

## Councilmembers

Position No.

1. Tod Gunther
2. Barbara Ford
3. William Birkes
4. Dave Harman
5. Sam Colorossi
6. Josh Penner, Deputy Mayor
7. Scott Drennen



# Orting City Council

## Regular Business Meeting Agenda

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

August 26, 2015  
7 p.m.

*Audience members are welcome to speak on any topic on the agenda after Councilmembers have finished their discussion.*

**Mayor Joachim Pestinger, Presiding**

### **1. CALL MEETING TO ORDER**

- A. Pledge of Allegiance
- B. Roll Call

### **2. REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA**

### **3. CONSENT AGENDA**

- A. \*Minutes of July 29, 2015 and August 12, 2015
- B. \*Payroll and Claims Warrants

**Motion:** *Move to approve Consent Agenda as prepared.*

**4. COMMENTS FROM CITIZENS** - *Persons wishing to address the City Council regarding items of new business 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. Please limit your comments to 3 minutes. If you desire a formal agenda placement, please contact the City Clerk at 360-893-2219. Thank you for attending.*

### **5. PRESENTATIONS**

A. Proclamation – September Prostate Cancer Awareness Month • **Mayor Pestinger**

B. Mayor's Appointment of New Planning Commissioner • **Mayor Pestinger**

**Motion:** *to confirm the Mayor's appointment of Planning Commissioner to a four year appointment to Planning Commission Position No. 3 expiring December 31, 2018.*

### **6. COMMITTEE AND STANDING REPORTS**

- A. Community & Government Affairs – **CM Ford/CM Harman**
- C. Finance & Cemetery – **CM Colorossi/CM Harman**
- D. Public Safety – **DM Penner/CM Ford**
- E. Transportation – **CM Drennen/DM Penner**
- F. Technology and Land Use – **CM Gunther/CM Harman**
- G. Lodging Tax Advisory – **CM Birkes**
- H. Mayor Report – **Mayor Pestinger**
- I. Miscellaneous activity reports, i.e. PSRC, special meetings, etc.

### **7. OLD BUSINESS**

A. Emergency Evacuation Bridge Lead Agency Agreement • **CM Drennen**

## 8. NEW BUSINESS

- A.\*Ordinance No.2015-970 •Indemnification of Employees & Officers • **Attorney Long**  
**Ordinance No. 2015-970 • Indemnification of Employees & Officers**

**Motion:** Move to adopt Ordinance No. 2015-970, adopting Orting City Code Title 1, Chapter 14 regarding Indemnification of Employees and Officers.

- B.\*Ordinance No. 2015-971 • Noise Control • **DM Penner**  
**Ordinance No. 2015-971 • Noise Control**

**Motion:** Move to adopt Ordinance No. 2015-971, relating to Noise Control; repealing Orting Municipal Code Section 5-1-4 & Orting Municipal Code Chapter 5-8; creating a new Orting Municipal Code Chapter 5-8.

- C.\*Amendment to the Contract for Services/Bev Emmons • **CM Colorossi**

**Motion:** to amend the current contract for services with Bev Emmons for an additional 40 hours.

- D.\*Sponsorship Policy (*First Reading*) • **CM Ford**

## 9. RECESS TO EXECUTIVE SESSION

- A. Five minute break

- B. Mayor Pestinger – Recess to Executive Session to discuss the acquisition of real estate by lease or purchase, as authorized by RCW 42.30.110(b) and RCW 42.30.110(i) to discuss anticipation of litigation no action is anticipated to follow. Council will reconvene at \_\_\_ pm.

- C. Mayor Pestinger – Reconvene the Council meeting

## 10. ADJOURN

**Motion:** Move to Adjourn.

Note: An \* indicates enclosures or attachments

Next Regular Meeting: September 9, 2015



# ORTING CITY COUNCIL MEETING MINUTES

Public Safety Building, 401 Washington Ave. SE

July 29, 2015

Mayor Joachim Pestinger called the meeting to order with the flag salute at 7:00 pm in the Orting Public Safety Building. Roll call found in attendance Deputy Mayor Josh Penner, Councilmembers Sam Colorossi, Scott Drennen, William Birkes, Barbara Ford, Tod Gunther and Dave Harman.

## **ATTENDANCE:**

### **City Employees**

Mark Bethune, City Administrator  
Rachel Pitzel, City Clerk

Bill Drake, Police Chief

### **Professional Representatives**

Jay Long, Attorney – Kenyon Disend  
JC Hungerford, Engineer – Parametrix

### **Visitors (signed in)**

Corey Thomas  
Sandi Young  
Doug Bishop  
Steve & Heather Konwent  
Susan Rigley

Tim Tallon  
Gwen Robson  
Chris Hopfauf  
Dan Waite  
Frank Clinc

## **REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA:**

Mayor Pestinger announced he would like to add Mr. Bethune under Committee Reports; add an Executive Session to discuss potential litigation.

## **CONSENT AGENDA:**

*Councilmember Colorossi moved to approve the Consent Agenda as prepared. Second by Councilmember Ford. Motion carried (7-0).*

## **COMMENTS FROM CITIZENS:**

Dwight Dixon

Two questions- 1) Village Green - generates income, wonder why requesting property tax increase; 2) what is his legality on paying taxes.

Corey Thomas

Read a statement regarding Deputy Mayor Penner's election tactics.

Susan Rigley – Library Representative

Thanked the City for fixing front door; reported on the happenings of the library.

Doug Bishop	Requested additional agendas at the sign in table; asked for clarification on signage regarding election signs.
	Mayor Pestinger discussed the election signs and noted Council will have to rewrite the sign ordinance which has some confusion.
Dan Waite and Son	Discussed the ordinance regarding the use of the Multi-purpose room, stated it being difficult to pay the fee weekly for the use of the facility and would like a variance to continue to use it and relinquish it if anyone else needed the room for that particular weekend, but the Church would continue to pay what they are currently paying.

**PRESENTATIONS:** (7:21)

JC Hungerford – Water Use Efficiency Goals	Mr. Hungerford presented Council with a PowerPoint presentation regarding the Water System Plan - discussed the goals. Mayor Pestinger also read a letter from the Department of Ecology congratulating the City on their Wastewater plant.
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**COMMITTEE AND STANDING REPORTS:** (7:31)

<b>Community &amp; Government Affairs</b>	Councilmember Ford reported on Tourism and Agricultural business goals; Farmers Market; Council Rules and Procedures; Sponsorship Policy; formalize procedures on giving out Grants; public comment policy - new statement and proper way to address Council.
<b>Public Safety</b>	Deputy Mayor Penner reported the opportunity for public education.
<b>Transportation</b>	No report.
<b>Technology/Land Use</b>	Councilmember Harmon reported on QR Codes, working with Boy Scouts to get this project started; Councilmember Gunther reported looking in to getting a new electronic reader board; noted the police survey being successful.
<b>Tax advisory</b>	Councilmember Birkes discussed the tax that comes in from the Quilt Shop and using the funds for advertising, he noted they will be discussing that at their next meeting in October.
<b>Miscellaneous</b>	Deputy Mayor Penner asked about the cemetery and if the gate has been left open. Mayor Pestinger responded, yes and there has been no sign of vandalism as of yet.  Mayor Pestinger reported he attended a County Executive and Mayors meeting, discussed the US Open; Health Department and discussion on what you do with unused medications- the Health

Department is working with the Association of Police Chiefs and having a transfer of the pills done every quarter. Mayor Pestinger discussed the Sound Transit long range project.

City Administrator Bethune reported on a budget building process, he is looking to send out a survey asking citizens if they had \$1 how they would spend it. He provided Council a copy of what the survey looks like and stated it will go out in the utility bills in August.

Councilmember Drennen suggested adding a spot under Committee and Standing Reports for the Mayor. It was agreed to have that added to future agendas.

**PUBLIC HEARINGS:** (7:47)

Resolution No. 2015-7 •  
2015 Hazard Mitigation  
Plan

City Administrator Bethune introduced Debbie Bailey from the County to discuss the 2015 Hazard Mitigation Plan. Ms. Bailey discussed the plan and the grant awarded, she noted it was sent to the state which had 30 days to approve, then FEMA and now it is back to the jurisdiction to adopt by Resolution. She explained the main reason for having this plan was it opened Hazard Mitigation funds if a disaster is declared.

Councilmember Colorossi discussed some language that should be corrected and asked how to get that done.

Councilmember Drennen discussed the mapping and the Lahar; discussed this plan vs. a resiliency plan.

Mayor Pestinger opened the public hearing at 7:59 pm.

No public comment.

Mayor Pestinger closed the public hearing at 8:00 pm.

No action was taken, it was stated it will be back at the next Council meeting to adopt the Resolution.

Removal of Planning  
Commission Member

Mayor Pestinger opened the public hearing at 8:00 pm.

City Administrator Bethune reported on the attempts to reach Commissioner Moeller with no response. He stated the Planning Commission felt like it was time to remove her from the Planning Commission.

No public comment.

Mayor Pestinger closed the public hearing at 8:01 pm.

*Councilmember Birkes moved to approve the removal of Planning Commissioner Moeller and to begin the process of seeking new applicants for Position No. 3 with term ending December 31, 2018. Second by Councilmember Ford. Motion carried (7-0).*

Resolution No. 2015-10  
(11 or 12) • Financing  
Strategies for Additional  
Police Officers

Mayor Pestinger opened the public hearing at 8:20 pm.

Deputy Mayor Penner reported on the options with the upcoming general election as far as a funding strategy for additional officers; discussed options on sending something to voters. He noted the option to do a property tax lift is not possible and it is no longer on the table for review. He stated as far as an advisory vote, the two options are: a) the third option in the packet material, the utility tax or, b) B&O tax on power, communications, etc.

Councilmember Birkes discussed talking with citizens for an opinion. He stated 90% would prefer the option on the value of their home. He noted he would like it to be on the ballot and says he supports the B&O option.

Councilmember Ford discussed the research done regarding the property tax option, she reminded everyone on why this is being discussed as the deadline to submit a resolution in Tuesday. She discussed the difference between the utility taxes vs. the property tax.

Councilmember Drennen asked City Administrator Bethune regarding Fire Department, Schools and City taxes.

CA Bethune discussed the "Taxing District".

Councilmember Ford noted a pie chart regarding the city/school/ fire would be nice to show for every \$1 only .16 cents goes to the City.

Deputy Mayor Penner asked Council if they are available to meet Friday or Monday regarding the B&O Tax, for a resolution to be written on the ballot.

Council called for a special meeting for Friday, July 31, 2015 at 7 pm in the Public Safety Building.

Mayor Pestinger closed the public hearing at 8:20pm.

**OLD BUSINESS:** (8:20)

Orting Emergency  
Evacuation Bridge Lead  
Agency Agreement

Councilmember Drennen stated the agreement is still with the State; nothing new to report.

**NEW BUSINESS:** (8:21)

High Cedars Force Main  
& Lift Station  
Replacement

Councilmember Drennen reported on the bid and discussed Northwest Cascade, Inc. was the low bidder.

*Councilmember Drennen moved to approve the low bid of \$1,067,905.73 from Northwest Cascade, Inc. for the High Cedars Force Main & Lift Station Replacement. Second by Councilmember Colorossi. Motion carried (7-0).*

*Councilmember Birkes asked about recouping the money and the time frame.*

Customer Bill of Rights

Councilmember Ford reported on a high level of customer service from city staff; she noted looking at making processes for citizens easier and becoming more customer friendly.

City Administrator Bethune read the Customer Bill of Rights. Discussed adding contact information to the bill of rights.

*Councilmember Ford moved to approve the Customer Bill of Rights as written. Second by Councilmember Birkes with amendment to add #13 “if your rights have been infringed upon, call the City Administrator”. Motion carried (7-0).*

Ordinance No. 2015-969 • Repealing & Reenacting OMC – 2-4, Cemetery Board

Councilmember Colorossi reported on the packet material put together regarding the Cemetery Board; he noted the draft came before the Committee 3 times and it has been read and re-worked.

Councilmember Ford discussed page 10, 2-4-20 Enforcement- she asked, what exactly does that mean.

Discussion ensued regarding enforcement and that Council can enforce the code and regulations.

City Attorney Long clarified that Council has authority to enforce the codes to the Police, Code Enforcement and Administration.

*Councilmember Colorossi moved to adopt Ordinance No. 2015-969, repealing and reenacting Title 2, and Chapter 4 of the Orting Municipal Code concerning Cemetery Board. Second by Councilmember Drennen. Motion carried (7-0).*

**EXECUTIVE SESSION:**

Mayor Pestinger recessed to Executive Session at 8:47 pm to discuss potential litigation, as authorized by RCW 42.30.110(i). He announced action may be taken after Executive Session which will last 15 minutes.

Mayor Pestinger reconvened the Council meeting at 9:02 pm.

*Councilmember Ford moved to approve the Contract for Services for City Treasurer Consultation with Bev Emmons until a replacement is hired 3 months not to exceed 80 hours. Second by Councilmember Colorossi.*

*Councilmember Birkes asked if Council wanted to limit the contract to only 80 hours.*

*City Administrator Bethune noted if more hours are needed, it will come back before Council to review.*

*Motion carried (7-0).*

**ADJOURN:**

*Councilmember Birkes moved to adjourn. Second by Councilmember Drennen. Motion carried (6-1, Penner).*

**ATTEST:**

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Joachim Pestinger, Mayor

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Rachel Pitzel, City Clerk



**Doug Bishop** - Thanked the Police Department for National Night Out, noted it was nice seeing the police in a more social setting other than “on the job” business.

**COMMISSION REPORTS:** (7:13)

**Parks Commission**

Commissioner Nielson reported on approving a plan for the Rainier Meadows big toy area, discussed the schedule of events for the project; noted on the agenda the outdoor speakers item and discussed the discounted price and recommended approval; he discussed the National Day of Service projects that were approved and the amended list and how they were going to be cleaning the cemetery, he noted they added the memorial that was fixed up for the Veterans; he mentioned a tabled item which has to do with a piano in the park, it is an upright grand that the public can use as open play, he stated the Parks Commission tabled it to pitch the idea to Council for their thoughts; he reported the Commission is moving forward with improvements to Calistoga for a small dog park in 2016; he mentioned citizens are requesting an ADA compliant swing in the park, and they have started a “Go Fund Me” account to help pay for it.

Councilmember Birkes noted the swing was removed because the ground could not support the weight of a heavier person (adults were using it when they shouldn't have been). He stated the metal work would need to be stabilized, that is why it was turned in to a “toddler” swing set as it can only withstand toddler weight. He noted it would take \$4,000 plus tax and installation fees.

**Planning Commission**

Commissioner Hoyt reported the River's Edge Church asked for sign approval which the Planning Commission has approved; he noted the first draft for livestock ordinance has been written and they are working with BHC for the zoning and land use portion to support the Comprehensive Plan for Agri-tourism in Orting.

City Administrator Bethune mentioned a new Commissioner will come before the next Planning Commission meeting and Council for confirmation.

Councilmember Birkes stated he would like to remark on the Parks report and noted the wheel chair swing starts around \$11,000.

**COMMITTEE AND STANDING REPORTS:** (7:24)

**Community &  
Government Affairs**

Councilmember Ford reported the Committee met on Monday and she will bring forward the proposed Sponsorship Policy and Council Rules and Procedures in the next upcoming Council meetings.

