

Next Ord: 1568-07

Next Res: 736-07

MISSION STATEMENT

The mission of the Sedro-Woolley City government is to provide selected services that are not traditionally offered by the private sector. This will be achieved through providing the highest quality services we can within the resources with which we're provided; involving residents in all aspects of planning and operations; serving as a clearinghouse for public information; and operating facilities which meet the legitimate, identified concerns of the residents of and visitors to our community.

We believe in being community-centered, consistently contributing to the quality of life in our area and as fully deserving of the public's trust through the consistent expression of positive values and acceptance of accountability for producing meaningful results.

CITY COUNCIL WORKSESSION

AGENDA

March 6, 2007

7:00 PM

Public Safety Training Room

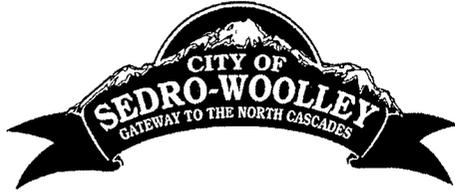
220 Munro Street

- A. Otak Presentation
(Stormwater Grant)
(Staff contact - Rick Blair)

- B. ORV Ordinance
(Further discussion from October 11, 2006 Council Meeting with sample ordinances to be reviewed)
(Staff contact - Eron Berg)

- C. Community Center
(Discussion only - suggestions/comments on security issues and requirements by Police Chief Doug Wood)
(Staff contact - Doug Wood)

- D. Contract - Certified Land Services Corporation
(Tabled at Council request from February 28, 2007 Council Meeting.)
(Staff contact - Rick Blair)



CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
720 Murdock Street
Sedro-Woolley, WA 98284
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Eron M. Berg
City Attorney

MEMO TO: City Council
RE: Proposed ordinance to amend SWMC 10.96
DATE: March 6, 2007

ISSUE: Last year, the Council was asked to consider amending SWMC 10.96 to allow for limited operation of ORV's within the City's corporate limits.

BACKGROUND: This item has been pending for a study session for some time. You asked me to locate other examples of regulations from other jurisdictions that allow ORV use. I have been unable to locate exactly what you are interested in seeing and even with the assistance of a consultant's search at MRSC, we have located ordinances that do not accomplish what Mr. Robinson wants to see in Sedro-Woolley. As noted on the attached email from MRSC consultant, John Carpita, this type of regulation is not very common.

The three ordinances that seem to offer some possible guidance are from Renton, Bellevue and Chelan County and are attached for your review and information.

ACTION REQUESTED: Provide guidance to staff about whether you want to allow ORV use within the City and if so, under what conditions.

CHAPTER 2 ALL-TERRAIN VEHICLES

SECTION:

- 10-2-1: Provisions
- 10-2-2: Definitions
- 10-2-3: Use Permit
- 10-2-4: Displaying ATV Use Permit Tags
- 10-2-5: Operating Violations

10-2-1 PROVISIONS:

The provisions of this Ordinance shall apply to all lands in this municipality. No person shall have the right or authority to enter upon private property and operate or assist in the operation of an "all-terrain vehicle" thereupon, without the prior written permission of the property owner.

10-2-2 DEFINITIONS:

As used in this Ordinance the following words and phrases shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:

ATV USE PERMIT: The permit system established for an all-terrain vehicle in this State.

ALL-TERRAIN VEHICLE: Any self-propelled vehicle when used for cross-country travel on trails and nonhighway roads or any one of the following or combination thereof: land, water, snow, ice, marsh, swampland and other natural terrain. Such vehicles shall include but are not limited to four-wheel drive vehicles, motorcycles, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, logging and private forestry vehicles, snowmobiles or any military or law enforcement vehicles.

HIGHWAY: The entire width between the boundary lines of every way publicly maintained by the State Department of Highways or City of Renton when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

HUNT: Any effort to kill, injure, capture or purposely disturb a wild animal or wild bird.

NONHIGHWAY ROAD: Any road other than a highway generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles and which are private roads.

OPERATOR: Each person who operates, or is in physical control of, any all-terrain vehicle.

ORGANIZED COMPETITIVE EVENT: Any competition, advertised in advance, sponsored by recognized clubs, and conducted at a predetermined time and place.

OWNER: The person other than the lienholder, having an interest in or title to an all-terrain vehicle, and entitled to the use or possession thereof.

PERSON: Any individual, firm, partnership, association or corporation.

TRAIL: A corridor designated and maintained for recreational travel; by whatever mode of transportation (foot, animal or vehicular) authorized by the managing authority of the property that the trail traverses.

10-2-3 USE PERMIT:

No person shall operate any all-terrain vehicle within this Municipality unless such all-terrain vehicles has been assigned an ATV use permit and displays an ATV tag in accordance with RCW 46.09.040, et seq.

10-2-4 DISPLAYING ATV USE PERMIT TAGS:

All ATV use permit tags and ATV dealer tags shall be displayed in a manner prescribed by the Department of Motor Vehicles on all-terrain vehicles when required by RCW 46.09.050.

10-2-5 OPERATING VIOLATIONS:

It shall be unlawful for any person to operate any all-terrain vehicle:

- A. While under the influence of intoxicating liquor or a controlled substance.
- B. In such a manner as to endanger the property of another, or any human life or personal safety.
- C. On lands not owned by the operator or owner of the all-terrain vehicle without a lighted headlight and taillight at all times.
- D. On lands not owned by the operator or owner of the all-terrain vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership.
- E. Without a spark arrestor approved by the Department of Natural Resources.
- F. Without an adequate, and operating, muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise. All-terrain vehicles manufactured after January 4, 1973, shall effectively maintain such noise at a level of eighty two (82) decibels or below on the "A" scale at one hundred feet (100') under testing procedures as established by the Washington State Patrol.
- G. On lands not owned by the operator or owner of the all-terrain vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway.
- H. On lands not owned by the operator or owner of the all-terrain vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage or destroy trees, growing crops or other vegetation.
- I. On lands not owned by the operator or owner of the all-terrain vehicle or on any nonhighway road or trail which is restricted to pedestrian or animal travel. (Ord. 2925, 4-21-75)

Chapter 11.55 ALL-TERRAIN VEHICLES

Sections:

11.55.010 Application.

11.55.030 Unlawful operation of all-terrain vehicle.

11.55.010 Application.

The provisions of this chapter shall apply to all lands in the city of Bellevue. Nothing in this chapter shall be deemed to limit the provisions or the application of Chapter 46.09 RCW. Further, nothing in this chapter shall be deemed to grant any person the right or authority to enter upon private property without permission of the property owner. (Ord. 2011 § 1, 1974; 1961 code § 11.55.010.)

