbor any dog which, unprovoked, bites a human being while off the dog owner's property. Such dog may be seized and impounded for the protection of the public. The court may order the dog to be destroyed, if in the court's judgment such dog represents a continuing threat of serious harm to human beings

**6.04.187 Dangerous dogs – Restraint required outside enclosure.** An owner of a dangerous dog shall not permit the dog to be outside the proper enclosure unless the dog is muzzled and retained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

**6.04.188 Acts constituting a gross misdemeanor – Confiscation of dangerous dog.** A. Any dangerous dog shall be immediately confiscated by an animal control authority if the: (1) dog is not validly registered under BLMC 6.04.184, (2) owner does not secure the liability insurance coverage required under BLMC 6.04.184, (3) dog is not maintained in the proper enclosure, (4) dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of a responsible person. In addition, the owner of any such dog shall be guilty of a gross misdemeanor.

B. If a dangerous dog, of an owner with a prior conviction under BLMC 6.04.183 or 6.04.184, attacks or bites a person or another domestic animal, the dog's owner is guilty of a Class C felony, punishable in accordance with RCW 9A.20.021, or if prosecution is declined by the county prosecutor, said owner may be prosecuted in municipal court as having committed a gross misdemeanor. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

C. The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether the dog has previously been declared potentially dangerous or dangerous, shall be guilty of a gross misdemeanor. In addition, the dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

**6.04.190 General violations.** It shall be a violation of this chapter for any person or the owner of any animal to:

- A. Permit any animal to become at large;
- B. Permit any animal to be a nuisance;
- C. Fail to keep a vicious animal confined within a building or secure enclosure or securely muzzled and leashed or caged whenever off the premises of its owner;
- D. Fail to keep every female dog or cat in heat confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding;
- E. Fail to provide an animal with humane care and treatment and with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering;

- F. Leave an animal unattended for more than 24 consecutive hours without adequate care;
- G. Abandon an animal;
- H. Confine an animal within or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal;
- I. To use any trap for the purpose of seizing domestic animals except that humane traps may be used in the discretion of the animal control officer for the purpose of capturing abandoned and sick animals.

**6.04.200 Impoundment.** Any animal may be impounded and held at the shelter when it is the subject of a violation of this chapter, when an animal requires protective custody and care for mistreatment or neglect, or when otherwise ordered impounded by the animal control officer.

A. An animal is deemed to be impounded from the time the animal control officer takes physical custody of the animal.

B. Impoundment is subject to the following holding period and notice requirements:

1. Any animal wearing a current license tag from a Washington state jurisdiction outside the city, shall be held for a minimum of 48 hours (two days) from time of impoundment. The impounding officer shall make reasonable effort to give notice of the impoundment to the owner.

2. Any animal wearing a current license tag issued by the city shall be held for a minimum of 72 hours (three days) from time of impoundment. The impounding officer shall make reasonable effort to give notice of the impoundment to the owner. Reasonable effort is intended to ensure the animal control officer will ascertain whether the animal is licensed or otherwise identifiable and if possible, return the animal to the owner together with a notice of violation of this chapter.

3. Any animal for which no identification of ownership is known or determinable shall be held for 48 hours (two days) from time of impoundment before any disposition may be made of such animal.

4. Animals held for periods prescribed in this section, and not redeemed by the owner will be disposed of according to BLMC 6.04.220.

**6.04.210 Redemption of dog.** The owner of any dog impounded under this chapter may redeem said dog within 48 hours from the time of impounding by paying to the impounding authority a redemption fee of \$25.00 for the first-time impounded within a one-year period, a redemption fee of \$50.00 for the second impound within a one-year period, and a redemption fee of \$75.00 for the third and subsequent impounds within a one-year period. If a dog is wearing a current pet license at the time of the first impound, no redemption fee shall be collected. In addition to the redemption fee, the redeemer shall pay, as a boarding charge for the caring for and keeping of such dog, the sum of \$6.00 per day for each day (to be collected for the first-time impound if wearing pet license or not), including the first and last days, that the dog is retained by the impounding authority. If such dog is not redeemed by the owner within 48 hours, then any person may redeem it within the next 48 hours by complying with the above provisions, and in case such dog is not redeemed at the end of such time, it may be humanely destroyed or otherwise disposed of within the discretion of the impounding authority.

**6.04.220 Animal disposal.** The animal control officer shall dispose of animals held for the prescribed period without redemption or adoption by transfer of the animal to ~~the Pierce County humane society~~ Metro Animal Services; provided, however, that irrespective of any prescribed holding period, the animal control officer, upon the advice of a licensed veterinarian, may immediately dispose of any sick or injured impounded animal.

**6.04.230 Violations – Penalties.** Unless otherwise specifically set forth herein, any person violating the provisions of this chapter, or who shall create, keep, or maintain any nuisance as herein defined, shall be guilty of a misdemeanor, except those persons who permit animals to become at large (BLMC 6.04.190 (A)) shall be guilty of an infraction for which the penalties shall be as follows (plus assessments):

1st offense within \$ 45.00  
one year

2nd offense within 100.00  
one year

3rd offense within 250.00  
one year

Persons charged with infractions shall be processed by the municipal court in the same manner as persons charged with traffic infractions. Persons failing to appear for hearings for violations of this chapter shall be subject to the penalties set forth in BLMC 1.16.030.