<b>Public Works</b>	Councilmember Drennen stated there are a number of items on the agenda for Public Works he will address them then.
<b>Finance &amp; Cemetery</b>	Councilmember Colorossi discussed the Committee report he presented to Council that evening.
<b>Public Safety</b>	Deputy Mayor Penner stated the Committee met yesterday and discussed the budgeting for 2016; discussed bringing forward a Level of Service resolution after the November election.
<b>Technology and Land Use</b>	No report.
<b>Mayor Report</b>	<p>Mayor Pestinger reported he attended the City/Town meeting in Pierce County the key speaker was from the South Sound 9-1-1 program, discussed radios and fees; he noted he also attended the Chamber meeting which was a specialized topic on motivation; discussed the potential of Sound Transit to include a mini train station at McMillian, noted the City will send a letter in support; Mayor Pestinger asked Chief Drake to speak on the WA DOT project.</p> <p>Chief Drake reported that the new bridge is near completion and in the latter part of September over a weekend, construction will take place to complete that project with delays. He stated the new bridge will have two lanes with possibility of making 3 lanes as some point.</p>
<b>Miscellaneous</b>	None.

**OLD BUSINESS:** (7:36)

Emergency Evacuation Bridge Lead Agency Agreement	Councilmember Drennen - no report
2015 Hazard Mitigation Plan • Resolution No. 2015-7	<p>City Administrator Bethune reported this is the plan Council had seen at the last Council meeting and is asking for approval, he noted the changes that were brought forward have been done and are in the packet material.</p> <p><i>Councilmember Colorossi moved to adopt Resolution No. 2015-7, adopting the Region 5 All Hazard Mitigation Plan 2015-2020 Edition; adopting the City of Orting Addendum to the Region 5 Hazard Mitigation Plan; and updating the Pierce County Natural Hazard Mitigation Plan. Second by Councilmember Drennen. Motion carried (7-0).</i></p>

**NEW BUSINESS:** (7:37)

National Day of Service Projects	Councilmember Birkes reported last time this was presented there were some changes that Council wanted to see; this list has been revised with those changes and would like to move forward.
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Councilmember Drennen asked about the PSB volunteer project, concerned about the level of expertise on this project.

City Administrator Bethune noted the lead on this project is a contractor, also Public Works and the City Administrator will be on site for that project.

*Councilmember Birkes moved to approve the project list as presented. Second by Councilmember Harman. Motion carried (7-0).*

High Cedars Forcemain & Lift Station Replacement- Construction Management

Councilmember Drennen gave a refresher of the project and noted this is for the Project Management portion which will be with Parametrix.

*Councilmember Drennen moved to approve the Scope of Work for the High Cedars Forcemain & Lift Station Replacement Construction Management Funding Plan with the amendment to note the amount as \$199,861.50. Second by Councilmember Colorossi. Motion carried (7-0).*

Generator Maintenance

Councilmember Drennen reported on the package for the maintenance of all the generators the City owns.

*Councilmember Drennen moved to approve the low bid of \$9,789.89 from Cummins NW for annual preventative maintenance of the generator. Second by Councilmember Ford. Motion carried (7-0).*

Park Audio System – Speaker Audio Purchase

Councilmember Birkes reported on the 60W speakers which are high quality – he noted there are four in the amount of \$1,400 and noted they were used at the London Olympics. He also stated this is a whole system that the City is wanting to purchase, but for now only asking for the speakers.

Councilmember Gunther asked about the installation of the speakers.

It was noted there was approval from PSE to have mounted.

Councilmember Ford asked about budget.

*Councilmember Birkes moved to approve the purchase of speakers in the amount of \$1,523.20. Second by Councilmember Drennen.*

Discussion took place regarding installation, warranty and the value of the speakers.

*Vote: Motion carried (7-0).*

Tree Trimming Bids

Councilmember Colorossi reported on the bid for the tree trimming, earlier the budget was expanded to get a handle on the maintenance of the trees. He noted the suggested work is to remove a tree, brush chip and haul, stump grind, cleanup, and remove dead limbs.

*Councilmember Colorossi moved to approve the low bidder JTS for the amount of \$5,004.80. Second by Councilmember Birkes. Motion carried (7-0).*

Rainier Meadows Big Toy

Councilmember Birkes reported on the big toy that went through the Parks Commission, discussed the bidding process; discussed the budget.

Councilmember Ford discussed the budget and wondered if the Parks Department had enough with the inclusion of the speakers.

Councilmember Colorossi stated yes, and noted a few projects that went back into the budget that were not done. Thanked the Parks Commission on the process.

*Councilmember Birkes moved to approve the purchase of a big toy from AllPlay Systems, LLC for Rainier Meadows Park in the amount of \$12,985.36. Second by Councilmember Ford. Motion carried (7-0).*

**EXECUTIVE SESSION:**

Mayor Pestinger recessed to Executive Session at 8:00 pm to discuss the acquisition of real estate by lease or purchase, as authorized by RCW 42.30.110(b). He announced Executive Session will last 15 minutes with possible action to follow.

Mayor Pestinger called for a 5 minute extension to the Executive Session.

Mayor Pestinger reconvened the Council meeting at 8:20 pm.

**ADJOURN:**

*Councilmember Ford moved to adjourn. Second by Councilmember Colorossi. Motion carried (7-0).*

**ATTEST:**

\_\_\_\_\_  
Joachim Pestinger, Mayor

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Rachel Pitzel, City Clerk

CITY OF ORTING  
VOUCHER/WARRANT REGISTER  
FOR AUGUST 26, 2015 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 #42557 THRU #42608  
IN THE AMOUNT OF \$ 152,793.65

PAYROLL WARRANTS #22202 THRU #22212  
IN THE AMOUNT OF \$ 105,042.62

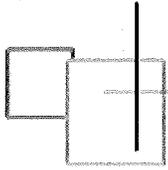
ARE APPROVED FOR PAYMENT ON AUGUST 26, 2015

FINANCE COMMITTEE CHAIR \_\_\_\_\_

COUNCILPERSON \_\_\_\_\_

COUNCILPERSON \_\_\_\_\_

CITY CLERK \_\_\_\_\_



# Fund Transaction Summary

Transaction Type: Invoice  
Fiscal: 2015 - August - 2nd Council  
System Types: Financials

Account Number	Description	Amount
001	Current Expense	\$78,694.03
101	City Streets	\$10,117.78
104	Cemetery	\$290.88
105	Parks Department	\$16,785.44
320	Transportation Impact	\$27.92
401	Water	\$9,670.39
408	Wastewater	\$13,188.21
410	Stormwater	\$24,019.00
	<b>Count: 8</b>	<b>\$152,793.65</b>

# Register

Fiscal: 2015

Deposit Period: 2015 - August

Check Period: 2015 - August - 2nd Council

Bank Accounts: Key Bank - 0032707010, Key Bank - 2000073, LGIP - 01690, U S Bank Investment - 386000122

Register Types: Warrant

Show Outstanding: All

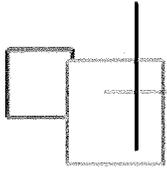
System Types: Financials

Outstanding Date: 8/20/2015 11:35:16 AM

Show Details: Hide

Number	Name	Print Date	Amount
<b>Key Bank</b>			
<b>2000073</b>			
42557	Nelson, Mark	8/13/2015	\$560.50
42558	Keybank	8/20/2015	\$6,731.75
42559	Keybank	8/20/2015	\$5,214.03
42560	Keybank	8/20/2015	\$1,196.11
42561	O'Reilly Auto Parts	8/20/2015	\$245.12
42562	All Play Systems LLC	8/26/2015	\$12,985.36
42563	Bergstedt, Scott	8/26/2015	\$700.00
42564	Bratwear	8/26/2015	\$313.72
42565	Buckley, City of	8/26/2015	\$150.00
42566	Cassatt, Mike	8/26/2015	\$21.00
42567	CenturyLink/Qwest	8/26/2015	\$192.53
42568	Cintas Corporation #461	8/26/2015	\$510.85
42569	Coastwide Laboratories	8/26/2015	\$32.81
42570	Comcast	8/26/2015	\$20.87
42571	Cope's Oring Pharmacy (C	8/26/2015	\$12.59
42572	Cornerstone Electric, Inc	8/26/2015	\$341.90
42573	dB Audio Northwest	8/26/2015	\$1,523.20
42574	Dell Financial Services Payment	8/26/2015	\$1,235.41
42575	Processing Services	8/26/2015	\$1,720.00
42576	Emmons, Beverly	8/26/2015	\$3,120.00
42577	Enumclaw, City of	8/26/2015	\$7,638.77
42578	Equipment Experts INC	8/26/2015	\$479.33
42579	FYI Investigations	8/26/2015	\$613.89
42580	Gard, Chris	8/26/2015	\$373.34
42581	H D Fowler Company	8/26/2015	\$187.50
42582	Honey Bucket-NW Cascade Inc	8/26/2015	\$668.87
42583	Jim Wetton's Plumbing	8/26/2015	\$25,654.18
42584	Kenyon Disend PLLC	8/26/2015	\$331.54
42585	Konica Minolta Business Solutions	8/26/2015	\$1,097.44
42585	Konica Minolta Business-Usa Inc	8/26/2015	

Account	Name	DATE	AMOUNT
42586	Law Enforcement Equip. DI	8/26/2015	\$118.04
42587	Milton, City of	8/26/2015	\$100.00
42588	Murphy-Brown, Mary	8/26/2015	\$207.00
42589	Orca Pacific, Inc	8/26/2015	\$517.24
42590	Orting School Dist #344	8/26/2015	\$75.00
42591	Parametrix	8/26/2015	\$38,124.51
42592	Performance Radiator Inc	8/26/2015	\$1,268.68
42593	Pierce County	8/26/2015	\$7,641.19
42594	Pioneer Storage	8/26/2015	\$320.00
42595	Puget Sound Clean Air Agency	8/26/2015	\$1,740.00
42596	Puget Sound Energy	8/26/2015	\$17,922.94
42597	Ricoh USA INC	8/26/2015	\$251.00
42598	South Correctional Entity	8/26/2015	\$2,900.00
42599	Spectral Laboratories	8/26/2015	\$242.00
42600	Sports Connection, LLC	8/26/2015	\$167.50
42601	Sterling Codifiers	8/26/2015	\$386.00
42602	Sunnyside, City Of	8/26/2015	\$2,268.00
42603	The Humane Society Tac/p.	8/26/2015	\$103.00
42604	The News Tribune	8/26/2015	\$1,557.79
42605	Tucci & Sons	8/26/2015	\$289.87
42606	Vision Forms LLC	8/26/2015	\$264.08
42607	Washington State Patrol-Budget And Fiscal Services	8/26/2015	\$44.25
42608	Wex Bank	8/26/2015	\$2,412.95
	<b>Total</b>	<b>Check</b>	<b>\$152,793.65</b>
	<b>Total</b>	<b>2000073</b>	<b>\$152,793.65</b>
	<b>Grand Total</b>		<b>\$152,793.65</b>



# Custom Council Report

Vendor	Number	Invoice	Account Number	Notes	Amount
All Play Systems LLC	42562	2015-090	105-594-76-63-10	Playground Equipment for Rainier Meadows <b>Total</b>	\$12,985.36 \$12,985.36
Bergstedt, Scott	42563	PO 15-22	001-512-50-10-05	Pro-Tem Judge for July 23 & Aug 6 2015 <b>Total</b>	\$700.00 \$700.00
Bratwear	42564	16044 16053	001-521-20-31-01 001-521-20-31-01	Gloves for Drake Uniform Item for Officer Hattaway <b>Total</b>	\$29.02 \$284.70 \$313.72
Buckley, City of	42565	20150921	001-521-21-31-01	CPL Fingerprinting <b>Total</b>	\$150.00 \$150.00
Cassatt, Mike	42566	15-0236	001-521-21-31-01	Parking Fees- Investigation <b>Total</b>	\$21.00 \$21.00
CenturyLink/Qwest	42567	246B-Aug2015 464B-Aug2015	001-521-20-45-02 001-521-20-45-02	Cell Connection Cell Connection <b>Total</b>	\$76.00 \$116.53 \$192.53
Cintas Corporation #461	42568	461628697/461642074 461638871	408-535-60-48-04 401-534-10-31-04 408-535-10-31-05	Cleaning of Park Restrooms Uniforms for Ewing Uniforms for Ewing <b>Total</b>	\$233.52 \$138.67 \$138.66 \$510.85
Coastwide Laboratories	42569	T2792840-1	001-512-50-31-00 001-513-10-31-00 001-521-20-31-03	PSB Restroom Supplies PSB Restroom Supplies PSB Restroom Supplies <b>Total</b>	\$13.12 \$6.56 \$13.13 \$32.81
Comcast	42570	Invoice - 8/18/2015 12:49:36 PM	001-514-23-42-00 401-534-10-42-01 408-535-10-42-01	Equipment Equipment Equipment <b>Total</b>	\$6.95 \$6.96 \$6.96 \$20.87

Vendor	Invoice Number	Invoice	Account Number	Notes	Amount
Cope's Orting Pharmacy (C)	42571	AUG2015-404	001-575-50-48-00		\$6.08
			401-534-10-31-00		\$6.51
				<b>Total</b>	<b>\$12.59</b>
Cornerstone Electric, Inc	42572	AUG2015-406	408-535-50-48-04	WWTP-Ballist & Photocell Varistor For Contactor	\$341.90
dB Audio Northwest	42573	2015-35	105-594-76-64-39	Speakers for Park Sound System	\$1,523.20
Dell Financial Services Payment Processing Services	42574	78059369	001-594-12-75-03	PSB Server	\$25.00
			001-594-14-75-03	City Hall Server	\$50.00
			001-594-21-75-02	PSB Server	\$753.41
			001-594-24-75-05	City Hall Server	\$37.00
			001-594-76-75-06	City Hall Server	\$12.00
			101-594-42-75-41	City Hall Server	\$12.00
			105-594-76-75-04	City Hall Server	\$12.00
			401-594-34-75-02	City Hall Server	\$111.00
			408-594-35-64-44	City Hall Server	\$149.00
			410-594-31-74-02	City Hall Server	\$74.00
Emmons, Beverly	42575	AUG2015-401	001-514-23-49-05	Contracted Services for Accounting-Clerk Treasurer	\$1,720.00
Enumclaw, City of	42576	04473	001-523-60-41-00	Jail Fees-July 2015	\$3,120.00
Equipment Experts INC	42577	1645-Aug2015	101-542-30-48-04	Repair of Backhoe Brakes-FA 1034	\$1,145.81
			105-576-80-48-01	Repair of Backhoe Brakes-FA 1034	\$763.90
			401-534-50-48-04	Repair of Backhoe Brakes-FA 1034	\$2,673.56
			408-535-50-48-04	Repair of Backhoe Brakes-FA 1034	\$1,909.69
			410-531-38-48-01	Repair of Backhoe Brakes-FA 1034	\$1,145.81
FYI Investigations	42578	Case 4Z0678106	001-512-50-49-08	Special Investigation on Case 4z0678106	\$479.33
Gard, Chris	42579	PDPO-15-242	001-521-40-49-00	Reimbursement for Airline Tickets-Car Rental-Fuel-Training	\$613.89

