

City of Lake Stevens Mission Statement



The City of Lake Stevens' mission is not only to preserve the natural beauty that attracted so many of its citizens, but to enhance and harmonize with the environment to accommodate new people who desire to live here. Through shared, active participation among Citizen, Mayor, Council, and City Staff, we commit ourselves to quality living for this and future generations.

Growth in our community is inevitable. The City will pursue an active plan on how, when, and where it shall occur to properly plan for needed services, ensure public safety, and maintain the unique ambience that is Lake Stevens.



CITY COUNCIL REGULAR MEETING AGENDA
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street NE, Lake Stevens
Monday, August 13, 2012 - 7:00 p.m.

NOTE: ***WORKSHOP ON VOUCHERS AT 6:45 P.M.***

CALL TO ORDER: 7:00 p.m.
Pledge of Allegiance

ROLL CALL:

GUEST BUSINESS:

CONSENT AGENDA: *A. Approve August 2012 vouchers. Barb
*B. Approve minutes of July 23, 2012 regular and July 30 Norma
special and workshop meetings.

ACTION ITEMS: *A. Approve Oktoberfest event fee waiver and Beverage Garden requests. Becky
*B. Authorize the Mayor to sign the Professional Services Agreement with Perteet Inc. for the 20th Street SE design evaluation refinement. Mick
*C. Confirm appointments to the Library Board. Vern

DISCUSSION ITEMS: *A. 2012 Budget amendment. Barb
*B. Introduction to proposed changes to portions of Lake Stevens Municipal Code Title 10, Parks and Recreation. Randy

COUNCIL PERSON'S BUSINESS:

MAYOR'S BUSINESS:

STAFF REPORTS:

INFORMATION ITEMS:

Lake Stevens City Council Meeting

August 13, 2012

**EXECUTIVE
SESSION:**

ADJOURN:

* ITEMS ATTACHED	** ITEMS PREVIOUSLY DISTRIBUTED	# ITEMS TO BE DISTRIBUTED
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THE PUBLIC IS INVITED TO ATTEND

Special Needs

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Steve Edin, City of Lake Stevens ADA Coordinator, (425) 377-3227, at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.

NOTICE:

All proceedings of this meeting are audio recorded, except Executive Sessions

**BLANKET VOUCHER APPROVAL
 2012**

We, the undersigned Council members of the City of Lake Stevens, Snohomish County, Washington, do hereby certify that the merchandise or services hereinafter specified have been received and that the following vouchers have been approved for payment:

Payroll Direct Deposits	906070-906136	\$123,031.76
Payroll Checks	33851-33853	\$3,976.79
Claims	33847-33850, 33854-33944	\$174,150.33
Electronic Funds Transfers	481-489	\$161,601.13
Void Checks	33842, 33792, 33791	(\$26,650.16)
Tax Deposit(s)	8/1/2012	\$42,901.47
Total Vouchers Approved:		\$479,011.32

This 13th day of August 2012:

 Mayor

 Councilmember

 Finance Director

 Councilmember

 Councilmember

 Councilmember



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Direct Deposit Register

23-Jul-2012

Wells Fargo - AP

Lake Stevens

Direct Deposits to Accounts

23-Jul-2012	<u>Vendor</u>	<u>Source</u>	<u>Amount</u>	<u>Draft#</u>	<u>Bank Name</u>	<u>Transit</u>	<u>Account</u>
9362	Department of Revenue	C	\$481.42	481	Wells Fargo	121000248	4159656917
11866	Dept. of Labor & Industries	C	\$21,866.79	482	Wells Fargo	121000248	4159656917
Total:			\$22,348.21		Count:	2.00	

Direct Deposit Summary

<u>Type</u>	<u>Count</u>	<u>Total</u>
C	2	\$22,348.21

Pre-Note Transactions

Direct Deposit Register

01-Aug-2012

Wells Fargo - AP

Lake Stevens

Direct Deposits to Accounts

01-Aug-2012	<u>Vendor</u>	<u>Source</u>	<u>Amount</u>	<u>Draft#</u>	<u>Bank Name</u>	<u>Transit</u>	<u>Account</u>
12112	AFLAC	C	\$1,756.14	483	Wells Fargo	121000248	4159656917
101	Assoc. Of Washington Cities	C	\$78,969.76	484	Wells Fargo	121000248	4159656917
9407	Department of Retirement (Pers	C	\$51,733.95	485	Wells Fargo	121000248	4159656917
9408	NATIONWIDE RETIREMENT SOL	C	\$1,098.25	486	Wells Fargo	121000248	4159656917
1418	Standard Insurance Company	C	\$5,162.25	487	Wells Fargo	121000248	4159656917
9405	Wash State Support Registry	C	\$402.46	488	Wells Fargo	121000248	4159656917
Total:			\$139,122.81		Count:	6.00	

Direct Deposit Summary

<i>Type</i>	<i>Count</i>	<i>Total</i>
C	6	\$139,122.81

Pre-Note Transactions

Direct Deposit Register

06-Aug-2012

Wells Fargo - AP

Lake Stevens

Direct Deposits to Accounts

06-Aug-2012	<u>Vendor</u>	<u>Source</u>	<u>Amount</u>	<u>Draft#</u>	<u>Bank Name</u>	<u>Transit</u>	<u>Account</u>
9362	Department of Revenue	C	\$130.11	489	Wells Fargo	121000248	4159656917
Total:			\$130.11		Count:	1.00	

Direct Deposit Summary

<i>Type</i>	<i>Count</i>	<i>Total</i>
C	1	\$130.11

Pre-Note Transactions

Detail Check Register

25-Jul-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
33847	25-Jul-12	13196	Correctional Industries		\$25,896.66
SLIP0204			Asbestos removal and House demo	\$25,896.66	\$0.00
					\$25,896.66
001010576806400			Parks - Capital Outlay	\$25,896.66	
33848	25-Jul-12	12800	DEPT OF CORRECTIONS		\$162.24
MCC45910612			Work Crew	\$162.24	\$0.00
					\$162.24
101016542004800			Street Fund - Repair & Mainten	\$120.62	
410016542404800			Storm Water - Repairs & Maint.	\$41.62	
33849	25-Jul-12	456	Dunlap Industrial Hardware		\$310.10
1281836-01			Miter saw repair	\$310.10	\$0.00
					\$310.10
410016542404800			Storm Water - Repairs & Maint.	\$310.10	
33850	25-Jul-12	11869	PUGET SOUND ENERGY		\$81.01
07/12 8866053005			Utilities - gas	\$81.01	\$0.00
					\$81.01
001008521004700			Law Enforcement - Utilities	\$81.01	
Total Of Checks:					\$26,450.01

Detail Check Register

01-Aug-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
33854	01-Aug-12	12961	SNOHOMISH COUNTY PUD		\$881.19
107228303			Utilities - Electric	\$32.72	\$0.00
					\$32.72
001010576804700			Parks - Utilities	\$10.91	
101016542004700			Street Fund - Utilities	\$10.91	
410016542404701			Storm Water Utilities	\$10.90	
123820862			Utilities - Electric	\$81.52	\$0.00
					\$81.52
410016542404700			Storm Water-Aerat. Utilities	\$81.52	
127134143			Utilities - Electric	\$126.81	\$0.00
					\$126.81
101016542630000			Street Fund - Street Lighting	\$126.81	
127136023			Utilities - Electric	\$30.60	\$0.00
					\$30.60
001008521004700			Law Enforcement - Utilities	\$30.60	
130446901			Utilities - Electric	\$79.10	\$0.00
					\$79.10
101016542630000			Street Fund - Street Lighting	\$79.10	
140291665			Utilities - Electric	\$110.92	\$0.00
					\$110.92
101016542630000			Street Fund - Street Lighting	\$110.92	
143612821			Utilities - Electric	\$310.13	\$0.00
					\$310.13
001010576804700			Parks - Utilities	\$310.13	
143613274			Utilities - Electric	\$109.39	\$0.00
					\$109.39
101016542630000			Street Fund - Street Lighting	\$109.39	
33855	01-Aug-12	12961	SNOHOMISH COUNTY PUD		\$118.40
143613275			Utilities - Electric	\$118.40	\$0.00
					\$118.40
101016542630000			Street Fund - Street Lighting	\$118.40	
33856	01-Aug-12	13824	Wash Teamsters Welfare Trust		\$1,256.31
08/01/12			Insurance Premiums	\$1,256.31	\$0.00
					\$1,256.31
001010576802000			Parks - Benefits	\$48.86	
101016542002000			Street Fund - Benefits	\$537.42	
410016542402000			Storm Water - Benefits	\$670.03	
Total Of Checks:					\$2,255.90

Detail Check Register

09-Aug-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
33857	13-Aug-12	13328	ACES			\$329.00
8755			Emergency Evac safety mtg	\$329.00	\$0.00	\$329.00
			001003517620000 Admin. Safety program			\$77.64
			101016517620000 safety program			\$146.08
			410016517620000 safety program			\$105.28
33858	13-Aug-12	13950	AIRE			\$1,841.62
0106470-CM			Boat Pontoon repair-sales tax	(\$158.38)	\$0.00	(\$158.38)
			001008521004802 LE - Boating R&M			(\$158.38)
0106470-CM			Boat Pontoon repair-freight	(\$109.36)	\$0.00	(\$109.36)
			001008521004802 LE - Boating R&M			(\$109.36)
0106470-IN			Boat Pontoon repair	\$2,109.36	\$0.00	\$2,109.36
			001008521004802 LE - Boating R&M			\$2,109.36
33859	13-Aug-12	13963	Alexis Winne			\$20.00
1st Place			1st PI Chalk it Up	\$20.00	\$0.00	\$20.00
			001010575304900 Arts Commission			\$20.00
33860	13-Aug-12	13599	Auto Additions Inc			\$683.10
IN0006666			New vehicle Lights & Sirens	\$683.10	\$0.00	\$683.10
			520008521006400 Purchase Of Capital Equipment			\$683.10
33861	13-Aug-12	13965	Bailey McCarthy			\$12.00
2nd place			2nd PI Chalk it Up	\$12.00	\$0.00	\$12.00
			001010575304900 Arts Commission			\$12.00
33862	13-Aug-12	13921	Bill Trimm FAICP			\$1,137.50
06/07/12			Econ Dev Outreach svcs	\$1,137.50	\$0.00	\$1,137.50
			001007558804111 Planning-Economic Development			\$1,137.50
33863	13-Aug-12	174	Bills Blueprint			\$81.45
456946			Printing	\$16.29	\$0.00	\$16.29
			001007558004902 Planning - Printing and Bindin			\$16.29
461206			Laminating	\$65.16	\$0.00	\$65.16
			101016595616440 36th Street Bridge Repair			\$65.16
33864	13-Aug-12	13967	British Columbia Cancer Found			\$200.00
EVNT2011-23			Refund recycle container fee	\$200.00	\$0.00	\$200.00

