

TAB - A



**CITY COUNCIL
WORKSHOP BILL
WS 15-09**

Meeting Date: April 20, 2015

AGENDA ITEM INFORMATION		
SUBJECT: 2015 Code Amendments	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	Finance Director	
	City Engineer	
	Community Development Director	GB
	Events Coordinator	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
COST: N/A		
SUMMARY STATEMENT: Revisions, responses, and additions to 2015 code amendments.		

1 This is the 3rd Draft and second full review.
2 Originally-proposed changes are in redline underline and ~~redline-strikeout~~ only.
3 Items highlighted in yellow are changes made after the first review.
4 Items highlighted in green are questions to and responses/suggestions from our lawyer,
5 Darcey Eilers.
6 Items highlighted in turquoise are questions to and responses from Chief Wright.
7 Items highlighted in gray are additional new changes proposed by staff.

8
9
10 **I. TITLE 1, ADMINISTRATION**

11
12 **1. Revise Council meeting day of the week, revise when a holiday-revised meeting**
13 **is held.**

14
15 A. Regular Meetings: The city council shall meet on the first and third ~~Wednesdays~~
16 Mondays of each calendar month, with the meetings to commence at the hour of
17 seven o'clock (7:00) P.M. Should the meeting date fall on a holiday, the meeting shall
18 take place on the following Tuesday.~~the city council may cancel or reschedule the~~
19 ~~meeting at the city council's sole discretion; notification thereof shall be in~~
20 ~~accordance to state law¹.~~ (Ord. 785, 9-20-2004)

21 Footnote 1: RCW 35A.13.170 and 42.30.080.
22

23
24
25 **2. Revise appeal language so that a party of record may appeal, not just any**
26 **person. Refer appeal to Superior Court instead of City Council.**

27
28 **1-8-3: APPEAL:**

29
30 Any ~~person~~ party of record aggrieved by the decision of the hearing examiner shall have
31 the right to appeal the decision to the ~~city council~~ Pacific County Superior Court. The
32 appeal shall be in writing and delivered to city hall within ~~fourteen (14)~~ twenty-one (21)
33 calendar days of the hearing examiner's decision. No new evidence will be accepted by
34 the Superior Court ~~city council~~. The appeal is limited to the record presented to the
35 hearing examiner. (Ord. 793, 2-16-2005)
36
37

1 **II. TITLE 3, FINANCES AND TAXATION**

2
3 **1. Add provisions explaining the application for a refund.**

4 3-10-12: OVERPAYMENT OF TAX:

5 **A.** Any person having paid any tax, original assessment, additional assessment, or
6 corrected assessment of any tax may apply to the ~~director~~ city administrator or his/her
7 ~~designee~~ within the time limitation for refund provided in this section by applying in
8 writing for a correction of the amount paid, in which application the petitioner shall set
9 forth the reasons the amount in which the tax, interest, or penalty should be refunded.

10 **AB.** If, upon receipt of ~~an~~ a timely application for a refund, or during an audit or
11 examination of the taxpayer's records and tax returns, the ~~city administrator or his/her~~
12 ~~designee~~ ~~director~~ determines that the amount of tax, penalty, or interest paid is in excess
13 of that properly due, the excess amount shall be credited to the taxpayer's account or shall
14 be refunded to the taxpayer. Except as provided in subsection ~~B-C~~ of this section, no
15 refund or credit shall be made for taxes, penalties, or interest paid more than ~~four (4)~~
16 ~~[GB: check w/ Darcey to see if this can be 3 years]~~ years prior to the beginning of the
17 calendar year in which the refund application is made or examination of records is
18 completed.

19 **FROM DARCEY:**

20 3-10-12: yes, it can be three years. It is not state law, but the code probably originally
21 used four years because that is what the statutes provide for the Dept. of Revenue. Some
22 municipalities, such as Bothell, have a two year time, but I recommend the three year
23 time, as that is the same amount of time as the statute of limitations for bringing a
24 lawsuit.

25 **BC.** The execution of a written waiver shall extend the time for applying for, or making a
26 refund or credit of any taxes paid during, or attributable to, the years covered by the
27 waiver if, prior to the expiration of the waiver period, an application for refund of such
28 taxes is made by the taxpayer or the ~~city administrator or his/her designee~~ ~~director~~
29 discovers that a refund or credit is due.

30 **CD.** Refunds shall be made by means of vouchers approved by the ~~city administrator or~~
31 ~~his/her designee~~ ~~director~~ and by the issuance of a city check or warrants drawn upon and
32 payable from such funds as the city may provide.

33 **DE.** Any final judgment for which a recovery is granted by any court of competent
34 jurisdiction for tax, penalties, interest, or costs paid by any person shall be paid in the
35 same manner, as provided in subsection ~~CD~~ of this section, upon the filing with the ~~city~~
36 ~~administrator or his/her designee~~ ~~director~~ a certified copy of the order or judgment of the
37 court.

1 EF. 1. The **city administrator or his/her designee** ~~director~~ shall compute interest on
2 refunds or credits of amounts paid or other recovery allowed a taxpayer in accordance
3 with Revised Code of Washington 82.32.060 as it now exists or as it may be amended; or

4 2. If subsection **E1-F.1** of this section is held to be invalid, then the provisions of Revised
5 Code of Washington 82.32.060 existing at the effective date hereof shall apply. (Ord.
6 828, 12-17-2007, eff. 1-1-2008)
7

8 **2. Correct comma placement in first paragraph; Add provisions in second**
9 **paragraph allowing administrative appeal to hearing examiner for requests for**
10 **refund.**

11 3-10-16: ADMINISTRATIVE APPEAL:

12 Any person, except one who has failed to comply with section 3-10-7 of this chapter,
13 aggrieved by the amount of the fee or tax determined by the director to be required under
14 the provisions of this chapter may, pay the amount due, and appeal from such
15 determination by filing a written notice of appeal with the hearings examiner within thirty
16 (30) days from the date written notice of such amount was mailed to the taxpayer. A fifty
17 dollar (\$50.00) filing fee shall be submitted with the appeal, which filing fee is required
18 to process the appeal. The city clerk shall, as soon as practical, fix a time and place for
19 the hearing of such appeal, and shall cause a notice of the time and place thereof to be
20 delivered or mailed to the parties. The decision of the hearings examiner shall indicate
21 the correct amount of the fee or tax owing. (Ord. 828, 12-17-2007, eff. 1-1-2008)

22 **[NOTE FROM GB TO DARCEY: DOES THE PARAGRAPH ABOVE GET REPLACED**
23 **WITH THE PARAGRAPH BELOW?]**

24
25 **FROM DARCEY:**

26 3-10-16: No the one paragraph does not replace the other; use both paragraphs. The first
27 one is an immediate protest of a tax, while the other is a request for refund that can come
28 much later. I can blend them if the council would like, but it seemed easier to leave the
29 original paragraph in place and then add in the separate provision about the claim for
30 refund, for which there was originally no administrative appeal. The time frame for the
31 appeal of a refund request to the hearings examiner (currently ten days) is not state law. It
32 can be a different amount of time. But it must provide the taxpayer with due process, so I
33 would not recommend a shorter amount of time. Ten days from the administrator's
34 decision allows for weekends and mail delivery of the decision and still provides time to
35 still file an appeal. If the Council is looking for another example, the Dept. of Revenue
36 allows thirty (30) days to file an appeal of a state tax. The Council could make it thirty
37 days for consistency with the other administrative appeal provision.
38

39 The decision of the **city administrator or his/her designee** ~~director~~ on an application for
40 refund under Section 3-10-12 shall be final unless the petitioner files written notice of
41 appeal to the hearings examiner within **ten (10) days [GB: check with Darcey]** of the **city**
42 **administrator's or his/her designee's** ~~director's~~ action. A fifty dollar (\$50.00) filing fee
43 shall be submitted with the appeal, which filing fee is required to process the appeal. The
44 city clerk shall, as soon as practical, fix a time and place for the hearing of such appeal,

1 and shall cause a notice of the time and place thereof to be delivered or mailed to the
2 parties. The decision of the hearings examiner shall affirm, modify, or reverse the
3 decision of the city administrator or his/her designee director, and the hearings examiner's
4 decision shall be final.
5

6 **FROM DARCEY:**

7 3-10-25: In answer to your question, the 14 days is not statutory. This is essentially
8 allowing a statutory writ of review to the superior court (under Chapter 7 RCW), which
9 does not have a time restriction. But thirty days is a typical amount of time. I would not
10 recommend that the Council make this less than ten days, and I would advise that the
11 Council make it thirty days.
12
13

14
15
16 **3. Correct name of court where appeal should proceed.**
17

18 3-10-17: JUDICIAL REVIEW:

19 The taxpayer or the city may obtain judicial review of the hearings examiner's
20 ~~administrative~~ decision by applying for a writ of review with the ~~Thurston-Pacific~~ County
21 superior court within thirty (30) days from the date of the hearings examiner's decision in
22 accordance with the procedure set forth in chapter 7.16 Revised Code of Washington,
23 other applicable law, and court rules. ~~Review by the superior court shall be on, and shall~~
24 ~~be limited to, the record on appeal created before the hearing examiner.~~ The city shall
25 have the same right of review from the administrative decision as does a taxpayer. (Ord.
26 828, 12-17-2007, eff. 1-1-2008)
27

28 3-10-25: SUSPENSION OR REVOCATION OF BUSINESS LICENSE:

29 B. Any licensee may, within seven (7) days from the date that the suspension or
30 revocation notice was mailed to the licensee, appeal from such suspension or revocation
31 by filing a written notice of appeal setting forth the grounds therefor with the director. A
32 copy of the petition must be provided by the licensee to the director and the city attorney
33 on or before the date the petition is filed with the hearings examiner. The city clerk shall
34 set a date for hearing said appeal and notify the licensee by mail of the time and place of
35 the hearing. After the hearing thereon the hearings examiner shall, after appropriate
36 findings of fact, and conclusions of law, affirm, modify, or overrule the suspension or
37 revocation and reinstate the license, and may impose any terms upon the continuance of
38 the license.
39

40 No suspension or revocation of a license issued pursuant to the provisions of this section
41 shall take effect until seven (7) days after the mailing of the notice thereof by the
42 department, and if appeal is taken as herein prescribed the suspension or revocation shall
43 be stayed pending final action by the hearings examiner. All licenses which are
44 suspended or revoked shall be surrendered to the city on the effective date of such

1 suspension or revocation.

2
3 The decision of the hearings examiner shall be final. The licensee and/or the department
4 may seek review of the decision by the ~~superior court of Washington in and for Thurston~~
5 ~~County-Pacific County Superior Court~~ within fourteen (14) days [GB: Check with
6 ~~Darcey~~] from the date of the decision. If review is sought as herein prescribed the
7 suspension or revocation shall be stayed pending final action by the superior court.

8
9 **FROM DARCEY:**

10 Now that I look at this provision (3-10-25) and the other Chapter 3 provisions on
11 business licenses more closely, I wonder why they are located in Chapter 3. Do you
12 foresee any objections from the Council to moving all the substantive provisions on
13 business license to Chapter 4, which is explicitly about business licenses? I was
14 apparently lost in the forest of taxes when I reviewed this before and didn't notice the
15 strange placement of the business license provisions within this chapter. It would be an
16 easy fix; there would just have to be a few provisions moved and a few "this chapter"
17 statements changed to "Chapter 4" or "this code." I could write it up tomorrow and send it
18 to you by Thursday morning. What do you think?
19 See above re: the 14-day issue.

1 **III. TITLE 4, BUSINESS AND LICENSE REGULATIONS**

2
3 **1. Update definition of seller.**

4
5 **4-4-1: DEFINITIONS:**

6 For the purpose of this chapter, the following terms shall have the meanings ascribed to
7 them in this section:

8
9 SELLER: A single person, ~~or husband and wife~~ married couple, ~~or and any~~ charitable
10 organization.

11
12
13 **NOTE: COUNCIL REJECTED THESE CHANGES ON 2/17**

14
15 ~~**2. Remove requirements for a permit and limits on number of sales**~~

16
17 **4-4-2: PERMIT REQUIRED:**

18
19 ~~No person shall conduct a garage sale in the city without first obtaining a permit from the~~
20 ~~city clerk treasurer, which permit shall be without cost to the applicant. (Ord. 645, 9-7-~~
21 ~~1993)~~

22
23
24 **4-4-3: REGULATIONS:**

25
26 ~~A. No person shall conduct a garage sale in a manner that causes others the loss of~~
27 ~~quiet enjoyment of their property. Should the city receive complaints, the seller(s) shall~~
28 ~~modify their sales in such a manner as to restore quiet enjoyment to those filing the~~
29 ~~complaint, or shall cease operation. [NOTE FROM GB: COULD THIS LEAD TO~~
30 ~~UNREGULATED OUTDOOR VENDING? A HOME BUSINESS?] [NOTE FROM~~
31 ~~DG: WILL THIS LEAD TO PERPETUAL GARAGE SALES?]Number Of Sales Days~~
32 ~~Limited: No person shall be allowed more than six (6) days to hold garage sales in the~~
33 ~~calendar year without first obtaining permission from the city council for such additional~~
34 ~~sales, which permission shall be given only upon good cause being shown that hardship~~
35 ~~will result if such additional sales are not allowed.~~

1 **IV. TITLE 6, POLICE AND PUBLIC SAFETY**

2
3 **1. Correct sentence erroneously left incomplete.**

4 6-5-1: PRELIMINARY STATEMENT:

5 A. This chapter shall be known as, and may be cited as, the Long Beach criminal code.

6 B. The provisions of this criminal code shall apply to any offense committed on or after
7 ~~on~~ the date of adoption of this code.
8

9
10
11 **2. Correct name of court where appeal should proceed.**
12

13 6-5-4: CLASSES OF CRIMES:

14 Any offense defined by this criminal code for which a sentence of imprisonment is
15 authorized constitutes a violation of city ordinance and is a crime. Crimes are classified
16 as gross misdemeanors or misdemeanors as provided in this code or in each statute
17 adopted by reference. (2007 Code)

18
19 [GB to Flint: Council would like to know why this does not address felonies as well.]

20
21 **FROM CHIEF WRIGHT:**

22 Felonies are dealt with at Superior Court and I can't think of a single thing from our
23 codes that would be a felony. I am sure that a felony has to be a State RCW not a city
24 code.
25

26
27
28
29 **3. Include the type of violation committed when throwing water balloons and eggs;**
30 **should state either that it is an infraction or misdemeanor.**
31

32 6-5-10: THROWING WATER BALLOONS AND EGGS:

33 A. Prohibition: It is unlawful to throw or explode any type of water balloon or any other
34 balloon containing a liquid substance, or eggs, at any time, within one hundred feet (100')
35 of either side of Pacific Avenue from the southern right of way of Tenth Street South to
36 the northern right of way of Bolstad Avenue. (1988 Code § 8.04.030)

37 B. Violation; Penalty: Any person who violates this section has committed an infraction
38 and shall be subject to penalty as provided in section 1-4-1 of this code. If the violator is

1 under the age of eighteen (18), the parents and/or guardian shall be held liable. (1988
2 Code § 8.04.050; amd. 2007 Code)

3

4 *GB to Flint: Council wants your opinion on whether this is necessary or should stay as-is*
5 *or be revised.*

6

7 **FROM CHIEF WRIGHT:**

8 I would leave it alone or include the entire city.

1 **V. TITLE 10, BUILDING REGULATIONS**
2

3 **1. Add provision allowing for appeals of administrative decisions relating to the**
4 **application and interpretation of the various building codes**

5 **10-2-12: APPEALS**

6 Appeals of orders, decisions, or determinations made by the building official or fire
7 marshal relative to the application and interpretation of the City's adopted building codes,
8 set forth in Section 10-2-1, and fire code, set forth in Section 10-2-2, shall be to the
9 hearing examiner.- Those parties of record aggrieved by the decision of the building
10 official or fire marshal local administrator may appeal such decision to the hearing
11 examiner as provided in section 11-2C-14 of this code.

