

Next Ord: 1647-09

Next Res: 807-09

VISION STATEMENT

SEDRO-WOOLLEY IS A FRIENDLY CITY THAT IS CHARACTERIZED BY CITY GOVERNMENT AND CITIZENS WORKING TOGETHER TO ACHIEVE A PROSPEROUS, VIBRANT AND SAFE COMMUNITY

MISSION STATEMENT

TO PROVIDE SERVICES AND OPPORTUNITIES WHICH CREATE A COMMUNITY WHERE PEOPLE CHOOSE TO LIVE, WORK AND PLAY

CITY COUNCIL AGENDA

August 12, 2009

7:00 PM

Sedro-Woolley Municipal Building

Council Chambers

325 Metcalf Street

1. Call to Order
2. Pledge of Allegiance
3. Consent Calendar

NOTE: Agenda items on the Consent Calendar are considered routine in nature and may be adopted by the council by a single motion, unless any Councilmember wishes an item to be removed. The Council on the regular agenda will consider any item so removed after the Consent Calendar.

- a. Minutes from Previous Meeting (Including August 4, 2009 Work Session)
- b. Finance
 - Claim Vouchers #66933 to #67033 in the amount of \$207,128.92
 - Payroll Warrants #45726 to #45837 in the amount of \$231,229.98
- c. Final Acceptance - McGarigle Sanitary Sewer Improvement Project
- d. Morgan's Espresso Agreement - F&S and SR 20 Intersection Project

4. Public Comment (Limited to 3-5 minutes)

PUBLIC HEARING

5. Solid Waste Rate Increase Proposal (*First Reading*)

UNFINISHED BUSINESS

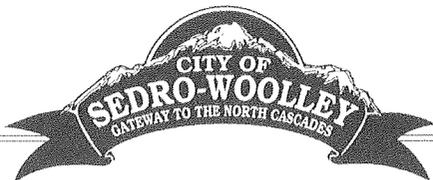
6. Ordinance - Fireworks - Code Modification (*Second Reading*)
7. Resolution - Personnel Policies - Accident Prevention (*Second Reading*)

NEW BUSINESS

8. Ordinance - Interim Revisions to Chapter 13.36 Stormwater Management & 13.40 Stormwater Maintenance

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

There may be an Executive Session immediately preceding or following the meeting.



DATE: August 12, 2009

TO: Mayor Anderson and City Council

FROM: Patsy Nelson, Finance Director

SUBJECT: 1) CALL TO ORDER; 2) PLEDGE OF ALLEGIANCE; 3) CONSENT CALENDAR

1. CALL TO ORDER - The Mayor will call the August 12, 2009 Regular Meeting to Order. The Finance Director will note those in attendance and those absent.

_____	Ward 1	Councilmember Ted Meamber
_____	Ward 2	Councilmember Tony Splane
_____	Ward 3	Councilmember Thomas Storrs
_____	Ward 4	Councilmember Pat Colgan
_____	Ward 5	Councilmember Hugh Galbraith
_____	Ward 6	Councilmember Rick Lemley
_____	At-Large	Councilmember Dennis London

2. PLEDGE OF ALLEGIANCE - The Mayor will lead the City Council and citizens in the Pledge of Allegiance to the United States of America.
3. CONSENT CALENDAR - Mayor will ask for Council approval of Consent Calendar items.

AUG 12 2009

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

CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
July 22, 2009 – 7:00 P.M. – City Hall Council Chambers

The Meeting was called to order at 7:00 P.M.

ROLL CALL: Present: Mayor Mike Anderson, Councilmembers: Ted Meamber, Tony Splane, Thomas Storrs, Pat Colgan, Hugh Galbraith, Rick Lemley and Dennis London. Staff: Recorder Brue, Finance Director Nelson, City Supervisor/Attorney Berg, Engineer Freiberger, Planner Coleman and Police Chief Wood.

Pledge of Allegiance

Consent Calendar

- Minutes from Previous Meeting
- Finance
 - Claim Vouchers #66808 to #66932 in the amount of \$1,290,775.97 (Voided Warrants #66849 – 66853)
 - Payroll Warrants #45612 to #45725 in the amount of \$172,333.28
- Resolution #805-09 – Amending Resolution #760-07 Small Works Roster
- Possible Contract Award – 2009 Sanitary Sewer CIPP Project Construction Management Services – Reichhardt & Ebe Engineering
- Possible Bid Award – 2009 CIPP Sanitary Sewer Project – Instituform Technologies, Inc.

Councilmember Colgan moved to approve the consent calendar. Seconded by Councilmember Meamber. Motion carried (7-0).

Public Comment

Bert Nelson – 130 Garden of Eden, thanked the Mayor and Council on behalf of him and his wife Finance Director Patsy Nelson for allowing her the opportunity to take a sabbatical so they could travel the United States. Nelson showed a map of their travels which included 42 States and 4 Maritime provinces in Canada.

PUBLIC HEARING

Possible Adoption by Resolution of the Six-Year Transportation Improvement Program (TIP) 2010 – 2015

Engineer Freiberger reviewed the proposed 6 year TIP. He noted this is done each year to classify arterial projects to be eligible for state and federal funding and is required by the State of Washington. He also noted he reformatted and reduced the number of projects shown. The TIP shows the top 10 projects expected to be completed in the next

4-5 years. Freiberger reviewed the projects and ranking and addressed possible grant funding opportunities and use of GMA Impact fees towards design of the projects.

Freiberger entertained questions from the Council to include necessary Bingham Park land and impact of rail traffic during any trestle upgrades.

Mayor Anderson opened the Public Hearing at 7:15 P.M.

Brett Sandstrom – 432 Talcott St., addressed the Jameson Arterial project, noting that the arterial passes through three school zones and questioned what protections are being considered to reduce the impact to the school zones.

Freiberger noted that pedestrian and bicycle pathways are included in the project to allow for the safe movement of students and pedestrians as well as improved intersections.

Sandstrom questioned traffic filtering in from other areas into the school zone. He also addressed design of any trestle improvements.

Mayor Anderson closed the public hearing at 7:19 P.M.

Councilmember London moved to adopt Resolution No. 806-09 A Resolution Adopting the Six-Year Transportation Improvement Program for the City of Sedro-Woolley, Washington, 2010-2015. Councilmember Splane seconded.

Council discussion was held to include how long the Jameson arterial has been on the Plan and the meaning of the codes listed on the TIP.

Motion carried (7-0).

UNFINISHED BUSINESS

Transportation Impact Fees in the Unincorporated Sedro-Woolley Urban Growth Area

City Supervisor/Attorney Berg reviewed the final draft of a letter to Skagit County regarding transportation impact fees.

Councilmember London moved to authorize the Mayor to send the Impact Fees in the Unincorporated Sedro-Woolley Urban Growth Area letter. Seconded by Councilmember Member. Motion carried (7-0).

NEW BUSINESS

Annexation Request – R5 Properties on Fruitdale Road North of SR20

Senior Planner Coleman reviewed a request for a petition for annexation of four R-5 properties North of SR20. Along with the request is an additional request for a zoning

change on one parcel to allow duplexes. Coleman reviewed the criteria for Council consideration and stated staff recommendation is to not accept the annexation at this time. He discussed the reasons for their recommendation which included the current City-wide zoning review, current staffing and time necessary to complete the process.

Discussion ensued to include current County zoning, wetland area and sewer expansion.

Maryann Manville-Ailles – Skagit Surveyors and Engineers, 806 Metcalf, representing petitioner, Dean Earles, addressed the Council on the boundaries. She clarified the timing of the proposal noting she believes it to be the perfect time to be addressing annexation. Manville-Ailles discussed the history of the zoning within the area, difficulty of the County process and addressed the concern for duplexes and wetland issues on the Earles property. She noted they are not requesting any additional density but asking to enter into a development agreement to allow the existing density to be clustered to the portion of the property that is developed. She noted it used to be termed a contract rezone. Manville-Ailles stated she believes it will be a nice buffer between residential and potential commercial property and requested Council consideration of the annexation.

City Supervisor/Attorney Berg discussed the fundamental concern of the issues of timing but believes there is a process to address the departments concerns and continue moving forward. He recommended to proceed with the process in order to allow discussions.

Senior Planner Coleman stated for the record the Planning Department objects to any consideration of duplexes under a contract rezone or development agreement.

Councilmember Meamber moved to proceed with the process to annex the properties on Fruitdale Road. Seconded by Councilmember Galbraith.

Motion carried (7-0).

John Piazza—205 Thompson Pl., Sedro-Woolley, discussed their creation of an investment group who plan to own, build and manage any development and discussed their plans for a green community.

Ed Clark – Right Way Plumbing & Heating, discussed energy grant applications available and the vision of the investment group to build a green community to include solar, wind and geo-thermal energies.

Fireworks – Code Modification

Mayor Anderson reviewed his findings that Sedro-Woolley is the only town in the area that allows fireworks. He discussed numerous members of the community expressing concerns of fireworks and would like to see an Ordinance banning fireworks within the City Limits. Mayor Anderson requested that Councilmember's poll their friends, neighbors and ward. He also noted this was a first read.

Discussion ensued regarding enforcement (with Police Chief Wood noting that enforcement would be based on the priorities set by Council), other city's experience, impact of fireworks on animals and past history of fireworks within City Limits.

Brett Sandstrom – 432 Talcott, discussed the success of the Fireworks show during Loggerodeo. He stated that perhaps banning fireworks would increase attendance at the Loggerodeo Fireworks show now that it's located within a closer proximity to town.

Personnel Policies – Accident Prevention

City Supervisor/Attorney Berg stated this is something that Engineer Freiberger has spearheaded as part of the Safety Committee.

Engineer Freiberger spoke of the process through the Safety Committee to become a safe city for the employees. He reviewed the history of the document which has been developed by models from other cities, and customized for Sedro-Woolley. He stated the policy is currently being followed and is recommended by the Safety Committee for Council adoption.

Discussion ensued regarding terminology within the document, make up of the Safety Committee and the First Aid and Blood born pathogens section.

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Planner Coleman – reported on the City Wide Rezone discussion at the Planning Commission level. He noted they have received good feedback from the community and they are trying to get the word out of the potential changes.

Engineer Freiberger – presented a project update on the Skagit Roundabout project and the Fruitdale/McGargile project. He noted the Fruitdale/McGargile project has had some groundwater issues that have now been resolved. The SR9/Township curbing will be starting next week. He also announced the award of the 2009 CIPP project and the contractor is interested in starting the project next week.

City Supervisor/Attorney Berg – announced the receipt of the new vector truck which is parked out front for Council to see. He said the truck is part of the requirements for the stormwater permitting process and reviewed funding for the truck. He also noted that Cliff Hodgins is filling in for Carrie Weyand who is out on maternity leave.

Finance Director Nelson – announced an upcoming Utilities Committee meeting for next week to present an update on the consumption based billing. She also noted the State Auditors are expected to be here August 17 – September 8. Nelson noted that the State Auditors offices are progressing towards a schedule of auditing cities without federal revenue status every two years. She also requested Councilmember's review the elected official's information sheet and update any information that is incorrect; the information is required by the State Auditors and is in preparation for their upcoming visit.

Councilmember London – discussed the PUD pumps on the river. He noted the PUD has not taken possession, but a tour will be scheduled once PUD takes ownership.

Councilmember Galbraith – questioned the employee furloughs and loss of positions from the closure of the golf course. He also questioned the current status of the golf course. Galbraith discussed an increased use of jake brakes by trucks coming down Hwy 9.

EXECUTIVE SESSION

The meeting adjourned to Executive Session at 8:23 P.M. for approximately 15 minutes for the purpose of personnel with a possible decision.

The meeting reconvened at 8:47 P.M.

Councilmember Storrs moved to allow the Mayor and City Supervisor to enter into a MOU with the [AFSCME] Union regarding an employee [shared sick leave]. Councilmember Colgan seconded. Motion carried (7-0). Motion carried.

Councilmember Meamber moved to adjourn. Seconded by Councilmember Colgan. Motion carried (7-0).

The meeting adjourned at 8:48 P.M.

AUG 12 2009

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 39

CITY OF SEDRO-WOOLLEY

Joint Council/Planning Commission Work Session
August 4, 2009 – 7:00 P.M. – City Hall Council Chambers

The Worksession was called to order at 7:00 P.M and opened with reciting the Pledge of Allegiance.

ROLL CALL: Present: Mayor Mike Anderson, Councilmembers: Ted Meamber, Tony Splane, Tom Storrs, Pat Colgan, Hugh Galbraith, Rick Lemley and Dennis London. Planning Commission: Pat Huggins, Jim Johnson, Terry Carter, Tracy Donovan, Rick Judd and Brett Sandstrom. Staff: City Supervisor/Attorney Berg, Finance Director Nelson, Senior Planner Coleman and Planning Director Moore.

Discussion on Potential City-wide Re-zoning and Changes to SWMC 17.28 – Industrial Zoning

- Planning Director Moore presented introductory remarks for the proposed City-wide re-zoning changes and changes to SEMC 17.28 – Industrial Zoning. He noted that the Planning Commission has reviewed and is requesting direction from the City Council.

Discussion ensued regarding concern on proposed conversion from industrial to mixed commercial at the Skagit Industrial Plant. It was felt the site is suitable for industry with buildings, neighbors, buffers, etc. City Supervisor/Attorney Berg suggested consideration of a Mixed Commercial Transitional Zone which would allow both industry and commercial as the owner's needs demand. Concern was also expressed on R-15 zoning as a buffer with discussion held including the concept of buffers for certain types of industry creating dust, odor, etc not being next to residential, prior Council position against commercial on Moore Street due to traffic issues and the need for industry to provide living wage jobs. Also discussed were origination of zoning request changes and the need to preserve industry.

Responsibility and type of buffering with possible mixed use, live/work units, open space and urban villages rather than apartment complexes were discussed as well as the need for large enough chunks of land to allow a buffer as well as the project and avoid strip malls.

It was noted that a few years ago, Council pushed to eliminate R15 and have smaller apartment units interspersed throughout the city rather than large apartment complexes. Discussion ensued regarding use of limited multi-family to be allowed on fringe of Central Business District. Concerns for parking were expressed and an alternative of mixed use urban village with CBD as an overlay discussed. Further discussion ensued to include wishes for

allowable vs. conditional uses in industry, especially retail in an industrial zone. It was suggested that office and parks would be a good consideration for buffer between residential and industrial.

Discussed of landscaping performance bonds to replace vegetation which dies, sound walls, 24-hour operation sound control and business friendly regulations was held.

Planning Director Moore displayed a sample postcard which will go out to residents and property owners informing them of the comprehensive plan update process and scheduled meetings.

PUBLIC COMMENT

Bill Rimmer – 2720 Club Court #107, Mount Vernon addressed the Council and Planning Commission to address his wishes to change his request for his property along Brickyard Creek, North of SR 20 to mixed-commercial and R15.

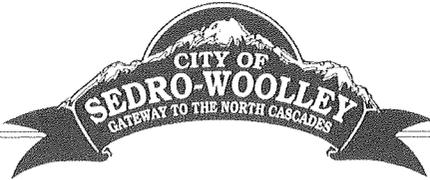
Councilmember Meamber moved to adjourn. Seconded by Councilmember Colgan. Motion carried.

The worksession adjourned at 9:07 P.M.

CITY COUNCIL AGENDA
REGULAR MEETING

AUG 12 2009

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 36



DATE: August 12, 2009
TO: Mayor Anderson and City Council
FROM: Patsy Nelson, Finance Director
SUBJECT: FINANCE - VOUCHERS

Attached you will find the Claim Vouchers proposed for payment for the period ending August 12, 2009.

Motion to approve Claim Vouchers #66933 to #67033 in the amount of \$207,128.92.

Motion to approve Payroll Warrants #45726 to #45837 in the amount of 231,229.98.

If you have any comments, questions or concerns, please contact me for information during the working day at 855-1661. This will allow me to look up the invoices that are stored in our office.

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
66933	SEDRO-WOLLEY POSTMASTER	POSTAGE	SWR	463.73
		POSTAGE	SAN	221.16
		AUTO FUEL/DIESEL	SWTR	28.55
		WARRANT TOTAL		713.44
66934	A-1 MOBILE LOCK & KEY	REPAIRS/MAINTENANCE	SWTR	5.41
		WARRANT TOTAL		5.41
66935	ALL-PHASE ELECTRIC	REPAIR/MAINT-STREETS	ST	16.20
		REPAIRS/MAINTENANCE	ST	35.51
		WARRANT TOTAL		51.71
66936	ALPINE FIRE & SAFETY	SAFETY EQUIPMENT	ST	52.10
		SAFETY EQUIPMENT	ST	37.82
		SAFETY EQUIPMENT	SWR	148.40
		WARRANT TOTAL		238.32
66937	LLOYD H. RUSSELL	REPAIRS/MAINT-EQUIP	FD	3,895.20
		WARRANT TOTAL		3,895.20
66938	A.T.V. ACCESSORIES	REPAIRS/MAINTENANCE	SWTR	43.28
		WARRANT TOTAL		43.28
66939	APPLIED INDUSTRIAL TECH	REPAIR/MAINTENANCE-EQUIP	ST	299.00
		WARRANT TOTAL		299.00
66940	ARAMARK UNIFORM SERVICES	MISC-LAUNDRY	CEM	24.14
		MISC-LAUNDRY	ST	22.94
		MISC-LAUNDRY	ST	22.94
		MISC-LAUNDRY	ST	27.17
		LAUNDRY	SWR	24.39
		LAUNDRY	SWR	45.52
		LAUNDRY	SWR	24.39
		LAUNDRY	SWR	45.52
WARRANT TOTAL		237.01		
66941	ASI	PROFESSIONAL SERVICES	SWR	135.00
		PROFESSIONAL SERVICES	SWR	70.00
		WARRANT TOTAL		205.00
66942	ASSOC PETROLEUM PRODUCTS	AUTO FUEL	CS	87.95
		AUTO FUEL	CS	98.98
		AUTO FUEL	CS	46.97
		AUTO FUEL	PD	1,211.07
		AUTO FUEL/DIESEL	FD	488.95
		AUTO FUEL/DIESEL	ST	28.22
		AUTO FUEL/DIESEL	ST	231.24
		AUTO FUEL/DIESEL	ST	96.65
		MAINT OF GENERAL EQUIP	SWR	150.04
		AUTO FUEL/DIESEL	SWR	36.59
		AUTO FUEL/DIESEL	SWR	84.72
		AUTO FUEL/DIESEL	SWR	80.28

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		AUTO FUEL/DIESEL SAN	249.78
		AUTO FUEL/DIESEL SAN	107.28
		AUTO FUEL/DIESEL SAN	1,524.73
		AUTO FUEL/DIESEL SAN	1,291.47
		WARRANT TOTAL	5,814.92
66943	AT & T	TELEPHONE JUD	3.24
		MEALS/TRAVEL EXE	1.62
		TELEPHONE FIN	32.39
		TELEPHONE LGL	6.48
		TELEPHONE IT	1.62
		TELEPHONE PLN	1.62
		TELEPHONE ENG	68.01
		TELEPHONE PD	132.79
		TELEPHONE FD	42.10
		TELEPHONE INSP	6.48
		TELEPHONE ST	9.72
		TELEPHONE LIB	9.72
		TELEPHONE SWR	6.48
		TELEPHONE SAN	1.61
		WARRANT TOTAL	323.88
66944	BANK OF AMERICA	MISC-TUITION/REGISTRATION FIN	375.00
		OPERATING SUPPLIES PD	179.62
		WARRANT TOTAL	554.62
66945	BARNETT IMPLEMENT CO. INC	REPAIR/MAINT-EQUIP & BLDG CEM	17.29
		WARRANT TOTAL	17.29
66946	BANK OF AMERICA	SUPPLIES LIB	47.58
		SUPPLIES LIB	40.45
		SUPPLIES LIB	111.70
		REPAIR/MAINT-COMPUTER LIB	40.98
		SUBSCRIPTIONS LIB	59.00
		EARLY LITERACY LIB	69.14
		WARRANT TOTAL	368.85
66947	BANK OF AMERICA	TRAVEL/MEALS FD	14.17
		TRAVEL/MEALS FD	40.00
		TRAVEL/MEALS FD	31.09
		TRAVEL/MEALS FD	40.00
		TRAVEL/MEALS FD	30.00
		TRAVEL/MEALS FD	34.00
		WARRANT TOTAL	189.26
66948	BANK OF AMERICA	OFFICE/OPERATING SUPPLIES IT	167.66
		REPAIR-MAINTENANCE SUPPLIES IT	35.49
		REPAIR-MAINTENANCE SUPPLIES IT	8.65
		SMALL TOOLS/MINOR EQUIP IT	25.97
		PROFESSIONAL SERVICES IT	3.40
		WARRANT TOTAL	241.17

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
66949	BANK OF AMERICA	BANK FEES	FIN	1,114.17
		WARRANT TOTAL		1,114.17
66950	BAY CITY SUPPLY	OPERATING SUP - CITY HALL	PK	215.53
		WARRANT TOTAL		215.53
66951	BOOK-OF-THE-MONTH CLUB	BOOKS, PERIOD, RECORDS	LIB	94.22
		WARRANT TOTAL		94.22
66952	BOULDER PARK, INC	SOLIDS HANDLING	SWR	2,626.33
		WARRANT TOTAL		2,626.33
66953	BROWN & COLE STORES	OPERATING SUPPLIES	FD	8.94
		OPERATING SUPPLIES	FD	4.47
		WARRANT TOTAL		13.41
66954	CARLETTI ARCHITECTS P.S.	PURCHASE OF LAND FOR FIRE STN		4,778.75
		WARRANT TOTAL		4,778.75
66955	CARROT-TOP INDUSTRIES INC	OPERATING SUP - COMM CENTER	PK	150.98
		WARRANT TOTAL		150.98
66956	CENTRAL WELDING SUPPLY	OPERATING SUPPLIES	SAN	17.96
		WARRANT TOTAL		17.96
66957	CEMEX	REPAIR/MAINT-STREETS	ST	178.92
		WARRANT TOTAL		178.92
66958	CODE PUBLISHING INC.	CODE BOOK	LGS	305.34
		WARRANT TOTAL		305.34
66959	COASTAL WEAR PRODUCTS	OPERATING SUPPLIES	ST	1,334.86
		WARRANT TOTAL		1,334.86
66960	COMCAST	INTERNET SERVICES	IT	99.95
		WARRANT TOTAL		99.95
66961	CORRECTIONAL INDUSTRIES	PROFES. SVCS. REIMBURSE	ENG	26.78
		WARRANT TOTAL		26.78
66962	COUNTRYSIDE CHEVROLET	REPAIR & MAINT - AUTO	PD	160.01
		REPAIR & MAINT - AUTO	PD	43.01
		REPAIR & MAINT - AUTO	PD	28.02
		WARRANT TOTAL		231.04
66963	CROP PRODUCTION SERVICES	OPERATING SUPPLIES	CEM	162.34
		OPERATING SUPPLIES	ST	162.34
		WARRANT TOTAL		324.68
66964	CRYSTAL SPRINGS	OPERATING SUPPLIES	SAN	81.66
		WARRANT TOTAL		81.66

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
66965	CUES	MAINTENANCE OF LINES	SWR	262.15
		MAINTENANCE OF LINES	SWR	572.38
		MAINTENANCE OF LINES	SWR	110.09
		WARRANT TOTAL		944.62
66966	DC'S PRINTING & AWARDS	SUPPLIES/BOOKS	PLN	8.66
		WARRANT TOTAL		8.66
66967	DALCO, INC	REPAIR/MAINTENANCE-EQUIP	ST	59.98
		OPERATING SUPPLIES	SAN	8.93
		OPERATING SUPPLIES	SAN	20.08
		WARRANT TOTAL		88.99
66968	THE UNITY GROUP	PROFESSIONAL SERVICES	FIN	120.00
		PROFESSIONAL SERVICES	FIN	120.00
		WARRANT TOTAL		240.00
66969	E & E LUMBER	OPERATING SUP - RIVERFRONT	PK	19.77
		OPERATING SUP - COMM CENTER	PK	8.31
		OPERATING SUP - COMM CENTER	PK	8.06
		OPERATING SUP - LIBRARY	PK	54.54
		OPERATING SUP - MEMORIAL PARK		7.03
		REPAIR/MT-LIONS ROADSIDE PARK		7.44
		DOG PARK	PK	136.02
		DOG PARK	PK	9.10
		DOG PARK	PK	37.86
		REPAIR/MAINT-HEADSTONES	CEM	31.80
		OPERATING SUPPLIES	ST	4.63
		OPERATING SUPPLIES	ST	8.83
		OPERATING SUPPLIES	ST	.42-
		OPERATING SUPPLIES	ST	.53
		OPERATING SUPPLIES	ST	173.12
		OPERATING SUPPLIES	ST	163.78
		OPERATING SUPPLIES	ST	11.12
		OPERATING SUPPLIES	ST	.01-
		OPERATING SUPPLIES	SWR	1.61
		WARRANT TOTAL		683.12
66970	ECONOMY FENCE CENTER	RIGHT OF WAY-COOK ROAD	AST	1,595.95
		WARRANT TOTAL		1,595.95
66971	EDGE ANALYTICAL, INC.	PROFESSIONAL SERVICES	SWR	353.00
		PROFESSIONAL SERVICES	SWR	640.00
		WARRANT TOTAL		993.00
66972	ENTERPRISE OFFICE SYSTEMS	SUPPLIES	JUD	40.52
		SUPPLIES	JUD	64.91
		OPERATING SUPPLIES	ST	15.14
		WARRANT TOTAL		120.57
66973	FASTENAL COMPANY	REPAIRS/MAINTENANCE	SWTR	41.58
		WARRANT TOTAL		41.58