Detail Check Register

09-Aug-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001000322900001			Event Permits	\$200.00	
33865	13-Aug-12	11952	Carquest Auto Parts Store		\$561.13
2421-177811			Hydraulic oil for Kubota tractor	\$505.02	\$0.00
101016542004800			Street Fund - Repair & Mainten	\$262.50	
410016542404800			Storm Water - Repairs & Maint.	\$242.52	
2421-178104			5 gal hydraulic oil	\$56.11	\$0.00
101016542004800			Street Fund - Repair & Mainten	\$56.11	
33866	13-Aug-12	13550	Case Power & Equipment		\$82.57
728629			Filter	\$82.57	\$0.00
410016542404800			Storm Water - Repairs & Maint.	\$82.57	
33867	13-Aug-12	13966	Cassandra Valles		\$8.00
3rd Place			3rd PI Chalk it Up	\$8.00	\$0.00
001010575304900			Arts Commission	\$8.00	
33868	13-Aug-12	12404	CDW GOVERNMENT INC		\$338.76
N586573			Firewall Live Security Yearly Subscri	\$338.76	\$0.00
510013519103101			License Renewal/Annual Maint	\$338.76	
33869	13-Aug-12	13952	Century Manufacturing Corp		\$132.72
511524			Lift station degreaser	\$132.72	\$0.00
101016542004800			Street Fund - Repair & Mainten	\$132.72	
33870	13-Aug-12	13968	Cindy Jakubison		\$35.00
PARK2012-6			Refund Park Use Permit	\$35.00	\$0.00
001000345008100			Zoning and Subdivision Fees	\$35.00	
33871	13-Aug-12	274	City of Everett		\$2,325.00
I12002064			Animal shelter services	\$2,325.00	\$0.00
001008539004100			Code Enforcement - Professiona	\$2,325.00	
33872	13-Aug-12	276	City Of Lake Stevens		\$35.05
1276			Retainage - New Chapter	\$35.05	\$0.00

Detail Check Register

09-Aug-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001007558004100			Planning - Professional Servic	\$1.15	
001007559004100			Building Department - Professi	\$1.15	
001008521004100			Law Enforcement - Professional	\$20.10	
001013519904100			General Government - Professio	\$5.75	
001013555504100			Community Center - Cleaning	\$4.60	
101016542004100			Street Fund - Professional Ser	\$1.15	
410016542404101			Storm Water - Professional Ser	\$1.15	
33873	13-Aug-12	12004	CITY OF MARYSVILLE		\$437.50
5912			Hwy 9 Prof services	\$437.50	\$0.00
001013519904100			General Government - Professio	\$437.50	
33874	13-Aug-12	13030	COMCAST		\$81.90
07/12 0810218			Internet - Evidence room	\$81.90	\$0.00
001008521004200			Law Enforcement - Communicatio	\$81.90	
33875	13-Aug-12	13030	COMCAST		\$71.90
7/12 0692756			Internet - Market PI station	\$71.90	\$0.00
001008521004200			Law Enforcement - Communicatio	\$71.90	
33876	13-Aug-12	13841	Comcast		\$116.90
07/12 0827887			Traffic light control	\$116.90	\$0.00
101016542640000			Street Fund - Traffic Control	\$116.90	
33877	13-Aug-12	13841	Comcast		\$81.90
07/12 0808840			Internet - City shop	\$81.90	\$0.00
101016542004200			Street Fund - Communications	\$40.95	
410016542404200			Storm Water - Communications	\$40.95	
33878	13-Aug-12	13757	Comdata Corporation		\$11,285.43
20167971			Fuel	\$8,650.20	\$0.00
001008521003200			Law Enforcement - Fuel	\$8,650.20	
20167972			Fuel	\$2,635.23	\$0.00
001007559003101			Building Department - Operatin	\$144.95	
101016542003200			Street Fund - Fuel	\$2,490.28	
33879	13-Aug-12	13962	Concept Architecture LLC		\$275.60
Reimbursement			Costs for Navy Band travel to LS	\$275.60	\$0.00
001010575304900			Arts Commission	\$275.60	
33880	13-Aug-12	91	Corporate Office Supply		\$1,237.63
128910i			Office supplies	\$194.31	\$0.00

Detail Check Register

09-Aug-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001008521003100			Law Enforcement - Office Suppl	\$194.31	
128926i			Office supplies	\$65.20	\$0.00 \$65.20
001008521003100			Law Enforcement - Office Suppl	\$65.20	
1289461			Office supplies	\$128.80	\$0.00 \$128.80
001008521003100			Law Enforcement - Office Suppl	\$128.80	
129360			plotter paper	\$34.71	\$0.00 \$34.71
101016542003102			Street Fund Operating Costs	\$34.71	
130143			Office supplies	\$81.23	\$0.00 \$81.23
001008521003100			Law Enforcement - Office Suppl	\$81.23	
130278i			paper	\$195.41	\$0.00 \$195.41
001008521003100			Law Enforcement - Office Suppl	\$195.41	
130504i			Toner	\$73.79	\$0.00 \$73.79
001007558003100			Planning - Office Supplies	\$73.79	
130515i			print toner and aquafest supplies	\$464.18	\$0.00 \$464.18
001008521003100			Law Enforcement - Office Suppl	\$464.18	
33881	13-Aug-12	9386	Crystal and Sierra Springs		\$320.62
5249844080112			Bottled water	\$320.62	\$0.00 \$320.62
001007558003200			Planning-Operating Costs	\$35.84	
001007559003101			Building Department - Operatin	\$35.83	
001008521003104			Law Enforcement-Operating Cost	\$120.12	
001013519904900			General Government - Miscellan	\$46.20	
101016542003102			Street Fund Operating Costs	\$41.32	
410016542403102			Storm Water - Operating Costs	\$41.31	
33882	13-Aug-12	359	Cuz Concrete Products, Inc.		\$2,130.73
205852			114th Ave NE & 21st PI NE storm w	\$2,130.73	\$0.00 \$2,130.73
410016531503104			DOE-G1100060 SW Capacity Exp	\$2,130.73	
33883	13-Aug-12	13027	DEPARTMENT OF LICENSING		\$162.00
59498-59507			Weapons permits	\$162.00	\$0.00 \$162.00
633008586000000			Gun Permit - State Remittance	\$162.00	
33884	13-Aug-12	13027	DEPARTMENT OF LICENSING		\$72.00
59486-59489			Weapons permits	\$72.00	\$0.00 \$72.00

Detail Check Register

09-Aug-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
633008586000000			Gun Permit - State Remittance	\$72.00	
33885	13-Aug-12	13027	DEPARTMENT OF LICENSING		\$72.00
59490-59493			Weapons permits	\$72.00	\$0.00
633008586000000			Gun Permit - State Remittance	\$72.00	
33886	13-Aug-12	13027	DEPARTMENT OF LICENSING		\$72.00
59494-59497			Weapons permit	\$72.00	\$0.00
633008586000000			Gun Permit - State Remittance	\$72.00	
33887	13-Aug-12	13782	Department of Revenue		\$183.33
3109-2012-Qtr2			Credit Card Bank fees	\$183.33	\$0.00
001003514104901			City Clerk-Misc CC Fees (DOL)	\$183.33	
33888	13-Aug-12	9330	Dept of Emergency Management		\$7,626.50
1000306629			Q2.2012 Emergency Services	\$7,626.50	\$0.00
001013525005100			General Government - Emergency	\$7,626.50	
33889	13-Aug-12	456	Dunlap Industrial Hardware		\$60.06
1283506-01			Dewalt 18v Battery	\$60.06	\$0.00
101016542004800			Street Fund - Repair & Mainten	\$60.06	
33890	13-Aug-12	473	Electronic Business Machines		\$259.68
078233			Copier maint	\$56.05	\$0.00
001007558004800			Planning - Repairs & Maint.	\$28.02	
101016542004800			Street Fund - Repair & Mainten	\$28.03	
105854			Copier repair	\$203.63	\$0.00
001008521004800			Law Enforcement - Repair & Mai	\$203.63	
33891	13-Aug-12	13867	Emily Vandergrift and		\$20.00
3rd Place			3rd PI Chalk it Up	\$20.00	\$0.00
001010575304900			Arts Commission	\$20.00	
33892	13-Aug-12	485	Employment Security Department		\$2,805.41
Q2.2012			Q2.2012 UI Tax	\$2,805.41	\$0.00
501000517007800			Payments To Claiments	\$2,805.41	
33893	13-Aug-12	505	Everett Stamp Works		\$11.89
6894			Nameplate - Rosson	\$11.89	\$0.00
001007558003200			Planning-Operating Costs	\$11.89	

Detail Check Register

09-Aug-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
33894	13-Aug-12	13468	Feldman & Lee	\$5,250.00	
July 2012			Public defender services	\$5,250.00	\$0.00
001013512800000			Court Appointed Attorney Fees	\$5,250.00	
33895	13-Aug-12	555	Fresh and Clean	\$588.06	
Retainage			Retainage reimbursement	\$588.06	\$0.00
621000586000005			Janitorial Retainage Reimb	\$588.06	
33896	13-Aug-12	13254	Gibson Traffic Consultants	\$4,387.50	
12-014-3			Traffic Mitigation Fee Prof Svcs	\$4,387.50	\$0.00
101016542004106			Prof Srvc - GMA Traffic Plan	\$4,387.50	
33897	13-Aug-12	12393	GLENS RENTAL SALES & SERVICE	\$427.78	
S2101			Weed wacker to remove vegetation	\$357.19	\$0.00
410016542403103			Tools	\$357.19	
S2150			Asphalt cutter	\$70.59	\$0.00
410016542404502			Storm Water - Rentals/Leases	\$70.59	
33898	13-Aug-12	13086	Gregs Custom Fishing Rods	\$81.44	
340139			Waders	\$81.44	\$0.00
410016542402600			Storm Water-Clothing	\$81.44	
33899	13-Aug-12	670	HOGLANDS TOP SHOP	\$265.00	
43870			Seat cover repair/PT 29	\$265.00	\$0.00
001008521004800			Law Enforcement - Repair & Mai	\$265.00	
33900	13-Aug-12	13869	Ink It Your Way	\$69.46	
3150			2 uniform shirts-brown	\$69.46	\$0.00
001008521002600			Law Enforcment Clothing	\$69.46	
33901	13-Aug-12	13863	Johns Cleaning Service	\$147.00	
914			uniform cleaning	\$147.00	\$0.00
001008521002600			Law Enforcment Clothing	\$147.00	
33902	13-Aug-12	13239	Karen Watkins	\$179.15	
080712			Supplies for Wellness event	\$179.15	\$0.00
001003517400000			Admin. Wellness program	\$179.15	
33903	13-Aug-12	13627	Kathy Witlinger/Libi Holder	\$30.00	
2nd Place			2nd PI Chalk it Up	\$30.00	\$0.00