**6.04.240 Violation – Abatement.** Any person violating any of the provisions of this chapter in the keeping or maintenance of any nuisance, as defined in this chapter may, in addition to the fine provided for in this code by order of the court in such action, be ordered to forthwith abate and remove such nuisance. If the same is not done by such offender within 24 hours, the same shall be abated and removed under the direction of the officer authorized by the order of the court, which order of abatement shall be entered upon the docket of the court and made a part of the judgment in such action.

Any such person shall be liable for all costs and expenses of abating the same when such nuisance has been abated by any officer of the city, which costs and expenses shall be taxed as part of the costs of the prosecution against the party, liable to be recovered as other costs are recovered. In all cases where the officer as authorized by the court abates any such nuisance he shall keep an account of all expenses attending such abatement. In addition to other powers given to collect such costs and expenses in this chapter, the city may bring suit for the same in any court of competent jurisdiction against the person keeping or maintaining the nuisance so abated.

**Section 2.** Ordinance Nos. 584A, 584b, 764, 1986, AND 1989 are hereby repealed.

**Section 3.** If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

**Section 4.** The Mayor is hereby authorized to implement such administrative policies and procedures as may be necessary to implement the legislative intent of this ordinance.

**Section 5.** This Ordinance shall take effect thirty (30) days after its passage, approval, and publication as required by law.

**PASSED** by the City Council and approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2010.

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Neil Johnson, Jr.  
Mayor

**ATTEST:**

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Harwood T. Edvalson, CMC  
City Clerk

**APPROVED AS TO FORM:**

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James Dionne  
City Attorney

Passed:  
Valid:  
Published:  
Effective Date:

**PUBLIC SAFETY COMMITTEE**

**DATE: June 7, 2010**

**ORIGINATOR: Laurie Carter      TITLE: Council Member**

**SUBJECT/DISCUSSION: Repealing Chapter 6.04 and Replacing with New Chapter 6.04**

**ORDINANCE D10-94**

**REQUEST OR RECOMMENDATION BY ORIGINATOR: See attached**

**ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE:**

**MAYOR**

**CITY ADMINISTRATOR    Yes**

**CITY ATTORNEY            Yes**

**BUDGET INFORMATON:**

**BUDGETED ITEM: N/A**

**TOTAL COST:**

(Note: If budgeted item, attach copy of budget page and identify)

<u>2010 Budget Amount</u>	<u>Required Expenditure</u>	<u>Impact</u>	<u>Remaining Balance</u>
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Explanation:

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**COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL**

	<b>DATE</b>	<b>APPROVED</b>	<b>DISAPPROVED</b>
<b>Mark Hamilton, Chair, Finance</b>	_____	_____	_____
<b>Laurie Carter, Council Member</b>	_____	_____	_____
<b>Daniel Decker, Council Member</b>	_____	_____	_____

**COMMITTEE COMMENTS:**

**COMMITTEE’S RECOMMENDATION TO FORWARD TO:**

**CITY CLERK**

**FINANCE DIRECTOR**

**CITY ATTORNEY**

**Please schedule for Council Meeting date of: June 22, 2010**

g:\users\everyone\finance committee\form template.doc



ORDINANCE NO. D10-98

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 15.04, 15.08, AND 15.24 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NOS. 700, 711, 778, 826, 851 AND 885, RELATING TO ADOPTION OF REVISED INTERNATIONAL CODES OF BUILDING AND RELATED REGULATIONS.

WHEREAS, the City of Bonney Lake is required by RCW 19.27.050 to enforce the provisions of certain uniform codes of technical building and related regulations as adopted by the Washington State Building Code Council (“WSBCC”); and

WHEREAS, the WSBCC has recently adopted new editions of several of such International codes; and

WHEREAS, the City Council of the City of Bonney Lake finds that both Washington law and the Council’s interest in the safety of its citizens require the Council to ensure that its building codes are kept up to date;

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

**Section 1).** BLMC section 15.04.020 and the corresponding portions of Ordinance Nos. 700 § 1, 778 § 1 and 885 § 1 are hereby amended to read as follows:

**15.04.020 International codes – Adopted by reference.**

Pursuant to RCW 35A.12.140, the following codes of technical regulations are adopted by this reference as if fully set forth, subject to the modifications or amendments set forth in this chapter, and with the exception of those provisions of the codes set forth in this chapter:

A. Adoption of the International Building Code. The International Building Code, 2009 Edition, Appendix I (Patio Covers) and Appendix H (Signs) excluding Sections H101, H102, H105.2, H109.1, H109.2, H110.3, H110.4, and H110.5, published by the International Code Council, as amended by the Washington State Building Code Council, and published in Chapter 51-50 WAC, are adopted by this reference.

B. Adoption of the International Residential Code. The International Residential Code, 2009 Edition, Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems, Appendix H (Patio Covers) except Section AH107, Appendix G Sections AG105 (Swimming Pool and Hot Tub Barriers) and AG106 (Entrapment Protection for Swimming Pool and Spa Suction Outlets), Appendix R (Dwelling Unit Fire Sprinkler Systems), Appendix S (Fire Sprinklers) with the exception of detached one-family and two-family dwellings under 5,000 square feet, published by the International Code Council, as

amended by the Washington State Building Code Council, and published as Chapter 51-51 WAC, are adopted by this reference.