Vendor	Number	Invoice	Account Number	Notes	Amount		
H D Fowler Company	42580	13998376	401-534-50-48-02	Valve-Gasket-PVC- Cement	\$211.12		
		13998380	401-534-50-48-02	Keystone Nevestane-Hydrants & Gate Valves	\$74.70		
		13998381	401-534-50-48-02	Stem Stop & Loicknut Wrench- Fire Hydrant	\$87.52		
				<b>Total</b>	<b>\$373.34</b>		
Honey Bucket-NW Cascade Inc	42581	2-1307444	408-535-60-48-04	Honey Bucket Service	\$187.50		
				<b>Total</b>	<b>\$187.50</b>		
Jim Wetton's Plumbing	42582	12828	001-521-50-48-03	Repair on PSB- Airtrol Metering Valve	\$668.87		
				<b>Total</b>	<b>\$668.87</b>		
Kenyon Disend PLLC	42583	183191-183192-183193	001-515-30-41-01	Attorney Retainer	\$3,500.00		
			001-515-30-41-02	Attorney Services	\$9,517.68		
			001-521-50-41-02	Attorney Services	\$12,396.50		
			101-542-30-41-05	Attorney Services	\$240.00		
			<b>Total</b>	<b>\$25,654.18</b>			
Keybank	42558	4412-Aug2015	001-521-20-31-01	Protection Plan	\$3.25		
			001-521-20-31-01	Inverter	\$100.56		
			001-521-20-31-06	Case for Recorder/Mic	\$23.53		
			001-521-20-31-06	Tape Recorder/USB Cable	\$58.30		
			001-521-50-41-04	GOJO Soap	\$89.58		
			001-521-50-48-02	Dispensers for PSB Transmission Service on 08 Charger	\$231.81		
			001-521-50-48-02	Repairs on Bike	\$439.45		
			001-521-50-48-02	Tension Strut Repair 08 Charger	\$1,497.31		
			001-521-50-48-02	Transmission Repair on 08 Charger	\$4,060.64		
			001-521-50-48-03	Commerical Cleaning for Detention Cell	\$152.32		
			001-521-50-49-01	Membership for Police Mountain Bike Assocoation	\$75.00		
			42559	4438-Aug2015	001-514-23-31-02	Battery for Alarm System	\$32.95
					001-514-23-31-02	Amazon Prime	\$99.00
					001-521-40-49-00	RAD Training-Meal & Hotel	\$952.85
					001-521-40-49-00	NASRO Training For Nile-Hotel- Meals-Baggage Checks	\$1,380.23
					001-521-50-48-03	Leaking Toilet-PSB	\$191.84
					001-524-20-31-00	Batteries/Flash Drive	\$24.02
					001-524-20-48-01	Car Wash-Tahoe	\$8.00
			001-571-20-31-30	Refund Form Party City	(\$68.82)		

Vendor	Number	Invoice	Account Number	Notes	Amount			
Keybank	42559	4438-Aug2015	001-571-20-31-30	Supplies for Daddy/Daughter Dance	\$28.86			
			001-571-20-31-30	DJ for Daddy Daughter Dance	\$300.00			
			101-542-30-48-04	Repairs on Bucket Truck-FA1029	\$669.64			
			105-576-80-48-02	Repairs on Bucket Truck-FA1029	\$956.64			
			401-534-10-31-00	iPod Storage	\$6.67			
			401-534-10-31-00	Batteries/Flash Drive	\$24.01			
			401-534-50-48-06	Repairs on Bucket Truck-FA1029	\$95.66			
			401-534-90-49-00	AWC Conference- Hotel	\$37.62			
			401-534-90-49-00	AWC Conference- Hotel	\$56.99			
			408-535-10-31-00	iPod Storage	\$6.66			
			408-535-10-31-00	Batteries/Flash Drive	\$24.01			
			408-535-50-48-08	Repairs on Bucket Truck-FA1029	\$95.66			
			408-535-90-49-00	AWC Conference- Hotel	\$37.62			
			408-535-90-49-00	AWC Conference- Hotel	\$56.99			
			410-531-31-20-06	AWC Conference- Hotel	\$37.62			
			410-531-31-20-06	AWC Conference- Hotel	\$56.99			
			410-531-38-31-00	iPod Storage	\$6.66			
			410-531-38-48-01	Repairs on Bucket Truck-FA1029	\$95.66			
				42560	4461-Aug2015	001-512-50-49-02	Lunch for Jurors	\$80.71
						001-513-10-31-00	Parking Permits	\$95.00
001-513-10-31-00	Parking Permits	\$196.00						
001-513-10-31-03	AWC Wellness BBQ	\$269.51						
001-513-10-43-00	Meals/Fuel AWC Conference	\$107.53						
001-514-23-31-02	Batteries	\$29.55						
001-514-40-49-02	CMC Plaque	\$40.00						
001-514-40-49-02	CMC Designation	\$50.00						
001-521-50-48-03	Light Bulbs	\$9.78						
001-554-30-31-00	Dog Food-Raw Hide	\$43.49						
105-576-80-48-01	Parts for Brush Cutter	\$211.78						
401-534-10-31-00	Water	\$11.89						
401-534-90-49-00	AWC Conference- Hotel	\$39.39						
408-535-10-31-00	Water	\$11.89						
408-535-50-48-04	Refund American Firehose	(\$112.60)						
408-535-90-49-00	AWC Conference- Hotel	\$39.39						
410-531-31-20-06	AWC Conference- Hotel	\$39.38						
410-531-38-48-01	Erosion Control Materials-WWTP Bins	\$33.42						
						<b>Total</b>	<b>\$13,141.89</b>	

Vendor	Account	Invoice	Account Number	Notes	Amount
Konica Minolta Business Solutions	42584	40056669-Aug2015	001-594-21-75-00	PD Copier Lease	\$331.54
				<b>Total</b>	<b>\$331.54</b>
Konica Minolta Business-Usa Inc	42585	235447563/235447754/235447001-594-21-75-00 825/235447832 235456555	001-594-21-75-00	Copier Lease PD	\$970.25
				Copier Lease PD	\$127.19
				<b>Total</b>	<b>\$1,097.44</b>
Law Enforcement Equip. DI	42586	06191506	001-521-20-31-01	Ear Phone for Radios/Patch	\$118.04
				<b>Total</b>	<b>\$118.04</b>
Milton, City of	42587	110-Aug2015	001-521-40-49-00	Bicycle Course for Officer Boone	\$100.00
				<b>Total</b>	<b>\$100.00</b>
Murphy-Brown, Mary	42588	AUG2015-405	001-571-20-31-21	Dance Class-Aug 2015	\$207.00
				<b>Total</b>	<b>\$207.00</b>
Nelson, Mark	42557	AUG2015-300	001-524-20-49-00	Contracted-2 Plan Review July 2015	\$200.00
			001-524-20-49-01	Contracted-Inspector-July 2015	\$360.50
				<b>Total</b>	<b>\$560.50</b>
O'Reilly Auto Parts	42561	1265583-Aug2015	101-542-30-48-04	Booster Cables for FA1021	\$2.72
			101-542-30-48-04	Lights for F350-FA1027	\$7.49
			104-536-50-48-01	Lights for F350-FA1027	\$1.24
			105-576-80-48-02	Lights for F350-FA1027	\$8.73
			105-576-80-48-02	Mirror for Flatbed-FA1027	\$18.49
			105-576-80-48-03	Booster Cables for FA1021	\$2.72
			401-534-10-31-00	Vehicle Cleaning Supplies	\$28.80
			401-534-50-48-04	Lights for F350-FA1027	\$2.50
			401-534-50-48-04	Booster Cables for FA1021	\$27.20
			401-534-50-48-06	Brake Supplies for 2009 Ford F-150 FA1051	\$59.25
			408-535-50-48-04	Lights for F350-FA1027	\$2.49
			408-535-50-48-08	Booster Cables for FA1021	\$19.04
			408-535-50-48-08	Brake Supplies for 2009 Ford F-150 FA1051	\$41.47
			410-531-38-48-01	Lights for F350-FA1027	\$2.50
			410-531-38-48-01	Booster Cables for FA1021	\$2.71

Vendor	Invoice Number	Invoice	Account Number	Notes	Amount
O'Reilly Auto Parts	42561	1265583-Aug2015	410-531-38-48-01	Brake Supples for 2009 Ford F-150 FA1051	\$17.77
				<b>Total</b>	<b>\$245.12</b>
Orca Pacific, Inc	42589	17066	401-534-10-31-01	Sodium Hypochlorite	\$517.24
				<b>Total</b>	<b>\$517.24</b>
Orting School Dist #344	42590	229	001-571-20-31-30	OHS Commons Rental for Daddy/Daughter Dance	\$75.00
				<b>Total</b>	<b>\$75.00</b>
Parametrix	42591	01-75586	401-534-10-41-29	Orville Water Main- Replacement Easement	\$115.70
			401-534-20-41-30	WSDOT Franchise Permit-Coord	\$77.13
			401-534-20-41-30	WSDOT Utility Franchise Permit- Project Mgmnt	\$83.54
			401-534-20-41-30	WSDOT Utility Franchise Permit- Project Mgmnt	\$154.26
			410-531-31-41-21	2011 Calistoga Setback Levee Grants 2013- Setback	\$3,027.47
		01-75587	001-524-20-41-02	The Meadows Div 2- Construction Servoces	\$0.10
			001-524-20-41-02	Village Green Div 7- Design Review	\$154.26
			001-524-20-41-02	The Meadows Div 2- Design Review	\$266.40
			001-524-20-41-02	General Development	\$385.65
			001-524-20-41-02	Village Green Div 7- Construction Services	\$658.41
			001-524-20-41-02	Village Green Div 8- Design Review	\$1,096.73
		01-75588	101-595-30-41-02	SR162 TWLT Project Management	\$671.71
			101-595-30-41-02	SR162-TWLT-R/W Acquisition	\$780.88
			101-595-30-41-02	SR162 TWLT-Final Design	\$859.53
		01-75589	410-594-31-63-24	Construction Admin Assistance-	\$9.20
			410-594-31-63-24	Construction Staking Construction Admin Assistance-	\$38.90
			410-594-31-63-24	Expenses Construction Admin Assistance-Out of Scope	\$160.46
			410-594-31-63-24	Construction Admin Assistance-Project Mgmnt	\$672.73

Vendor	Project	Invoice	Account Number	Notes	Amount				
Parametrix	42591	01-75589	410-594-31-63-24	Construction Admin Assistance-Landscape	\$1,501.00				
			410-594-31-63-24	Construction Admin Assistance-Construction Eng	\$5,954.15				
			410-594-31-63-24	Construction Admin Assistance-Construction Observation	\$10,501.50				
			01-75590	001-524-20-41-02	General Development	\$170.00			
				001-525-60-41-00	OEEB Mitigation Planning-Emergency Evac Bridge	\$60.00			
				001-525-60-41-00	OEEB Hazard Mitigation Planning	\$1,276.25			
				001-558-60-41-01	General Consulting	\$3,889.80			
				401-534-10-41-01	General Consulting-Water	\$1,527.50			
				401-534-10-41-16	Water System Plan Update-WSP	\$792.50			
				401-534-10-41-16	Project Mgt Water System Plan Update-WSP	\$1,368.75			
				408-535-10-41-01	Production General Consulting-Sewer	\$1,020.00			
				408-594-35-41-01	Biosolids Pre-Design-Project Mgt	\$340.00			
				410-531-39-41-01	General Consulting-Storm	\$510.00			
				<b>Total</b>				<b>\$38,124.51</b>	
				Performance Radiator Inc	42592	5501351	001-522-20-48-01	PSB Radiator Repair for Generator	\$1,268.68
							<b>Total</b>		
				Pierce County	42593	CI-205923	001-566-00-51-00	2nd QRT Liquor Profit Tax	\$374.45
CI-205954	001-538-40-47-00	2nd QRT Peg Fees	\$1,108.50						
	001-586-00-08-00	2nd QRT Peg Fees	\$1,108.50						
CI-206023	001-514-23-41-11	3rd QRT RCC Membership Dues	\$2,047.49						
CI-206085	001-525-10-51-00	Emergency Management for July-Dec 2015	\$3,002.25						
<b>Total</b>				<b>\$7,641.19</b>					
Pioneer Storage	42594	AUG2015-400	001-571-20-31-01	Storage for Parks & Rec	\$320.00				
			<b>Total</b>				<b>\$320.00</b>		
Puget Sound Clean Air Agency	42595	15-0725	001-531-70-51-00	QRT 2 & 3-Clean Air Assessment	\$1,740.00				
			<b>Total</b>				<b>\$1,740.00</b>		
Puget Sound Energy	42596	001575504701-Aug2015	001-575-50-47-01	MPC/Library	\$696.17				
		200001247663 -Aug2015	408-535-50-47-07	VC Lift Station	\$308.34				
		200001247812-Aug2015	320-595-30-63-01	SR162 Signal	\$27.92				
		200001248034-Aug2015	401-534-50-47-07	Harman Springs	\$26.67				

Vendor	Account	Invoice	Account Number	Notes	Amount	
Puget Sound Energy	42596	200001248190-Aug2015	105-576-80-47-01	North Park	\$11.01	
		200001248539-Aug2015	001-525-50-47-01	Lahar Siren	\$10.80	
		200001532189-Aug2015	105-576-80-47-02	Main Park	\$131.57	
			105-576-80-47-03	Bell Tower	\$56.39	
		200002708986-Aug2015	408-535-50-47-05	VG Lift Station	\$187.78	
		200003766280-Aug2015	001-514-21-32-01	City Hall/City Shop	\$19.12	
			@ City Hall			
			001-514-21-47-01	City Hall/City Shop	\$119.26	
			@ City Hall			
			001-524-20-32-05	City Hall/City Shop	\$39.76	
			@ City Hall			
			401-534-50-47-01	City Hall/City Shop	\$119.27	
			@ City Hall			
			401-534-50-47-09	City Hall/City Shop	\$19.12	
			@ City Hall			
			408-535-50-47-01	City Hall/City Shop	\$119.26	
			@ City Hall			
			408-535-50-47-08	City Hall/City Shop	\$19.12	
			@ City Hall			
			200010396329-Aug2015	001-521-50-47-00	PSB	\$691.21
				001-522-50-47-00	PSB	\$691.21
			200010396543-Aug2015	105-576-80-47-01	North Park	\$103.65
			200010396733-Aug2015	401-534-50-47-11	Well 4	\$1,018.47
			200010629349-Aug2015	101-542-63-47-01		\$13.27
				104-536-50-47-01		\$10.62
				401-534-50-47-01		\$15.93
				408-535-50-47-01		\$13.27
			200013874264-Aug2015	408-535-50-47-04	WWTP	\$7,466.24
			200014994137-Aug2015	410-531-38-47-00	VG Storm Pond	\$43.04
			200019613294-Aug2015	104-536-50-47-02	Cemetery Shop	\$279.02
	200021141250-Aug2015	408-535-50-47-03	Lift Station 2	\$88.46		
	200021421298-Aug2015	408-535-50-47-06	Sewer Pump	\$27.92		
			Station-Rainer			
			Meadows			
	200024404523-Aug2015	408-535-50-47-02	Lift Station 1	\$77.95		
	200097174931-Aug2015	401-534-50-47-04	Well 2	\$46.26		
	300000002406-Aug2015	101-542-63-47-03	Street Lights	\$5,424.86		
			<b>Total</b>	<b>\$17,922.94</b>		
Ricoh USA INC	42597	95250418	001-594-14-75-00	City Hall Copier	\$251.00	
				Lease		
				<b>Total</b>	<b>\$251.00</b>	
South Correctional Entity	42598	1460	001-523-60-41-00	Jail Fees-July 2015	\$2,900.00	
				<b>Total</b>	<b>\$2,900.00</b>	
Spectral Laboratories	42599	101492	408-535-10-41-03	Lab Testing	\$242.00	
				<b>Total</b>	<b>\$242.00</b>	
Sports Connection, LLC	42600	15564	001-571-20-31-17	Adult Softball Shirts	\$167.50	
				<b>Total</b>	<b>\$167.50</b>	
Sterling Codifers	42601	15589	001-514-23-41-10	Supplement 38	\$386.00	
				<b>Total</b>	<b>\$386.00</b>	

Vendor	Vendor ID	Invoice	Account Number	Notes	Amount
Sunnyside, City Of	42602	342	001-523-60-41-00	Jail Fees-July 2015	\$2,268.00
				<b>Total</b>	<b>\$2,268.00</b>
The Humane Society Tac/p.	42603	IVC0001500	001-554-30-31-00	Animal Control-Cat Drop Off	\$103.00
				<b>Total</b>	<b>\$103.00</b>
The News Tribune	42604	257635-Aug2015	001-511-60-49-03	ORD 2015-969	\$76.90
			001-511-60-49-03	ORD 2015-967- ORD2015-9	\$125.14
			001-511-60-49-03	Meeting Times	\$139.98
			001-511-60-49-03	TBD Report	\$165.22
			001-518-10-41-01	City Treasuret Publication	\$513.05
			001-521-21-49-00	Police Lateral Officier	\$410.14
			001-558-60-41-00	2015 Comp Plan GMA Update	\$127.36
				<b>Total</b>	<b>\$1,557.79</b>
Tucci & Sons	42605	50506	101-542-30-48-02	Cold Mix	\$289.87
				<b>Total</b>	<b>\$289.87</b>
Vision Forms LLC	42606	3108	401-534-10-31-00	Utility Bill Processing & Mailing	\$25.12
			401-534-10-42-00	Utility Bill Processing & Mailing	\$62.91
			408-535-10-31-00	Utility Bill Processing & Mailing	\$25.12
			408-535-10-42-00	Utility Bill Processing & Mailing	\$62.90
			410-531-38-31-00	Utility Bill Processing & Mailing	\$25.12
			410-531-38-42-00	Utility Bill Processing & Mailing	\$62.91
				<b>Total</b>	<b>\$264.08</b>
Washington State Patrol-Budget And Fiscal Services	42607	116000709	001-521-21-31-01	Background Check for July 2015	\$44.25
				<b>Total</b>	<b>\$44.25</b>
Wex Bank	42608	41980505	001-521-20-32-00	Fuel-PD	\$2,412.95
				<b>Total</b>	<b>\$2,412.95</b>
				<b>Grand Total</b>	<b>\$152,793.65</b>



## PROCLAMATION PROSTATE CANCER AWARENESS MONTH

This year the Tacoma Prostate Cancer Support Group (TPCSG) is renewing its effort to get the word out about prostate cancer. The numbers remain the same as previous years with over 29,000 deaths in 2014 making it one of the leading causes of death for men in America while being one of the least publicized and understood cancers.