Detail Check Register

09-Aug-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001010575304900			Arts Commission	\$30.00	
33904	13-Aug-12	13279	KCDA Purchasing Coop		\$1,133.43
3593729			Shop supplies	\$1,133.43	\$0.00
001010576803100			Parks - Operating Costs	\$600.00	
101016542003102			Street Fund Operating Costs	\$533.43	
33905	13-Aug-12	13960	Keats McGongal		\$1,045.60
Ironman 2012			Ironman 2012 partial refund	\$1,045.60	\$0.00
001000342001001			Law Enforcement Serv.-Off Duty	\$695.60	
001000367000000			Arts Commission Donation	\$250.00	
001000386000001			Refundable Customer Deposits	\$100.00	
33906	13-Aug-12	13885	Lake Industries LLC		\$390.00
26188			Dump ditch debris from storm ditche	\$120.00	\$0.00
410016542404800			Storm Water - Repairs & Maint.	\$120.00	
26191			Dump ditch debris from storm ditche	\$60.00	\$0.00
410016542404800			Storm Water - Repairs & Maint.	\$60.00	
26192			Dump ditch debris from storm ditche	\$60.00	\$0.00
410016542404800			Storm Water - Repairs & Maint.	\$60.00	
26198			Dump ditch debris from storm ditche	\$60.00	\$0.00
410016542404800			Storm Water - Repairs & Maint.	\$60.00	
26199			Dump ditch debris from storm ditche	\$75.00	\$0.00
410016542404800			Storm Water - Repairs & Maint.	\$75.00	
26201			ditch debris	\$15.00	\$0.00
101016542004800			Street Fund - Repair & Mainten	\$15.00	
33907	13-Aug-12	12751	LAKE STEVENS POLICE GUILD		\$1,073.50
08/01/12			Union dues	\$1,073.50	\$0.00
001000281000000			Payroll Liabilities	\$1,073.50	
33908	13-Aug-12	860	Lake Stevens Sewer District		\$630.00
08/01/12			Utilities - sewer	\$630.00	\$0.00
001008521004700			Law Enforcement - Utilities	\$140.00	
001010576804700			Parks - Utilities	\$140.00	
001012572504700			Library - Utilities	\$70.00	
001013519904700			General Government - Utilities	\$280.00	

Detail Check Register

09-Aug-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
33909	13-Aug-12	12841	Law Offices of Weed, Graafstra		\$8,448.00
103			Prof services	\$8,448.00	\$0.00
					\$8,448.00
001005515204100			Legal - Professional Service	\$5,068.80	
101016542004100			Street Fund - Professional Ser	\$2,534.40	
401070535004102			Sewer Utility - Professional (\$844.80	
33910	13-Aug-12	12603	LES SCHWAB TIRE CENTER		\$24.71
40200054044			Tire mount & balance	\$24.71	\$0.00
					\$24.71
410016542404800			Storm Water - Repairs & Maint.	\$24.71	
33911	13-Aug-12	12215	LOWES COMPANIES		\$991.52
7/12 99001778135			Lights for Library/posts for signs	\$991.52	\$0.00
					\$991.52
001012572504800			Library - Repair & Maint.	\$204.34	
101016542640000			Street Fund - Traffic Control	\$787.18	
33912	13-Aug-12	13961	Marysville Municipal Court		\$124.00
Ticket 2Z0478954			Forward pmt for ticket # 2Z0478954	\$124.00	\$0.00
					\$124.00
001000353001005			Violation Bureau - Local	\$52.08	
633000386000010			Violations Bureau-Local (St)	\$71.92	
33913	13-Aug-12	1019	NATIONAL BARRICADE COMPANY		\$278.56
242690			traffic signs	\$123.80	\$0.00
					\$123.80
101016542640000			Street Fund - Traffic Control	\$123.80	
242839			Thermoplastic adhesive and shippin	\$154.76	\$0.00
					\$154.76
101016542640000			Street Fund - Traffic Control	\$154.76	
33914	13-Aug-12	13711	New Chapter Cleaning		\$665.95
1276			Janitorial Services	\$665.95	\$0.00
					\$665.95
001007558004100			Planning - Professional Servic	\$21.85	
001007559004100			Building Department - Professi	\$21.85	
001008521004100			Law Enforcement - Professional	\$381.90	
001013519904100			General Government - Professio	\$109.25	
001013555504100			Community Center - Cleaning	\$87.40	
101016542004100			Street Fund - Professional Ser	\$21.85	
410016542404101			Storm Water - Professional Ser	\$21.85	
33915	13-Aug-12	13920	Northend Truck Equipment Inc		\$5,081.07
1026950			flat bed, sander, plow	\$5,081.07	\$0.00
					\$5,081.07
530018594006400			Purchase Of Capital Equipment	\$5,081.07	
33916	13-Aug-12	12684	NORTHWEST CASCADE INC.		\$90.00
1-500044			Honey bucket rental	\$90.00	\$0.00
					\$90.00

Detail Check Register

09-Aug-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001010576804500			Parks - Equipment Rental	\$90.00	
33917	13-Aug-12	1091	Office Of The State Treasurer		\$12,628.77
July 2012			July 2012 State Court Fees	\$12,628.77	\$0.00
633008559005100			Building Department - State Bl	\$85.50	
633008589000003			Public Safety And Ed. (1986 As	\$5,842.05	
633008589000004			Public Safety And Education	\$3,508.64	
633008589000005			Judicial Information System-Ci	\$1,367.83	
633008589000008			Trauma Care	\$559.12	
633008589000009			school zone safety	\$12.95	
633008589000010			Public Safety Ed #3	\$126.99	
633008589000011			Auto Theft Prevention	\$778.37	
633008589000012			HWY Safety Act	\$60.87	
633008589000013			Death Inv Acct	\$42.96	
633008589000014			WSP Highway Acct	\$243.49	
33918	13-Aug-12	13304	Purchase Power		\$550.00
07/12 01831977			Postage	\$550.00	\$0.00
001007558004200			Planning - Communication	\$190.99	
001008521004200			Law Enforcement - Communicatio	\$0.40	
001013519904200			General Government - Communica	\$328.70	
101016542004200			Street Fund - Communications	\$14.96	
410016542404200			Storm Water - Communications	\$14.95	
33919	13-Aug-12	12991	Rylee Young		\$50.00
1st Place			1st Pl Chalk it Up	\$50.00	\$0.00
001010575304900			Arts Commission	\$50.00	
33920	13-Aug-12	13919	Safe Kids		\$200.00
080612			Barnes Car Seat tech training	\$200.00	\$0.00
001008521004901			Law Enforcement - Staff Develo	\$200.00	
33921	13-Aug-12	12722	SHRED-it WESTERN WASHINGTON		\$49.50
101198270			Shedding services	\$49.50	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$49.50	
33922	13-Aug-12	11899	SNOHOMISH CO. SHERIFFS OFFICE		\$7,044.00
I000306748			SRDTF JAG Grant	\$7,044.00	\$0.00
001008521005101			Law Enforcement - Drug Task Fo	\$7,044.00	
33923	13-Aug-12	13322	Snohomish County Cities		\$23.00
8/10 mtg			8/10 Sno Co Cities mtg	\$23.00	\$0.00

Detail Check Register

09-Aug-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001001511604300			Legislative - Travel & Mtgs	\$23.00	
33924	13-Aug-12	1382	Snohomish County Public Works	\$1,114.46	
1000306779			Signal repair	\$1,114.46	\$0.00
101016542004800			Street Fund - Repair & Mainten	\$1,114.46	
33925	13-Aug-12	12961	SNOHOMISH COUNTY PUD	\$11,348.84	
103917481			Utilities - electric	\$42.12	\$0.00
101016542630000			Street Fund - Street Lighting	\$42.12	
107231877			Utilities - electric	\$338.65	\$0.00
101016542630000			Street Fund - Street Lighting	\$338.65	
120505288			Utilities - electric	\$120.85	\$0.00
001008521004700			Law Enforcement - Utilities	\$120.85	
120505846			Utilities - electric	\$8,931.83	\$0.00
101016542630000			Street Fund - Street Lighting	\$8,931.83	
120505847			Utilities - electric	\$814.28	\$0.00
101016542630000			Street Fund - Street Lighting	\$814.28	
120505848			Utilities - electric	\$1,101.11	\$0.00
101016542630000			Street Fund - Street Lighting	\$1,101.11	
33926	13-Aug-12	1388	Snohomish County Treasurer	\$257.05	
July 2012			July 2012 Crime Victims compensati	\$257.05	\$0.00
633008589000001			Crime Victims Compensation	\$257.05	
33927	13-Aug-12	1356	SNOPAC	\$25,069.02	
5507			Dispatch Services	\$25,069.02	\$0.00
001008528005100			Law Enforcement - Snopac Dispa	\$25,069.02	
33928	13-Aug-12	13826	Sprint	\$30.00	
LCI-144382			investigations cell phone ping	\$30.00	\$0.00
001008521004100			Law Enforcement - Professional	\$30.00	
33929	13-Aug-12	13931	Stericycle, Inc	\$10.36	
3001944998			Hazardouse waste disposal	\$10.36	\$0.00
001008521004100			Law Enforcement - Professional	\$10.36	
33930	13-Aug-12	13639	Structural Diagnostic Testing	\$80.00	

Detail Check Register

09-Aug-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount
12166501			Labor to test DE truck PW16	\$80.00	\$80.00
101016542004800			Street Fund - Repair & Mainten	\$80.00	
33931	13-Aug-12	12579	SUMMIT LAW GROUP		\$2,682.29
57800			Professional services	\$2,682.29	\$2,682.29
001008521004102			LE - Professional Srv - Legal	\$2,682.29	
33932	13-Aug-12	13891	Tacoma Screw Products Inc		\$298.79
10933689			Paint/gloves/clamps	\$100.23	\$100.23
101016542003102			Street Fund Operating Costs	\$100.23	
10937089			Ratcheting load binder/Chain saw fil	\$98.62	\$98.62
410016542403103			Tools	\$98.62	
10940402			Binder chain/Utility knife/saw/pin	\$99.94	\$99.94
410016542404800			Storm Water - Repairs & Maint.	\$99.94	
33933	13-Aug-12	11787	Teamsters Local No. 763		\$547.00
07/2012			Union dues	\$547.00	\$547.00
001000281000000			Payroll Liabilities	\$547.00	
33934	13-Aug-12	13821	Terminix Commercial		\$59.73
316535779			Pest Control	\$59.73	\$59.73
101016543504802			Facilities R&M (City Shop)	\$59.73	
33935	13-Aug-12	1491	The Everett Herald		\$256.76
1787562			Advertising - 20th St hearing/Subare	\$77.52	\$77.52
001007558004400			Planning - Advertising	\$77.52	
1788310			Advertising - LS2011-3	\$67.20	\$67.20
001007558004400			Planning - Advertising	\$67.20	
1788311			Advertising - Reschedule Special Mt	\$44.84	\$44.84
001007558004400			Planning - Advertising	\$44.84	
1788779			Advertising - LS2011-2 20th St Suba	\$67.20	\$67.20
001007558004400			Planning - Advertising	\$67.20	
33936	13-Aug-12	13112	Tyler Enterprises		\$975.00
June 2012			Building inspection services	\$975.00	\$975.00
001007559004100			Building Department - Professi	\$975.00	