12
13
14
15 **2. Update the building codes adopted by reference. Add a new exception regarding**
16 **the use of felt instead of poly weather barriers in certain locations.**

17
18 **10-2-1: BUILDING CODES ADOPTED:**
19

20 A. The model codes listed below, as approved and adopted by the state building code
21 council except as noted, together with any amendments or additions, modifications, or
22 recodifications are hereby adopted by this reference. These codes must apply to all new
23 construction, remodeling, or repairs. Copies of the codes are on file for inspection in the
24 office of the building department of the city.
25

26 1A. International Building Code – Most current cycle adopted by the State of Washington
27 (includes International Code Council/American National Standards Institute A117.1–
28 Accessible and Useable Buildings and Facilities as well as the International Existing
29 Building Code);
30

31 B. International Existing Building Code – Most current cycle adopted by the State of
32 Washington;
33

34 2C. International Residential Code – Most current cycle adopted by the State of
35 Washington, with the following exceptions:

36 a1. For multi-family residential structures of five (5) or more dwelling units,
37 automatic fire sprinkling systems are required;

38 b2. Any structure located west of State Route 103 (also identified as Pacific
39 Highway or Pacific Avenue), or in areas of exposure category C or D, shall use
40 asphalt felt as the water-resistive barrier. Products that incorporate asphalt felt as
41 a component layer of protection will be subject to approval by the Long Beach
42 building inspector.

- 1
2 3D. International Mechanical Code – Most current cycle adopted by the State of
3 Washington (includes the Liquefied Petroleum Gas Code (National Fire Protection
4 Association [NFPA] 58) and the National Fuel Gas Code (NFPA 54) for LP Gas;
5
6 4E. Uniform Plumbing Code – Most current cycle adopted by the State of Washington;
7
8 5F. Liquefied Petroleum Gas Code (NFPA 54) for LP Gas – Most current cycle adopted
9 by the State of Washington;
10
11 G. Uniform Housing Code 1997, adopted by the City independently of the Washington
12 State Building Code Council;
13
14 5H. Uniform Swimming Pool, Spa, and Hot Tub Code 2006;
15
16 I. International Property Maintenance Code 2009, adopted by the city independently of
17 the Washington state building code council;
18
19 6J. Washington state barrier fee regulations;
20
21 7K. National Electrical Code (NFPA 70) – Most current edition as adopted by the State of
22 Washington;
23
24 8L. International Energy Conservation Code/Washington State Energy Code – Most
25 current cycle adopted by the State of Washington;
26
27 9M. Washington State Historic Building Code – Most current cycle adopted by the
28 State of Washington; and
29
30 10N. Washington State Ventilation and Indoor Air Quality Code; (Ord. 889, 4-13-
31 2013)
32
33 11. Uniform Housing Code 1997, adopted by the City independently of the Washington
34 State Building Code Council;
35
36 B. The City hereby adopts by this reference the following codes together with any
37 amendments or additions, modifications, or recodifications thereto:
38
39 1. International Property Maintenance Code 2009, adopted by the city independently of
40 the Washington state building code council;
41
42 2. Uniform Code for the Abatement of Dangerous Buildings 1997, adopted by the city
43 independently of the Washington state building code council;
44
45
46

1 **3. Update date of adopted International Fire Code.**

2
3 **10-2-2: FIRE CODE:**

4
5 A. International Fire Code Adopted: The most current edition adopted by the State of
6 Washington 2012 international fire code is hereby adopted in its entirety for the
7 purpose of describing regulations governing conditions hazardous to life and
8 property, fire, or explosion.

- 9
10 1. The city does not adopt section 903.2.8: Group R requiring automatic sprinkler
11 systems in all residential dwellings in its entirety. The city does not require such
12 systems in residential buildings of four (4) or fewer dwelling units.

13
14 B. Applicability:

- 15
16 1. The provisions of this section shall apply to all buildings constructed or developed
17 within the city limits, when the buildings will be served by water mains and fire
18 hydrants capable of delivering the required fire flow and installed as required by
19 this section, unless specifically exempted by this section, or unless waived or
20 modified by the fire marshal.
21
22 2. Decisions of the fire marshal are deemed to be made in the best interest of, and
23 with the concurrence of, an affected fire district in the absence of any credible
24 evidence to the contrary. (Ord. 889, 4-13-2013)

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26
27
28 **10-2-4: BUILDING PERMITS AND FEES:**

29
30 A. Permit Requirements:

- 31
32 1. Permit Required: No building or other structure may be erected, moved, added to,
33 or structurally altered without a permit issued by the building official. No building
34 permit may be issued except in conformity with the provisions of this title.
35
36 2. Application ~~a~~And Accompanying Documents: All applications for building
37 permits must be accompanied by plans in duplicate, drawn to scale, showing the
38 actual dimensions and shape of the lot to be built upon; the exact sizes and
39 location of existing buildings on the lot, if any; and the location and dimensions
40 of the proposed building or alteration. The application must include such other
41 information as lawfully may be required by the building official, including
42 existing or proposed building or alteration; existing or proposed uses of the
43 building and land; the number of families, housekeeping units, or rental units the
44 building is designed to accommodate; conditions existing on the lot; and such
45 other matters as may be necessary to determine conformance with, and provide
46 for the enforcement of, this title.

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- 3. Plans Required: One copy of the plans will be returned to the applicant by the building official after marking such copy approved or disapproved and attest to same by having signed such copy. The second copy of the plans will be retained by the building official.
- 4. Time Limit To Begin Work: If work described in any building permit has not begun within one hundred eighty (180) days from the date of issuance of the permit, the permit will expire, unless an extension(s) has been granted in writing by the building official for periods no more than one hundred eighty (180) days each. The permit will be canceled by the building official, and written notice must be given to the applicant. (Ord. 847, 8-17-2009)

B. Building Permit Fees:

- 1. The city hereby adopts by reference building permit fees, which are set forth in table 1-A of the 1997 uniform building code as amended and the building valuation data schedule as published in the most current "Building Safety Journal" of the International Code Council and are on file for inspection in the building department at the Long Beach city hall. Values of structures not listed in the schedule herein will be determined by a bid from a licensed contractor. Permit fees for work other than new construction and additions or not otherwise listed, including, but not limited to, alterations, remodeling, mechanical permits and demolition, shall be established by resolution of the city council.

a. All valuations that are less than \$5,000.00 will be doubled for the purpose of calculating permit fees.

- 2. Additionally, the fees for manufactured house placement are as follows:

Singlewide	\$250.00
Doublewide	350.00
Triplewide	450.00

- 3. Once an application is made and fee paid, an applicant may withdraw the application. If at the time of withdrawal plan review is not yet initiated, the city may refund up to fifty percent (50%) of the building permit fee. Once plan review is initiated, the city will retain the entire fee and refund shall not occur. (Ord. 868, 4-4-2011)

4. In accordance with Section 109.4 of the International Building Code, all work commencing before issuance of a building permit will result in a monetary fee of

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100% of the building permit fee in addition to the original permit fee, or a doubling of the fee.

C. Water and Sewer Connection: No building permits for primary use structures shall be issued without the applicant having first paid water and sewer connection fees and secured a side sewer permit. (Ord. 847, 8-17-2009)

1 All of the suggested revisions below were incorporated into Title 10 and adopted via
2 Ordinance No. 909.

3
4 ~~5. FEMA's revisions to our Flood Prevention code (part of our building code)~~
5 ~~consistent with the new maps. FEMA conducted the review and told us exactly~~
6 ~~what to change and how to change it.~~

7
8 **10-1-1 DEFINITIONS**

9
10 ~~**BASE FLOOD:** A flood occurring on the average once every one hundred (100)~~
11 ~~years, or with a recurrence level of one hundred (100) years. The flood having a~~
12 ~~one percent (1%) chance of being equaled or exceeded in any given year. Also~~
13 ~~referred to as the "100 year flood". Designation on maps always includes the~~
14 ~~letter A or V.~~

15 ~~**ELEVATION CERTIFICATE:** The official form (FEMA Form 81-31) used to track~~
16 ~~development, provide elevation information necessary to ensure compliance with~~
17 ~~community floodplain management ordinances, and determine the proper insurance~~
18 ~~premium rate.~~

19
20 ~~**MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING:** A park or~~
21 ~~subdivision where construction of facilities servicing lots/sites on which manufactured~~
22 ~~homes are affixed (including, at a minimum, the installation of utilities, the construction~~
23 ~~of streets, and either final site grading or the pouring of concrete pads) is completed~~
24 ~~before the effective date of~~

25 ~~**RECREATIONAL VEHICLE (RV):** Any vehicular portable structure without~~
26 ~~permanent foundation that can be towed, hauled, or driven, and is primarily designed as a~~
27 ~~temporary living accommodation for recreational and camping purposes. Recreational~~
28 ~~vehicles (RVs) include and are not limited to travel trailers, truck campers, camping~~
29 ~~trailers, and self-propelled motor homes. ts~~

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31
32 ~~**10-4-4: BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD:**~~
33 ~~The areas of special flood hazard identified by the federal insurance administration in a~~
34 ~~scientific and engineering report entitled "The Flood Insurance Study For The City of~~
35 ~~Long Beach" dated February 1979, and any revisions thereto, with an accompanying~~
36 ~~flood insurance rate map (FIRM) dated August 1, 1979, and any revisions thereto, are~~
37 ~~hereby adopted by reference and declared to be a part of this chapter. The flood insurance~~
38 ~~study and the FIRM are on file at Long Beach city hall, 115 Bolstad West, Long Beach,~~
39 ~~WA, and the FIRM can be viewed via the City's GIS system found by following the GIS~~
40 ~~link at longbeachwa.gov. The best available information for flood hazard area~~
41 ~~identification as outlined in subsection 10-4-5B2 of this chapter shall be the basis for~~
42 ~~regulation until a new FIRM is issued which incorporates the data utilized under~~
43 ~~subsection 10-4-5B2 of this chapter.~~

44 ~~**10-4-8: SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION:** In all~~
45 ~~areas of special flood hazard where base flood elevation data have been provided as set~~
46 ~~forth in section 10-4-4 of this chapter, the following provisions are required:~~

1 ~~A. Residential Construction:~~

2 ~~1. New construction and substantial improvement of any residential structure~~
3 ~~shall have the lowest floor, including basement, elevated a minimum of one foot~~
4 ~~(1') above the base flood elevation.~~

5 ~~2. Fully enclosed areas below the lowest floor that are subject to flooding are~~
6 ~~prohibited, or shall be designed to automatically equalize hydrostatic flood forces~~
7 ~~on exterior walls by allowing for the entry and exit of floodwaters. Designs for~~
8 ~~meeting this requirement must either be certified by a registered professional~~
9 ~~engineer or architect and below grade crawl spaces will not be considered~~
10 ~~basements if the following conditions are met:~~

11 ~~a. The interior grade of a crawlspace below the BFE must not be more than~~
12 ~~two feet (2') below the lowest adjacent exterior grade.~~

13 ~~b. The height of the below grade crawlspace, measured from the interior~~
14 ~~grade of the crawlspace to the top of the Floor Joist must not exceed four feet~~
15 ~~(4') at any point.~~

16 ~~c. There must be an adequate drainage system that removes floodwaters from~~
17 ~~the interior area of the crawlspace. The enclosed area should be drained within a~~
18 ~~reasonable time after a flood event.~~

19 ~~d. The velocity of floodwater at the site should not exceed five feet per~~
20 ~~second (5 fps).~~

21 ~~e. Ductwork must either be placed above the BFE or sealed to prevent the~~
22 ~~entry of floodwaters.~~

23 ~~f. The height of a below grade crawl space, measured from the interior grade~~
24 ~~of the crawlspace to the top of the crawlspace foundation wall shall not exceed~~
25 ~~four feet (4') at any point.~~

26 ~~C. Manufactured Homes:~~

27
28 ~~1. All manufactured homes to be placed or substantially improved on sites:~~

29
30 ~~a. Outside of a manufactured home park or subdivision,~~

31
32 ~~b. In a new manufactured home park or subdivision,~~

33
34 ~~c. In an expansion to an existing manufactured home park or subdivision, or~~

35
36 ~~d. In an existing manufactured home park or subdivision on which a~~
37 ~~manufactured home has incurred "substantial damage" as the result of a flood;~~
38

1 shall be elevated on a permanent foundation such that the lowest floor of the
2 manufactured home is elevated a minimum of one foot (1') above the base flood
3 elevation and be securely anchored to an adequately designed foundation system
4 to resist flotation, collapse, and lateral movement.

5
6 2. Manufactured homes to be placed or substantially improved on sites in an
7 existing manufactured home park or subdivision that are not subject to the above
8 manufactured home provisions shall be elevated so that either:

9
10 a. The lowest floor of the manufactured home is elevated a minimum of one
11 foot (1') above the base flood elevation; or

12
13 b. The manufactured home chassis is supported by reinforced piers or other
14 foundation elements of at least equivalent strength that are no less than thirty
15 six inches (36") in height above grade and are securely anchored to an
16 adequately designed foundation system to resist flotation, collapse, and lateral
17 movement.

18
19 3. Any below grade crawlspace must comply with subsection 10-4-8A2d and e
20 of this title.

21
22 D. Recreational Vehicles: Recreational vehicles placed on sites are required to:

23
24 1. Be on the site for fewer than one hundred eighty (180) consecutive days; and
25 [Note to Council: should this be "or", which is allowed]

26
27 2. Be fully licensed and ready for highway use, on its wheels or jacking system,
28 be attached to the site only by quick disconnect type utilities and security devices,
29 and have no permanently attached additions; or

30
31 3. Meet the requirements of subsection C of this section and the elevation and
32 anchoring requirements for manufactured homes per subsection 10-4-7A2 of this
33 chapter.
34

1 VI. TITLE 11, UNIFIED DEVELOPMENT REGULATIONS

2
3 1. Revise multiple areas of code to remove appeal authority from City Council and
4 add it to either the hearing examiner or the PacCo Superior Court.