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
66974	GREAT AMERICA LEASING COR	EQUIPMENT LEASES	CS	270.39
		EQUIPMENT LEASES	CS	309.56
		REPAIR/MAINTENANCE-EQUIP	LIB	139.63
		WARRANT TOTAL		719.58
66975	H.B. JAEGER CO. LLC	MAINTENANCE OF LINES	SWR	57.39
		MAINTENANCE OF LINES	SWR	118.55
		WARRANT TOTAL		175.94
66976	HACH COMPANY	OPERATING SUPPLIES	SWR	211.53
		WARRANT TOTAL		211.53
66977	HEALTHFORCE	PROFESSIONAL SERVICES	SWR	50.00
		WARRANT TOTAL		50.00
66978	HEPBURN SUPERIOR	LINERS	CEM	439.66
		WARRANT TOTAL		439.66
66979	HUMANE SOCIETY OF SKAGIT	HUMANE SOCIETY	PD	1,529.00
		WARRANT TOTAL		1,529.00
66980	IKON OFFICE SOLUTIONS	REPAIRS & MAINTENANCE	PD	51.12
		REPAIRS & MAINTENANCE	PD	75.74
		EQUIPMENT LEASE	FD	51.11
		EQUIPMENT LEASE	FD	75.74
		WARRANT TOTAL		253.71
66981	INGRAM LIBRARY SERVICES	BOOKS, PERIOD, RECORDS	LIB	72.48
		BOOKS, PERIOD, RECORDS	LIB	28.98
		BOOKS, PERIOD, RECORDS	LIB	306.99
		BOOKS, PERIOD, RECORDS	LIB	13.05
		BOOKS, PERIOD, RECORDS	LIB	54.43
		BOOKS, PERIOD, RECORDS	LIB	10.29
		BOOKS, PERIOD, RECORDS	LIB	114.15
WARRANT TOTAL		600.37		
66982	JET CITY RENTAL	PURCHASE OF LAND FOR FIRE STN		1,127.98
		RIGHT OF WAY-COOK ROAD	AST	1,127.99
		WARRANT TOTAL		2,255.97
66983	JOHN, RONALD	RETIRED MEDICAL	PD	165.00
		WARRANT TOTAL		165.00
66984	KAREN E. HOMITZ, DDS, PLLC	RETIRED MEDICAL	PD	75.00
		WARRANT TOTAL		75.00
66985	KROESEN'S INC.	UNIFORMS	FD	101.69
		UNIFORMS	FD	58.21
		WARRANT TOTAL		159.90
66986	LEONARD BOUDINOT & SKODJE	TOWNSHIP SIDEWALK CONST	AST	10,000.00
		CONST-FRUITDALE MCGARIGLE	AST	20,049.75

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		OTHER IMPROVEMENTS SWR	20,000.00
		WARRANT TOTAL	50,049.75
66987	LOGGERS AND CONTRACTORS	SAFETY EQUIPMENT ST	43.28
		MAINTENANCE OF LINES SWR	155.81
		WARRANT TOTAL	199.09
66988	MOTOR TRUCKS, INC.	REPAIRS/MAINT-EQUIP FD	731.17
		REPAIRS/MAINT-EQUIP FD	5.56
		REPAIRS/MAINT-EQUIP FD	89.56
		REPAIRS/MAINT-EQUIP FD	11.69
		REPAIRS/MAINT-EQUIP FD	58.77
		REPAIRS/MAINT-EQUIP FD	198.16
		REPAIRS/MAINTENANCE SWTR	33.43
		WARRANT TOTAL	1,117.22
66989	MOUNT VERNON, CITY OF	SUMMER READ PROGRAM LIB	12.50
		WARRANT TOTAL	12.50
66990	NEXTEL COMMUNICATIONS	TELEPHONE EXE	29.23
		TELEPHONE FIN	29.23
		TELEPHONE LGL	29.23
		TELEPHONE IT	29.23
		NEXTEL CELL PHONES	58.48
		TELEPHONE PD	438.45
		TELEPHONE FD	266.56
		TELEPHONE INSP	29.23
		TELEPHONE PK	116.92
		TELEPHONE CEM	29.23
		TELEPHONE ST	146.15
		NEXTEL CELL PHONES	233.92
		NEXTEL CELL PHONES SAN	175.38
		WARRANT TOTAL	1,611.24
66991	NORTH HILL RESOURCES, INC.	RECYCLING FEE - YARD WASTE SAN	119.13
		RECYCLING FEE - YARD WASTE SAN	119.13
		RECYCLING FEE - YARD WASTE SAN	119.13
		RECYCLING FEE - YARD WASTE SAN	119.13
		RECYCLING FEE - YARD WASTE SAN	119.13
		RECYCLING FEE - YARD WASTE SAN	119.13
		RECYCLING FEE - YARD WASTE SAN	119.13
		RECYCLING FEE - YARD WASTE SAN	119.13
		WARRANT TOTAL	953.04
66992	OFFICE DEPOT	SUPPLIES FIN	198.79
		NETWORK HARDWARE IT	192.59
		SUPPLIES/BOOKS PLN	132.87
		SUPPLIES ENG	132.87
		OFFICE/OPERATING SUPPLIES PD	67.82
		OFFICE/OPERATING SUPPLIES PD	48.09
		OFFICE SUPPLIES FD	11.40
		OFF/OPER SUPPS & BOOKS INSP	132.86

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		WARRANT TOTAL	917.29
66993	OLIVER-HAMMER CLOTHES	SAFETY EQUIPMENT PK	73.55
		SAFETY EQUIPMENT SWR	160.66
		WARRANT TOTAL	234.21
66994	OUTWEST UNLIMITED	REPAIR/MT-HARRY OSBORNE PK	35.00
		WARRANT TOTAL	35.00
66995	PETROCARD	AUTO FUEL/DIESEL PK	6.44
		AUTO FUEL/DIESEL CEM	83.72
		AUTO FUEL/DIESEL ST	141.68
		AUTO FUEL/DIESEL ST	62.53
		AUTO FUEL/DIESEL SWR	45.07
		AUTO FUEL/DIESEL SWR	36.71
		AUTO FUEL/DIESEL SAN	45.07
		WARRANT TOTAL	421.22
66996	PETTY CASH-DEBRA PETERSON	SUPPLIES LIB	17.82
		POSTAGE LIB	31.61
		SUMMER READ PROGRAM LIB	20.61
		WARRANT TOTAL	70.04
66997	PROQUEST	LIBRARY INFO DATABASES LIB	169.00
		WARRANT TOTAL	169.00
66998	PUBLIC UTILITY DIS. NO.1	PUBLIC UTILITIES-MUSEUM PK	42.59
		PUBLIC UTILITIES SWR	33.80
		WARRANT TOTAL	76.39
66999	PUGET SOUND ENERGY	PUBLIC UTILITIES PD	43.19
		REPAIRS & MAINTENANCE PD	9.83
		UTILITIES-RIVERFRONT PK	503.32
		UTILITIES-COMMUNITY CTR PK	104.35
		UTILITIES-SENIOR CENTER PK	301.31
		UTILITIES-TRAIN PK	53.28
		UTILITIES-HAMMER SQUARE PK	253.70
		UTILITIES-BINGHAM & MEMORIAL P	42.55
		UTILITIES - SHOP PK	73.67
		UTILITIES - OTHER PK	9.83
		PUBLIC UTILITIES-MUSEUM PK	9.83
		PUBLIC UTILITIES-MUSEUM PK	26.38
		PUBLIC UTILITIES-CITY HALL PK	2,368.34
		PUBLIC UTILITIES CEM	49.13
		PUBLIC UTILITIES ST	61.78
		PUBLIC UTILITIES ST	68.81
		PUBLIC UTILITIES ST	66.74
		PUBLIC UTILITIES ST	153.28
		PUBLIC UTILITIES LIB	324.34
		ADVERTISING HOT	26.91
		PUBLIC UTILITIES SWR	8,050.47
		PUBLIC UTILITIES SAN	84.97

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		WARRANT TOTAL	12,686.01
67000	PURCHASE POWER	POSTAGE	JUD 355.82
		POSTAGE	FIN 243.94
		POSTAGE	LGL 2.24
		POSTAGE	LGL 2.69
		POSTAGE	PLN 41.26
		POSTAGE	ENG 59.61
		POSTAGE	FD 152.79
		POSTAGE	FD 5.55
		POSTAGE	INSP 9.85
		POSTAGE	CEM 11.20
		POSTAGE	SWR 217.13
		POSTAGE	SAN 100.21
		OPERATING SUPPLIES	SWTR 16.70
		WARRANT TOTAL	1,218.99
67001	SCIENTIFIC SUPPLY	OPERATING SUPPLIES	SWR 112.79
		OPERATING SUPPLIES	SWR 91.36
		OPERATING SUPPLIES	SWR 109.22
		OPERATING SUPPLIES	SWR 485.05
		WARRANT TOTAL	798.42
67002	SEAWESTERN FIRE FIGHTING EQUIP.	REPAIRS/MAINT-EQUIP	FD 102.79
		WARRANT TOTAL	102.79
67003	SEATTLE PUMP AND EQUIP CO	MAINTENANCE OF LINES	SWR 908.92
		WARRANT TOTAL	908.92
67004	SEDRO-WOLLEY AUTO PARTS	OPERATING SUPPLIES	ST 33.23
		SMALL TOOLS/MINOR EQUIP	ST 27.29
		SMALL TOOLS/MINOR EQUIP	ST 26.43
		OPERATING SUPPLIES	SWR .63
		WARRANT TOTAL	87.58
67005	SEDRO-WOLLEY POSTMASTER	POSTAGE	LIB 88.00
		WARRANT TOTAL	88.00
67006	SEDRO-WOLLEY VOLUNTEER	SALARIES-VOLUNTEERS	FD 13,163.50
		MISC-DUES	FD 720.00
		WARRANT TOTAL	13,883.50
67007	SKAGIT CO. PUBLIC WORKS	PURCHASE OF LAND FOR FIRE STN	3,945.02
		RIGHT OF WAY-COOK ROAD	AST 1,907.32
		SOLID WASTE DISPOSAL	SAN 35,517.91
		WARRANT TOTAL	41,370.25
67008	SKAGIT COUNTY SHERIFF OFF	PRISONERS	PD 457.94
		WARRANT TOTAL	457.94
67009	SKAGIT COUNTY TREASURER	CRIME VCTM & WITNSS PROG	LGL 113.25
		WARRANT TOTAL	113.25

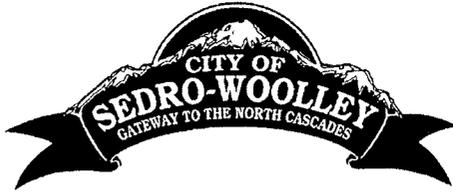
WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
67010	SKAGIT FARMERS SUPPLY	OPERATING SUPPLIES PD	28.10
		PROPANE CEM	12.13
		OPERATING SUPPLIES-PROPANE ST	23.44
		OPERATING SUPPLIES-PROPANE ST	12.66
		MAINTENANCE OF LINES SWR	73.57
		WARRANT TOTAL	149.90
67011	SKAGIT HYDRAULICS, INC.	REPAIR/MAINTENANCE-EQUIP ST	774.51
		WARRANT TOTAL	774.51
67012	SKAGIT VALLEY PUBLISHING	SUPPLIES LGS	76.01
		LEGAL PUBLICATIONS LGS	33.75
		LEGAL PUBLICATIONS LGS	33.75
		SUPPLIES FIN	385.19
		ADVERTISING PLN	60.00
		ADVERTISING PLN	63.75
		ADVERTISING/LEGAL PUBLIC PLN	146.25
		ADVERTISING/LEGAL PUBLIC PLN	93.75
		ADVERTISING/LEGAL PUBLIC PLN	131.25
		PRINTING/PUBLICATIONS PD	154.73
		OPERATING SUP - COMM CENTER PK	76.01
		OPERATING SUPPLIES CEM	254.27
		PROFESSIONAL SERVICES ST	136.68
		WARRANT TOTAL	1,645.39
		67013	SPRINT
WARRANT TOTAL	59.99		
67014	TEGG CORP.	MISC-TUITION/REGISTRATION SWR	450.00
		WARRANT TOTAL	450.00
67015	TRUE VALUE	REPAIRS/MAINT-DORM PD	21.70
		OPERATING SUP - RIVERFRONT PK	34.61
		OPERATING SUP - COMM CENTER PK	32.41
		OPERATING SUP - SENIOR CTR PK	15.13
		OPERATING SUP - LIBRARY PK	21.04
		OPERATING SUP - LIBRARY PK	10.04
		OPERATING SUP - MEMORIAL PARK	9.73
		REPAIRS/MT-COMMUNITY CTR PK	1.71
		REPAIRS/MT-COMMUNITY CTR PK	98.97
		REPAIR/MAINT-LIBRARY PK	404.70
		REPAIR/MAINT-LIBRARY PK	34.08
		REPAIR/MAINT-LIBRARY PK	98.96
		REPAIR/MAINT-LIBRARY PK	148.76
		OPERATING SUPPLIES CEM	12.20
		OPERATING SUPPLIES SWR	6.77
		OPERATING SUPPLIES SWR	70.85
		OPERATING SUPPLIES SWR	15.43
		OPERATING SUPPLIES SWR	17.92
		OPERATING SUPPLIES SWR	8.20
		OPERATING SUPPLIES SWR	23.21
		WARRANT TOTAL	1,086.42

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
67016	UNITED GENERAL HOSPITAL	PRISONERS	PD	611.00
		PRISONERS	PD	95.00
		WARRANT TOTAL		706.00
67017	VALLEY AUTO SUPPLY	SMALL TOOLS & MINOR EQUIP	SWR	15.57
		SMALL TOOLS & MINOR EQUIP	SWR	13.42
		REPAIRS/MAINT-EQUIP	SAN	10.82
		WARRANT TOTAL		18.17
67018	VERIZON NORTHWEST	TELEPHONE	PD	29.14
		TELEPHONE	PD	366.72
		TELEPHONE	PK	85.16
		TELEPHONE	CEM	62.43
		TELEPHONE	LIB	227.10
		TELEPHONE	SWR	248.53
		TELEPHONE	SAN	41.18
		WARRANT TOTAL		1,060.26
67019	VISTEN, LESLIE	RETIRED MEDICAL	PD	91.00
		WARRANT TOTAL		91.00
67020	WA STATE CRIMINAL JUSTICE	TUITION/REGISTRATION	PD	511.00
		WARRANT TOTAL		511.00
67021	WA ST DEPT OF LICENSING	PROFESSIONAL SERVICES	FIN	30.00
		WARRANT TOTAL		30.00
67022	WA ST DEPT OF LICENSING	PROFESSIONAL SERVICES	FIN	30.00
		WARRANT TOTAL		30.00
67023	WA ST DEPT OF PROF LICEN	INTERGOV SVC-GUN PERMITS	PD	93.00
		WARRANT TOTAL		93.00
67024	WA ST DEPT OF TRANSPORT	CONST-FRUITDALE MCGARIGLE	AST	460.40
		WARRANT TOTAL		460.40
67025	WA ST DEPT OF GENERAL ADM	PROFESSIONAL SERVICES	PD	50.00
		PROFESSIONAL SERVICES	FD	50.00
		PROFESSIONAL SERVICES	PK	50.00
		PROFESSIONAL SERVICES	SWR	50.00
		PROFESSIONAL SERVICES	SAN	50.00
		WARRANT TOTAL		250.00
67026	WA ST OFF OF TREASURER	STATE REMITTANCES-COURT		5,797.21
		WARRANT TOTAL		5,797.21
67027	WASHINGTON STATE LIBRARY	INTERNET	LIB	321.38
		WARRANT TOTAL		321.38
67028	WATER ENVIRONMENT FEDERATION	MISC-DUES/SUBSCRIPTIONS	SWR	70.00
		WARRANT TOTAL		70.00

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
67029	WATERCLEAR CO. INC. (THE)	SOLIDS HANDLING	SWR	1,035.17
		WARRANT TOTAL		1,035.17
67030	WOOD'S LOGGING SUPPLY INC	POSTAGE	FD	8.89
		REPAIR/MAINT-EQUIP & BLDG	CEM	98.35
		OPERATING SUPPLIES	ST	12.01
		OPERATING SUPPLIES	ST	36.30
		MAINTENANCE OF LINES	SWR	106.11
		WARRANT TOTAL		261.66
67031	EVANS, AARON AND PAMELA	BUILDING PERMITS		261.00
		BUILDING REVIEW FEES		169.65
		WARRANT TOTAL		430.65
67032	BOEH, AARON	REPAIRS/MAINT-DORM	FD	20.08
		WARRANT TOTAL		20.08
67033	STILES & STILES IOLTA TRUST ACCT	CONST-SKAGIT PROJECT	AST	28,050.00
		WARRANT TOTAL		28,050.00
		RUN TOTAL		207,128.92

FUND	TITLE	AMOUNT
001	CURRENT EXPENSE FUND	49,766.49
101	PARK FUND	5,797.01
102	CEMETERY FUND	1,287.89
103	STREET FUND	4,819.13
104	ARTERIAL STREET FUND	63,191.41
105	LIBRARY FUND	2,425.15
108	STADIUM FUND	26.91
401	SEWER FUND	39,164.38
412	SOLID WASTE FUND	40,481.60
425	STORMWATER	168.95
TOTAL		207,128.92

DEPARTMENT	AMOUNT
001 000 000	6,227.86
001 000 011	448.85
001 000 012	464.49
001 000 013	30.85
001 000 014	2,678.71
001 000 015	153.89
001 000 017	564.56
001 000 018	813.85
001 000 019	679.41
001 000 020	345.75
001 000 021	6,898.18
001 000 022	30,281.67
001 000 024	178.42
FUND CURRENT EXPENSE FUND	49,766.49
101 000 076	5,797.01
FUND PARK FUND	5,797.01
102 000 036	1,287.89
FUND CEMETERY FUND	1,287.89
103 000 042	4,819.13
FUND STREET FUND	4,819.13
104 000 042	63,191.41
FUND ARTERIAL STREET FUND	63,191.41
105 000 072	2,425.15
FUND LIBRARY FUND	2,425.15
108 000 019	26.91
FUND STADIUM FUND	26.91
401 000 035	39,164.38
FUND SEWER FUND	39,164.38
412 000 037	40,481.60
FUND SOLID WASTE FUND	40,481.60
425 000 039	168.95
FUND STORMWATER	168.95
TOTAL	207,128.92



CITY COUNCIL AGENDA
REGULAR MEETING

AUG 12 2009

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

CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-0771
Fax (360) 855-0733

Mark A. Freiberger, PE
Director of Public Works/City Engineer

MEMO TO: City Council and Mayor Mike Anderson
FROM: Mark A. Freiberger, PE
RE: **Final Acceptance – McGarigle CIPP Sanitary Sewer Improvement Project**
Michels Corporation
DATE: August 5, 2009 (for Council review August 12, 2009)

ISSUE

Should Council approve final acceptance of the McGarigle CIPP Sanitary Sewer Improvement Project as constructed by Michels Corporation of Salem, OR?

BACKGROUND/DISCUSSION

The construction contract for the McGarigle CIPP Sanitary Sewer Improvement Project with Michels Corporation was executed on April 10, 2008. The work was started on July 31, 2008 with Final Acceptance granted on June 25, 2009. The long delay in final acceptance was due to several pipe defects discovered during the post installation inspection that required repair. These have now been resolved or handled as warranty items.

The retention for this project has been held as required by the specifications and state law via a retention bond. Final release of the retention will be pending clearance from the Department of Labor & Industries, the Department of Revenue and Employment Security confirming correct wage and sales tax payments. The Notice of Completion of Public Works Contract has been sent to the Dept. of Revenue.

Attached is the Engineer's Notice of Final Acceptance.

FINANCIAL

REVENUE

Project Budget per Award memorandum 3/26/08 \$ 934,857.00

FINAL EXPENDITURES - CONSTRUCTION COSTS

Construction Contract, Michels Corporation \$ 809,324.89
Construction Engineering, R&E (estimated) \$ 36,720.07
Total, rounded \$ 846,044.96

Under Budget \$ 88,812.04

ANALYSIS

The original construction contract for this project totaled \$842,720.76. During the course of the work, two change orders were issued, totaling \$5,028.69. Unit price quantities overall came in at \$38,424.56 under estimate, resulting in a final contract cost of \$809,324.89. This is a net 10.5% under the original contract amount. All change orders were documented and approved by council. No significant issues occurred with the project.

Construction Engineering costs are not final, but estimated to be \$36,720.07, or 4.4% of the bid amount.

The Schedule A of this project was funded by the 2008 PWTF Construction Loan and Sewer Cumulative Reserve funds. Schedule B, the portion east of Fruitdale to the Northern States facility, was funded 100% by Washington State General Services Administration.

Factoring in all of the above, there is a balance of funds available from the PWTF and local Sewer Reserve totaling \$88,812.04.

MOTION:

Move final acceptance of the McGarigle CIPP Sanitary Sewer Improvement Project as constructed by Michels Corporation of Salem, OR.

REICHHARDT & EBE ENGINEERING, INC.

CONSULTING ENGINEERS

813 METCALF STREET, SEDRO-WOOLLEY, WA 98284 · 360-855-1713 FAX: 360-855-1164

July 28, 2009

Mark Freiberger, PE, Director of Public Works/City Engineer
City of Sedro-Woolley
325 Metcalf Street
Sedro-Woolley, WA 98284

Re: McGarigle CIPP Sewer Project Notice of Acceptance

Dear Mr. Freiberger:

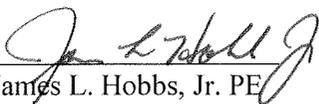
I hereby certify that the McGarigle CIPP Sewer Project and all appurtenances were built in accordance with the plans and specifications and that all materials incorporated in the project meet the specifications. An inspection was made on June 25, 2009, to verify that the punch list items had been completed. During the inspection the two point leaks in the line between structures 5 and 6 were observed. Neither of the areas identified were leaking. Michels' representatives indicated that the point leaks had likely sealed themselves. All other punch list items had been completed. The project is therefore "Physically Complete".

It is my understanding that the City will inspect the section of pipe between structures 5 and 6 during the next wet season. If leaking is detected, the City would require Michels to perform repair work under the Contract Maintenance Bond. Additionally, it is my understanding that the City will require Michels to repair the torn liner at structure G7 under said Maintenance Bond.

It is my understanding that Julie Rosario will prepare the DOR Notice of Completion for Publics Works Contract form. No payment should be made from the retained funds until receipt of the Department of Revenue certificate, Department of Labor and Industries Release and Washington State Employment Security Department release.

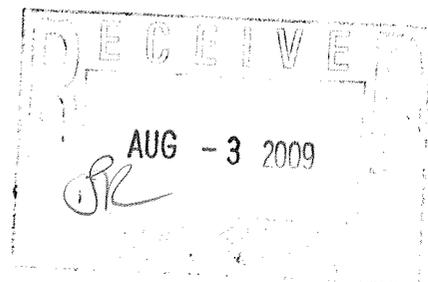
Inspection reports and submittals are on file at our office. These records are the property of the City of Sedro-Woolley and are available to you upon request.

Sincerely,
Reichhardt & Ebe Engineering, Inc.


James L. Hobbs, Jr. PE
Project Engineer

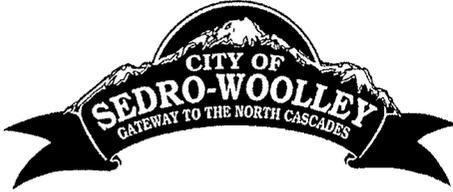
Enclosure

cc: Debbie Allen, Sewer Treatment Plant Superintendent
File



CITY COUNCIL AGENDA
REGULAR MEETING

AUG 12 2009



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

CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Eron M. Berg
City Supervisor/City Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: F&S and SR 20 intersection project
DATE: August 12, 2009

ISSUE: Should the Council authorize the Mayor to sign the attached revised agreement with the Estate of Laura Morgan and Carey Edwards regarding the F&S Grade Road and SR 20 project?

BACKGROUND: The Council authorized a similar agreement last fall, but the property owners did not get back to the City until late this spring. Under the approved agreement, the City was agreeing to purchase the old house that is to be demolished, demolish it, relocate the espresso stand and pave the approaches. Because our contract is not only bid, but underway, we feel it makes the most sense to pay the property owner for most of the work the City was prepared to perform and only perform work that can be done through bid quantities (paving). The proposed, revised agreement, includes a payment for the house to be demolished (based on an MAI appraisal) and a payment for all of the work to be done. That amount is based upon estimates from contractors and consultants which Mark has reviewed.

This agreement is recommended so the City can permanently eliminate access to a parcel and shut down the business completely for a period of two weeks. Normally the City does not pay for changes to access, in this case we believe it is warranted because of the total loss of access to/from one parcel under distinct ownership and the agreement that access will be from a gravel road for up to one year as well as the total closure of the business for two weeks.

Finally, we used an outside attorney to review this agreement and his recommendations were included in this revision.

RECOMMENDATION: Motion to authorize the Mayor to sign the agreement.

MEMORANDUM OF AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of August, 2009 by and between the CITY OF SEDRO-WOOLLEY, a Washington Municipal Corporation, hereinafter referred to as "CITY", the ESTATE OF LAURA G. MORGAN, hereinafter referred to as "MORGAN", and CARY W. EDWARDS, a single man, hereinafter referred to as "EDWARDS", is for the purpose of agreeing to certain terms and conditions related to the City's "F&S Grade Road and SR 20 project".

RECITALS

A. The City is in the process of improving the intersection of F&S Grade Road and SR 20 and creating a new roundabout intersection on SR 20 in front of Skagit County parcel no. 76818 (hereafter referred to as "the Project"); and

B. The City is planning to spend approximately \$3.0M on this Project which has been bid and a contract awarded with construction underway; and

C. MORGAN is owner of that certain property located in Sedro-Woolley identified as Lots 1 and 2, Block 1 Moore's Addition to Woolley together with a portion of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 24, Township 35 North, Range 4 East, W.M., Skagit County parcel no. 76817; and

D. EDWARDS is owner of that certain property located in Sedro-Woolley identified as Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 24, Township 35 North, Range 4 East, W.M., Skagit County parcel no. 37451 (together with Morgan's property described above referred to as "the Premises");

E. MORGAN is owner of Morgan's Espresso, a business located on parcel 76817;

F. EDWARDS is owner of a structure located on parcel 37451 which the City has had appraised by a MAI appraiser for the value of the structure;

G. The City's project will impact MORGAN and EDWARDS as a result of changed access resulting from the improvements;

H. The City initially offered MORGAN and EDWARDS to have the espresso stand relocation work and demolition work performed as part of the project at City's expense. Because of a slow response from MORGAN and EDWARDS, it is no longer practical for the City to perform this work. Instead the City is agreeing to compensate MORGAN and EDWARDS for the cost of the demolition and relocation work.