Detail Check Register

09-Aug-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
33937	13-Aug-12	11788	United Way of Snohomish Co.		\$325.68
July 2012		Employee contributions		\$325.68	\$0.00
001000281000000		Payroll Liabilities		\$325.68	
33938	13-Aug-12	13045	UPS		\$17.64
74Y42282		Evidence shipping		\$17.64	\$0.00
001008521004200		Law Enforcement - Communicatio		\$17.64	
33939	13-Aug-12	12158	VERIZON NORTHWEST		\$2,595.10
1104858513		Wireless phone service		\$2,595.10	\$0.00
001003511104200		Executive - Communication		\$55.55	
001003513104200		Administration-Communications		\$87.75	
001003514104200		City Clerks-Communications		\$34.93	
001003516104200		Human Resources-Communications		\$57.73	
001003518104200		IT Dept-Communications		\$113.28	
001007558004200		Planning - Communication		\$120.17	
001008521004200		Law Enforcement - Communicatio		\$1,522.32	
001010576804200		Parks - Communication		\$201.12	
101016542004200		Street Fund - Communications		\$201.12	
410016542404200		Storm Water - Communications		\$201.13	
33940	13-Aug-12	1579	VILLAGE ACE HARDWARE		\$437.20
July 2012		Supplies		\$437.20	\$0.00
001008521004800		Law Enforcement - Repair & Mai		\$69.51	
001010576803100		Parks - Operating Costs		\$77.93	
001012572504800		Library - Repair & Maint.		\$43.92	
001013531008000		General Government-Aquafest		\$12.99	
101016542003102		Street Fund Operating Costs		\$49.37	
101016542004800		Street Fund - Repair & Mainten		\$77.08	
410016542403103		Tools		\$106.40	
33941	13-Aug-12	12194	WA Dept of Ecology		\$4,101.19
2013-WAG994197		Wastewater Permit		\$453.00	\$0.00
410016542403130		Storm Water- DOE Annual Permit		\$453.00	
2013-WAR045523		Stormwater permit		\$3,648.19	\$0.00
410016542403130		Storm Water- DOE Annual Permit		\$3,648.19	
33942	13-Aug-12	13055	WA State Dept of Enterprise		\$250.00
18-1-58126		Co-op membership		\$250.00	\$0.00
001013519904900		General Government - Miscellan		\$250.00	
33943	13-Aug-12	13694	Washington State Treas Office		\$308.87
Q2.2012		Q2.2012 Forfeited Property		\$308.87	\$0.00

Detail Check Register

09-Aug-12

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount
001008521005101			Law Enforcement - Drug Task Fo	\$308.87
33944	13-Aug-12	12845	ZACHOR & THOMAS, INC. P.S.	\$7,524.56
607			Prosecutor services	\$7,524.56
				\$0.00
001013515210000			Prosecutor fees	\$7,524.56
Total Of Checks:				\$145,444.42

**CITY OF LAKE STEVENS
REGULAR CITY COUNCIL MEETING MINUTES**

Monday, July 23, 2012
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

CALL TO ORDER: 7:00 p.m. by Mayor Vern Little

COUNCILMEMBERS PRESENT: Suzanne Quigley, Kim Daughtry, Marcus Tageant, Neal Dooley and John Spencer

COUNCILMEMBERS ABSENT: Todd Welch and Kathy Holder

STAFF MEMBERS PRESENT: City Administrator Jan Berg, City Attorney Cheryl Beyer, Planning Director Becky Ableman, Finance Director/Treasurer Barb Lowe, Senior Planner Karen Watkins, Public Works Director Mick Monken, Human Resource Director Steve Edin, Police Chief Randy Celori, and City Clerk/Admin. Asst. Norma Scott

OTHERS: Samuel Low and Mark Wakefield

Excused Absence. Councilmember Somers moved to excuse Councilmembers Holder and Welch, seconded by Councilmember Dooley; motion carried unanimously. (5-0-0-2)

Guest Business. Samuel Low, 8409 4th Street SE, commented that the taped message of the Mayor was not on the last meetings tape recording that he requested and no layoffs were mentioned at the last meeting even though the layoff had already occurred. He mentioned it appears the public and Council was not notified. He requested Ordinance 879 not be passed because the Mayor and City Administrator disregarded the ordinance budget, Ordinance No. 865.

Mark Wakefield, 121 95th Avenue SE, commented he agreed with the previous speaker and will be filing some additional freedom of information requests. He requested the Mayor and Council waive their salaries. The City should consider what the public wants. He would like feedback from the Council.

Councilmember Dooley asked why waive Council salaries. Mr. Wakefield responded because you are laying off public servants and can use that money to retain the laid off officer. Discussion followed on the Mayor's and Council's salaries which would not pay for an officer's wage and benefits.

Mr. Wakefield commented he was a victim of two vandalisms with no follow up by the Police Department and had unlawful issuance of bank checks but the Police did not have time to pursue. Councilmember Dooley responded he believes most municipalities are not able to do all the follow ups. Mr. Wakefield continued to question the layoffs.

Consent Agenda. Councilmember Spencer moved to approve the Consent Agenda (A. Approve July 2012 vouchers [Payroll Direct Deposits 906011-906069 for \$138,979.47; Payroll Checks 33762-33763, 33766 for \$3,483.46; Claims 33764-33765, 33767-33846 for \$202,428.48; Electronic Funds Transfer 478-480 for \$5,092.71; Tax Deposits 7.13.12, 7.16.12

for \$51,406.90 for total vouchers approved of \$401,391.02]; B. Approve minutes of July 9, 2012 regular Council meeting; C. Authorize the Mayor to execute the Snohomish County Vessel Registration Fees Interlocal; and D. Authorize the Mayor to execute a Small Public Works Contract for on-call tree removal services with Auckland Enterprise), seconded by Councilmember Tageant; motion carried unanimously. (5-0-0-2)

Approve bid award to Granite Construction Co. for 2012 pavement overlay projects.

Public Works Director/Engineer Monken reviewed the various road improvements involved in this overlay project. Mr. Monken noted Community Transit changed the Vernon Road stop to Lundeen and Highway 9 because the ridership was so low (1 person). Also Community Transit does not allow their buses to run over the mini roundabouts. The City received five bids with base bids ranging from \$250,000 to \$353,000. Contingency request is for \$50,000 which is high because of the multiple projects and would provide an opportunity to fix some drainage problems and some extra street leveling.

City Attorney Beyer commented there is no contract attached to the staff report. Public Works Director/Engineer Monken responded the document is in the bid package, which is very lengthy and was approved by the City Attorney.

MOTION: Councilmember Tageant moved to authorize the Mayor to enter into contract award for the 2012 Pavement Overlay to Granite Construction Company in an amount of \$249,566.84 and authorized an administrative contingency of \$50,000, seconded by Councilmember Spencer; motion carried unanimously. (5-0-0-2)

Second and final reading of Ordinance No. 879, 2012 budget amendment. Finance Director/Treasurer Lowe reviewed two additional changes from the previous meeting.

The budget and layoff processes were discussed. Even though a position was not eliminated by Council, the Mayor and City Administrator are allowed to do layoffs because of the downturn in the economy and revenues.

Councilmember Spencer asked what is the response time with one less officer. Police Chief Celori responded it will not impact response times. It is currently 1-2 minutes on high priorities. It was 7 minutes for car prowl (low priority) before the annexation and now about 14 minutes. We are currently looking at realigning police positions.

Councilmember Dooley asked if any federal grants. Police Chief Celori responded have applied both times and were rejected.

Police Chief Celori commented they could do some emphasis on Chapel Hill Road but not a huge amount.

Councilmember Spencer is strongly in favor of improving the Police Department but do not have revenues and adding or deleting one person will not make a difference at this time.

MOTION: Councilmember Spence moved to approve second and final reading and adopt Ordinance No. 879 amending Ordinance No. 865, seconded by Councilmember Dooley; motion carried unanimously. (5-0-0-2)

Budget committee assignments will be discussed at the next meeting.

Setting City Council Retreat date. Council President Spencer noted the potential dates are October 20 or 27. October 27 was preferred.

Subarea Plans continued discussion. Planning Director Ableman noted the Planning Commission's first public hearing is August 1 and continued to the 15th. The Council public hearing is scheduled for August 27. Senior Planner Watkins reviewed the following: examples of existing signs versus new subarea code, sign amortization programs (not common in other jurisdictions), sign replacement incentive programs (no Washington cities have this), and provided other ideas for sign incentives.

Planning Director Ableman discussed cleaning up current signage by sending out notices of what the regulations are because people are not necessarily aware of the rules. City Administrator Berg suggested sending notices in conjunction with wayfinding so businesses can see the benefit.

Executive Session. Mayor Little called for an executive session on potential litigation for 10 minutes with possible action to follow at 8:35. After a brief break the executive session began at 8:39 p.m. The executive session was extended for ten minutes at 8:49 p.m. to 8:59 p.m., extended 10 minutes from 8:59 p.m. to 9:09 p.m., extended 5 minutes from 9:09 p.m. to 9:14 p.m., extended 5 minutes more to 9:19 p.m. Public Works Director Monken announced each of the extensions to the public. The regular meeting was called back into session at 9:22 p.m.

Councilmember Spencer stated with Council consensus forth coming we direct staff to consider the extension to the time line for road improvements at such time as the Lake Stevens Sewer District requests an extension provided that the District and in cooperation with the City work with the County to make temporary improvements for the purpose of safety on Sunnyside Boulevard and secondly the District would agree to sign the indemnification to indemnify the City for any damages that may occur until that road improvement is completed and that the District will also agree within the next week to direct that an independent outside audit begin on the Sewer District's management and the performance by the management of all financial and programmatic (program performance audit) affairs of the District and further direct staff that the audit to be completed within the next two months in August and September, staff to come back with the recommendation on the issue of road improvements should they ask for an extension. This direction was a unanimous consensus of the Council present.

Mayor Little will contact Mr. Wood, President of the Lake Stevens Sewer District Board.

Adjourn. Councilmember Dooley moved to adjourn at 9:27 p.m., seconded by Councilmember Tageant; motion carried unanimously. (5-0-0-2)

Vern Little, Mayor

Norma J. Scott, City Clerk/Admin. Asst.

**CITY OF LAKE STEVENS
CITY COUNCIL SPECIAL AND WORKSHOP MEETING MINUTES**

Monday, July 30, 2012
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

CALL TO ORDER: 7:00 p.m. by Mayor Vern Little

COUNCILMEMBERS PRESENT: Todd Welch, Suzanne Quigley, Kathy Holder, Kim Daughtry, Marcus Tageant, Neal Dooley and John Spencer

COUNCILMEMBERS ABSENT:

STAFF MEMBERS PRESENT: City Administrator Jan Berg, City Attorney Cheryl Beyer, Planning Director Becky Ableman, Finance Director/Treasurer Barb Lowe, Public Works Director Mick Monken, Human Resource Director Steve Edin, Police Chief Randy Celori, and City Clerk/Admin. Asst. Norma Scott

OTHERS:

SPECIAL MEETING

Authorize the Mayor to execute the Amendment to the Agreement Regarding Certificate of Occupancy for the Wastewater Treatment Plant with the Lake Stevens Sewer District.