5
6 11-2A-1: CITY COUNCIL: In addition to other powers and duties prescribed in this code,
7 the city council is vested with the authority to:

- 8
- 9 A. Approve, approve with conditions or modifications, or deny applications for
- 10 amendments to the comprehensive plan or this title, amendments to title 12
- 11 (Zoning), rezones, and annexation by direct petition, after considering the
- 12 findings and recommendations of the planning commission.
- 13
- 14 B. Review findings and recommendations of the planning commission regarding
- 15 applications.
- 16
- 17 C. Base all decisions on the criteria established in this title or other applicable laws.
- 18
- 19 D. Require any applicant granted final plat approval to post a bond or other
- 20 acceptable security with the city to assure the applicant and/or his successors in
- 21 interest shall adhere to the approved plat and all conditions attached to the final
- 22 plat approval.
- 23
- 24 E. Review and act upon any recommendations of the community development
- 25 director or planning commission for amendments to or revisions of the
- 26 comprehensive plan or the provisions of this title.
- 27
- 28 ~~F. Hear appeals from hearing examiner and/or administrative permit decisions as~~
- 29 ~~specified in this title.~~
- 30
- 31 FG. Perform other duties as outlined in the latest edition of the “City of Long Beach
- 32 Shoreline Master Program” and the latest edition of the “City of Long Beach
- 33 Comprehensive Flood Hazard Management Plan”.
- 34
- 35 GH. Perform other duties as outlined in this title.
- 36
- 37

38 11-2C-4: PROJECT REVIEW PROCEDURES: The Community Development
39 Director shall have authority to classify any permit not expressly classified or indicated
40 by this title. Review of a proposed action shall be by one of the following procedures, in
41 increasing order of discretion utilized: minor administrative (ministerial), administrative,
42 hearing examiner, or legislative.

- 43
- 44 D. Legislative review shall be conducted in those circumstances where the city
- 45 council is exercising its authority as a quasi-judicial decision-making body for
- 46 actions including and not limited to ~~appeals of hearing examiner decisions,~~ final

1 plats, changes to codes, and re-zonings. Substantial to complete discretion may be
2 exercised by the city council as reviewer. Legislative review shall be subject to all
3 permit processing procedures described in subsection 11-2C-3A of this title.
4
5

6 **11-2C-14: APPEALS:**

7 D. Administrative Decisions. An aggrieved person who is a party of record may
8 appeal any final decision of an administrative official to the hearing examiner
9 ~~(except for administrative design review decisions appealed to the city council~~
10 ~~under section 12-10-8 of title 12 [Zoning]).~~ The appeal must be in writing in
11 accordance with this title and shall be filed with the city clerk within fourteen (14)
12 days of the date of the action being appealed. If an open record public hearing was
13 not held as part of the administrative approval, then the hearing examiner shall
14 conduct an open record hearing. Otherwise, the appeal to the hearing examiner
15 shall be a closed record appeal.
16

17 ~~1. When an appeal of an administrative design review decision is made subject~~
18 ~~to procedures of section 12-10-8 of title 12 (Zoning), the city council shall request~~
19 ~~a recommendation from the planning commission before taking action.~~
20

21 E. Planning Commission Decisions. An aggrieved person who is a party of record
22 may appeal a planning commission decision to the hearing examiner ~~city council~~.
23 The appeal must be in writing in accordance with this Title and shall be filed with
24 the city clerk within fourteen (14) days of the date of the action being appealed. If
25 an open record public hearing was not held as part of the planning commission
26 decision, then the hearing examiner ~~city council~~ shall conduct an open record
27 hearing. Otherwise, the appeal to ~~the~~ the hearing examiner ~~city council~~ shall be a
28 closed record appeal.
29

30 F. Hearing Examiner Decisions. An aggrieved person who is a party of record may
31 appeal a hearing examiner decision to the Pacific County Superior Court ~~city council~~ ~~or to~~
32 ~~the appropriate Shorelines Hearings Board or Growth Management Hearings~~
33 ~~Board~~ ~~city council~~, ~~if the examiner's decision is not a "final action"~~. The appeal must
34 be in writing in accordance with this title and shall be filed with the city clerk
35 within ~~fourteen (14)~~ twenty-one (21) days of the date of the action being appealed.
36 If an open record public hearing was not held as part of the hearing examiner
37 decision, then the Pacific County Superior Court ~~city council~~ shall conduct an
38 open record hearing. Otherwise, the appeal ~~proceeding of the~~ ~~to the~~ Pacific
39 County Superior Court ~~city council~~ shall be a closed record appeal. In the case of
40 appeals from Administrative Decisions, all decisions under the Shorelines
41 Management Act, and any other decision of the hearing examiner that is
42 designated in the Long Beach Municipal Code as a final action, the appeal is to:
43

44 1. Pacific County Superior Court if it is subject to the Land Use Petition Act
45 (RCW 36.70C);
46

- 1 2. The Shorelines Hearings Board if it is a Shorelines Management Act decision;
2 or
3
4 3. To the appropriate Growth Management Hearings Board if it is an action
5 subject to the Growth Management Act (RCW 36.70A).
6
7

8 **11-4C-10: APPEALS:** The decision of the hearing examiner on the preliminary plat may
9 be appealed to the Pacific County Superior Court ~~city council~~ in accordance with section
10 11-2C-14 of this title.
11

- 12
13
14 **2. In combination with the suggested changes for Title 12 to eliminate the Council's**
15 **quasi-judicial authority to grant an exception or exemption to the City's design**
16 **requirements, this new provision would still provide a process for obtaining a**
17 **variance from those design requirements, which is consistent with the process for**
18 **obtaining variances from other building code provisions.**
19

20 11-2D-1: VARIANCES:
21

22 B. Required Showings, Title 12 Variances: Before any variance may be granted, it shall
23 be shown:

- 24 1. Strict application of the bulk, dimensional or performance standards set forth in
25 this title precludes or significantly interferes with a reasonable use of the property
26 not otherwise prohibited.
- 27 2. Need for the variance is directly related to the property, and is the result of
28 unique conditions such as irregular lot shape, size, or natural features and the
29 application of the zoning regulations and not, for example, from deed restrictions
30 or the applicant's own actions.
- 31 3. The design of the project is compatible with other permitted activities in the
32 area and will not cause adverse effects to adjacent properties.
- 33 4. The requested variance does not constitute a grant of special privilege not
34 enjoyed by other properties in the area, and is the minimum necessary to afford
35 relief.
- 36 5. The public interest will not suffer any substantial detrimental effect.
- 37 6. To grant a variance from the city's design requirements in Title 12, Chapter 10
38 for additions or modifications to existing nonresidential buildings that do not
39 conform to the design requirements, the hearing examiner must also take the
40 following into consideration:

1 a. The hearing examiner must make an affirmative finding that a strict
2 enforcement of the design requirements would result in a building
3 appearance or site condition substantially incompatible with the existing
4 building.

5 b. No variance from the city's design requirements shall be granted to any
6 nonconforming use.

7 c. No variance from the city's design requirements shall be granted to any
8 structure that is in violation of any bulk, density, or setback standard.

9 d. No variance from the city's design requirements shall be granted for
10 accessory structures on a single property.

11 e. Any proposed addition shall contain at least one common wall to the
12 existing structure.

13 7. No variance from the city's design requirements shall be granted if:

14 a.1. For buildings with an existing floor of one thousand (1,000) square
15 feet or less, the addition exceeds five hundred (500) square feet; or

16 b2. For buildings with an existing floor area greater than one thousand
17 (1,000) square feet, the proposed addition is greater than fifty percent
18 (50%) of the existing building.

19
20
21
22 **3. Add definition of vesting.**

23
24 **11-1-7: INTERPRETATION:**

25
26 D. Definitions: Unless specifically defined below, words or phrases used in this title
27 shall be interpreted so as to give them the meanings they have in common usage and to
28 give this title its most reasonable application. For purposes of this title, the following
29 words and terms shall have the meanings designated in this section:

30
31 **VESTING:** A land use application is considered under only the land use statutes and
32 ordinances in effect at the time the city deems the application complete.

1 **4. Add language describing vesting.**

2
3 **11-11-11: VESTING OF APPLICATIONS:**

4 A. This section applies in the context of building permit applications (RCW 19.27.095),
5 short subdivision and subdivision applications (RCW 58.17.033), **development**
6 **applications**, and development agreements (RCW 36.70B.180).

7 B. An application described herein utilizing vested rights shall be subject to all land use
8 and development statutes, regulations, and ordinances in effect on the vesting date.

9 AC. Applications shall be considered vested on the date a written determination of
10 completeness is mailed (postmarked) or hand delivered to the applicant or the
11 applicant's designee. The **community development director's** issuance of a written
12 determination of completeness pursuant to 11-2C-8, or the failure of the **community**
13 **development director** to provide such a written notice within twenty-eight (28) dsays
14 of the date it is mailed or hand delivered, shall cause an application to be conclusively
15 deemed vested.- The applicable date is known as the vesting date.

16 BD. Supplemental information required after vesting of a complete application shall
17 not affect the validity of vesting for such application unless the information is
18 requested because incorrect information is submitted by the applicant and-if the
19 incorrect information would materially affect the final decision on the application.

20 CE. Modifications required by the **community development director** to a pending
21 application, other than those set forth in subsection D of this section, shall not be
22 deemed a new application and shall not affect vesting.

23 DF. An applicant-requested modification occurring either before or after issuance of
24 the permit shall eliminate vesting, when such modification would result in a
25 substantial change in a project's review requirements, as determined by the
26 **community development director**. Under such a condition, the application will be
27 deemed a new application. Examples of a substantial change include modifications
28 resulting in a different type of decision (e.g., Administrative to Hearing Examiner), or
29 a change requiring a new SEPA threshold determination. Modifications that reduce
30 the scope of a proposal or reduce environmental impacts would not be considered a
31 substantial change.

32 G An application that is deemed complete is vested for the specific use, density, and
33 physical development that is identified in the application submittal.

34 EH. Building permits that may subsequently be required to construct or complete a
35 vested land use project shall be considered new applications under the building code
36 and shall be subject to the edition of the building code in place at the time application
37 is made.

38 FI. Nothing herein shall restrict the **community development director's** authority to
39 impose conditions on project permits pursuant to the State Environmental Policy Act
40 (SEPA), Chapter 43.21C RCW and **Chapter 197-11 WAC**.

41 GJ. Nothing herein shall be construed to restrict the community development director's
42 ability, to the extent otherwise permitted by law, to apply new regulations to a project
43 permit or project permit application upon a finding that a change in conditions creates
44 a serious threat to the public health and safety.

1 K. If the application expires, a new application may be filed with the city but will not be
2 considered vested under the expired application and instead shall be subject to the
3 development regulations in effect on the date of the new application.
4

1 VII. TITLE 12, ZONING REGULATIONS

- 2
- 3 1. Protect Council from being the primary decision-makers for quasi-judicial
- 4 actions. This is at the advice of WCIA based on a recent land-use audit. One
- 5 Councilor has asked if this should be expanded to include residential as well.
- 6 This is probably a good issue for discussion.
- 7

8 12-10-3: DESIGN APPROVAL REQUIRED:

9

10 ~~E. — Exceptions: The city council may, at its sole discretion, grant an exception to the~~

11 ~~city's design requirements for additions or modifications to existing nonresidential~~

12 ~~buildings that do not conform to the design requirements. Such an exception will~~

13 ~~be approved upon an affirmative finding that a strict enforcement of said~~

14 ~~requirements would result in a building appearance or site condition substantially~~

15 ~~incompatible with the existing building. In considering any request for exception,~~

16 ~~the city council shall apply the following standards:~~

- 17
- 18 1. ~~No exception shall be granted to any noneonforming use.~~
- 19
- 20 2. ~~No exception shall be granted to any structure that is in violation of any bulk,~~
- 21 ~~density, or setback standard.~~
- 22
- 23 3. ~~No exception shall be granted if:~~
- 24
- 25 a. ~~For buildings with an existing floor of one thousand (1,000) square feet or~~
- 26 ~~less, the addition exceeds five hundred (500) square feet; or~~
- 27
- 28 b. ~~For buildings with an existing floor area greater than one thousand (1,000)~~
- 29 ~~square feet, the proposed addition is greater than fifty percent (50%) of the~~
- 30 ~~existing building.~~
- 31
- 32 4. ~~No property shall receive more than one exception in a calendar year.~~
- 33

34 ~~12-10-9: EXEMPTIONS:~~

35 ~~The city council may, at its sole discretion, grant an exemption to the city's design~~

36 ~~requirements for additions or modifications to existing nonresidential buildings that do~~

37 ~~not conform to the design requirements. Such an exemption will be approved upon an~~

38 ~~affirmative finding that a strict enforcement of said requirements would result in a~~

39 ~~building appearance or site condition substantially incompatible with the existing~~

40 ~~building. In considering any request for exemption, the city council shall apply the~~

41 ~~following standards:~~

- 42 A. ~~No exemption shall be granted to any noneonforming use.~~

1 ~~B. No exemption shall be granted to any structure that is in violation of any bulk, density,~~
2 ~~or setback standard.~~

3 ~~C. No exemption shall be granted if:~~

4 ~~1. For buildings with an existing floor of one thousand (1,000) square feet or less, the~~
5 ~~addition exceeds five hundred (500) square feet; or~~

6 ~~2. For buildings with an existing floor area greater than one thousand (1,000) square feet,~~
7 ~~the proposed addition is greater than fifty percent (50%) of the existing building.~~

8 ~~D. No property shall receive more than one exemption.~~

9 ~~E. No exemption shall be granted for accessory structures on a single property.~~

10 ~~F. The addition shall contain at least one common wall to the existing structure. (Ord.~~
11 ~~849, 8-17-2009)~~

12
13
14
15 **2. Correct bad reference regarding appeals.**

16 **12-3-4: APPEALS:** Appeals of all decisions pertaining to this title are governed by the
17 provisions of section 11-2C-~~13-14~~ of title 11, Unified Development, of the Long Beach
18 City Code.
19

20
21
22 **3. Revise language about appeals to be consistent with new language in Title 11.**

23
24 **12-10-8: APPEAL:** The decision of the approving authority shall be final unless, within
25 fourteen (14) days from the rendering of the decision, the applicant or any other party with
26 standing files an appeal. Appeals of any administrative or planning commission decision
27 shall be made to the ~~city council~~ hearing examiner and shall be an open record hearing.
28 Appeals of any hearing examiner ~~city council~~ decision shall be made to Pacific County
29 Superior Court. Appeals to the hearing examiner shall be conducted pursuant to the
30 procedures set forth in section 12-3-4 of this title and section 11-2C-14 of title 11 (Unified
31 Development). The filing of such an appeal within said time limit shall stay the decision
32 of the city until such time as the appeal has been adjudicated or withdrawn. ~~When any~~
33 ~~appeal of an administrative decision is made, the city council shall request a~~
34 ~~recommendation from the planning commission before taking action.~~
35

1 **4. Add definition of “camping” to code.**

2
3 12-2-1: TERMS DEFINED:

4
5 CAMPING: A temporary activity of living in a camp, campground, or vehicle. Erecting
6 a tent or shelter or arranging bedding or both for the purpose of, or in such a way as will
7 permit remaining overnight, or parking a trailer, camper, RV, or other vehicle for the
8 purpose of remaining overnight.
9

10
11
12 **5. Define camping, prohibit camping in public areas; explicitly include camping in**
13 **the RV section.**

14
15 **12-11-5: RECREATIONAL VEHICLES AND EQUIPMENT, CAMPING:**

16
17 B. Camping and Use of RVs: No person shall park and occupy a recreational vehicle
18 (RV) nor shall camp, except:

- 19
20 1. At a duly licensed RV park or campground.
21
22 2. As a guest of a resident, and then only upon private property, and for a period
23 not to exceed fifteen (15) continuous days, or thirty (30) days total in a calendar
24 year.
25
26 3. On private property by the owner for his own use, but not to exceed sixty (60)
27 days in a calendar year. An RV stored on an otherwise vacant lot shall be
28 considered occupied for purposes of this section. An RV connected to water
29 and/or sewer shall also be considered occupied.
30
31 4. No more than two (2) RVs may be used on a lot that is not an RV park. Such
32 RVs may be placed upon a lot for not more than sixty (60) days' total use per year.
33 Each day of use of each RV shall be counted as a day of use. Parking and use of
34 more than two (2) RVs on a lot may be permitted by the city council upon an
35 application to the city council for a special use permit.
36
37 5. Occupancy of a trailer or other recreational equipment not designed to be
38 temporary living accommodations is not permitted. Occupancy of a boat regardless
39 of whether such vessel contains living accommodations is not permitted.
40
41 6. Occupancy of an RV as a manager's unit shall only be permitted in a licensed
42 RV park or campground, ~~or in the C2 or LI zones, subject to approval by the~~
43 ~~reviewing authority.~~
44
45 7. Parking of all vehicles at a site, including one or more RVs must comport to the
46 requirements of Chapter 12 of this title.

