

Councilmembers

Position No.

1. Tod Gunther
2. Barbara Ford, Deputy Mayor
3. Michelle Gehring
4. Dave Harman
5. Nicola McDonald
6. Josh Penner
7. Scott Drennen



ORTING CITY COUNCIL

Regular Business Meeting Agenda

Public Safety Building
401 Washington Ave. SE, Orting, WA

January 25, 2017
7 p.m.

Mayor Joachim Pestinger

- 1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.
REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA.**
- 2. PRESENTATION**
Dr. Marci Shepard, Superintendent, Orting School District.
- 3. PUBLIC COMMENTS:** *Persons wishing to address the City Council regarding items that are not on the agenda are encouraged to do so at this time. When recognized by the Mayor, please come to the podium and clearly state your name and address for the record. Please limit your comments to 3 minutes. Thank you for attending.*
- 4. CONSENT AGENDA**
 - Minutes of January 11, 2017
 - Payroll and Claims Warrants

Motion: *Move to approve Consent Agenda as prepared.*
- 5. COMMITTEE AND COUNCIL STANDING REPORTS**
 - Emergency Preparedness- **CM Ford/CM Drennen**
 - Transportation- **CM McDonald/CM Gunther**
 - Mayor's Report – **Mayor Pestinger**
 - Miscellaneous Activity Reports.
- 6. NEW BUSINESS**
 - A. AB17-04 – Ordinance No. 2017-1004-** Repealing and Replacing Orting Municipal Code Chapter 7.2, Relating to Abandoned or Inoperable Vehicles.
 - **CM Harman/DM Ford/ CM Gunther**
 - B. AB17-05- Ordinance No. 2017-1005-** Amending Orting Municipal Code Section 1.4.2 (Civil Infractions) and Ordinance No. 2016-988.
 - **Charlotte Archer**
- 7. EXECUTIVE SESSION**
- 8. ADJOURNMENT**

Motion: *Move to Adjourn.*

Upcoming Meeting:

Next Regular Meeting: February 8, 2017 (PSB)

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ORTING CITY COUNCIL

Regular Business Meeting Minutes

Public Safety Building
401 Washington Ave. SE, Orting, WA

January 11, 2017
7 p.m.

Mayor Joachim Pestinger

1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.

Mayor Pestinger called the meeting to order at 7:00p.m., in the Public Safety Building. Councilmember Harman led the Pledge of Allegiance.

Councilmembers Present: Deputy Mayor Barbara Ford, Councilmembers Scott Drennen, Tod Gunther, Nicola McDonald, Josh Penner, and Dave Harman.

Councilmember Absent: Michelle Gehring.

Staff Present: Mark Bethune, City Administrator, Jane Montgomery, City Clerk, Scott Larson, Treasurer, JC Hungerford, Engineer, Charlotte Archer, City Attorney.

Deputy Mayor Ford made a motion to excuse Councilmember Gehring. Second by Councilmember McDonald. Motion passed (6-0)

REQUEST FOR ADDITIONS OR DELETIONS TO THE AGENDA.

None.

2. PRESENTATION

A. Veterans Village

Larry Geringer, President from Puget Sound Veterans Hope Center addressed the Council regarding Orting Village, an affordable housing project for Veterans. He went through a power point presentation. Also present were Maryellen Hill, his associate, Ray Switzer from West Care, Willie Slusarski of the Washington Soldiers Home, Gary Condva, Deputy Director of Veterans affairs, Dean McGrady, Executive Director of Panza, Tip Sturdivant, President, Panza, and Arlene Murray of Veterans helping Veterans in Need, and Ginger Segel, of Community Frameworks. Discussion ensued. Roger Wagoner, Planner for the City, addressed zoning issues. The City will be doing inspections and will do a review of the site plan. The City Council expressed by consensus; their support of this project.

Public Comment

Karen Wilson

Ms. Wilson expressed concerns about screening the residents of the proposed community.

B. Facility Planning Group

Roger Wagoner, the City's Planning Consultant, briefed on the Facility Advisory Committee's Preliminary Conclusions and Recommendations. He went thru a PowerPoint with his associate Barbara and they covered the following:

- Purpose of the Study;
- Background Information;
- Principles;
- Process;
- Advisory Committee;
- Opportunities;
- Existing Assets;
- Current & Future Needs;
- Alternatives;
- Existing Conditions;
- Alternative A;
- Alternative B;
- Alternative C.
-

Mr. Wagoner will deliver a report to the City which will document the minutes of the meetings.

C. Proclamation- National School Choice Week

Mayor Pestinger read his proclamation for National School Choice Week which he proclaimed to be during the week of January 22-28th, 2017.

3. PUBLIC COMMENTS

Luke Smith

Mr. Smith asked questions about the project at the Soldiers Home. Mark Bethune will get back with him on his questions.

Karen Wilson

Ms. Wilson thought the Veterans Village Presentation could have been more widely publicized.

The Executive session and the Sale of the Public Safety Building were bumped down on the agenda. (City Consultant had not arrived)

4. CONSENT AGENDA

- Minutes of December 14th, 2016
- Payroll and Claims Warrants

Deputy Mayor Ford made a motion to approve Consent Agenda as prepared. Second by Councilmember Penner. Motion passed (6-0)

5. COMMITTEE AND COUNCIL STANDING REPORTS

Finance

Councilmember Penner briefed that Parks had fallen short last year because they did not receive the grant they had anticipated getting. The TBD came in high due to 2015 carryover, and GFC's came in high. Discussion ensued regarding prepayment of GFC's. Deputy Mayor Ford went through the Revenue and Expense Sheet and

covered the beginning fund balance, revenues, expenses and the ending fund balance.

Community & Government Affairs

Councilmember Drennen briefed on the last meeting where they discussed the following:

- The Sponsorship Policy;
- Economic and Community Development looked at using a video presentation to highlight the City.

Public Safety

Councilmember Harman briefed on the following from the last committee meeting:

- Search and rescue Policy is being worked on by Lt. Gard;
- 4th of July Fireworks issue will be turned over to the Fire District;
- Public Nuisance Vehicles Ordinance has been reviewed;
- An Ordinance regarding discharging of firearms in the City is underway;
- An Ordinance regarding hunting in the City is underway;
- An Ordinance regarding living in RV's in the City is underway;
- Chief Drake made a presentation at their meeting which will be brought forward to a future meeting as a full presentation;
- Community Policing policy is in the review process.

Public Works

Councilmember Penner briefed the Council on the following:

- Solid waste going out to bid soon;
- The Public Works Shop plan is under review and Parametrix is expected to provide documents to the Committee within 30-60 days;
- City Administrator Bethune and City Treasurer Larson will be performing a Utility Rate Study towards the middle in an effort to get ahead of the budget for 2018.

Councilmember Harman stated that the biggest issue the Committee will be working on is the Solid Waste. He thanked Councilmember Drennen for his input in this area. Discussion ensued regarding Solid Wastes and what role the City should take in the process.

Parks Advisory Board

Councilmember Gunther explained that the Parks Commission and the Parks Board had merged. The first meeting will be on February 4th at 6:30pm, at the Public Safety Building.

Emergency Evacuation Bridge System

Councilmember Drennen briefed on the meeting of January 6th:

- The primary focus was to get their request in to the Legislature to secure the remaining funds for the design process for the bridge;
- The right of way on Rocky Road is also being worked on by City Administrator Bethune.

Mayor's Report

Mayor Pestinger briefed on the following:

Earlier today the Mayor attended the Orting Chamber of Commerce meeting and the Mid County Leadership team meeting at PLU. Guest speakers were three members of the Pierce County Councilmembers to speak of future events. They also addressed Homelessness and help for those with special needs.

Miscellaneous Activity Reports.

None.

6. COMMISSION REPORTS

Karen Wilson briefed on the Planning Commission meeting where they met with the representative from Gravity Coffee. The Planning Commission also looked at and made recommendations on signage and the exterior design of the new coffee shop. They also reviewed sign codes.