**Whereas**, September is national Prostate Cancer Awareness Month; and

**Whereas**, prostate cancer is the second leading cause of cancer death in men; recognizing that while all men are at risk for prostate cancer, African American and Hispanic men have the highest incidence and mortality of prostate cancer in the world; and

**Whereas**, there will be an estimated 233,000 new cases of prostate cancer nationally in the year of 2015, and there will be over 29,000 deaths from prostate cancer in this same year; about one man in six will be diagnosed with prostate cancer during his lifetime according to the American Cancer Society; and

**Whereas**, in 2014 there were 5,400 new cases of prostate cancer diagnosed and 730 deaths from prostate cancer in Washington State; and

**Whereas**, the Washington State Prostate Cancer Coalition along with the Tacoma Prostate Cancer Support Group provide programs and materials to advocate and educate men to have an informed discussion with their healthcare provider about prostate cancer by age 50 and by age 45 if they have a family history of the cancer,

**Therefore**, I, Mayor Joachim (Joe) Pestinger, do hereby support September as Prostate Cancer Awareness Month.

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Joachim (Joe) Pestinger  
Mayor  
City of Orting



**City of Orting**  
*City Council Staff Report*

**Date:** 8/26/15

**Prepared By:** Rachel Pitzel

**Agenda Item:** Ordinance No. 2015-970, Indemnification of Employees and Officers

<b>Issue Synopsis:</b>	The city council, subject to certain conditions, desires to provide its elected officials, employees, and volunteers with assurance that their actions, performed in furtherance of the city’s goals and objectives, performed in good faith and within the scope of their duties, will not subject them to out of pocket costs involved in defending against lawsuits and paying damages awards.
<b>Background:</b>	RCW 4.96 provides that local governmental entities may create a procedure by resolution or ordinance for providing indemnification and defense for an official, employee or volunteer for actions or proceedings for damages arising from acts or omissions while performing or in good faith purporting to perform his or her official duties.
<b>Policy Options:</b>	Approve, amend, deny.
<b>Analysis:</b>	Desire to adopt provisions indemnifying City employees, officer, and volunteers for action or proceeding for damages arising from acts or omission while performing or in good faith to perform their duties.
<b>Fiscal Impact:</b>	Fund(s): N/A  Expenditure Required: N/A  Amount Budgeted: NA  Additional Appropriation Required: N/A
<b>Policy Questions:</b>	See above
<b>Staff Recommendation:</b>	Approve
<b>Parks Commission Recommendation:</b>	Approve
<b>Attachments:</b>	Ordinance adopting Title 1, Chapter 14 of the OMC

**CITY OF ORTING  
WASHINGTON  
ORDINANCE NO. 2015-970**

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**AN ORDINANCE OF THE CITY OF ORTING,  
WASHINGTON, ADOPTING ORTING CITY CODE TITLE  
1, CHAPTER 14 REGARDING INDEMNIFICATION OF  
EMPLOYEES AND OFFICERS; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE  
DATE**

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WHEREAS, the City desires to adopt provisions indemnifying City employees, officers, and volunteers; and

WHEREAS, RCW 4.96 provides that local governmental entities may create a procedure by resolution or ordinance for providing indemnification and defense for an official, employee or volunteer for actions or proceedings for damages arising from acts or omissions while performing or in good faith purporting to perform his or her official duties; and

WHEREAS, the city council, subject to certain conditions, desires to provide its elected officials, employees, and volunteers with assurance that their actions, performed in furtherance of the city's goals and objectives, performed in good faith and within the scope of their duties, will not subject them to out of pocket costs involved in defending against lawsuits and paying damages awards.

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

Title 1. Chapter 14. Indemnification of Employees and Officers. Chapter 14. "Indemnification of Employees and Officers" is added to the Orting Municipal Code and reads as follows:

**Chapter 14  
Indemnification of Employees and Officers**

**Sections:**

- 1-14-1     Definitions.**
- 1-14-2     Legal representation.**
- 1-14-3     Exclusions.**
- 1-14-4     Determination of exclusion.**
- 1-14-5     Representation and payment of claims - Conditions.**
- 1-14-6     Effect of compliance with conditions.**
- 1-14-7     Failure to comply with conditions.**
- 1-14-8     Reimbursement of incurred expenses.**

**1-14-9 Conflict with provisions of insurance policies.**

**1-14-10 Pending claims.**

**1-14-1: DEFINITIONS:**

Unless the context indicates otherwise, the words and phrases used in this chapter shall have the following meanings:

A. "Employee" means any person who is or has been employed by the city.

B. "Official" means any person who is serving or has served as an elected city official, and any person who is serving or has served as an appointed member of any city board, commission, committee or other appointed position with the city.

C. "Volunteer" means a volunteer as defined in RCW 51.12.035, as amended.

**1-14-2: LEGAL REPRESENTATION:**

A. As a condition of service or employment the city shall provide to an official, employee, or volunteer subject to the conditions and requirements of this chapter, and notwithstanding the fact that such official, employee, or volunteer may have concluded service or employment with the city, such legal representation as may be reasonably necessary to defend a claim or lawsuit filed against such official, employee, or volunteer resulting from any conduct, act or omission of such official, employee, or volunteer performed or omitted on behalf of the city in his capacity as a city official, employee, or volunteer which act or omission is within the scope of his service or employment with the city. Legal representation shall also be provided to the spouse of such official, employee or volunteer when a lawsuit is also filed against the spouse and community property of the official, employee or volunteer. This chapter is subject to repeal or modification at the sole discretion of the city council.

B. The legal services shall be provided by the office of the city attorney unless:

1. Any provision of an applicable policy of insurance provides otherwise;  
or

2. A conflict of interest or ethical bar exists with respect to said representation.

C. In the event that outside counsel is retained under subparagraph (B)(2), the city shall indemnify the employee from the reasonable costs of defense provided that in no event shall the officer or employee be indemnified for attorneys' fees in excess of the hourly rates established by the city's contract with its city attorney. The officer or employee shall be liable for all hourly charges in excess of said rate.

**1-14-3: EXCLUSIONS:**

A. In no event shall legal defense or indemnification be offered under this chapter by the city to:

1. Any dishonest, fraudulent, criminal, willful, intentional or malicious act or course of conduct of an official or employee;

2. Any act or course of conduct of an official or employee, which is not performed on behalf of the city;

3. Any act or course of conduct which is outside the scope of an official's or employee's service or employment with the city; and/or

4. Any lawsuit brought against an official or employee by or on behalf of the city. Nothing herein shall be construed to waive or impair the right of the city council to institute suit or counterclaim against any official or employee nor to limit its ability to discipline or terminate an employee.

B. The provisions of this chapter shall have no force or effect with respect to any accident, occurrence or circumstance for which the city or the official or employee is insured against loss or damages under the terms of any valid insurance policy or a similar loss coverage policy, provided that this chapter shall provide protection, subject to its terms and limitations, above any loss limit of such policy. The provisions of this chapter are intended to be secondary to any contract or policy of insurance owned or applicable to any official or employee. An employee or official shall utilize any such policy protection prior to requesting the protection afforded by this chapter.

**1-14-4: DETERMINATION OF EXCLUSION:**

The determination of whether an official or employee shall be afforded a defense by the city under the terms of this chapter shall be determined by the city council on the recommendation of the mayor. The decision of the city council shall be final as a legislative determination of the council. Nothing herein shall preclude the city from undertaking an officer's or employee's defense under a reservation of rights.

**1-14-5: REPRESENTATION AND PAYMENT OF CLAIMS - CONDITIONS:**

The provisions of this chapter shall apply only when the following conditions are met:

A. In the event of any incident or course of conduct potentially giving rise to a claim for damage, or the commencement of a suit, the official or employee involved shall, as soon as practicable, give the city attorney written notice thereof, identifying

the official or employee involved, all information known to the official or employee involved with respect to the date, time, place and circumstances surrounding the incident or conduct giving rise to the claim or lawsuit, as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses;

B. Upon receipt thereof, the official or employee shall deliver any claim, demand, notice or summons or other process relating to any such incident or conduct to the city attorney, and shall cooperate with the city attorney or an attorney designated by the city attorney, and, upon request, assist in making settlement of any suit and enforcing any claim for any right of subrogation against any persons or organizations that may be liable to the city because of any damage or claim of loss arising from said incident or course of conduct, including but not limited to rights of recovery for costs and attorneys' fees arising out of any state or federal statute upon a determination that the suit brought is frivolous in nature;

C. Such official or employee shall attend interviews, depositions, hearings and trials and shall assist in securing and giving evidence and obtaining attendance of witnesses all without any additional compensation to the official or employee, and in the event that an employee has left the employ of the city, no fee or compensation shall be provided; and

D. Such official or employee shall not accept nor voluntarily make any payment, assume any obligation, or incur any expense relating to said claim or suit, other than for first aid to others at the time of any incident or course of conduct giving rise to any such claim, loss, or damage.

**1-14-6: EFFECT OF COMPLIANCE WITH CONDITIONS:**

If legal representation of an official or employee is undertaken by the city attorney, all of the conditions of representation are met, and a judgment is entered against the official or employee, or a settlement made, the city shall pay such judgment or settlement, provided, that the city may, at its discretion, appeal as necessary such judgment.

**1-14-7: FAILURE TO COMPLY WITH CONDITIONS:**

In the event that any official or employee fails or refuses to comply with any of the conditions of this chapter, or elects to provide his/her own representation with respect to any such claim or litigation, then all of the provisions of this chapter shall be inapplicable, and have no force or effect with respect to any such claim or litigation.

**1-14-8: REIMBURSEMENT OF INCURRED EXPENSES:**

A. If the city determines that an official or employee does not come within the

provisions of this chapter, and a court of competent jurisdiction later determines that such claim does come within the provisions of this chapter, then the city shall pay any judgment rendered against the official or employee and reasonable attorneys' fees incurred in defending against the claim. The city shall pay any attorneys' fees incurred in obtaining the determination that such claim is covered by the provisions of this chapter.

B. If the city determines that a claim against a city official or employee does come within the provisions of this chapter, and a court of competent jurisdiction later finds that such claim does not come within the provisions of this chapter, then the official or employee involved shall reimburse the city for any judgment, costs or expenses, including reasonable attorneys' fees incurred by the city in defending the official or employee against the claim.

**1-14-9: CONFLICT WITH PROVISIONS OF INSURANCE POLICY:**

A. Nothing contained in this chapter shall be construed to modify or amend any provision of any policy of insurance where any city official or employee thereof is the named insured. In the event of any conflict between this chapter and the provisions of any such policy of insurance, the policy provisions shall be controlling; provided, however, that nothing contained in this section shall be deemed to limit or restrict any employee's or official's right to full coverage pursuant to this chapter, it being the intent of this chapter and section to provide the coverage detailed in this chapter outside and beyond insurance policies which may be in effect, while not compromising the terms and conditions of such policies by any conflicting provision contained in this chapter.

B. If a bargaining unit contract covers the subject of any of the provisions of this chapter, all employees subject to the contract shall be governed by the terms of the contract. If there is a conflict between the contract provisions and this chapter, the contract provisions shall control.

**1-14-10: PENDING CLAIMS:**

The provisions of this chapter shall apply to any pending claim or lawsuit against an official or employee, or any such claim or lawsuit hereafter filed, irrespective of the date of the events or circumstances which are the basis of such claim or lawsuit.

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. 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.

**ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE 26<sup>TH</sup> DAY OF AUGUST, 2015.

CITY OF ORTING

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Mayor Joachim Pestinger

ATTEST/AUTHENTICATED:

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Rachel Pitzel, City Clerk

Approved as to form:

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John P. Long, Jr., City Attorney  
Kenyon Disend, PLLC

Filed with the City Clerk: 08/26/15  
Passed by the City Council: 08/26/15  
Date of Publication: 08/28/15  
Effective Date: 09/02/15



**City of Orting**  
*City Council Staff Report*

**Date:** 08-19-2015

**Prepared By:** Larry Isenhart

**Agenda Item:** OMC 5-8 NOISE CONTROL ORDINANCE

<b>Issue Synopsis:</b>	Repeals old noise ordinance found in multiple locations (OMC 5-1-4 and OMC 5-8) and consolidates, updates and re-enacts OMC 5-8.
<b>Background:</b>	<p>OMC as it exist now is in two locations within code.</p> <p>OMC 5-1-4 Offensive Noise disturbances contains definitions (2), Prohibitions, Enforcement and Penalties. This section does not reference state WAC 173-60, RCW 70.107 or WAC 173-62 all of which deal with current State law relating to noise control. The penalty section in this OMC has been found to be confusing to local law enforcement when enforcement is required. Officers often cannot decide definitively what the penalty structure is and therefore no enforcement is taken. The comment often heard is “It’s largely unenforceable”.</p> <p>Note: OMC 5-1-4 allows for a 10 day Enforcement Notice to abate, however in my experience most noise violations require instant enforcement action that can range from a verbal warning to cease activity up to civil infractions/criminal charges depending on circumstances. A 10 day Enforcement Notice to abate is probably no longer the most effective tool.</p> <p>OMC 5-8 is strictly a reference to WAC 173-60 and reiterates the same confusing penalties structure. RCW 70.107 or WAC 173-62 are not referenced.</p>
<b>Policy Options:</b>	Approve, Amend or Deny
<b>Analysis:</b>	<p>This Repeal of OMC 5-1-4 and the repeal/re-enactment of OMC 5-8 does several things. It consolidates the city’s noise control ordinance in one place, finds special conditions that allows more precise regulations than adopted by the State of Washington, includes a broader definition structure, defines state EDNA’s (Environmental Designation for Noise Abatement) by city defined zoning and a simplified violation/penalty structure (i.e. 1<sup>st</sup> and 2<sup>nd</sup> violation in 30 day period = \$100 fine per occurrence. 3<sup>rd</sup> violation in 30 day period = misdemeanor)(The \$100 penalty is in compliance with RCW 70.107.050 Civil penalties).</p> <p>City now owns an ANSI Type 2 Digital Noise Measuring Device as required by WAC 173-60 &amp; 62 which is currently carried by Code Enforcement, however the new language in OMC 5-8-10 (2) does not specifically require the use of the meter to establish a violation.</p> <p>One calibration unit, two or three additional meters available to patrol officers along with some basic training in use (Code Enforcement Officer Isenhart has successfully completed certification in Community Noise Enforcement) would be a plus. This is not a required expenditure for passage, however could be a future budget item.</p>

	Expected cost \$700.00 (one meter/calibration kit -\$400, two stand-alone meters - \$300). The proposed meters are considered entry level and are the minimum required to meet state law.
<b>Fiscal Impact:</b>	Fund(s): NA Expenditure Required: NA Amount Budgeted: NA Additional Appropriation Required: NA
<b>Policy Questions:</b>	NA
<b>Staff Recommendation:</b>	Approve
<b>Public Safety Recommendation:</b>	Approve
<b>Attachments:</b>	Proposed version OMC 5-8 Noise control, RCW 70.107, 173-60 WAC, 173-62 WAC

**CITY OF ORTING**  
**WASHINGTON**  
**ORDINANCE NO. 2015-971**

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**AN ORDINANCE OF THE CITY OF ORTING,  
WASHINGTON, RELATING TO NOISE CONTROL;  
REPEALING ORTING MUNICIPAL CODE SECTION 5-1-4  
AND ORTING MUNICIPAL CODE CHAPTER 5-8;  
CREATING A NEW ORTING MUNICIPAL CODE  
CHAPTER 5-8; PROVIDING FOR SEVERABILITY; AND  
ESTABLISHING AN EFFECTIVE DATE**

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WHEREAS, cities are authorized to protect the public health, safety and welfare of their communities; and

WHEREAS, cities are authorized under state law to make and enforce by appropriate ordinances all such police and human health regulations that are not in conflict with state law; and

WHEREAS, the City of Orting desires to make significant changes to Noise Control sections of the Orting Municipal Code; and

WHEREAS, the City wishes to combine two sections of the Code which address Noise Control into one chapter; and

WHEREAS, the City wishes to adopt more precise regulations concerning Noise Control, revise penalties and update the Code; and

WHEREAS, it is necessary to take steps now to protect the public health, safety and welfare of our community against this threat:

NOW, THEREFORE, the City Council of the City of Orting, Washington, do ordain as follows:

Section 1. OMC Section 5-1-4 Repealed. Orting Municipal Code Section 5-1-4, “Offensive Noise Disturbances,” is hereby repealed in its entirety.

Section 2. OMC Chapter 5-8 Repealed. Orting Municipal Code Chapter 5-8, “Noise Control,” is hereby repealed in its entirety and re-enacted to read as follows:

**Chapter 8  
NOISE CONTROL**

- 5-8-1: DECLARATION OF POLICY – FINDINGS OF SPECIAL CONDITIONS:**
- 5-8-2: ADOPTION OF STATE LAWS AND REGULATIONS BY REFERENCE - PERMISSIBLE MAXIMUM NOISE LEVELS:**
- 5-8-3 DEFINITIONS:**
- 5-8-4 MOTOR VEHICLE NOISE – SPECIFIC PROHIBITIONS:**
- 5-8-5 PUBLIC NUISANCES AND DISTURBANCE NOISES:**
- 5-8-6 NOISES EXEMPT – COMPLETELY OR PARTIALLY:**
- 5-8-7 NOISES EXEMPT – DAYLIGHT HOURS:**
- 5-8-8: ENFORCEMENT – COMPLAINTS:**
- 5-8-9: PROVISIONS NOT EXCLUSIVE:**
- 5-8-10: VIOLATION:**

**5-8-1: DECLARATION OF POLICY – FINDINGS OF SPECIAL CONDITIONS:**

A. Declaration of Policy: It is hereby declared to be the policy of the City to minimize exposure of citizens to the harmful physiological and psychological effects of excessive noise. It is the express intent of the City Council to control the level of noise in a manner which promotes commerce, the use, value, and enjoyment of property, sleep and repose, and the quality of the environment.

B. Findings of Special Conditions: The problem of noise in the city has been observed by the City Council and the city staff and is documented by the complaints received and logged in the police department. On the basis of these observations and complaints, the City Council finds that special conditions exist within the city which makes necessary any and all differences between this chapter and the regulations adopted by the Washington State Department of Ecology.

**5-8-2: ADOPTION OF STATE LAWS AND REGULATIONS BY REFERENCE - PERMISSIBLE MAXIMUM NOISE LEVELS:**

The “maximum environmental noise levels” rules promulgated by the Department of Ecology and codified in the Washington Administrative Code at Title 173, Chapter 173-60, one copy of which is on file with the City Clerk, and any subsequent amendments therefor, are adopted and made a part hereof as though fully set forth in this chapter, and adopted as the maximum environmental noise levels for the City. (1973 Code § 8.32.010; amd. 1996 Code) In addition, Chapter 70.107 RCW and Chapter 173-62 WAC as existing on the date of enactment of the ordinance codified in this chapter or as hereafter amended by the state of Washington or applicable agencies, is hereby adopted by reference as if fully set forth herein.

### **5-8-3: DEFINITIONS:**

All technical terminology used in this chapter not defined herein shall be interpreted in conformance with American National Standards Institute Specifications Section 1.4-1983 as now in force or hereinafter amended. For purposes of this chapter, the words and phrases used herein shall have the meaning indicated below:

A. EDNA: means the *Environmental Designation for Noise Abatement*, being an area or zone (environment) within which maximum permissible noise levels are established.

1. CLASS A EDNA – RESIDENTIAL ZONES: means zones designated in OMC Title 13, the Orting Zoning Code, as RC Residential-Conservation, RS Residential Suburban, RU Residential Urban and RMF Residential Multi Family Zones.
2. CLASS B EDNA – COMMERCIAL ZONES: means zones designated in OMC Title 13, the Orting Zoning Code, as MUTC Mixed Use-Town Center Zones, MUTCN Mixed Use Town Center North Zones, OS Open Space and Recreation Zones and PF Public Facilities Zones.
3. CLASS C EDNA – INDUSTRIAL ZONES: means zones designated in OMC Title 13, the Orting Zoning Code, as LM Light Manufacturing zones.

B. EMERGENCY WORK: means work made necessary to restore property to a safe condition following a public calamity, work required to protect persons or property from imminent

exposure to danger, or work by private or public utilities for providing or restoring immediately necessary utility service.

C. **MOTORCYCLE:** means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, except farm tractors and such vehicles powered by engines of less than five horsepower.

D. **MOTOR VEHICLE:** means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways, and required to be licensed under Chapter 46.16A RCW.

E. **NEW MOTOR VEHICLE:** means a motor vehicle manufactured after December 31, 1976, the equitable or legal title of which has never been transferred to a person who, in good faith, purchases the new motor vehicle for purposes other than resale.

F. **NOISE:** means the intensity and duration character of sounds from any and all sources.

G. **OFF-HIGHWAY VEHICLE:** means any self-propelled motor driven vehicle not used primarily for transporting persons or property upon public highways nor required to be licensed under Chapter 46.16A RCW.

H. **PERSON:** means any individual, firm, association, partnership, corporation, or any other entity, public or private.

I. **PROPERTY BOUNDARY:** means the survey line at ground service which separates the real property owned, rented, or leased by one or more other persons and its vertical extension.

J. **PUBLIC NUISANCE NOISE:** means any sound which unreasonably either annoys, injures, interferes with, or endangers the comfort, repose, health or safety of three or more persons residing within separate residences in the same community or neighborhood, although the extent of the damage may be unequal.

**5-8-4: MOTOR VEHICLE NOISE – SPECIFIC PROHIBITIONS:**

A. **Mufflers:** It is unlawful for any person to operate a motor vehicle upon the public highways which is not equipped with a muffler in good working order, in constant operation, and in

accordance with state regulations adopted by the Washington State Patrol.

B. Tire Noise: It is unlawful for any person to operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching, or other such sounds from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason provided that noise resulting from emergency braking to avoid imminent danger shall be exempt from this section.

C. Alteration of Motor Vehicles: It is unlawful for any person to change or modify any part of a motor vehicle or install any device thereon in any manner that permits sound to be emitted by the motor vehicle which violates this chapter.

**5-8-5: PUBLIC NUISANCES AND DISTURBANCE NOISES:**

A. Public Nuisance Noises: It is unlawful for any person to cause or allow to be emitted a noise which has been determined to be a public nuisance noise as defined herein.

B. Public Disturbance Noise: It is unlawful for any person to cause or any person in possession of property to allow to originate from the property, sound that is a public disturbance. No sound source specifically exempted from this chapter shall be a public nuisance noise or public disturbance noise insofar as the particular source is exempted. The following source of sound shall be public disturbance noises:

1. Frequent, repetitive, or continuous noise made by any animal which unreasonably disturbs or interferes with the peace, comfort, and repose of property owners or possessors, except that such sounds made by animal shelters, or commercial kennels, veterinary hospitals, pet shops, or pet kennels licensed under and in compliance with applicable regulations shall be exempt from this subsection. Notwithstanding any other provision of this chapter, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigating officer, or if the animal is a repeat violator of this subsection, the animal shall be impounded by the animal control officer or his designee, subject to

redemption in the manner provided by Chapter 6-3A-7 OMC Animal Services Policy;

2. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle except as a warning of danger or specifically permitted or required by law;
3. The creation of frequent, repetitive, or continuous noise in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine in any residential zone so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property;
4. The use of a sound amplifier or other device capable of producing or reproducing amplified sounds from the property of a business operation which is intended to either attract the attention of the potential customers to the business or to communicate with employees who are at extended portions of the business property. Any such sound amplifier, loudspeaker or pager shall not violate the levels set forth in WAC 173-60-040, except the provisions of WAC 173-60-040(2)(c) shall not apply to sounds created by sound amplifiers or other device capable of producing or reproducing amplified sounds originating from Class A EDNA, Class B EDNA or Class C EDNA, when such sounds are received by residential zones. No such sound amplifier, loudspeaker, or pager shall be audible to the human ear beyond any perimeter of the subject business property;
5. The making of any loud and raucous noise which unreasonably interferes with the use of any school, church, hospital, sanitarium or nursing or convalescent facility;
6. The creation by use of a musical instrument, whistle, sound amplifier, stereo, jukebox, radio, television, or other device capable of reproducing sound and raucous noises which emanate frequently, repetitively, or continuously from any building, structure, or property, such as sounds originating from a band session, tavern operation, or commercial sales lot;

7. Public disturbance noise from portable or motor vehicle audio equipment:
  - a. While in park areas, residential or commercial zones, or any area where residences, schools, human service facilities, or commercial establishments are in obvious proximity to the source of the sound, it is unlawful for any person to negligently cause, make, or allow to be made from audio equipment under such person's control or ownership the following:
    - (A) Sound from a motor vehicle audio system, such as a radio, tape player, or compact disc player, which is operated at such a volume that it could be clearly heard by a person of normal hearing at a distance of 50 feet or more from the vehicle itself; or
    - (B) Sound from portable audio equipment, such as a radio, tape player, or compact disc player, which is operated at such a volume that it could be clearly heard by a person of normal hearing at a distance of 50 feet or more from the source of the sound.
  - b. This section shall not apply to persons operating portable audio equipment within a public park pursuant to an event under a permit issued by the city.

**5-8-6: NOISES EXEMPT – COMPLETELY OR PARTIALLY:**

- A. The following noises are exempt from the provisions of this chapter at all times, provided, that nothing in these exemptions is intended to preclude the possible reduction of noise consistent with economic feasibility:
  1. Noise originating from aircraft in flight, and sounds which originate at airports and are directly related to flight operations;
  2. Noise created by safety and protective devices, such as relief valves where noise suppression would defeat the safety relief intent of the device;
  3. Noise created by fire alarms, or noise created by emergency equipment including, but not limited to emergency standby

or back-up equipment and emergency work necessary in the interests of law enforcement or of the health, safety, or welfare of the community, and including, but not limited to any emergency work necessary to replace or repair essential utility services;

4. Noise created by auxiliary equipment on motor vehicles used for highway maintenance;
  5. Noise originating from officially sanctioned parades, sporting events, and other public events including, but not limited to events conducted by the City of Orting and Orting Public School District.
  6. Noise created by warning devices not operated continuously for more than 30 minutes per incident;
  7. Noise created by motor vehicles when regulated by this chapter;
  8. Noise created by natural phenomenon and unamplified human voices;
  9. Noise created by motor vehicles, licensed or unlicensed, when operated off public highways except when such sounds are received in residential zones of the city;
  10. Noise created by existing stationary equipment used in the conveyance of water by utilities and noise created by existing electrical substations;
  11. Noise created by sources in industrial districts which over the previous three years have consistently operated in excess of 15 hours per day as a demonstrated routine or as a consequence of process necessity;
  12. Noise created from school marching bands while practicing for parades on public streets.
- B. The following sources of noise are exempt or partially exempt from the provisions of this chapter:
1. Noise created by the operation of equipment or facilities of surface carriers engaged in commerce by railroad;

2. Noise emanating from temporary construction sites except between the hours of 6:00 p.m. and 7:00 a.m., Sundays and Holidays.
3. The Public Works Director and/or the Building Official, and/or his or her designee, shall have the authority to prohibit, or to allow with or without mitigating conditions, noise that emanates from construction or related activity during evening or nighttime hours.

C. It is the intention of the city council to consider amendments to this chapter controlling the sources exempted in subsection (B) of this section whenever the Washington State Department of Ecology promulgates specific regulations relating to the specific sources in the future.

**5-8-7: NOISES EXEMPT – DAYLIGHT HOURS:**

The following noises shall be exempt from the provisions of this chapter between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 10:00 p.m. on weekends:

- A. Noise created by powered equipment used in temporary or periodic maintenance or repair of resident property including, but not limited to grounds and appurtenances such as, but not limited to lawn mowers, powered hand tools, and composters;
- B. Noise created by the discharge of firearms on authorized shooting ranges;
- C. Noise created by the installation and repair of essential utility services;
- D. Noise created by blasting;
- E. Noise created by bells, chimes, or carillon not operated for more than five minutes in any one hour.

**5-8-8: ENFORCEMENT – COMPLAINTS:**

A. Complaint Only Basis: Only after a complaint has been received from an identified person who owns, rents, or leases property that is affected by a noise source may a civil infraction be issued; provided, that the section of this chapter relating to motor vehicles and noise emanating therefrom shall be subject to

enforcement proceedings regardless of whether a complaint has been received; provided further, that with the exception of motor vehicle noises, noise created by industrial areas are to be enforced by the State of Washington.

B. Separate Offenses: For enforcement purposes, each day defined as a 24-hour period beginning at 12:01 a.m. in which a violation of this chapter occurs shall constitute a separate violation.

**5-8-9: PROVISIONS NOT EXCLUSIVE:**

The provisions of this chapter shall be accumulative and not exclusive, and shall not affect any other claim, cause of action, or remedy, nor, unless specifically provided, shall this chapter be deemed to repeal, amend, or modify any law, ordinance, or regulation relating to noise, but shall be deemed additional to existing legislation and common law on noise.