11.55.030 Unlawful operation of all-terrain vehicle.

It is unlawful for any person to operate any all-terrain vehicle:

- A. While under the influence of intoxicating liquor or a controlled substance;
- B. In such a manner as to endanger the property of another;
- C. On lands not owned by the operator or owner of the all-terrain vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;
- D. On lands not owned by the operator or owner of the all-terrain vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;
- E. On lands not owned by the operator or owner of the all-terrain vehicle without written permission signed by the owner(s) of such lands, such permission shall be on the operator's person while operating such vehicle;
- F. Without a spark arrestor approved by the Washington Department of Natural Resources;
- G. Without an adequate and operating muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise. All-terrain vehicles manufactured after January 4, 1973, shall effectively maintain such noise at a level of 82 decibels or below on the "A" scale at 100 feet under testing procedures as established by the Washington State Patrol;
- H. On lands not owned by the operator or owner of the all-terrain vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;
- I. On lands not owned by the operator or owner of the all-terrain vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage or destroy trees, growing crops or other vegetation;
- J. On lands not owned by the operator or owner of the all-terrain vehicle or on any nonhighway road or trail which is restricted to pedestrian or animal travel;
- K. On any public lands in violation of rules and regulations of the agency administering such lands. (Ord. 2011 § 1, 1974; 1961 code § 11.55.030.)

Chapter 8.30
NOISE LEVELS FOR MOTOR VEHICLES

Sections:

<u>8.30.010</u>	Short title.
<u>8.30.020</u>	Policy.
<u>8.30.030</u>	Definitions.
<u>8.30.040</u>	General provisions.
<u>8.30.050</u>	Noise limitations – Public roads.
<u>8.30.060</u>	Noise limitations – Other than public roads.
<u>8.30.070</u>	Noise-sensitive areas limitations.
<u>8.30.080</u>	ORV use area.
<u>8.30.090</u>	Exemptions.
<u>8.30.100</u>	Methods and techniques.
<u>8.30.110</u>	Violations.
<u>8.30.120</u>	Enforcement.
<u>8.30.130</u>	Undue hardship.

8.30.010 Short title.

This chapter shall be known as the “Vehicle Noise Ordinance” and may be so pleaded in court. Its jurisdiction shall apply to the city. (Ord. 654 § 100, 1980).

8.30.020 Policy.

It is declared that at certain levels, at certain locations, at certain durations and at certain times of day, vehicle noise is detrimental to the health, safety and general welfare of the people of the city.

In order to control unnecessary and excessive noise emitted from vehicles, it is the policy of the city to protect the health, safety and general welfare of the city by prohibiting any use of vehicles in a manner that is not in conformity with the provisions of this chapter. (Ord. 654 § 200, 1980).

8.30.030 Definitions.

For the purposes of this chapter unless otherwise clearly required by the context, the following terms are defined as follows:

- A. “Ambient noise level” means the steady level of background noise at the measurement location when the noise source to be tested is not in operation.
- B. “dBA” means the decibel on the “A” weighted scale, decibel being a logarithmic unit of measurement for sound pressure levels. The “A” scale is the scale of measurement using decibels which most closely resembles the manner in which the human ear hears, and which is defined by the American National Standards Institute Publication Section 1.1, 1960, Acoustical Studies.
- C. “Farm and orchard equipment” means any vehicle or any attachment to a vehicle when used on agricultural lands for agricultural purposes, including, but not limited to, tractors, sprayers, combines, etc.
- D. “GVWR” or “GCWR” means gross vehicle weight rating or gross combination weight rating respectively, which are the values specified by the manufacturer as the loaded weight of a single or combination vehicle.
- E. “Motor vehicle” means any vehicle which is self-propelled, is used primarily for transport of persons or goods and, when operating on a public road, is required to be licensed under RCW 46.16.010, and includes, but is not limited to, cars, trucks, motorcycles, jeeps, dune buggies, go-carts, etc.
- F. “Motorcycle” means any motor vehicle having a saddle and designed to travel with three or less wheels on the ground, but does not include vehicles whose engines cannot exceed five horsepower (minibikes).
- G. “Motorized watercraft” means any boat or vessel equipped with an engine for propulsion which is used primarily for travel on or across water, especially for recreational purposes.
- H. “Muffler” means a chambered, baffled or other designed device which receives the exhaust gas from an internal combustion engine, resulting in a reduction of sound.

- I. "Noise-sensitive area" means any lot or property upon which a utilized dwelling, hospital, school, nursing home, public library or church exists.
- J. "Nonroad area" means any area where a road or trail of any sort does not exist, but which is nonetheless capable of cross-country travel thereon by all or some motor vehicles.
- K. "Off-road vehicle (ORV) commission" means the group of citizens established by the authority of the Chelan County commissioners to provide guidance for Chelan County ORV plans.
- L. "Off-road vehicle (ORV) area" means any area used primarily for intensive recreational use by ORVs and so designated by the Chelan County commissioners.
- M. "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.
- N. "Snowmobile" means any self-propelled vehicle designed for travel over snow or ice which utilizes an endless belt, tread, cleats, etc., for propulsion, which is steered by skis, or sled-type runners, and which is required to be registered under RCW 46.10.
- O. "Sound level meter" means a device which measures sound pressure levels and conforms to Type 1 or 2 as specified in the American National Standards Institute Publication S1.4 - 1971, Standard Specification for Sound Level Meters.
- P. "Unnecessary and excessive noise" means any unusually loud, shrill, or otherwise disturbing sound of lengthy duration which annoys, injures or endangers the health, safety or general welfare of any person or causes damage to property or business.
- Q. "Vehicle" means any motor vehicle, snowmobile or motorized watercraft as defined in this section. (Ord. 1061 § 8, 1997; Ord. 654 § 300, 1980).

8.30.040 General provisions.

- A. Every vehicle operated within this city shall be equipped with a noise-muffling device in good working order and in constant operation except when such a device is technologically not feasible and except as otherwise provided in this resolution.
- B. No person shall operate a motor vehicle in such a manner so as to emit a squealing, screeching or other such noise from the tires in contact with the ground, unless such noise is created in an emergency situation and/or to avoid imminent danger.
- C. No person shall alter or make additions to a vehicle's muffler or other part of the vehicle such that noise emissions exceed those specified in this resolution.
- D. No person shall operate, or cause or permit to be operated, any vehicle so out of repair, so loaded, or in such a manner as to cause unnecessary and excessive noise. (Ord. 654 § 400, 1980).

8.30.050 Noise limitations – Public roads.

The following are the noise limitations placed on motor vehicles operating under normal conditions on public roads:

- A. Any motor vehicle under ten thousand GVWR or GCWR, with the exception of motorcycles:
1. May not exceed seventy-six dBA when operating at speeds of thirty-five m.p.h. or less, or eighty dBA when operating at speeds of greater than thirty-five m.p.h., as measured using the pass-by technique as described in Section 8.30.100A of this chapter;
 2. May not exceed one hundred dBA when tested using the half-meter method described in Section 8.30.100E of this chapter.
- B. Any motorcycle:
1. May not exceed eighty dBA when operating at speeds of thirty-five m.p.h. or less, or eighty-four dBA when operating at speeds greater than thirty-five m.p.h. when measured using the pass-by technique as described in Section 8.30.100A of this chapter;
 2. May not exceed one hundred five dBA when tested using the half-meter method described in Section 8.30.100F of this chapter.
- C. Any motor vehicle over ten thousand GVWR or GCWR:
1. May not exceed eighty-six dBA when operating at speeds of thirty-five m.p.h., or less, or ninety dBA when operating at speeds of greater than thirty-five m.p.h., when measured using the pass-by technique as described in Section 8.30.100A of this chapter except if said public road is a designated truck route. (Ord. 654 § 500, 1980).