NOW, THEREFORE, for and in consideration of the mutual covenants herein, the parties agree as follows:

1. MORGAN and EDWARDS agree to eliminate direct access to Parcel 76817 by conveying any access rights from that parcel to/from SR 20 to the City. Access for these parcels will be by way of a new backage road parallel to SR 20 which will be gravel for at least one year following construction of the new roundabout intersection. The conveyance of access from SR 20 shall be evidenced by the execution of an access deed which is attached hereto as Exhibit A and shall be executed contemporaneously with this agreement. City agrees that MORGAN shall continue to use the direct access to SR 20 from Parcel 76817 until such time as the City needs to eliminate it as part of its Project.

2. EDWARDS has indicated that it will be required to demolish the structure located on parcel 37451 as a result of changed access. The City has had this structure appraised and has provided EDWARDS with a copy of the appraisal. This City agrees to pay EDWARDS eight thousand Dollars (\$8,000.00), the value of that structure.

3. In consideration of the agreements herein, the City agrees to provide paved asphalt approaches to Morgan's espresso stand after MORGAN has relocated it on its site as well as a payment of twenty thousand fifty Dollars (\$20,050.00) which represents MORGAN'S and EDWARDS' costs to demolish the building and relocate the espresso stand including everything from site design and engineering to required screening, landscaping, sales tax, etc. MORGAN and EDWARDS acknowledge that there will be some disruption in business operations from this relocation and from construction of the Project including a period of approximately fourteen (14) days when MORGAN and EDWARDS will have no direct access to their property in addition to the days when SR 20 is closed entirely for paving and striping. In consideration of the benefits that accrue to them as a result of this Agreement, MORGAN and EDWARDS hereby release the City from any and all claims for damages, lost profits, costs, expenses and reasonable attorneys fees arising from any disruption in business, loss of access or other cause arising from the City relocating the stand as provided in this Agreement or from construction of the Project.

4. City agrees that MORGAN'S sewer connections shall be transferable, without charge, to the relocated espresso stand and to the future planned office/storage structure as provided in SWMC Title 13.

5. MORGAN and EDWARDS agree to grant the City a right of entry in the form as attached hereto as Exhibit B contemporaneously with this Agreement.

6. MORGAN and EDWARDS agree to purchase additional property from PATRICK A. RIMMER FAMILY LIMITED PARTNERSHIP, hereinafter referred to as "RIMMER", in connection with the City's Project. Said property is legally described on Exhibit C. The purchase price for said property is \$ _____. MORGAN and EDWARDS acknowledge that said property will not have direct access to SR 20 and have agreed to the property with this understanding. This property shall be further aggregated with the aggregated parcel described in Section 1 of this Agreement.

MORGAN and EDWARDS agree to enter into a separate purchase and sale agreement with RIMMER for purchase of said property on the terms and conditions set forth herein..

7.0 GENERAL PROVISIONS

7.1 Recording. This Agreement shall, when approved by the City Council and executed by the parties hereto, be filed as a matter of public record in the office of the Skagit County Auditor and shall be in the nature of a covenant running with the Premises. It is the intent to have this Agreement, so long as it is in force, to be considered, interpreted, and regarded as a covenant running with the land as to Morgan's Property and Edwards' Property.

7.2 Applicable Law. This Agreement shall be governed by and be interpreted in accordance with the laws of the State of Washington with venue for any disputes to lie exclusively in Skagit County.

7.3 Binding Effect. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of each party hereto.

7.4 Severability. If any provision of this Agreement is determined to be unenforceable or invalid by a court of law, then this Agreement shall thereafter be modified to implement the intent of the parties to the maximum extent allowable under law.

7.5 Modification. This Agreement shall not be modified or amended except in writing signed by the City and MORGAN or their respective successors in interest.

7.6 Merger. This Agreement represents the entire agreement of the parties with respect to the subject matter hereof. There are no other agreements, oral or written, except as expressly set forth herein.

7.7 Duty of Good Faith. Each party hereto shall cooperate with the other in good faith to achieve the objectives of this Agreement. The parties shall not unreasonably withhold requests for information, approvals or consents provided for, or implicit, in this Agreement.

7.8 No Presumption Against Drafter. This Agreement has been reviewed and revised by legal counsel for all parties and no presumption or rule that ambiguity shall be construed against the party drafting the document shall apply to the interpretation or enforcement of this Agreement.

7.9 Notices. All communications, notices and demands of any kind which a party under this Agreement is required or desires to give to any other party shall be in writing and be either (1) delivered personally, (2) sent by facsimile transmission with an additional copy mailed first class, or (3) deposited in the U.S. mail, certified mail postage prepaid, return receipt requested, and addressed as follows:

If to the CITY: City Attorney, City of Sedro-Woolley, 325 Metcalf Street, Sedro-Woolley, WA 98284

If to MORGAN: c/o Brian Stiles, 925 Metcalf Street, Sedro-Woolley, WA 98284.

If to EDWARDS: c/o Brian Stiles, 925 Metcalf Street, Sedro-Woolley, WA 98284.

Notice by hand delivery or facsimile shall be effective upon receipt. If deposited in the mail, notice shall be deemed received 48 hours after deposit. Any party at any time by notice to the other party may designate a different address or person to which such notice shall be given.

7.10 Attorney fees. If it is necessary for any Party or its authorized representative, successor, or assign, to institute suit in connection with this Agreement or the breach thereof, the prevailing party in such suit or proceeding shall be entitled to recover its reasonable costs, expenses, and attorneys' fees incurred.

7.11 Entire Agreement. This Agreement, including the attached Exhibits, contains all of the covenants, promises, agreements, and conditions, both oral and written, between the Parties. This Agreement is fully integrated and constitutes the complete and final agreement between the parties hereto, and any previous agreements, offers, counteroffers, and/or negotiations are hereby merged herein. There are no other agreements which modify or amplify the terms of this Agreement.

7.12 Payment. Payments made from the City to Morgan and/or Edwards shall be made payable to the law offices of Stile & Stiles IOLTA trust account, at 925 Metcalf Street, Sedro-Woolley, WA 98284.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first written above.

CITY OF SEDRO-WOOLLEY

MAYOR

Attest:

DEPUTY CLERK

Approved as to form:

CITY ATTORNEY

STATE OF WASHINGTON)
) SS.
COUNTY OF SKAGIT)

On this day personally appeared before me MIKE ANDERSON and CHRISTINE SALSEINA, to me known to be the Mayor and Deputy Clerk of the City of Sedro-Woolley, a Washington Municipal Corporation, who executed the within and foregoing instrument and acknowledged to me that she signed and sealed the same as the free and voluntary act and deed of the said City, for the uses and purposes therein mentioned.

GIVEN UNDER my hand and official seal this ____ day of August, 2009.

Notary Public in and for the State of
Washington, residing at _____
My Commission Expires: _____
Print Name _____

MORGAN

By:

STATE OF WASHINGTON)
) SS.
COUNTY OF SKAGIT)

On this day personally appeared before me _____, to me known to be the persons who executed the within and foregoing instrument and acknowledged to me that they signed and sealed the same as the free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN UNDER my hand and official seal this ____ day of August, 2009.

Notary Public in and for the State of
Washington, residing at _____
My Commission Expires: _____
Print Name _____

EDWARDS

CAREY EDWARDS

STATE OF WASHINGTON)
) SS.
COUNTY OF SKAGIT)

On this day personally appeared before me CAREY EDWARDS, to me known to be the person who executed the within and foregoing instrument and acknowledged to me that he signed and sealed the same as the free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN UNDER my hand and official seal this ____ day of August, 2009.

Notary Public in and for the State of
Washington, residing at _____
My Commission Expires: _____
Print Name _____

When recorded return to:
City of Sedro-Woolley
325 Metcalf Street
Sedro-Woolley, WA 98284

SPECIAL WARRANTY DEED

THE GRANTOR, the ESTATE OF LAURA MORGAN for and in consideration of that certain agreement with the City of Sedro-Woolley dated August ____, 2009, conveys, and warrants to the CITY OF SEDRO-WOOLLEY, a Washington Municipality, the following described interest in real estate, situated in the County of Skagit, State of Washington:

All rights to access, ingress and egress to and from State Route 20 from the parcel legally described as follows:

Lots 1 and 2, Block 1 Moore's Addition to Woolley together with a portion of the Southeast ¼ of the Northwest ¼ of Section 24, Township 35 North, Range 4 East, W.M.

Abbreviated Legal: (Required if full legal not inserted above.)

Tax Parcel Number(s): P76817

Dated:

STATE OF

ss.

COUNTY OF

I certify that I know or have satisfactory evidence that

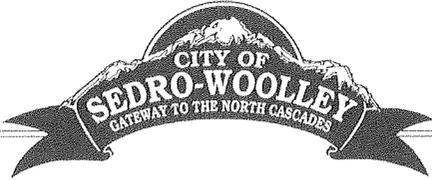
(is/are) the person(s) who appeared before me, and said person(s) acknowledged that _____ signed
this instrument, on oath stated that _____ authorized to execute the instrument and acknowledge it
as the _____ of

to be

the free and voluntary act of such party(ies) for the uses and purposes mentioned in this instrument.

Dated:

Notary name printed or typed:
Notary Public in and for the State of
Residing at
My appointment expires:



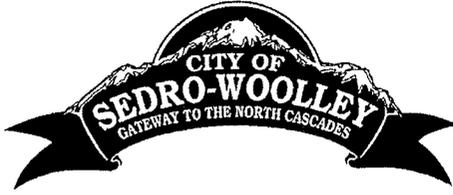
SUBJECT: PUBLIC COMMENT

Name:
Address:
Narrative:

PUBLIC
HEARING(S)

CITY COUNCIL AGENDA
REGULAR MEETING

AUG 12 2009



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

CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Eron M. Berg
City Supervisor/City Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: Solid Waste Rate increases
DATE: August 12, 2009

ISSUE: Should the Council adopt the draft ordinance increasing solid waste rates?

BACKGROUND: The City of Sedro-Woolley fought heroically to stave off a rate increase at the Skagit County Transfer Station. Unfortunately, the City was outvoted on the Solid Waste System Governance Board and a rate increase was approved. The current tipping fee is \$82.00 per ton; the new fee will be \$86.00 per ton. This rate increase is particularly difficult for our community since we have made cuts to all departments to keep ahead of the recession and avoid tax and fee increases on our citizens. Skagit County did not even consider reductions to reduce or eliminate this fee increase and their increase will necessitate an increase to our ratepayers.

The attached draft ordinance accomplishes three objectives:

1. It includes the additional costs from Skagit County in our base rate (Patsy estimates this increase to be approximately \$.50 for residential customer and \$2.00 for commercial customers per month);
2. It removes the fuel surcharge as a separate cost and includes it in the base rate (note: the fuel surcharge is based on the cost of diesel exceeding \$2.00 a gallon, a price we don't expect to see again in the future) while creating anew fuel surcharge that comes and goes automatically in smaller amounts based on the actual cost of diesel; and
3. Makes a few minor changes to the layout and language of the existing code.

This ordinance would not be effective until January 1, 2010.

After the public hearing tonight, please provide us with guidance as to any changes you would like in the final draft which will be ready for your consideration on the 26th.

RECOMMENDATION: PUBLIC HEARING: *first reading only.*

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FEES AND CHARGES FOR USE OF THE CITY OF SEDRO-WOOLLEY REFUSE COLLECTION AND DISPOSAL SYSTEM AND AMENDING PORTIONS OF SEDRO-WOOLLEY MUNICIPAL CODE CHAPTER 8.04

WHEREAS, Despite the City of Sedro-Woolley's ardent opposition to a rate increase, Skagit County is increasing its tipping fee for the transfer and disposal of municipal solid waste;

WHEREAS, the City Council of the City of Sedro-Woolley has determined that this rate increase from Skagit County cannot be paid through existing revenue; and

WHEREAS, the Council also desires to update its fuel surcharge; and

WHEREAS, notice of this pending rate change was published in the City's newspaper of record on August 3, 2009 and August 10, 2009 and a public hearing was held on August 12, 2009; and

WHEREAS, the City Council finds that adoption of the user fees set forth in this ordinance will support the operation of the refuse collection system with the lowest possible rates; and

WHEREAS, the City Council finds that it is in the interests of the public health, safety and welfare to adopt the fee schedules set forth below, now therefore;

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

Section 1: SWMC Section 8.04.075 is hereby amended to read as follows:

Charges for refuse and garbage collection and disposal shall be compulsory. Charges not paid within twenty-five (25) days of billing date shall be delinquent and the charge may become a lien against the property which is serviced by the garbage collection and disposal system. The City, at its discretion may also reduce or eliminate service on delinquent accounts.

A. The charges for regular weekly garbage service shall be as follows:

1. Table 1: Residential.

Monthly charge with one pickup per week			
Type of Service	Garbage	Recycling	Total
Residential, 20-gal. can	\$ 9.00	\$2.50	\$11.50
Residential, 32-gal. can	16.43	2.50	18.93
Residential, 68-gal. can	23.53	2.50	26.03

Residential, 96-gal. can	31.20	2.50	33.70
Residential, Low Income	80% of applicable residential rate		

2. Residential includes single-family, duplex, triplex and condominium residences. Each living unit of such residences shall be subject to the rates established in this chapter.

3. Table 2: Commercial and Multifamily.

Commercial, 32-gal. can	\$ 19.00
Commercial, 68-gal. can	29.50
Commercial, 95-gal. can	39.75
Commercial, 1-yard container	70.20
Commercial, 2-yard container	94.40
Commercial, 3-yard container	142.00
Commercial, 4-yard container	186.80
Commercial, 6-yard container	279.20
Commercial, 8-yard container	377.00
Commercial, 30-yard container	\$150.00 haul fee, \$86.00 per ton dumping, and \$50.00 delivery fee
Multifamily, apartments, cabin courts and trailer park units, etc.	Applicable commercial rate plus \$2.50 per unit for recycling

B. If more than one pickup per week is required on a continuing basis and the customer is utilizing a container smaller than eight-yard capacity, a larger container shall be required. The city may at its discretion authorize more than one pickup per week under the following conditions:

1. Where the largest container provided by the city is not adequate for the amount of waste generated;
2. Where more than one pickup per week is required to maintain proper health and sanitation;
3. Where a larger container cannot reasonably be placed on the customer's property due to space limitation.

C. In cases where additional pickups are requested due to the use of container on construction sites, or other temporary uses or to accommodate temporary increases in the amount of waste generated, additional pickups shall be made at the rate set forth as follows for both residential and commercial customers:

1-yard container	\$ 26.00 for each pickup
2-yard container	46.00 for each pickup
3-yard container	71.00 for each pickup
4-yard container	81.00 for each pickup
6-yard container	121.00 for each pickup

8-yard container	161.00 for each pickup
------------------	------------------------

Section 2: SWMC Section 8.04.120 is hereby deleted and replaced with the following:

A fuel surcharge is added to each account as follows:

When the average price of diesel paid by the City exceeds \$3.00 per gallon for a period of 30 days as determined by the Finance Director, a surcharge of \$.35 is added per month for each regular account and \$.10 for each pick-up in excess of one pick-up per week.

When the average price of diesel paid by the City exceeds \$4.00 per gallon for a period of 30 days as determined by the Finance Director, a surcharge of \$.70 is added per month for each regular account and \$.20 for each pick-up in excess of one pick-up per week.

When the average price of diesel paid by the City exceeds \$5.00 per gallon for a period of 30 days as determined by the Finance Director, a surcharge of \$1.05 is added per month for each regular account and \$.30 for each pick-up in excess of one pick-up per week.

Each surcharge shall be eliminated when the average price of diesel as determined by the Finance Director drops below the trigger price for a period of 30 days. The trigger prices are \$3.00, \$4.00 and \$5.00 as identified above.

The intent of this section is to recover from the users of the refuse disposal system the actual cost for fuel when it exceeds a base amount of \$2.99 per gallon and for that surcharge to be removed when the price of fuel drops (for example, when the price of diesel is \$4.00, the total surcharge would be \$.70 per month; when the price of diesel is \$6.00, the total surcharge would be \$1.05 per month).

Section 3. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held invalid or unconstitutional or if the application of this ordinance to any person or circumstances shall be held invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clause or phrases of this ordinance.

Section 4. The effective date of this Ordinance shall be January 1, 2010, more than 5 days after passage and publication.

Passed and approved this _____ day of _____, 2009.

Mayor

Attest:

City Clerk

Approved as to form:

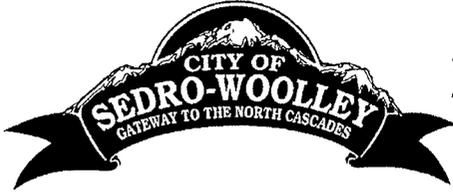
City Attorney

UNFINISHED
BUSINESS

CITY COUNCIL AGENDA
REGULAR MEETING

AUG 12 2009

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 6



CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Mike Anderson
Mayor

MEMO TO: City Council
FROM: Mayor Anderson
RE: Fireworks
DATE: August 12, 2009

ISSUE: Should the Council modify the code to restrict certain types of fireworks or ban fireworks?

BACKGROUND: Since the last Council meeting and article in the Courier-Times, I have received many calls, emails and visits from citizens who supported my statements in the paper regarding restricting fireworks.

At the last Council meeting, we discussed our neighboring cities' limitations and some of the options that exist for Sedro-Woolley. I support a full ban on fireworks as the best way for us to keep our community safe. But, if you are not ready for a full ban, I ask you to adopt the other option, restrictions on aerial explosives as they are most likely to fall on innocent neighbors' properties causing harm to people and property.

The first ordinance attached is modeled after the City of Burlington; the second after the City of Auburn. Both are better than what we have today.

RECOMMENDATION: Motion to adopt Ordinance ____-09, an ordinance banning fireworks in the City of Sedro-Woolley.

Or

Motion to adopt Ordinance ____-09, an ordinance restricting certain types of fireworks in the City of Sedro-Woolley.

ORDINANCE NO. _____

AN ORDINANCE REPEALING SWMC 8.28 AND ADOPTING A NEW CHAPTER BANNING FIREWORKS IN THE CITY OF SEDRO-WOOLLEY AND MAKING POSSESSION OF THOSE FIREWORKS A CRIME

WHEREAS, SWMC 8.28 allows for the possession and use of consumer fireworks in the City, and

WHEREAS, the City Council finds that the risks posed by the possession and use of consumer fireworks to the health, welfare and safety of the people and property in Sedro-Woolley is too great, and

WHEREAS, the City Council desires to adopt new regulations on fireworks prohibiting the use and possession of consumer fireworks while still allowing licensed displays of fireworks under certain circumstances, and

WHEREAS, the City Council finds that it is in the interests of the public health, safety and welfare to adopt the new regulations set forth below, now therefore;

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

Section 1. SWMC 8.28 is repealed in its entirety.

Section 2. A new chapter of the SWMC titled “Fireworks” is adopted as follows:

___. ___.010 Definitions.

The following definitions set forth in chapter 70.77 RCW as now stated or hereafter amended are hereby adopted by reference:

RCW

70.77.126 Definitions – “Fireworks.”

70.77.131 Definitions – “Display fireworks.”

70.77.136 Definitions – “Consumer fireworks.”

70.77.138 Definitions – “Articles pyrotechnic.”

70.77.141 Definitions – “Agricultural and wildlife fireworks.”

70.77.146 Definitions – “Special effects.”

70.77.160 Definitions – “Public display of fireworks.”

70.77.165 Definitions – “Fire nuisance.”

- 70.77.170 Definitions – “License.”
- 70.77.175 Definitions – “Licensee.”
- 70.77.177 Definitions – “Local fire official.”
- 70.77.180 Definitions – “Permit.”
- 70.77.182 Definitions – “Permittee.”
- 70.77.190 Definitions – “Person.”
- 70.77.200 Definitions – “Importer.”
- 70.77.205 Definitions – “Manufacturer.”
- 70.77.210 Definitions – “Wholesaler.”
- 70.77.215 Definitions – “Retailer.”
- 70.77.230 Definitions – “Pyrotechnic operator.”
- 70.77.236 Definitions – “New fireworks item.”
- 70.77.241 Definitions – “Permanent storage” – “Temporary storage.”

___.___.020 Findings of fact.

The city council hereby makes the following findings of fact:

- A. The risks of fires and the danger to public safety and property damages are increased by the sale and use of fireworks within the city.
- B. The types of fireworks involved in fires within the city include both illegal fireworks, and legal (common) fireworks as defined in RCW 70.77.136.
- C. Banning the use of all fireworks within the city is rationally related to the legislative purpose of reducing and/or eliminating the risk of major property damage and risk to public safety which results from the sale, possession and use of any fireworks.

___.___.030 Implementation of statutes.

This chapter is intended to implement chapter 70.77 RCW, and shall be construed in accordance with that statute and any and all administrative regulations issued pursuant thereto.

___.___.040 Possession, use, sale, and discharge of fireworks unlawful.

No person, firm, or corporation shall possess, offer for sale, expose for sale, sell at retail, or use or explode any fireworks, except as herein provided in SWMC ___.___.050.

___.___.050 Exceptions.

This chapter shall not be construed to prohibit the following:

- A. The sale, transportation, handling, or use of industrial pyrotechnic devices or fireworks, such as railroad torpedoes, fusees, automotive, aeronautical, and marine flares and smoke signals; or
- B. The sale and use of blank cartridges for signal or ceremonial purposes; in athletics or sports; or legal power tools; or
- C. The transportation, handling, or use of any pyrotechnic devices by the armed forces of the United States; or
- D. The use of pyrotechnics in training by the fire service, law enforcement, or similar government agencies; or
- E. In accordance with RCW 70.77.311, the use of common fireworks and such audible ground devices such as firecrackers, salutes, and chasers if:
 - 1. Purchased from a licensed manufacturer, importer, or wholesaler;
 - 2. For use on prescribed dates and locations;
 - 3. For religious or specific purposes; and
 - 4. A permit is obtained from the city; provided, that no fee shall be charged for such permit; or
- F. Public fireworks displays authorized by permit issued by the city pursuant to RCW 70.77.260(2); or
- G. Pursuant to RCW 70.77.405, the sale and use of trick and novelty devices as defined in WAC 212-17-030, as amended; or
- H. The use of agricultural and wildlife fireworks as defined in WAC 212-17-045, as amended; or
- I. The assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the city to purchase, possess, transport or use such fireworks.

___.___.060 Permit required – Public display of fireworks.

It is unlawful for any person to hold, conduct or engage in a public display of fireworks within the city without first having obtained and being the holder of a valid permit issued pursuant to the provisions of this chapter.

___.__.070 Application for public display permit.

A. Applications for a permit to hold, conduct or operate a public display of fireworks as defined under chapter 70.77 RCW shall be made to the fire chief. Such a permit shall also require the approval of the police chief or designee. Applications shall be made not less than 14 days prior to the display. Applicants shall meet all qualifications and requirements of state law regarding the public display of fireworks, and all requirements of Article 78 of the Uniform Fire Code, as adopted by the city. Applicants for a public display permit shall hold a pyrotechnic operator license, as set forth in SWMC ___.__.100.

B. Except as provided in RCW 70.77.355, the applicant for a permit for a public display of fireworks shall include with the application evidence of a bond issued by an authorized surety company. The bond shall be in the amount required by RCW 70.77.295 and shall be conditioned upon the applicant's payment of all damages to persons or property resulting from or caused by such public display of fireworks, or any negligence on the part of the applicant or its agents, servants, employees, or subcontractors in the presentation of the display. Instead of a bond, the applicant may include a certificate of insurance evidencing the carrying of appropriate liability insurance in the amount required by RCW 70.77.295 for the benefit of the person named therein as assured, as evidence of ability to respond in damages.

___.__.080 Permit fees.

The fee for a public display permit for the public display of fireworks shall be \$50.00, payable in advance, except that no permit fee shall be charged for the public display of fireworks on City-owned property when permitted by the City Council.

___.__.090 Issuance – Nontransferable – Voiding.

Each public display permit issued pursuant to this chapter shall be valid for the specific authorized public display event only, shall be used only by the designated permittee, and shall be nontransferable. Any transfer or unauthorized use of a permit shall void the permit granted in addition to all other sanctions provided in this chapter.

___.__.100 State-licensed pyrotechnician required.

Applicants shall hold a pyrotechnic operator license issued by the state as defined by chapter 70.77 RCW and chapter 212-17 WAC. All public fireworks displays shall be planned, organized and discharged by a state-licensed pyrotechnician.

___.__.110 Reinforcement of fire protection.

When, in the discretion of the fire chief, additional standby firefighting resources are necessary to preserve the public health, safety and welfare, a public display permit may require that the permittee fund such additional firefighting resources. Firefighters shall receive a minimum compensation as per the Washington State Association of Fire Chiefs' fee schedule. All compensation for fire department apparatus will be as per the Washington State Association of Fire Chiefs' fee schedule and shall be designated to the

general fund. This section shall not apply to public displays of fireworks on City-owned property when permitted by the City Council.

___.___.120 Revocation of permit.

Any public display permit may be immediately revoked at any time deemed necessary by the fire chief due to any noncompliance with permit conditions, or unforeseen weather conditions such as extremely low humidity or high winds. The display may also be canceled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display. This provision shall be construed as supplementing Section 7802.4.9.5 of the Uniform Fire Code as adopted by the city, and shall not be construed as a limitation of that section of the Uniform Fire Code.

___.___.130 Seizure of fireworks.

Pursuant to RCW 70.77.435, any fireworks which are illegally sold, offered for sale, used, discharged, possessed, or transported in violation of the provisions of this chapter are subject to seizure by law enforcement officers and the fire chief or his designee of the city of Sedro-Woolley.