1
2 C. Camping on Public Property. It is unlawful for any person to camp on any City-
3 owned or City-controlled property, any public park, or any public right-of-way.
4

5
6
7 **6. Revise definition of “RV Park”.**
8

9 **12-2-1: TERMS DEFINED:**
10

11 **RECREATIONAL VEHICLE PARK:** Any lot or parcel on which two (2) or more sites
12 are located, established or maintained for itinerant, short-term or long-term occupancy by
13 recreational vehicles or for their storage for a fee ~~as temporary living quarters for recreation~~
14 ~~or vacation purposes~~. Each non-storage site shall include individual connections for
15 electricity and sanitary services. A recreational vehicle park may also include amenities for
16 the use of the occupants, including but not limited to laundry, showers, game room,
17 recreation, or restaurant.
18

19
20
21 **7. Better define the elements and allowable sub-uses of an RV park.**
22

23 **12-11-19: RECREATIONAL VEHICLE PARKS; REQUIREMENTS:**
24

25 A. License Required: No person shall operate a recreational vehicle (RV) park within the
26 corporate limits of the city without first obtaining a business license as required by
27 title 4 (Business and License Regulations), and any necessary approvals required by
28 the zone district in which the property is located, including a conditional use permit
29 and design review.
30

31 B. Allowable Uses and Use Allocation

32 1. An RV park may include itinerant, short-term, and long term spaces, as well as
33 storage areas as follows:

34 1a. Itinerant spaces (30 days or less): up to 100% of total spaces; a minimum of
35 50%.

36 1b. Short-term spaces (more than 30 days and less than 4 6 months): a maximum
37 of 50% of total spaces.

38 1c. Long-term spaces (more than 4 6 months): a maximum of 25% 50% of total
39 spaces.

40 1d. Storage (unoccupied): a maximum of 25% of total spaces.

41 2. Non-conforming Use Allocation. Any non-conforming allocation existing at the
42 time of passage of this ordinance shall be corrected the next time a non-
43 conforming space is occupied. No new non-conforming uses shall be allowed.

44 3. Sunset Date for Existing Non-conforming Use Allocation. Notwithstanding other
45 sections of this code, all existing RV parks shall be made to conform to the
46 allowable use allocation no later than December 31, 2020.

1
2 **C. Prohibition on Subletting:** The renter(s) of an RV space may not sublet that space to
3 another party.

4
5 **D. All RVs located in an RV park must have a clear vehicle title, ~~be roadworthy and~~**
6 **~~have current vehicles license plates.~~**

7 **1. Under no circumstances will an RV be allowed to be placed on blocks.**

8
9 **EB. Recreational or Open Space Development:**

- 10
11 1. RV parks with an area of ten (10) acres or less shall be required to develop a
12 minimum of ten percent (10%) of the total area for recreational or open space
13 purposes.
14
15 2. RV parks with an area greater than ten (10) acres shall be required to develop a
16 minimum of twenty percent (20%) of the total area for recreational or open space
17 purposes.
18
19 3. The required open space may include amenities for the use of guests, such as
20 recreational facilities and picnic areas. It shall not include the area within the
21 individual RV spaces.
22

23 **FC. Off Street Parking:** Parking shall be provided as required by chapter 12 of this title.
24

25 **GD. Ingress and Egress:**

- 26
27 1. Driveways for ingress and egress shall comply with the requirements of section
28 11-5-1(D) of title 11 (Unified Development) and with the requirements of
29 subsection D3 of section 12-12-2 of this title.
30
31 2. Street access shall be limited to driveways serving the entire RV park. All access
32 to individual RV spaces shall be from within the property. The access of an RV
33 space directly from the street shall be prohibited.
34

35 **HE. Interior Circulation and Driveways:**

- 36
37 1. Interior driveways shall have a width of not less than fifteen feet (15') for a one-
38 way drive and not less than twenty feet (20') for a two-way drive, exclusive of on-
39 site parking.
40
41 2. Driveways and parking surfaces within the park and RV parking sites shall be
42 properly surfaced with gravel or asphalt.
43

44 **IF. Landscaping:** Landscaping shall be provided as required by chapter 13 of this title.
45 Landscaping shall be provided around the perimeter of the site, to provide screening
46 from the street and adjacent properties and to beautify the park.

- 1
2 1. Wherever possible, existing tree cover and natural vegetation shall be maintained.
3
4 2. There shall be one (1) tree for every ten (10) RV spaces.
5

6 ~~3. Any RV park that has more than 10% long term spaces shall provide a fenced~~
7 ~~area for children to play that is a minimum of 500 square feet, subject to approval~~
8 ~~by the community development director.~~
9

10 JG. Fences: Fences may be incorporated into the landscaping design. Chain link fences
11 shall not be used on the perimeter of the site, unless approved by the reviewing
12 authority.
13

14 KH. Sanitary Facilities: Sanitary facilities and sewer connections shall be provided as
15 required by section 10-2-3 of title 10 (Building Regulations).
16

17
18
19 **8. Prohibit the enlargement or expansion of a nonconforming use. Currently, the**
20 **code only prohibits the enlargement or expansion of a nonconforming structure**
21 **and prohibits change in a nonconforming use. Common law indicates that courts**
22 **may perceive a change in use to be different from an enlargement or expansion.**

23 12-16-5: EXPANSION OR ALTERATION:

24 No existing nonconforming structure may be enlarged, expanded in use or reconstructed,
25 except to a conforming use in the district. Ordinary maintenance and repair work may be
26 done in nonconforming uses. (Ord. 849, 8-17-2009)
27

28 ~~No existing nonconforming use activity shall be expanded, enlarged, or altered unless the~~
29 ~~expansion, enlargement, or alteration makes the use more conforming or is required~~
30 ~~by law.~~
31

32
33
34 9. Added at Council request at 2/17 workshop: add all commercially located sheds to
35 design review.
36

37 12-10-2: SCOPE
38

39 B. Activities exempt from Design Review: The following activities shall be exempt
40 from the requirements of design review:
41

- 42 1. Normal maintenance and repair shall be exempt from the requirements of
43 design review, where there is no change to the exterior appearance of the structure.
44

1 2. The replacement of fifty percent (50%) or less of a non-conforming siding
2 material on any single facade shall be considered maintenance. The replacement of
3 more than fifty percent (50%) of the exterior siding material on a single facade shall
4 be considered an alteration and shall comply with the requirements of this chapter
5 including article A.

6
7 3. Minor adjustments to dimensions such as railing height or stairs, where
8 necessary to comply with the building code, shall be considered maintenance,
9 provided the design of the replacement feature is otherwise identical to the feature
10 being repaired, and the change is no more than necessary to correct the deficiency.

11
12 4. In zones (R1, R1R, R2, R3, R3R, S1 and S2) One accessory building with a
13 gross floor area of one hundred twenty (120) square feet or less may be placed on
14 a lot without meeting the requirements of this chapter, including Article A,
15 provided the structure is placed in the rear of the lot behind the principal building.
16 Additional accessory buildings located in these residential zones, regardless of size
17 and location, shall be subject to all requirements of this chapter. This exemption
18 does not apply to accessory structures located in zones OT, OTW, RC, AC, C1, C2,
19 L1, S3, S3R, S3M, P, PR, or S4.

20
21
22
23
24 **10. Add medical marijuana grows to R1R zone**

25
26 R1R Single Family Residential

27 12-5B-3: CONDITIONAL USES:

28
29 Churches.

30
31 Daycare center, seven (7) or more children.

32
33 Governmental or municipal structures, uses, or facilities.

34
35 Medical marijuana gardens.

36
37 Parks, recreational areas or facilities. (Ord. 849, 8-17-2009)

38
39 12-17B-3: LOCATION:

40
41 Medical marijuana gardens may be sited in Long Beach subject to the following:

42
43 A. Allowed Zones: Medical marijuana gardens are allowed as a conditional use in the R1
44 - single-family residential, R1R – single family residential restricted, S1 - shoreline

1 single-family residential, RC - residential commercial, C1 - commercial, C2 - commercial
2 retail warehouse, and L1 - light industrial.

3
4
5
6
7 **11. Allow some intensification of use in non-restricted shoreline Resort zones (S3**
8 **and S3M)**

9
10 **ARTICLE C. S3 SHORELINE RESORT DISTRICT**

11
12 **12-8C-4: STANDARDS:**

13
14 A. Lots:

15
16 1. Lot Size: The minimum lot size is ten thousand (10,000) square feet.
17 Construction on lots platted prior to the effective date hereof, with less than ten
18 thousand (10,000) square feet, may be permitted where approved by the city
19 council, upon the recommendation of the planning commission.

20
21 2. Lot Coverage: No more than seventy-five percent (75%) of any lot shall be
22 covered by structures and/or impermeable surfaces.

23
24 3. Setback Requirements: None, except as may be required through design
25 review.

26
27 B. Building Height: The maximum height of a building shall be sixty feet (60') with
28 seventy feet (70') allowable if parking is placed on the ground floor beneath the
29 building; impervious cover is limited to a maximum of 60% of the total
30 development site; and any building is located east of the 1968 Seashore
31 Conservation Line.

32
33 C. Signs: As provided for in chapter 14, including article A, of this title.

34
35 D. Parking: As provided for in chapter 12 of this title.

36
37 E. Design Review: All new construction, additions and exterior alterations shall be
38 subject to design review as provided in chapter 10 of this title.

39
40 F. Landscaping: As provided for in chapter 13 of this title.
41
42

1 **Article E. S3M Shoreline Resort Mixed-Use District**

2
3 **12-8E-4: STANDARDS:**

4
5 A. Lots:

6
7 1. Lot Size: The minimum lot size is ten thousand (10,000) square feet.
8 Construction on lots platted prior to the effective date hereof, with less than ten
9 thousand (10,000) square feet, may be permitted where approved by the city
10 council, upon the recommendation of the planning commission.

11
12 2. Lot Coverage: No more than seventy-five percent (75%) of any lot shall be
13 covered by structures and/or impermeable surfaces.

14
15 3. Setbacks: None, except as may be required through design review.

16
17 B. Building Height: The maximum height of a building shall be ~~forty five~~ fifty feet
18 (45-50'), with sixty feet (60') allowable if parking is placed on the ground floor
19 beneath the building; and impervious cover is limited to a maximum of 60% of the
20 total development site; and any building is located east of the 1968 Seashore
21 Conservation Line.

22
23
24 C. Signs: As provided for in chapter 14, including article A, of this title.

25
26 D. Parking: As provided for in chapter 12 of this title.

27
28 E. Design Review: All new construction, additions and exterior alterations shall be
29 subject to design review as provided in chapter 10 of this title.

30
31 F. Landscaping: As provided for in chapter 13 of this title.

32

1 **VIII. TITLE 13, CRITICAL AREAS**

- 2
3 **1. Allow for maintenance of private property in wetlands and buffers, if no net loss.**
4 **Allow people to maintain their property if it includes wetlands.**

5
6 **13-3-9: EXEMPTIONS:** The following developments, activities, or associated uses are
7 exempt from provisions of this title, provided they are consistent with provisions of other
8 applicable local, state, and federal laws and requirements:

- 9 B. **Vegetation management** that is part of ongoing maintenance of uses, facilities,
10 infrastructure, public rights-of-way, or utilities, provided the vegetation management
11 activity does not expand further into the critical area or its buffer is exempt.

1 **IX. TITLE 14, ENFORCEMENT**

2
3 1. Insert language requiring site access to be obtained from Superior Court.

4
5 **14-3-2: ENFORCEMENT METHOD NO. 2: NOTICE OF VIOLATION AND**
6 **ABATEMENT:**

7
8 B. The Notice of Violation and Abatement shall contain the following:

9
10 1. Statement that if the responsible party to whom the Notice of Violation and
11 Abatement is issued fails to submit a Notice of Appeal within fourteen (14)
12 calendar days of issuance or fails to voluntarily abate the nuisance within the time
13 specified in the Notice of Violation and Abatement, the City may abate the
14 nuisance upon issuance of an abatement order or other written permission to
15 access the site for purposes of abatement from the Pacific County Superior Court;
16
17

18 **14-3-3: ENFORCEMENT METHOD NO. 3: NOTICE OF VIOLATION, CIVIL**
19 **PENALTY AND NOTICE THEREOF, ABATEMENT:**

20
21 B. The Notice of Violation shall contain the following:

22
23 6. Statement that abatement procedures, as described in this chapter, may be
24 implemented if civil penalties reach more than \$1,000 upon issuance of an
25 abatement order or other written permission to access the site for purposes of
26 abatement from the Pacific County Superior Court;
27
28

29 **14-5-1: ABATEMENT PROCESS:**

30
31 A. Access. ~~Using any lawful means~~ Upon receiving an abatement order or other
32 written permission to access the subject property from the Pacific County
33 Superior Court, the City may enter upon the subject property or premises and may
34 remove or correct the condition that is subject to abatement. If the owner of the
35 premises does not consent to entry, the City may seek such judicial process as it
36 deems necessary to effect the removal or correction of such condition.

MEMO

To: Mayor & Council
From: David Glasson
Date: April 17, 2015
Re: Dog Section of the municipal code

I have included a proposed section related to dogs in the city. The current code fails to address dogs on city properties, removal of feces and penalties for not following the codes. I need the advice of the council as to what the regulations should say for the beach, dunes, Veteran's field and mini parks. The portion that is black and white is from the current code. The red strikethrough is verbiage of the original code that is proposed to be removed, and the yellow highlight is proposed new language. The city attorney has reviewed the proposed codes.