7. NEW BUSINESS

A. AB17-01- D.M. Disposal Company Proposed Rate Increase

City Administrator Bethune introduced Mark Gingrich from DM Disposal. Mr. Gingrich briefed the Council on the Rate increase. Causes of the increase are due to land fill costs and the cost of water at the landfill. Participation rates were also discussed.

Councilmember McDonald recused herself from the vote as her spouse works for DM Disposal.

Councilmember Penner made a motion to approve D.M. Disposal Company proposed rate increase effective March 1, 2017. Second by Councilmember Drennen. Motion passed (5-0)

B. AB17-02- Council Confirmation of Mayor's Appointment to the Planning Commission.

Mayor Pestinger introduced Luke Smith to the Council. Mr. Smith then briefed the Council on his desire to be a Planning Commissioner. Mr. Smith also gave a brief biography of his educational background.

Deputy Mayor Ford made a motion to confirm the appointment by the Mayor of Luke Smith to the Planning Commission. Second by Councilmember Gunther. Motion passed (6-0)

C. AD HOC Committee- Facility's.

City Administrator Bethune asked Councilmembers to volunteer to be on an Ad Hoc Committee that would study the recommendations presented by the Facility Advisory group, and then make a recommendation to the Council as a whole.

Councilmember Penner, McDonald, Drennen and Deputy Mayor Ford volunteered for this Committee.

D. AB17-03- Dump Truck Purchase.

Councilmember McDonald briefed the Council on the agenda item. Scott Larson confirmed that the bid process was followed. The Dump Truck will replace a 24 year old truck which will be go to surplus.

Councilmember McDonald made a motion to approve the expenditure of \$50,179.79 for the purchase of a 2017 F-450 Dump Truck from Korum Automotive Group. Second by Councilmember Penner. Motion passed (6-0)

Mayor Pestinger recessed the meeting for a brief break at 8:23pm.

8. EXECUTIVE SESSION

At 8:30pm Mayor Pestinger called the meeting back to order and announced that there would be an executive session. The session was expected to last 20 minutes, and action will take place after they return. The executive session is in regard to the sale of real estate in accordance with RCW 42.30.110 (c)

Recessed to executive session at 8:30pm.

Executive session was extended for 10 minutes at 8:50pm.

Mayor Pestinger called the meeting back to order at 9:00pm.

9. SALE OF PUBLIC SAFETY BUILDING- Resolution No. 2017-0

Mayor Pestinger called for a motion in regard to the sale of the Public Safety Building. Discussion ensued and the motion was made to amend section 1.b to say: "That if all feasible requirements are found to be met, that the purchase and sale agreement be executed as soon as is practical, with an estimated effective date of December 31, 2017."

Councilmember McDonald made a motion To adopt Resolution No. 2017-01, as amended, evidencing the City's intention to sell the Public Safety Building to Pierce County Fire Protection District No. 18, AKA Orting Valley Fire and Rescue. Second by Deputy Mayor Ford. Motion passed (6-0)

10. ADJOURNMENT

Councilmember Harman made a motion to adjourn. Second by Councilmember McDonald. Motion passed (6-0)

Mayor Pestinger adjourned the meeting at 9:02pm.

ATTEST:

Joachim Pestinger, Mayor

Jane Montgomery, City Clerk,

CITY OF ORTING
VOUCHER/WARRANT REGISTER
FOR JANUARY 25, 2017 COUNCIL

CLAIMS/PAYROLL VOUCHER APPROVAL

CITY OF ORTING

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

CLAIMS WARRANTS #44350 THRU #44398
IN THE AMOUNT OF \$ 467,154.47

PAYROLL WARRANTS # 22748 THRU #22759
IN THE AMOUNT OF \$ 119,581.22

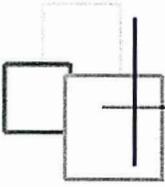
ARE APPROVED FOR PAYMENT ON JANUARY 25, 2017

FINANCE COMMITTEE CHAIR _____

COUNCILPERSON _____

COUNCILPERSON _____

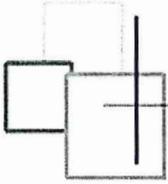
CITY CLERK _____



Fund Transaction Summary

Transaction Type: Invoice
Fiscal: 2017 - January 2017 - 2nd Council
System Types: Financials

Fund Number	Description	Amount
001	Current Expense	\$152,645.62
101	City Streets	\$18,112.74
104	Cemetery	\$8,851.18
105	Parks Department	\$19,392.27
401	Water	\$96,366.84
408	Wastewater	\$127,665.71
410	Stormwater	\$44,120.11
	Count: 7	\$467,154.47

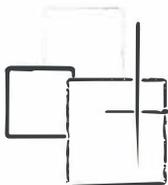


Register

Fiscal: 2017
 Deposit Period: 2017 - January 2017
 Check Period: 2017 - January 2017 - 2nd Council
 Bank Accounts: Key Bank - 2000073
 Register Types: Warrant
 Show Outstanding: All
 System Types: Financials
 Outstanding Date: 1/20/2017 10:50:24 AM
 Show Details: Hide

Number	Name	Print Date	Clearing Date	Amount
Key Bank	2000073			
Check				
<u>44350</u>	Vermeer Northwest	1/6/2017	1/9/2017	\$104,010.62
<u>44351</u>	Brim Tractor Company	1/11/2017	1/19/2017	\$35,539.19
<u>44352</u>	ASCAP	1/11/2017		\$341.00
<u>44353</u>	Awc Rmsa	1/11/2017		\$222,482.00
<u>44354</u>	BLR	1/11/2017		\$122.76
<u>44355</u>	Dell Financial Services Payment Processing Services	1/11/2017	1/19/2017	\$1,235.41
<u>44356</u>	Department of Enterprise Services-Financial Office	1/11/2017		\$400.00
<u>44357</u>	Orting Chamber of Commerce	1/11/2017		\$200.00
<u>44358</u>	Orting School Dist #344	1/11/2017	1/19/2017	\$62.50
<u>44359</u>	Orting Valley Senior Cent	1/11/2017	1/19/2017	\$1,083.33
<u>44360</u>	Sterling Codifers	1/11/2017		\$500.00
<u>44361</u>	US Bank Equipment Finance	1/11/2017		\$326.54
<u>44362</u>	Utility Services Associates Llc	1/11/2017	1/19/2017	\$2,513.00
<u>44363</u>	Vision Municipal Solutions LLC	1/11/2017	1/19/2017	\$8,531.11
<u>44364</u>	Wells Fargo Financial Leasing	1/11/2017	1/19/2017	\$167.49
<u>44365</u>	Orting Food Bank	1/11/2017		\$2,000.00
<u>44366</u>	Actual Assistant/Network Listings-Rucci, Egle	1/20/2017		\$3,168.00
<u>44367</u>	Associated Petroleum Products INC	1/20/2017		\$1,596.08
<u>44368</u>	Association of Wash. Citi	1/20/2017		\$5,032.00
<u>44369</u>	Big J'S Outdoor Store	1/20/2017		\$107.70
<u>44370</u>	Blumenthal Uniforms & Equ	1/20/2017		\$110.77
<u>44371</u>	Comcast	1/20/2017		\$20.70
<u>44372</u>	Cornerstone Electric, Inc	1/20/2017		\$3,011.90
<u>44373</u>	Curtis Blue Line	1/20/2017		\$537.93
<u>44374</u>	DM Disposal Co., Inc	1/20/2017		\$1,047.02
<u>44375</u>	Enumclaw, City of	1/20/2017		\$2,220.00
<u>44376</u>	Evergreen Rural Water of	1/20/2017		\$645.60
<u>44377</u>	KCDA Purchasing Cooperative	1/20/2017		\$59.57