C. Adoption of the International Mechanical Code. The International Mechanical Code, 2009 Edition, published by the International Code Council, Section 621 Unvented Room Heaters in the International Fuel Gas Code is hereby not adopted, as amended by the Washington State Building Code Council, and published as Chapter 51-52 WAC, is adopted by this reference.

D. Adoption of the Uniform Plumbing Code. The Uniform Plumbing Code, 2009 Edition, published by the International Association of Plumbing and Mechanical Officials; Appendix H (Recommended Procedures for Design, Construction and Installation of Commercial Kitchen Grease Interceptors), as amended by the Washington State Building Code Council and published as Chapters 51-56 and 51-57 WAC, are adopted by this reference.

E. Adoption of the International Fire Code. The International Fire Code, 2009 Edition, published by the International Code Council; Appendix B (Fire-flow Requirements for Buildings) and Appendix D (Fire Apparatus Access Roads), as amended by the Washington State Building Code Council and published as Chapter 51-54 WAC, is adopted by this reference.

F. Adoption of the International Property Maintenance Code. The International Property Maintenance Code, 2009 Edition, published by the International Code Council is adopted by this reference.

G. Adoption of the Washington State Energy Code. The Washington State Energy Code, 2009 Edition, as amended by the Washington State Building Code Council and filed as Chapter 51-11 WAC, is adopted by this reference.

H. Minimum Design Requirements. The following climatic and geographic design criteria are adopted pursuant to Section R301.2 of the International Residential Code:

Ground snow load	Wind Design		Seismic design category	Weathering	Frost line depth	Termite	Decay	Winter design temp.	Ice shield underlay required	Flood hazards	Air freeze index	Mean annual temp.
	Speed (mph)	Topographic effects										
25 psf	85	YES	D1	Moderate	12"	Slight	Moderate	27	No	1985	160	51.2

Section 2). BLMC section 15.04.072 and the corresponding portions of Ordinance Nos. 700 § 1 and 778 § 1 are hereby amended to read as follows:

**15.04.072 Building permit – Fees.**

Building permit fees for residential and commercial construction shall be charged in conformance to Section 109.2 of the 2009 International Building Code, Section R109.2 of the 2009 International Residential Code, Section 106.5.2 of the 2009 International Mechanical Code and Section 103.4.1 of the 2009 Uniform Plumbing Code. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, profit, fire extinguishing systems, and any other pertinent equipment. Fees shall be calculated from Table 1 from the Building Valuation Data as published by the International Code Council with the regional cost modifier in Table 2 and the valuation as set forth in Table 3, except as follows:

- A. Computation of fees for mobile homes located on individual lots shall be the same as for conventional houses.
- B. Structures not classed as buildings such as retaining walls, dog kennels, decks, signs, docks and the like shall be charged fees based on the actual cost of labor and materials according to Table 3 of this code.
- C. Repair to structures such as re-siding, painting, decks under 30 inches in height, replacing of doors or any other nonstructural repair shall not require a building permit.
- D. The permit fee for the addition to any building shall be computed on the same basis as the building permit.
- E. The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under the issued permit.
- F. Mechanical Permit Fees - 2009 International Mechanical Code Section 106.5.2 Amended. Mechanical fees shall be calculated at 15 percent of the building permit fee.
- G. Plumbing Permit Fees - 2009 Uniform Plumbing Code Section 103.4.1 Amended. Plumbing fees shall be calculated at 15 percent of the building permit fee.
- H. Permits requiring plan review and inspections that are required by the Washington State Energy Code shall require a \$60.00 plan review and inspection fee.

Tables 1, 2 and 3, attached to the ordinance codified in this section, are incorporated herein by this reference.\* (Ord. 1242 § 2, 2007; Ord. 1035 § 3, 2004; Ord. 778 § 1, 1998; Ord. 700 § 1, 1995).

**Section 3).** BLMC section 15.04.083 and the corresponding portions of Ordinance Nos. 700 § 1, 788 § 1 and 826 § 4 are hereby amended to read as follows:

**15.04.083 International Residential Code amended.**

The International Residential Code, as adopted by BLMC 15.04.020, is hereby amended as follows:

A. Section R106.6 Construction documents. Section R106.6 is added as follows;

i) Section R106.6.1. Sites with slopes greater than 15 percent shall indicate slope on the site plan with topography lines in 2 foot increments.

ii) Section R106.6.2. Revisions to approved plans are to be submitted and approved three days prior to calling for frame inspection.

B. Section R302.6 Separation amended. See BLMC 15.04.082 Section 406.1.4 #1.

C. Section R319.1 Premises identification amended. Approved numbers or addresses shall be provided for all buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers or addresses shall be a minimum of 4 inches in height, with a 1 inch minimum stroke and have a highly contrasting background. Numbers or addresses shall be approved by the East Pierce Fire and Rescues Fire Marshal.

D. Section R105.2 #1. One-story detached structures accessory to a residence used as tool and storage sheds, playhouses and similar uses, shall not require a permit provided the projected roof area does not exceed 120 square feet and setbacks are approved per the Community Development Department.  
(Ord. 1066 § 1, 2004; Ord. 1035 § 7, 2004).

**Section 4).** BLMC section 15.04.083 and the corresponding portions of Ordinance Nos. 700 § 1, 788 § 1 and 826 § 4 are hereby amended to read as follows:

**15.04.084 International Fire Code Amended.**

The International Fire Code , as adopted by BLMC 15.04.020, is hereby amended as follows:

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

Exceptions: The Fire Code Official is authorized to increase the dimension of 150 feet where:

1. The building is equipped with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Fire apparatus roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies.