6-4A-1: DEFINITIONS:

As used in this article:

ADULT DOG: Any dog over four (4) months of age.

ANIMAL CONTROL OFFICER: All police officers and any other person or persons so deputized as an animal control officer by the mayor and/or the chief of police. All animal control officers shall report to and follow the orders of the mayor and/or police chief.

DANGEROUS DOG: Any dog that has demonstrated a propensity to do a harmful act to human beings or other animals, regardless whether done in a playful or hostile manner.

DOG: Any mammal of the canine family.

DOG AT HEEL: A dog at a distance up to ten feet (10') from the owner.

DOG NUISANCE: A dog is a public nuisance if it:

- A. Bites a person.
- B. Chases vehicles, persons or bike riders or other animals.
- C. Damages or destroys property of persons other than the owner of such dog.
- D. Scatters garbage.
- E. Trespasses on private property of other than the owner of the dog.
- F. Disturbs persons by frequent or prolonged barking.
- G. Is a female in heat and running at large.

DOG RUNNING AT LARGE: A dog off or outside the premises of the owner, not restrained by a rope, line, leash, chain or similar means, or not at heel. If such dog is not at heel or is not restrained by a tether of some kind, then that dog shall be deemed "at large". Furthermore, such tether shall not exceed **ten six feet (10-6')** in length from the owner's hand to the collar of the dog. ~~"Running at large" does not include the use of a dog under supervision of a person to legally hunt or pursue wildlife.~~

HUMANE SOCIETY: The South Pacific County Humane Society at 330 2nd Street North East.

IMPOUNDMENT: Taking physical control of such dog. The moment an animal control officer/police officer is in physical control of a dog at large, such dog is considered impounded, and subject to impoundment fees.

KENNEL: A shelter for a dog or dogs.

OWNER: Any person who keeps, has custody of, possesses, harbors or exercises control over a dog with the exception of veterinary hospitals.

6-4A-2: KENNEL LICENSE, FEE AND REGULATIONS:

A. License Required: A kennel license is required for keeping in excess of four (4) dogs.

B. License Fee: Each applicant for a kennel license shall pay an annual license fee of five hundred dollars (\$500.00) to the city.

C. Proof Of Adequate Quarters: Each applicant shall further provide proof to the city council that he or she has adequate kennel quarters. "Adequate kennel quarters" are enclosed dog sheds and runs of not less than five hundred (500) square feet for each dog, and the sheds and runs shall not be located within fifty feet (50') of the property line of the lands upon which the sheds and runs are located.

D. Violation: Any dogs kept in violation of this article shall be impounded and destroyed in the manner provided in this article.

6-4A-3: PROHIBITED ACTIVITIES:

A. Allowing Dog To Run At Large: It is unlawful for any owner of a dog to allow such dog to run at large.

B. Allowing Public Nuisance: It is unlawful for any owner of a dog to allow his dog to be a public nuisance.

C. Number Of Dogs Limited: It is unlawful for any person to keep within the corporate limits of the city more than four (4) adult dogs without first obtaining a kennel license.

6-4A-4 Dogs on public grounds.

A. It shall be unlawful for an owner to allow any dog to stray and/or enter with or without a leash or other means of restraint upon any school ground, playfield, park, beach, waterfront or other public property.

B. Notwithstanding the restrictions set forth in subsection (A) of this section, dogs accompanied by their owners may be walked or exercised while on leash in the following areas. The phrase "on leash" and references to pathways shall be interpreted to mean on a leash restricting the dog to an area on or within six feet of the pathway surface.

1. The grass areas outside the playfields at Culbertson Park, in the area commonly used for overflow parking; and

2. The grass areas outside the playfields at Stanley Field, in the area commonly used for overflow parking; and

3. The asphalted pathways of Discovery Trail; and

4. What does the city want to address about: The boardwalk, Veteran's Field, the Mini Parks & Dunes?

C. All dogs permitted in the areas designated in subsection (B) of this section shall be on a leash.

D. Nothing herein shall be determined to require the posting of notices to exclude animals; provided, however, that such postings may be undertaken at the discretion of the parks supervisor.

E. The regulations under LBCC 6-4A-5 relating to animal waste and the removal and proper disposal of said waste will be strictly enforced.

6-4A-5 Animal waste.

A. It shall be unlawful for the owner or person having charge of any animal to permit, either willfully or by failure to exercise due care, such animal to commit a public nuisance by defecating in any area of the city other than the premises of the owner or person having charge or control of the animal, unless said owner or person having charge takes immediate steps to remove and properly dispose of said feces.

B. It shall be unlawful for the owner or person having charge of any animal to take said animal off of the private property of said person without having in the possession of the owner or person having charge of the animal a proper means of disposal for the feces of the animal.

C. "Disposal" is defined, for the purposes of this section, as the removal of feces by means of a bag, scoop or other device and an eventual disposal in a trash receptacle, by burying or by other means of lawful disposal.

6-4A-6: IMPOUNDMENT AND REDEMPTION:

A. Impoundment Authorized; Retrieval; Payment Of Fine:

1. It shall be the duty of all police officers and any person or persons deputized as animal control officers to impound all dogs caught running at large anywhere within city limits. Such dog shall be placed in the custody of the Humane Society the same day.

2. The owner may retrieve the dog from the animal control officer/police officer after impound but before placement in the **Humane Society** by ~~paying the impound fee,~~ receiving the citation for the violation causing the impound, ~~and by presenting the receipt to the animal control officer/police officer.~~

3. The animal control officer/police officer is empowered with the right to fine dog owners for violating any portion of this article, ~~pursuant to subsection C of this section.~~

B. Post Notice Of Impoundment: Upon the taking up of any dog under this article, the animal control officers/police officer shall, within twelve (12) hours of impoundment, post a notice of impoundment containing the description of such dog, the date of impoundment, and the procedure by which the owner may redeem such dog. Such notice shall be posted at the post office, the police station and the city hall; and the owner thereof shall be notified, if possible.

C. Citation For Specific Violation: ~~At such time when the animal control officer/police officer is presented with a receipt of the appropriate payments by the owner, t~~ The animal control officer/police officer shall ~~in turn~~ present the owner with a citation for the specific violation of such dog. Furthermore, the animal control officer/police officer shall require positive identification of the person claiming such dog and record such person's name and address along with a brief description of such dog and any tags it may possess.

D. Disposal Of Unclaimed Animal: Unless called for and redeemed up to the third day following impoundment, as provided in this article, such dog taken up shall be considered forfeited by its owner, ~~if such owner exists, and shall be disposed of by a certified veterinarian.~~

E. Animal Adoption: If a person who is not the rightful owner of an impounded dog wishes to own such dog, then that person shall take possession of such dog the third day following impoundment.

~~F. Care Of Animals And Maintenance Of Kennel: The animal control officer/police officer shall have the responsibility of feeding, watering and sheltering impounded dogs in the kennel and in a humane manner. Such kennel will be kept clean and disease free by the animal control officer/police officer.~~

~~G. Killing Of Dangerous Dog: Any dangerous dog found at large and which cannot be safely taken up and impounded may be slain by an animal control officer/police officer. (1988 Code § 6.04.040; amd. 2007 Code)~~

6-4A-7: DANGEROUS OR POTENTIALLY DANGEROUS DOGS; OTHER DANGEROUS PET ANIMALS:

A. Definitions: Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

DANGEROUS DOG: Any dog that, according to the records of the appropriate authority:

- 1) has inflicted severe injury on a human being without provocation 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.

OWNER: Any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in, or having control or custody of, an animal.

POTENTIALLY DANGEROUS DOG: 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.

PROPER ENCLOSURE OF A DANGEROUS DOG: 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.

SEVERE INJURY: Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

B. Classification: The chief of police or designee shall have authority to classify "potentially dangerous dogs" and "dangerous dogs". The chief of police may find and declare an animal potentially dangerous or dangerous if there is probable cause to believe that the animal's action falls within the descriptions that follow. The finding must be in writing and based upon personal observations and testimony that the dog has acted in a manner which may cause it to be classified as a "dangerous dog" or a "potentially dangerous dog".

1. Potentially Dangerous Dog: A dog shall be declared potentially dangerous if, unprovoked, it:

- a. Inflicts bites on a person or a pet or domestic animal either on public or private property;
- b. Chases or approaches a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack; or

c. Has a known propensity to attack unprovoked, or to cause injury, or otherwise to threaten the safety of humans or pets or domestic animals.

2. Dangerous Dog: A dog shall be declared dangerous when, according to the records of the city, the dog has:

a. Inflicted severe injury on a person without provocation on public or private property;

b. Killed a pet or domestic animal without provocation while off the owner's or keeper's property; or

c. Aggressively bitten, attacked or endangered the safety of humans or pets or domestic animals after previously having been found to be potentially dangerous, and the owner or keeper has received written warning.

3. Defense Against Classification: A dog shall not be declared potentially dangerous or dangerous if:

a. The threat, injury or damage was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the property occupied by the owner of the dog;

b. The person was tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have tormented, abused or assaulted the dog;

c. The person was committing or attempting to commit a crime;

d. Another pet animal or domestic animal had entered the property of the owner of the dog without invitation; or

e. The dog, when on a leash, was responding to attack by another pet or domestic animal, whether on or off the owner's property.

C. Declaration Of Potentially Dangerous Dogs:

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

a. Certified mail to the owner's last known address;

b. Personally; or

c. If the owner cannot be located by one of the first two (2) methods, by publication in a newspaper of general circulation.

2. The declaration shall state:

a. The description of the dog;

b. The name and address of the owner of the dog;

c. The location of the dog if it is not in the custody of the owner;

d. The facts upon which the declaration of potentially dangerous dog is based and how to avoid the animal being declared dangerous;

e. The restrictions placed on the dog as a result of the declaration of potentially dangerous dog; and

f. Penalties for violation of the restriction, including the possibility of destruction of the dog.

3. Within fourteen (14) days of the city serving a potentially dangerous dog declaration, the owner may request a hearing. The hearing shall be held within fourteen (14) days of the receipt for request for hearing, unless it is continued for good cause. The city shall notify the owner of the date, time and place for the hearing. The chief of police shall hold a hearing to receive information on the declaration and shall issue an order within five (5) days from the date of hearing. For the purpose of conducting the hearing set forth in this section, the city designates the chief of police. The decision of the chief of police may be appealed to the city council. An appeal must be filed within ten (10) days of the decision by the chief of police with the decision of the city council being final with no further appeal.

D. Control And Confinement Of Potentially Dangerous Dog:

1. The dog must be securely leashed and under the control of a person physically able to control the animal when away from the property of the owner; or

2. While on the property of the owner the dog must be securely restrained by means of a physical device or structure such as a tether, trolley system or other physical control device to humanely confine the dog in a manner which prevents escape from the property.

E. Declaration Of Dangerous Dog:

1. The declaration of a dangerous dog shall be in writing and served on the owner as set forth in subsection C1 of this section.

2. The declaration (or notice) shall state: a) the alleged violation; b) the reasons the city considers the animal dangerous; c) a statement that the dog is subject to registration and controls as set forth in subsection F of this section; d) and an explanation to the owner of the rights and procedure for appealing the dangerous dog decision.

a. The notice shall inform the owner that there is an opportunity to meet with the city where the owner may provide orally or in writing reasons or information why the dog should not be declared dangerous. The notice shall state the date, time and location of the meeting with the city which shall be held prior to the expiration of fifteen (15) days following delivery of the notice to the owner. The owner may propose an alternative meeting, date and time, provided the meeting is scheduled within the fifteen (15) day time period.

b. After a meeting between the owner and the city, the city must issue its final determination, in the form of a written order, within fifteen (15) calendar days from the date of the meeting. In the event the city declares a dog to be dangerous, the order shall include a recital of the authority for the action, a brief statement of the facts that support the dangerous dog determination and the signature of the person who made the determination. The order shall be sent by regular and certified mail, return receipt requested, or delivered in person to the owner at the owner's last known address. For purposes of providing notice, holding a meeting and issuing orders on dangerous dogs, the city hereby appoints the police chief.

3. A dangerous dog determination may be appealed administratively to the city administrator. An appeal must be made within twenty (20) days of receiving the final dangerous dog determination from the city. During the pendency of the appeal, the city may order that the dog be confined and controlled by requiring that the dog be restrained in a proper enclosure, unless, when outside an enclosure, the dog is muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. If, during the pendency of the appeal, the dog is confined by the city or its agent, the owner must pay all costs of confinement.

Before the city administrator, the records of the city and any supplemental material shall be admissible to prove the dog is a dangerous dog, the owner or keeper of the dog may present evidence and examine witnesses with the city having the burden to prove by a preponderance of the evidence that the dog is dangerous. The city administrator shall issue a final decision based upon the record and evidence, including an order to register the dog as dangerous.

F. Certificate Of Registration As Dangerous Dog: The chief of police shall issue a certificate of registration to the owner of a dangerous dog. This certificate shall state the conditions under which the dangerous dog may be kept, to include:

1. Dangerous dogs must be securely muzzled and leashed and under the control of a person physically able to control the dog if the dog is away from the property of the owner;
2. While on the property of the owner, the dog must be securely confined inside a locked building, kennel, pen or other structure having secure sides, bottom, and top, suitable to prevent the entry of young children and designed to prevent the animal from escaping;
3. The posting of the property with a clearly visible warning sign that there is a dangerous dog on the property;
4. A surety bond issued by a surety insurer qualified under Revised Code of Washington chapter 48.28, in a form acceptable to the chief of police in the sum of at least two hundred fifty thousand dollars (\$250,000.00), payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurer qualified under Revised Code of Washington title 48 in the amount of at least two hundred fifty thousand dollars (\$250,000.00), insuring the owner for any injuries inflicted by the dangerous dog;
5. Such other identifying information as may be required by the chief of police;
6. Certification that the owner is aware of and understands the nature of the dog and the provisions of the law which apply to it; and
7. Payment of an annual registration fee of one hundred dollars (\$100.00) which fee may be modified by city council resolution.

G. Dangerous Dog Confiscation: Any dangerous dog shall be immediately confiscated by the city if the: 1) dog is not registered under this section; 2) owner fails to obtain or keep in force the bond and liability insurance required under this section; or 3) the dog is not maintained in accordance with the certificate issued by the city. The owner shall pay all costs of confinement and control. Upon confiscation by the city, a notice shall be served upon the dog owner in person or by regular and certified mail, return receipt requested, specifying the reason(s) for confiscation of the dangerous dog including that the owner is: 1) responsible for payment of the cost of confinement and control; and 2) that the dog will be destroyed in an expeditious and humane manner if the deficiencies for which the dog was confiscated are not corrected within twenty (20) days of notice. of a gross misdemeanor punishable in accordance with Revised Code of Washington 9A.20.021.

H. Other Dangerous Pet Animals: The chief of police or designee shall have authority to classify other pet animals as dangerous under the same criteria as used in this section for dogs. Such

designation will be based on specific actions by the animal such as those noted in subsections B of this section, and the chief of police or designee shall have authority to require the owner or keeper of such pet animal to take certain actions to control or confine the pet animal. Once a pet animal has been declared potentially dangerous or dangerous, any violations of the provisions of this section will be handled in the same manner as other violations under this section.