**5-8-10: VIOLATION:**

A. Violation: Any first and second offense violation of the provisions of the ordinance codified in this chapter within a 30-day period shall be punishable as a civil infraction with a maximum penalty of \$100.00 for each occurrence. Any third offense violation of the provisions of the ordinance codified in this chapter within a 30-day period shall be punishable as described in paragraph C Violation; Misdemeanor.

B. Evidence in Proceedings: In any proceeding under this chapter, unless specifically required by regulations adopted herein by reference, evidence of sound level through the use of sound level meter readings shall not be necessary to establish the commission of the violation.

C. Violation; Misdemeanor: Any third offense violation of the provisions of the ordinance codified in this chapter within a 30-day period by a person responsible for compliance with any of the provisions of this chapter shall constitute a misdemeanor. Any violation, act, or omission by a person responsible for compliance with any civil regulatory order issued pursuant to this chapter, or any provision or condition of an approval issued or granted pursuant to this chapter, shall constitute a misdemeanor.

D. Every Act a Separate Violation: Every act or omission which constitutes an offense or violation under this chapter shall

constitute a separate violation or offense for each and every day during any portion of which the act or omission constituting the offense or violation is committed, continued, or permitted.

Section 3. 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 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.

**ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 26<sup>TH</sup> DAY OF AUGUST, 2015.

CITY OF ORTING

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Joachim Pestinger, Mayor

ATTEST/AUTHENTICATED:

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Rachel Pitzel, City Clerk

Approved as to form:

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John P. Long, Jr.  
Kenyon Disend PLLC  
City Attorney

Filed with the City Clerk: 08/26/15  
Passed by the City Council: 08/26/15  
Ordinance No. 2015-971  
Date of Publication: 08/28/15  
Effective Date: 09/02/15

## **RCW 70.107.010**

### **Purpose.**

The legislature finds that inadequately controlled noise adversely affects the health, safety and welfare of the people, the value of property, and the quality of the environment. Antinoise measures of the past have not adequately protected against the invasion of these interests by noise. There is a need, therefore, for an expansion of efforts statewide directed toward the abatement and control of noise, considering the social and economic impact upon the community and the state. The purpose of this chapter is to provide authority for such an expansion of efforts, supplementing existing programs in the field.

[1974 ex.s. c 183 § 1.]

## **RCW 70.107.020**

### **Definitions.**

As used in this chapter, unless the context clearly indicates otherwise:

- (1) "Department" means the department of ecology.
- (2) "Director" means director of the department of ecology.
- (3) "Local government" means county or city government or any combination of the two.
- (4) "Noise" means the intensity, duration and character of sounds from any and all sources.
- (5) "Person" means any individual, corporation, partnership, association, governmental body, state, or other entity whatsoever.

[1974 ex.s. c 183 § 2.]

## **RCW 70.107.030**

### **Powers and duties of department.**

The department is empowered as follows:

(1) The department, after consultation with state agencies expressing an interest therein, shall adopt, by rule, maximum noise levels permissible in identified environments in order to protect against adverse affects of noise on the health, safety and welfare of the people, the value of property, and the quality of environment: PROVIDED, That in so doing the department shall take also into account the economic and practical benefits to be derived from the use of various products in each such environment, whether the source of the noise or the use of such products in each environment is permanent or temporary in nature, and the state of technology relative to the control of noise generated by all such sources of the noise or the products.

(2) At any time after the adoption of maximum noise levels under subsection (1) of this section the department shall, in consultation with state agencies and local governments expressing an interest therein, adopt rules, consistent with the Federal Noise Control Act of 1972 (86 Stat. 1234; 42 U.S.C. Sec. 4901-4918 and 49 U.S.C. Sec. 1431), for noise abatement and control in the state designed to achieve compliance with the noise level adopted in subsection (1) of this section, including reasonable implementation schedules where appropriate, to insure that the maximum noise levels are not exceeded and that application of the best practicable noise control technology and practice is provided. These rules may include, but shall not be limited to:

- (a) Performance standards setting allowable noise limits for the operation of products which produce noise;
- (b) Use standards regulating, as to time and place, the operation of individual products which produce noise above specified levels considering frequency spectrum and duration: PROVIDED, The rules shall provide for

temporarily exceeding those standards for stated purposes; and

(c) Public information requirements dealing with disclosure of levels and characteristics of noise produced by products.

(3) The department may, as desirable in the performance of its duties under this chapter, conduct surveys, studies and public education programs, and enter into contracts.

(4) The department is authorized to apply for and accept moneys from the federal government and other sources to assist in the implementation of this chapter.

(5) The legislature recognizes that the operation of motor vehicles on public highways as defined in RCW [46.09.310](#) contributes significantly to environmental noise levels and directs the department, in exercising the rule-making authority under the provisions of this section, to give first priority to the adoption of motor vehicle noise performance standards.

(6) Noise levels and rules adopted by the department pursuant to this chapter shall not be effective prior to March 31, 1975.

[2011 c 171 § 107; 1974 ex.s. c 183 § 3.]

**Notes:**

**Intent -- Effective date -- 2011 c 171:** See notes following RCW [4.24.210](#).

**RCW 70.107.040**

**Technical advisory committee.**

The director shall name a technical advisory committee to assist the department in the implementation of this chapter. Committee members shall be entitled to reimbursement for travel expenses as provided in RCW [43.03.050](#) and [43.03.060](#), as now existing or hereafter amended.

[1975-'76 2nd ex.s. c 34 § 164; 1974 ex.s. c 183 § 4.]

**Notes:**

**Effective date -- Severability -- 1975-'76 2nd ex.s. c 34:** See notes following RCW [2.08.115](#).

**RCW 70.107.050**

**Civil penalties.**

(1) Any person who violates any rule adopted by the department under this chapter shall be subject to a civil penalty not to exceed one hundred dollars imposed by local government pursuant to this section. An action under this section shall not preclude enforcement of any provisions of the local government noise ordinance.

Penalties shall become due and payable thirty days from the date of receipt of a notice of penalty unless within such time said notice is appealed in accordance with the administrative procedures of the local government, or if it has no such administrative appeal, to the pollution control hearings board pursuant to the provisions of chapter [43.21B](#) RCW and procedural rules adopted thereunder. In cases in which appeals are timely filed, penalties sustained by the local administrative agency or the pollution control hearings board shall become due and payable on the issuance of said agency or board's final order in the appeal.

(2) Whenever penalties incurred pursuant to this section have become due and payable but remain unpaid, the attorney for the local government may bring an action in the superior court of the county in which the violation occurred for recovery of penalties incurred. In all such actions the procedures and rules of evidence shall be the same as in any other civil action.

[1987 c 103 § 2; 1974 ex.s. c 183 § 5.]

#### **RCW 70.107.060**

##### **Other rights, remedies, powers, duties and functions – Local regulation – Approval – Procedure.**

(1) Nothing in this chapter shall be construed to deny, abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(2) Nothing in this chapter shall deny, abridge or alter any powers, duties and functions relating to noise abatement and control now or hereafter vested in any state agency, nor shall this chapter be construed as granting jurisdiction over the industrial safety and health of employees in workplaces of the state, as now or hereafter vested in the department of labor and industries.

(3) Standards and other control measures adopted by the department under this chapter shall be exclusive except as hereinafter provided. A local government may impose limits or control sources differing from those adopted or controlled by the department upon a finding that such requirements are necessitated by special conditions. Noise limiting requirements of local government which differ from those adopted or controlled by the department shall be invalid unless first approved by the department. If the department of ecology fails to approve or disapprove standards submitted by local governmental jurisdictions within ninety days of submittal, such standards shall be deemed approved. If disapproved, the local government may appeal the decision to the pollution control hearings board which shall decide the appeal on the basis of the provisions of this chapter, and the applicable regulations, together with such briefs, testimony, and oral argument as the hearings board in its discretion may require. The department determination of whether to grant approval shall depend on the reasonableness and practicability of compliance. Particular attention shall be given to stationary sources located near jurisdictional boundaries, and temporary noise producing operations which may operate across one or more jurisdictional boundaries.

(4) In carrying out the rule-making authority provided in this chapter, the department shall follow the procedures of the administrative procedure act, chapter [34.05](#) RCW, and shall take care that no rules adopted purport to exercise any powers preempted by the United States under federal law.

[1987 c 103 § 1; 1974 ex.s. c 183 § 6.]

#### **RCW 70.107.070**

##### **Rules relating to motor vehicles – Violations – Penalty.**

Any rule adopted under this chapter relating to the operation of motor vehicles on public highways shall be administered according to testing and inspection procedures adopted by rule by the state patrol. Violation of any motor vehicle performance standard adopted pursuant to this chapter shall be a misdemeanor, enforced by such authorities and in such manner as violations of chapter [46.37](#) RCW. Violations subject to the provisions of this section shall be exempt from the provisions of RCW [70.107.050](#).

[1987 c 330 § 749; 1974 ex.s. c 183 § 7.]

##### **Notes:**

**Construction -- Application of rules -- Severability -- 1987 c 330:** See notes following RCW [28B.12.050](#).

#### **RCW 70.107.080**

##### **Exemptions.**

The department shall, in the exercise of rule-making power under this chapter, provide exemptions or specially limited regulations relating to recreational shooting and emergency or law enforcement equipment where appropriate in the interests of public safety.

The department in the development of rules under this chapter, shall consult and take into consideration the land use policies and programs of local government.

[1974 ex.s. c 183 § 8.]

**RCW 70.107.900**

**Construction – Severability – 1974 ex.s. c 183.**

(1) This chapter shall be liberally construed to carry out its broad purposes.

(2) If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

[1974 ex.s. c 183 § 11.]

**RCW 70.107.910**

**Short title.**

This chapter shall be known and may be cited as the "Noise Control Act of 1974".

[1974 ex.s. c 183 § 12.]

**Authority and purpose.**

These rules are adopted pursuant to chapter [70.107](#) RCW, the Noise Control Act of 1974, in order to establish maximum noise levels permissible in identified environments, and thereby to provide use standards relating to the reception of noise within such environments. Vessels, as defined in RCW [88.12.010](#)(21) and regulated for noise under chapter [88.12](#) RCW (Regulation of recreational vessels), shall be exempt from chapter [173-60](#) WAC.

[Statutory Authority: Chapter [70.107](#) RCW. WSR 94-12-001 (Order 92-41), § 173-60-010, filed 5/18/94, effective 6/18/94; Order 74-32, § 173-60-010, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-020****Definitions.**

(1) "Background sound level" means the level of all sounds in a given environment, independent of the specific source being measured.

(2) "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department of ecology.

(5) "Distribution facilities" means any facility used for distribution of commodities to final consumers, including facilities of utilities that convey water, waste water, natural gas, and electricity.

(6) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

(7) "Existing" means a process, event, or activity in an established area, producing sound subject to or exempt from this chapter, prior to the effective date of September 1, 1975.

(8) "Local government" means county or city government or any combination of the two.

(9) "Noise" means the intensity, duration and character of sounds, from any and all sources.

(10) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.

(11) "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

(12) "Racing event" means any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not required, then under the auspices of a recognized sanctioning body.

(13) "Receiving property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

(14) "Sound level meter" means a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification S1.4-1971.

[Statutory Authority: Chapter [70.107](#) RCW. WSR 94-12-001 (Order 92-41), § 173-60-020, filed 5/18/94, effective 6/18/94; WSR 83-15-046 (Order DE 82-42), § 173-60-020, filed 7/19/83; Order DE 77-1, § 173-60-020, filed 6/1/77; Order 74-32, § 173-60-020, filed 4/22/75, effective 9/1/75.]

**Identification of environments.**

(1) Except when included within specific prior designations as provided in subsections (2), (3), and (4) of this section, the EDNA of any property shall be based on the following typical uses, taking into consideration the present, future, and historical usage, as well as the usage of adjacent and other lands in the vicinity.

(a) Class A EDNA - Lands where human beings reside and sleep. Typically, Class A EDNA will be the following types of property used for human habitation:

- (i) Residential
- (ii) Multiple family living accommodations
- (iii) Recreational and entertainment, (e.g., camps, parks, camping facilities, and resorts)
- (iv) Community service, (e.g., orphanages, homes for the aged, hospitals, health and correctional facilities)

(b) Class B EDNA - Lands involving uses requiring protection against noise interference with speech. Typically, Class B EDNA will be the following types of property:

- (i) Commercial living accommodations
- (ii) Commercial dining establishments
- (iii) Motor vehicle services
- (iv) Retail services
- (v) Banks and office buildings
- (vi) Miscellaneous commercial services, property not used for human habitation
- (vii) Recreation and entertainment, property not used for human habitation (e.g., theaters, stadiums, fairgrounds, and amusement parks)
- (viii) Community services, property not used for human habitation (e.g., educational, religious, governmental, cultural and recreational facilities).

(c) Class C EDNA - Lands involving economic activities of such a nature that higher noise levels than experienced in other areas is normally to be anticipated. Persons working in these areas are normally covered by noise control regulations of the department of labor and industries. Uses typical of Class A EDNA are generally not permitted within such areas. Typically, Class C EDNA will be the following types of property:

- (i) Storage, warehouse, and distribution facilities.
- (ii) Industrial property used for the production and fabrication of durable and nondurable man-made goods
- (iii) Agricultural and silvicultural property used for the production of crops, wood products, or livestock.

(d) Where there is neither a zoning ordinance in effect nor an adopted comprehensive plan, the legislative authority of local government may, by ordinance or resolution, designate specifically described EDNAs which conform to the above use criteria and, upon departmental approval, EDNAs so designated shall be as set forth in such local determination.

(e) Where no specific prior designation of EDNAs has been made, the appropriate EDNA for properties involved in any enforcement activity will be determined by the investigating official on the basis of the criteria of (a), (b), and (c) of this subsection.

(2) In areas covered by a local zoning ordinance, the legislative authority of the local government may, by ordinance or resolution designate EDNAs to conform with the zoning ordinance as follows:

- (a) Residential zones - Class A EDNA
- (b) Commercial zones - Class B EDNA
- (c) Industrial zones - Class C EDNA

Upon approval by the department, EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to zone changes under the zoning ordinance.

(3) In areas not covered by a local zoning ordinance but within the coverage of an adopted comprehensive plan the legislative authority of the local government may, by ordinance or resolution designate EDNAs to conform with the comprehensive plan as follows:

- (a) Residential areas - Class A EDNA
- (b) Commercial areas - Class B EDNA
- (c) Industrial areas - Class C EDNA

Upon approval by the department EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to changes in the comprehensive plan.

(4) The department recognizes that on certain lands, serenity, tranquillity, or quiet are an essential part of the quality of the environment and serve an important public need. Special designation of such lands with appropriate noise level standards by local government may be adopted subject to approval by the department.

The director may make such special designation pursuant to the procedures of the Administrative Procedure Act, chapter [34.04](#) RCW.

[Order 74-32, § 173-60-030, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-040**

**No agency filings affecting this section since 2003**

**Maximum permissible environmental noise levels.**

(1) No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth below in this section.

(2)(a) The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied.

	EDNA OF NOISE SOURCE	EDNA OF RECEIVING PROPERTY		
		Class A	Class B	Class C
CLASS A	55 dBA	57 dBA	60 dBA	
CLASS B	57	60	65	
CLASS C	60	65	70	

(b) Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.

(c) At any hour of the day or night the applicable noise limitations in (a) and (b) above may be exceeded for any receiving property by no more than:

- (i) 5 dBA for a total of 15 minutes in any one-hour period; or
- (ii) 10 dBA for a total of 5 minutes in any one-hour period; or
- (iii) 15 dBA for a total of 1.5 minutes in any one-hour period.