___.___.140 Penalty.

A. This chapter is adopted for the general benefit of the public, and not for the particular benefit of any individual person or group of persons.

B. Any person, firm, or corporation violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction of such violation, such person, firm or corporation shall be subject to punishment by a fine of not more than \$1,000, or by imprisonment for not more than 90 days, or both such fine and imprisonment.

C. It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another. A violation of this section is a gross misdemeanor.

D. A person is guilty of a separate offense for each day during which he or she commits or continues a violation of any provision of this chapter.

Section 3. This ordinance shall be effective five (5) days after passage and publication as provided by law.

Section 4. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held invalid or unconstitutional or if the application of this ordinance to any person or circumstances shall be held invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clause or phrases of this ordinance.

Passed and approved this ____ day of August, 2009.

MAYOR

Attest:

City Clerk

Approved as to form:

City Attorney

ORDINANCE No. _____

AN ORDINANCE AMENDING SWMC 8.28 LIMITING CERTAIN TYPES OF FIREWORKS IN THE CITY OF SEDRO-WOOLLEY AND MAKING POSSESSION OF THOSE FIREWORKS A CRIME

WHEREAS, SWMC 8.28 allows for the possession and use of a broad category of fireworks including aerial explosives in the City, and

WHEREAS, the City Council finds that the risks posed by the possession and use of certain types of fireworks, particularly those that go up or blow up, to the health, welfare and safety of the people and property in Sedro-Woolley is too great, and

WHEREAS, the City Council desires to amend its regulations on the use and possession of consumer fireworks to limit the types of fireworks allowed in the City while still allowing licensed displays of fireworks under certain circumstances, and

WHEREAS, the City Council finds that it is in the interests of the public health, safety and welfare to adopt the new regulations set forth below, now therefore;

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

Section 1. SWMC 8.28 is amended to read as follows:

8.28.010 RCW adopted – Copies filed and authenticated.

Except as otherwise provided herein, Chapter 70.77 RCW, State Fireworks Law, is hereby adopted by reference, including all future amendments or additions thereto, and under the provisions of RCW 35A.12.140, the sections codified in this chapter shall be published as required by law, but the specified Chapter 70.77 RCW adopted by reference need not be published but shall be authenticated and recorded with the Sedro-Woolley city clerk, and not less than one copy of such chapter in the form in which it was adopted shall forthwith be filed in the office of the Sedro-Woolley city clerk for use and examination by the public.

8.28.020 Restriction on times for sale and discharge of fireworks.

The sale, purchase and discharge of consumer fireworks shall not be permitted at any time except during the following times and dates:

A. Sale and Purchase of Consumer Fireworks. Between the hours of 9:00 a.m. and 9:00 on June 29th through July 4th of any year, with the sale of consumer fireworks not being permitted on or around New Year's Day, or at any time other than specified above; and

B. Discharge on July Fourth. Between the hours of 9:00 a.m. and 11:00 p.m. on the 4th of July of any year; and

C. Discharge on New Year's. Between the hours of 6:00 p.m. on December 31st and 1:00 a.m. on January 1st of the subsequent year.

8.28.030 Restrictions and permits.

A. The following fireworks shall not be manufactured, possessed, used or detonated within the city of Sedro-Woolley, Washington:

Any device that will produce a visual and/or audible effect when exploded and/or detonated by combustion, except as follows:

1. Flares for emergency operation.
2. Signal device to begin an athletic event or sport.
3. Use by military organizations.
4. Blank cartridges for show or theater.
5. A permitted fireworks display.

B. The following types of fireworks are able to be manufactured, possessed, used or detonated within the city of Sedro-Woolley, Washington:

1. Sparkler: stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition.

2. Cylindrical fountain: cylindrical tubes containing pyrotechnic composition. Upon ignition, a shower of colored sparks and sometimes a whistling effect is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle if intended to be hand-held (handle fountain).

3. Cone fountain: cardboard or heavy paper cone containing pyrotechnic composition. The effect is the same as that of a cylindrical fountain.

4. Illuminating torch: cylindrical tube containing pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base or hand-held.

5. Wheel: pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain up to six driver units containing pyrotechnic composition. Upon ignition, the wheel revolves producing a shower of color and sparks and sometimes a whistling effect.

6. Ground spinner: small device similar to a wheel in design and effect, placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

7. Flitter sparkler: narrow paper tube containing pyrotechnic composition which produces color and sparks upon ignition. This device does not have a fuse for ignition. The paper at one end of the tube is ignited to make the device function.

8. Smoke device: tube or sphere containing pyrotechnic composition which, upon ignition, produces white or colored smoke as the primary effect.

C. Permit for Display of Fireworks. A permit for display of fireworks may be issued by the fire chief under the provisions as set forth in SWMC 8.28.040.

8.28.040 Permit required – Public display of fireworks.

It is unlawful for any person to hold, conduct or engage in a public display of fireworks within the city without first having obtained and being the holder of a valid permit issued pursuant to the provisions of this chapter.

8.28.050 Application for public display permit.

A. Applications for a permit to hold, conduct or operate a public display of fireworks as defined under chapter 70.77 RCW shall be made to the fire chief. Such a permit shall also require the approval of the police chief or designee. Applications shall be made not less than 14 days prior to the display. Applicants shall meet all qualifications and requirements of state law regarding the public display of fireworks, and all requirements of Article 78 of the Uniform Fire Code, as adopted by the city. Applicants for a public display permit shall hold a pyrotechnic operator license, as set forth in SWMC 8.28.080.

B. Except as provided in RCW 70.77.355, the applicant for a permit for a public display of fireworks shall include with the application evidence of a bond issued by an authorized surety company. The bond shall be in the amount required by RCW 70.77.295 and shall be conditioned upon the applicant's payment of all damages to persons or property resulting from or caused by such public display of fireworks, or any negligence on the part of the applicant or its agents, servants, employees, or subcontractors in the presentation of the display. Instead of a bond, the applicant may include a certificate of insurance evidencing the carrying of appropriate liability insurance in the amount required by RCW 70.77.295 for the benefit of the person named therein as assured, as evidence of ability to respond in damages.

8.28.060 Permit fees.

The fee for a public display permit for the public display of fireworks shall be \$50.00, payable in advance, except that no permit fee shall be charged for the public display of fireworks on City-owned property when permitted by the City Council.

8.28.070 Issuance – Nontransferable – Voiding.

Each public display permit issued pursuant to this chapter shall be valid for the specific authorized public display event only, shall be used only by the designated permittee, and shall be nontransferable. Any transfer or unauthorized use of a permit shall void the permit granted in addition to all other sanctions provided in this chapter.

8.28.080 State-licensed pyrotechnician required.

Applicants shall hold a pyrotechnic operator license issued by the state as defined by chapter 70.77 RCW and chapter 212-17 WAC. All public fireworks displays shall be planned, organized and discharged by a state-licensed pyrotechnician.

8.28.090 Reinforcement of fire protection.

When, in the discretion of the fire chief, additional standby firefighting resources are necessary to preserve the public health, safety and welfare, a public display permit may require that the permittee fund such additional firefighting resources. Firefighters shall receive a minimum compensation as per the Washington State Association of Fire Chiefs' fee schedule. All compensation for fire department apparatus will be as per the Washington State Association of Fire Chiefs' fee schedule and shall be designated to the general fund. This section shall not apply to public displays of fireworks on City-owned property when permitted by the City Council.

8.28.100 Revocation of permit.

Any public display permit may be immediately revoked at any time deemed necessary by the fire chief due to any noncompliance with permit conditions, or unforeseen weather conditions such as extremely low humidity or high winds. The display may also be canceled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display. This provision shall be construed as supplementing Section 7802.4.9.5 of the Uniform Fire Code as adopted by the city, and shall not be construed as a limitation of that section of the Uniform Fire Code.

8.28.110 Violation – Penalty.

A. Any person violating any provision of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine in an amount not exceeding \$1,000, or by imprisonment in jail for a term not exceeding 90 days, or by both. In the case of a conviction for a violation of this chapter, the city's fire marshal or designee may order the fireworks stand closed and may deny approval of a request by the person for a fireworks license for the next year.

B. A person is guilty of a separate offense for each separate and distinct violation of any provisions of this chapter, and a person is guilty of a separate offense for each day during which he/she commits or allows to continue any violation of the provisions of this chapter.

C. Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this chapter or of Chapter 70.77 RCW shall be subject to seizure by any police officer or by the city's fire chief or his designee.

8.28.120 Severability.

If any provision of this chapter or Chapter 70.77 RCW adopted by reference in this chapter and effective from and after five days from publication following adoption by the city council or its application to any person or circumstance is held invalid, the remainder of this chapter or its application of the provisions to other persons or circumstances shall not be affected.

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

Section 3. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held invalid or unconstitutional or if the application of this ordinance to any person or circumstances shall be held invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clause or phrases of this ordinance.

Passed and approved this ____ day of August, 2009.

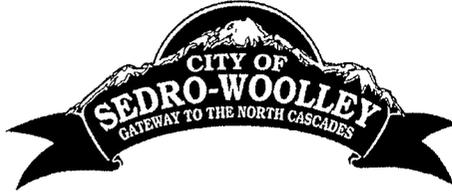
MAYOR

Attest:

City Clerk

Approved as to form:

City Attorney



CITY COUNCIL AGENDA
REGULAR MEETING

AUG 12 2009

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

CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Eron M. Berg
City Supervisor/City Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: Personnel Policies
DATE: August 12, 2009

ISSUE: Should the Council approve the attached resolution adopting a personnel policy regarding safety?

BACKGROUND: The City safety committee has been working on this policy for some time and is ready for the City Council to review it. Their objective is to have a clear policy to reduce situations that could result in injuries or accidents.

This is your second reading and unless you have additional questions or modifications, this is ready for action tonight.

RECOMMENDATION: Motion to adopt Resolution ____-09, a resolution adopting certain personnel policies.

RESOLUTION NO.

A RESOLUTION OF THE CITY OF SEDRO-WOOLLEY ADOPTING CERTAIN PERSONNEL POLICIES

WHEREAS, the City has established personnel policies, contracts with two unions covering three bargaining units, and contracts with a number of individual, exempt employees; and

WHEREAS, the City Council's personnel committee has been in the process of reviewing and revising the City's personnel policies; and

WHEREAS, one new policy is ready for adoption to address the needs of the City by establishing a new accident prevention policy; and

WHEREAS, the City's Safety Committee has recommended to the City Council's personnel committee which has reviewed this policy and recommends to the City Council that it be approved;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY AS FOLLOWS:

Section 1. The City of Sedro-Woolley hereby adopts the attached personnel policy:

Policy ____ Accident Prevention.

This policy is effective immediately upon approval by the City Council.

Section 2. The Accident Prevention Policy may be preempted by the Standard Operating Guidelines of the Sedro-Woolley Fire Department (SOG) or by the Standard Operating Policies (SOP) of the Sedro-Woolley Police Department.

PASSED by majority vote of the members of the Sedro-Woolley City Council
this 12th day of August, 2009

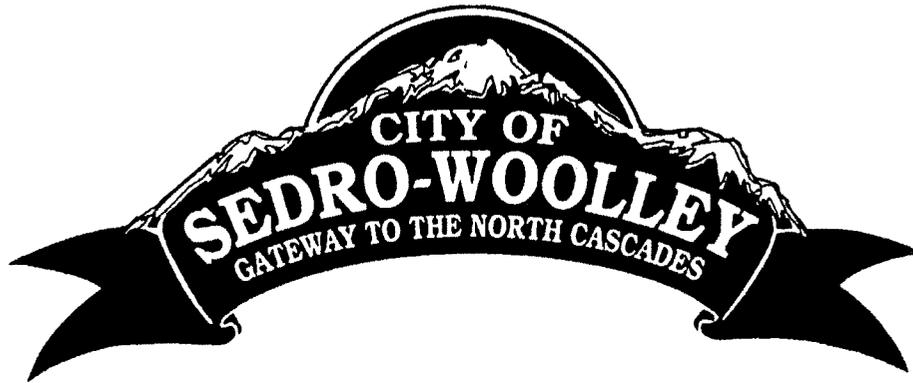
Mike Anderson, Mayor

Attest:

Patsy Nelson, Finance Director

Approved as to form:

Eron Berg, City Attorney



CITY OF SEDRO-WOOLLEY

ACCIDENT PREVENTION

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Section I

Introduction

1.01 Purpose

- a) The accident prevention regulations herein set forth are for the purpose of preventing injury to persons and property.
- b) Accident prevention is of paramount importance to employee health and safety and the continued high level of service provided to City residences and business.
- c) We believe that each employee has the right to obtain personal satisfaction from his/her job. Because the prevention of occupational illness or injury is crucial to this belief, it will be given top priority at all times.
- d) It is the City of Sedro-Woolley's intention to initiate and maintain complete accident prevention and safety training programs. Each individual employed by the City plays an important role in those programs. By accepting mutual responsibility to operate safely and healthfully, we will each contribute to the wellbeing of our co-workers.

1.02 Scope and Applicability

- a) These accident prevention regulations shall be effective as of the date of issuance and every employee of the City shall comply with them under every circumstance where they are applicable.
- b) Employees acting in a supervisory capacity shall require all employees working under their jurisdiction to comply with all applicable safety instructions and safe practices.
- c) If a difference of opinion arises in the application or interpretation of these regulations, the decision of the employee in charge of the job shall be followed.
- d) Departments and divisions may promulgate additional safety regulations to be followed by those persons working or operating under the jurisdiction of those departments. Employees assigned to work at work sites outside their home department will follow the safety procedures of the site at which they are working. The jurisdictional department/division will instruct the employee in the safety procedures specific to their areas of responsibility.

1.03 Enforcement

- a) Disciplinary action covering violations of these safety regulations can be carried out in accordance with personnel policies and state and federal laws.
- b) Whenever there is a difference of opinion between the employee and the supervisor/foreman as to whether or not a particular assignment is safe, the judgment of the department head/supervisor/foreman will prevail. The employee may file a grievance regarding the situation in accordance with City grievance procedures.
- c) Oral notice will be given to an employee for violating safety or health standards (WISHA and OSHA). The violator will acknowledge the notice in writing and a copy will be retained in his/her personnel file. No specific details will be recorded on the first notice other than the reason for the violation.
- d) After review by the Safety Officer and/or Safety Committee, any employee found to be negligent by not using provided safety equipment might be appropriately disciplined. After oral notice, as provided above, a written notice will be issued stating the violation. City personnel policies and procedures will be followed as outlined in said book.
- e) No City employee is exempt from these enforcement standards. A department manager may be found in violation of a safety or health standard (WISHA and OSHA) as well as any other employee. Possible violations could include neglecting to ensure that employees are properly protected from accident or injury, or neglecting to maintain a safe work area.

1.04 Management Responsibility

- a) Each division manager shall make certain a copy of the current safety regulations are kept in a conspicuous place and available to all employees.
- b) Each manager shall conduct monthly meetings to discuss accidents and near-miss reports. Any changes to the safety regulations will be announced at this meeting. Meeting minutes will be recorded.
- c) Management will schedule any training required by these regulations and keep records of training.
- d) Management, in participation with the Safety Officer and/or Safety Committee, shall conduct a review of the training records and crew safety minutes.
- e) Actively participate in and support safety and health programs.

- f) At least one manager (as designated by Safety Officer and/or Safety Committee and rotated every other year) will participate in project safety and health meetings, accident investigations and job site inspections.
- g) Each manager will establish realistic goals for accident reduction in his/her area of responsibility and establish the necessary implementing instructions for meeting those goals. Goals and instructions shall be within the framework established by this document.
- h) Each manager will make sure that a safety bulletin board is in place with, at a minimum, all Department of Labor & Industries required notices.
- i) It is the manager's responsibility to have the appropriate items stocked in first aid kits in accordance with WAC 296-24-06160 Appendix 2 for each workplace.
- j) At least one out of three City employees on job shall be trained and qualified in first aid/CPR. Emergency first aid should be applied with judgement to prevent further injury to the injured.
- k) All City employees with occupational exposure shall receive Bloodborne Pathogen training (per the City Bloodborne Pathogen Plan).

1.05 Supervisor/Foreman Responsibility

- a) Each supervisor or foreman shall make certain that all employees under his or her jurisdiction are familiar with these regulations and their application and that each employee has received an initial orientation before beginning work. That orientation must be documented.
- b) Ensure each employee supervised is competent and receives training on safe operation of specific equipment or tasks before starting work on that equipment or job.
- c) Ensure each employee has been issued and trained in the care and use of personal protection equipment (PPE) before starting work requiring PPE. The proper care and use of all needed PPE will be the employee's responsibility.
- d) Ensure that a complete daily walk-through safety check of work area is conducted and that any hazards are corrected. Identify and eliminate job hazards efficiently through job safety analysis procedures.
- e) Periodically observe work performance of employees for compliance with safety rules referenced and contained in this program and any department-specific safety guidelines. Provide training and take corrective action as

necessary. Document observance of all work-related safety rules in employees' annual performance evaluation.

- f) Set good examples by following established safety rules and attending mandatory training.
- g) Provide management with information suggesting work practice changes or equipment that would improve employee safety.
- h) Inform and train all employees on the hazardous chemicals they may encounter under normal working conditions or during an emergency situation.
- i) All injuries, serious or minor, as well as near misses shall be reported on the *Employee's Incident/Near Miss Report* form (Appendix A.01).
- j) Conduct crew/leader meetings, possibly the first five minutes of each work shift, to discuss safety matters and work plans for the day. Discuss any accidents or near misses of previous day. Make written notes of any significant issues and forward with reports.
- k) Participate in investigations and inspections on safety and health related matters.

1.06 Employee Responsibility

- a) Each employee of the City shall be required to know and understand each of the safety regulations that apply to the work he or she is performing for the City.
- b) Report any unsafe or unhealthy actions or conditions to your supervisor or Safety Officer and/or Safety Committee representative as soon as possible.
- c) Report all injuries promptly to your supervisor, no matter how minor.
- d) Report all near-miss accidents immediately to your supervisor. All near misses shall be reported on the *Employee's Incident/Near Miss Report* form (Appendix A.01).
- e) Always use personal protective equipment (PPE) in good condition where it is required.
- f) Never remove or defeat any safety device or safeguard provided for protection of employees.

- g) Encourage co-workers, by your behavior and words, to use safe work practices.
- h) Make suggestions to your safety representative, supervisor, or management about changes to equipment or work practices that you think will improve employee safety and health.

1.07 Interpretation of the Regulations

- a) These regulations shall be strictly interpreted. However, when lawful and applicable WISHA and OSHA regulations are contrary to these regulations, such governmental regulations will control.

1.08 Revisions

- a) These regulations shall be strictly interpreted. However, when lawful and applicable WISHA and OSHA regulations are contrary to these regulations, such governmental regulations will control.

1.09 Governmental Safety Standards

- a) In addition to its own safety instructions and practices, the City and its employees in the performance of their work are subject to regulations of various other governmental agencies. Supervisors shall make certain that all applicable provisions of governmental regulations are followed.

1.10 Safety Bulletin Board

- a) Purpose: Increase employees' safety awareness and convey City's safety message. Designated safety only.
- b) The following items are required to be posted:
 - WISHA poster F416-081-00 (required)
 - Industrial Insurance poster (required)
 - NOTICE (to report all injuries) (recommended)
 - Violation Citation and Notice (as appropriate)
 - Emergency Telephone Numbers Posted (as appropriate)
 - OSHA 200 Summary (required during February of each year)

c) Suggested Items:

- Safety posters
- Safety Officer and/or Safety Committee minutes
- Pertinent safety items
- Have a required reading board for minutes with an initial sheet for each employee in the department

1.11 Supervisor/Foreman Meetings

a) Purpose: To assist in the detection and elimination of unsafe conditions and work procedures.

b) Monthly meetings: Meetings should be held in accordance with the various circumstances involved or when necessary. No set pattern will suit all cases.

- Safety meetings shall be held at least once a month.
- The attendance and subjects discussed shall be documented and maintained on file for one year.
- Copies of the minutes should be made available to the employees by posting or other means.

c) Scope of activities: Certain employees may be designated by their supervisors to assist

- Conduct in-house safety inspections with their supervisor concerned.
- Accident investigation to uncover trends.
- Review accident reports to determine means of elimination.
- Accept and evaluate employee suggestions.
- Review job procedures and recommended improvements.
- Monitor the safety program's effectiveness.
- Promote and publicize safety.

- d) Documentation: *Crew Leader Safety Meetings* form is available to assist in documentation activities of crew/leader meetings (see your department secretary).

Section II

Accidents and Injuries

2.01 *Employee Responsibility*

- a) Regardless of severity, every City employee must report immediately to his or her supervisor all injuries, accidents and near misses incurred in the performance of duties. This policy will correct current deficiencies and prevent accidents in the future. Prompt reporting of injuries is a requirement of state and federal law. Failure to report an injury promptly could make the injured person ineligible for industrial compensation. All injuries, serious or minor, as well as near misses shall be reported on the *Employee's Accident/Incident Report* form (Appendix A.01).
- b) Report all equipment damage to your supervisor/foreman immediately.
- c) Use your safety equipment as directed – DON'T TAKE CHANCES.
- d) Ask questions when in doubt about any phase of your operation – FOLLOW INSTRUCTIONS.
- e) Report all unsafe situations or conditions that are potentially hazardous.
- f) ONLY operate equipment you are qualified to operate. When in doubt, ask questions.
- g) Talk to management/supervisors/foremen at any time about problems that affect your safety or work conditions.
- h) The most important part of this program is the individual employee – YOU! Without your cooperation, the most stringent program can be ineffective. Protect yourself and your fellow workers by following the rules. REMEMBER: work safely so you can go home to your family and friends – they need you.

2.02 *Personal Injury and Emergency*

- a) Minor injury steps:
 - Administer first aid, transport if necessary.
 - Notify supervisor immediately.
- b) Emergency and serious injury steps:

- Unless your job description specifically states otherwise (i.e., paramedic), providing first aid and/or CPR is **not** a job requirement. An employee certified in first aid/CPR may choose to render such assistance under the provisions of the “Good Samaritan” Act.
- Notify supervisor/manager immediately.
- The supervisor/manager will decide whether to:
 - Transport the victim to the nearest hospital emergency room
 - Call 911 (If using a **Nextel** phone, use **speed dial #91** or **direct dial 336-3131**)
 - Appoint accident investigation team
 - If 911 is called, give the exact location and explain the situation to the best of your ability
 - If possible, designate a person to meet and direct emergency personnel

2.03 Release for Work After Injury

In all cases of industrial injury requiring the services of a physician, it is the responsibility of the employee to obtain from the physician a release authorizing return to work and any limitations placed on the employee’s physical abilities. Upon request from the employee, the Clerk/Treasurer/Human Resources employee will send a letter, job description and release form to the physician of injured employee. The release shall indicate the date upon which the employee may return to work. No employee shall be allowed to return to work without a properly signed release from his or her physician.

2.04 Return to Work Program

The City has established a Return to Work Program. Provisions of the program are detailed in the City of Sedro-Woolley Personnel Policies and Procedures manual.

2.05 Vehicle Accidents

- a) All motor vehicle accidents involving City-owned or other vehicles used in City business shall be reported immediately to the police department. Do not move vehicles or otherwise alter the scene of the accident, unless instructed by the police.
- b) Prior to the arrival of police, attempt to reconstruct the accident. Write down pertinent information that has a bearing on the accident, however minor. Written information should include time, place, speeds, names of witnesses, etc. Take photographs if possible.

- c) Do not make statements pertaining to responsibility to anyone except your supervisors. Report the accident to your supervisor promptly.
- d) In all vehicle-to-vehicle accidents, regardless of the estimated value of damages or whether there are injuries as a result of the accident, a *Washington State Patrol Report* form (call extension 204-22 to obtain the form) must be submitted to the equipment rental/maintenance manager by the next business day.
- e) After all reports are completed and safety measures are met the Supervision will take the employee to get a drug test.
- f) Following the driving accident the supervision will speak with employee, the employee is to give his or her account of the incident. The supervision will then speak with the public works director and a course of action will be discussed and employee informed. Since each incident is unique a set response is hard to set in stone.

2.06 Disaster Emergency

- a) No building, equipment, or material of any kind is worth a human life.
- b) Any municipal building disaster: Follow the Building Evacuation Plan for each individual building.
 - Site specific plans will conform to WAC 296-24-567 and WAC 296-24-56701 which include the location of evacuation exits, fire extinguishers, emergency lighting, first aid and BBP kits, medical O₂ bottles, emergency eye wash stations and showers shall be clearly marked.
- c) Steps for a general disaster:
 - Remove injured people, if any, from danger area. Warn people in area of danger, control crowds. Assist any physically or visually impaired from area.
 - Assign a person to call the Fire Department – 911. (If using the **Nextel** phone, use **speed dial #91**.) Report exact locations of disaster (fire, etc.) and answer all questions calmly.
 - Confine the dangers, if possible.
 - Designate a person to go to the street entrance and direct emergency personnel.
 - In the case of fire, be sure to use extinguishers suitable for the specific type of fire.
 -

2.07 Accident Investigation

- a) Whenever there is an accident that results in serious injuries, a preliminary investigation will be conducted by the immediate supervisor of the injured person(s), a person designated by management, an employee representative of the Safety Officer and/or Safety Committee and any other persons whose expertise would aid the investigation.
- b) The investigation team will take written statements from witnesses, photograph the accident scene and equipment involved, and note the conditions of equipment and the work area that may have had a bearing on the accident as soon as possible after the accident. The team will make a written report of its findings including a sequence of events leading up to the accident, conclusions about the accident and any recommendations to prevent a similar accident from occurring. The Safety Officer and/or Safety Committee will review the report at its next regularly scheduled meeting.
- c) In the event of a fatality, probable fatality, or when an employee is admitted to the hospital as a result of an accident, the City will contact the Department of Labor and Industries within eight (8) hours after becoming aware of the accident. During weekends and evenings, the toll-free notification number is 1-800-321-6742. The notification must be a verbal conversation with a representative of the department. Fax and answering machine notifications are not acceptable. The notification must report the city name, location and time of the accident, number of employees involved, the extent of injuries or illness, a brief description of what happened and the name and phone number of a contact person.
- d) When an employee injury is not serious enough to warrant a team investigation, as described above, the supervisor/foreman will prepare a *Supervisor's Incident/Near Miss Report* (Appendix A.02). The supervisor/foreman will forward this report and the *Employee's Incident/Near Miss Report* (Appendix A.01) to the Human Resources Director.
- e) Whenever there is a near-miss incident (one that did not, but could have resulted in serious injury to an employee), the incident will be investigated by the supervisor or a team depending on the seriousness of the injury that could have occurred. The *Supervisor's Incident/Near Miss Report* form (Appendix A.02) will be used to report the near miss. The form will be clearly marked to indicate that it was a near miss and that no actual injury occurred. The Human Resources Department will forward the report to the Safety Officer and/or Safety Committee to record.