8.30.060 Noise limitations – Other than public roads.

- A. No person shall operate a motor vehicle, except as otherwise provided in Section 8.30.090 of this chapter, on areas

other than public roads within the city such that the noise emitted from the motor vehicle:

1. Exceeds eighty dBA when operating at speeds of thirty-five m.p.h. or less, or eighty-four dBA when operating at speeds of greater than thirty-five m.p.h. as measured by the pass-by technique described in Section 8.30.100A of this chapter.
- B. No person shall operate a snowmobile on lands within the city such that the noise emitted from the snowmobile:
1. Exceeds eighty-eight dBA when measured using the pass-by technique for snowmobiles described in Section 8.30.100B of this chapter.
- C. No person shall operate a motorized watercraft on any body of water within the city such that the noise emitted from the watercraft:
1. Exceeds seventy-six dBA between the hours of seven a.m. and ten p.m., and sixty-six dBA between the hours of ten p.m. and seven a.m., when measured using the shoreline pass-by technique for motorized watercraft as described in Section 8.30.100C of this chapter;
 2. Exceeds eighty-two dBA when measured at a distance of fifty feet or seventy-six dBA when measured at a distance of one hundred feet using the fixed-distance pass-by technique for watercraft described in Section 8.30.100D of this chapter. (Ord. 654 § 600, 1980).

8.30.070 Noise-sensitive areas limitations.

- A. During the hours of seven a.m. to ten p.m., no vehicle or collection of vehicles operating for a common purpose shall emit a noise such that it is received in excess of the following dBA ratings and time durations by a noise-sensitive area to be measured at the receiving site as described in Section 8.30.100G of this chapter:
1. Seventy dBA for a duration of not more than five minutes per hour;
 2. Sixty-five dBA for a duration of not more than five minutes per hour;
 3. Sixty dBA for a duration of not more than fifteen minutes per hour;
 4. Fifty-five dBA for the remaining time in the day.
- B. During the hours of ten p.m. to seven a.m., no vehicle or collection of vehicles operating for a common purpose shall emit noise such that it is received in excess of the following dBA ratings and time durations by a noise sensitive area to be measured at the receiving site as described in Section 8.30.100G of this chapter:
1. Sixty dBA for a duration not to exceed one and one-half minutes per hour per day,
 2. Fifty-five dBA for a duration not to exceed four minutes per hour per day,
 3. Fifty dBA for a duration not to exceed fifteen minutes per hour per day,
 4. Forty-five dBA for the remainder of the night. (Ord. 654 § 700, 1980).

8.30.080 ORV use area.

ORV use areas may have special noise provisions and limitations exclusively for application thereto, which must be approved by the noise-sensitive limitations of Section 8.30.070 are complied with. (Ord. 654 § 800, 1980).

8.30.090 Exemptions.

The following vehicles and situations shall be exempt from the provisions of this chapter, except subsections A, B and D of Section 8.30.040:

- A. Any farm or orchard equipment;
- B. Any public emergency vehicle;
- C. Any law enforcement vehicles;
- D. Any vehicle operating for the purpose of public road building or maintenance, or for on-site construction of structures between the hours of seven a.m. and ten p.m.;
- E. Any vehicle acting in a public emergency;
- F. Any motor vehicle over ten thousand GCWR or GVWR on designated truck routes, streets, private roads, or private nonroad areas between the hours of seven a.m. and ten p.m. and on designated truck routes between ten p.m. and seven a.m.;
- G. Any airplanes. (Ord. 1061 § 9, 1997; Ord. 654 § 900, 1980).

8.30.100 Methods and techniques.

The following shall be the official methods and techniques utilized for testing noise emissions from vehicles in the city:

A. The Pass-By Technique for Motor Vehicles. A measuring site shall be selected which shall be open and free of sound-reflecting surfaces within a one-hundred-foot radius of the position of the microphone. The sound level meter shall be properly operating and calibrated. Fifty feet shall be measured between the path of travel of the vehicle to be tested and the microphone which shall be four feet above the ground. The recorded reading shall be the highest sound level obtained as the vehicle passes by, disregarding unrelated peaks due to ambient sounds. These measurements of motor vehicle noise shall be in compliance with WAC 204-56-010 and WAC 204-56-020 issued by the Department of Ecology. When a clear one-hundred-foot radius is not feasible, the noise level adjustment schedule in the above-cited codes may be used.

B. The Pass-By Technique for Snowmobiles. A measuring site shall be selected, which shall be open and free of sound-reflecting surfaces within a one-hundred-foot radius of the position of the microphone. The sound level meter shall be properly operating and calibrated. Fifty feet shall be measured from the path of travel of the snowmobile to be tested to the microphone, which shall be four feet above the snow pack level of the path of travel of the snowmobile. The snowmobile shall pass by at full throttle, and the recorded reading shall be the highest sound level obtained as the snowmobile passes by, disregarding unrelated peaks due to ambient sounds. The measurement of snowmobile noise using the pass-by technique shall be in compliance with the Forest Service Winter Test Procedures, Test Report 7120-5.

C. The Shoreline Pass-By Technique for Motorized Watercraft. A properly operating and calibrated sound level meter shall be set up directly at the shoreline of a body of water, in a position four feet above the level of the water. No sound-reflecting surfaces shall be within a one-hundred-foot radius of the microphone. As a motorized watercraft passes within the scope of the measurement of the sound level meter, the recorded reading shall be the highest sound level obtained, disregarding unrelated peaks due to ambient sounds. The measurements of motorized watercraft noise using the pass-by technique shall be in reasonable compliance with the Society of Automotive Engineers test procedure J34.

D. The Fixed-Distance Pass-by Technique for Watercraft. A properly operating and calibrated sound level meter shall be set up four to five feet above the water surface and no closer than two feet from a dock or deck surface. Aside from the tester and the subject, the site shall be free of large obstructions, such as boats, buildings, hills, large piers, etc., for a distance of one hundred feet around the microphone and the subject's test path. The water shall be free from rough waves, and the wind shall not be blowing strongly. At least two buoys or markers shall be placed the correct distance (either fifty or one hundred feet) from the microphone. The test craft shall pass at full throttle one to three feet from the far side of the markers. The meter shall be set at fast response and the highest sound level for the run shall be applicable. Both sides of the boat should be tested and the average of the two shall be the sound level of the watercraft. The measurement of watercraft using this pass-by technique is based upon Society of Automotive Engineers test procedure J34.