Section 503.1.2 Additional Access. The Fire Code Official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

Section 503.1.3 High-Piled Storage. Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of IFC Chapter 23.

Section 503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.7.

Section 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20-feet or 28 feet with parking on one side except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches.

Section 503.2.2 Authority. The Fire Code Official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

Section 503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities.

Section 503.2.4 Turning Radius. The required turning radius of a fire apparatus access road shall have a minimum inside turning radius of 28 feet.

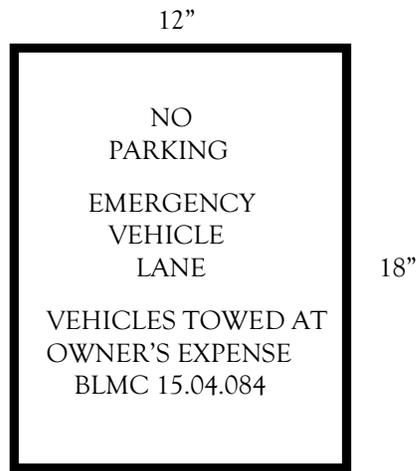
Section 503.2.5 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (see Appendix D of the International Fire Code) and Bonney Lake Engineering Standards.

Section 503.2.6 Bridges and Elevated Surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO Standard Specification for Highway Bridges. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the Fire Code Official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs, or both shall be installed and maintained when required by the Fire Code Official.

Section 503.2.7 Grade. The grade of the fire apparatus access road shall be within the limits established by the Fire Code Official based on the fire department's apparatus.

Section 503.3 Marking. Where required by the Fire Code Official, approved signs or other approved notices shall be provided for fire apparatus roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary for adequate visibility.

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



Lettering Specifications:

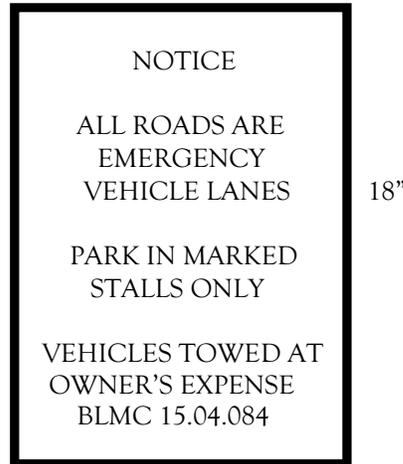
3" - Class C Width

2" - Class C Width

1/2" - Class C Width

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

12"



Lettering Specifications:  
3" - Class C Width  
2" - Class C Width  
1/2" - Class C Width

Section 503.4 Obstruction of Fire Apparatus Access Roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.

Section 503.6 Security Gates. The installation of security gates across a fire apparatus access road shall be approved by the Fire Chief. Where security gates are installed, they shall meet the following requirements:

1. Locked gates shall have an approved key box or key override system installed.
2. Gates serving 10 or more dwelling units shall have an Opticom activation system, Knox key override system or an equivalent and compatible system approved by the Fire Chief.
3. All electrically activated gates shall have default capabilities to the unlock position.
4. The minimum clearance width of a gate shall be compatible with the required width of the fire apparatus access road. Gate posts, keypads and other gate appurtenances shall be located in such a manner that they will not obstruct or restrict ingress and egress of emergency vehicles.
5. The security gate and the emergency operation shall be maintained operational at all times.
6. Gates shall follow Pierce County Gate Standards.

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

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

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

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

2. Large Commercial or Industrial Complexes:

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

Section 907.1.3 Equipment. In addition to those requirements found in Section 907.2 of the 2009 International Fire Code, the following shall apply. System and components shall be listed and approved for the purpose for which they are intended and installed.

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

1. Addressable fire alarm
2. Interior audible/visual alarm devices for the notification of the building occupants throughout. WAC 51.50.1101 and IBC Chapter 11.
3. Exterior horn/strobe shall be located on the address side of the building.
4. Visible devices in restrooms
5. Manual pull stations at each exit
6. Smoke detection in corridors
7. Monitoring of the automatic fire sprinkler systems/fire alarm systems
8. Buildings containing multiple tenants shall have an addressable fire alarm system capable of monitoring and sending notification of all protection systems and the individual suite address within the building to an approved central station.
9. Multiple story buildings shall have an addressable system capable of monitoring and sending notification of all protection systems within the building to an approved central station.

Section 907.2 Where required - new buildings and structures. An approved manual and automatic fire alarm system shall be provided in accordance with this section, and in all structures exceeding 5,000 square feet gross floor area Fire alarm systems required by

Sections 907.2.1 through 907.2.24 shall be of an addressable type. In addition to the requirements of this section an approved addressable fire alarm system shall be provided in all buildings exceeding 5,000 square feet of gross floor area or greater.

907.3 Where required in existing buildings and structures. The provisions of this section are intended to provide a reasonable degree of safety in existing structures not complying with the minimum requirements of the *International Building Code* by requiring the installation of an automatic/manual fire alarm system where required by Chapter 46 and in all existing structures with a gross floor area exceeding 5,000 square feet that are altered 50% or more of floor area as defined by the 2009 International Building and Fire Code.