City Administrator Berg reported at the last Council meeting Council was open to an amendment to the contract with the District. Last week the District formally requested an extension on the road project and approved the amendment to the agreement. The County also agreed with the extension. The Agreement has the date of extension to July 31, 2013 in concurrence with the County. The assignment of funds will also be extended. The original indemnification continues with this Amendment.

Councilmember Welch felt corned on this because of the District missing deadlines; he was shocked that people have not lost their jobs over this. Councilmember Welch stated he wanted his comments on the record.

City Administrator Berg mentioned there is time to see if there is an alternative for the road design.

Public Works Director/Engineer Monken stated the County will have the permit ready within the next few weeks on the current plans submitted. March is when construction can start.

City Administrator Berg noted the cost of the audit is at the Sewer District's expense.

MOTION: Councilmember Spencer moved to authorize the Mayor to enter into this agreement which is extension of time for the Sunnyside road improvements, seconded by Councilmember Welch; motion carried unanimously. (7-0-0-0)

Lake Stevens City Council Special and Workshop Meeting Minutes _____ July 30, 2012

Adjourn. Councilmember Daughtry moved to adjourn at 7:11 p.m., seconded by Councilmember Dooley; motion carried unanimously. (7-0-0-0)

=====

WORKSHOP

The workshop session began at 7:12 p.m. on the following discussion items: Subarea plans update – Zoning Map Revisions and 2nd quarter financials.

2013 Budget Subcommittee members: Councilmembers Dooley, Daughtry and Quigley. The first meeting is scheduled for August 13 at 5:30 p.m.

Adjourn. 8:20 p.m.

Vern Little, Mayor

Norma J. Scott, City Clerk/Admin. Asst.

John Spencer, Council President

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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda August 13, 2012
Date:

Subject: 2012 Chamber of Commerce Oktoberfest Event
1. Request to Serve Wine in North Cove Park
2. Fee Waiver Request

Contact Person: Rebecca Ableman
Department: Planning and Community Development Director

Budget \$1,040
Impact: Event Permit Fee

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

- A. Approve the Chamber of Commerce's request to serve Beer and Wine in North Cove Park during the 2012 Oktoberfest Celebration-Friday September 28th 3 PM-11 PM, Saturday, September 29th 10 AM-11 PM, and Sunday, September (**Attachment 1**).
- B. Additionally, the Chamber of Commerce has asked Council to waive the event permit fee of \$1,040 (**Attachment 1**).
-

SUMMARY/BACKGROUND: On August 25th, 2011, the Chamber of Commerce submitted the permit application, EVNT2012-10, for the 2nd Annual Oktoberfest Celebration in Downtown Lake Stevens to include serving beer wine in a heated tent within North Cove Park (**Map - Attachment 2**) as noted above

This proposal will have to meet the Washington State Liquor Control Board guidelines and requirements for a Banquet Permit.

If Council approves the request the applicant will be required to provide a Certificate of Liability Insurance and endorsement specifically addressing the service of alcohol naming the City of Lake Stevens as an additional insured and an approved Washington State Liquor Control Board Banquet Permit (**Attachment 3**).

The Chamber has also asked the Council to waive the permit fee. The Council has not been asked to waive this fee in the past.

APPLICABLE CITY POLICIES:

- 1. Alcohol in the Park:** Title 10.03.150 states, *the City Council may permit the sale and consumption of alcoholic beverages within a confined licensed area pursuant to an event permit issued by the City and a permit issued by the Washington State Liquor Control Board. Any application to the City Council for such a permit shall include a site plan identifying the specific areas to be licensed. In granting such a permit, the Council may apply restriction reasonably calculated to comply with the purpose of the Public/Semi-Public Zone as set forth in the Lake Stevens Land Use Ordinance.*
 - 2. Fee Waiver:** In accordance with the current fees resolution 2012-1, the City may waive the fees as follows: Section 1.D. Waivers. *Upon petition by the applicant, the City Council may waive any of the fees or portions thereof, for any non-profit organization that provides services for the necessary support of the poor or infirm.*
-

BUDGET IMPACT: \$1,040 Event Permit Fee

ATTACHMENTS:

- ▶ **Attachment 1:** Request to Serve Alcohol in North Cove Park and fee waiver request
- ▶ **Attachment 2:** Site Map
- ▶ **Attachment 3:** Liquor License Application

July 23, 2012

Becky Ableman
Planning Director
City of Lake StevensRECEIVED
JUL 26 2012
CITY OF LAKE STEVENS

REVISION



Subject: Request Issuance of a Level 4 Event Permit
for the Greater Lake Stevens Chamber of Commerce
2012 Oktoberfest Celebration, Sept 28th – 30th, 2012

Exhibits:

1. Site Maps
 - a. Master Site Map
 - b. Facilities Map
 - c. Beverage Garden Layout
2. Liquor Control Board Licenses (to be delivered prior to event)
3. Certificate of Liability Insurance (to be delivered prior to event)
4. City Permit Application Form

The Lake Stevens Chamber of Commerce Board and The Chamber Oktoberfest Committee, wish to thank you and the City for your consideration and permitting of the Second Annual Oktoberfest Celebration planned to take place on September 28, 29 and 30, 2012. We submit this document and its attachments as formal application for the 2012 Oktoberfest Event Permit.

Oktoberfest committee requests the setup and use of the city's tent for our information booth on the Main Street side walk where the Aquafest info booth is setup.

The Greater Lake Stevens Chamber of Commerce respectfully requests a waiver of the permit fee and will provide Platinum Sponsorship status to the City for donation in kind.

1) Planned hours of operation are as follows

- a) Oktoberfest Beer Garden (North Cove Park)
 - (1) September 28th - 3 p.m. to 11 p.m.
 - (2) September 29th - 10 a.m. to 11 p.m.
 - (3) September 30th - 10 a.m. to 5 p.m.
- b) Food & Beverage Booths (Parking Lot between Community Center and Library) This includes the Root Beer Garden and the Bavarian Food Booth
 - (1) September 28th – 3 p.m. to 10 p.m.
 - (2) September 29th – 10 a.m. to 10 p.m.
 - (3) September 30th – 10 a.m. to 5 p.m.
- c) Arts/Crafts and Commercial vendors (Library Parking Lot)
 - (1) Sept 29th - 10:00a.m. to 5:00 p.m. (Setup time between 0800 and 1000)
 - Sept 30th - 10:00 a.m. to 5:00 p.m.

2) Noise

- a) Oktoberfest has made no formal provision to handle noise complaints. Local residents will be made aware of what is happening throughout the event weekend. Formal noise complaints will be handled through normal Police Department channels.
- b) There will be a PA system operating during normal Oktoberfest operating hours on a limited basis.
- c) There will be some noise generated by music at the beverage garden, as well as some roving musicians and DJs or canned music. There are plans for having live bands and other entertainment playing on the North Cove Stage during the daylight hours and in the Beverage Garden during the evening and night time hours of operation. A list of entertainment is being finalized at this time and will be forwarded when completed.

3) Garbage/Litter

- a) Garbage cans will be located at the Beverage and Food Pavilion, North Cove Park, and in co-location with each event such as the Root Beer Garden and Pumpkin Carving Contest at the Gazebo. Recycling Cans will be located adjacent to the garbage cans. Garbage pickup will be conducted hourly during the event. A 30 yard dumpster will be placed behind city hall and a recycling dumpster will be located adjacent to that.
- b) Oktoberfest is responsible for all garbage pickup.

4) Road Closures, No Parking Areas and Traffic Control.

- a) After further review by the Oktoberfest committee it was decided that a partial closure of Main Street between Jay's Market Business entrance and 18th ST NE during event hours is necessary for the safety of the public. This is the same closure of Main Street that was used for last year's event.
 - i) Sept 28th – School gets out 1 hour earlier than the normal school hours and with the Carnival in town there are safety concerns.
 - ii) The Great Race on Sunday will start on Main Street and Safety becomes a factor for citizens (especially kids) crossing the street during the race.
 - iii) The intended hours of street closure are as follows:
 - (a) Sept 28th – 7:00 am to 11:00 pm
 - (b) Sept 29th – 7:00 am to 11:00 pm
 - (c) Sept 30th – 7:00 am to 6:00 pm
 - iv) Door Hangers will be posted to residents within the vicinity of the downtown area advising them of the closure.
- b) There will be supervised vendor traffic control at specific hours on Thursday, Friday, Saturday and Sunday to allow vendors to setup, tear down, and for deliveries. Food and Arts Vendors will be required to enter and exit the area on 18th Street in a supervised and controlled manner.
- c) Public Parking is first come first served at the areas normally allowed for parking with the exceptions below.

- i) City Staff parking and city customers will be at the normal City Hall parking and at the permit center on Friday. On Saturday that area of parking will be used for Oktoberfest and City Staff.
- ii) Oktoberfest Staff and Volunteers will have reserved parking at the Sinclair lot on Lake Shore Drive and 123rd Ave NE.
- iii) No event parking will be allowed in the Jay's Market Commercial Complex

5) Sanitation and Bathroom Facilities

- a) An adequate number of portable toilets will be strategically placed near all major events, including one portable toilet for disabled. These will be serviced Saturday and Sunday mornings before the event opens.
- b) A wash station will be provided for the food concession area for the food vendors and one for the public as well as a station for the Pumpkin Carving contest located at the city gazebo.

6) Insurance

- a) Certificates of Insurance for the City of Lake Stevens will be provided prior to the event.
- b) A certificate of Liability insurance has been received from Davis Shows and lists the City of Lake Stevens as the certificate holder and is attached.