Number	Name	Print Date	Clearing Date	Amount
<u>44378</u>	Kenyon Disend PLLC	1/20/2017		\$4,331.64
<u>44379</u>	Lemay Mobile Shredding	1/20/2017		\$70.02
<u>44380</u>	Lewis, Jennifer	1/20/2017		\$288.00
<u>44381</u>	Motorola	1/20/2017		\$11,949.41
<u>44382</u>	Pierce County	1/20/2017		\$330.70
<u>44383</u>	Pierce County Library System	1/20/2017		\$810.00
<u>44384</u>	Puget Sound Clean Air Agency	1/20/2017		\$4,255.00
<u>44385</u>	Puget Sound Energy	1/20/2017		\$25,765.58
<u>44386</u>	Rundle, Denis	1/20/2017		\$43.75
<u>44387</u>	Sarco Supply	1/20/2017		\$148.05
<u>44388</u>	Secure Pacific Corp/Mountain Alarm	1/20/2017		\$260.85
<u>44389</u>	South Sound 911	1/20/2017		\$18,502.50
<u>44390</u>	Sumner Lawn'n Saw	1/20/2017		\$82.48
<u>44391</u>	US BankNA Custody Treasury Div-Mony Cntr	1/20/2017		\$110.00
<u>44392</u>	Utilities Underground Location Center	1/20/2017		\$56.98
<u>44393</u>	UW Valley Medical Center - OHS-Renton	1/20/2017		\$367.00
<u>44394</u>	Vision Forms LLC	1/20/2017		\$292.50
<u>44395</u>	WA Assoc of Sheriffs & Police Chief	1/20/2017		\$180.00
<u>44396</u>	Washington Tractor	1/20/2017		\$284.88
<u>44397</u>	Wex Bank	1/20/2017		\$1,708.11
<u>44398</u>	Whitworth Pest Solutions, INC	1/20/2017		\$244.80
		Total	Check	\$467,154.47
		Total	2000073	\$467,154.47
		Grand Total		\$467,154.47



Custom Council Report

Vendor	Number	Invoice	Account Number	Notes	Amount
Actual Assistant/Network Listings-Rucci, Egle	44366	2017-Website	001-514-23-41-12	2017 Wedsite Hosting	\$1,393.92
			105-576-80-41-05	2017 Wedsite Hosting	\$95.04
			401-534-10-41-34	2017 Wedsite Hosting	\$475.20
			408-535-10-41-36	2017 Wedsite Hosting	\$823.68
			410-531-38-41-05	2017 Wedsite Hosting	\$380.16
				Total	\$3,168.00
ASCAP	44352	500716897-2017	001-571-20-31-01	2017- Special Events License for Parks & Rec	\$341.00
				Total	\$341.00
Associated Petroleum Products INC	44367	1020858-IN	101-542-30-32-00	Fuel	\$134.60
			401-534-80-32-00	Fuel	\$605.66
			401-534-80-32-01	Fuel	\$112.58
			408-535-80-32-00	Fuel	\$538.36
			408-535-80-32-01	Fuel	\$112.58
			410-531-38-32-01	Fuel	\$67.30
			410-531-38-32-02	Fuel	\$25.00
			Total	\$1,596.08	
Association of Wash. Citi	44368	2017-Membership	001-511-20-49-00	2017 Membership Dues	\$4,782.00
		47944	001-513-10-49-00	City Action Days-Pestinger	\$200.00
		48669	001-513-10-49-00	2017 Mayors Exchange-Pestinger	\$50.00
				Total	\$5,032.00
Awc Rmsa	44353	48199	001-514-23-46-00	2017-Bonds & Insurance-AWC	\$26,478.64
			001-521-20-46-00	2017-Bonds & Insurance-AWC	\$53,797.82
			001-522-20-46-01	2017-Bonds & Insurance-AWC	\$4,714.05
			001-524-20-46-00	2017-Bonds & Insurance-AWC	\$3,504.08
			101-542-30-46-00	2017-Bonds & Insurance-AWC	\$3,049.69
			104-536-50-41-02	2017-Bonds & Insurance-AWC	\$1,583.05
			105-576-80-46-00	2017-Bonds & Insurance-AWC	\$5,059.79
			401-534-10-46-00	2017-Bonds & Insurance-AWC	\$46,776.96

Vendor	Number	Invoice	Account Number	Notes	Amount
Awc Rmsa	44353	48199	408-535-10-46-00	2017-Bonds & Insurance-AWC	\$65,309.02
			410-531-10-46-00	2017-Bonds & Insurance-AWC	\$12,208.90
			Total		\$222,482.00
Big J'S Outdoor Store	44369	Jan2017-405	105-576-80-31-00	Boots-Kurkov	\$21.54
			401-534-10-31-04	Boots-Kurkov	\$16.16
			408-535-10-31-05	Boots-Kurkov	\$16.15
			410-531-38-31-00	Boots-Kurkov	\$53.85
			Total		\$107.70
BLR	44354	17923635-B1	401-594-34-64-52	Subscription	\$40.92
			408-594-35-64-45	Subscription	\$40.92
			410-594-31-64-36	Subscription	\$40.92
			Total		\$122.76
Blumenthal Uniforms & Equ	44370	006741393	001-521-20-31-01	Handcuff Key-Handcuss-Chain	\$110.77
			Total		\$110.77
Brim Tractor Company	44351	IP22722	101-594-44-61-06	Small Backhoe for Public Works-Workmaster 37	\$3,553.92
			104-594-36-64-08	Small Backhoe for Public Works-Workmaster 37	\$7,107.83
			105-594-76-63-45	Small Backhoe for Public Works-Workmaster 37	\$7,107.84
			401-594-34-64-63	Small Backhoe for Public Works-Workmaster 37	\$7,107.84
			408-594-35-64-60	Small Backhoe for Public Works-Workmaster 37	\$7,107.84
			410-594-31-67-13	Small Backhoe for Public Works-Workmaster 37	\$3,553.92
			Total		\$35,539.19
Comcast	44371	5839-Jan2017	001-514-23-42-00	City Hall Cable	\$6.90
			401-534-10-42-01	City Hall Cable	\$6.90
			408-535-10-42-01	City Hall Cable	\$6.90
			Total		\$20.70
Cornerstone Electric, Inc	44372	Jan2017-400	408-535-50-48-02	Check GFCI @ Headworks-Replace Fan	\$1,951.87
		Jan2017-401	408-535-50-48-02	Add Outlet @ WWTP	\$398.53
		Jan2017-402	401-534-50-48-02	Check Well Pump #4	\$174.08
		Jan2017-403	105-576-80-48-03	Replace Photocell for Flood Light-Replace LED @ Bell Tower	\$487.42
		Total		\$3,011.90	

Vendor	Number	Invoice	Account Number	Notes	Amount
Curtis Blue Line	44373	313824	001-521-20-31-01	Equipment Items for Officer Burson	\$537.93
				Total	\$537.93
Dell Financial Services Payment Processing Services	44355	78824119	001-594-12-41-01	PSB Server	\$25.00
			001-594-14-41-02	City Hall Server	\$50.00
			001-594-21-41-01	PSB Server	\$753.41
			001-594-24-41-01	City Hall Server	\$37.00
			001-594-76-41-01	City Hall Server	\$12.00
			101-594-42-41-01	City Hall Server	\$12.00
			105-594-76-41-01	City Hall Server	\$12.00
			401-594-34-42-02	City Hall Server	\$111.00
			408-594-35-64-44	City Hall Server	\$149.00
			410-594-31-41-41	City Hall Server	\$74.00
				Total	\$1,235.41
Department of Enterprise Services-Financial Office	44356	16143198	001-521-21-49-00	2017 Membership Dues	\$400.00
				Total	\$400.00
DM Disposal Co., Inc	44374	6996676	408-535-60-47-00	WWTP-Garbage Service	\$1,047.02
				Total	\$1,047.02
Enumclaw, City of	44375	04910	001-523-60-41-00	Jail Fees-Dec 2016	\$2,220.00
				Total	\$2,220.00
Evergreen Rural Water of	44376	34089	401-534-50-49-01	Annual Membership-Active Connections	\$645.60
				Total	\$645.60
KCDA Purchasing Cooperative	44377	300113094	401-534-10-31-00	Office Supplies	\$29.79
			408-535-10-31-00	Office Supplies	\$29.78
				Total	\$59.57
Kenyon Disend PLLC	44378	184925-184927	001-515-30-41-01	Attorney Services	\$2,500.00
			001-515-30-41-02	Attorney Services	\$507.28
			001-521-50-41-02	Attorney Services	\$262.11
			101-542-30-41-05	Attorney Services	\$68.98
			401-534-10-41-04	Attorney Services	\$855.31
			408-535-10-41-04	Attorney Services	\$68.98
			410-531-39-41-04	Attorney Services	\$68.98
				Total	\$4,331.64
Lemay Mobile Shredding	44379	4503259	001-521-21-49-00	Police Shredding	\$35.02
		4503395	001-514-23-31-02	City Hall Shredding	\$35.00
				Total	\$70.02