2.08 First Aid – Bloodborne Pathogen

- a) All work places shall have the type and size first aid kit and blood borne pathogen kit required by the General Safety and Health Standards of the State of Washington. Reference – City Emergency Response Plan, Bloodborne Pathogen Plan and Safety Plan.
- b) All City vehicles or motorized riding equipment shall be required to carry not less than one (1) ten-unit first aid kit and blood borne pathogen kit. The kits shall be kept in such a manner as to make it readily available in case of emergency.
- c) A minimum of one for every three permanent City employees per job site will be certified in first aid and will also receive Bloodborne Pathogen training. All part-time employees with occupational exposure shall receive Bloodborne Pathogen training within 10 days of employment.

Section III

General Safety

3.01 Personal Conduct

- a) All employees shall conduct themselves in a manner that assures maximum safety to all persons affected by their actions.
- b) At no time shall employees engage in practical jokes, scuffling, horseplay, or misuse of City equipment.
- c) The use of alcohol or drugs (except as prescribed by a qualified physician) during working hours is prohibited. Violation of this policy is sufficient cause for termination of employment.
- d) Any source of ignition, including smoking, is prohibited in any area where a match, flame, spark or careless disposal of lighted material constitutes a fire hazard.
- e) Personal work clothing shall be suitable for the individual job and be of the type offering maximum protection from accidental injury. Use good judgment about loose clothing, jewelry, or hanging objects worn while working around moving equipment. No shorts or sleeveless shirts will be worn. Long sleeve shirts will be worn when suitable to protect employee.
- f) Hard hats will be worn in construction sites, in electrical substations, in any work area where there is a potential hazard from falling objects, and by all certified traffic flaggers.
- g) Proper eye protection will be worn when you are exposed to flying objects, dust, harmful rays, chemicals, flying particles, etc.
- h) Proper footwear will be worn as necessary for the particular job, in accordance with WISHA and OSHA.
- i) Gloves, aprons and/or other protective clothing will be used when handling chemicals, hot or cold materials or rough materials.

3.02 Job Hazards

- a) Every employee shall be alert for possible hazards that could result in an accident, and act promptly to eliminate the hazard. If the hazard cannot be corrected immediately, report the problem to the immediate supervisor.

- b) Report all accidents, injury or non-injury, to your immediate supervisor. When you have been involved in an accident, a lesson has been learned. This lesson is of valuable use to others to prevent their suffering a similar accident. The investigation shall focus on finding the cause, so that future preventative measures can be explored.
- c) Supervisors/foremen shall promptly investigate all reported hazards and accidents. Hazards that could cause or contribute to accidents shall be immediately corrected. After correction, a follow-up inspection and report shall be scheduled to assure that corrections remain effective.
- d) A copy of each reported hazard or accident shall be sent to the Human Resources Director for coordination with other departments and review.
- e) Each division within the City shall have hazard control plans in place that coincide with specific jobs. All employees shall be trained in their individual work area hazards and be aware of said plan/policies (i.e., the Control of Hazardous Energy (Lock-out/Tag-out) Policy at the Sedro-Woolley Water Treatment Plant).

3.03 Housekeeping

- a) Loose materials or waste shall not be allowed to accumulate in the work area. This is particularly important in aisles and in the vicinity of ladders, ramps, stairs, machinery and equipment.
- b) All aisles shall be clearly defined and kept free of any hazardous obstructions.
- c) Aisles in storage areas shall be kept clear for easy access to fire-fighting equipment and to enable firefighters to reach a fire. Areas shall be kept clear around sprinkler control valves, fuse boxes and electrical panels. These areas shall be clearly identified, as governed by WAC 296-24-73505 and UFC codes.
- d) Oil, grease, gasoline and other slippery substances spilled on floors and walkways shall be cleaned up immediately. Approved non-combustible absorbents shall be used to dry up spills before cleaning. Flammable liquids shall not be used.
- e) Tools shall not be allowed to accumulate unnecessarily in the work area or left on overhead platforms where they could be kicked off on persons or materials.
- f) All materials shall be neatly stacked and easily reached by adequate aisles. Cross ties, separators or dunnage shall be used to guard against falling.

- g) Materials shall not be stacked within 24 inches of ceiling fire sprinkler heads and also shall not be stacked in such a manner as to project into aisles, to cause tripping hazards.
- h) Combustible waste and flammable materials subject to spontaneous combustion shall be deposited only in non-combustible, metal containers with self-closing lids.

3.04 Personal Protective Equipment

- a) Prescribed protective equipment shall be used at all times in work areas as designated by safety procedures. Long sleeve shirts will be worn when employer feel protection is needed.
- b) Approved hard hats shall be worn when the employee is exposed to a potential hazard from falling objects, when working in a construction area or an electrical substation.
- c) Approved hard hats will be required in work areas where possible hazards from falling objects are not present, but protection from bumping type injuries is required.
- d) WAC 296-24-088 and City policy require employees to wear steel-toe safety shoes where there may be a risk of foot injury and/or in any area that requires hardhats.
- e) Goggles, face shields and other suitable protection devices shall be worn when employees are exposed to possible flying particles or possible splashing from chemicals.
- f) Approved respiratory masks should be used when employees are exposed to concentrations of dust, fumes, vapors, gases or airborne pathogens.
- g) Approved hearing protectors must be worn when working in areas having high noise levels.
- h) Safety devices and guarding provided to protect the employee from injury shall be used at all times and shall not be removed or blocked by operating personnel.
- i) Protective equipment shall be kept clean and free from damage. Frequent inspections shall be performed to assure protective equipment offers maximum protection. Damaged or defective protective equipment or clothing shall not be used and shall be replaced or repaired prior to use.

3.05 Handling of Materials

WAC 296-62-05105 "What is a caution zone job"? A caution zone job is where an employee's typical work activities include any of the specific physical risk factors listed below. Typical work activities are those that are a regular and foreseeable part of the job and occur on more than one day per week, and more frequently than one week per year. Heavy, frequent or awkward lifting follows these guidelines:

- a) Lifting objects weighing more than 75 pounds once per day or more than 55 pounds more than 10 times per day.
- b) Lifting objects weighing more than 10 pounds if done more than twice per minute more than 2 hours total per day.
- c) Lifting objects weighing more than 25 pounds above the shoulders, below the knees or at arms length more than 25 times per day.
- d) Where possible, mechanical equipment should be used to lift heavier materials.
- e) All employees are responsible to know and practice proper lifting techniques.
- f) Safety is the first priority in determining the methods and procedures used to handle and/or transport materials.

3.06 Motor Vehicles

- a) Operators of City-owned vehicles shall be responsible for checking all vehicles on a monthly basis. Any safety defects found shall be reported and the vehicle will not be operated until the safety defect has been corrected.
- b) Only fully qualified and properly licensed operators shall be permitted to drive or operate City vehicles.
- c) All drivers of City vehicles shall comply with all state, county and local rules/regulations governing the safe and legal operations of vehicles.
- d) Seat belts shall be worn and secured at all times when the vehicle is moving.
- e) The driver shall be responsible for assuring that all passengers are seated and properly secure before moving the vehicle. Under no circumstances shall passengers ride on fenders, running boards, the tops of vehicles or any place not designed for a passenger.

- f) Trucks, when used for transportation of employees shall be provided with facilities which will afford safe seating and the truck shall be protected on sides and ends to prevent falls from the vehicle.
- g) Trucks transporting materials shall follow these guidelines:
- Maximum vehicle width: 102 inches
 - Maximum vehicle height: 14 feet
 - Single unit maximum length: 45 feet
 - Truck-trailer combination maximum length: 70 feet
 - Truck tractor-semi-trailer combination maximum length: 65 feet when operated on highways not on the National Network
 - Semi-trailer maximum length: at least 48 feet on the National Network (Grandfather lengths greater than 48 feet may apply on the National Network)
 - The maximum load per tire measure by pounds per inch of tire width shall be:
 - Steering axle: 600 lb/in
 - All other axles: 500 lb/in
 - Except for the steering axles or wide base single tires described below, all axles weighing more than 10,000 pounds shall have at least four tires per axle.
 - In lieu of four tires per axle, an axle may be equipped with wide base tires, limited to 500 pounds per inch of tire width.
 - Every state reserves the right to permit or otherwise establish limits in excess of those described above for use vehicle configurations designed to address specific safety or economic concerns.
 - Each state shall determine effective dates based upon local economic, safety and technological considerations. Amortization of investment and phasing out of single tires to minimize economic and operating disruption of individual companies and effected industries shall be considered factors.

- Axle and Gross Weights: The maximum single axle weight shall be 20,000 pounds. The maximum tandem axle weight shall be 34,000 pounds. The maximum gross weight of a vehicle or combination of vehicles computed in accordance with Axle Group Weights (below), shall be 80,000 pounds.
- Axle Group Weights: The total gross weight in pounds imposed on the highway by any group of two or more consecutive axles on a vehicle or combination of vehicles, shall not exceed the values computed by federal bridge formula "B" as follows:

$$W = 500 ((LN/N-L)+12N+36)$$

Where:

W = Maximum weight in pounds carried on any group of two or more axles computed to the nearest 500 pounds.

L = Distance in feet between the extremities of any group of two or more consecutive axles.

N = Number of axles in the group under consideration.

Exceptions to the axle group weights specified above which are federally mandated should be provided for by individual state code. (For additional information on DOT guidelines for material hauling, contact the Street Department at extension 204-26.)

- h) All materials shall be tightly secured to prevent movement in transport. All cargo that extends beyond the end of the bed shall be clearly marked with a red cloth not less than 16 inches square. At night, red lights shall be used.
- i) All drivers of City vehicles shall strictly observe speed limits on public roads and highways.
- j) Speeds in parking lots, maintenance yards or in close proximity to persons or equipment shall be reduced as conditions warrant and are not to exceed 15 m.p.h. Lower speed limits may be imposed in selected areas.

3.07 Fire Prevention

- a) While the Fire Department has the primary responsibility for fighting fires, each employee has the responsibility of being alert for possible fire hazards. In the time period between reporting and arrival of fire equipment, the employee may be required to participate in initial fire fighting activities.
- b) As many employees as possible shall be trained in the proper use of fire extinguishers.

- c) All fire-fighting apparatus shall be kept in a ready condition and be accessible at all times.
- d) Types of Fires:
- CLASS "A" FIRES - WOOD, TEXTILES, PAPER, RUBBISH: The quenching and cooling of water is of the greatest importance. Fire extinguishers employing the following substances may be used: water through hose lines using either stream or fog nozzles, soda-acid (chemical) pressurized water, knapsack A-B-C multi-purpose dry chemical pump extinguishers, hand and buggy type water extinguishers. Foam extinguishers may be used, but are not the most effective since foam does not have the cooling effect required.
 - CLASS "B" FIRES - FLAMMABLE LIQUIDS, GASOLINE, OILS, ETC.: Smothering or blanketing effect of the extinguishing agent is of the greatest importance, especially fires in pools, tanks, etc. Fire extinguishers employing the following substances may be used: foam carbon dioxide (CO₂) and dry powder.
 - CLASS "C" FIRES – ELECTRICAL EQUIPMENT: Fire extinguishers employing the following substances may be used on electrical equipment fires: dry powder rated for class B-C or multi-purpose dry chemical pump extinguishers rated A-B-C.
- e) When removing supplies of paints, solvents or other flammables from storage, only the minimum supply to do the job shall be taken. Any unused portions should be returned to storage area. All containers shall be properly labeled as to contents and hazards pertaining to contents.
- f) Combustible products of rubbish waste or other residues shall not be allowed to accumulate. Oil soaked rags and similar materials subject to spontaneous combustion shall only be stored in non-combustible containers with self-closing lids.
- g) Flammable liquids shall not be stored in aisles or walkways and shall be so located that there will be no interference with evacuation of the area in case of fire.
- h) Cigarette butts, matches or other similar materials shall not be discarded without fully extinguishing the substance.
- i) Ashtrays, cigarette butts or matches shall only be disposed of in approved non-combustible containers.

- j) Striking of matches or other sources of ignition shall not be permitted within "NO SMOKING" areas.
- k) All gasoline or flammable solvents or liquids shall not be stored inside building in other than approved flammable storage containers.

3.08 Safety Inspection Procedures

- a) The City is committed to aggressively identifying hazardous conditions and practices that could result in injury or illness to employees and will take immediate action to eliminate those hazardous conditions. In addition to investigating accidents for their causes and reviewing injury/accident records, management and the Safety Officer and/or Safety Committee shall have implemented several methods for identifying hazardous conditions before they result in injury to employees/workers.
- b) Annual Site Survey: Once a year an inspection team made up of members of the Safety Officer and/or Safety Committee will conduct a thorough walk through inspection of each work site. They will list any safety hazards or potential hazards at the walk through. Results of these inspections will be used to control obvious hazards, target certain work areas for more intensive investigation, assist in revising checklists used during regular monthly safety inspections and as part of annual review of the effectiveness of our accident prevention program.
- c) Periodic Change Survey: Any time a new piece of equipment is received, a change is made in work procedures or changes are made to building structures that may have safety ramifications, Safety Officer and/or Safety Committee representatives shall examine the changed conditions. They will make recommendations to eliminate or control hazards that may be created as a result of the change. Equipment Rental will coordinate with the Safety Officer and/or Safety Committee.
- d) Monthly Safety Inspection: Each month before the regularly scheduled Safety Officer and/or Safety Committee meeting, each member will inspect their area for hazards using the standard *Safety Inspection Checklist* (Appendix A.07) and talk to co-workers regarding their safety concerns. The committee member will report any hazards or concerns expressed to the whole committee for consideration. Results of area inspections and any actions taken shall be posted in affected areas. Committee members may, periodically, agree to inspect each other's areas to provide a different perspective. The standard *Safety Inspection Checklist* (Appendix A.07) will be updated as needed.
- e) Job Hazard Analysis: Work areas or tasks may be identified as potentially hazardous as the result of a review of injury records, a note on the annual site

survey or a reasonable concern expressed by a City employee. In that case, a hazard analysis will be scheduled as soon as possible. A group from the Safety Officer and/or Safety Committee will conduct the study using the *Job Hazard Analysis* (Appendix A.08) form and instructions. The job will be modified as needed to control or eliminate the hazard and employees will be trained in revised operation. The Safety Officer and/or Safety Committee will update the *Job Hazard Analysis* form (Appendix A.08) as needed.

Section IV

Work Area Safety

4.01 Work Area

- a) Employees shall not be required to work in areas or situations where they may be adversely affected by working under these types of conditions (i.e., extreme heights, underground, closed areas, etc.) without proper protective devices.
- b) Always store materials in a safe manner. Tie down or support piles if necessary to prevent shifting, falling or rolling.
- c) Shavings, dust, scraps, oil or grease should not be allowed to accumulate.
- d) Any refuse must be removed as soon as possible. It is a safety and fire hazard.
- e) Remove any loose materials from stairs, ramps, walkways, platforms, etc.
- f) Do not block traffic lanes, aisles, fire exits, stairs, etc.
- g) Avoid shortcuts – use stairs, walkways, ramps, ladders, etc.
- h) Erect proper barriers around floor openings (WAC 296-24-750) and excavations (WAC 296-155-655).

4.02 Office and Clerical Safety

- a) Personnel should not run on walkways or stairways. All personnel shall enter and leave buildings in an orderly manner.
- b) All personnel shall observe safe lifting and carrying procedures (refer to Section 3.05) when moving boxes, office machines or other heavy materials. Large boxes or materials shall be moved with mechanical equipment or repacked in smaller parcels. Bulky materials shall not be carried when the view ahead is obstructed or when the materials interfere with stairway handrails.
- c) Water, oil or other slippery substances shall be removed at once to eliminate slipping hazards. Extension cords, wastebaskets and other materials shall be kept out of walkways or aisles to prevent tripping hazards. Standing on chairs, boxes or makeshift supports to reach overhead objects is prohibited. Doors

shall always be opened with caution to avoid striking someone on the other side. Keep to the right when walking to avoid collisions. Handrails should be used at all times when ascending or descending stairways.

- d) Desk and filing drawers shall be kept closed at all times when not in use. Caution should be observed in opening top file drawers to avoid tipping the cabinet. Only one drawer shall be opened at any one time. When possible, drawers of file cabinets should not open towards a workspace (i.e., desk, chairs, etc.).
- e) Spindles and other sharp or pointed objects on desks to fasten papers are prohibited. Special care must be observed in disposing of broken glass or other sharp objects.

4.03 *Elevated Positions*

- a) Employees shall use approved safety belts, lifelines or other devices that are adequate for maximum protection while working at heights. No person, material or equipment shall be lifted from the ground by supports inadequate for the job. The supports or lines shall be approved supports, sufficiently strong and properly secured in place.
- b) All ladders used shall be of good quality, securely placed, held or tied to prevent slipping or falling as per WAC 296-24-780. Ladders shall not be placed in front of doorways unless the door is open, locked or guarded. Employees shall face the ladder when ascending or descending. Materials that interfere with the free use of both hands shall not be carried up or down the ladder.
- c) Wooden or non-conducting ladders shall be used by electrical workers and others working near electrical equipment. Straight and/or extension ladders shall have safety feet.
- d) Scaffolding shall be built as per WAC 296-24-860.
- e) Additional policies that are specific to the department or the project may be established and are applicable.

4.04 *Underground Installations*

- a) Underground installations include tanks, pits, pipes, sewers or any underground facility workers may enter to perform maintenance or inspections. Workers must follow confined space entry policies developed for the particular department, conforming to state and federal laws regulating confined space entry.

- b) Warning signs and barriers shall be placed around open manholes to provide sufficient warning of the opening and to prevent unauthorized traffic from entering the area.
- c) Workers shall not enter sewers or other underground installations without leaving a safety observer in attendance on the outside. The safety observer shall frequently monitor the operation and approaching traffic.
- d) Before entering underground structures, the atmosphere of the structure shall be tested with an approved testing device (tested and calibrated within the required time period) to detect the presence of explosive gases, Hydrogen Sulfide or oxygen deficiencies.
- e) Personnel shall not enter or work in underground facilities where concentrations of fumes, vapors, gases or oxygen deficiencies are present, without protective devices.
- f) Smoking, open flames and spark-producing equipment shall not be permitted in or within 25 feet of any manhole.
- g) A lifeline must be worn at all times by persons working in a manhole.
- h) WAC Code 296-62-145 and individual department policies will be followed.

4.05 Sewers, Pits and Treatment Plants

- a) Hydrogen Sulfide is normally present in sewer lines and treatment plants. Hydrogen Sulfide is extremely toxic when inhaled and explosive when mixed with air.
- b) Methane Gas is highly flammable, explosive and displaces oxygen in confined or poorly ventilated areas.
- c) Carbon Dioxide is formed in large quantities in the sludge digesting process. While not explosive, Carbon Dioxide is an asphyxiating gas and should not be inhaled.
- d) The gases produced by digesting sewage sludge may be explosive, toxic or suffocating.
- e) Before working in any confined space, the air shall be tested by approved testing devices and retested at periodic intervals to assure that hazardous accumulations of gas do not occur. Forced air ventilation shall be used when necessary to prevent accumulations of hazardous gases.

- f) Personal protective equipment to be used in and around confined spaces shall be as prescribed by department policy required by WAC Code 296-24-075. All personnel working in or around sewage facilities shall be familiar with the proper use and care of protective equipment.
- g) Sewage normally contains harmful bacteria capable of causing serious disease if precautions are not observed.
- h) All cuts, scratches and breaks in the skin shall be cleaned and treated immediately.
- i) Food and beverages shall not be permitted in areas where they may become contaminated. Laboratory glassware shall never be used to drink from.
- j) Smoking, open flames and spark producing equipment shall be strictly prohibited where flammable or explosive gases are present.
- k) WAC Code 296-62-145 and individual department policies will be followed.

4.06 Electrical Facilities

- a) Only qualified and properly authorized maintenance personnel shall be permitted to install and maintain electrical facilities and equipment.
- b) Each department shall have the Control of Hazardous Energy (Lock-out/Tag-out) Policies to be followed as per WAC Code 296-24-110 and OSHA regulations.
- c) Personnel working with electrical circuits shall not wear rings, watches or metallic objects that could act as conductors of electricity. Hard hats will be worn in areas of high voltage.
- d) Metal ladders and uninsulated tools shall not be used while working with electrical circuits and equipment.
- e) Electrical equipment and lines shall always be considered "live" until proven "dead." Before beginning work, each electrical circuit shall be inspected and tested and, where possible, isolated from the power source. Extreme care shall be exercised as wires designed to operate at ground potential may become energized by faulty or inadequate connections. The Control of Hazardous Energy (Lock-out/Tag-out) Policies and Procedures shall be applied/adhered to.

- f) All electrical cords and portable extension cords shall be equipped with a non-conducting plug and outer socket shell. All electrical cords shall be equipped with the three-prong grounding plug.
- g) Electrical cords shall be heavily insulated and not subjected to excessive bending, stretching and kinking. All cords and wires shall be frequently inspected for signs of defects. Damaged or frayed electric wires, cords and plugs shall be immediately replaced by properly trained maintenance personnel determined by specific department policy.
- h) Adequate warning signs and barriers shall be installed in plain sight, in all areas where hazardous electrical facilities exist.
- i) Overloading of electrical circuits is extremely hazardous and shall not be permitted at any time. The replacement of fuses or circuit breakers with makeshift materials or over-capacity fuses is strictly prohibited.
- j) The type of circuit and other conditions shall determine the type of protective equipment required. Rubber gloves, sleeves, blankets, mats and insulated platforms shall be used as required.
- k) All insulated protective equipment shall be continuously inspected for defects or damage. Any defective equipment shall be replaced before use.
- l) Testing schedules for insulation qualities shall be established for protective equipment and strictly complied with. All users shall verify that equipment has been satisfactorily tested prior to use.

4.07 Traffic Control

- a) The intent of this section is to create a safe work area for those employees with their work locations being in/on any street, road, alley or highway.
- b) Barricading procedures and traffic control shall comply with state laws and any existing City policy.
- c) When it is necessary for an employee or vehicle to work in/on any street, road or highway, proper traffic control will be in place. This control shall consist of coning, coning and flagmen, emergency lighting, signs, or if needed, all of these methods.
- d) At locations where flagging or coning is established, there will be an employee with State of Washington Traffic Flagman certification.

- e) On-site orientation – The employer must conduct an on-site orientation when flaggers start a new job. This orientation must include, but not be limited to, the flagger’s role and location on the job site, equipment, traffic patterns, communications and hazards specific to the work site.
- f) Additional warning sign – On roads allowing speeds of at least 45 mph, the employer must provide an additional warning sign marked “Be Prepared to Stop” or “Flagger Ahead”. (This is in addition to the advanced warning signs required by the Manual on Uniform Traffic Control Devices.)
- g) Highly visible clothing during daylight hours – While flagging during the day, a flagger must wear:
 - A high visibility-warning garment designed in accordance with ANSI-SEA 107-1999; and
 - A high visibility hard hat
- h) High visibility clothing during nighttime hours – While flagging at night, a flagger must wear:
 - A high visibility warning garment designed according to ANSI-SEA 107-1999 specifications over white coveralls or other coveralls or trousers designed according to ANSI-SEA 107-1999; and
 - A high visibility hard hat that is iridescent or marked with reflectorized material
- i) During inclement weather, yellow rain gear may be substituted for white coveralls.
- j) The rest – Employers must ensure that:
 - Flagger workstations are illuminated at night.
 - Warning signs reflect the actual condition of the work zone.
 - Flaggers are not assigned other duties while flagging.
 - Flaggers do not use devices (i.e., cell phones, pagers, radio headphones, etc.) that can distract their vision, hearing or attention. Devices such as two-way radios used by flaggers for communications, directing traffic or ensuring flagger safety are acceptable.

4.08 *Transporting of Equipment*

- a) Transporting of equipment to the job site shall be accomplished in accordance with all state and local laws governing traffic control.
- b) Mobile equipment operated on streets and highways shall conform to all state and local laws governing motor vehicles. All regulations concerning speeds and load limits shall be strictly observed by personnel operating mobile equipment.
- c) When mobile equipment is hazardous to other vehicles on the road, the traffic shall be controlled by flagpersons, signs or temporary barriers.
- d) When equipment is to be towed to the job site, use WSP standard safety chains in addition to towing hooks or tow bars. Operators with DOT commercial driver's licenses should be trained in visual inspection procedures for safety chains.
- e) Personnel shall never stand or ride on the tow bar while equipment is being towed.
- f) Towing should not be scheduled after dark. When emergency needs require nighttime towing, fully operating lights shall be placed at the rear of the tow.
- g) When equipment is to be transported by trailer, extreme care shall be taken to prevent equipment from tipping while loading or traveling.
- h) Clearance heights along the proposed route shall be reviewed for low-hanging objects and operators shall keep a close watch to avoid striking low-hanging objects with the equipment.
- i) Equipment shall be secured and lashed to the trailer with the wheels blocked to prevent movement.
- j) All trailers shall be equipped with fully operating stop and directional lights and they shall be checked for operation prior to transporting equipment.

4.09 *Trenching and Excavating*

- a) Determination of the angle of repose and design of the supporting system shall be based on careful evaluation of pertinent factors such as:
 - Depth and/or cut soils classification
 - Possible variation in water content of the soil.