7) Major Events

- a) Arts and Crafts/Commercial Booths
 - i) Art and Crafts will be located in the Library/Museum parking lot.
 - ii) Date in operation: September 29th & 30th
 - iii) Hours of Operations: setup between 0800 & 1000; Open for business from 1000 to 1700; tear down from 1700 to 1900.
- b) Food Vendors
 - i) Food vendors will be located in the lot between the community center and the library'
 - ii) Dates in operation: Sept 28th thru 30th
 - iii) Hours of Operation: 10 a.m. to 10 p.m.
- c) Beverage Garden
 - i) The Beverage Garden will be located in North Cove Park in an enclosed 30 x 100 foot tent.
 - ii) Dates in Operation: Sept 28th – 30th
 - iii) Hours of Operation: Sept 28th from 3 p.m. to 11 p.m.; Sept 29th 10 a.m. to 11 p.m.; Sept 30th 10 a.m. to 5 p.m.; this includes last call at 1 hour before shutdown to allow for cleanup and dispersal.
- d) Root Beer Garden
 - i) The Root Beer Garden will be located in North Cove Park in an enclosed 30 x 40 foot tent
 - ii) Dates in Operation: Sept 28th – 30th
 - iii) Hours of Operation: Sept 28th from 3 p.m. to 11 p.m.; Sept 29th 10 a.m. to 11 p.m.; Sept 30th 10 a.m. to 5 p.m.
- e) Kid's Games
 - i) The Kid's Games will be located in the Community Center
 - ii) Dates in operation: Sept 28th – 30th

- iii) Hours of Operation: Sept 28th from 3 p.m. to 7 p.m.; Sept 29th 10 a.m. to 7 p.m.; Sept 30th 10 a.m. to 3 p.m.
- f) Pumpkin Carving Contest
 - i) The pumpkin carving contest will be held at the city gazebo center on Saturday the Sept 29th from 1 p.m. to 4 p.m.
- g) Davis Show Carnival
 - i) Davis Shows Carnival will be located in the boat launch area much the same as during Aquafest but in a smaller foot print.
 - ii) Dates of operation: TBD
 - iii) Hours of Operation: TBD
- h) Lake Stevens Great Race
 - i) The Great Race will take place from 1000 to 1500 with an awards ceremony at 1600. The event itself will be in different locations around the downtown area most likely starting on Main Street at the information booth. More information will be available closer to the event.
- i) Run the C-Trail
 - i) Run the C-Trail is a 1K/5K & 10K fun run on the Centennial Trail starting and ending at the 20th St Trail Head
 - ii) Date of the race: Sept 29th
 - iii) Start times: 10K @ 9 a.m.; 5K @ 9:30 a.m.; Kid's Fun run 1K @ 10 a.m.
- j) Entertainment – List to be promulgated

8) Facilities: Exhibit B

- a) The beverage garden tent does not have electrical services in the area. Oktoberfest will be acquiring two (2) 20KW Generators to supply for the electrical needs of the beverage garden.
- b) The beverage Garden and the Root Beer garden will both be heated with diesel burning forced air heat.
- c) All services such as generators and heaters will be fenced for public safety.
- d) These services are depicted on Exhibit C – Beverage Garden Layout
- e) Satellite TV will be provided for the Beverage Garden
- f) Food Vendors will be provided electrical services via the city distribution boxes and spider boxes as has been done in the past. An electrical inspection is required.
- g) Arts and Crafts vendors will not have electrical services available.
- h) Food services sink/hot water tank/discharge tank will be located behind the community center.
- i) Hot water tank will be powered from inside the community center via the stove 220 volt outlet as has been done in the past.
- j) Portable rest rooms will be supplied as follows:
 - i) 12 units to be located in North cove park along the sidewalk at the north eastern edge.
 - ii) 1 ADA compliant facility to be co-located with the other 12 units
 - iii) 3 additional units to be located within the boundary of Davis Shows Carnival
 - iv) 2 or 3 additional units at the 20th Street trail head of Centennial Trail for the C-Runs.
- k) Hand wash stations will be located in the food pavilion area and at the pumpkin carving area at the gazebo.

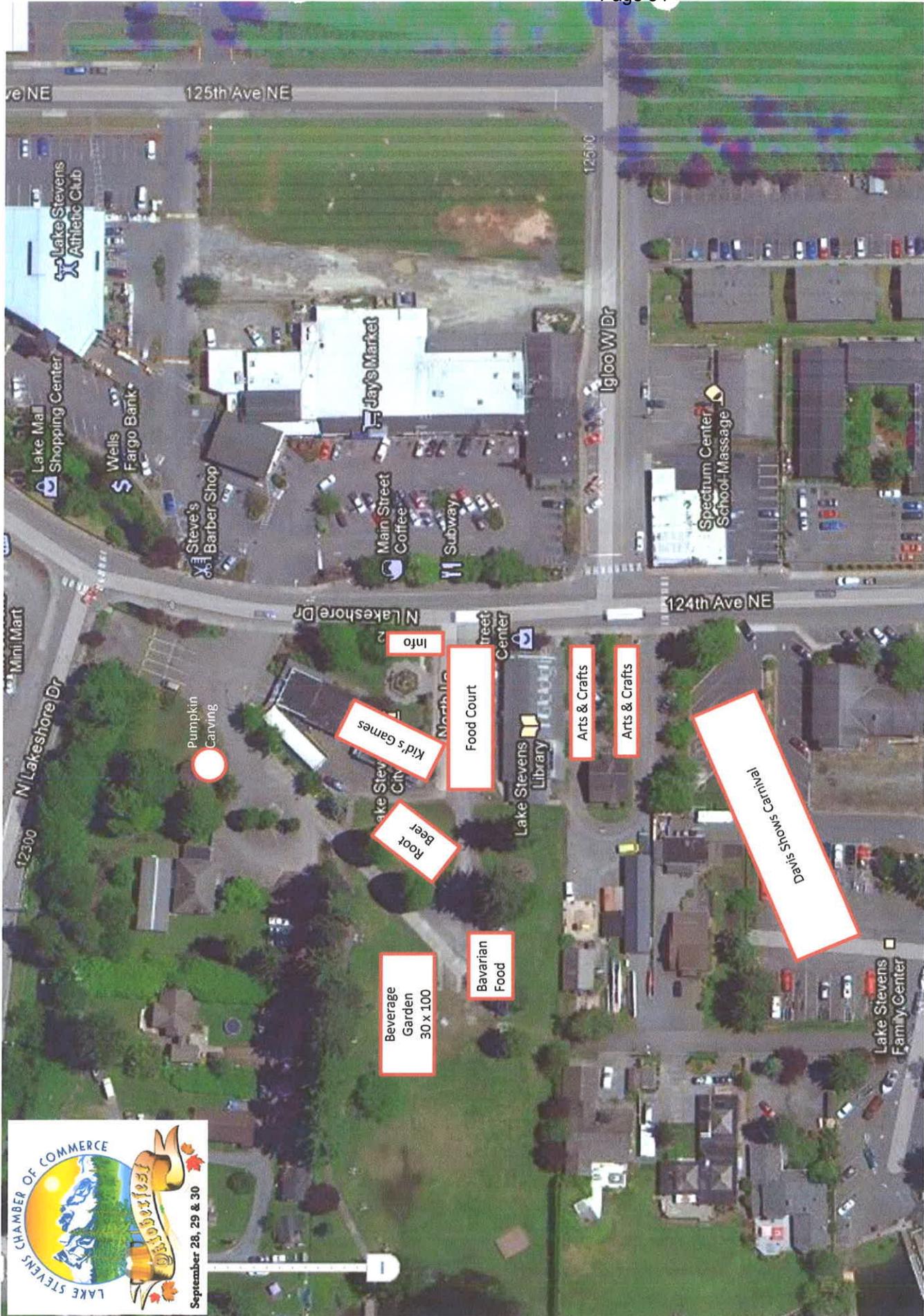


Exhibit A - Site Map

ATTACHMENT 3



**Washington State
 Liquor Control Board**

Licensing and Regulation
 3000 Pacific Ave SE
 PO Box 43085
 Olympia WA 98504-0385

For Office Use Only	
Reception No.	_____
Date	____/____/____
Amount Rec'd	_____
Initials	

**Application for Special Occasion License for a
 Nonprofit Society or Organization**

A Special Occasion License allows a nonprofit society or organization to sell spirits, beer, and wine by the individual serving for on-premises consumption at a specified event. You may request to sell spirits, beer and wine in original, unopened containers for off-premises consumption in combination with this privilege. All profits from the sale of alcohol must be returned to the non-profit organization.

Applications must be submitted at least 45 days before the event. The Liquor Control Board may not be able to process your application in time for your event if you do not apply at least 45 days before the event.

The fee for each Special Occasion license is **\$60.00 per day, per location**. Please make checks payable to WSLCB. The organization must have the license in hand before it can purchase spirits, beer or wine for resale. Special Occasion License holders are limited to 12 single-day events per calendar year.

Mail your completed application and check to:
 WSLCB
 PO Box 43085
 Olympia, WA 98504-0385.

Please call (360) 664-1600 if you have any questions.

1 Society or Organization Name: Lake Stevens Chamber of Commerce

2 9327 - 4th St NE/PO Box 439 Lake Stevens WA 98258 Snohomish

Organization's Street Address City State Zip Code County

3 Organization's 9-digit UBI #: _____ or Tax ID#: 20-4060405

4 Kim Daughtry Chamber President 5/28/54 (425) 3978555 kimdaughtry@comcast.net

Contact Person (must be at least 21 years old) Title Date of Birth Phone No. Email Address

5 Has this organization previously held a special occasion license? Yes No

Dates: Oct 14 & 15, 2011 License No: Not available

6 Name of Event: Lake Stevens Oktoberfest
www.lakestevenschamber.com/oktoberfestindex.htm

Event website address

7 Name of premises (building, hall, room, etc) where function will be held: North Cove Park

ATTACHMENT 3

Event is being held: Indoors Outdoors (**Outdoor events must be held in an enclosed area. Please submit a site map for the outdoors event with this application.**)

1800 Main Street Lake Stevens WA 98258

Event Location Address City State County Inside City Limits Yes No

Is event being held on church or school property, a military facility, or a liquor licensed premises? Yes No

If yes, the appropriate official from the church, school, military facility or liquor licensed premises must authorize the sale of liquor at the event location. Please provide the name and signature of the person authorized to sign on behalf of the church, school, military facility or liquor licensed premises.

Print or type the name of the authorized person

/ /

Signature of authorized person Title Date

Total number of people attending the event: 5000

Total number of people under 21 years of age attending the event: 2500 *NON where Alcohol Served.*

Date(s) of Event	Beginning Time	Ending Time	Type of Event
9/28/12	3 PM A.M.	11 P.M.	<input type="checkbox"/> Music <input type="checkbox"/> Auction
9/29/12	10 A.M.	11 P.M.	<input checked="" type="checkbox"/> Community Celebration <input type="checkbox"/> Outdoor Event
9/30/12	10 A.M.	5 P.M.	<input type="checkbox"/> Other: _____
/ /	A.M.	P.M.	

Are you requesting permission to auction or sell spirits, beer/wine for off-premises consumption? Yes No

Are any wineries, breweries, or distilleries participating in your event? Yes No

Name of participating winery, brewery or distillery: Fenette Winery & Diamond Knot Brewery

Only certified 501 (c) 3 and 501 (c) 6 organizations registered by the IRS may receive donated product from a winery, brewery or distillery.

All nonprofit organizations are able to receive dispensing equipment, advertising services paid to a third party, reasonable booth fees from a winery, and/or product purchased from a winery, brewery, distillery, distributor, or retailer. Wineries, breweries, distilleries and distributors **cannot donate money or sponsor a Special Occasion license.**

Are you receiving product or goods from a winery, brewery, distillery, distributor, or retailer? Yes No

If yes, please describe:

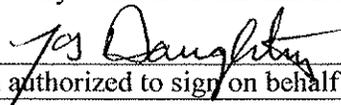
Monies from event will be distributed as follows: Lake Stevens Chamber of Commerce

Mail license to: Kim Daughtry 2615 Lake Drive, Lake Stevens, WA, 98258
 Name Mailing Address /Street/ PO Box, City, State, Zip Code
 Fax Number () 4253978555 kimdaughtry@comcast.net

ATTACHMENT 3

Area Code Phone No Email Address

I certify that all of the information provided in this application is true and correct.