Vendor	Number	Invoice	Account Number	Notes	Amount
Lewis, Jennifer	44380	Jan2017-404	001-571-20-31-34	Dog Training Classes-Dec 2016	\$288.00
				Total	\$288.00
Motorola	44381	13126506	001-594-21-75-03	Motorola Radios for 2-2017 SUV	\$11,949.41
				Total	\$11,949.41
Orting Chamber of Commerce	44357	0074	001-511-20-49-03	2017 Orting Chamber Dues	\$200.00
				Total	\$200.00
Orting Food Bank	44365	JAN2016-325	001-571-20-31-13	2017 Yearly Support	\$2,000.00
				Total	\$2,000.00
Orting School Dist #344	44358	358	001-571-20-31-32	Gym Use For Volleyball	\$62.50
				Total	\$62.50
Orting Valley Senior Cent	44359	Jan2017-300	001-571-20-31-06	Monthly Support-Jan 2017	\$1,083.33
				Total	\$1,083.33
Pierce County	44382	CI-226337 C-104188	001-511-20-49-01	2017 PCRC Dues	\$330.70
				Total	\$330.70
Pierce County Library System	44383	2016-71	408-535-60-48-05	MPC/Library Janitorial-4th QRT	\$810.00
				Total	\$810.00
Puget Sound Clean Air Agency	44384	17-068S	001-531-70-51-00	2017 Clean Air Assessment	\$4,255.00
				Total	\$4,255.00
Puget Sound Energy	44385	200001247663-Jan2017	408-535-50-47-07	VC Lift Station	\$226.92
		200001247812-Jan2017	401-534-50-47-04	Well 2	\$27.08
		200001248190-Jan2017	105-576-80-47-01	North Park	\$10.80
		200001248372-Jan2017	401-534-50-47-08	Well 3	\$784.10
		200001248539-Jan2017	001-525-50-47-01	Lahar Siren	\$10.80
		200001532189-Jan2017	105-576-80-47-02	Main Park	\$559.61
			105-576-80-47-03	Bell Tower	\$239.84
		200002708986-Jan2017	408-535-50-47-05	VG Lift Station	\$493.96
		200003766280-Jan2017	001-514-21-32-01	City Hall-City Shop	\$131.87
			001-514-21-47-01	City Hall-City Shop	\$204.43
			001-524-20-32-05	City Hall-City Shop	\$43.95
			401-534-50-47-09	City Hall-City Shop	\$131.87
			401-534-50-47-09	City Hall-City Shop	\$204.43
			408-535-50-47-01	City Hall-City Shop	\$204.44
			408-535-50-47-08	City Hall-City Shop	\$131.87
		200009717931-Jan2017	401-534-50-47-04	Well 2	\$65.08
		200010396329-Jan2017	001-521-50-47-00	PSB	\$1,389.57
			001-522-50-47-00	PSB	\$1,389.57
		200010396543-Jan2017	105-576-80-47-01	North Park	\$354.60
		200010396733-Jan2017	401-534-50-47-11	Well 4	\$2,531.09

Vendor	Number	Invoice	Account Number	Notes	Amount			
Puget Sound Energy	44385	200010629349-Jan2017	101-542-63-47-01	City Shop	\$35.52			
			104-536-50-47-01	City Shop	\$28.41			
			401-534-50-47-01	City Shop	\$42.62			
			408-535-50-47-01	City Shop	\$35.52			
			200013874264-Jan2017	408-535-50-47-04	WWTP	\$9,038.65		
			200014941347-Jan2017	410-531-38-47-00	VG Lift Station	\$121.87		
			200019613294-Jan2017	104-536-50-47-02	Cemetery Shop	\$60.67		
			200019646914-Jan2017	101-542-63-47-03	Street Lights	\$61.34		
			200021141250-Jan2017	408-535-50-47-03	High Cedars Lift Staion	\$25.81		
			200021421298-Jan2017	408-535-50-47-06	Rainier Meadows	\$31.15		
			200022934653-Jan2017	001-575-50-47-01	MPC	\$1,305.71		
			200024404523-Jan2017	408-535-50-47-02	Lift Station 1	\$156.09		
			220000846174-Jan2017	101-542-63-47-03	Street Lights	\$23.16		
			220011476581-Jan2017	408-535-50-47-03	High Cedars Lift Staion	\$135.02		
			300000002406-Jan2017	101-542-63-47-03	Street Lights	\$5,528.16		
							Total	\$25,765.58
			Rundle, Denis	44386	1892	408-535-90-49-00	Daily Journal	\$43.75
							Total	\$43.75
			Sarco Supply	44387	1100215	001-512-50-31-00	Court-Bathroom & Cleaning Supplies	\$59.22
						001-513-10-31-00	Council-Bathroom & Cleaning Supplies	\$29.61
001-521-20-31-03	Police-Bathroom & Cleaning Supplies	\$59.22						
Total	\$148.05							
Secure Pacific Corp/Mountain Alarm	44388	102193	001-514-23-31-02	City Hall Alarm	\$83.85			
			408-535-10-41-07	WWTP Alarm	\$177.00			
			Total	\$260.85				
South Sound 911	44389	02320	001-521-50-51-00	1st QRT Police Dispatch	\$18,502.50			
				Total	\$18,502.50			
Sterling Codifers	44360	18882	001-514-23-41-10	2017 Hosting Fees for Codes on Internet	\$500.00			
				Total	\$500.00			
Sumner Lawn'n Saw	44390	296150	105-576-80-48-01	Air Fililters for Chainsaw #012	\$82.48			
				Total	\$82.48			
US Bank Equipment Finance	44361	320931702	001-594-14-75-00	City Hall Copier Lease	\$326.54			
				Total	\$326.54			
US BankNA Custody Treasury Div-Mony Cntr	44391	Invoice - 1/19/2017 3:00:31 PM	001-514-23-49-06	Fees for Safekeeping	\$18.33			
			101-542-90-40-01	Fees for Safekeeping	\$18.34			