(Ord 700 § 1, 788 § 1 and 826 § 4)

**Section 5).** BLMC section 15.04.085 and the corresponding portions of Ordinance Nos. 700 § 1, 711 § 3, 778 § 1, 826 § 5 and 885 § 3 are hereby amended to read as follows:

**15.04.085 Deposit for damage to public infrastructure. (15.04.085 is deleted)**

**15.04.090 Section 110.1 of the International Building Code amended – Certificate of occupancy.**

Section 110.1 of the International Building Code and Section R110.1 of the International Residential Code, 2009 Edition, as adopted by BLMC 15.04.020, are amended to read as follows:

Use and Occupancy. No building or structure of Groups A, B, E, F, H, I, LC, M, R, or S occupancies shall be used or classification of a building or structure or portion thereof, shall be made until the Building Official has issued a Certificate of Occupancy therefor as provided herein. A Certificate of Occupancy shall be issued only:

(1) After compliance with applicable zoning regulations, concomitant agreement articles, construction permit conditions, conformity to the provisions of this code, and all relevant laws, ordinances, rules and regulations; and

(2) Upon satisfactory repair of, or payment for, any damage to city property occurring in the course of work done under the provisions of this code.

(Ord. 1242 § 3, 2007; Ord. 1035 § 8, 2004; Ord.

885 § 3, 2001; Ord. 826 § 5, 1999; Ord. 778 § 1, 1998; Ord. 711 § 3, 1995; Ord. 700 § 1, 1995).

**Section 6).** BLMC section 15.04.095 and Ordinance No. 851 § 17 are hereby repealed.

**Section 7).** 15.08.025 Design parameters.

A. The manufactured home shall be set upon a permanent foundation as specified by the manufacturer. The manufactured home shall comply with all local design parameters applicable to all other homes within the neighborhood in which the manufactured home is to be located. An energy calculation shall be submitted demonstrating that the home is thermally equivalent to the State Energy Code.

B. The minimum design requirements shall be per BLMC 15.04.020(J) with a 1,500 psi soil bearing pressure without a soils report.

C. All manufactured homes shall be installed per Chapter 296-150M WAC.

D. Unless stated otherwise in this chapter, all work shall conform to the 2009 International Residential Code. (Ord. 1242 § 4, 2007; Ord. 1137 § 1, 2005).

**Section 8). 15.24.010 Permit required – Building defined.**

It is unlawful to move a building along or across any public place without a building moving permit. A building for purposes of this chapter shall be defined as in the International Building Code except that mobile homes as defined in BLMC 15.08.010 (E) shall not be considered a building. (Ord. 611 § 1, 1989).

**Section 9).** The city clerk shall sign and file with the adopting ordinance a copy of the statutes and regulations referenced herein and shall also file and maintain in the city clerk's office one copy of each of the adopted laws in the form in which they were adopted for use and examination by the public.

**Section 10).** This Ordinance concerning powers vested solely in the Council, it is not subject to referendum, and shall take effect five (5) days after its passage, approval and publication as required by law; *provided*, that this Ordinance shall not take effect prior to July 1, 2010.

PASSED by the City Council and approved by the Mayor this \_\_\_th day of June, 2010.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC  
City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:

Valid:

Published:

Effective Date: July 1, 2010

**MOTION TO AMEND ORDINANCE NO. D10-98 TO REQUIRE AUTOMATIC  
SPRINKLER SYSTEMS FOR ALL CATEGORIES OF NEW CONSTRUCTION**

I hereby move that Section (1) of the proposed Ordinance No. D10-98 be revised so that BLMC section 15.04.020(B) be amended to read as follows:

B. Adoption of the International Residential Code. The International Residential Code, 2009 Edition, Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems, Appendix H (Patio Covers) except Section AH107, Appendix G Sections AG105 (Swimming Pool and Hot Tub Barriers) and AG106 (Entrapment Protection for Swimming Pool and Spa Suction Outlets), Appendix R (Dwelling Unit Fire Sprinkler Systems), Appendix S (Fire Sprinklers), published by the International Code Council, as amended by the Washington State Building Code Council, and published as Chapter 51-51 WAC, are adopted by this reference.





**ORDINANCE NO. D10-104**

**AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 15.16 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NOS. 699, 851, AND 988, RELATING TO ADOPTION OF REVISED REGULATIONS RELATED TO THE INSTALLATION OF AUTOMATIC FIRE EXTINGUISHING SYSTEMS.**

WHEREAS, the City of Bonney Lake is required by RCW 19.27.050 to enforce the provisions of certain uniform codes of technical building and related regulations as adopted by the Washington State Building Code Council (“WSBCC”); and

WHEREAS, the WSBCC has recently adopted new editions of several of such International codes; and

WHEREAS, the City Council of the City of Bonney Lake finds that both Washington law and the Council’s interest in the safety of its citizens require the Council to ensure that its building codes are kept up to date;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1).** BLMC section 15.16.010 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

**15.16.010 Where required – Specific occupancies – New construction.**

Subsections 903.1, 903.1.1, and 903.2 of the International Fire Code, 2009 Edition, are hereby amended to read as follows:

Section 903.1 General. Automatic sprinkler systems shall comply with this section.

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

Section 903.1.1 Alternative Protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in lieu of automatic sprinkler protection where recognized by the applicable standard and approved by the fire code official.

Section 903.2 Where Required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.

For provisions on special hazards and hazardous materials, see the fire code.

Gross floor area defined. For purposes of this chapter, gross floor area shall be as defined in Chapter 10, International Building Code, 2009 edition.