Kim Daughtry		Chamber President	8/2/12
Signature of person authorized to sign on behalf of the nonprofit organization			Title
			Date

For more information about Special Occasion Licenses, please see form CIB 8



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: 13 August 2012

Subject: 20th Street SE Phase II – 91st Street SE to US 2 –Design Evaluation Refinement

Contact Mick Monken **Budget Impact:** \$10,983
Person/Department: Public Works

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: **Authorize the Mayor to execution a professional service agreement with Perteet Inc for an amount of \$9,983.00 plus authorized a management reserve of \$1,000.**

SUMMARY/BACKGROUND: The action requested is to have Perteet refine the roadway layout of 20th Street SE between 91st Avenue SE to US 2. The two main deliverables that will be accomplished through this effort will be: 1) Define are the right-of-way needs to allow construction of the proposed road improvements; and 2) Provide updated planning level cost opinions.

As a condition of the 2010 southwest annexation, the City entered into an Interlocal Agency Agreement (ILA) to participate and support the construction of 20th Street SE Phase II with the County as the lead agency. It was the intent of the County to complete this project in 2011/2012 but due to economic conditions the County postponed the project indefinitely. As the City recognized this as a critical corridor needed for traffic movement and economical development, in 2011 the City amended the ILA to put the City as the lead agency. Upon the City's assuming the jurisdiction of the 20th St SE road project, efforts began to review the County's design to seek ways to reduce costs and to allow the project to be built in multi-phases.

Last year the City executed a contract with Perteet Inc. to perform a review of the County's roadway design. In this review, the City proposed using WSDOT design standards rather than the County's with the expectations that this may allow the roadway design to closely match the existing roadway profile, with a lower overall construction cost, and would allow for building the project in small segments. The results of this review did show that the existing profile could be used and the estimated savings for just the construction portion of the project was \$4,500,000 or approximately 30% savings over the County's estimate of cost of \$13,500,000.

Since the 2011 City review, the City has developed an updated right-of-way plan, developed road needs based on the 20th Street SE Subarea Plan, and defined a revised roadway section. The proposed service of this action will take this current information and the past findings (from the City's 2012 review) and determine right of way needs and revised construction costs. This will put the City in a position to make decision on how to proceed with this project and puts the City in a better position to pursue funding dollars.

Although there are no requirements that the City bid competitively for services, cities must follow the procedures of RCW 39.80. This is to help ensure that the most qualified firm is selection. Perteet was selected for this service because of their past experience in the original design work on 20th Street SE for the County and that this work is a continuation of the design work performed for the City last year.

APPLICABLE CITY POLICIES: NA

BUDGET IMPACT: \$10,983. The funds are provided through dedicated 20th Street SE traffic impact mitigation dollars collected by the City.

ATTACHMENTS:

- ▶ Attachment A: Professional Service Agreement with Perteet Inc.

Attachment A

**PROFESSIONAL SERVICES AGREEMENT BETWEEN
CITY OF LAKE STEVENS
AND Perteet Inc
FOR 20th Street SE Design Refinement**

THIS AGREEMENT, made and entered into in Snohomish County, Washington, by and between CITY OF LAKE STEVENS, hereinafter called the "City," and Perteet Inc., a Washington corporation, hereinafter called the "Consultant."

WHEREAS, the Consultant has represented, and by entering into this Agreement now represents, that the firm and all employees assigned to work on any City project are in full compliance with the statutes of the State of Washington governing activities to be performed and that all personnel to be assigned to the work required under this agreement are fully qualified and properly licensed to perform the work to which they will be assigned.

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performances contained herein below, the parties hereto agree as follows:

ARTICLE I. PURPOSE

The purpose of this agreement is to provide the City with consulting services to preliminary design refinement to identify cross section touch points, develop planning level cost opinions, and to prepare a technical memorandum as described in Article II. The general terms and conditions of relationships between the City and the Consultant are specified in this agreement.

ARTICLE II. SCOPE OF WORK

The scope of work is set out in the attached Estimate of Professional Services for the 20th Street SE Design Refinement, hereinafter referred to as the "scope of services," **Exhibit A**. All services and materials necessary to accomplish the tasks outlined in **Exhibit A** shall be provided by the Consultant unless noted otherwise in the scope of services or this agreement.

ARTICLE III. OBLIGATIONS OF THE CONSULTANT

III.1 **MINOR CHANGES IN SCOPE.** The Consultant shall accept minor changes, amendments, or revision in the detail of the work as may be required by the City when such changes will not have any impact on the service costs or proposed delivery schedule. Extra work, if any, involving substantial changes and/or changes in cost or schedules will be addressed as follows:

Extra Work. The City may desire to have the Consultant perform work or render services in connection with each project in addition to or other than work provided for by the expressed intent of the scope of work in the scope of services. Such work will be considered as extra work and will be specified in a written supplement to the scope of services, to be signed by both parties, which will set forth the nature and the scope thereof. All proposals for extra work or services shall be prepared by the Consultant at no cost to the City. Work under a supplemental agreement shall not proceed until executed in writing by the parties.

III.2 WORK PRODUCT AND DOCUMENTS. The work product and all documents listed in the scope of services shall be furnished by the Consultant to the City, and upon completion of the work shall become the property of the City, except that the Consultant may retain one copy of the work product and documents for its records. The Consultant will be responsible for the accuracy of the work, even though the work has been accepted by the City.

In the event that the Consultant shall default on this agreement or in the event that this contract shall be terminated prior to its completion as herein provided, all work product of the Consultant, along with a summary of work done to date of default or termination, shall become the property of the City. Upon request, the Consultant shall tender the work product and summary to the City. Tender of said work product shall be a prerequisite to final payment under this contract. The summary of work done shall be prepared at no additional cost to the City.

Consultant will not be held liable for reuse of these documents or modifications thereof for any purpose other than those authorized under this Agreement without the written authorization of Consultant.

III.3 TIME OF PERFORMANCE. The Consultant shall be authorized to begin work under the terms of this agreement upon signing of both the scope of services and this agreement and shall complete the work within 70 days, unless a mutual written agreement is signed to change the schedule. An extension of the time for completion may be given by the City due to conditions not expected or anticipated at the time of execution of this agreement.

III.4 NONASSIGNABLE. The services to be provided by the Consultant shall not be assigned or subcontracted without the express written consent of the City.

III.5 EMPLOYMENT. Any and all employees of the Consultant, while engaged in the performance of any work or services required by the Consultant under this agreement, shall be considered employees of the Consultant only and not of the City, and any and all claims that may or might arise under the Workman's Compensation Act on behalf of any said employees while so engaged, and any and all claims made by any third party as a consequence of any negligent act or omission on the part of the Consultant or its employees while so engaged in any of the work or services provided herein shall be the sole obligation of the Consultant.

III.6 INDEMNITY.

a. Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

b. Should a court of competent jurisdiction determine that this agreement is subject to RCW 4.24.115, then, in the event of liability for damaging arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Engineer and the City, its members, officers, employees and agents, the Engineer's liability to the City, by way of indemnification, shall be only to the extent of the Engineer's negligence.

c. The provisions of this section shall survive the expiration or termination of this agreement.

III.7 **INSURANCE.**

a. **Minimum Limits of Insurance.** The Consultant shall, before commencing work under this agreement, file with the City certificates of insurance coverage to be kept in force continuously during this agreement, and during all work performed pursuant to all short form agreements, in a form acceptable to the City. Said certificates shall name the City as an additional named insured with respect to all coverages except professional liability insurance. The minimum insurance requirements shall be as follows:

(1) Comprehensive General Liability. \$1,000,000 combined single limit per occurrence for bodily injury personal injury and property damage; \$2,000,000 general aggregate;

(2) Automobile Liability. \$300,000 combined single limit per accident for bodily injury and property damage;

(3) Workers' Compensation. Workers' compensation limits as required by the Workers' Compensation Act of Washington;

(4) Consultant's Errors and Omissions Liability. \$1,000,000 per occurrence and as an annual aggregate.

b. **Endorsement.** Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

c. **Acceptability of Insurers.** Insurance to be provided by Consultant shall be with a Bests rating of no less than A:VII, or if not rated by Bests, with minimum surpluses

the equivalent of Bests' VII rating.

d. **Verification of Coverage.** In signing this agreement, the Consultant is acknowledging and representing that required insurance is active and current.

III.8 DISCRIMINATION PROHIBITED AND COMPLIANCE WITH EQUAL OPPORTUNITY LEGISLATION. The Consultant agrees to comply with equal opportunity employment and not to discriminate against client, employee, or applicant for employment or for services because of race, creed, color, religion, national origin, marital status, sex, age or handicap except for a bona fide occupational qualification with regard, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or terminations; rates of pay or other forms of compensation; selection for training, rendition of services. The Consultant further agrees to maintain (as appropriate) notices, posted in conspicuous places, setting forth the provisions of this nondiscrimination clause. The Consultant understands and agrees that if it violates this nondiscrimination provision, this agreement may be terminated by the City, and further that the Consultant will be barred from performing any services for the City now or in the future, unless a showing is made satisfactory to the City that discriminatory practices have been terminated and that recurrence of such action is unlikely.

III.9 UNFAIR EMPLOYMENT PRACTICES. During the performance of this agreement, the Consultant agrees to comply with RCW 49.60.180, prohibiting unfair employment practices.

III.10 AFFIRMATIVE ACTION. Affirmative action shall be implemented by the Consultant to ensure that applicants for employment and all employees are treated without regard to race, creed, color, sex, age, marital status, national origin or the presence of any sensory, mental or physical handicap, unless based on a bona fide occupational qualification. The Consultant agrees to take affirmative action to ensure that all of its employees and agent adhere to this provision.

III.11 LEGAL RELATIONS. The Consultant shall comply with all federal, state and local laws and ordinances applicable to work to be done under this agreement. This contract shall be interpreted and construed in accordance with the laws of Washington. Venue for any action commenced relating to the interpretation, breach or enforcement of this agreement shall be in Snohomish County Superior Court.

III.12 INDEPENDENT CONTRACTOR. The Consultant's relation to the City shall at all times be as an independent contractor.

III.13 CONFLICTS OF INTEREST. While this is a non-exclusive agreement the Consultant agrees to and will notify the City of any potential conflicts of interest in Consultant's client base and will seek and obtain written permission from the City prior to providing services to third parties where a conflict of interest is apparent. If a conflict is irreconcilable, the City reserves the right to terminate this agreement.

III.14 CITY CONFIDENCES. The Consultant agrees to and will keep in strict confidence, and will not disclose, communicate or advertise to third parties without specific prior written

consent from the City in each instance, the confidences of the City or any information regarding the City or services provided to the City.