I. Permanent Removal From City: Under special circumstances and subject to the restrictions of Revised Code of Washington [chapter 16.08](#), the owner may be required to permanently remove the dog from the city.

6-4A-8: VIOLATION; PENALTIES:

A. Violations Generally: The owner of any dog taken up at large and/or creating a nuisance shall be fined not less than fifty dollars (\$50.00) for the first offense, not less than one hundred dollars (\$100.00) for the second offense, and not less than two hundred dollars (\$200.00) for any further offenses. The maximum fine shall not exceed two hundred fifty dollars (\$250.00).

B. Kennel Operation: Any owner in violation of any part of subsection [6-4A-2H](#) of this article, which pertains to kennel licensing, shall be fined not less than one hundred dollars (\$100.00) and not more than two hundred fifty dollars (\$250.00).

TAB - B

Ordinance 9XX

BURGLAR AND FIRE ALARM SYSTEMS

[Section 1](#) Purpose.

[Section 2](#) Definitions.

[Section 3](#) Emergency response card.

[Section 4](#) False alarms.

[Section 5](#) Ownership and maintenance.

[Section 6](#) Tampering with fire and/or burglar alarm systems.

[Section 7](#) Work on auxiliary systems – Notice.

[Section 8](#) Automatic calling devices prohibited.

[Section 9](#) Administrative decisions, notice.

[Section 10](#) Appeal from administrative decision, finality.

[Section 11](#) Private agencies.

[Section 12](#) Violation – Penalties.

Section 1 Purpose.

It is the intent of this chapter to reduce the number of false alarms occurring within the city and resultant waste of city resources by providing for corrective administrative action, including fees and criminal penalties.

Section 2 Definitions.

(1) “Authorized service personnel” means those persons who, by reason of their experience, trade or occupation, have met the minimum state requirements for serving such alarm systems and who are licensed by the state of Washington to work on an alarm system.

(2) “Burglar alarm” means, for purposes of this chapter, the transmission of an alarm by automatic alarm systems and circuits leading to the connection with Pacific County Communication or any component part thereof for the purpose of summoning the police department when a burglary or emergency is occurring.

(3) "False alarm" means:

(a) The activation of a burglar and/or a robbery alarm for the purposes of summoning the police at a time when no burglary or robbery is being committed or attempted on the premises; or

(b) The activation of a fire alarm caused by defective or improperly maintained equipment for the purpose of summoning the fire department at a time when no fire or emergency is occurring.

(4) "Fire alarm" means, for the purposes of this chapter, the transmission of an alarm by automatic alarm systems and circuits leading to the connection with Pacific County Communication or any component part thereof for the purpose of summoning the fire department when a fire or emergency is occurring.

(5) "Person" means any natural person, firm, partnership, corporation or unincorporated association.

(6) "Premises" means any building, structure, enclosure, real property or vehicle.

Section 3 Emergency response card.

It is unlawful to have or maintain on any premises a burglary and/or robbery alarm or fire alarm unless there is on file with the police department an emergency response card containing no more than three names and current phone numbers of persons authorized to enter the premises if summoned. Names and phone numbers shall be provided in writing to the Long Beach police department.

Section 4 False alarms.

(1) Police. Each and every burglary alarm requiring a response within the city of Long Beach shall be allowed two false alarms during any calendar year. Thereafter, false alarms shall be assessed a fee as follows: 3rd False alarm in the calendar year \$50.00, 4th False Alarm in the calendar year \$100.00, 5th and subsequent alarms in the calendar year \$200.00

(2) Fire. Each and every false alarm requiring a response within the city of Long Beach shall be allowed one false alarm during any 30-day period. Thereafter, false alarms in said 30-day period shall be assessed a fee as follows: 2nd False alarm in the calendar year \$50.00, 3rd False Alarm in the calendar year \$100.00, 4th and subsequent alarms in the calendar year \$200.00

(3) Audible Alarm. Any alarm audible upon abutting property for a period in excess of 20 minutes is declared to be a public nuisance.

Section 5 Ownership and maintenance.

Ownership and maintenance of alarm systems, circuits leading to the connection with Pacific County Communications, or any component parts thereof, except as herein provided, shall remain and be the responsibility of the person owning or leasing the property.

Section 6 Tampering with fire and/or burglar alarm systems.

(1) Tampering. It shall be unlawful for any person to tamper with or to wantonly cut, break, deface, or actuate any alarm device (including auxiliary alarm devices, wires or wire supports, or appurtenances thereto), or intentionally to transmit an alarm knowing no emergency exists.

(2) Exception. Subsection (1) of this section shall not apply to city employees in the police division or fire department engaged in their official duties.

(3) Exception – Manufacturer’s Representatives. Subsection (1) of this section shall not apply to any competent representative of a manufacturer of burglar alarm equipment or fire alarm equipment who, with the consent of the chief of police or fire chief, is modifying, adjusting, altering, repairing, or replacing the system or any of its component equipment.

(4) Exception – Insurance Rating Engineer. Subsection (1) of this section shall not apply to any competent insurance rating engineer who is testing the system in discharge of his duties and with permission of the chief of police or fire chief.

Section 7 Work on auxiliary systems – Notice.

Any person doing any work on an auxiliary alarm system that may cause a signal to be transmitted over the city system shall notify the chief of police or fire chief before doing such work, stating the time and place thereof.

Section 8 Automatic calling devices prohibited.

No person shall use or operate, or attempt to use or operate, or cause to be used or operated, or arrange, adjust, program, or otherwise provide or install any device or combination of devices that will, upon activation, either mechanically, electronically, or by other automatic means, initiate a telephonic or recorded message to any telephone number assigned, or any additional telephone numbers assigned, to any rotary system of the city of Long Beach including, but not limited to, the city of Long Beach police department or fire department.

Section 9 Administrative decisions, notice.

Notice of imposition of any administrative sanction, including the imposition of a fee or order of disconnection, under the provisions of this chapter, shall be given to the person having or maintaining a burglary, robbery and/or fire alarm on premises owned or occupied by him, providing that with respect to business premises, the owner, manager, or chief administrative agent regularly assigned and employed on the premises at the time of the occurrence of a false alarm shall be presumed to be the person having or maintaining said alarm on said business premises.

Section 10 Appeal from administrative decision, finality.

Any person subject to the imposition of a fee, order of disconnection or other administrative sanction under the terms of this chapter, shall have a right of appeal therefrom to the code enforcement board. Unless notice of appeal is filed with the chief of police or fire chief, as the case may warrant, within 10 days of receipt of notice of imposition of administrative sanction, said sanction is deemed to be final.

Section 11 Private agencies.

Any private agency, business or other entity monitoring fire, burglary or robbery alarm systems within the corporate limits of the city of Long Beach shall notify Pacific County Communications, as the case may be, immediately upon receiving an alarm. All other notifications shall be secondary. Any private agency, business or other entity making a vehicular response to an alarm shall not display emergency lighting or otherwise disregard any traffic signals, speed restrictions or other laws in responding to said alarm.

Section 12 Violation – Penalties.

~~Every person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than \$300.00 or by imprisonment for not more than 90 days, or by both such fine and imprisonment. Every firm or corporation convicted of a violation of the provisions of this chapter shall be punished by a fine of not more than \$300.00.~~

Any person who willfully fails to pay the amount of any citation within 30 days from the date of issuance or 30 days after the adjudication in the City of Long Beach Municipal Court shall be guilty of a misdemeanor and shall be punished by not more than 90 days in jail and by a fine of not more than \$300 or both such incarceration and fine.

TAB - C

LONG BEACH CITY COUNCIL MEETING

APRIL 6, 2015

CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL

Mayor Andrew called the meeting to order at 7:00 p.m. and asked for the Pledge of Allegiance and roll call.

ROLL CALL

David Glasson, City Administrator, called roll with Mayor Andrew, C. Linhart, C. Hanson, C. Perez, and C. Phillips present. C. Murry, absent.

CONSENT AGENDA

Minutes, March 16, 2015 Regular City Council meeting

Payment Approval List for Warrant Registers 55183 - 55222 & 77701 - 77786 for \$235,033.59

C. Phillips made the motion to approve the consent agenda with C. Linhart seconding the motion. 4 Ayes 0 Nays 1 Abstain, motion passed.

BUSINESS

AB 15-24 Request for Special Use Permit by Long Beach Lions for Outdoor Vending of Fireworks

Gayle Borchard, Community Development Director, presented the agenda bill. Agenda item is in regards to a request for a special use permit by Long Beach Lions for outdoor vending of fireworks for July 2015 and December 2015 - January 2016. **C. Phillips made the motion to approve SUP 2015-04 with C. Hanson seconding the motion. 4 Ayes 0 Nays 1 Abstain, motion passed.**

AB 15-25 Personnel Policy Update

David Glasson, City Administrator, presented the agenda bill. Agenda item is in regards to the last part of the required updates from our insurance pool is an update to the personnel policies regarding computer use. **C. Linhart made the motion to approve ORDINANCE 908 with C. Hanson seconding the motion. 4 Ayes 0 Nays 1 Abstain, motion passed.**

AB 15-26 Engineering Services Amendment

David Glasson, City Administrator, presented the agenda bill. Agenda item is the start of our water comp plan update. **C. Hanson made the motion to approve the agenda bill with C. Phillips seconding the motion. 4 Ayes 0 Nays 1 Abstain, motion passed.**

AB 15-27 PA Equipment for Big Stage

Ragan Myers, Tourism & Events Coordinator, presented the agenda bill. Agenda item is in regards to approving the usage of the budgeted \$1,000 by the Council in 2014 and using a portion of the approved 2015 SummerFest Budget to purchase a permanent PA System for the big stage at Veterans Field. **C. Hanson made the motion to approve the agenda bill with C. Perez seconding the motion. 4 Ayes 0 Nays 1 Abstain, motion passed.**

AB 15-28 Fourth of July Fireworks Agreement

David Glasson, City Administrator, presented the agenda bill. Agenda item is requesting the approval of the Fireworks Contract for 2015. **C. Linhart made the motion to approve the agenda bill with C. Phillips seconding the motion. 4 Ayes 0 Nays 1 Abstain, motion passed.**

ORAL REPORTS

C. Phillips, C. Perez, C. Hanson, C. Linhart, Mayor Andrew, David Glasson, City Administrator, LBVFD Chief, and Gayle Borchard, Community Development Director, presented reports.

Authorize Bank Signors: Remove Gene Miles and add Helen Bell, Clerk Treasurer and Sue Ellyson, Utility Clerk. Keep David Glasson, City Administrator, and Mayor Andrew as approved signors. **C. Linhart made the motion to approve the changes to the Authorized Bank Signors with C. Phillips seconding the motion. 4 Ayes 0 Nays 1 Abstain, motion passed.**

CORRESPONDENCE AND WRITTEN REPORTS

Sales & Lodging Tax reports for March 2015
Long Beach Police Report for March 2015
Correspondence – FEMA update and analysis by Community Development Director
Tourism and Events Coordinator Reports
LBPVB Monthly Report – March 2015
Correspondence – Loyalty Days Foundation
Business License – Apex Mason LLC - Outside City Limits
Business License – Oregon Protective Services, LLC – Outside City Limits
Business License – Red Dog Tattoo, 600 Pacific Ave South, Long Beach

PUBLIC COMMENT

None

ADJOURNMENT

Mayor Andrew adjourned the meeting. The meeting was adjourned at 7:33 p.m.

Mayor

ATTEST:

City Clerk



Warrant Register

Check Periods: 2015 - April - First

I, THE UNDERSIGNED DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF LONG BEACH, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

Council Member Council Member Council Member Clerk/Treasurer

Number	Name	Print Date	Clearing Date	Amount
55223	Andrew, Robert E.	4/3/2015		\$395.45
55224	Bell, Helen S	4/3/2015		\$1,324.14
55225	Binion, Jacob	4/3/2015		\$1,647.69
55226	Bonney, Matthew T	4/3/2015		\$1,496.88
55227	Booi, Kristopher A	4/3/2015		\$1,319.15
55228	Borchard, Gayle	4/3/2015		\$2,010.13
55229	Cutting, Jeffrey G.	4/3/2015		\$1,845.68
55230	Dauton, Alan T	4/3/2015		\$563.04
55231	Elyson, Susan R	4/3/2015		\$1,059.54
55232	Fitzgerald, Rick E.	4/3/2015		\$1,437.48
55233	Gilbertson, Bradley K	4/3/2015		\$1,426.77
55234	Glasson, David R.	4/3/2015		\$2,593.48
55235	Goulter, John R.	4/3/2015		\$1,573.90
55236	Gray, Karen	4/3/2015		\$560.73
55237	Hanson, Natalie	4/3/2015		\$262.81
55238	Haskin, Katie R	4/3/2015		\$957.28
55239	Huff, Timothy M.	4/3/2015		\$1,501.09
55240	Kaino, Kris	4/3/2015		\$1,015.75
55241	Kirby, Gary E	4/3/2015		\$1,066.19
55242	Kitzman, Michael	4/3/2015		\$2,057.87
55243	Linhart, Steven P	4/3/2015		\$266.95
55244	Luethe, Paul J	4/3/2015		\$1,469.74
55245	Meiling, Casey K	4/3/2015		\$1,834.07
55246	Milles, Eugene S	4/3/2015		\$2,587.73
55247	Mortenson, Tim	4/3/2015		\$2,098.90
55248	Murry, Del R	4/3/2015		\$266.95
55249	Myers, Ragan S.	4/3/2015		\$1,460.00
55250	Nawn, Rodney J.	4/3/2015		\$1,736.48
55251	Ostgaard, Loretta G	4/3/2015		\$1,416.58