1. All buildings hereinafter constructed or enlarged as defined by the International Fire Code, 2009 edition, shall be equipped with a fully automatic sprinkler system designed, installed, maintained and tested per NFPA 13, 13D, 13R, or 25, the edition currently adopted by the city, where the gross floor area or occupant load exceeds those listed below, or the building is 35 feet in height or three or more stories.

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

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

(Ord. 699 § 1, 1995).

**Section 2).** BLMC section 15.16.011 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

**15.16.011 Group A occupancies.**

Subsections 903.2.1, 903.2.1.1, 903.2.1.2, 903.2.1.3, 903.2.1.4, and 903.2.1.5 of the International Fire Code, 2009 Edition, are hereby amended to read as follows:

Section 903.2.1 Group A. An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group occupancies as provided in this section. For Group A-1, A-2, A-3 and A-4 occupancies, the automatic sprinkler system shall be provided throughout the gross floor area where the Group A-1, A-2, A-3 or A-4 occupancy is located, and in all floors between the Group occupancy and the level of exit discharge. For Group A-5 occupancies, the automatic sprinkler system shall be provided in the spaces indicated in Section 903.2.1.5.

Section 903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

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

Section 903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

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

Section 903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

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

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

Section 903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

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

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

Section 903.2.1.5 Group A-5. An automatic sprinkler system shall be provided in concession stands, retail areas, press boxes, and other accessory use areas in excess of 1,000 square feet of gross floor area.

(Ord. 699 § 1, 1995).

**Section 3).** BLMC section 15.16.012 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

**15.16.012 Group B occupancies.**

Group B. Businesses as described in Chapter 2 of the International Fire Code, 2009 Edition. An automatic sprinkler system shall be provided throughout all buildings with a Group B occupancy where one of the following conditions exists:

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

(Ord. 699 § 1, 1995).

**Section 4).** BLMC section 15.16.013 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

**15.16.013 Group E occupancies.**

Subsection 903.2.3 of the International Fire Code, 2009 Edition, is hereby amended to read as follows:

Section 903.2.3 Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E occupancies where the gross floor area exceeds 5,000 square feet.
2. Throughout every portion of educational buildings below the level of exit discharge.

**Exception:** An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.

(Ord. 699 § 1, 1995).

**Section 5).** BLMC section 15.16.014 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

**15.16.014 Group F occupancies**

Subsections 903.2.4 and 903.2.4.1 of the International Fire Code, 2009 Edition, are hereby amended to read as follows:

Section 903.2.4 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

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

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

Section 903.2.4.1 Woodworking Operations. An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet in gross floor area which generate finely divided combustible waste or which use finely divided combustible materials.

(Ord. 699 § 1, 1995).

**Section 6).** BLMC section 15.16.015 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

**15.16.015 Group H occupancies.**

Subsections 903.2.5, 903.2.5.1, 903.2.5.2, and 903.2.5.3 of the International Fire Code, 2009 Edition, are hereby amended to read as follows:

Section 903.2.5 Group H. Automatic sprinkler systems shall be provided in high-hazard occupancies as required in Sections 903.2.5.1 through 903.2.5.3.

Section 903.2.5.1 General. An automatic sprinkler system shall be installed in Group H occupancies.

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

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

**TABLE 903.2.5.2  
GROUP H-5 SPRINKLER DESIGN CRITERIA**

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

Section 903.2.5.3 Pyroxylin Plastics. An automatic sprinkler system shall be provided in buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds.

(Ord. 699 § 1, 1995).

**Section 7).** BLMC section 15.16.016 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

**15.16.016 Group I occupancies.**

Subsection 903.2.6 of the International Fire Code, 2009 Edition, is hereby amended to read as follows:

Section 903.2.6 Group I. An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.

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

(Ord. 699 § 1, 1995).

**Section 8).** BLMC section 15.16.0165 is hereby created to read as follows:

**15.16.0165 Group M occupancies.**

Subsection 903.2.7 and 903.2.7.1 of the International Fire Code, 2009 Edition, are hereby amended to read as follows:

Section 903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

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

Section 903.2.7.1 High-Piled Storage. An automatic sprinkler system shall be provided as required in Chapter 23 in all buildings of Group M occupancy where storage of merchandise is in high-piled or rack storage arrays. Permits may be required.

**Section 9).** BLMC section 15.16.017 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

**15.16.017 Group R occupancies.**

Subsection 903.2.8 of the International Fire Code, 2009 Edition, is hereby amended to read as follows:

**Section 903.2.8 Group R.** An automatic sprinkler system shall be installed in accordance with section 903.3 shall be provided throughout all buildings with a Group R fire area.

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

Exception: Detached one-family dwellings under 5,000 square feet.

Residential Fire Flow Requirements: Table 105-B applies to Two lots or less.

The minimum fire-flow requirements for one -family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet of livable space shall be 1,000 gallons per minute for each hydrant providing fire flow. Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 (344.5 M2) square feet shall not be less than that specified in Table B105.1.

(Ord. 699 § 1, 1995).

**Section 10).** BLMC section 15.16.018 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

**15.16.018 Group S occupancies.**

Subsections 903.2.9, 903.2.9.1, 903.2.9.2, 903.2.10, and 903.2.10.1 of the International Fire Code, 2009 Edition, are hereby amended to read as follows:

Section 903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

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

Section 903.2.9.1 Repair Garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with the International Building Code, as follows:

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

Section 903.2.9.2 Bulk Storage of Tires. Buildings and structures where the area for the storage of tires exceeds 20,000 cubic feet shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

Section 903.2.10 Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as an enclosed parking garage in accordance with the International Building Code or where located beneath other groups.