- Anticipated changes in materials from exposure to air, sun, water or freezing.
 - Loading imposed by structures, equipment, overlaying material or stored material.
 - Vibration from equipment, blasting, traffic or other sources.
- b) Bridges/walkways with standard railings will be provided when employees or equipment are required to cross over excavations.
- c) Walls or faces of ALL excavations in which employees are exposed to danger from moving ground shall be guarded by a shoring system, sloping of the ground or some other equivalent means in compliance with WAC Code 296-155-655.
- d) No person shall be permitted under loads handled by power shovels, derricks or hoists.
- e) All employees shall be protected with appropriate PPE for the protection of head, hands, feet and other body parts.
- f) For other rules and regulations see Washington State Department of Labor and Industries, Division of Industrial Safety and Health Construction Safety Standards – Trenching and Excavating WAC Code 296-155-650.

Section V

Equipment Safety

5.01 Drill Presses

- a) Stock to be drilled shall be secured to the press to prevent material from spinning during drilling.
- b) The drill shall be completely shut down and stopped before attempting to clear jammed work.
- c) When holes are to be drilled beyond the flutes of the drill, the drill shall be removed and cleaned out frequently to prevent jamming or freezing.

5.02 Abrasive Grinders

- a) Sight protection shall be used at all times while operating grinding or polishing tools regardless of size, speed or whether the tools are equipped with transparent protection guards.
- b) Grinders, polishers, buffers and other equipment generating dust should be equipped with local ventilation capable of removing all dust. When exhaust ventilation is insufficient to remove all grinding dust, the operator shall use approved respiratory equipment.
- c) Hand-grinding operations shall not be attempted without using the machine tool rest. Adjust distance between wheel and tool rest to maintain 1/8" or less separation as the diameter of the wheel decreases with use. Distance between wheel and spark breaker must be kept adjusted not to exceed 1/4".
- d) Work shall never be ground on the side of the wheel. Grinding work on the side can weaken the wheel, may cause premature failure and could result in injury from wheel separation.

5.03 Powered Machine Tools

- a) Powered machine tools include all power driven tools and equipment used in the cutting, shaping, forming or polishing of materials.
- b) Material to be worked on shall be secured prior to bringing the material in contact with machinery under power. Movable material shall be secured by jigs, fixtures or other hold-down devices prior to contact with machine cutting surfaces.

- c) Burrs, sharp edges or projections that could cause injury or difficulty in processing shall be removed prior to performing additional operations.
- d) Cutting edges of tools shall be kept sharp at all times and checked for defects before each operation.
- e) Cutting tools shall not be set or adjusted while the machinery is in operation or when the power is on.
- f) Operators shall allow all machinery to stop turning of its own accord. Hand pressure shall never be used to slow down or stop turning machinery.
- g) Materials or stock being processed or worked shall not be measured or calibrated while in motion. Measurement of material in machinery shall only be accomplished when the machinery is stopped with the switch in the "off" position.
- h) Machinery shall only be operated at the recommended speeds for the material being worked and shall not be speeded up to expedite operations.
- i) The speed of machinery or rate of material feeding shall not be changed while material is being worked.
- j) Operating personnel shall remove chuck keys, wrenches and drifts from the machine and place them in a safe location before starting the operation. Adjustments with these devices shall not be attempted while the machinery is in motion.

5.04 *Portable Power Tools*

- a) Portable power tools receive power from electricity, air pressure, explosive charges or rotating flexible cable. Portable power tools are frequently more hazardous to use than stationary equipment because their mobility and smaller size make protective guarding difficult.
- b) Cords, hoses and cables supplying power to portable power tools shall be routed in such a manner as to prevent tripping hazards.
- c) Operating personnel shall avoid abusing power supply lines of portable equipment. Excessive scraping, kinking, stretching and exposure to grease and oils will damage lines, cause premature failure and possible injury to the operator or fellow workers.
- d) Cords, hoses and cables shall be frequently inspected to detect wear or deterioration. Defective power supply lines shall be replaced before use.

- e) Electrical powered tools shall not be used near flammable materials or explosive atmospheres unless they are of the explosion-proof type, meeting the National Electrical Code for explosive areas.
- f) At no time will electrical power equipment be operated without proper grounding. All electrical cords and cables shall be of the type that includes a third wire ground.
- g) Operation of electrical tools in wet or damp areas is strictly prohibited except in unusual emergency circumstances. When operation is required in wet or damp conditions, extreme care will be exercised to assure effective grounding of equipment and proper use of protective equipment.
- h) Electrical cords shall be frequently inspected for damaged or frayed surfaces. Damaged or frayed electrical cords shall not be used until repaired or replaced by maintenance personnel.

5.05 Mechanized Equipment

- a) Mechanized equipment in use by the City ranges from grass cutting to heavy construction equipment. The following general rules apply to all types of mechanized equipment.
- b) Only fully trained, properly authorized personnel shall be permitted to operate mechanized equipment. (Trained as per division/department policy.)
- c) Operators shall never leave their equipment with the engine running. When leaving the equipment, the engine shall be completely shut down and all blades and lifts lowered to the full "down" position.
- d) No person shall ever attempt to get on or off moving equipment. Unauthorized persons shall not be permitted to ride on equipment at any time.
- e) Each individual job condition shall determine the safe operating speed. The speed shall be the minimum required for safe operation and to minimize dust. When excessive dust or glare is present, operators shall wear protective goggles.
- f) Particular care shall be exercised in starting, turning and stopping of equipment. Operators shall exercise maximum caution to avoid contacting electrical lines with equipment.
- g) Servicing of equipment shall not be performed while the equipment is running or in operation.

- h) Fuel for equipment shall be kept in safety cans plainly marked (i.e., Gasoline, Diesel, 2-Stroke, etc.) and the fuel shall be kept isolated from all possible sources of ignition. Servicing shall not be attempted until the engine has cooled.
- i) Maintenance or adjustments of equipment shall only be performed by maintenance personnel. When performing maintenance, the equipment shall be completely shut down with all lifts or blades lowered to the full "down" position.

5.06 Mechanical Handling Equipment

- a) Prior to using forklift, complete forklift safety checklist.
- b) Mechanical materials-handling equipment such as hand trucks and forklifts shall be used when loads are too heavy or bulky to be carried efficiently or safely by hand.
- c) Hand trucks shall be pushed rather than pulled. Truck handles that expose hands to possible injury shall be equipped with knuckle guards.
- d) On handling equipment, the load center of gravity shall be kept low by placing the heavier objects on the bottom and lighter objects at the top.
- e) Side stakes, straps or lashing materials shall be used on high loads where there is a possibility of material toppling. Maximum load limits shall be established for material handling equipment and strictly enforced.
- f) Floors and other surfaces used in transporting materials shall be kept free of slippery substances, cracks, bumps and other defects that interfere with the safe movement of materials.
- g) Equipment shall not be moved until the load is properly stacked and secured.
- h) Operators shall be particularly careful when approaching doorways, aisle crossings and other intersections.
- i) When self-propelled equipment is parked, the brakes shall be set and the ignition turned off with the transmission placed in low gear or park position.
- j) Forklift operators shall travel with forks close to the floor to prevent accidental damage of other materials when turning too sharply. When traveling with a load, forks close to the floor will prevent obstruction of vision. When the load obstructs the forward view, the operator shall only travel in reverse for a clear field of vision.

- k) Forklift operators will refuse to lift or move unsafe loads. If an operator believes the load is too heavy or improperly stacked, he will refuse the load and report to his supervisor.
- l) Forklifts and other equipment shall not be left unattended while the equipment is running. When leaving the equipment, the engine shall be shut down and the lifts lowered to the floor.
- m) Gasoline powered equipment shall not be fueled in buildings, but only at authorized, outdoor points. Equipment shall not be serviced, cleaned or repaired while the equipment is running.

5.07 Mechanical Lifting and Aerial Equipment

- a) Mechanical lifting devices and aerial equipment includes a wide variety of cranes, derricks, hoist, slings, baskets and platforms. Their use is subject to certain hazards, impossible to safeguard by mechanical means. The safe operation of mechanical lifting devices requires intelligence, care and observance of safety rules.
- b) Operation of mechanical lift devices or aerial equipment shall be restricted to personnel who have been trained in the safe use of each type of equipment.
- c) Inspection and test schedules shall be established for all mechanical lifting devices and all operators shall be familiar with the inspection schedules of each type of equipment. Prior to use, the operator shall verify that the equipment to be used has been inspected and tested in accordance with the established schedule. This is in the manufacturer's operations and maintenance book. Department policies will be followed.
- d) Operators shall never leave a crane, hoist or derrick while the load is still suspended unless the load is suspended over a barricaded area or is blocked up or otherwise supported from the ground.
- e) Before entering or leaving the vehicle, each operator shall assure that boom baskets and platforms do not contact electrical equipment.
- f) Operators of all vehicles equipped with aerial baskets and outriggers shall lower the outriggers to a firm foundation before the aerial equipment is operated.
- g) Before moving the stabilizers, outriggers or hydraulic jacks, the operator shall determine that no one is in a position to be injured. Before operation, outriggers' brakes shall be checked for safe operation prior to lifting a load.

- h) Servicing of equipment shall never be performed while the equipment is in operation. Maintenance shall be performed by only qualified maintenance personnel and checked for performance after repair.
- i) Vehicles with aerial equipment shall not be moved from one working location to another with the equipment in the raised position.
- j) Drivers of aerial equipment trucks shall be constantly alert to the fact that the vehicle has exposed equipment above the truck and allow for necessary clearance.
- k) The specified safe loading capacity shall not be exceeded. The manufacturer's suggested safe load requirements shall be observed for all loads to be lifted.
- l) All controls shall be checked daily before operation to assure that they operate freely and properly.
- m) Upper and lower controls are required for extensible and articulating boom platforms that are primarily designed as personnel carriers. Both controls must be operable and the lower control must be able to override the upper control.
- n) No part of a lifting device shall be operated within ten feet of electrical lines except when the lines have been de-energized and visibly grounded at the point of work, or where insulating barriers have been erected to prevent contact with the lines. The only exemption from this rule will be when the work is performed from a device insulated for the work and is performed by either telecommunications employees, line-clearance tree trimming employees or electric utility employees who have been trained in working around exposed electrical lines.
- o) Belting off to an adjacent pole, structure or equipment while working from an aerial lift shall not be permitted.
- p) Personnel shall never be lifted off the ground without being secured to the equipment by an approved body belt and lanyards.
- q) An aerial lift truck may not be moved when the boom is elevated in a working position with men in the basket, except where the equipment is specifically designed for such an operation.

5.08 Hand Tools

- a) Many persons are under the impression that hand tools are simple devices not requiring caution or training in safe operation. This impression is false.

Hand tools are responsible for a wide variety of industrial injuries and property damage.

- b) The use of tools shall be confined to the purpose for which intended.
- c) Protect tools from corrosion damage. Wipe off accumulated grease and dirt. Moving and adjustable parts shall be frequently lubricated to prevent wear and misalignment.
- d) All damaged or worn tools shall be promptly repaired. All tools with mushroomed heads, split or defective handles shall be repaired prior to use. Temporary or makeshift repairs shall be prohibited. Discard all tools that cannot be safely repaired on the job or at the factory.
- e) When not in use, tools shall be stored in suitable boxes or containers. Loose tools shall not be stored on ledges or where they will roll off benches or tables. Tools shall be picked up when a job is completed and not be allowed to accumulate in the work area.
- f) Metal hand tools are good conductors of electricity. Do not use conducting tools around electrical facilities. Insulated tools approved for electrical work shall be tested frequently for proper insulation.
- g) Select the correct size and type of wrench for each job. Wrench handles shall not be extended with pipe or cheaters because the jaws will spread.
- h) Use personal protective equipment where applicable and when WAC Code 296-24-650 or department policy calls for it.

5.09 Battery Maintenance (WACs 296-155-437, 296-56-60245 & 296-24-23015)

- a) When performing battery charging or battery maintenance activities, operators are exposed to possible hazards from burns and explosive gases. To reduce exposure to other personnel, all battery charging operations shall be separated from other activities, except when fast-charging an installed battery.
- b) Batteries of the unsealed type shall be located in enclosures with outside vents or in well ventilated rooms and shall be arranged so as to prevent the escape of fumes, gases, or electrolyte spray into other areas.
- c) Ventilation shall be provided to ensure diffusion of the gases from the battery and to prevent the accumulation of an explosive mixture.

- d) Racks and trays shall be substantial and shall be treated to make them resistant to the electrolyte.
- e) Floors shall be of acid resistant construction unless protected from acid accumulations.
- f) Facilities shall be provided for flushing and neutralizing spilled electrolyte and for fire protection.
- g) Metallic objects shall not be placed on uncovered batteries.
- h) Face shields, aprons, and rubber gloves shall be provided for and worn by workers handling acids or batteries.
- i) Facilities for quick drenching of the eyes and body shall be provided within 25 feet (7.62 m) of battery handling areas.
- j) Filler caps shall be in place when batteries are being moved.
- k) Facilities for flushing the eyes, body and work area with water shall be provided wherever electrolyte is handled, except when employees are only checking battery electrolyte levels or adding water.
- l) Carboy filters or siphons shall be used to handle electrolyte in large containers.
- m) Battery handling equipment which could contact battery terminals or cell connectors shall be insulated or otherwise protected.
- n) Batteries shall be free of corrosion buildup and cap vent holes shall be open.
- o) When a jumper battery is connected to a battery in a vehicle, the ground lead shall connect to ground away from the vehicle's battery. Ignition, lights and accessories on the vehicle shall be turned off before connections are made.
- p) Parking brakes shall be applied before batteries are charged or changed.
- q) Chargers shall be turned off when leads are being connected or disconnected.
- r) Battery charging installations shall be located in areas designated for that purpose.
- s) Charging apparatus shall be protected from damage by trucks.

- t) When batteries are being charged, the vent caps shall be kept in place to avoid electrolyte spray. Vent caps shall be maintained in functioning condition.
- u) Adequate ventilation shall be provided during charging.
- v) Installed batteries shall be secured to avoid physical or electrical contact with compartment walls or components.
- w) Smoking and open flames shall be strictly prohibited while working in or around batteries. Electrical equipment used shall be explosion proof and effectively grounded at all times.

5.10 Welding and Brazing

- a) Welding or open flames shall be prohibited where flammable gases or liquids may be ignited until the possibility of explosion or fire has been eliminated. In confined spaces where ventilation is inadequate, welding itself may produce flammable or explosive gases. Follow department policies regarding hot work.
- b) Welding, open flames or external heat shall not be brought into contact with a vessel that may have contained a flammable substance until that vessel has been thoroughly purged or filled with an inert gas or water.
- c) Oxygen cylinders and valves shall be kept free from oil and grease. Oxygen under pressure can release sufficient heat to ignite and explode oil and grease on contact.
- d) Heating and welding of galvanized and cadmium-coated material shall only be done under controlled, ventilated conditions. The fumes shall be vented away from the operator and persons within the vicinity.
- e) Before starting a welding operation, welders shall protect themselves with suitable protective equipment. Welders shall wear helmets, shields, aprons, gloves, gauntlets and other protective equipment as required. Goggles, helmets and shields shall be carefully selected for proper lens shade.
- f) Arc welders shall place protective screens around the work area to prevent eye flash burns to other personnel in the area. Welders shall protect their eyes when chipping scarf or metal fragments.
- g) Cylinders shall be handled with extreme care. Cylinders shall be stored in the upright position and securely lashed to prevent falling. Compressed gas cylinders shall never be treated roughly. Any damage, suspected or obvious, shall be reported immediately.

5.11 Compressed Air and Gas Safety

- a) For general shop and field use, compressed air shall be adjusted for not more than 30 PSI of pressure. For equipment operation requiring higher pressures, only the minimum pressure required to operate the equipment shall be used.
- b) Do not use compressed air to clean dirt or debris from equipment. Do not direct compressed air from hoses/nozzles towards persons. Compressed air shall never be used to clean workbenches or other surfaces.
- c) Compressed gas cylinders shall only be stored in designated areas away from external heat. The storage area should be away from traffic to minimize possible danger from damage.
- d) All cylinders should be stored upright in racks and securely lashed to prevent falling. Adapter covers shall remain in place until removed for use.
- e) Oxygen cylinders in storage shall be separated from fuel/gas cylinders and combustible materials by a minimum distance of 20 feet or by a noncombustible barrier at least five feet high.
- f) Oxygen cylinders shall be kept free from oil and grease. Oxygen under pressure will produce sufficient heat to cause explosion or fire when released under pressure.
- g) Cylinders shall never be dropped or treated roughly. Any damaged cylinders, suspected or obvious, shall be reported immediately.
- h) When moving cylinders, adapter covers shall be in place to protect valves. In moving cylinders, valves or caps shall not be used as hand holds.
- i) For raising or lowering, use a suitable sling, boat, cradle or platform. Cylinders shall not be raised by electric magnets.
- j) When transporting cylinders by hand truck, or truck, the cylinders shall be securely lashed to prevent falling.

5.12 Compressed Air Tools

- a) In compressed air tools, air is supplied under high pressure. Only the best quality air hoses, equipped with secure couplings, shall be used.
- b) Air supply hoses shall be protected from damage from vehicles or materials at all times. When used across walks or roadways, hoses shall be enclosed in channel-ways.

- c) Operators shall turn the air pressure off at the inlet control valve before changing or connecting compressed air tools.
- d) Pressure hoses shall be connected by safety chains to prevent hose whipping in the event couplings become disconnected or break.
- e) Compressed air tools shall never be pointed at other personnel.
- f) Always wear personal protective equipment when using compressed air tools.

5.13 Explosive Activated Tools

- a) Explosive or powder-activated tools represent hazards normally encountered from ammunition or other explosives.
- b) Only fully trained and authorized personnel shall operate explosive actuated tools. Authorized personnel shall only be designated after being trained in explosive tools.
- c) Only explosive tools bearing the manufacturer's label and approved by the "Industrial Code of Explosive Powered Tools" shall be used.
- d) Loaded tools shall never be carried away from the work site. Tools shall always be left unloaded until ready for use.
- e) Tools shall be held firmly against, and perpendicular to, the surface prior to firing.
- f) Fasteners of any kind shall not be forced into masonry closer than three inches to the edge, unless special guards are used to prevent flying particles. Fasteners shall not be fired into steel closer than one-half inch to an edge or joint.
- g) No tool of this type shall be used to fire projectiles into hardened steel, high tensile steel, cast iron, glazed brick, tile, marble, glass or other extra hard materials.
- h) Powder-actuated tools shall not be used in flammable or explosive area.
- i) Tools and explosive charges shall be stored separately in portable containers and explosives in locked metal boxes.
- j) Misfired cartridges shall be disposed of in a manner that prevents further handling by fellow employees or the general public.

5.14 Power Saws/Chainsaws

- a) Blade guards shall be kept in good condition and not removed or blocked by operating personnel.
- b) Blades shall be frequently inspected to detect cracks or other defects. Defective blades shall not be used. If they cannot be restored by repair or sharpening, they must be discarded.
- c) When selecting blades, use the correct blade for the job. Substitution of blades that are not right for the job is strictly prohibited.
- d) Saws shall not be jammed or crowded into the work surface. Green or wet material shall be cut slowly and with extra caution.
- e) When a portable saw is adaptable to bench top use, it shall be securely clamped down before using.
- f) When using table type or bench saws for ripping short stock, the hands shall not be used for pushing the stock. A pusher stick must be used.
- g) When changing blades, disconnect the saw from the power source to prevent accidental restarting.
- h) Approved personal protective equipment shall be used at all times when operating saws. Ballistic nylon chaps and other appropriate personal protection equipment shall be used when operating chain saws.

5.15 Painting

- a) Painting operations produce highly flammable mists and vapors that are easily ignited. For maximum safety, painting operations should be isolated from all other activities. When isolation is impractical, painting operations shall be separated by fire resistant walls.
- b) Paint spray booths shall be constructed and maintained in accordance with the State Safety Code or WAC Code 296-155-170. Paint booths shall be kept clean and equipment stored in an orderly manner. Walls and floors of paint booths may be protected with papers to prevent accumulations of paint deposits. The paper shall be removed and destroyed when contaminated.
- c) Paints, paint thinner and solvents shall not be stored in paint booths. All flammable materials shall be stored in approved fire resistant cabinets. Clothing that is saturated with painting materials shall be worn only during

- painting operations and then removed and stored in well-ventilated metal cabinets.
- d) Forced-air ventilation shall be provided in all spray booths where painting is being accomplished. When forced-air ventilation is impracticable, such as for touch-up painting, operating personnel shall wear suitable respirators.
 - e) All sources of ignition shall be removed from painting operations. Electrical equipment and fixtures used shall be explosion proof and effectively grounded. Mist and vapors produced by painting may be violently exploded by accidental ignition.
 - f) Paints and solvents may contain toxic substances such as lead or benzol that are harmful if inhaled or ingested. Eating and drinking shall be prohibited around painting areas.
 - g) Rags and other waste materials saturated with paint or solvents shall be disposed of in covered metal cans or approved safety cans and emptied daily.
 - h) WAC and departmental policies shall be followed and personal protective equipment used for all listed above.

5.16 Chemical Spraying

- a) Chemical spraying programs, where applicable, will be formulated individually by each City department under the guidelines set by the WAC.
- b) All employees of each particular department will follow their department's chemical spraying program.

5.17 Stationary Equipment

- a) Each department supervisor/foreman will be responsible for the training of employees on equipment used or worked on by them.
- b) Each department can write equipment policies so that proper operation, maintenance and training are consistent.

5.18 Mobile Equipment

- a) Every department supervisor/foreman will be responsible for the training of employees on any and all equipment used in their respective departments.
- b) Written policies are required for reference and training on the proper and safe operation of all equipment.

Section VI

Hazardous Communications

6.01 Purpose

- a) The purpose of the Hazardous Communication Program is to ensure that the hazards of all chemicals imported or produced by chemical manufacturers or importers are evaluated and that information concerning their hazards is transmitted to affected employers and employees before they use products.

6.02 Procedure

- a) Inventory Lists – Know hazardous chemicals in your workplace that are a potential health or physical hazard. Make an inventory list of these chemicals. This list must be a part of your written program.
- b) MSDS – Make sure there is a Material Safety Data Sheet (MSDS) for each chemical and that the inventory list and labeling system reference the corresponding MSDS for each chemical.
- c) Labeling System – Each container entering the workplace must be properly labeled with the identity of the product, the hazardous warning and the name and address of the manufacturer.
- d) Information and Training – Determine appropriate ways in which to train and inform employees on the specific chemicals in your workplace and their hazards.
- e) Written Program – Develop, implement and maintain a comprehensive written hazard communication program at the workplace that includes provisions for container labeling, material safety data sheets and employee training.
- f) Employees must be made aware of where hazardous chemicals are used in their work areas. They must be informed of the requirements of the Hazard Communication Standard, availability and location of the written program, the list of hazardous chemicals and material safety data sheets.
- g) The code specifically requires employers to train employees in the protective practices implemented in their work areas, the labeling system used, how to obtain and use MSDSs, physical and health hazards of the chemicals and recognition, avoidance and prevention of accidental entrance of hazardous chemicals into the work environment.

Section VII

Fall Protection/Rescue

7.01 Fall Restraint (WAC 296-155-24510)

- a) Guardrails – scaffolding or other work platforms with standard guardrails.
- b) Safety belts/harnesses – with lanyards attached to secure anchorage points.
- c) Refer to WAC for applications.

7.02 Fall Arrest (WAC 296-45-25510)

- a) When stopping or arresting a fall, personal fall arrest systems shall limit the maximum arresting force on an employee to 1800 pounds (8 kN) if used with a body harness.
- b) Personal fall arrest systems shall be rigged such that an employee can neither free fall more than 6 feet (1.8 m) nor contact any lower level.
- c) If vertical lifelines or droplines are used, not more than one employee may be attached to any one lifeline.
- d) Snaphooks may not be connected to loops made in webbing-type lanyards.
- e) Snaphooks may not be connected to each other.
- f) Refer to WAC 296-304-09021 for personal fall protection system requirements.

7.03 Fall Hazards

- a) List of those in work areas ten feet or more above ground, other work surface or water.
- b) See WAC 296-155-245 for specific safety codes.

Appendices

A.01 Employee's Incident/Near Miss Report

Refer to attached form.

A.02 Supervisor's Incident/Near Miss Report

Refer to attached form.

A.03 Employee Safety Orientation Checklist

Refer to attached form.

A.04 Departmental Safety Training

Refer to attached form.

A.05 Refusal to Seek Medical Care

Refer to attached form.

A.06 Safety Programs by Department

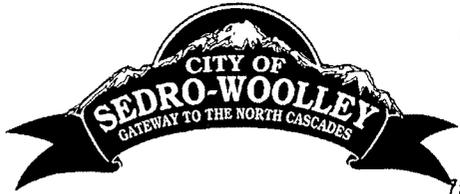
Refer to attached list.

A.07 Standard Safety Inspection Checklist

Refer to attached form.

A.08 Job Hazard Analysis
Refer to attached form.

NEW
BUSINESS



CITY COUNCIL AGENDA
REGULAR MEETING

AUG 12 2009

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 8

CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-0771
Fax (360) 855-0733

Mark A. Freiberger, PE
Director of Public Works/City Engineer

MEMO TO: City Council and Mayor Mike Anderson
FROM: Mark A. Freiberger, PE
RE: **Possible Adoption – Ordinance _____ Interim Stormwater Management Standards and Stormwater Maintenance**
DATE: August 4, 2009 (for Council review August 12, 2009)

ISSUE

Should Council adopt Ordinance _____ amending SWMC Chapter 13.36 Stormwater Management Standards and Chapter 13.40 Stormwater Maintenance?