[Order 74-32, § 173-60-040, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-050**

**No agency filings affecting this section since 2003**

**Exemptions.**

(1) The following shall be exempt from the provisions of WAC [173-60-040](#) between the hours of 7:00 a.m. and 10:00 p.m.:

- (a) Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances.
- (b) Sounds created by the discharge of firearms on authorized shooting ranges.
- (c) Sounds created by blasting.

(d) Sounds created by aircraft engine testing and maintenance not related to flight operations: Provided, That aircraft testing and maintenance shall be conducted at remote sites whenever possible.

(e) Sounds created by the installation or repair of essential utility services.

(2) The following shall be exempt from the provisions of WAC [173-60-040](#) (2)(b):

(a) Noise from electrical substations and existing stationary equipment used in the conveyance of water, waste water, and natural gas by a utility.

(b) Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours, which would affect exemptions under this regulation, require approval of the department.

(3) The following shall be exempt from the provisions of WAC [173-60-040](#), except insofar as such provisions relate to the reception of noise within Class A EDNAs between the hours of 10:00 p.m. and 7:00 a.m.

(a) Sounds originating from temporary construction sites as a result of construction activity.

(b) Sounds originating from forest harvesting and silvicultural activity.

(4) The following shall be exempt from all provisions of WAC [173-60-040](#):

(a) Sounds created by motor vehicles when regulated by chapter [173-62](#) WAC.

(b) Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.

(c) Sounds created by surface carriers engaged in interstate commerce by railroad.

(d) Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes, and carillons.

(e) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.

(f) Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health safety or welfare of the community.

(g) Sounds originating from motor vehicle racing events at existing authorized facilities.

(h) Sounds originating from officially sanctioned parades and other public events.

(i) Sounds emitted from petroleum refinery boilers during startup of said boilers: Provided, That the startup operation is performed during daytime hours whenever possible.

(j) Sounds created by the discharge of firearms in the course of hunting.

(k) Sounds caused by natural phenomena and unamplified human voices.

(l) Sounds created by motor vehicles, licensed or unlicensed, when operated off public highways EXCEPT when such sounds are received in Class A EDNAs.

(m) Sounds originating from existing natural gas transmission and distribution facilities. However, in circumstances where such sounds impact EDNA Class A environments and complaints are received, the director or his designee may take action to abate by application of EDNA Class C source limits to the facility under the requirements of WAC [173-60-050](#)(5).

(6) Nothing in these exemptions is intended to preclude the department from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of any such requirement shall be subject to the provisions of the Administrative Procedure Act, chapter [34.04](#) RCW.

[Statutory Authority: Chapter [70.107](#) RCW. WSR 94-12-001 (Order 92-41), § 173-60-050, filed 5/18/94, effective 6/18/94; WSR 83-15-046 (Order DE 82-42), § 173-60-050, filed 7/19/83; Order DE 77-1, § 173-60-050, filed 6/2/77; Order 75-18, § 173-60-050, filed 8/1/75; Order 74-32, § 173-60-050, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-060**

**No agency filings affecting this section since 2003**

**Nuisance regulations not prohibited.**

Nothing in this chapter or the exemptions provided herein, shall be construed as preventing local government from regulating noise from any source as a nuisance. Local resolutions, ordinances, rules or regulations regulating noise on such a basis shall not be deemed inconsistent with this chapter by the department.

[Order 74-32, § 173-60-060, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-080**

**No agency filings affecting this section since 2003**

**Variances and implementation schedules.**

(1) Variances may be granted to any person from any particular requirement of this chapter, if findings are made that immediate compliance with such requirement cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment [encroachment] upon an existing noise source, or because of nonavailability of feasible technology or control methods. Any such variance or renewal thereof shall be granted only for the minimum time period found to be necessary under the facts and circumstances.

(2) An implementation schedule for achieving compliance with this chapter shall be incorporated into any variance issued.

(3) Variances shall be issued only upon application in writing and after providing such information as may be requested. No variance shall be issued for a period of more than 30 days except upon due notice to the public with opportunity to comment. Public hearings may be held, when substantial public interest is shown, at the discretion of the issuing agency.

(4) Sources of noise, subject to this chapter, upon which construction begins after the effective date hereof shall immediately comply with the requirements of this chapter, except in extraordinary circumstances where overriding considerations of public interest dictate the issuance of a variance.

[Order 74-32, § 173-60-080, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-090**

**No agency filings affecting this section since 2003**

**Enforcement policy.**

Noise measurement for the purposes of enforcing the provisions of WAC [173-060-040](#) shall be measured in dBA with a sound level meter with the point of measurement being at any point within the receiving property. Such enforcement shall be undertaken only upon receipt of a complaint made by a person who resides, owns property, or is employed in the area affected by the noise complained of, EXCEPT for parks, recreational areas, and wildlife sanctuaries. For enforcement purposes pursuant to RCW [70.107.050](#), each day, defined as the 24-hour period beginning at 12:01 a.m., in which violation of the noise control regulations (chapter [173-60](#) WAC) occurs, shall constitute a separate violation.

[Order DE 76-5, § 173-60-090, filed 2/5/76; Order 74-32, § 173-60-090, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-100**

**No agency filings affecting this section since 2003**

**Appeals.**

Any person aggrieved by any decision of the department in relation to the enforcement of the maximum permissible noise levels provided for herein, the granting or denial of a variance or the approval or disapproval of a local resolution or ordinance for noise abatement and control may appeal to the pollution control hearings board pursuant to chapter [43.21B](#) RCW under the procedures of chapter [371-08](#) WAC.

[Order 74-32, § 173-60-100, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-110**

**No agency filings affecting this section since 2003**

**Cooperation with local government.**

(1) The department conceives the function of noise abatement and control to be primarily the role of local government and intends actively to encourage local government to adopt measures for noise abatement and control. Wherever such measures are made effective and are being actively enforced, the department does not intend to engage directly in enforcement activities.

(2) No ordinance or resolution of any local government which imposes noise control requirements differing from those adopted by the department shall be effective unless and until approved by the director. If approval is denied, the department, following submission of such local ordinance or resolution to the department, shall deliver its statement or order of denial, designating in detail the specific provision(s) found to be objectionable and the precise grounds upon which the denial is based, and shall submit to the local government, the department's suggested modification.

(3) The department shall encourage all local governments enforcing noise ordinances pursuant to this chapter to consider noise criteria and land use planning and zoning.

[Statutory Authority: Chapter [70.107](#) RCW. WSR 87-06-056 (Order 86-40), § 173-60-110, filed 3/4/87; Order 74-32, § 173-60-110, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-120**

**No agency filings affecting this section since 2003**

**Effective date.**

This chapter shall become effective on September 1, 1975. It is the intention of the department to periodically review the provisions hereof as new information becomes available for the purpose of making amendments as appropriate.

[Order 74-32, § 173-60-120, filed 4/22/75, effective 9/1/75.]

## WAC 173-62-010

### Authority and purpose.

(1) Under RCW [70.107.030](#)(5) of the Noise Control Act of 1974 (chapter 183, Laws of 1974), the legislature directed the department of ecology, in exercising rule-making authority to give first priority to the adoption of motor vehicle noise performance standards. The purpose of this chapter is to carry out that legislative directive through the adoption of noise emission standards for new motor vehicles and noise emission standards for the operation of motor vehicles on public highways.

(2) Local needs. The standards established in this chapter provide several methods of evaluating motor vehicle noise levels. Nothing in these rules is meant to require enforcement agencies or local governments to adopt or use every standard in this chapter to determine a violation. Specific local needs shall dictate the standard(s) which may be adopted or used.

[Statutory Authority: Chapter [70.107](#) RCW. WSR 80-14-041 (Order DE 80-29), § 173-62-010, filed 9/30/80; Order DE 74-33, § 173-62-010, filed 1/30/75, effective 7/1/75.]

## WAC 173-62-020

### Definitions.

As used in this chapter:

(1) "dBA" means the sound level in decibels measured using the "A" weighting network on a sound level meter as specified in the American National Standard Specification for Sound Level Meters S1.4-1971. A decibel is a unit of sound, based on a logarithmic scale, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure of 20 micropascals;

(2) "Department" means the department of ecology;

(3) "Director" means director of the department of ecology;

(4) "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single vehicle;

(5) "In-use" motor vehicle is any motor vehicle which is used on a public highway, except farm vehicles as defined under RCW [46.04.181](#);

(6) "Motor vehicle" means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways and required to be licensed under RCW [46.16.010](#) (aircraft, water craft and vehicles used exclusively on stationary rails or tracks are not motor vehicles as that term is used herein);

(7) "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, except farm tractors;

(8) "Muffler" means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise to comply with the standards of this chapter;

(9) "New motor vehicle" means a motor vehicle manufactured after December 31, 1975, whose equitable or legal title has never been transferred to a person who, in good faith, purchases the new motor vehicle for purposes other than resale;

(10) "Off-highway vehicle" means any self-propelled vehicle not used primarily for transporting persons or property upon public highways nor required to be licensed under RCW [46.16.010](#);

(11) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever;

(12) "Public highway" means the entire width between the boundary lines of every way publicly maintained by the department of highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right;

(13) "Sound level" means a weighted sound pressure level measured by use of a sound level meter using the "A" weighting network and reported as dBA.

[Statutory Authority: Chapter [70.107](#) RCW. WSR 80-14-041 (Order DE 80-29), § 173-62-020, filed 9/30/80; Order DE 75-17, § 173-62-020, filed 8/11/75; Order DE 74-33, § 173-62-020, filed 1/30/75, effective 7/1/75.]

## WAC 173-62-030

### Standards.

(1) No person shall operate any motor vehicle or any combination of such vehicles upon any public highway under any conditions of grade, load, acceleration or deceleration in such a manner as to exceed the maximum permissible sound levels for the category of vehicle in Table I, as measured at a distance of 50 feet (15.2 meters) from the center of the lane of travel within the speed limits specified, under procedures established by the state commission on equipment in chapter [204-56](#) WAC, "procedures for measuring motor vehicle sound levels."

Table I  
IN-USE MOTOR VEHICLE NOISE PERFORMANCE STANDARDS  
Measured @ 50 feet (15.2 meters)

Vehicle Category (type)	Effective Date	Maximum Sound Level, dBA Speed Zones		
		45 mph (72 kph) or less	Over 45 mph (72 kph)	Stationary Test
Motorcycles	July 1, 1980	78	82	N/A
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	July 1, 1980	72	78	N/A
		35 mph (56 kph) or less	Over 35 mph (56 kph)	
All motor vehicles over 10,000 pounds (4536 kg) GVWR	June 1, 1977 and after	86 Reserved	90 Reserved	86 Reserved

(2) Every motor vehicle operated upon the public highways shall at all times be equipped with an exhaust system and a muffler in good working order and constant operation to prevent excessive or unusual noise.

(3) No person shall operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, except that noise resulting from emergency braking to avoid imminent danger shall be exempt from this provision.

(4) No person shall operate any motor vehicle upon any public highway if the vehicle exhaust system exceeds the maximum permissible sound levels of Table II for the category and year of vehicle, as measured at a distance of twenty inches (0.5 meter) from the exhaust outlet under procedures established by the state commission on equipment in chapter [204-56](#) WAC, "procedures for measuring motor vehicle sound levels."

(5) No person shall sell or offer for sale a NEW MOTOR VEHICLE except an off-highway vehicle, which produces a maximum noise exceeding the noise levels in Table III at a distance of 50 feet (15.2 meters) under acceleration test procedures established by the state commission on equipment in chapter [204-56](#) WAC, "procedures for measuring motor vehicle sound levels."

Table II  
IN-USE MOTOR VEHICLE EXHAUST SYSTEM NOISE PERFORMANCE STANDARDS  
Measured @ 20 inches (0.5 meters)

Vehicle Category (type)	Model Year	Maximum Sound Level, dBA
Motorcycles	before 1986	99 (reserved)
	1986 and after	
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	before 1986	95 (reserved)
	1986 and after	

Table III  
MAXIMUM SOUND LEVELS FOR NEW MOTOR VEHICLES  
Measured @ 50 feet (15.2 meters)

Vehicle Category (type)	Date of Manufacture	Maximum Sound Level, dBA
Any motor vehicle over 10,000 pounds (4536 kg) GVWR excluding buses	before January 1, 1978	86 83 80
	after January 1, 1978 after January 1, 1982	
All buses over 10,000 pounds (4536 kg) GVWR	after January 1, 1980	85 83
	after January 1, 1983 after January 1, 1986	80
Motorcycles	after January 1, 1976	83 80
	after January 1, 1986	
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	after January 1, 1976	80

[Statutory Authority: Chapter [70.107](#) RCW. WSR 80-14-041 (Order DE 80-29), § 173-62-030, filed 9/30/80; Order DE 77-2, § 173-62-030, filed 6/1/77; Order DE 75-17, § 173-62-030, filed 8/11/75; Order DE 74-33, § 173-62-030, filed 1/30/75, effective 7/1/75.]

#### WAC 173-62-040

#### Exemptions.

The provisions of this chapter shall not apply to noise caused by auxiliary equipment on motor vehicles used for highway maintenance, nor to noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or of individuals of the community, or to restore property to a safe condition following a public calamity.

[Order DE 75-17, § 173-62-040, filed 8/11/75; Order DE 74-33, § 173-62-040, filed 1/30/75, effective 7/1/75.]

## **WAC 173-62-050**

### **Implementation schedules.**

(1) **Conditions of issuance.** The department may approve and issue to any person, an implementation schedule for meeting any particular requirement of this chapter, if it finds that immediate compliance with such requirement cannot be achieved because of conditions beyond the control of such person or because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors or because of the nonavailability of feasible technology or control methods.

(2) **Requesting procedure.** Implementation schedules shall be issued only upon application in writing to the department. Such application shall state in a concise manner the facts to show cause why such schedule should be approved. Any aggrieved person may appeal the department's decision on an application to the pollution control hearings board pursuant to chapter [43.21B](#) RCW.

[Order DE 74-33, § 173-62-050, filed 1/30/75, effective 7/1/75.]

## **WAC 173-62-060**

### **Enforcement.**

(1) Measurements shall be made with a sound level meter meeting Type 1, S1A, 2 or S2A requirements as specified in the American National Standards Specifications for Sound Level Meters S1.4-1971 as required under measurement procedures established in chapter [204-56](#) WAC, "procedures for measuring motor vehicle sound levels."

(2) Violation of any in-use motor vehicle noise standard set forth in this chapter shall be a traffic infraction, enforced by such authorities and in such manner as violations of chapter [46.37](#) RCW.

(3) Law enforcement personnel selected to measure vehicle sound levels shall have received training in the techniques of sound measurement and the operation of sound measuring instruments.

(4) Any enforcement officer who by use of the initial inspection procedures of chapter [204-56](#) WAC suspects that a motor vehicle may be in violation of the standards of this chapter may require the operator to have the vehicle presented for sound level measurement. Measurements of a motor vehicle may be performed at off-road sites to determine compliance with the in-use standards.

(5) Any operator who fails to comply with the directive to present the vehicle to a sound level measurement test shall be in violation of this chapter.

(6) Any seller, importer, or manufacturer who sells or offers for sale a motor vehicle which violates the standards in WAC [173-62-030](#) shall be subject to a civil penalty not to exceed one hundred dollars as established in RCW [70.107.050](#). Every motor vehicle sold or offered for sale shall constitute a separate violation.

[Statutory Authority: Chapter [70.107](#) RCW. WSR 80-14-041 (Order DE 80-29), § 173-62-060, filed 9/30/80; Order DE 74-33, § 173-62-060, filed 1/30/75, effective 7/1/75.]

## **WAC 173-62-070**

### **Effective date.**

This chapter shall become effective July 1, 1975.