Vendor	Number	Invoice	Account Number	Notes	Amount
US BankNA Custody Treasury Div-Mony Cntr	44391	Invoice - 1/19/2017 3:00:31 PM	105-576-80-41-09	Fees for Safekeeping	\$18.34
			401-534-90-40-02	Fees for Safekeeping	\$18.33
			408-535-90-40-02	Fees for Safekeeping	\$18.33
			410-531-90-40-02	Fees for Safekeeping	\$18.33
			Total	\$110.00	
Utilities Underground Location Center	44392	6120187	401-534-60-41-00	Locates	\$28.49
			408-535-60-41-00	Locates	\$28.49
			Total	\$56.98	
Utility Services Associates LLC	44362	125291	401-534-60-48-01	Water Line Survey & Pinpointing Project	\$2,513.00
Total	\$2,513.00				
UW Valley Medical Center - OHS- Renton	44393	70003548-Burson	001-521-20-41-00	Health Exam-Burson	\$367.00
			Total	\$367.00	
Vermeer Northwest	44350	E01139	101-594-44-61-02	2017 Vac Tron-Vac Trailer	\$5,200.53
			105-594-76-63-43	2017 Vac Tron-Vac Trailer	\$5,200.53
			401-594-34-64-64	2017 Vac Tron-Vac Trailer	\$31,203.18
			408-594-35-64-61	2017 Vac Tron-Vac Trailer	\$36,403.73
			410-594-31-67-14	2017 Vac Tron-Vac Trailer	\$26,002.65
			Total	\$104,010.62	
Vision Forms LLC	44394	3981	401-534-10-31-00	Utility Bill Processing & Mailing	\$26.99
			401-534-10-42-00	Utility Bill Processing & Mailing	\$70.52
			408-535-10-31-00	Utility Bill Processing & Mailing	\$26.98
			408-535-10-42-00	Utility Bill Processing & Mailing	\$70.51
			410-531-38-31-00	Utility Bill Processing & Mailing	\$26.99
			410-531-38-42-00	Utility Bill Processing & Mailing	\$70.51
			Total	\$292.50	
Vision Municipal Solutions LLC	44363	09-5012	001-513-23-41-01	Vision Software Technical Support	\$426.56
			001-514-23-41-04	Vision Software Technical Support	\$1,279.68
			001-524-20-41-01	Vision Software Technical Support	\$853.12
			001-575-50-41-03	Vision Software Technical Support	\$853.11
			101-542-30-41-04	Vision Software Technical Support	\$426.50

Vendor	Number	Invoice	Account Number	Notes	Amount
Vision Municipal Solutions LLC	44363	09-5012	401-534-10-41-05	Vision Software	\$1,706.23
				Technical Support	
			408-535-10-41-05	Vision Software	\$1,706.23
				Technical Support	
			410-531-38-41-04	Vision Software	\$1,279.68
				Technical Support	
				Total	\$8,531.11
WA Assoc of Sheriffs & Police Chief	44395	DUES 2017-00239	001-521-50-49-00	Dues-2017	\$180.00
				Total	\$180.00
Washington Tractor	44396	1172624	104-536-50-48-00	Air Filters-Plugs-Oil	\$71.22
				Filter-Blades-FA1014-FA1050-FA1036-FA1049	
			105-576-80-48-00	Air Filters-Plugs-Oil	\$142.44
				Filter-Blades-FA1014-FA1050-FA1036-FA1049	
			410-531-38-48-00	Air Filters-Plugs-Oil	\$71.22
				Filter-Blades-FA1014-FA1050-FA1036-FA1049	
				Total	\$284.88
Wells Fargo Financial Leasing	44364	5003619437	401-534-10-31-00	Public Works Copier	\$55.83
			408-535-10-31-00	Public Works Copier	\$55.83
			410-531-38-31-00	Public Works Copier	\$55.83
				Total	\$167.49
Wex Bank	44397	48394084	001-521-20-32-00	Fuel	\$1,708.11
				Total	\$1,708.11
Whitworth Pest Solutions, INC	44398	341030	408-535-50-48-02	Pest Control-412 Eldredge Ave SW	\$244.80
				Total	\$244.80
Grand Total					\$467,154.47



**City Of Orting
Council Agenda Summary Sheet**

AB17-04 SUBJECT: Ordinance No. 2017-1004, Repealing and Replacing Orting Municipal Code Chapter 7.2, Relating to Abandoned or Inoperable Vehicles.	Agenda Item #:	AB17-04
	For Agenda of:	1/25/17
	Department:	Public Safety
	Date Submitted:	1/19/17

Orting Staff & Professional Representatives			
Mayor, Joachim Pestinger		Cost of Item:	<u> \$0 </u>
City Administrator, Mark Bethune	X	Amount Budgeted:	<u> \$0 </u>
City Attorney, Charlotte Archer	X	Unexpended Balance:	<u> \$0 </u>
City Clerk, Jane Montgomery		Timeline: <i>enter a timeline if applicable</i>	
City Treasurer, Scott Larson		Fiscal Note: <i>enter Finance information here if you want to embellish on fiscal impact and fund source.</i>	
Police Chief, Bill Drake	X		
Public Works, Dean Kaelin			
Recreation and Parks, Beckie Meek			
Municipal Court, Kaaren Woods			
Parametrix, JC Hungerford			
BHC Consultants, Roger Wagoner			
Agenda Placement: <input type="checkbox"/> Mayor <input type="checkbox"/> Councilmember <input checked="" type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator			
Attachments: Letter from Officer Isenhart, Proposed Ordinance			
<p>SUMMARY STATEMENT: The City has the authority to declare and abate nuisances to preserve public health and safety. The accumulation, dismantling, storing, placing or parking of extensively damaged vehicles and inoperable vehicles constitutes a public nuisance as defined by Ch. 7.48 RCW, which is detrimental to neighbors and the community at large. The City adopted a nuisance abatement local ordinance in 1973, and amended same in 2005, which are currently codified at Orting Municipal Code Chapter 7-2, <i>et. Seq.</i> City Officials have received multiple complaints of abandoned vehicles on public and private property that have negative impacts on the community and such vehicles pose endangerments to the public health or safety as a result of unsanitary or unsafe conditions, disruption of nearby public activities and expectations, and degradation of community standards. OMC Ch. 7-2 appears inadequate to the needs of the Mayor and City Staff in controlling and abating public nuisance vehicles. The intent of the proposed ordinance is to protect public health, safety, and welfare by repealing and replacing the City’s nuisance abatement code for junk vehicles to clarify nuisance abatement procedures and due process, and to update the City’s regulations to reflect current state law.</p>			
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: Public Safety Committee Recommendation from January 10 th , 2017.			
RECOMMENDED ACTION: Approve first reading and move forward to consider adoption on February 8 th , 2017.			

City of Orting

110 Train St. SE, PO Box 489, Orting, WA 98360-0489

Office of Code Enforcement

360 893-2219 ext 126

Barbara Ford, Council Person
William Drake, Chief of Police

July 2, 2014

Re: Amendments to OMC 7-2 ABANDONED OR INOPERABLES VEHICLES.

I am proposing what could be describe as some significant changes to the Orting Municipal Code, in this case JUNK VEHICLES. We have several properties within the city that have been especially problematic when it comes to accumulation of junk vehicles on private property. My desire is to create a set of tools that can used to prompt these property owners in either a self-initiated process or one where we can move a project along within a designated time frame and procedure. Cleaning up these individual properties is the ultimate goal.

This issue is currently addressed in the city code, Chapter 7-2 ABANDONED OR INOPERABLES VEHICLES.

Our current Code has a weak definition of a junk vehicle, requires an appeal hearing be conducted by the full city council, has some law references that have changed or are updated, and the process that allows for city to remove the hulk "at the request of a Police Officer" is somewhat weak and vague. This proposed new language has been use by the City of Tacoma to impound and remove over 180 junk vehicles from private property without significant challenge.

I am proposing broad changes giving the city a more defined and functional statute.

Some amendments to 7-2 would include:

1. Changing Chapter title to *Public Nuisance Vehicles*,
2. A more comprehensive declaration of policy,
3. A more comprehensive definitions list.
4. Updates outdated law references
5. After declaration of nuisance, changes appeal hearing from city council to a designated Hearing Officer.
6. Maintains citizen's right to appeal decisions.
7. Gives City the right to impound and remove Public Nuisance Vehicles after citizen has exhausted appeal process.
8. Establishes policy and procedure for removal, disposal, costs and liens involving private property.
9. Maintains monetary penalty for violations.

I am available for questions and discussion at your convenience. 360-893-2219 ex 126 or cell 253-375-3022.

Best Regards,

Larry Isenhardt
Code Enforcement Officer
Cc-file, Chief Drake-Orting Police Dept.

**CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2017-1004**

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, REPEALING AND REPLACING ORTING
MUNICIPAL CODE CHAPTER 7-2, RELATING TO
ABANDONED OR INOPERABLE VEHICLES; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, the City of Orting is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

WHEREAS, the City has the authority to declare and abate nuisances to preserve the public health and safety, pursuant to RCW 35A.21.160, the Washington state constitution at Article XI, section 11, Ch. 7.48 RCW, and RCW 46.55.240; and

WHEREAS, the accumulation, dismantling, storing, placing or parking of extensively damaged vehicles and inoperable vehicles constitutes a public nuisance as defined by Ch. 7.48 RCW, which is detrimental to neighbors and the community at large; and

WHEREAS, the legislature of the State of Washington recently amended RCW 35A.21.405 to further clarify nuisance abatement procedures for such vehicles, and provide further due process; and

WHEREAS, the City adopted a nuisance abatement local ordinance in 1973, and amended same in 2005, which are currently codified at Orting Municipal Code Chapter 7-2, *et. seq.*; and

WHEREAS, City Officials have received multiple complaints of abandoned vehicles on public and private property that have negative impacts on the community; and

WHEREAS, such vehicles pose endangerments to the public health or safety as a result of unsanitary or unsafe conditions, disruption of nearby public activities and expectations, and degradation of community standards; and

WHEREAS, OMC Ch. 7-2 appears inadequate to the needs of the Mayor and City Staff in controlling and abating public nuisance vehicles; and

WHEREAS, the City Council intends by this ordinance to protect the public health, safety, and welfare by repealing and replacing the City's nuisance abatement code for junk vehicles to clarify nuisance abatement procedures and due process, and to update the City's regulations to reflect current state law; and

WHEREAS, City Council has determined that the proposed regulations are in accord with the Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and are in the best interest of the citizens of the City;

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

Section 1. OMC Chapter 13-2-2, Amended. Orting Municipal Code Title 7, Traffic and Motor Vehicles, Chapter 2, Abandoned or Inoperable Vehicles is hereby repealed in its entirety, and a new Title 7, Chapter 2, Public Nuisance Vehicles is established, to read as follows:

**Chapter 2
PUBLIC NUISANCE VEHICLES**

- 7-2-1 CONSTRUCTION OF CHAPTER
- 7.2.2 PURPOSE AND INTENT
- 7.2.3 DEFINITIONS
- 7.2.4 ENFORCEMENT AUTHORITY
- 7.2.5 DECLARATION OF NUISANCE
- 7.2.6 IMPOUNDMENT OF UNAUTHORIZED PUBLIC NUISANCE VEHICLE – PUBLIC PROPERTY
- 7.2.7 NOTICE OF VIOLATION AND ABATEMENT – PRIVATE PROPERTY
- 7.2.8 NOTICE OF APPEAL – PRIVATE PROPERTY
- 7.2.9 HEARING – PRIVATE PROPERTY
- 7.2.10 ORDER OF THE HEARING OFFICER – PRIVATE PROPERTY
- 7.2.11 APPEAL OF THE DECISION OF THE HEARING OFFICER – PRIVATE PROPERTY
- 7.2.12 REMOVAL AND DISPOSAL – COSTS – LIENS – PRIVATE PROPERTY
- 7.2.13 ENTRY – PRIVATE PROPERTY
- 7.2.14 MONETARY PENALTIES
- 7.2.15 SEVERABILITY

7-2-1: CONSTRUCTION OF CHAPTER

This chapter shall implement and be supplementary to the provisions of the Washington model traffic ordinance, chapter 308-330 WAC, and shall be construed in a manner consistent with the provisions thereof.

7.2.2: PURPOSE AND INTENT

A. It is the purpose and intent of the City Council that this chapter will eliminate the effects of the accumulation of damaged or inoperable vehicles on private property or public property, including rights-of-way, which create blight; depress land values; generate health hazards; damage the environment, including numerous species of fish and wildlife; provide breeding areas for pests, such as rodents, hornets, and mosquitoes; attract illegal dumping of other solid waste and hazardous substances; and lead to criminal behavior detrimentally affecting the health and safety of communities and neighborhoods in the City of Orting.

B. It is the intent of the City Council to:

1. Declare that it is a public nuisance and unlawful to accumulate, dismantle, park, place, or store Public Nuisance Vehicles on public or private property in the City of Orting;

2. Decrease the likelihood of criminal conduct associated with the unlawful accumulation, dismantling, parking, placing, or storage of Public Nuisance Vehicles;

3. Reduce the inherent public health and safety problems associated with the unlawful accumulation, dismantling, parking, placing, or storage of Public Nuisance Vehicles;

4. Minimize the likelihood of injury resulting from children playing on or around Public Nuisance Vehicles; and

5. Establish procedures for the removal and abatement of Public Nuisance Vehicles that have been unlawfully accumulated, dismantled, parked, placed, or stored.

7.2.3: DEFINITIONS

For purposes of this chapter, certain terms, phrases, and words, and their derivatives, shall have specific meanings, as defined in this section. Terms, phrases, and words used in the singular shall also apply to the plural; terms, phrases, and words used in the plural shall also apply to the singular.

A. “Apparently Inoperable” means:

1. that the Vehicle does not appear to comply with requirements for safe and legal operation on public streets or highways with regard to licensing, brakes, lights, tires, safety glass, or other safety equipment; or

2. a Vehicle that has been determined by the Pierce County Health Department to be unfit for use due to contamination from methamphetamine or other substances, which are harmful to human health or the environment; or

3. other circumstances or conditions that are evidence that the Vehicle is not currently operable, including, but not limited to, a Vehicle having its passenger compartment filled with trash or debris, vegetation growing inside, around, or on the vehicle, or other evidence that the vehicle has not been moved for an extended period of time.

B. “Extensively Damaged” means such damage including, but not limited to, any of the following: a broken window or windshield or missing wheels, tires, motor, or transmission.

C. “Hearing Officer” shall mean the City Administrator, or his or her designated representative.

D. “Landowner” means the owner of the property, as shown in the records of the Pierce County Assessor.

E. "Law Enforcement Officer" means, for purposes of this chapter, any commissioned police officer and any person holding a limited commission to enforce this chapter or chapter 46.55 RCW.

F. "Public Nuisance Vehicle" is a Vehicle, or the parts of a Vehicle, which meets three of the following criteria:

1. is Extensively Damaged;
2. is Apparently Inoperable;
3. is three years old or older; and

4. has an approximate fair market value equal to the scrap value; provided, that the following shall be exempt from the foregoing definition:

a. The Vehicle, or parts thereof, is completely enclosed within a building; or

b. The Vehicle, or parts thereof, is stored or parked in a lawful manner on private property in connection with the legal business of a licensed dismantler; motor vehicle wrecker; licensed vehicle dealer; junk, salvage, or wrecking yard; provided, that the business is in compliance with the provisions of the Orting Municipal Code and the property is fenced, as required by RCW 46.80.130.

G. "Public Official" means any official designated by the City Administrator, or his or her designee, authorized to enforce this chapter, including, but not limited to, officials of the Police Department, Fire Department, Public Works Department, Finance Department, or the Code Enforcement Office charged with the enforcement of a particular portion of this chapter.

H. "Vehicle" shall include, but not be limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on the public right-of-way, and shall also include parts of vehicles.

7.2.4: ENFORCEMENT AUTHORITY

As more specifically provided herein, the City Administrator, or his or her designee, or any Law Enforcement Officer may enforce this chapter.

7.2.5: DECLARATION OF NUISANCE

One or more Public Nuisance Vehicles, or parts thereof, which have been accumulated, dismantled, parked, placed, or stored on any property, constitute a public nuisance which shall be abated pursuant to the provisions of this chapter and through the authority given the City under the Orting City Charter and the Laws and Constitution of the State Washington. It is further declared to be the duty of every Landowner in Orting to maintain his or her property in a lawful manner and exercise reasonable diligence to ensure that it remains free of Public Nuisance Vehicles, and every successive owner of the property or premises shall assume the duty relative to preexisting conditions

for which he or she had notice, actual, or constructive. A Public Nuisance Vehicle is further declared to be an “unauthorized vehicle” within the meaning of RCW 46.55.08.