BACKGROUND

The Cities Western Washington Phase II Municipal Stormwater Permit contains a number of deadlines for implementation of the Phase II stormwater requirements. Among these requirements, Section S5.C.3.b of the Permit requires that the city develop and implement an ordinance or regulatory mechanism to effectively prohibit non-stormwater, illegal discharges to the cities' stormwater system, due by August 16, 2009. Section S5.C.4 of the Permit requires that the city develop a program to reduce pollutants in stormwater, due by August 16, 2009. Section S5.C.4.a requires that the city adopt an ordinance controlling runoff from Development, Redevelopment and Construction sites. Section S5.C.4.c.i requires that the city adopt an ordinance identifying responsible parties for post construction operation & maintenance of stormwater facilities and best management practices.

Sedro-Woolley Municipal Code (SWMC) Section 13.36 Stormwater Management covers runoff control. SWMC 13.40 Stormwater Maintenance addresses system maintenance. Staff has engaged Pat Hayden to update these SWMC sections to meet the requirements of Sections S5.C.3 and 4. Mr. Hayden's notes on the basic suppositions used in updating the ordinance are attached. Also attached are Ecology's guidelines for preparation of these ordinances.

Also included under S5.C.4 of the Permit are requirements for setting up a recordkeeping system, permitting process, inspection system and staff training to implement the requirements of the ordinances, also due by August 16, 2009.

DISCUSSION

The attached interim ordinance revises SWMC sections 13.36 and 13.40 in compliance with S5.C.3 and 4. A copy showing tracked changes and a clean copy of each revised Chapter of the SWMC are also attached.

The ordinance will require SEPA before final adoption. We also expect that Ecology will require revisions after review.

The proposed ordinance is designed to adopt the minimum requirements stated in the Permit, as defined in Appendix 1 of the Permit.

The current SWMC Section 13.36.060 includes reference to the 1992 and 2001 Ecology manuals. We have chosen to adopt the minimum requirements of the 2005 Ecology Stormwater Maintenance Manual for Western Washington in lieu of producing our own alternate (and equivalent) manual. This is reflected in the updated SWMC code sections.

Follow up activities will include an update of the 1997 Sedro-Woolley Stormwater Management Plan and the 2006 Sedro-Woolley Public Works Department Standards to reflect the changes the SWMC.

FINANCIAL

As noted in previous discussions on the new Permit requirements, the revisions will involve significant investment of staff resources. This will vary depending on permit activities (private development). At a minimum, monitoring the existing 57 private facilities and performing annual inspections and documentation will require significant time. Additionally, development permit tracking will require staff resources.

In the 2007 Stormwater Management Program Gap Analysis, OTAK estimated that the administrative staffing requirement for activities would be approx. 1.3 full time employees (FTE) after program implementation, with an annual cost of approx. \$90,000 for construction and private facilities and an additional 1.5 FTE and \$115,000 for municipally owned facilities, including stormwater system maintenance activities including catch basin and storm drain cleaning and ditch maintenance, plus street sweeping. Additional permit activities including illicit discharge detection and elimination, public outreach, reporting, etc. are estimated to add another \$275,000 and 1.7 FTE, for a total of \$440,000 and 4.5 FTE. Current funding for the Stormwater Utility is approximately \$236,000, allowing for 1.2 FTE from Street and 0.3 FTE from Engineering, plus \$16,000 for 0.27 FTE from Street for Sweeping, total \$252,000 and 1.77 FTE. This leaves a shortfall of \$188,000 and 2.73 FTE.

ANALYSIS

Currently, Staff is attempting to implement the Permit requirements with existing staff, consisting of 1.47 FTE from the Street Dept. performing storm drainage maintenance activities and street sweeping, plus 0.3 FTE between the Assistant City Engineer and Public Works Assistant for administrative functions. This will be inadequate to properly administer the program should Ecology begin aggressive enforcement efforts. It also does not address capital improvements needed to the system, estimated in the Gap Analysis at \$616,300 per year over the five year window used in the analysis. Completion of these projects is funding driven.

Failure to implement the requirements of the Permit may also subject the city to potential litigation from environmental watchdog groups.

On the positive side, it is likely that the cost of maintenance will improve as the city catches up on storm drainage maintenance activities for municipally owned systems. We have made significant strides in the past two years with the emphasis on storm drain cleaning and recently with replacement of the Vector equipment. To date, approximately 50% of the system has been cleaned and inspected, and we should complete the first round in 2010. Our goal is to reduce cleaning activities to a sustainable level at something under the current allowance.

In addition, the current economic slow down has significantly reduced new construction and the corresponding need to monitor and report on these activities. We still however face a significant staff effort to bring the existing private systems into compliance, as required starting with the approval of this ordinance.

RECOMMENDATION

Staff recommends adoption of the interim ordinance in order to meet Permit requirements. Staff will continue to monitor developments of permit requirements and current efforts by other agencies to mitigate these unfunded mandates. In addition, Staff will continue to implement requirements of the permit as time permits, and will track actual costs for these efforts and address identified shortfalls to council during subsequent Budget cycles.

MOTION:

Move adoption of Ordinance _____ Interim Stormwater Management Standards and Stormwater Maintenance.

MEMO

To: Mark Freiberger, City Engineer
From: Patrick Hayden
Re: Stormwater Ordinance
Date: August 5, 2009

I have prepared two ordinances replacing SWMC Ch. 13.36 and .13.40. These chapters have governed Stormwater Management and Stormwater Maintenance respectively, since their inception.

The City is required to bring these ordinances into compliance with the 2005 Stormwater Manual for Western Washington and Appendix 1 of the Western Washington Phase II Stormwater Permit. My instructions were to write ordinances which adopted the minimum requirements and thresholds of these documents, as economically as possible.

The two replacement ordinances keep the structure of the original code, adopt the new minimum standards in the language recommended by the DOE, and update the administrative provisions to facilitate stronger enforcement. The attached summary of the requirements was used as a general guide in writing the ordinances. The ordinances were made applicable City-wide, and apply to projects of under one acre, as well as larger projects, to simplify administration.

The 2005 Stormwater Manual for Western Washington and Appendix 1 of the Western Washington Phase II Stormwater Permit do not avail themselves of blanket adoption. Though in theory they can be incorporated by reference, these documents have administrative requirements that are only loosely set forth in their text. In the areas where scrutiny is anticipated, more specific language from these documents is restated in the ordinances.

I fully expect that DOE will require revisions to these documents when they get around to reviewing them. However, this will probably be true for all jurisdictions. Unlike the original ordinances, there were no DOE models for these new ordinances. Most small jurisdictions are going to have to make revisions to satisfy DOE.

The scheme of these ordinances is that the City will be able to require two permits – a Stormwater Management Permit for construction and development activities, and a Stormwater Maintenance Permit for permanent facilities that survive the initial construction project, such as retention ponds. This gives the City two points in the permitting process to specify conditions for the regulated activities. Despite anticipated deficiencies in the ordinances, the permit requirements should be adequate to provide an enforcement mechanism that dovetails into the existing permit system. I think this system balances cost of enforcement and efficiency as well as any other system.

Please contact me when you get the DOE punch list for revisions.

Introduction

Washington State's Phase II Municipal Stormwater General Permits¹ require permitted cities and counties to adopt an ordinance or other enforceable mechanism to control runoff from new development, redevelopment and construction sites, including roads. The permits apply to areas with stormwater runoff into the municipal separate storm sewer system (MS4).

In this guidance for cities and counties, Ecology addresses the following questions:

1. What are the minimum elements to include in the code?
2. What additional elements does Ecology recommend?
3. Where do these regulations best fit in a local code?
4. What requirements go in the ordinance and what should be adopted in the manual?

Find the runoff control requirements in the following permit sections:

Phase II Western Washington permit – S5.C.4 and Appendix 1

Phase II Eastern Washington permit – S5.B.4 and S5.B.5, and Appendix 1

Minimum Required Elements

The Phase II municipal permits require cities and counties to adopt an ordinance or other enforceable mechanism that includes:

1. The minimum requirements, thresholds, and definitions in Appendix 1: Minimum Technical Requirements for Stormwater Management for New Development and Redevelopment (or an equivalent approved by Ecology under the Phase I permit).
2. Exemptions, adjustment, and variance criteria equivalent to those in Appendix 1 of the permit.
3. A site planning process and BMP selection and design criteria that will protect water quality, reduce the discharge of pollutants to the maximum extent practicable and satisfy the State requirement under Chapter 90.48 RCW to apply all known, available and reasonable methods of prevention, control and treatment (AKART) prior to discharge to the MS4.
4. Requirements for review of all stormwater site plans for proposed development.
5. Legal authority and administrative procedures for site inspections before, during, and after construction.
6. Provisions to identify the party responsible for maintenance and to verify long-term operation and maintenance of post-construction stormwater facilities and BMPs approved through the ordinance.
7. Maintenance standards as, or more protective than those in the applicable Ecology manual, including minimum timelines for performing maintenance for facilities that exceed the standard when inspected.

¹ The Municipal Stormwater General Permits are on Ecology's website at <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/index.html>

8. Enforcement procedures to respond to issues of non-compliance.
9. Provisions (Western Washington only) to allow non-structural preventive actions and source reduction approaches such as low impact development (LID) techniques.
10. Retaining existing regulations to regulate new development, redevelopment and construction site activities that result in land disturbance of less than the 1-acre threshold—if the regulations were in effect at the time the permit was issued.

Appendix 1 of the permit includes some provisions that are different from those in Ecology's stormwater manuals. Your ordinance and manual must be consistent with the Appendix I provisions rather than those in the manual. Ecology's Frequently Asked Questions at www.ecy.wa.gov/programs/wq/stormwater/municipal/FAQconstructPostconstruct.html provides information on the additional provisions and steps needed to ensure your ordinance or other enforceable mechanism fully meets the permit requirements.

Optional Provisions

1. Apply throughout the jurisdiction

Ecology strongly recommends that you apply these regulations to sites throughout your jurisdiction, and not limit them to the sites that drain to the MS4. This helps meet the intent of stormwater permits to protect water quality and prevent cumulative impacts. It also provides consistent and equitable regulations across the jurisdiction, which prevents confusion for citizens and developers.

2. Apply to sites that disturb less than 1 acre

Ecology strongly recommends that you apply these regulations to all new development and redevelopment sites, including those that do not meet the 1-acre or larger regulatory threshold. This helps prevent harm to public and private property and the environment.

3. Erosivity Waiver

If you choose to allow construction sites to apply the Erosivity Waiver in Appendix 1, Minimum Requirement #2, the ordinance must provide escalating enforcement sanctions for construction sites that give notice of intent to apply the waiver, but do not meet the requirements to qualify for the waiver.

4. Basin/Watershed Planning

Your jurisdiction may choose to develop basin-specific alternative treatment, flow control, and wetland protection requirements using a basin plan approved by Ecology. The standards must be adopted through ordinances and rules by all jurisdictions in the basin.

Ordinance No. _____

AN ORDINANCE AMENDING SWMC CH. 13.36 AND SWMC CH. 13.40, PROVIDING FOR THE ADOPTION OF THE 2005 STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (SWMMWW), INCLUDING THE THRESHOLDS AND MINIMUM REQUIREMENTS.

WHEREAS, the City of Sedro-Woolley has, in compliance with RCW Ch. 90.48 and the Federal Water Pollution Control Act, has commenced to bring its stormwater maintenance and management ordinances into compliance with the 2005 Stormwater Management Manual for Western Washington, and

WHEREAS, the City of Sedro-Woolley still needs to comply with the State Environmental Policy Act for the updates to SWMC Ch. 13.36 and Ch. 13.40, and

Whereas, the City Council of the City of Sedro-Woolley finds that delay in adopting these code amendments would leave the City out of compliance with State law, and finds that an emergency exists to require adoption for an interim period of six months, pending completion of SEPA review,

Whereas, the City of Sedro-Woolley City Council finds that the following amendments to SWMC Chapter 13.36 and SWMC Chapter 13.40 adopting the 2005 Stormwater Management Manual for Western Washington (SWMMWW), and Appendix 1 of the Western Washington Phase II Stormwater Permit, are in the interests of the public safety and welfare, now therefore,

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

Section 1. SWMC Ch. 13.36. SWMC Ch 13.36 is hereby repealed, and a new SWMC Ch. 13.36 as set forth on Exhibit A is hereby adopted in its entirety.

Section 2. SWMC Ch 13.40. SWMC Ch 13.40 is hereby repealed, and a new SWMC Ch. 13.40 as set forth on Exhibit B is hereby adopted in its entirety.

Section 3. Duration of Ordinance. This ordinance shall be in effect for a period of six months beginning on its effective date, unless extended by the City Council.

Section 4. Public Hearing on Ordinance. The City Council shall hold a public hearing on this ordinance on August 26, 2009 at 7:00 PM, and hereby adopts findings of fact justifying its actions, and is affirming the ordinance following the public hearing.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance shall be effective five (5) days after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS _____ DAY OF AUGUST, 2009.

MAYOR

Attest:

Finance Director

Approved as to form:

City Attorney

Exhibit A

SWMC 13.36 Stormwater Management

Chapter 13.36
STORMWATER MANAGEMENT

13.36.010 Purpose.

It is the purpose of this chapter to:

- A. Minimize water quality degradation and sedimentation in streams, ponds, lakes, wetlands and other water bodies;
- B. Minimize the impact of increased runoff, erosion and sedimentation caused by land development and maintenance practices;
- C. Maintain and protect groundwater resources;
- D. Minimize adverse impacts of alterations on ground and surface water quantities, locations and flow patterns;
- E. Decrease potential landslide, flood and erosion damage to public and private property;
- F. Promote site planning and construction practices that are consistent with natural topographical, vegetational and hydrological conditions;
- G. Maintain and protect the city stormwater management infrastructure and those downstream;
- H. Provide a means of regulating clearing and grading of private and public land while minimizing water quality impacts in order to protect public health and safety; and
- I. Provide minimum development regulations and construction procedures which will preserve, replace or enhance, to the maximum extent practicable, existing vegetation to preserve and enhance the natural qualities of (lands,) wetlands and water bodies.

13.36.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

The definitions in

- (1) Wetlands Guidance Appendix 2, Definitions,
- (2) The Glossary and Notations, in the 2005 Ecology Stormwater Management Manual for Western Washington; and
- (3) Section 2. Definitions Related to Minimum Requirements, Appendix I of the NPDES Phase II Municipal Stormwater Permit,

are incorporated by reference, unless the context clearly indicates that another definition is applicable.

“Director” means the city engineer or his designee.

“Person” means any individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, agency of the state, or local government unit, however designated.

“Stormwater Management Manual” or “Manual” means Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the 2005 Ecology Stormwater Management Manual for Western Washington, excepted as modified in SWMC 13.36.060(A)(4).

“Stormwater Management Permit” is a permit or approval issued by the director pursuant to SWMC Chapter 13.36 for a regulated activity.

“Stormwater Maintenance Permit” is a permit or approval issued by the director pursuant to SWMC Chapter 13.40 for maintenance of facility constructed for a regulated activity.

13.36.030 Abrogation and interpretation of provisions.

A. Abrogation and Greater Restrictions. It is not intended that this chapter repeal, abrogate or impair any existing ordinances, regulations, issued permit requirements, easements, covenants or deed restrictions, except as expressly stated. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

B. Interpretation. The provisions of this chapter shall be liberally construed to serve the purposes of this chapter.

13.36.040 Applicability.

A. When any provision of any other ordinance of the city conflicts with this chapter, that which provides the higher standard of environmental protection shall apply unless specifically provided otherwise in this chapter.

B. Prior to the applicant fulfilling the requirements of this chapter and obtaining a Stormwater Management Permit, the city shall not grant any approval or permission to conduct a regulated activity, including, but not limited to the following: building permit, commercial or residential; binding site plan; conditional use permit; franchise right-of-way construction permit; fill, grading and clearing permit; master plan development; planned unit development; right-of-way permit; shoreline substantial development permit; shoreline variance; shoreline conditional use permit;

shoreline environmental redesignation; unclassified use permit; variance; zone reclassification; subdivision; short subdivision; special use permit; sewer discharge, utility and other use permit; zone reclassification; or any subsequently adopted permit or required approval not expressly exempted by this chapter.

C. Regulated activities as defined in Section 13.36.060 shall be conducted and a Stormwater Management Permit shall be issued only after the city approves a stormwater site plan (SSP) which meets the requirements of the Manual.

D. In most situations, non-permanent development activities shall be governed by the Stormwater Management Permit. At the completion of the activities governed by the Stormwater Management Permit, the continuing maintenance and operation of any facilities that continue in operation will be governed by the Stormwater Maintenance Permit issued pursuant to SWMC Ch. 13.40. Both permits will be issued by the director, and shall be administered together to meet the Minimum Requirements and BMPs of the Manual.

13.36.050 Stormwater Management Manual and Appendix I of Permit adopted; Administrative Provisions Authorized.

A. The Thresholds, Definitions, Minimum Requirements and Exceptions, Adjustment and Variance Criteria found in Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the 2005 Ecology Stormwater Management Manual for Western Washington are hereby adopted by reference, and are hereinafter collectively referred to as the “Manual”, excepted as modified in SWMC 13.36.060(A)(4).

B. The Director may, in his discretion, modify, adopt and publish standards, designs and administrative regulations for permitting, to supplement the Manual, provided that the standards, designs and administrative regulations are consistent with the Manual. The standards, designs and administrative regulations may include non-structural preventative actions and source reduction approaches such as low impact development (LID) techniques consistent with the Manual. Prior to adoption the Director shall solicit written and verbal comment at an advertized public hearing.

C. Any standards, designs, and administrative regulations adopted by the Director shall be published in printed form maintained for inspection and copying at office of City Engineer. Any such standards, designs, and administrative regulations shall have the same effect as a provision of this ordinance, and its administration and application to a particular permit is subject to appeal and variance in the same manner as the provisions of this ordinance.

13.36.060 Regulated activities and exempt activities.

A. Regulated Activities.

1. All development and redevelopment shall be regulated activity subject to this ordinance, and shall be subject to the applicable Minimum Requirements of the manual, unless exempted in subsection B of this section.

2. Not all of the Minimum Requirements apply to every development or redevelopment project. The applicability of the Minimum Requirements to a project or activity shall be determined by the thresholds in the Manual.

3. If new development and redevelopment at sites below the regulatory threshold of this chapter were subject to regulation at the time of permitting, they shall continue to be subject to stormwater regulations, even if the site activities resulted in land disturbances of less than the one (1) acre threshold. The local stormwater requirements in effect at the time of permit issuance shall apply, unless the Minimum Requirements for new development and re-development contained in this chapter are applicable.

4. The requirements of this chapter apply to all development and redevelopment within the City of Sedro-Woolley, including sites which do not meet the 1-acre or larger threshold of the Manual.

B. Exemptions. The following activities are exempt pursuant to the Manual from the requirements of this chapter:

1. Forest practices:

Forest practices regulated under Title 222 WAC, except for Class IV General forest practices that are conversions from timber land to other uses, are exempt from the provisions of the Minimum Requirements.

2. Commercial agriculture:

Commercial agriculture practices involving working the land for production are generally exempt. However, the conversion from timberland to agriculture, and the construction of impervious surfaces are not exempt.

3. Oil and Gas Field Activities or Operations:

Construction of drilling sites, waste management pits, and access roads, as well as construction of transportation and treatment infrastructure such as pipelines natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations are exempt. Operators are encouraged to implement and maintain Best Management Practices to minimize erosion and control sediment during and after construction activities to help ensure protection of surface water quality during storm events.

4. Road Maintenance:

i. The following road maintenance practices are exempt: pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage, shoulder grading, reshaping/regrading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism, and vegetation maintenance.

ii. The following road maintenance practices are considered redevelopment, and therefore are not categorically exempt:

- a. Removing and replacing a paved surface to base course or lower, or repairing the roadway base;
- b. Extending the pavement edge without increasing the size of the road prism, or paving graveled shoulders;
- c. Resurfacing by upgrading from dirt to gravel, asphalt, or concrete; upgrading from gravel to asphalt, or concrete; or upgrading from a bituminous surface treatment (“chip seal”) to asphalt or concrete.

5. Underground utility projects:

Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to Minimum Requirement for Construction Stormwater Pollution Prevention.

C. All other development or redevelopment is subject to one or more of the Minimum Requirements of the Manual.

13.36.070 Adjustments and Variances.

A. Adjustments. Adjustments to the Minimum Requirements may be granted by the Director provided that a written finding of fact is prepared, that addresses the following:

- 1. The adjustment provides substantially equivalent environmental protection.
- 2. Based on sound Engineering practices, the objectives of safety, function, environmental protection and facility maintenance, are met.

Adjustments under this subsection do not require a public notice or hearing, and the decision of the director under this subsection is not subject to appeal.

B. Exceptions/Variances. Exceptions/variances (exceptions) to the Minimum Requirements may be granted by the Director following legal public notice of an application for an exception or variance, legal public notice of the Director’s decision on the application, and written findings of fact that documents the Director’s determination to grant an exception. The Director shall keep records, including the written findings of fact, of all local exceptions to the Minimum Requirements.

Project-specific design exceptions based on site-specific conditions do not require prior approval of the Department. The Director must seek prior approval by the Department for any jurisdiction-wide exception.

The Director may grant an exception to the Minimum Requirements if such application imposes a severe and unexpected economic hardship. To determine whether the application imposes a

severe and unexpected economic hardship on the project applicant, the Director must consider and document with written findings of fact the following:

1. The current (pre-project) use of the site, and
2. How the application of the minimum requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the Minimum Requirements; and
3. The possible remaining uses of the site if the exception were not granted; and
4. The uses of the site that would have been allowed prior to the adoption of the Minimum Requirements; and
5. A comparison of the estimated amount and percentage of value loss as a result of the Minimum Requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the Minimum Requirements; and
6. The feasibility for the owner to alter the project to apply the Minimum Requirements.

C. In addition any exception/variances must meet the following criteria:

1. The exception will not increase risk to the public health and welfare, nor injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and
2. The exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements.

D. An exception/variance shall be subject to the same notice requirements and appeal process from the decision of the Director as a Type II decision subject to SWMC Ch. 2.90, to the extent applicable and not inconsistent with this chapter.

13.36.080 Stormwater Minimum Requirements and Best Management Practices (BMPs).

A. The Minimum Requirements of the Manual are adopted and incorporated herein by reference.

B. The site planning process of the Manual and BMP selection and design criteria of the Manual shall be used to implement the Minimum Requirements of the Manual.

C. All development and redevelopment shall apply all known, available and reasonable methods of prevention, control and treatment (AKART), utilizing the BMPs and design criteria of the Manual to comply with the Minimum Requirements of the Manual, prior to discharge into the City of Sedro-Woolley Storm Sewer System permitted by the Department of Ecology

D. No person may conduct activity regulated by this chapter which discharges directly to, or indirectly through the City of Sedro-Woolley Storm Sewer System permitted by the Department

of Ecology, in unless they meet the requirements of this chapter and obtain a Stormwater Management Permit or Stormwater Maintenance Permit, or both.

E. All stormwater site plans for regulated activity (development and redevelopment) are subject to review and approval by the director, and shall require a Stormwater Management Permit or Stormwater Maintenance Permit issued by the director pursuant to this chapter. A Stormwater Maintenance Permit may be required by the director as a condition of the Stormwater Management Permit.

F. The director shall adopt BMPs for Low Impact Development (LIDs) techniques pursuant to SWMC 13.36.060(B) as administrative regulations for the implementation of this chapter. The director may adopt specific BMPs from Chapter 7 of the Low Impact Development Technical Guidance Manual for Puget Sound (PSAT/WSU Extension 2005) or other approved source. In addition, an applicant may seek an adjustment or variance incorporating BMPs for LID techniques into permit approval.

13.36.090 Prohibitions.

A. Illicit discharge to stormwater drainage systems is prohibited. Illicit discharges are defined as those discharges prohibited by the Manual, the Western Washington Phase II Municipal Stormwater Permit, The City of Sedro-Woolley Stormwater Management Plan, and state law.

B. The following categories of nonstormwater discharges are prohibited unless the stated conditions are met:

1. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4.
2. Discharges from lawn watering and other irrigation runoff. These shall be minimized through, at a minimum, public education activities (see section S5.C.1) and water conservation efforts.
3. Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. At active construction sites, street sweeping must be performed prior to washing the street.
5. Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed by the director, which addresses control of such discharges.

C. Development and Redevelopment which fails to comply with the requirements of this ordinance is prohibited.

13.36.100 Administration.

A. Director. The director or a designee shall administer this chapter and shall be referred to as the director. The director shall have the authority to develop and implement administrative procedures to administer and enforce this chapter.

B. Review and Approval.

A. Any activity subject to regulation by this chapter shall not be approved until the director issues a written finding that the regulated activity complies with this chapter, or is exempt. The finding, approvals and conditions shall be incorporated into a “Stormwater Management Permit”. The omission of a Minimum Requirement or BMP on the permit or approved plan shall not relieve the applicant of complying with the Minimum Requirement or BMP if it is made applicable by the manual.

1. If the regulated activity is subject to a permit or approval from any department of the City of Sedro-Woolley, including but not limited to the permits and approvals listed in SWMC Section 13.36.040, a permit or approval shall not be issued until a finding of compliance and a Storm Water Management Permit is issued by the director.

2. If the regulated activity is not subject to any other permit or approval from any department of the City of Sedro-Woolley, but is subject to the provisions of this chapter, then the owner of the affected property and the person conducting the activity shall apply directly to the director for a permit, which shall not be issued until a finding of compliance and a Storm Water Management Permit is issued by the director.

B. Any owner or applicant seeking approval or a permit for activity regulated by this chapter shall, in addition to any other permit necessary for the activity, apply for a Stormwater Management Permit in the form provided by the director, and shall provide the information required to demonstrate compliance with Minimum Requirements and BMPs specified in the Manual. The form of the application shall meet the requirements established by the director.

C. The director may approve, conditionally approve or deny an application for activities regulated by this chapter. Such approval or denial shall be based on the Thresholds, Definitions, Minimum Requirements and Exceptions, Adjustment and Variance Criteria found in Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the 2005 Ecology Stormwater Management Manual for Western Washington, and on any administrative provisions adopted by the director pursuant to SWMC Section 13.36.060.

D. If an adjustment, exception or variance is allowed, it shall be incorporated into the conditions and terms of the permit issued by the director.