Number	Name	Print Date	Clearing Date	Amount
55252	Padgett, Timothy J	4/3/2015		\$1,377.43
55253	Parker, Michael T	4/3/2015		\$1,555.97
55254	Perez, Arthur Mark	4/3/2015		\$185.75
55255	Phillips, Gerald S	4/3/2015		\$266.95
55256	Quitner, Jonathan H	4/3/2015		\$957.47
55257	Russum, Richard	4/3/2015		\$1,273.28
55258	Warner, Ralph D.	4/3/2015		\$2,189.23
55259	Wood, Matthew T	4/3/2015		\$1,018.46
55260	Wright, Flint R	4/3/2015		\$2,424.83
55261	Zuern, Donald D.	4/3/2015		\$2,119.62
55262	Miles, Eugene S	4/3/2015		\$3,861.79
55263	AFLAC	4/6/2015		\$259.03
55264	Association of WA Cities	4/6/2015		\$24,577.88
55265	City of Long Beach - Fica	4/6/2015		\$11,331.06
55266	City of Long Beach - FWH	4/6/2015		\$8,928.22
55267	Council Gift Fund	4/6/2015		\$60.00
55268	Dept of Labor & Industries	4/6/2015		\$2,711.99
55269	Dept of Retirement Systems	4/6/2015		\$9,729.24
55270	Dept of Retirement Systems Def Comp	4/6/2015		\$1,150.00
55271	Massmutual Retirement Services	4/6/2015		\$525.00
55272	Teamsters Local #58	4/6/2015		\$190.00
77787	Long Beach Merchants	4/3/2015		\$5,219.00
77788	CHERRINGTON ENTERPRISES INC	4/7/2015		\$950.31
77789	Persell, Whitney	4/8/2015		\$65.71
77790	Mortenson, Jared	4/8/2015		\$43.81
77791	Williams, David	4/8/2015		\$103.57
77792	Yoder, Anthony	4/8/2015		\$32.86
77793	Nagy, Brandon	4/8/2015		\$21.90
77794	Aiken, James	4/8/2015		\$32.86
77795	Jewell, Kyle	4/8/2015		\$21.90
77796	Lopez, Daniel	4/8/2015		\$54.76
77797	Oman, Steve	4/8/2015		\$10.95
77798	Bardonski, Cory	4/8/2015		\$76.67
77799	Dijulio Displays	4/9/2015		\$26,080.00
77800	Sam Burton Designs	4/9/2015		\$530.00
77801	Pacific County Auditor	4/9/2015		\$160.00
77802	Melting, Casey	4/10/2015		\$56.00
77803	Loyalty Days	4/13/2015		\$5,645.14
77804	Pacific County Auditor	4/14/2015		\$32.00
77805	Glasson, David	4/15/2015		\$50.40
77806	Elyson, Sue	4/15/2015		\$24.85
77807	Public Utility District 2	4/15/2015		\$269.08
77808	Ostgaard, Loretta	4/17/2015		\$195.75
77809	Cutting, Jeff	4/17/2015		\$84.73
77810	Active Enterprises, Inc.	4/17/2015		\$107.18
77811	Airgas USA LLC	4/17/2015		\$27.90

Execution Time: 6 second(s)

Printed by CLB1\HelenB on 4/17/2015 11:00:55 AM
Register

Number	Name	Print Date	Clearing Date	Amount
77812	ALS ENVIRONMENTAL	4/17/2015		\$314.00
77813	Alsco-American Linen Div.	4/17/2015		\$124.78
77814	Astoria Janitor & Paper Supply	4/17/2015		\$628.17
77815	Boyce Equipment & Parts Co., Inc	4/17/2015		\$488.60
77816	BSK Associates	4/17/2015		\$758.50
77817	Cartomation, Inc	4/17/2015		\$5,000.00
77818	Cascade Columbia Distribution CO	4/17/2015		\$3,398.66
77819	Ced - Consolidated	4/17/2015		\$3,129.10
77820	CenturyLink	4/17/2015		\$1,793.35
77821	Chemtrac Systems, Inc	4/17/2015		\$1,158.85
77822	Chinook Observer	4/17/2015		\$115.64
77823	Coast Rehabilitation Services	4/17/2015		\$292.00
77824	CURRAN-McLEOD, INC	4/17/2015		\$440.00
77825	Dennis Company	4/17/2015		\$573.10
77826	ECMS, INC	4/17/2015		\$564.87
77827	Englund Marine Supply	4/17/2015		\$14.57
77828	Evergreen Septic Service	4/17/2015		\$252.00
77829	Fastsigns	4/17/2015		\$409.53
77830	Ford Electric	4/17/2015		\$350.09
77831	Goodyear Tire & Rubber Co.	4/17/2015		\$427.61
77832	GRAINGER	4/17/2015		\$241.70
77833	Gray, Karen	4/17/2015		\$31.00
77834	H. D. FOWLER	4/17/2015		\$3,069.28
77835	Hach Company	4/17/2015		\$986.50
77836	Industrial Hearing Service, Inc.	4/17/2015		\$450.00
77837	K & L Supply, Inc.	4/17/2015		\$150.92
77838	Kulbel, Jim	4/17/2015		\$141.90
77839	Law, Lyman, Daniel, Kamerrer & Bogdanovich, P.S.	4/17/2015		\$150.50
77840	Long Beach Commercial Security	4/17/2015		\$9.71
77841	Loyalty Days	4/17/2015		\$450.00
77842	McFarland Cascade	4/17/2015		\$7,024.29
77843	Northwest Motor Service	4/17/2015		\$2,139.96
77844	Pacific Art & Office Supply	4/17/2015		\$83.08
77845	Pacific County Sheriff's	4/17/2015		\$22,821.65
77846	Peninsula Landscape Supply	4/17/2015		\$73.37
77847	Peninsula Visitors Bureau	4/17/2015		\$15,450.00
77848	Penoyar, William	4/17/2015		\$1,000.00
77849	Photoheil	4/17/2015		\$609.61
77850	Public Utility District 2	4/17/2015		\$1,977.53
77851	Recall Secure Destruction Services	4/17/2015		\$148.68
77852	Rose City Sound	4/17/2015		\$187.50
77853	Sandridge RV & Boat Storage	4/17/2015		\$1,160.00
77854	STAPLES ADVANTAGE	4/17/2015		\$178.43
77855	Taft Plumbing	4/17/2015		\$6.46
77856	Tangly Cottage Garden	4/17/2015		\$979.69

Number	Name	Print Date	Clearing Date	Amount
77857	Total Battery & Auto	4/17/2015		\$306.06
77858	Traffic Safety Supply Co.	4/17/2015		\$102.79
77859	U.S. Cellular	4/17/2015		\$288.68
77860	Usa Blue Book	4/17/2015		\$1,267.69
77861	Visa	4/17/2015		\$2,084.42
77862	Vision Municipal Solutions	4/17/2015		\$381.48
77863	Western Display Fireworks	4/17/2015		\$4,500.00
77864	Wilcox & Flegel	4/17/2015		\$1,671.93
77865	Wilcox & Flegel Oil Co.	4/17/2015		\$1,353.32
77866	World Kite Museum	4/17/2015		\$1,625.00
77867	Auttelet, George & Heidi	4/17/2015		\$422.10
	Total			\$249,601.63
	Grand Total			\$249,601.63

TAB - D



**CITY COUNCIL
AGENDA BILL
AB 15-29**

Meeting Date: April 20, 2015

AGENDA ITEM INFORMATION		
SUBJECT: Ordinance No. 909	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	GB
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Tourism and Events Coordinator	
	COST: N/A	Water/Wastewater Supervisor
Other:		
<p>SUMMARY STATEMENT: FEMA recommends several changes to the city's building regulations (Title 10) as they relate to flood damage prevention. These recommended changes will bring the city's code into compliance with the current Code of Federal Regulations. If the City does not adopt these changes prior to May 18, 2015, when new FEMA flood maps take effect, it is at risk of being suspended from the National Flood Insurance Program, which currently insures more than \$35 million in assets located within Long Beach.</p> <p>This matter has been discussed in at least one council workshop and one regular council business meeting. A public hearing is not required.</p>		
<p>RECOMMENDED ACTION: Adopt Ordinance No. 909.</p>		

CITY of LONG BEACH
NOTICE of POSSIBLE ORDINANCE ADOPTION

The Long Beach City Council will consider and possibly adopt Ordinance No. 909, comprising changes to Title 10 - Building Regulations of the Long Beach city code. The changes to be considered are those recommended by the Federal Emergency Management Agency (FEMA) in order to make the City's flood prevention regulations that are part of Title 10 compliant with federal requirements. The City is a participant in FEMA's National Flood Insurance Program (NFIP), which affords many Long Beach property owners the opportunity to insure their properties against flood damage, including damage from tsunamis. Currently more than \$35 million in assets located in Long Beach are insured under the NFIP. In order to remain in the NFIP program, the city must adopt the FEMA-recommended changes to Title 10. **On May 18, 2015, new FEMA flood maps for Long Beach will take effect.** The FEMA-recommended changes must be adopted by that date, or FEMA may suspend the City from the NFIP.

The Long Beach City Council will consider this matter and possibly adopt Ordinance No.909 at its regularly-scheduled business meeting of **April 20, 2015**. That meeting is scheduled to start at 7:00 pm in the City Council Chambers at Long Beach City Hall, 115 Bolstad Avenue West, Long Beach, WA 98631. This facility is accessible to persons with disabilities.

The amendments as proposed are available for review at Long Beach City Hall.

Chinook Observer: Please publish on April 15

ORDINANCE No. 909

AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON ADOPTING REVISIONS TO TITLE 10, BUILDING REGULATIONS ADDRESSING FLOOD DAMAGE PREVENTION, AND PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT

WHEREAS, the City Council deems it necessary for the purpose of promoting the public health, safety and general welfare of the City; and

WHEREAS, the purpose in part of the Building Regulations Ordinance (Title 10) of the City of Long Beach, Washington is to promote public health, safety and general welfare, including the prevention of flood damage; and

WHEREAS, the Federal Emergency Management Agency has recommended changes to Title 10 to ensure its compliance with the Code of Federal Regulations regarding flood damage prevention; and

WHEREAS, if the City does not adopt the recommended changes and its code is not compliant with the current Code of Federal Regulations, the City risks suspension from the National Flood Insurance Program; and

WHEREAS, the City has reviewed and considered all recommended changes;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LONG BEACH, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings

The City Council of the City of Long Beach hereby adopts the following Findings of Fact:

- (1) The proposed ordinance is necessary to protect the health, safety, general welfare and orderly development of the community.
- (2) The proposed ordinance is consistent with the City's adopted Comprehensive Plan.
- (3) The proposed ordinance furthers the implementation of the city's adopted Comprehensive Plan.

Section 2. Adoption

Amendments to Title 10, Building Regulations, attached hereto, are hereby adopted.

Section 3. Severability

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

Section 4. Repeal

Any existing ordinances that may conflict with this ordinance are hereby repealed.

Section 5. Effective Date

This Ordinance shall be in full force and effect five (5) days from and after its passage, approval, and publication in the manner required by law.

Section 6. Adoption Date

ADOPTED by the City Council of the City of Long Beach, Pacific County, Washington at a regular open public meeting held the 20th day of April, 2015.

AYES 0

NAYS 0

ABSENT 0

ABSTENTIONS 0

Robert Andrew, Mayor

ATTEST:

Helen Bell, City Clerk

ATTACHMENT TO ORDINANCE No. 909 AMENDMENTS TO TITLE 10: BUILDING REGULATIONS

10-1-1 DEFINITIONS

BASE FLOOD: ~~A flood occurring on the average once every one hundred (100) years, or with a recurrence level of one hundred (100) years.~~ The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood”. Designation on maps always includes the letter A or V.

ELEVATION CERTIFICATE: The official form (FEMA Form 086-0-33 ~~81-31~~) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate, with Section B completed by the Long Beach building inspector.

MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING: A park or subdivision where construction of facilities servicing lots/sites on which manufactured homes are affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the city’s original adopted floodplain management regulations (August 1979).

RECREATIONAL VEHICLE (RV): Any vehicular portable structure without permanent foundation that can be towed, hauled, or driven, and is primarily designed as a temporary living accommodation for recreational and camping purposes. Recreational vehicles (RVs) include and are not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes. RVs located in a special flood hazard area (SFHA) are those that are:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

10-4-4: BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD: The areas of special flood hazard identified by the federal insurance administration in a scientific and engineering report entitled “The Flood Insurance Study For Pacific County, Washington and Incorporated Cities” dated May 18, 2015, and any revisions thereto, with an accompanying Flood Insurance Rate Map ~~The areas of special flood hazard identified by the federal insurance administration in a scientific and engineering report entitled “The Flood Insurance Study For The~~

~~City of Long Beach" dated February 1979, and any revisions thereto, with an accompanying flood insurance rate map (FIRM) dated August 1, 1979~~ May 18, 2015, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and the FIRM are on file at Long Beach city hall, 115 Bolstad West, Long Beach, WA, and the FIRM can be viewed via the City's GIS system found by following the GIS link at longbeachwa.gov. The best available information for flood hazard area identification as outlined in subsection 10-4-5B2 of this chapter shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under subsection 10-4-5B2 of this chapter.

10-4-8: SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION: In all areas of special flood hazard where base flood elevation data have been provided as set forth in section 10-4-4 of this chapter, the following provisions are required:

A. Residential Construction:

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot (1') above the base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

~~3. and b~~ 3. Below grade crawl spaces will not be considered basements if the following conditions are met:

a. The interior grade of a crawlspace below the BFE must not be more than two feet (2') below the lowest adjacent exterior grade.

- b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the Floor Joist must not exceed four feet (4') at any point.
 - c. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
 - d. The velocity of floodwater at the site should not exceed five feet per second (5 fps).
 - e. Ductwork must either be placed above the BFE or sealed to prevent the entry of floodwaters.
 - f. The height of a below-grade crawl space, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall shall not exceed four feet (4') at any point.
- D. Recreational Vehicles: Recreational vehicles placed on sites are required to:
- 1. Be on the site for fewer than one hundred eighty (180) consecutive days; ~~and~~ or
 - 2. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
 - 3. Meet the requirements of subsection C of this section and the elevation and anchoring requirements for manufactured homes per subsection 10-4-7A2 of this chapter.

TAB - E



**CITY COUNCIL
AGENDA BILL
AB 15-30**

Meeting Date: April 20, 2015

AGENDA ITEM INFORMATION		
SUBJECT: Letter of Understanding with WaDOT for the Dune to Pond Trail	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	GB
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Tourism and Events Coordinator	
	COST: N/A	Water/Wastewater Supervisor
	Other:	
<p>SUMMARY STATEMENT: Staff has heard from WaDOT regarding the trail project and the state requires we enter into an LOU identifying key personnel, spelling out certain conditions, and requiring the city to signify acceptance of those conditions via the Mayor's signature. If the Mayor does not sign the LOU, the city will lose about \$190,000 in trail funds. The LOU is attached.</p>		
<p>RECOMMENDED ACTION: Authorize the Mayor to execute the LOU.</p>		

Letter of Understanding for Project Administration

April 20, 2015

City of Long Beach
P.O. Box 310
Long Beach, WA 98631

F.A. No. unassigned
Dune to Pond Trail

Letter of Understanding for Project Administration

Attn.: David Glasson, City Administrator

Dear Mr. Glasson,

The Washington State Department of Transportation Highways & Local Programs (Local Programs) is to define, for projects utilizing Federal funding, the responsibilities for grant administration, consultant selection, consultant agreements, development of plans, specifications, and estimate, environmental documents, acquisition of right of way, advertisement, award and execution of contract, and construction administration including but not limited to inspection, change orders and final project documentation.

The City of Long Beach (AGENCY), operating under an extension of Local Programs Certification Acceptance (CA) authority, shall administer this project entirely in accordance with the Local Agency Guidelines (LAG), this Letter of Understanding (LOU) and direction as provided by the Local Programs Engineer (LPE). Failure to comply with the LAG, this LOU or the direction of the LPE may result in loss or repayment of Federal funds.