7.2.6: IMPOUNDMENT OF UNAUTHORIZED PUBLIC NUISANCE VEHICLE – PUBLIC PROPERTY

A. Any Law Enforcement Officer discovering an unauthorized Public Nuisance Vehicle left on public property or within a public right-of-way in violation of RCW 46.55.085, Impound Ordinance, shall attach to the Vehicle a readily visible notification sticker. The sticker shall contain the following information:

1. The date and time the sticker was attached; and

2. The identity of the Law Enforcement Officer; and

3. A statement that if the Vehicle is not removed within 24 hours from the time the sticker is attached, the Vehicle may be taken into custody in accordance with RCW 46.55.085, Towing ordinance and stored at the owner's expense; and

4. If the Vehicle is on public property, a statement that if the Vehicle is not redeemed, as provided in RCW 46.55.120, the Vehicle will be disposed of in accordance with state law; and

5. If the Vehicle is within the right-of-way, a statement that if the Vehicle is not redeemed, as provided in RCW 46.55.120, the registered owner will have committed the traffic infraction of littering – abandoned Vehicle and the Vehicle will be disposed of in accordance with state law; and

6. The address and telephone number where additional information may be obtained.

B. If the Vehicle has current Washington State registration plates, the Law Enforcement Officer shall check the records to learn the identity of the last owner of record. The Law Enforcement Officer shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

C. If the Vehicle is not removed within 24 hours from the time the notification sticker is attached, the Law Enforcement Officer may take custody of the Vehicle and provide for the Vehicle's removal to a place of safety. A Vehicle that does not pose a safety hazard may remain on the roadside for more than 24 hours if the owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

D. For the purposes of this section, a place of safety includes the business location of a registered tow truck operator.

7.2.7: NOTICE OF VIOLATION AND ABATEMENT – PRIVATE PROPERTY.

A. A Public Official is authorized to issue a Notice of Violation and Abatement upon reasonable belief that a condition prohibited by this chapter exists.

B. The Notice of Violation and Abatement shall be issued to the Landowner, as shown by the records of the Pierce County Assessor, and to the last registered owner of record of the Vehicle, if that person can be determined.

C. The Notice of Violation and Abatement shall be served by mailing a copy of said notice to the Landowner and to the last registered owner of record of the Vehicle, if that person can be determined, by first-class or certified mail.

D. The Notice of Violation and Abatement shall contain substantially the following information if it is reasonably obtainable:

1. The name and address of the person to whom the notice is issued;
2. The location of the subject property by address or other description sufficient for identification of the subject property;
3. A description of the Vehicle and its location and the reasons for which the City deems it to be a public nuisance in violation of this chapter;
4. A description of the corrective action necessary to eliminate the violation;
5. The date by which the corrective action must be completed;
6. A statement that if any of the persons to whom the Notice of Violation and Abatement is issued wish to appeal said notice, they may submit a written Notice of Appeal to the City Clerk to request a hearing before the Hearing Officer.
7. A statement that if the persons to whom the Notice of Violation and Abatement is issued fail to submit a Notice of Appeal within 10 calendar days of the date of the Notice or fail to voluntarily abate the nuisance within 18 calendar days of the date of the Notice, the City will abate the nuisance by removing and disposing of the Vehicle and will assess all costs of administration and removal against the Landowner.

7.2.8: NOTICE OF APPEAL AND FEE – PRIVATE PROPERTY

A. Within ten calendar days of the date of a Notice of Violation and Abatement, the Landowner and/or the last registered owner of record of the Vehicle may submit a written Notice of Appeal along with a \$25.00 hearing fee to the City Clerk to appeal the Notice of Violation and Abatement. Separate fees are required by each party filing a Notice of Appeal.

B. The recipient of a Notice of Violation and Abatement may appeal:

1. Whether the Public Official appropriately identified the Vehicle as a Public Nuisance Vehicle; or
2. Whether the Landowner should not be held responsible for the nuisance because the Landowner did not consent to the presence of the Public Nuisance Vehicle and has not subsequently acquiesced in its presence; or

3. Whether the last registered owner of record of the Vehicle should not be held responsible for the nuisance because said owner, in the transfer of ownership of the Vehicle, has complied with RCW 46.12.101; or

4. The Notice of Appeal shall specify the specific ground(s) of appeal.

C. If a request for a hearing is received, the Public Official shall mail a notice giving the time, location, and date of the hearing on the question of abatement and removal of the Vehicle, or part thereof, as a public nuisance, by certified mail, with a five- day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record, unless the Vehicle is in such condition that identification numbers are not available to determine ownership.

7.2.9: HEARING – PRIVATE PROPERTY

A. The appeal of a Notice of Violation and Abatement shall be heard by the Hearing Officer.

B. The Hearing Officer, will conduct the hearing required by this chapter no more than 18 calendar days after the Public Official issues the Notice of Hearing.

C. The hearing will address the grounds of appeal allowed in OMC 7.2.8(B), which were stated in the Notice of Appeal. If the Hearing Officer, determines that multiple parties share responsibility for the nuisance, the Hearing Officer, will allocate the assessment of costs of administration, removal, and disposal among the responsible parties.

D. An appellant may appear in person at the hearing or present a written statement to explain the grounds for appeal, which were stated in the Notice of Appeal. The Hearing Officer must receive the written statement in time for consideration at the hearing.

E. The City shall have the burden of proof to establish by a preponderance of the evidence that a violation has occurred and that the required corrective action is reasonable.

F. The Hearing Officer shall determine whether the City has established, by a preponderance of the evidence that a violation has occurred and that the required corrective action is reasonable and shall affirm, modify, or vacate the Public Official's decisions regarding the alleged violation and/or the required corrective action.

7.2.10: ORDER OF THE HEARING OFFICER – PRIVATE PROPERTY

A. If affirming the Public Official's Notice of Violation and Abatement, the Hearing Officer may assess administrative costs or costs related to the abatement of the violator's Vehicle. The Hearing Officer may also order the refund of hearings fees to parties deemed not responsible for the violation.

B. If it is determined at the hearing that the Vehicle was placed on the land without the consent of the Landowner and that he or she has not subsequently acquiesced in its presence, then the Hearing Officer order shall not assess costs of administration or removal of the Vehicle against the property upon which the Vehicle is located or otherwise attempt to collect the cost from the Landowner.

7.2.11: APPEAL OF THE DECISION OF THE HEARING OFFICER – PRIVATE PROPERTY

The decision of the Hearing Officer shall be considered final, unless a written Notice of Appeal is filed with a court of competent jurisdiction no later than ten days after issuance of the Order of the Hearing Officer.

7.2.12: REMOVAL AND DISPOSAL – COSTS – LIENS – PRIVATE PROPERTY

A. Commencing 18 calendar days after the date of the Notice of Violation and Abatement, if no appeal had been filed, or 15 calendar days after the issuance of an Order from the Hearing Officer resulting in authority to remove the Vehicle, the Public Official shall cause the removal and disposal of the Vehicle, or part thereof, as soon as practicable. The Public Official will provide notice to the Washington State Patrol and the Washington State Department of Licensing that the Vehicle has been processed in accordance with the laws of the state of Washington. The Vehicle shall only be disposed of as scrap.

B. The City may file a lien for the cost of any abatement proceedings under this chapter and all other related costs against the real property on which the monetary penalty was imposed or any of the work of abatement was performed, except no lien shall attach to the real property if the Landowner was found not responsible in the Order issued by the Hearing Officer. The lien shall run with the land, but shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be in parity. Any claim of lien shall contain sufficient information regarding the Notice of Violation and Abatement, a description of the property to be charged with the lien and the owner of record, and the total amount of the lien.

C. In addition to a lien, the City may pursue collection of the cost of any abatement proceedings under this chapter by any other lawful means, including referral to a collection agency.