E. Inspection. All activities regulated by this chapter shall be inspected by the director. The director shall inspect projects at various stages of the work requiring approval to determine that the regulated activity is complying with the terms of the permit and approval. Stages of work requiring inspection include, but are not limited to, preconstruction; installation of BMPs; land disturbing activities; installation of utilities, landscaping, retaining walls and completion of project. When required by the director, a special inspection and/or testing shall be performed.

F. All project applications must address long-term maintenance responsibility and access for maintenance inspections, and all must continue to meet the minimum requirements of the Manual as a condition of the Stormwater Management Permit. When required by the Director, a "Stormwater Maintenance Permit" shall also be required as a condition of the Stormwater Management Permit, pursuant to SWMC Ch. 13.40.

G. The Stormwater Management Permit shall identify the party responsible for compliance, and may require the posting of a bond or surety to guarantee financial responsibility for compliance as a condition of the permit. The amount of the bond or other surety shall not exceed one hundred twenty five percent (125%) of the cost of compliance with the conditions and requirement of the Stormwater Management Permit, as determined by the director.

H. Any applicant may appeal the decision of the director to issue, condition or deny a permit in the same manner as a Type II decision subject to SWMC Ch. 2.90, to the extent applicable and not inconsistent with this chapter.

13.36.110 Civil Enforcement.

The director shall enforce this chapter. Violations of this chapter shall be subject to civil and criminal penalties as set forth in this Chapter. It shall be a violation of this chapter to (a) engage in any regulated activity without a permit issued pursuant to this chapter, (b) to violate the terms and conditions of a permit issued pursuant to this chapter, or (c) to permit, allow, or commit an illicit discharge prohibited by this chapter.

A. General. Enforcement action shall be in accordance with this chapter whenever a person has violated any provision of this chapter. The choice of enforcement action and the severity of any civil penalty shall be based on the nature of the violation, the damage or risk to the public or the public resources, and/or the degree of bad faith of the person subject to the enforcement action.

B. Stop-Work Order. The director shall have the authority to serve a person a stop work order if an action is being undertaken in violation of this chapter. If a portion of a project is in violation of this chapter, the director may issue a stop work order for the entire project, and the order may revoke a Stormwater Management Permit or Stormwater Maintenance Permit.

1. Content of Order. The order shall contain:

a. A description of the specific nature, extent and time of violation and the damage or potential damage; and

b. A notice that the violation or the potential violation cease and desist, and, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under subsection C may be issued with the order.

2. Notice. A stop work order shall be imposed by a notice in writing, either by certified mail with return receipt requested, or by personal service, to the person incurring the same.

3. Effective Date. The stop work order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.

4. Compliance. Failure to comply with the terms of a stop work order shall result in enforcement actions including, but not limited to, the issuance of a civil penalty.

C. Civil Penalty. A person who fails to comply with the requirements of this chapter, who fails to conform to the terms of an approval or order issued, who undertakes new development without first obtaining city approval, or who fails to comply with a stop work order issued under these regulations shall be subject to a civil penalty.

1. Amount of Penalty. The penalty shall be one hundred dollars for each violation. Each day of continued violation or repeated violation shall constitute a separate violation.

2. Aiding or Abetting. Any person who, through an act of commission or omission, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

3. Notice of Penalty. A civil penalty shall be imposed by a notice in writing, either by certified (or registered) mail with return receipt requested or by personal service, to the person incurring the same from the city. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, and, in appropriate cases, require necessary corrective action within a specific time.

4. Application for Mitigation. Any person incurring a penalty may apply in writing within fourteen days of receipt of the penalty to the director for rescission or mitigation of such penalty. Upon receipt of the application, the director may rescind or mitigate the penalty upon a demonstration of extraordinary circumstances, such as the presence of information of factors not considered in setting the original penalty. The decision of the director may be appealed to the city council within thirty days of the decision.

5. Appeal of Civil Penalty. Persons incurring a penalty imposed by the director may appeal in writing to the Skagit County Superior Court within thirty days of the receipt of the penalty, or within thirty days of the decision of the director regarding remission or mitigation of the penalty, whichever is later.

D. Penalties. Penalties imposed under this section shall become due and payable thirty days after receiving it unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of the decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable after all review proceedings and final decision has been issued confirming all or part of the penalty. If the amount of a penalty owed the city is not paid within the time specified, the city may take actions necessary to recover such penalty, including legal action to reduce the same to a judgment and collection the same.

E. The director is authorized to seek injunctions, restraining orders, and other civil relief in court as is necessary to enforce this chapter.

13.36.120 Criminal Violation.

In addition to any civil penalty or civil enforcement action, a willful violation of this chapter by any person shall constitute a gross misdemeanor punishable by a five thousand dollar fine, imprisonment in jail not to exceed one year, or both.

Exhibit B

SWMC 13.40 Stormwater Maintenance

Chapter 13.40
STORMWATER MAINTENANCE

13.40.010 Purpose.

The provisions of this chapter are intended to:

- A. Provide for inspection and maintenance of stormwater facilities in the city to provide for an effective, functional stormwater drainage system;
- B. Authorize the city to require that stormwater facilities be operated, maintained and repaired in conformance with this chapter;
- C. Establish the minimum level of compliance which must be met;
- D. Guide and advise all who conduct inspection and maintenance of stormwater facilities.

13.40.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

For the purposes of this chapter, the following definitions shall apply:

The definitions in

- (1) Wetlands Guidance Appendix 2, Definitions,
- (2) the Glossary and Notations, in the 2005 Ecology Stormwater Management Manual for Western Washington; and
- (3) Section 2. Definitions Related to Minimum Requirements, Appendix I of the NPDES Phase II Municipal Stormwater Permit,

are incorporated by reference, unless the context clearly indicates that another definition is applicable.

“Director” means the city engineer or his designee.

“Person” means any individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, agency of the state, or local government unit, however designated.

“Stormwater Management Manual” or “Manual” means Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the 2005

Ecology Stormwater Management Manual for Western Washington, excepted as modified in SWMC 13.36.060(A)(4).

“Stormwater Management Permit” is a permit or approval issued by the director pursuant to SWMC Chapter 13.36 for a regulated activity.

“Stormwater Maintenance Permit” is a permit or approval issued by the director pursuant to SWMC Chapter 13.40 for maintenance of facility constructed for a regulated activity.

13.40.030 Abrogation and interpretation of provisions.

A. Abrogation and Greater Restrictions. It is not intended that this chapter repeal, abrogate or impair any existing ordinances, regulations, issued permit requirements, easements, covenants or deed restrictions, except as expressly stated. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

B. Interpretation. The provisions of this chapter shall be liberally construed to serve the purposes of this chapter.

13.40.040 Applicability.

A. When any provision of any other ordinance of the city conflicts with this chapter, that which provides the higher standard of environmental protection shall apply unless specifically provided otherwise in this chapter.

B. This chapter applies to all activities which are subject to SWMC Ch. 13.36, and which have one or more conditions or requirements of a Stormwater Management Permit which are permanent or shall require compliance after the completion of the permitted activity regulated by SWMC Ch. 13.36.

C. All activities regulated by this chapter shall require a Stormwater Maintenance Permit issued pursuant to this chapter. The Stormwater Maintenance Permit shall govern those conditions or requirements of a Stormwater Management Permit which are permanent or shall require compliance after the completion of the permitted activity regulated by SWMC Ch. 13.36.

D. Prior to the applicant fulfilling the requirements of this chapter, the city shall not issue a Stormwater Maintenance Permit.

E. In most situations, non-permanent development activities shall be governed by the Stormwater Management Permit. At the completion of the activities governed by the Stormwater Management Permit, the continuing maintenance and operation of any facilities that continue in operation will be governed by the Stormwater Maintenance Permit issued pursuant to

SWMC Ch. 13.40. Both permits will be issued by the director, and shall be administered together to meet the Minimum Requirements and BMPs of the Manual.

13.40.050 Stormwater Management Manual and Appendix I of Permit adopted; Administrative Provisions Authorized.

A. The Thresholds, Definitions, Minimum Requirements and Exceptions, Adjustment and Variance Criteria found in Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the 2005 Ecology Stormwater Management Manual for Western Washington are hereby adopted by reference, and are hereinafter collectively referred to as the “Manual”, excepted as modified in SWMC 13.40.060(A)(4).

B. The Director may, in his discretion, modify, adopt and publish standards, designs and administrative regulations for permitting, to supplement the Manual, provided that the standards, designs and administrative regulations are consistent with the Manual. The standards, designs and administrative regulations may include non-structural preventative actions and source reduction approaches such as low impact development (LID) techniques consistent with the Manual. Prior to adoption the Director shall solicit written and verbal comment at an advertized public hearing.

C. Any standards, designs, and administrative regulations adopted by the Director shall be published in printed form maintained for inspection and copying at office of City Engineer. Any such standards, designs, and administrative regulations shall have the same effect as a provision of this ordinance, and its administration and application to a particular permit is subject to appeal and variance in the same manner as the provisions of this ordinance.

13.40.060 Regulated activities and exempt activities.

A. Regulated Activities.

1. All development and redevelopment shall be regulated activity subject to this ordinance, and shall be subject to the applicable Minimum Requirements of the manual, unless exempted in subsection B of this section.

2. Not all of the Minimum Requirements apply to every development or redevelopment project. The applicability of the Minimum Requirements to a project or activity shall be determined by the thresholds in the Manual.

3. If new development and redevelopment at sites below the regulatory threshold of this chapter were subject to regulation at the time of permitting, they shall continue to be subject to stormwater regulations, even if the site activities resulted in land disturbances of less than the one (1) acre threshold. The local stormwater requirements in effect at the

time of permit issuance shall apply, unless the Minimum Requirements for new development and re-development contained in this chapter are applicable.

4. The requirements of this chapter apply to all development and redevelopment within the City of Sedro-Woolley, including sites which do not meet the 1-acre or larger threshold of the Manual.

B. Exemptions. The following activities are exempt pursuant to the Manual from the requirements of this chapter:

1. Forest practices:

Forest practices regulated under Title 222 WAC, except for Class IV General forest practices that are conversions from timber land to other uses, are exempt from the provisions of the Minimum Requirements.

2. Commercial agriculture:

Commercial agriculture practices involving working the land for production are generally exempt. However, the conversion from timberland to agriculture, and the construction of impervious surfaces are not exempt.

3. Oil and Gas Field Activities or Operations:

Construction of drilling sites, waste management pits, and access roads, as well as construction of transportation and treatment infrastructure such as pipelines natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations are exempt. Operators are encouraged to implement and maintain Best Management Practices to minimize erosion and control sediment during and after construction activities to help ensure protection of surface water quality during storm events.

4. Road Maintenance:

i. The following road maintenance practices are exempt: pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage, shoulder grading, reshaping/regrading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism, and vegetation maintenance.

ii. The following road maintenance practices are considered redevelopment, and therefore are not categorically exempt:

a. Removing and replacing a paved surface to base course or lower, or repairing the roadway base;

b. Extending the pavement edge without increasing the size of the road prism, or paving graveled shoulders;

c. Resurfacing by upgrading from dirt to gravel, asphalt, or concrete; upgrading from gravel to asphalt, or concrete; or upgrading from a bituminous surface treatment (“chip seal”) to asphalt or concrete.

5. Underground utility projects:

Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to Minimum Requirement for Construction Stormwater Pollution Prevention.

C. All other development or redevelopment is subject to one or more of the Minimum Requirements of the Manual.

13.40.070 Maintenance requirements.

A. Maintenance Required. All stormwater facilities shall be operated and maintained in accordance with this chapter, the Manual, including the Minimum Standards and BMPs in the Manual, The Western Washington Phase II Municipal Stormwater Permit, the Sedro-Woolley Stormwater Management Plan, and the Stormwater Maintenance Permit.

B. Compliance. Property owners are responsible for the maintenance, operation or repair of stormwater systems and BMPs. Property owners shall maintain, operate and repair these facilities in compliance with the requirements of the Manual, including the Minimum Standards and BMPs in the Manual, The Western Washington Phase II Municipal Stormwater Permit, the Sedro-Woolley Stormwater Management Plan, and the Stormwater Maintenance Permit.

C. Financial Responsibility. The property owners are responsible for the maintenance, operation and repair of the stormwater system subject to the Stormwater Maintenance Permit. The director may require a bond or other surety, or a block fund in a federally insured financial institution, as security for the permanent maintenance, operation and repair of the stormwater facilities, as a condition of the Stormwater Maintenance Permit, on such conditions as the director deems reasonable, considering the size and cost of the facility.

13.40.075 Stormwater Minimum Requirements and Best Management Practices (BMPs).

A. The Minimum Requirements of the Manual are adopted and incorporated herein by reference.

B. The site planning process of the Manual and BMP selection and design criteria of the Manual shall be used to implement the Minimum Requirements of the Manual.

C. All development and redevelopment shall apply all known, available and reasonable methods of prevention, control and treatment (AKART), utilizing the BMPs and design criteria of the Manual to comply with the Minimum Requirements of the Manual, prior to discharge into the City of Sedro-Woolley Storm Sewer System permitted by the Department of Ecology

D. No person may conduct activity regulated by this chapter which discharges directly to, or indirectly through the City of Sedro-Woolley Storm Sewer System permitted by the Department

of Ecology, in unless they meet the requirements of this chapter and obtain a Stormwater Management Permit or Stormwater Maintenance Permit, or both.

E. All stormwater site plans for regulated activity (development and redevelopment) are subject to review and approval by the director, and shall require a Stormwater Management Permit or Stormwater Maintenance Permit issued by the director pursuant to this chapter. A Stormwater Maintenance Permit may be required by the director as a condition of the Stormwater Management Permit.

F. The director shall adopt BMPs for Low Impact Development (LIDs) techniques pursuant to SWMC 13.36.060(B) as administrative regulations for the implementation of this chapter. The director may adopt specific BMPs from Chapter 7 of the Low Impact Development Technical Guidance Manual for Puget Sound (PSAT/WSU Extension 2005) or other approved source. In addition, an applicant may seek an adjustment or variance incorporating BMPs for LID techniques into permit approval.

13.40.080 Adjustments and Variances.

A. Adjustments. Adjustments to the Minimum Requirements may be granted by the Director provided that a written finding of fact is prepared, that addresses the following:

1. The adjustment provides substantially equivalent environmental protection.
2. Based on sound Engineering practices, the objectives of safety, function, environmental protection and facility maintenance, are met.

Adjustments under this subsection do not require a public notice or hearing, and the decision of the director under this subsection is not subject to appeal.

B. Exceptions/Variances. Exceptions/variances (exceptions) to the Minimum Requirements may be granted by the Director following legal public notice of an application for an exception or variance, legal public notice of the Director's decision on the application, and written findings of fact that documents the Director's determination to grant an exception. The Director shall keep records, including the written findings of fact, of all local exceptions to the Minimum Requirements.

Project-specific design exceptions based on site-specific conditions do not require prior approval of the Department. The Director must seek prior approval by the Department for any jurisdiction-wide exception.

The Director may grant an exception to the Minimum Requirements if such application imposes a severe and unexpected economic hardship. To determine whether the application imposes a severe and unexpected economic hardship on the project applicant, the Director must consider and document with written findings of fact the following:

1. The current (pre-project) use of the site, and

2. How the application of the minimum requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the Minimum Requirements; and
3. The possible remaining uses of the site if the exception were not granted; and
4. The uses of the site that would have been allowed prior to the adoption of the Minimum Requirements; and
5. A comparison of the estimated amount and percentage of value loss as a result of the Minimum Requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the Minimum Requirements; and
6. The feasibility for the owner to alter the project to apply the Minimum Requirements.

C. In addition any exception/variances must meet the following criteria:

1. The exception will not increase risk to the public health and welfare, nor injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and
2. The exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements.

D. An exception/variance shall be subject to the same notice requirements and appeal process from the decision of the Director as a Type II decision subject to SWMC Ch. 2.90, to the extent applicable and not inconsistent with this chapter.

13.40.090 Prohibitions.

A. Illicit discharge to stormwater drainage systems is prohibited. Illicit discharges are defined as those discharges prohibited by the Manual, the Western Washington Phase II Municipal Stormwater Permit, The City of Sedro-Woolley Stormwater Management Plan, and state law.

B. The following categories of nonstormwater discharges are prohibited unless the stated conditions are met:

1. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4.
2. Discharges from lawn watering and other irrigation runoff. These shall be minimized through, at a minimum, public education activities (see section S5.C.1) and water conservation efforts.
3. Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4.

Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.

4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. At active construction sites, street sweeping must be performed prior to washing the street.

5. Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed by the director, which addresses control of such discharges.

C. Development and Redevelopment which fails to comply with the requirements of this ordinance is prohibited.

13.40.100 Authority.

A. Director. The director or a designee/inspector shall administer and enforce this chapter and shall be referred to as the director.

B. Inspection Authority. The director is directed and authorized to develop an inspection program for stormwater facilities in the city, including all facilities operating under a Stormwater Maintenance Permit.

C. Plan, Manual, and Inspection Schedule. All activities and facilities which are subject to this chapter shall, as a condition of the Stormwater Maintenance Permit, submit a permanent maintenance plan, maintenance and operations manual, and an inspection schedule, which shall be subject to the approval of the director. Compliance with the plan, maintenance manual and inspection schedule shall be a condition of the Stormwater Maintenance Permit.

D. Previously Constructed Facilities. This chapter shall apply to stormwater facilities which were legally constructed without a Stormwater Maintenance Permit issued pursuant to this chapter, to the extent permitted and required by the Manual. The facilities shall be subject to inspection for compliance with the original conditions of approval and the applicable standards of this chapter.

13.40.110 Inspection program.

A. Inspection. The inspector is authorized to inspect during regular working hours and at other reasonable times all stormwater drainage systems within the city to determine compliance with the provisions of this chapter. The following schedule shall apply:

1. Facilities operating under a Stormwater Maintenance Permit shall be inspected pursuant to the inspection schedule incorporated in the permit.

2. Facilities operating without a Stormwater Maintenance Permit shall be inspected at least annually, unless the director determines that annual inspections are not necessary.

3. Facilities which the director has reason to believe are not being maintained or operated consistent with the Stormwater Maintenance Permit or as previously permitted or designed, may be inspected by the director at any time, as set forth below.

B. Procedures. Prior to making any inspections, the inspector shall present identification credentials, state the reason for the inspection and request entry.

1. If the property of any building or structure on the property is unoccupied, the inspector shall first make a reasonable effort to locate the owner or any other person(s) having charge or control of the property or portions of the property and request entry.

2. If after reasonable effort, the inspector is unable to locate the owner or other person(s) having charge or control of the property, and has reason to believe the condition of the stormwater drainage system creates an imminent hazard to persons or property, the inspector may enter.

3. Unless entry is consented to by the owner or person(s) in control of the property or portion of the property or unless conditions are reasonably believed to exist which create imminent threat to public safety, the inspector shall obtain a search warrant, prior to entry, as authorized by the laws of the state of Washington.

4. The inspector may inspect the stormwater drainage system without obtaining a search warrant provided for in subsection (B)(3) of this section, provided the inspection can be conducted while remaining on public property or other property on which permission to enter is obtained.

C. Inspection schedule. The director shall establish a master inspection and maintenance schedule to inspect appropriate stormwater facilities that are not owned by the city. Inspections shall be annual. Critical stormwater facilities may require a more frequent inspection schedule.

D. Inspection and Maintenance Records. As existing stormwater facilities are encountered, they shall be added to the master inspection and maintenance schedule. Records of new stormwater facilities shall include the following:

1. As-built plans and locations;
2. Findings of fact from any exemptions granted by the local government;
3. Operation and maintenance requirements and records of inspections, maintenance actions and frequencies;
4. Engineering reports, as appropriate.

E. Reporting Requirements. The director shall report annually to the city council about the status of the inspections. The annual report may include, but need not be limited to, the proportion of the components found in and out of compliance, the need to upgrade components, enforcement actions taken, compliance with the inspection schedule, the resources needed to comply with the schedule, and comparisons with previous years.

F. Easement. The director may require, as a condition of the Stormwater Maintenance Permit, that the City of Sedro-Woolley be conveyed a permanent easement to access the permitted stormwater facilities for purposes of inspection and emergency maintenance and repairs.

13.40.120 Administration.

A. Director. The director or a designee shall administer this chapter and shall be referred to as the director. The director shall have the authority to develop and implement administrative procedures to administer and enforce this chapter.

B. Review and Approval.

A. Any activity subject to regulation by this chapter shall not be approved until the director issues a written finding that the regulated activity complies with this chapter, or is exempt. The finding, approvals and conditions shall be incorporated into a “Stormwater Maintenance Permit”. The omission of a Minimum Requirement or BMP on the permit or approved plan shall not relieve the applicant of complying with the Minimum Requirement or BMP if it is made applicable by the manual.

B. Any owner or applicant seeking approval or a permit for activity regulated by this chapter shall, in addition to any other permit necessary for the activity, apply for a Stormwater Maintenance Permit in the form provided by the director, and shall provide the information required to demonstrate compliance with Minimum Requirements and BMPs specified in the Manual. The form of the application shall meet the requirements established by the director.

C. The director may approve, conditionally approve or deny an application for activities regulated by this chapter. Such approval or denial shall be based on the Thresholds, Definitions, Minimum Requirements and Exceptions, Adjustment and Variance Criteria found in Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the 2005 Ecology Stormwater Management Manual for Western Washington, and on any administrative provisions adopted by the director pursuant to SWMC Section 13.40.050.

D. If an adjustment, exception or variance is allowed, it shall be incorporated into the conditions and terms of the permit issued by the director.

E. Inspection. All activities regulated by this chapter shall be inspected by the director. The director shall inspect projects at various stages of the work requiring approval to determine that the regulated activity is complying with the terms of the permit and approval. Stages of work requiring inspection include, but are not limited to, preconstruction; installation of BMPs; land

disturbing activities; installation of utilities, landscaping, retaining walls and completion of project. When required by the director, a special inspection and/or testing shall be performed.

F. All project applications must address long-term maintenance responsibility and access for maintenance inspections, and all must continue to meet the minimum requirements of the Manual as a condition of the Stormwater Maintenance Permit.

G. The Stormwater Maintenance Permit shall identify the party responsible for compliance, and may require the posting of a bond or surety to guarantee financial responsibility for compliance as a condition of the permit. The amount of the bond or other surety shall not exceed one hundred twenty five percent (125%) of the cost of compliance with the conditions and requirement of the Stormwater Maintenance Permit, as determined by the director.

H. Any applicant may appeal the decision of the director to issue, condition or deny a permit in the same manner as a Type II decision subject to SWMC Ch. 2.90, to the extent applicable and not inconsistent with this chapter.

13.40.130 Civil Enforcement.

The director shall enforce this chapter. Violations of this chapter shall be subject to civil and criminal penalties as set forth in this Chapter. It shall be a violation of this chapter to (a) engage in any regulated activity without a permit issued pursuant to this chapter, (b) to violate the terms and conditions of a permit issued pursuant to this chapter, or (c) to permit, allow, or commit an illicit discharge prohibited by this chapter.

A. General. Enforcement action shall be in accordance with this chapter whenever a person has violated any provision of this chapter. The choice of enforcement action and the severity of any civil penalty shall be based on the nature of the violation, the damage or risk to the public or the public resources, and/or the degree of bad faith of the person subject to the enforcement action.

B. Stop-Work Order. The director shall have the authority to serve a person a stop work order if an action is being undertaken in violation of this chapter. If a portion of a project is in violation of this chapter, the director may issue a stop work order for the entire project, and the order may revoke a Stormwater Management Permit or Stormwater Maintenance Permit.

1. Content of Order. The order shall contain:

a. A description of the specific nature, extent and time of violation and the damage or potential damage; and

b. A notice that the violation or the potential violation cease and desist, and, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under subsection C may be issued with the order.

2. Notice. A stop work order shall be imposed by a notice in writing, either by certified mail with return receipt requested, or by personal service, to the person incurring the same.

3. Effective Date. The stop work order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.

4. Compliance. Failure to comply with the terms of a stop work order shall result in enforcement actions including, but not limited to, the issuance of a civil penalty.

C. Civil Penalty. A person who fails to comply with the requirements of this chapter, who fails to conform to the terms of an approval or order issued, who undertakes new development without first obtaining city approval, or who fails to comply with a stop work order issued under these regulations shall be subject to a civil penalty.

1. Amount of Penalty. The penalty shall be one hundred dollars for each violation. Each day of continued violation or repeated violation shall constitute a separate violation.

2. Aiding or Abetting. Any person who, through an act of commission or omission, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

3. Notice of Penalty. A civil penalty shall be imposed by a notice in writing, either by certified (or registered) mail with return receipt requested or by personal service, to the person incurring the same from the city. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, and, in appropriate cases, require necessary corrective action within a specific time.

4. Application for Mitigation. Any person incurring a penalty may apply in writing within fourteen days of receipt of the penalty to the director for rescission or mitigation of such penalty. Upon receipt of the application, the director may rescind or mitigate the penalty upon a demonstration of extraordinary circumstances, such as the presence of information of factors not considered in setting the original penalty. The decision of the director may be appealed to the city council within thirty days of the decision.

5. Appeal of Civil Penalty. Persons incurring a penalty imposed by the director may appeal in writing to the Skagit County Superior Court within thirty days of the receipt of the penalty, or within thirty days of the decision of the director regarding remission or mitigation of the penalty, whichever is later.

D. Penalties. Penalties imposed under this section shall become due and payable thirty days after receiving it unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of the decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable after all review

proceedings and final decision has been issued confirming all or part of the penalty. If the amount of a penalty owed the city is not paid within the time specified, the city may take actions necessary to recover such penalty, including legal action to reduce the same to a judgment and collection the same.

E. The director is authorized to seek injunctions, restraining orders, and other civil relief in court as is necessary to enforce this chapter.

13.40.140 Criminal Violation.

In addition to any civil penalty or civil enforcement action, a willful violation of this chapter by any person shall constitute a gross misdemeanor punishable by a five thousand dollar fine, imprisonment in jail not to exceed one year, or both.

COMMITTEE
REPORTS
AND
REPORTS
FROM
OFFICERS