E. The Half-Meter Method for All Motor Vehicles Under Ten Thousand GVWR or GCWR (Excluding Motorcycles). The microphone for a properly operating and calibrated sound level meter shall be placed at the same height as the center of the exhaust outlet. The microphone shall be no closer to the ground or pavement than eight inches when the exhaust is lower than this height (see Figure 1 attached to the ordinance codified in this chapter and on file in the office of the city clerk). The sound level meter shall be positioned with its longitudinal axis parallel to the ground, twenty inches (\pm one inch) from the axis of the outlet (see Figure 2 on file in the city clerk's office). For exhaust outlets located under the vehicle body, the sound level meter shall be located at the specified angle and at least eight inches from the nearest part of the vehicle (see Figure 3 on file in the city clerk's office). For exhaust outlets with different exhaust angles or dual side-by-side exhaust, the microphone positions illustrated on Figure 4, on file in the city clerk's office, shall be duplicated within above specified tolerances.

The engine shall be at normal operating temperature with the transmission in neutral. Measurement shall be made at three quarters of maximum RPM. If RPM data is unavailable, three thousand RPM shall be used.

The recorded exhaust system sound level of a stationary vehicle shall be the highest reading obtained during the test, disregarding peaks due to extraneous ambient noise. When there is more than one exhaust outlet, the sound level shall be for the loudest outlet. When there are two or more exhaust outlets separated by less than twelve inches, measurements shall be made on the outlet closest to the side or rear of the vehicle (see Figure 4 on file in the city clerk's office).

This measurement technique follows California Highway Patrol Title 13, Register 75, Number 48, Article 9.

F. The Half-meter Method for Motorcycles. A properly operating and calibrated sound level meter shall be placed directly behind the exhaust pipe, tilted at an upward angle of forty-five degrees (Figure 5, on file in the city clerk's office, illustrates this microphone position). The stationary motorcycle shall then maintain a steady engine speed of one-half maximum ("red line") engine speed, or the speed in RPM calculated at sixty percent of the speed at which maximum horsepower is attained. The measurement of motorcycle noise using the half-meter method is based upon the Motorcycle Industry Council's stationary test MIC/E - 76.

G. Methods for Monitoring in Noise-sensitive Areas. The measuring site shall be on property purported to be receiving excessive noise, and shall be at least ten feet from the property line in closest proximity to the noise source. The measuring point shall be at least ten feet from any building, wall or other sound-obstructing object, and no individual other than the operator shall be within ten feet of the sound level meter.

The properly operating and calibrated sound level meter shall be pointed toward the noise source and be at least four feet above the ground. Monitoring shall proceed for the duration needed to determine whether provisions of Section 8.30.070 have been violated. The operator shall keep an accurate record of the dBA levels recorded and their durations, regarding unrelated peaks due to extraneous ambient sound. (Ord. 654 § 1000, 1980).

8.30.110 Violations.

Any person who causes a vehicle to emit a noise which is proven through the measurements in Section 8.30.100 of this chapter to exceed the levels of Sections 8.30.050 through 8.30.070, or which violates Section 8.30.040 in the discretion of the law enforcement officer, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined an amount not to exceed one hundred dollars or be imprisoned in the city jail for a period of not longer than thirty days or both. Any vehicle found in violation of this chapter shall be deemed a public nuisance and may be subject to abatement by a sustaining order, confiscation order or injunction order issued by the court.

Any vehicle found in violation of this chapter shall report to the Chelan County sheriff within thirty days of conviction to be tested for compliance with this chapter, or show cause (demolition, etc.) why this is not possible. (Ord. 1287 § 6, 2004; Ord. 654 § 1100, 1980).

8.30.120 Enforcement.

A law enforcement officer may direct a vehicle or watercraft suspected to be in violation of this chapter to submit to noise measurement. (Ord. 654 § 1200, 1980).

8.30.130 Undue hardship.

Should any person anticipate any activity that may not comply with the provisions of this chapter, and can demonstrate that undue hardship would be rendered upon them by compliance with this chapter, that person may apply for relief from the provisions of this chapter to be granted at the discretion of the city. Such relief may have stipulations that provide other dBA limitations, time of day limitations and expiration dates. (Ord. 654 § 1300, 1980).

Eron Berg

From: John Carpita [jcarpita@mrsc.org]
Sent: Wednesday, November 08, 2006 11:16 AM
To: Eron Berg
Subject: Off Road Vehicles

This email responds to your research request:

I am looking for sample ordinances from other jurisdictions that permit but regulate the use of off-road vehicles (dirt bikes and quads) on private property within the limits of a City. Are you aware of any in your bank of ordinances?

See if the following previous inquiry helps. If not, then let me know and I'll look some more.

TEL. INQ. NO.: 06-3017
 Y/N: Y
 CITY/COUNTY: ORTING
 DATE: 5/30/06
 REC: CRE
 INQUIRER: KATHY HARDY
 TITLE: ATTORNEY
 FC: T 3.5100; EN 7.3000
 RE: Request for regulations of ATVs on private property

* * * * *

I searched several online codes and was surprised to find that many cities do not regulate the use of off-road/all-terrain vehicles on private property. I am including here a representative sampling of the types of regulations I did find. Most regulate ATVs/ORVs when they are operated any place in the city - public or private lands. The Chelan ordinance is the only one that is a bit more specific as it also refers to land "other than public roads" and "noise-sensitive areas." You will note that most regulate the noise emanating from ATVs/ORVs through the use of sound level meters. I found one city, Sedro-Woolley, that prohibits their use altogether.

Off-road/all-terrain vehicle regulations:

- Sedro-Woolley Municipal Code, sections 10.96.010-.030 – <http://www.mrsc.org/mc/sedrowoolley/wa%20sedro-woolley%20t10.htm>
- Chelan Municipal Code Chapter 8.30 NOISE LEVELS FOR MOTOR VEHICLES http://nt5.scbbs.com/cgi-bin/om_isapi.dll?clientID=266512&headingswithhits=on&hitsperheading=on&infobase=chelan.nfo&jump=8.30&softpage=PL_frame
- Kirkland Municipal Code, Chapter 12.64 – noise regulated by sound level meter <http://www.mrsc.org/mc/kirkland/Kirk12.html#12.64>
- Renton Municipal, Title X, Chapter 2 - noise regulated by sound level meter <http://www.mrsc.org/mc/renton/renton10.html#10-2>
- King County Code, Chapter 12.86 – 12.100 – Environmental Sound Levels <http://www.mrsc.org/mc/kingco/15-title%2012.doc>
- Bellevue Municipal Code, Chapter 11.55, ALL-TERRAIN VEHICLES – see subsection (G) . <http://www.cityofbellevue.org/bellcode/bellcc11.html#11.55>

I did notice that a few jurisdictions provide for an ORV use area. I'm including these provisions in case you're interested:

Off-road vehicle use areas:

- Chelan Municipal Code, section 8.30.080 which addresses an ORV use area. http://nt5.scbbs.com/cgi-bin/om_isapi.dll?