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

Section 903.2.10.1 Commercial Parking Garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks or buses where the gross floor area exceeds 5,000 square feet.

(Ord. 699 § 1, 1995).

**Section 11).** BLMC section 15.16.019 and the corresponding portions of Ordinance Nos. 699 § 1 and 851 § 18 are hereby amended to read as follows:

**15.19.019 General requirements.**

Subsections 903.2.11, 903.2.11.1, 903.2.11.1.1, 903.2.11.1.2, 903.2.11.1.3, 903.2.11.3, 903.11.4, and 903.3.7 of the International Fire Code, 2009 Edition, are hereby amended to read as follows:

Section 903.2.11. Windowless stories in all occupancies. An automatic sprinkler system shall be installed in the locations set forth in Sections 903.2.11.1 through 903.2.11.6.

Exception: Group R-3 and Group U.

Section 903.2.11.1 Stories and Basements Without Openings. An automatic sprinkler system shall be installed in every floor or basement of all buildings where the gross floor area exceeds 1,500 square feet and where there is not provided at least one of the following types of exterior wall openings:

1. Openings below grade that lead directly to ground level by an exterior stairway complying with Section 1009 or an outside ramp complying with Section 1010. Openings shall be located in each 50 linear feet (15,240 mm), or fraction thereof, of exterior wall in the story on at least one side.

2. Openings entirely above the adjoining ground level totaling at least 20 square feet (1.86 m<sup>2</sup>) in each 50 linear feet (15,240 mm), or fraction thereof, of exterior wall in the story on at least one side.

Section 903.2.11.1.1 Opening Dimensions and Access. Openings shall have a minimum dimension of not less than 30 inches (762 mm). Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that fire fighting or rescue cannot be accomplished from the exterior.

Section 903.2.11.1.2 Openings on One Side Only. Where openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22,860 mm) from such openings, the story shall be equipped throughout with an approved automatic sprinkler system or openings as specified above shall be provided on at least two sides of an exterior wall of the story.

Section 903.2.11.1.3 Basements. Where any portion of a basement is located more than 75 feet (22,960 mm) from openings required by Section 903.2.11.1, the basement shall be equipped throughout with an approved automatic sprinkler system.

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

Exceptions:

1. Airport control towers
2. Open parking structures
3. Occupancies in Group F-2

Section 903.2.11.4 Special storage locations. Ducts conveying hazardous exhaust. Where required by the International Mechanical Code, automatic sprinklers shall be provided in ducts conveying hazardous exhaust, flammable or combustible materials.

Section 903.3.7 Fire department connections. The location of fire department connections shall be approved by the fire chief. Where possible, fire department connections shall be located not less than 50 feet from the protected building and not more than 50 feet from a fire hydrant.

(Ord. 851 § 18, 2000; Ord. 699 § 1, 1995).

**Section 12).** BLMC section 15.16.020 and the corresponding portions of Ordinance Nos. 699 § 1 and 851 §19 are hereby amended to read as follows:

**15.16.020 Where required – Specific occupancies – Existing structures.**

Subsection 903.6 of the International Fire Code, 2009 Edition, is hereby amended to read as follows:

Section 903.6 Existing buildings. The provisions of this section are intended to provide a reasonable degree of safety in existing structures not complying with the minimum requirements of the *International Building Code* by requiring the installation of an automatic sprinkler system in all existing structures with a gross floor area exceeding 5,000 square feet that are altered 50% or more of floor area as defined by the 2009 International Building and Fire Code.

The project may be exempt from the requirements for automatic sprinkler systems provided:

1. a. There is no increase in occupied space, including existing areas previously vacant; and  
b. There is no change in occupancy; and  
c. The project complies with all other fire and life safety requirements of adopted construction codes; or
2. The structure is of noncombustible construction with wholly noncombustible contents, provided automatic sprinklers are not required to satisfy other requirements of adopted codes.

Existing basements in other than R-3 occupancies, in excess of 1,500 square feet may be exempt from automatic sprinkler requirements provided the following conditions are met:

1. A one-hour fire-resistive occupancy separation is installed between the basement and the remainder of the building; and
2. The entire building must be provided with a fully automatic fire alarm system; and
3. No residential occupancy is located in the building.

**(Ord. 851 § 19, 2000; Ord. 699 § 1, 1995).**

**Section 13).** BLMC section 15.16.030 and the corresponding portions of Ordinance Nos. 699 § 1 and 851 § 20 are hereby amended to read as follows:

**15.16.030 Where required – Specific conditions.**

A fully automatic extinguishing system shall be required by the building official, with the concurrence of the fire chief of Pierce County Fire Protection District No. 22, for a new building with lesser gross floor area when in his judgment any of the following conditions exist:

- A. Hazardous operation or hazardous conditions;

- B. Critical exposure problems where buildings are inaccessible on more than two sides;
- C. Limited access to the building or property, as defined by the International Fire Code;
- D. Where the available fire flow is less than 80 percent of the required fire flow;
- E. Other factors which may contribute to an extreme fire hazard.