7.2.13: ENTRY – PRIVATE PROPERTY

Using any lawful means, the City may enter upon the subject property and may remove or correct the condition that is subject to abatement. The City may seek such judicial process as it deems necessary to effect the removal or correction of such condition. When a Law Enforcement Officer or Public Official has probable cause to believe that a nuisance created by Public Nuisance Vehicles exists on any property in violation of this chapter, he or she may request permission to enter the premises to inspect for evidence thereof if the Landowner is present. If permissive entry cannot be obtained, the Law Enforcement Officer or Prosecuting Attorney may apply to the Orting Municipal Court for a warrant to enter the property, notwithstanding the inability to locate the Landowner.

7-2-14: MONETARY PENALTIES

Any person allowing a public nuisance in violation of this chapter shall be subject to the maximum monetary penalty prescribed for said infraction in an amount not to exceed two hundred fifty dollars (\$250.00) for each offense in addition to costs of removal, storage and disposition of any vehicle, vehicle hulk or part thereof. Each day that a public nuisance is allowed to continue in violation of this chapter, shall be considered a separate offense. (1973 Code § 10.60.030)

7.2.15: SEVERABILITY

If any provision or section of this chapter shall be held to be void or unconstitutional, all other parts, provisions, and sections of this chapter not expressly so held to be void or unconstitutional shall continue in full force and effect.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Codification. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the above, and publish the amended code.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

FIRST READING AT A REGULAR MEETING THEREOF ON THE 25TH DAY OF JANUARY, 2017.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 8th DAY OF FEBRUARY, 2017.

CITY OF ORTING

Joachim Pestinger, Mayor

ATTEST/AUTHENTICATED:

Jane Montgomery, City Clerk, CMC

Approved as to form:

Charlotte A. Archer, City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk: 1.19.17

Passed by the City Council:

Date of Publication:

Effective Date:



**City Of Orting
Council Agenda Summary Sheet**

AB17-05 SUBJECT: Ordinance No. 2017-1005, Amending Orting Municipal Code Section 1.4.2 (Civil Infractions) and Ordinance No. 2016-988.	Agenda Item #:	17-05
	For Agenda of:	11/25/17
	Department:	Public Safety
	Date Submitted:	1/19/17

Orting Staff & Professional Representatives			
Mayor, Joachim Pestinger		Cost of Item:	<u> \$0 </u>
City Administrator, Mark Bethune	X	Amount Budgeted:	<u> \$0 </u>
City Attorney, Charlotte Archer	X	Unexpended Balance:	<u> \$0 </u>
City Clerk, Jane Montgomery		Timeline: N/A	
City Treasurer, Scott Larson			
Police Chief, Bill Drake		BARS:	
Public Works, Dean Kaelin		Fiscal Note: N/A.	
Recreation and Parks, Beckie Meek			
Municipal Court, Kaaren Woods	X		
Parametrix, JC Hungerford			
BHC Consultants, Roger Wagoner			
Agenda Placement: <input type="checkbox"/> Mayor <input type="checkbox"/> Councilmember <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator			

Attachments: Proposed Ordinance, Rule IRLJ 2.2
SUMMARY STATEMENT: <i>Infraction Rules for Courts of Limited Jurisdiction 2.2(d) sets a deadline to file a copy of a notice of infraction with the Court at five days of issuance of the notice, excluding Saturdays, Sundays, and holidays. OMC 1-4-2(4)(A)(5) set the deadline for the City of Orting at forty-eight hours of issuance, excluding Saturdays, Sundays, and holidays. At the Orting Municipal Court's request, this Ordinance will modify OMC 1-4-2(4)(A)(5) to revise the deadline from forty-eight hours to five days of issuance, as is the current practice of the Court.</i>
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: N/A
RECOMMENDED ACTION: Approve first reading and move forward to the next meeting on February 8, 2017.

**CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2017-1005**

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, AMENDING ORTING MUNICIPAL CODE
SECTION 1-4-2 (CIVIL INFRACTIONS) AND ORDINANCE
NO. 2016-988; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Orting is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

WHEREAS, Orting Municipal Code (OMC) Title 1, Chapter 4, Section 2, as amended by Ordinance 2016-988, contains the City's penalties and procedures for the issuance and enforcement of civil infractions, pursuant to Chapter 7.08 RCW; and

WHEREAS, pursuant to Infraction Rules for Courts of Limited Jurisdiction 2.2(d), the Orting Municipal Court has requested that the aforementioned section of the OMC setting out the deadline for filing a notice of civil infraction with the Court be revised from forty-eight hours to five days of issuance; and

WHEREAS, the City Council has determined that the proposed amending is in accord with the Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and is in the best interest of the citizens of the City; and

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

Section 1. OMC Title 1, Chapter 4, Section 1, Amended.

Orting Municipal Code Title 1, Administration, Chapter 4, General Penalty, Section 2, "Civil Infractions," Subpart (4)(A)(5), as amended by Ordinance No. 2016-988, is hereby amended to read as follows:

4. Procedures; Municipal Court; Exclusions: It is the intent of this chapter that civil infractions may be heard and determined by the Orting municipal court in accordance with the provisions, and under authority, of Revised Code Of Washington chapter 7.80 and pursuant to the infraction rules for courts of limited jurisdiction; provided that, traffic and vehicle infractions provided for pursuant to title 7 of this code are specifically excluded from this chapter.

A. Notice of Infraction – Issuance, Service, Filing.

5. A notice of civil infraction, if issued under subsection 2. of this Section, shall be filed with the court within ~~forty-eight~~ five days of issuance of the notice, excluding Saturdays, Sundays, and holidays. A notice of civil infraction not filed within the time limits prescribed in this Section may be dismissed without prejudice.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Codification of Amendments. The City Council authorizes the City Clerk to correct any non-substantive errors in Exhibit A hereto, codify the amendments, and publish the amended code.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

FIRST READING BY THE CITY COUNCIL AT A REGULAR MEETING THEROF ON THE 25TH, DAY OF JANUARY 2017

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF FEBRUARY, 2017.

CITY OF ORTING

Joachim Pestinger, Mayor

ATTEST/AUTHENTICATED:

Jane Montgomery, City Clerk

Approved as to form:

Charlotte A. Archer
Kenyon Disend PLLC
City Attorney

Filed with the City Clerk: 1/20/17

Passed by the City Council:

Date of Publication:

Effective Date:

RULE IRLJ 2.2
INITIATION OF INFRACTION CASES

(a) Generally. An infraction case is initiated by the issuance, service, and filing of a notice of infraction in accordance with this rule. An infraction is issued on the date the infraction is signed by the citing officer or prosecuting authority.

(b) Who May Issue. A notice of infraction may be issued, upon certification that the issuer has probable cause to believe, and does believe, that a person has committed an infraction contrary to law:

(1) By a citing officer. The infraction need not have been committed in the officers presence, except as provided by statute;

(2) By the prosecuting authority.

(c) Service of Notice. A notice of infraction may be served either by:

(1) The citing officer serving the notice of infraction on the person named in the notice of infraction at the time of issuance;

(2) The citing officer affixing to a vehicle in a conspicuous place the notice of a traffic infraction if it alleges the violation of a parking, standing, or stopping statute; or

(3) The citing officer or the prosecuting authority filing the notice of infraction with the court, in which case the court shall have the notice served either personally or by mail, postage prepaid, on the person named in the notice of infraction at his or her address. If a notice of infraction served by mail is returned to the court as undeliverable, the court shall issue a summons.

(d) Filing of Notice. When a notice of infraction has been issued, the notice shall be filed with a court having jurisdiction over the infraction or with a violations bureau subject to such courts supervision. The notice must be filed within five days of issuance of the notice, excluding Saturdays, Sundays, and holidays. In the absence of good cause shown, a notice of infraction not filed within the time limits of this section shall, upon motion, be dismissed with prejudice.

[Adopted as JTIR effective January 1, 1981; amended effective September 1, 1989. Changed from JTIR to IRLJ effective September 1, 1992; amended effective September 1, 1997; September 1, 1999; amended effective January 3, 2006.]