[Order DE 74-33, § 173-62-070, filed 1/30/75, effective 7/1/75.]



**City of Orting**  
*City Council Staff Report*

**Date:** 8/21/15

**Prepared By:** Rachel Pitzel

**Agenda Item:** Contract Amendment – Bev Emmons

<b>Issue Synopsis:</b>	It has been determined that an additional 40 hours are needed to continue performing Accountant I Services
<b>Background:</b>	The City entered into a contract with B.E. “Bev” Emmons to fill in for accounting services after the resignation of the City Treasurer until a replacement can be hired, not to exceed 3 months.
<b>Policy Options:</b>	Approve, Amend or Deny.
<b>Analysis:</b>	Desire to continue the contract agreement with Amendment No. 1 for continued Account I Services with B.E. “Bev” Emmons until a City Treasurer has been hired by the City.
<b>Fiscal Impact:</b>	Fund(s): Miscellaneous Expenditure Required: \$3,840 Amount Budgeted: N/A Additional Appropriation Required: N/A
<b>Policy Questions:</b>	See above
<b>Staff Recommendation:</b>	Approve
<b>Parks Commission Recommendation:</b>	Approve
<b>Attachments:</b>	Contract Amendment No. 1

**AMENDMENT NO. 1  
TO  
CONTRACT FOR SERVICES AGREEMENT  
BETWEEN THE CITY OF ORTING  
AND  
B.E. "BEV" EMMONS**

THIS AMENDMENT is made and entered into this \_\_\_ day of August, 2015, by and between the **CITY OF ORTING**, a Washington municipal corporation ("the City"), and **B.E. "Bev" Emmons** ("Consultant"), with reference to the following facts:

**RECITALS**

- A. The City and the Consultant entered into a Contract for Services Agreement for Accountant I Services (noted on Exhibit A) dated July 28, 2015, (the "Agreement").
- B. The City and the Consultant have determined that an additional 40 hours are needed to continue performing Accountant I Services as described in the Agreement.
- C. The City and Consultant are now executing this written Amendment pursuant to paragraph 12 of the Agreement to memorialize this amendment to paragraph 4 of the Agreement.

**AMENDMENT**

In consideration of the mutual promises set forth in the underlying Agreement, the City and the Consultant agree to amend the Agreement as follows (amendments in italics):

- 4. Duration of Agreement. This Agreement shall be in full force and effect for a period of three (3) months and not more than 120 hours, unless sooner terminated under the provisions hereinafter specified.

**WHOLE AGREEMENT**

The Agreement, together with this Amendment No. 1, and any exhibits or attachments hereto or thereto, represent the entire agreement between the City and the Consultant with respect to the services provided under the Agreement. No prior written or oral statement or proposal shall alter any term or provision of the Agreement. City and Consultant agree that the Agreement, including this Amendment No. 1, remains in full force and effect. Proposed changes, which are mutually agreed upon, shall be incorporated by written amendments to the Agreement.

**CITY OF ORTING**

**B.E. "Bev" Emmons**

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Joachim Pestinger, Mayor

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B.E. "Bev" Emmons, Consultant

ATTEST/AUTHENTICATED:

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Rachel Pitzel, City Clerk

Approved as to form:

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John P. Long, Jr.,  
Kenyon Disend PLLC  
City Attorney



**City of Orting**  
*City Council Report*

**Date:** August 26, 2015

**Prepared By:** Barbara Ford

**Agenda Item:** Sponsorship and Grant-giving Policy

<b>Issue Synopsis:</b>	The city supports some community groups through allowing some free use of city facilities. Staff and community groups have asked for consistent practices. Establishing consistent practices is a logical extension of the Customer Service Policy.
<b>Background:</b>	While the council has established a fee schedule for the use of city facilities, a schedule which allows for reduced rates for nonprofits, some community groups continue to approach the city council for exceptions. This policy establishes clear guidelines for granting use of facilities, which include the city's Web site, counter space, and reader board, in addition to building rentals.
<b>Policy Options:</b>	The council may approve the policy, amend the policy, or reject the policy.
<b>Analysis:</b>	
<b>Fiscal Impact:</b>	Fund(s): 0 Expenditure Required: \$0 Amount Budgeted: 0 Additional Appropriation Required: 0
<b>Policy Questions:</b>	
<b>Staff Recommendation:</b>	Approve
<b>Parks Commission Recommendation:</b>	Approve
<b>Attachments:</b>	Sponsorship policy

## **Proposed Policy: City of Orting Sponsorship of Organizations and Events**

### **Context:**

It has been the practice of the City of Orting to include certain nonprofits in the annual budget. In the 2015 budget, these organizations include the Orting Senior Center, the Orting Food Bank, the Opportunity Center (which operates the Haven teen center). These are direct cash donations which are approved by the city council and distributed either in one lump sum or, in the case of the Senior Center, a monthly allotment.

In the past, it has been unclear which other city resources are available to organizations which are funded by the city. At one point, funding meant automatic sponsorship and allowed the organization free use of city facilities, flyers posted on city office windows and doors, announcements posted for free on the city reader board, announcements posted on the city Web site, a link from the city web site to the organization's web site or e-mail, free hanging of a highway banner, and free use of other city resources, such as blocking streets during the event or dedicating maintenance staff.

Over the years, these services were allowed inconsistently and ultimately the city changed its practice. In the last 8 years, funding of an organization did not automatically give it sponsored status. Sponsorship could only be granted by petition to the city council. Two years later, the council directed that sponsorship requests must come through committee.

Within the same time period, a fee schedule for city facilities and services was developed which granted lower rates to nonprofit organizations. The council directed that no organization would be allowed free use of city resources. Flyers would not be posted on city office doors or windows.

During this same period, the council has allowed some organizations not funded through the budget to come directly to the council for sponsorship. Although not formally defined, sponsorship has come to mean free use of city facilities and dedication of the city resources, including free hanging of the highway banner, announcements on the city reader board, announcements on the web site, and services from staff including traffic control. At some point a proviso was added that sponsored organizations should print the city's logo on their materials and give the city some recognition.

Along the way, a measurement was verbalized that if an event fit with stated city goals, such as those of economic development, a group could be granted some sponsorship by the city.

The result has been that, in recent years, though the council has limited the number of sponsorships it grants, it has none-the-less granted some, and the reason for granting some and not others has appeared arbitrary. Recently, this inconsistency has created confusion and hard feelings. For example, approximately 10 years ago, the Pumpkin Festival was established. The

organizing group, from Tacoma, requested support from the city, saying it was an economic development project. The city granted the organization \$10,000 and promised free use of the Orting City Park, its buildings, free hanging of a highway banner, free announcements on the city reader board and web site, and free services from added police, Sanicans, traffic control, and maintenance. At the city council meeting when these supports were announced, the mayor stated that, although a cash donation would not be granted each year, the organization could count on the city to offer its services and facilities free of charge. The organization assumed these promises were still in force, and even went to the expense of including the city logo and the phrase, "Sponsored by the City of Orting" on its materials. When such resources were withheld in 2014, the organizers of this event were upset, feeling that past promises had been broken.

The issue of donation jars is another area of city sponsorship which bears review. As individuals and families have experienced tragedies, the community has often responded by putting out money jars on the counters of local businesses, soliciting donations for the families. In 2010, local nonprofits began using money donation jars as a part of their solicitation efforts, as well, and city-funded nonprofits asked to place jars on the city counter. City offices had always refused, citing issues of limited space and liability concerns. What if some of that money went missing? Would the organization hold the city liable for suspected theft? Then one exception was made: the group which organized and built the Dog Park was allowed to place a solicitation jar on the city's front counter, staff stating that the Dog Park was one of the city's programs. Even that was resented by some. Opponents stated that the Dog Park was not part of the City's official park plan and did not appear on the city's Comprehensive Plan or on the map of open spaces within the city of Orting. Therefore, the Dog Park was, in fact, a private movement which had been granted a number of city services and gifts.

The city staff agreed to a compromise: Solicitation jars could be placed in the city staff room and work spaces, and contributions could be solicited from staff, but not from the public. This has been the practice since 2010. Then in October 2014, it appeared to some citizens that an extreme exception had been made for a certain program: A larger, shoebox-sized solicitation box was placed on the front city counter along with an advertising brochure measuring 8.5" X 11." Staff protested the exception, stating they felt undermined with the public after denying requests by so many other nonprofit groups, and that the space taken up on the counter was inordinate. Furthermore, others expressed that since the box was wrapped in Christmas paper, it violated the principal of the separation of church and state.

It is within this context the Community and Government Interests Committee is seeking to establish a policy which will establish consistent criteria for City of Orting sponsorship of nonprofit groups and events.

## Grant and Sponsorship

### Proposed Policy

#### Baseline Criteria for all Sponsored Groups

The City of Orting provides reduced rates for nonprofit groups who wish to use City facilities. In most cases, the City considers those reduced rates as an impartial, across the board sponsorship of social service-based organizations.

However, on an occasional, case-by-case basis, the City will offer Sponsorship to community-based activities that: a) have an established tradition as part of our community's culture; b) offer an activity that meets important council goals, i.e.: promoting agricultural tourism or support public safety through diversion; and c) is entirely volunteer-staffed with no established income.

The basis for such support of social service organizations and events is supported by the Washington State Constitution, which states that government has an obligation to serve the poor and infirmed.

The City of Orting provides two classes of support:

1. **Sponsorship, defined as the use of city facilities and services without charge.** Facilities include buildings, rooms, park spaces, reader board messages, Web site announcements, and placing highway banners. Sponsorship is extended on a limited, case-by-case basis. For example, the City posts notices of certain nonprofit events on its reader board without charge to the organization; and
2. **Grant recipients, defined as community-based groups that provide an on-going service and receive direct cash contributions from the City of Orting in order to provide that service.** Usually these groups receive sponsorship, as well, but also must apply for the use of services on a case-by-case basis. For example, the Orting Senior Center receives an annual grant of \$14,400 and also the city allows the Senior Exercise classes to use the Multi-Purpose Center at no charge.

**Certain practices are NEVER permitted. Under no circumstances whatsoever are any groups allowed to solicit funds at the City counters. AT NO TIME WILL CITY STAFF MEMBERS BE RESPONSIBLE FOR CASH SOLICITED AND THE CITY ASSUMES NO LIABILITY.**

## SPONSORSHIP

All groups which receive sponsorship by the City of Orting must meet these baseline criteria:

1. As defined in the Washington State Constitution, groups and/or events must have as their purpose to serve the poor and infirmed. Certain cohort groups are assumed to meet this criteria, including senior citizens age 65 and older; people with disabilities who qualify for the Pierce County Property Tax exemption/reductions; and food bank recipients.
2. Organizations must be legally tax exempt as defined by IRS section 501(c)3.
3. Organizations must carry their own liability insurance. **THE CITY ASSUMES NO LIABILITY WHEN GROUPS ARE USING THE FACILITY AND/OR SERVICE FREE OF CHARGE.**
4. Organizations must primarily serve people who live within the City of Orting.
5. The annual budget of Organizations seeking sponsorship by the City of Orting must not exceed \$200,000, including in-kind contributions.
6. Organizations which are funded by the City of Orting may request sponsorship in addition to their funding amounts, including the use of city-owned facilities and services. These in-kind contributions must be documented by the organization in their budget documents and reported to their overseeing agencies. In some cases, if deemed appropriate by the committee reviewing the sponsorship request, some adjustments may be made to the organization's cash donation amount. However, sponsorship is not automatic and funded groups must make the same application and undergo the same process as unfunded groups.

All groups seeking sponsorship must be willing to provide -- upon request by city staff -- documentation supporting their eligibility for sponsorship, including budget documents, lists of donors, and its 501(c)3 number. Events may be conducted under the umbrella of an eligible nonprofit organization; i.e.: fund raising events for home security devices may be conducted under the Food Bank's 501(c)3 number.

**What sponsorship can include (it may include only one of these items, or a combination as approved by the Parks Commission):**

1. One-time, one day use of a facility (a park, such as the downtown city park including the gazebo and North Park Building for use during a festival, can be considered one facility for the purposes of this policy);
2. Reader board announcement for 4 consecutive days;
3. Posting of event on the City of Orting Web site for no more than 6 weeks;
4. Flyers posted on bulletin boards in City Hall, the MPC, and the Public Safety Building specified for such use;
5. Garbage disposal by city maintenance staff;
- 6.

### **Process for seeking Sponsorship:**

All groups seeking sponsorship must also submit a written request by the Monday prior to the Parks Commission meeting the month prior to the month they are seeking services. For instance, if the group wants to place a banner over the highway June 10<sup>th</sup>, it must submit its request prior to the May Parks Commission meeting to allow the necessary time for Commission review.

(The copies for sponsorship application are distributed to the five members of the Parks Commission, the city administrator, the Commission secretary, the Parks Commission file, the Sponsorship file, and for display to the public during Parks Commission meetings.)

7. The written submission can be simple, such as a brief letter, but it must include the purpose of the event and who it serves. All requested services/facility use must be specified in the letter of request. For instance, "MPC, 9 a.m.-4 p.m. Sat., December 32<sup>nd</sup>, and highway banner hung Nov. 31<sup>st</sup>-December 32, 1984, and posting of information on city reader board Dec. 26-32, 1984, etc."
8. A representative of the group must attend the Parks Commission meeting in order to answer any questions. If the group is itself a nonprofit, it should be prepared to provide the documents specified in provision #2 of the baseline criteria.
9. The Parks Commission is empowered to make the final decision.
10. In rare cases, groups may seek an appeal before the City Council. However, if the rules and procedures specified in this policy have been followed, the City Council is disinclined to counter the decision made by the Parks Commission.
11. When approved, all materials distributed must contain the City of Orting logo and the words, "Sponsored by the City of Orting."
12. Sponsorship is granted on an event-by-event basis. Just because a group is sponsored one time does not guarantee any future sponsorship.

## GRANT FUNDING

### **Process for seeking Grant funding by the City of Orting**

Grant funding is defined as direct cash donations to an organization.

All organizations receiving grant funding must comply with the following eligibility standards:

1. As defined in the Washington State Constitution, groups must have as their purpose to serve the poor and infirmed. Certain cohort groups are assumed to meet this criteria, including senior citizens age 65 and older; people with disabilities who qualify for the Pierce County Property Tax exemption/reductions; and food bank recipients.
2. Organizations must be legally tax exempt as defined by IRS section 501(c)3.
3. Organizations must carry their own liability insurance. **THE CITY ASSUMES NO LIABILITY WHEN GROUPS ARE USING THE FACILITY AND/OR SERVICE FREE OF CHARGE.**
4. Organizations must serve residents within the City of Orting and/or the Orting School District; and 90 percent of their client base must reside within the City of Orting and/or the Orting School District.
5. The annual budget of Organizations seeking sponsorship by the City of Orting must not exceed \$200,000, including in-kind contributions.
6. Organizations which are funded by the City of Orting may request sponsorship in addition to their funding amounts, including the use of city-owned facilities and services. These in-kind contributions must be documented by the organization in their budget documents and reported to their overseeing agencies. In some cases, if deemed appropriate by the committee reviewing the sponsorship request, some adjustments may be made to the organization's cash donation amount. However, sponsorship is not automatic and funded groups must make the same application and undergo the same process as unfunded groups.

All groups seeking grants from the City of Orting must submit a formal request in writing by October 1 of each calendar year for the following year. The request must include a **cover letter specifying the dollar amount sought and how it will be used.** The letter must include the following attachments:

- A. Budget documents, amounts expected from other sources;
- B. Lists of donors; and
- C. Its 501(c)3 number.

These documents will be available during budget workshops in order to assist the council in determining which groups receive funding and in what amount.