[clientID=266512&headingswithhits=on&hitsperheading=on&infobase=chelan.nfo&jump=8.30&softpage=PL_frame](#)

- Snohomish County Ordinance 05146 establishing OFFROAD VEHICLE USE AREAS;;
<http://www.mrsc.org/ords/S61o05-146.pdf>

I am also including some excerpts from some noise control provisions that include time limitations on noise emanating from equipment used on private property, such as power tools, lawn mowers, leaf blowers, etc. None include off-road vehicles (ORVs), but I would think a city could include them if it chose to do so:

- Shoreline Municipal Code, section 9.05.010(C)(9) <http://www.mrsc.org/mc/shoreline/shore09.html#9.05>
- Clyde Hill Municipal Code, section 8.10.030(G) <http://www.mrsc.org/mc/clydehill/clyde08.pdf>
- Tumwater Municipal Code, section 8.08.030(M)
[http://nt5.scbbs.com/cgi-bin/om_isapi.dll?
clientID=263124&infobase=tumwtr42.nfo&jump=8.08&softpage=PL_frame#JUMPDEST_8.08](http://nt5.scbbs.com/cgi-bin/om_isapi.dll?clientID=263124&infobase=tumwtr42.nfo&jump=8.08&softpage=PL_frame#JUMPDEST_8.08)

Please call or email me if you have any questions or need further information.

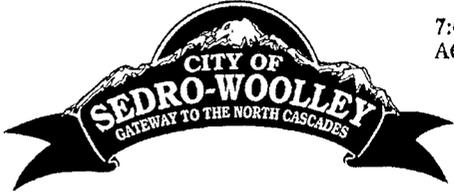
John W. Carpita, P.E.
Public Works Consultant
Municipal Research and Services Center
2601 Fourth Avenue, Suite 800
Seattle, WA 98121-1280
206-625-1300
Fax: 206-625-1220
jcarpita@mrsc.org
www.mrsc.org

**CITY COUNCIL AGENDA
REGULAR MEETING**

CITY COUNCIL WORKSESSION
MARCH 6, 2007
AGENDA ITEM B

OCT 11 2006

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 5



CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
720 Murdock Street
Sedro-Woolley, WA 98284
Phone (360) 855-1661
Fax (360) 855-0707

Eron M. Berg
City Attorney

MEMO TO: City Council
RE: Proposed ordinance to amend SWMC 10.96
DATE: October 11, 2006

ISSUE: Should the Council either (1) Amend SWMC 10.96 to allow for limited operation of ORV's within the City, or (2) Repeal SWMC 10.96 to remove all restrictions on the operation of ORV's within the City?

BACKGROUND: Attached are two draft ordinances: one is my attempt to put the "Robinson Proposal" into law within our current code and the other is a simple repeal of the current code.

Chief Wood has expressed significant concerns regarding the enforceability of the first ordinance as it would require the police department to deploy its resources to measure the size of individuals' parcels, count the number of ORV's in use at any given time, carry decibel meters and be available to measure sound upon complaints, and observe and measure the size of the engines in use.

Also, you asked me to locate examples from other jurisdictions of ordinances that allow ORV use. While they very likely exist, I have not been able to locate one for your review.

This is a policy decision for you to make, the following are two potential options.

RECOMMENDATION OPTIONS:

Motion to adopt ordinance (Robinson plan or full repeal).

Motion to postpone indefinitely (or take no action).

ORDINANCE NO. _____

AN ORDINANCE AMENDING SWMC 10.96 REGARDING OFF ROAD VEHICLES

Whereas, SWMC 10.96 prohibits the operation of off road vehicles within the City limits, and

Whereas, the City Council desires to allow for the limited operation of off road vehicles within City limits by providing for appropriate limitations for the use and operation of such vehicles,

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY DO HEREBY ORDAIN AS FOLLOWS:

Section 1. SWMC 10.96 is amended to read as follows:

10.96.010 Definitions.

“Off-highway vehicle” means any self-propelled vehicle when used for recreation travel on trails and nonhighway roads or for recreation cross-county travel on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles shall include but are not limited to two-, three- or four-wheel drive vehicles, motorcycles, dirt bikes, trail bikes, go-carts, dune buggies, snowmobiles, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

“Off-highway vehicle” does not include:

- A. Any vehicle designed primarily for travel on, over or in the water;
- B. Any military vehicles, farm tractors or farm implements;
- C. Riding lawnmowers used to mow lawns;
- D. Bicycles with “pusher motors”;
- E. Vehicles deriving motive power solely from muscle or wind, such as bicycles.

10.96.020 Operation of off-highway vehicles prohibited.

No person shall operate any off-highway vehicle in the city, except for purposes of licensed parades, for races on a licensed track, and for brief periods to facilitate repairs unless that person is operating the vehicles in accordance with the following restrictions: (1) On a single parcel of land greater than or equal to a minimum size of two (2) acres, or on contiguous parcels owned by the same person that together are equal to or greater than two (2) acres in area; (2) the operation of the vehicle(s) shall not emit sound in excess of ninety five (95) decibels as measured at the property line; (3) the vehicle shall be powered by a four stroke engine with a displacement not to exceed 200cc; (4) the off-highway vehicle shall not be operated between the hours of 7:00 P.M. and 9:00 A.M.; and (5) no more than three off-highway vehicles may be operated on a single parcel at any given time.

10.96.030 Violation.

Violation of this chapter shall be a misdemeanor crime, punishable by a fine not to exceed five hundred dollars. Each occurrence shall constitute a separate offense.

Section 2. This ordinance shall be effective five (5) days after passage and publication as provided by law.

Passed and approved this 11th day of October, 2006.

MAYOR

Attest:

City Clerk

Approved as to form:

City Attorney

ORDINANCE NO. _____

AN ORDINANCE REPEALING SWMC 10.96

Whereas, SWMC 10.96 prohibits the operation and use of off road vehicles within the City limits, and

Whereas, the City Council desires to eliminate restrictions on the use of off road vehicles within the City limits,

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY DO HEREBY ORDAIN AS FOLLOWS:

Section 1. SWMC 10.96 is repealed in its entirety.

Section 2. This ordinance shall be effective five (5) days after passage and publication as provided by law.

Passed and approved this 11th day of October, 2006.

MAYOR

Attest:

City Clerk

Approved as to form:

City Attorney

October 5, 2006

OCT 05 2006

Time: 3:58 pm
Initials: CAS

Mayor and City Council,

The purpose of this letter is to submit my comments in lieu of testimony at the public hearing concerning the proposed dirt-bike ordinance. Please read these comments into the record at the hearing. I am opposed to any ordinance which would permit the use of dirt bikes in a residentially zoned neighborhood. I have no objections to their use in a commercial or industrially zoned parcel. The main reason for my objection is the operation of a dirt bike track is inconsistent with residentially zoning. Most people don't want to live next to a dirt bike track.

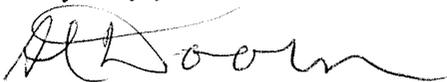
Although the proposal may have well-intentioned restrictions, as a practical matter, they are not going to be enforced against minor children. We have a hard enough time controlling unleashed dogs, junk vehicles, and building height restrictions, and side-yard set-backs. No one can seriously pretend that any restrictions will actually be enforced. If dirt bikes are allowed, they will not be regulated as a practical matter. Based on my observations, the City cannot effectively prevent children without helmets from riding motorized scooters on public streets. Don't kid yourself that you will be able to effectively limit dirt bike tracks if they are permitted.