1) The STATE and the AGENCY have designated CA managers as shown below:

STATE
WA State Department of Transportation
Lynn Rust, Local Programs Engineer
11018 NE 51st Circle
Vancouver WA 98682-6686
(360) 905-2215
FAX (360) 905-2218

AGENCY
City of Long Beach
Gayle Borchard, Community Development
PO Box 310
Long Beach, WA 98631
(360) 642-4421

--RESPONSIBLE CHARGE--
David Glasson, City Administrator

The AGENCY CA Manager designated above, or his designee, shall be the "Responsible Charge" for the project as defined in 23 CFR 635.105. The employee in "Responsible Charge" must be a full time employee of the agency.

Letter of Understanding for Project Administration

All formal submittals outlined herein, either from the STATE or the AGENCY, will be sent through the designated CA Manager.

- 2) The AGENCY shall obtain concurrence from the Local Programs Engineer for any Grant application that requires CA status and that is administered under this document prior to submittal to the appropriate grant Program administrator.
- 3) The AGENCY shall obtain written approval from the LPE in the solicitation and selection of a consulting engineering firm for Preliminary Engineering, Right of Way and Construction Engineering. In addition, the AGENCY shall obtain approval from the LPE of the Consulting Engineering Agreement per LAG chapter 31.
- 4) Contract plans, specifications and cost estimates (PS&E) shall be prepared in accordance with the current State of Washington Standard Specifications for Road, Bridge and Municipal Construction, amendments thereto, and adopted design standards per Lag chapter 44. The LPE will review the PS&E to ensure compliance with the LAG.
- 5) Any deviations to design standards must be stamped by a Professional Engineer licensed in the State of Washington. The AGENCY shall submit the design deviation to the LPE for further processing and approval.
- 6) The AGENCY shall be responsible for all required environmental documentation (SEPA and NEPA) and shall submit NEPA documentation to the LPE for further processing and approval per LAG chapter 24. The AGENCY shall be responsible for obtaining all required permits and approvals.
- 7) No Right of Way (R/W) action shall proceed until the AGENCY obtains approval from the LPE and contacts the Local Agency Right of Way Coordinator. The AGENCY shall follow current R/W procedures as described in LAG chapter 25. All acquisitions of R/W including construction easements, donations, permits, necessary for construction, operation or maintenance of the proposed project shall be certified by the AGENCY and the STATE.
- 8) The AGENCY shall forward the proposed advertisement for bids to the LPE for approval. Upon written approval, the AGENCY may begin advertisement for bids per LAG chapter 46.
- 9) Any pre-award issues affecting the quality and timing of the contract shall be resolved by the AGENCY under the direction of the LPE. Any required addenda to the contract documents shall be approved by the LPE.
- 10) The AGENCY shall notify the LPE of the Bid Opening date and time. The AGENCY shall transmit to the LPE, the Engineer's Estimate and Bid Tabulations along with the complete Bid Packages of the apparent three (3) lowest bidders. Upon approval by the LPE, the AGENCY may Award the Contract to the lowest responsive bidder per LAG chapter 46.

Letter of Understanding for Project Administration

- 11) Upon the AGENCY's execution of the contract for construction, the AGENCY shall administer and inspect the Project in accordance with the contract documents, WSDOT Standard Specifications for Road Bridge and Municipal Construction, the WSDOT Construction Manual, and all applicable State and Federal laws per LAG chapter 52.
- 12) Any change to the contract shall be documented by Change Order as defined in the current edition of the WSDOT Standard Specifications for Road, Bridge and Municipal Construction Section 1-04.4. The AGENCY Project Manager shall initiate, negotiate, and document all Change Orders. Prior to obtaining the contractor signature the AGENCY Project Manager shall provide a copy of the Change Order to the LPE for review and concurrence. The Change Order shall be sent to the LPE for final signature.
- 13) The AGENCY shall request the LPE to inspect the project prior to providing the "punch list" to the Contractor per LAG chapter 53.

Signature below constitutes concurrence with this Letter of Understanding.

CITY OF LONG BEACH

STATE OF WASHINGTON
DEPARTMENT OF TRANSPORTATION

By: _____
Robert Andrew
Mayor

By: _____
Lynn Rust, P.E.
Local Programs Engineer

Date: _____

Date: _____

TAB - F

Report: AGY064P2
710-LBL BLS020

State of Washington
Business Licensing Service
Agency Requirements Document (ARD)

Date: 03 27 2015
Page: 1

LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: LLC
Legal Entity Name : SUPER MOVERS

UBI Number : 603 491 658 001 0001
Application ID : 2015 084 4241
Application Received Date: 03 25 2015

Firm Name : SUPER MOVERS

Fees: \$125.00
Expiration Date: 03 31 2016

Location Phone/FAX: (360) 244-1824

Business Open Date: 04 01 2015

Email Address: SUPERTOMOVE@YAHOO.COM

Location Address : 1300 ~~WASHINGTON AVE N APT A203~~
LONG BEACH WA 98631 3405

Mail Addr: PO BOX 1249
LONG BEACH WA 98631 1249

In City Limits: Y Number of employees at this location: 5

Product/Serv Desc: SERVICES RELOCATING HOUSEHOLD GOODS CUSTOMER RENTS TRUCK WE
LOAD AND UNLOAD (MOVING) SELF HELP MOVING COMPANY

Operator Comments:

Square Footage: 800

Applying as Non Profit Business: N

Interior/Exterior Modifications: N

Haz/Flam Material: N

Additional Business Activities: Utility

Account Status: Pending Approval

Zoning	<u>EB</u>	<u>4B</u>	<u>3/30/15</u>	Fire	_____	_____
Building	_____	_____	Date	Police	_____	_____
Finance	_____	_____	Date	Planning	_____	_____
Comments:	_____					

*3/30/15
Call apt complex - could list
the address as a business
address - talked to bus.
owner - he is outside -
OK to use phone #, but not
address. EB*

Report: AGY064P2
710-IBL ELSD020

State of Washington
Business Licensing Service
Agency Requirements Document (ARD)

Date: 03 26 2015
Page: 1

LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: LLC
Legal Entity Name : ARCHITECTURAL INNOVATIONS & DESIGN LLC

UBI Number : 603 356 199 001 0002
Application ID : 2015 076 0010
Application Received Date: 03 10 2015

Firm Name : ARCHITECTURAL INNOVATIONS & DESIGN LLC

Fees: \$125.00
Expiration Date: 03 31 2016

Location Phone/FAX: (503) 553-9936 (000) 000-0000

First Date of Business: 03 01 2015

Email Address: AID.DESIGNERS@GMAIL.COM

Mail Addr: 5290 SW HALL CT
BEAVERTON OR 97005 2811

Location Address : 5290 SW HALL CT
BEAVERTON OR 97005 2811

In City Limits: Number of employees at this location: 0

Product/serv Desc: Services REMODEL

Operator Comments:

Applying as Nonprofit Business: N

Previous Business License:

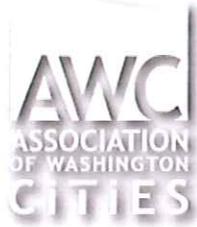
General/Specialty Contractor # ARCH1111878RK Contractor license number verified in the Contractor database. Expires: 12 12 2015

Account Status: Pending Approval

Zoning	<u>NA CB</u>	Date	<u>3/27/15</u>	Fire	Date
Building		Date		Police	Date
Finance		Date		Planning	Date
Comments:					



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City Awards

WellCity Awards

The AWC Employee Benefit Trust's annual [WellCity Awards](#) recognize members that meet nine best practice standards for employee health promotion. Members of the AWC Employee Benefit Trust are eligible to apply for the award. This includes cities, towns, and non-city entities.



City Awards Links

- [Civic Service Awards](#)
- [Municipal Excellence Awards](#)
- [WellCity Awards](#)

WellCity video

WellCity rewards: Trust premium discount

AWC Trust members that earned the 2015 WellCity Award receive a 2% premium discount on all medical premiums. The discount will be applied to 2016 premiums for active employees, spouses and dependents.

Are you a member of the Employee Benefit Trust? [Login](#) to find out more about the WellCity premium discount.

2015 WellCity recipients

A record 111 Trust-insured cities earned the 2015 WellCity Award. Their commitment to employee health at city hall has earned them a 2% premium discount on their 2016 medical premiums.

- | | | |
|--|---------------------------|--|
| Aberdeen | Hoquiam | Port Angeles |
| Airway Heights | Kelso | Port Orchard |
| Algona | Kenmore | Port Townsend |
| Anacortes | Kennewick | Pullman |
| Arlington | Kitsap Transit | RiverCom 911 |
| Auburn | Lacey | Sammamish |
| Bainbridge Island | Lake Forest Park | SeaTac |
| Battle Ground | Lake Stevens | Sedro-Woolley |
| Bellingham | Lakewood | Shelton |
| Benton Franklin Council of Governments | Liberty Lake | Shoreline |
| Bonney Lake | Long Beach | Skagit Transit |
| Bothell | Longview | Snohomish |
| Buckley | LOTT Clean Water Alliance | Snoqualmie |
| Burien | Lynden | South Sound 911 |
| Burlington | Lynnwood | Spokane Valley |
| Camas | MACECOM | Stanwood |
| Chehalis | Maple Valley | Steilacoom |
| Chelan | Marysville | Sumner |
| Cheney | Medical Lake | Tacoma Pierce County Health Department |
| Clyde Hill | Medina | Thurston 9-1-1 Communications |
| Colfax | Mercer Island | Toledo |
| College Place | Mill Creek | Toppenish |
| | Milton | |

Colville
 Concrete
 Coulee Dam
 Covington
 Davenport
 Des Moines
 DuPont
 Duvall
 East Wenatchee
 Eatonville
 Enumclaw
 Ferndale
 Fife
 Fircrest
 Gig Harbor
 Goldendale

Montesano
 Moses Lake
 Mount Vernon
 Mukilteo
 Mukilteo Water & Wastewater
 District
 Normandy Park
 North Bend
 Northwest Clean Air Agency
 Oak Harbor
 Okanogan
 Olympia
 Olympic Region Clean Air
 Agency
 Orting
 Pierce County Library System

Tumwater
 Union Gap
 University Place
 Valley View Sewer District
 Walla Walla
 Washington Cities Insurance
 Authority
 Washougal
 Wenatchee
 West Richland
 Whatcom Council of Governments
 Wilbur
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April 8, 2015

Mayor Bob Andrew
P.O. Box 310
Long Beach, WA 98631

Dear Mayor Bob Andrew,

Please join us on Friday, April 17, 2015, as Rebuilding Together Pacific County revitalizes our community. As part of Rebuilding Together's National Rebuilding Month we will do repairs beginning at 10:00am at a home located at 700 North Washington in Long Beach..

We invite you to join us on for a while to visit with volunteers and find out about Rebuilding Together Pacific County's work in our community. You are welcome to join in with the volunteers if you would like to pick up a hammer or Your interest and visit will send the important message that if we work together to help our neighbors, we can revitalize our community.

Rebuilding Together Pacific County brings volunteers and the community together to repair an average of twenty two homes each year in South Pacific County. We focus on serving low-income households, including veterans, the elderly, families with children, and persons with disabilities. We strengthen our most vulnerable communities by providing low-income homeowners with critical home repairs, accessibility modifications and other needed upgrades. As we rebuilding homes, community spaces and nonprofit facilities, our lasting impact helps to stabilize and revitalize neighborhoods in our community.

I hope you will be able to join us on Friday, April 17, 2015. If you have any questions, please feel free to contact me at 509.590.8881 and elkwomancatlover@gmail.com. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Diane Knutson". The signature is fluid and cursive.

Diane Knutson, M.Ed
Executive Assistant
Rebuilding Together Pacific County



April 13, 2015

Mayor Bob Andrew
City of Long Beach
P.O. Box 310
Long Beach, WA 98631

Dear Mayor Andrew,

Unfortunately, I need to inform you that Rebuilding Together Pacific County needs to cancel the event at 700 North Washington in Long Beach on April 17, 2015.

Subsequent to the previous invitation I sent we discovered that the foundation of the home needs repair before we can install the windows needing replacement.

Once we have established a date that the foundation repairs can be completed I will inform you of the new event date. We are still hopeful you will be able to join us.

Sincerely,

A handwritten signature in black ink that reads "Diane Knutson". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Diane Knutson, M.Ed.
Executive Assistant
Rebuilding Together Pacific County
elkwomancatlover@gmail.com
509.590.8881

PENINSULA SADDLE CLUB

PO BOX 54

LONG BEACH, WA 98631

APRIL 7, 2015

DEAR MAYOR AND CITY COUNCIL:

WE HAD WRITTEN A LETTER THE FIRST OF THE YEAR REQUESTING HELP WITH OUR GRANDSTANDS THIS YEAR. WE HAD ALSO REQUESTED AT THAT TIME YOUR CONTINUED HELP WITH OUR RODEO FOR THIS YEAR.

THE CITY IN THE PAST HAS ALWAYS BEEN SO SUPPORTIVE OF OUR RODEO. WE ARE EXCITED TO BE CELEBRATING OUR 70TH YEAR.

WITHOUT THE SUPPORT OF THE CITY AND MERCHANTS, WE WOULD NOT BE ABLE TO PUT THIS HUGE EVENT ON. YOUR CONTRIBUTION HELPS WITH OUR ADVERTISING, AND OTHER COSTS OF PUTTING ON THIS HUGE EVENT.

WE ARE A SMALL GROUP OF DEDICATED MEMBERS, WHO WANT TO SEE THAT THIS LONG TIME EVENT CONTINUES INTO THE NEXT CENTURY.

WE APPRECIATE THE CITY OFFICIALS RIDING IN THE PARADE EACH YEAR, AND HOPE YOU WILL AGAIN JOIN US.

WE THANK YOU AGAIN FOR YOUR PAST SUPPORT AND HOPE WE CAN COUNT ON YOU TO SUPPORT OUR 70TH YEAR OF THE LONG BEACH RODEO.

SINCERELY YOURS,



DIANE CARTER

RODEO COMMITTEE

At its March 26 meeting, the Washington State Parks and Recreation Commission approved rule changes that will allow wind-powered vehicles (WPV) on portions of Parks-managed ocean beaches. The rule changes will be filed with the Washington State Office of the Code Reviser and then are subject to a 31-day waiting period prior to taking effect. (View the rules, WAC 352-37 at app.leg.wa.gov/WAC/default.aspx?cite=352-37. The specific rule under discussion is 352-37-190 "Excluded/limited recreation activities.")

We anticipate that wind-powered vehicle use will be allowed by the end of May. We will post maps of specific use areas in the next few weeks at: j.mp/parkswind

The new rules include the following:

The State Parks Director can establish areas on the beach where use can occur.

Use is limited to the hard sand portion of the beach.

Use can occur from sunrise to sunset, unless otherwise restricted.

Prohibits use during recreational razor clam digs.

Requires a minimum age of 16 for operation.

Allows the Director to require additional safety measures as necessary.

Wind-powered vehicles include kite buggies, blo-karts, kite boards and other wind/sand sailing recreational vehicles. Based on the rule changes, WPV use will be allowed subject to certain conditions and restrictions in designated areas on Long Beach, South Beach, and North Beach in Pacific and Grays Harbor counties.

For more information, please feel free to contact me at randy.kline@parks.wa.gov or (360) 902-8632.