**(Ord. 851 § 20, 2000; Ord. 699 § 1, 1995).**

**Section 14).** BLMC section 15.16.040 and the corresponding portions of Ordinance Nos. 699 § 1 and 851 § 21 are hereby amended to read as follows:

**15.16. 040 Permissible sprinkler omissions.**

Subsection 903.3.1.1.1 of the International Fire Code, 2009 Edition, is hereby amended to read as follows:

Section 903.3.1.1.1 Exempt locations. Subject to the approval of the Fire Chief, automatic sprinklers may be omitted in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance rated construction or contains electrical equipment.

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

**(Ord. 851 § 21, 2000; Ord. 699 § 1, 1995)**

**Section 15).** BLMC section 15.16.50 and the corresponding portions of Ordinance Nos. 699 § 1 and 851 § 22 are hereby amended to read as follows:

**15.16.050 Sprinkler system alarms**

Subsection 903.4.2 of the International Fire Code, 2009 Edition, is hereby amended to read as follows:

Section 903.4.2 Alarms. Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be installed on the exterior of the building in an approved location. An approved audible sprinkler flow alarm to alert the occupants shall be provided in the interior of the building in a normally occupied location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

(Ord. 851 § 22, 2000; Ord. 699 § 1, 1995).

**Section 16).** BLMC section 15.16.060 and the corresponding portions of Ordinance No. 699 § 1 and 851 § 23 are hereby amended to read as follows:

**15.16.060 Indicating Valves.**

Subsection 903.4.3 of the International Fire Code, 2009 Edition, is hereby amended to read as follows:

Section 903.4.3 Indicating valves. All automatic sprinkler systems shall be provided with a listed and approved indicating valve. Such valve shall be provided on the exterior of the building in a location to be determined by the Fire Chief. When possible, such valve shall be located not less than 50 feet from the protected structure.

(Ord. 851 § 23, 2000; Ord. 699 § 1, 1995).

**Section 17).** BLMC section 15.16.070 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

**15.16.070 Testing and maintenance.**

Subsection 903.5 of the International Fire Code, 2009 Edition, is hereby amended to read as follows:

Section 903.5 Testing and maintenance. Sprinkler systems shall be tested and maintained in accordance with Section 901. A copy of the annual inspection report shall be signed by the individual conducting the inspection, and a copy of the report shall be forwarded to the fire department.

(Ord. 699 § 1, 1995).

**Section 18).** BLMC section 15.16.080 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

**15.16.080 Separation walls – Floor area calculations.**

Area and occupancy separation walls as defined in the International Building Code shall not be used to separate a building into smaller areas in order to delete the automatic extinguishing system requirement. In buildings with mixed occupancy groups, the floor area shall be calculated with the structure’s gross square footage and computed with the highest group in place. For the purposes of this chapter, when buildings are attached by common walls and each building is located on a separate parcel of land, each building shall be considered as a separate building.

(Ord. 699 § 1, 1995).

**Section 19).** BLMC section 15.16.090 and the corresponding portions of Ordinance Nos. 699 § 1 and 851 § 24 are hereby amended to read as follows:

**15.16.090 Plans – Professional approval.**

Only plans approved by the Washington State Survey and Rating Bureau, NICET level as approved by the Washington State Fire Marshal certification program, or certified and stamped by a fire protection engineer shall be accepted. Four sets of approved automatic sprinkler system plans shall be submitted to the building official or fire code official.

(Ord. 851 § 24, 2000; Ord. 699 § 1, 1995).

**Section 20).** BLMC section 15.16.100 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

**15.16.100 Plans–City approval.**

No building shall be occupied prior to installation and approval of required automatic sprinkler and fire alarm systems as set forth in this chapter.

(Ord. 699 § 1, 1995).

**Section 21).** BLMC section 15.16.110 and the corresponding portions of Ordinance Nos. 699 § 1, 851 § 25, and 988 § 2 are hereby amended to read as follows:

**15.16.120 Appeals – Filing.**

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the board of appeals within 20 days from the date of the decision as provided by chapter 15.04 BLMC.

(Ord. 988 § 2, 2003; Ord. 851 § 25, 2000; Ord. 699 § 1, 1995).

**Section 22).** BLMC section 15.16.120 and the corresponding portions of Ordinance No. 699 § 1 are hereby amended to read as follows:

**15.16.120 Conflict with the Building Code.**

In the event there is a conflict between the provisions of this chapter and the provisions of the International Code Council's International Building Code 2009 edition, the more restrictive shall apply.

(Ord. 699 § 1, 1995).

**Section 23).** BLMC section 15.04.095 and Ordinance Nos. 1035 § 9, 2004 and 851 § 16, 2000 are hereby repealed.

**Section 24).** The city clerk shall sign and file with the adopting ordinance a copy of the statutes and regulations referenced herein and shall also file and maintain in the city clerk's office one copy of each of the adopted laws in the form in which they were adopted for use and examination by the public.

**Section 25).** This Ordinance concerning powers vested solely in the Council, it is not subject to referendum, and shall take effect five (5) days after its passage, approval and publication as required by law; *provided*, that this Ordinance shall not take effect prior to July 1, 2010.

PASSED by the City Council and approved by the Mayor this 22<sup>nd</sup> day of June, 2010.

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Neil Johnson, Mayor

ATTEST:

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Harwood T. Edvalson, CMC  
City Clerk

APPROVED AS TO FORM:

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James J. Dionne, City Attorney