This ordinance, if passed, will require additional funding for enforcement. The City will need to pay for additional man-hours and noise measuring equipment to police the use of dirt-bikes and off-road equipment. I would ask you to not pass this ordinance until you are also willing to appropriate sufficient funds for enforcement of the restrictions. Is this a prudent use of funds when it only provides recreation for a very small minority?

Though the parcels for tracks may be of a certain size, these areas will attract additional bikers to these few permitted areas, creating a bigger problem for the neighbors than if dirt bikes were allowed everywhere without restriction. Are we prepared to "open the door" to everyone with a home and a couple of acres? Regardless of proposed limitations, do we want to be placed in the position of granting or denying dirt bike requests based on arguable compliance with criteria, when the existing ordinance already defines our position? Some things are just best prohibited outright, and dirt bike tracks in residential neighborhoods are one of those things. (Again, if someone wants to set up a dirt bike track in an industrial or commercial zone, I do not object. But please don't allow in my neighborhood what you are unwilling to allow downtown, or next to the high school, city hall or the senior center, or next to your own home.)

I would urge the City Council to not permit the use of dirt bikes in residentially zoned neighborhoods, regardless of the lot size or other restriction placed on the facility.

Very truly yours,



Al Doorn
1215 Railroad Avenue
Sedro-Woolley, WA 98284

To Our Neighbors & Citizens of Sedro-Woolley

October 6, 2006

Page 1

We (Jim & Pam Robinson) are trying to have Ordinance # SWMC 10.96 changed regarding OFF ROAD VEHICLES.

This is so our grandchildren may have the same rights as our children had while growing up in Sedro Woolley.

We live at 313 N. Reed St. and the corner of John Liner Street.

We would like your input as to see if our grandchildren have bothered or annoyed you in anyway while riding their motorcycles or go carts in our field.

The City Attorney has written a revised proposed ordinance that has limited operations to use an O.R.V. such as times, noise levels and lot size. This revision should be satisfying to all concerned.

This Survey gives us an idea if there is a problem that may or may not exist.

We would appreciate any support you may have. There is a City Council meeting regarding this issue on Wednesday 10/11/06 at 7:00pm at the Community Center in S.W.

Please list your name and address and imply yes or no for problems.

Thank you very much.

To Our Neighbors & Citizens of Sedro-Woolley

Page 2

NAME/ADDRESS

NO PROBLEM

YES PROBLEM

Name / Address	No Problem	Yes Problem
16-6-04 Harlan Starn 603 John Liner next along Nab. St	NO problem	
Ron Burnett 605 John Liner Rd SW WA. 98251	No problem	
PAT Rogers 609 John Liner	No Problems	
STEVE KONO 320 N CENTRAL AVE Sedrowoolley	NO PROBLEM	
Josh Petosa 592 LOWELL CT SEDRO WOOLLEY	NO Problem	
Ron Hammond 603 Wheat Pl Sedro	NO Problem	
BEN WAHL 506 HYATT PL SEDRO	NO PROBLEM	

To Our Neighbors & Citizens of Sedro-Woolley

Page 2

NAME/ADDRESS

NO PROBLEM

YES PROBLEM

Name / Address	No Problem	Yes Problem
John ADAMSON 590 Lowell St.	NO PROBLEM	
Greg Slater 605 Lowell Ct.	No Problem	
Chris Rogers 603 Lowell CT	NO Problem	
TAMI WATROBKA 215 N Reed	No Problem	
Chris Watrobka 215 N REED	NO Problem At all	
Cathy Latting 605 607 John Liner Rd	NO Problem	

FEB 28 2007

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 3

CITY OF SEDRO-WOOLLEY

720 Murdock Street, Sedro-Woolley, WA 98284 (360) 855-0771

Memorandum

To: Mayor Mike Anderson and City Council
From: Rick Blair, Director of Public Works/City Engineer 
Date: February 23, 2007
Re: Professional Services Agreement
Certified Land Services Corporation

Background Information:

We would like to use Certified Land Services Corporation in acquiring property or property rights owned by Burlington Northern and Santa Fe Railway Company (Burlington Northern).

Property rights are necessary for the realignment of the intersection located at Northern Avenue, Polte Road and Township Street. The City would also be able to move forward in improving the sanitary sewer line and trail located at this intersection.

Recommended Action:

Authorize Mayor Mike Anderson to sign a "Professional Services Agreement" with Certified Land Services Corporation not to exceed \$12,000 as outlined in the attached agreement and scope of work.



PROFESSIONAL SERVICES AGREEMENT No. 07 - _
(To be used for engineering, professional, and consultant services)

This Agreement made and entered into this 28th day of February, 2007, by and between the City of Sedro-Woolley, a municipal corporation under the laws of the State of Washington, hereinafter referred to as "City" and Certified Land Services Corporation whose address is Attn: Kristin Butterfield, 4535 44th Ave SW, Seattle, WA 98116, hereinafter referred to as the "Contractor".

WHEREAS, the City desires to engage the Contractor to perform certain duties relating to professional services, and

WHEREAS, the Contractor has agreed to offer its professional services to perform said work, and

WHEREAS, the Contractor has represented and by entering into this Agreement now represents that it is fully qualified to perform the work to which it will be assigned in a competent and professional manner, to the standards required by City,

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES:

The City hereby agrees to engage the Contractor and the Contractor hereby agrees to perform, in a satisfactory and proper manner, as determined by City, the services hereafter set forth in connection with this Agreement:

1. Scope of Services.

The Contractor agrees to perform in a satisfactory and proper manner, as determined by the City, services as acquiring property or property rights that are requested by the City.

[] from time to time ("on-call");

These services shall include:

[x] see Attachment A, the "Scope of Work"; or

2. Relationship of Parties.

The Contractor, its subcontractors, agents and employees are independent Contractors performing professional services for City and are not employees of City. The Contractor, its subcontractors, agents and employees, shall not, as a result of this Agreement, accrue leave, retirement, insurance, bonding or any other benefits afforded to City employees. The contractor, subcontractors, agents, and employees shall not have the authority to bind City any way except as may be specifically provided herein.

The Contractor represents that it is customarily engaged in an independently established trade, occupation, profession or business of the same nature as that involved in the contract of services, and that it maintains a principal place of business other than City's office that is eligible for a business deduction under IRS regulations, and that on the effective date of this agreement it assumes responsibility for filing, at the next applicable filing period, a schedule of expenses with the IRS for the services subject to this agreement, it has established all required tax accounts with state government agencies, has a Washington State Uniform Business Identifier number, and is maintaining a separate set of books and records reflecting all expenses and income items of its business.

3. Time of Performance.

The service of the Contractor is to commence

- On or before _____
- As soon as practicable after the execution of this Agreement shall be undertaken so as to ensure its expeditious completion in light of the purpose of this Agreement.
- Completed not later than _____
- Pursuant to the schedule set forth on Attachment _____, the "Schedule of Work."

4. Delays and Extensions of Time.

If either party is delayed at any time in the progress of providing services covered by this Agreement, by any causes beyond the party's control, the time for performance may be extended by such time as shall be mutually agreed upon by Contractor and City and shall be incorporated in a written amendment to this Agreement. Any request for an extension of time shall be made in writing to the other party.

5. Compensation and Schedule of Payments.

City shall pay the Contractor

\$ _____ per _____, plus an additional sum for costs as normally billed by professionals in the business, including mylars, extra-ordinary postage, copying and transportation, together with applicable sales tax, if any.

pursuant to the schedule set forth on Attachment A, the "Cost estimate."

\$ 12,000 is the maximum amount to be paid under this Agreement, and it shall not be exceeded without City's prior written agreement in the form of a negotiated and executed supplemental agreement.

The Contractor shall be paid monthly on the basis of invoices for compensation earned by the Contractor during the billing period, as agreed by the parties. Payment shall be made within ten (10) days after approval of the voucher by the City council.

6. Ownership of Records and Documents.

The written, graphic, mapped, photographic, or visual documents prepared by the Contractor under the scope of work of this Agreement are instruments of the Contractor's services for use by the City with respect to this project and, unless otherwise provided, shall be deemed the property of the City. The City shall be permitted to retain these documents, including reproducible camera-ready originals of reports, reproduction quality mylars of maps, duplicates of 35 mm slides, and copies in the form of computer files, for the City's use. The City shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data, drawings, images or other material prepared under this Agreement. Provided, the Contractor shall have no liability for the use of the Contractor's work product outside of the scope of its intended purpose.

7. Termination.

A. This agreement may be terminated by either party for reasonable cause, upon written notice to the other party. Reasonable cause shall include:

- a) Material violation of this agreement.
- b) Failure to maintain professional standards in the performance of services related to this agreement.

B. This agreement may be terminated without cause upon thirty (30) days notice by the City.

C. Termination of this agreement shall not relieve either party of their obligations under this agreement, which accrue prior to the date of termination, or which, by their nature, are intended to survive completed performance of the scope of work, including the obligation of the City to pay for competent services performed prior to the date of termination.

D. This agreement shall terminate on the date indicated in (3) above or December 31, 2009, whichever is later.

8. Evaluation and Compliance with the Law.

The Contractor agrees to comply with all relevant, federal, state and municipal laws, rules and regulations, including laws governing equal employment opportunity, and prevailing or area standard wage laws, if applicable.

9. City Business and Occupation License.

Prior to performing work under this Agreement, Contractor shall secure a City of Sedro-Woolley Business and Occupation License.

10. Liability and Hold Harmless.

Each party shall indemnify, save, and hold harmless the other party of any claim, damages, losses, liability or expense cause by or resulting from their negligence related to the performance of this contract.

The Contractor shall provide proof to the City that it is insured under a professional liability insurance policy covering the work within the scope of this agreement, in such form and amounts as are acceptable to the City.

The Contractor shall provide proof to the City that it is insured under a general liability insurance policy covering the work within the scope of this agreement, in such form and amounts as are acceptable to the City.

For purposes of this agreement the Contractor waives immunity under RCW Title 51, the State Industrial Insurance Act for any claim brought by the City.

11. Employment Security. The Contractor shall comply with all employment security laws of the State of Washington, and shall timely make all required payments in connection therewith.

12. Amendments.

This Agreement shall not be altered, changed, or amended except by an instrument in writing executed by the parties hereto. Any changes in the scope of work or compensation shall be mutually agreed upon between the City and the Contractor and shall be incorporated in written amendments to this Agreement.

13. Scope of Agreement.

This Agreement incorporates all the agreements, covenants and understanding between the parties hereto and are merged into this written agreement. No prior agreement or prior understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless set forth in this Agreement or written amendment hereto.

14. Ratification.

Acts taken pursuant to this Agreement but prior to its effective date are hereby ratified and confirmed.

15. Assignability. This agreement is not assignable by either party, without written consent of the other party.

16. Notices. Any notice given in connection with this agreement shall be given in writing and shall be delivered either by hand to the party or by certified mail, return receipt requested, to the party at the party's address stated herein. Any party may change its address stated herein by giving notice of the change in accordance with this paragraph.

17. Choice of Law/Venue. Any dispute under this agreement or related to this agreement shall be decided in accordance with the laws of the State of Washington. Venue for any court proceeding arising under or related to this agreement shall be in Skagit County Superior Court.

18. Non-exclusive Agreement. This agreement shall not prevent the City of Sedro-Woolley from entering into a contract with another person or firm for similar services.

DATED this _____ day of _____, 20__.

CITY OF SEDRO-WOOLLEY
A Washington Municipal Corporation

By: _____
Mayor

Attest:

City Clerk

CONTRACTOR:

By: _____

C E R T I F I E D L A N D S E R V I C E S C O R P O R A T I O N

SCOPE OF WORK: City of Sedro Woolley Northern Ave., Polte Rd. & Township St. Intersection Realignment & Sanitary Sewer Line

Project Overview.

The project consists of acquiring property or property rights in fee, permanent easement or right of way permits on portions of 2 adjacent parcels owned by Burlington Northern & Santa Fe Railway Company ("Burlington Northern").

This scope of work includes the initial determination of Burlington Northern's willingness to sell the required property to the City of Sedro Woolley in fee or permanent easement, and if so, completing the acquisition. If acquisition in fee is not feasible, the scope will consist of acquiring right of way permits from Burlington Northern.

There is no relocation of persons or personal property on this project.

This project is funded with State Public Works Trust Funds requiring strict adherence to Federal Highways Administration policies and procedures as well as all applicable federal, state and local laws including, but not limited to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and its amendments, 49CFR Part 24, and state Revised Statutes. Work will be in accordance with the WSDOT Local Agencies Guidelines and by reference the WSDOT Right of Way Manual parts 1 & 2.

CERTIFIED will work closely with all project stakeholders including project managers and staff, engineering project managers and designers, property owners and their representatives and the public.

It is the intention of the consultant to have a project that is certification ready by the time of completion of the task. CERTIFIED staff will work closely with the city to ensure acquisition work is done in accordance with the schedule to ensure timely delivery of completed work product.

C E R T I F I E D
L A N D S E R V I C E S C O R P O R A T I O N

SCOPE OF WORK: City of Sedro Woolley Northern Ave., Polte Rd. & Township St. Intersection Realignment & Sanitary Sewer Line

TASKS

Task 1 - Project Management

Assumptions:

- The city will act as general right of way project manager.
 - CERTIFIED will provide staff management/advisory time for its staff, but will not consider itself in any way the project manager for the project.
- 1.1.1 Prepare a project schedule for the right of way phase. Monitor and update the schedule as needed.
- 1.1.2 Prepare and submit a monthly progress report that will include identification of work performed in the previous month's schedule, measures for mitigating schedule slippage, if necessary, and identification and discussion of potential problems that may arise, including issues resolution.
- 1.1.3 Manage quality in coordination with the prime's Project Manager.
- 1.1.4 Submit detailed monthly invoices.

Task 2 - Preparation

- CERTIFIED staff will review all documents, files, maps, title reports, legal descriptions and other information provided. Errors, questions and clarifications will be reviewed and discussed.

Task 3 - Appraisal

Assumptions:

- Appraisals will be necessary if property is acquired in fee or easement.
- 3.1.1 CERTIFIED will hire and manage appraisers who will provide full narrative before and after appraisals for parcels.

Task 4 - Appraisal Review

- Appraisal reviews will be necessary if property is acquired in fee or easement.
- 4.1.1 CERTIFIED will hire and manage review appraisers who will provide review services for any parcels being appraised.
- The city will set just compensation from which offers to the property owners will be made.

C E R T I F I E D
L A N D S E R V I C E S C O R P O R A T I O N

SCOPE OF WORK: City of Sedro Woolley Northern Ave., Polte Rd. & Township St. Intersection Realignment & Sanitary Sewer Line

Task 5 – Administrative

- 5.1.1 CERTIFIED will provide signature ready legal documents that will be used to convey fee rights for all parcels.
- 5.1.2 The city will provide title commitments for each parcel with Schedule B showing exceptions listed.
- 5.1.3 The city will provide all legal descriptions.
- 5.1.4 The city will provide approved right of way and or exhibit maps for the project.
- 5.1.5 CERTIFIED staff will maintain all records, files, documents and reports in accordance with statutory and city guidelines and regulations.
- 5.1.5 CERTIFIED will provide the city with written status reports on a monthly basis and will provide verbal status reports on demand, as requested.
- 5.1.6 CERTIFIED will provide the city with a password to a secured web based FTP site for access to real time status reports and document files.

Task 6 - Negotiation

Assumptions:

- CERTIFIED agents will act in good faith at all times.
 - CERTIFIED staff will never coerce owners in an attempt to settle parcels
 - CERTIFIED will provide Administrative Settlement Letters for all requested administrative settlements to be reviewed and approved by the city.
 - CERTIFIED staff will work whatever hours are necessary, including evenings and weekends, to make themselves available to owners and their representatives.
- 6.1.1 CERTIFIED will prepare offer letters for all parcels.
 - 6.1.2 CERTIFIED agents will make at least 3 personal contacts with each owner with the intent of reaching settlement for the conveyance of property or property rights needed from each parcel. As many contacts as needed to reach settlement will be made, until it is mutually agreed between the city and CERTIFIED that negotiations should be suspended or given to the city Attorney to pursue eminent domain actions.
 - 6.1.3 CERTIFIED staff will explain the city's offer verbally and in writing.
 - 6.1.4 CERTIFIED staff will provide detailed written diaries for each parcel.
 - 6.1.5 CERTIFIED staff will transmit organized parcel files containing all pertinent information, documents, forms, diaries, and Disclaimer Statements.
 - 6.1.6 CERTIFIED will prepare all documents and files in strict adherence to federal and statutory regulations, rules and laws.
 - 6.1.7 CERTIFIED staff will prepare a condemnation summary memo for any parcel that the city deems it is necessary to acquire through the exercising of its power of eminent domain.

Task 6 – Relocation

Assumptions:

- There are no relocations on this project.
- Sign relocations, if any, will be considered cost to cure items addressed in appraisals and negotiations.

C E R T I F I E D

L A N D S E R V I C E S C O R P O R A T I O N

SCOPE OF WORK: City of Sedro Woolley Northern Ave., Polte Rd. & Township St. Intersection Realignment & Sanitary Sewer Line

Task 7 - Closing and Conveyance

Assumptions:

- Title Clearance is not required on parcels valued under \$10,000 according to state and federal funding source requirements.
 - CERTIFIED will clear any liens and encumbrances that are in conflict with the city's intended use of the right of way acquired to ensure certification and that there are no conflicts of ownership or use of the land required during construction.
 - The city will pay property owners and/or lienholders/encumbrancers for any property or property rights acquired through the closing process.
- 7.1.1 CERTIFIED staff will review title for each parcel.
- 7.1.2 CERTIFIED will prepare any documents needed for clearing any liens or encumbrances as noted above.
- 7.1.3 CERTIFIED will provided the city with complete files at the close of negotiations for each parcel. Included in our transmittal packages will be conveyance documents ready for the city to record.

COST ESTIMATE

This proposal is based on charging only for those hours worked. The outline of tasks and hours provided above are a guide to our understanding and approach to work.

PROJECT MANAGEMENT

Senior Project Manager 8 hours @ \$154 per hour = \$1,232

NEGOTIATION

Senior Acquisition Agent: 80 hours @ \$95 per hour = \$7,600

Administrative Support 4 hours @ \$55 per hour = \$220

TITLE CLEARANCE

Senior Acquisition Agent: 15 hours @ \$95 per hour = \$1,425

TITLE REPORTS/PAYMENT TO OWNERS

Title Reports will be provided by the city and are not included in this cost estimate. The overall project scope of work calls for the city pay directly for payments of just compensation to the property owners.

APPRAISAL

Appraisal cost estimates will be obtained if acquisition is to be in fee.

APPRAISAL REVIEW

Appraisal Review cost estimates will be obtained if acquisition is to be in fee.

REIMBURSABLES

In addition to the above costs, reimbursable costs such as mileage, postage, phone and fax charges, or other reasonable costs will be billed at straight cost.

Estimated Reimbursables = \$1,000

TOTAL ESTIMATED COSTS = \$11,477

C E R T I F I E D
L A N D S E R V I C E S C O R P O R A T I O N

SCOPE OF WORK: City of Sedro Woolley Northern Ave., Polte Rd. & Township St. Intersection Realignment & Sanitary Sewer Line

NOTE:

IT IS OUR COMMITMENT TO PROVIDE YOU WITH EFFECTIVE AND COST EFFICIENT SERVICE. SINCE WE WERE ASKED TO PROVIDE A NOT TO EXCEED COST ESTIMATE, WE HAVE PROVIDED THIS ESTIMATE FOR YOUR BUDGETING PURPOSES. ALTHOUGH IT CANNOT BE GUARANTEED, IT IS OUR GOAL TO DELIVER THIS PROJECT WELL WITHIN THE ABOVE TOTAL ESTIMATED COSTS. WE WILL UNDER NO CIRCUMSTANCES EXCEED THIS ESTIMATE WITHOUT YOUR FULL CONSENT AND APPROVAL.

BILLS WILL BE SUBMITTED BY THE 10TH OF EACH MONTH. STATUS REPORTS AND EXPENSE REPORTS WILL BE SUBMITTED WITH EACH INVOICE.

Authorization

The scope of services and contractual conditions as described in this proposal are accepted and CERTIFIED Land Services Corporation is authorized to proceed.

By _____ **Signature*** _____ **Printed Name** _____
For _____ **Firm/Municipality*** _____ **Date** _____

*Name of person with contractual authority and firm responsible for payment of CERTIFIED Land Services Corporation billing.