ARTICLE IV. OBLIGATIONS OF THE CITY

IV.1 **PAYMENTS.** The Consultant shall be paid by the City for completed work for services rendered under this agreement and as detailed in the scope of services as provided hereinafter. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment and incidentals necessary to complete the work. Payment shall be on a time and expense basis, provided, however, in no event shall total payment under this agreement exceed nine thousand nine hundred eighty three dollars and no cents (\$9,983.00). In the event the City elects to expand the scope of services from that set forth in **Exhibit A**, the City shall pay Consultant an additional amount based on a time and expense basis, based upon Consultant's current schedule of hourly rates.

a. Invoices shall be submitted by the Consultant to the City for payment pursuant to the terms of the scope of services. The invoice will state the time expended, the hourly rate, a detailed description of the work performed, and the expenses incurred during the preceding month. Invoices must be submitted by the 20th day of the month to be paid by the 15th day of the next calendar month.

b. The City will pay timely submitted and approved invoices received before the 20th of each month within thirty (30) days of receipt.

IV.2 **CITY APPROVAL.** Notwithstanding the Consultant's status as an independent contractor, results of the work performed pursuant to this contract must meet the approval of the City, which shall not be unreasonably withheld if work has been completed in compliance with the scope of work and City requirements.

ARTICLE V. GENERAL

V.1 **NOTICES.** Notices to the City shall be sent to the following address:

CITY OF LAKE STEVENS
C/O Mick Monken
PO Box 257
LAKE STEVENS, WA 98258-0257

Notices to the Consultant shall be sent to the following address:

Peter De Boldt
Perteet Inc.
2707 Colby Avenue, Suite 900
Everett, WA 98201

Receipt of any notice shall be deemed effective three (3) days after deposit of written notice in the U.S. mail with proper postage and address.

V.2 **TERMINATION.** The right is reserved by the City to terminate this agreement in whole or in part at any time upon ten (10) days' written notice to the Consultant.

If this agreement is terminated in its entirety by the City for its convenience, a final payment shall be made to the Consultant which, when added to any payments previously made, shall total the actual costs plus the same percentage of the fixed fee as the work completed at the time of termination applied to the total work required for the project.

V.3 **DISPUTES.** The parties agree that, following reasonable attempts at negotiation and compromise, any unresolved dispute arising under this contract may be resolved by a mutually agreed-upon alternative dispute resolution of arbitration or mediation.

V.4 **NONWAIVER.** Waiver by the City of any provision of this agreement or any time limitation provided for in this agreement shall not constitute a waiver of any other provision.

DATED this _____ day of _____, 2012.

CITY OF LAKE STEVENS

_____, CONSULTANT

By _____
VERN LITTLE, MAYOR

By _____

APPROVED AS TO FORM:

GRANT K. WEED, CITY ATTORNEY

EXHIBIT A

City of Lake Stevens



Scope of Work

20th Street Southeast Design Refinement
(US 2 to 91st Avenue SE)

July 2011



Perteet

20th Street Southeast Design Refinement (US 2 to 91st Avenue SE)

Agreement with Perteet Inc.

INTRODUCTION

The purpose of this scope of services is to assist the City of Lake Stevens with a design refinement of a design analysis conducted by Perteet in late 2011. The anticipated outcome of this effort will be:

1. Performance of an analysis for revised general roadway cross-sections with touch points along the corridor from 91st Avenue SE to US 2.
2. Identify wall locations where a 2:1 cut or fill slope would not catch within existing right-of-way.
3. Development of planning level cost opinions.
4. Development of a brief technical memorandum summarizing the findings of the design refinement for the corridor to be used by the City in pursuing federal grant opportunities.

The City of Lake Stevens has prepared an alternative typical cross-section for the corridor and a four phase construction approach for the corridor. The City seeks to develop a design that can be phased in these segments. The first phase would be between 91st Avenue SE and 87th Avenue SE, and the City would like to have the concept refined to position for potential federal funding. The general goal would be to build the typical cross-section to the maximum extent feasible within right-of-way that has been acquired to date. Two-to-one slopes will be used when they fit within existing right-of-way. To keep the improvements within the available right-of-way, retaining walls will be used when two-to-one slopes do not fit within existing right-of-way.

The base map used for the previously completed PS&E work conducted for Snohomish County will be utilized for this design refinement. Drainage basin delineation will also remain as specified in the previously completed PS&E work. It is assumed that drainage will be captured and routed in a curb section.

OPTIONAL SERVICES

With prior written approval via a separate scope and fee by the City and in conjunction with a written notice-to-proceed, work elements described in this scope of services as optional services may be produced by the Consultant.

SCOPE OF SERVICES

I – Management / Coordination / Administration

- 1.1 Provide project management administration (billing invoices, monthly progress reports) throughout the project's duration. It is assumed that the project duration will be up to three (3) months.
- 1.2 Assist the City project manager in preparation of a schedule (Microsoft Project) that will identify project milestones.
- 1.3 Participate in project coordination meetings with City staff. It is assumed that four (4) coordination meetings will be required. Assist in preparation of meeting agendas and prepare meeting minutes.



Perteet

20th Street Southeast Design Refinement (US 2 to 91st Avenue SE)

Agreement with Perteet Inc.

- 1.4 Prepare independent QA/QC plan review of the proposed alternative and planning level opinion of cost.

2 - Analysis of Roadway Section Alternative

- 2.1 Analyze City provided "typical" roadway cross-section with additional turn lanes at intersections as shown on the roadway plan developed by Perteet in late 2011. It is assumed that no additional traffic analysis will be conducted for the determination of the lengths of turn pockets.

Additional traffic modeling or reports will be considered an optional service.

Items in this task will include:

- Using Civ3D, model the City provided typical cross-section for the corridor showing a continuous catch (or touch) point line on both sides of the road in plan view. Cross-sections will be taken every 20 feet with a horizontal to vertical scale factor of 1:1.
- Identify wall locations where a 2:1 cut or fill slope would not catch within existing right-of-way.
- Conduct site visit to confirm wall locations.
- Prepare a schematic plan layout for the corridor (1"=40') based on the City provided typical cross-section.
- Identify preliminary plan of right-of-way needs. The focus is to identify if additional right-of-way is needed beyond what has already been acquired by the County prior to annexation.
- Submit schematic plan layout data to the City for review. Revise the plan based on City comments.

3 - Planning Level Opinions of Cost for Corridor

- 3.1 Prepare planning level opinions of cost for the following:
 - Alternative corridor concept based on City provided typical cross-section of July 2012
- 3.2 Submit planning level opinion of cost to the City for review. Revise planning level opinion of cost based on City comments.

TIME FOR COMPLETION

The Consultant shall not begin work under the terms of this Agreement until authorized in writing by the City in the form of a Notice to Proceed. The work described in the scope above shall be completed within one (1) month of Notice to Proceed. All work under this Agreement shall be completed by October 31, 2012.

ITEMS TO BE PREPARED AND / OR FURNISHED BY THE CONSULTANT

1. Electronic (PDF or Word) copies of meeting minutes.
2. Monthly progress reports and invoices.



Perteet

20th Street Southeast Design Refinement (US 2 to 91st Avenue SE)

Agreement with Perteet Inc.

3. Electronic PDF copy and AutoCAD 2010 copy of revised schematic plan layout with catch point lines.
4. Electronic PDF copy of roadway cross-sections (cross-section every 20-feet with a horizontal scale factor of 1:1).
5. Electronic PDF copies of draft and final planning level opinions of cost (total of two [2]).
6. Electronic PDF copy of plan showing preliminary R/W needs for the alternative.

ITEMS TO BE FURNISHED BY THE CITY OF LAKE STEVENS

1. Electronic CAD file of right-of-way in the corridor.
2. Electronic version of proposed typical section depicting roadway dimensions.

DESIGN CRITERIA

Reports and plans, to the extent feasible, shall be developed in accordance with the latest edition and amendments of the following:

1. Washington State Department of Ecology, "Stormwater Management Manual for Western Washington", 2005.
2. Washington State Department of Transportation, "Design Manual."
3. Washington State Department of Transportation, "Highway Runoff Manual (M 31-16)".
4. Washington State Department of Transportation, "Hydraulics Manual (M 23-03)".
5. Washington State Department of Transportation, "Local Agency Guidelines".
6. Highway Research Board's Manual entitled "Highway Capacity".
7. FHWA and Washington State Department of Transportation, "Manual on Uniform Traffic Control Devices for Streets and Highways".
8. AASHTO "A Policy of Geometric Design of Highways and Streets."

OPTIONAL SERVICES

The following optional services can be provided as needed through a scope of services and fee determination that will be negotiated separately as a supplement to this Agreement.

1. Topographic survey services.
2. Formal R/W plan preparation and documentation of proposed acquisitions per parcel.
3. Environmental documentation and permitting assistance.
4. VISSIM traffic modeling.
5. Preparation of traffic reports.
6. Drainage modeling.
7. Conceptual drainage layout.
8. Conceptual detention and water quality requirements associated with how much of the corridor is an overlay section and how much is potentially reconstructed.
9. Pond siting, conceptual layouts, and water quality options.

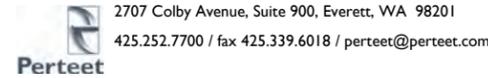


Perteet

20th Street Southeast Design Refinement (US 2 to 91st Avenue SE)

Agreement with Perteet Inc.

10. Preparation of a technical memorandum to support development of a corridor plan.
11. Preparation of side street profiles and driveway profiles.
12. Assistance in development of sub-section projects, concept designs, and opinions of cost.
13. Assistance in the development of a corridor plan.
14. Assistance in preparation of a grant application for project funding.
15. Additional alternatives or options beyond what is described above.



Project: 20th Street SE Design Refinement
Client: City of Lake Stevens
PM: Peter De Boldt

Contract Start Date: August 20, 2012
Contract Ending Date: October 31, 2012
Contract Duration: 2 Months

Original Contract	Project Manager	Engineer III	Technician III	Clerical	Accounting							Total Task Hours	Direct Salary Costs	Total Task Incl. Salary Escalation
	Peter De Boldt \$72.12	Karissa Barnes \$33.50	Sekulich \$25.00	\$26.73	\$33.50									
: select discipline team for each worker for the sales allocation ----->														
	Transportation Design	Transportation Design	Transportation Design											
Task #														
0001 Project Management	12	6	0	1	2	0	0	0	0	0	0	21	\$ 1,160	\$ 1,160
1.1 Monthly Invoices and Progress Reports	2				2							4	\$ 211	\$ 211
1.2 Project Milestone Schedule	2											2	\$ 144	\$ 144
1.3 Coordination Meetings with City Staff	4	6		1								11	\$ 516	\$ 516
1.4 QA/QC Plan and Opinion of Cost Review	4											4	\$ 288	\$ 288
												0	\$ -	\$ -
Task #														
0002 Analysis of Roadway Section Alternative	2	38	7	0	0	0	0	0	0	0	0	47	\$ 1,592	\$ 1,592
2.1 Design Revisions: cross-section, cut/fill limits, walls		24	3									27	\$ 879	\$ 879
2.2 Identify Additional R/W Needs		4										4	\$ 134	\$ 134
2.3 Site Visit	2	4										6	\$ 278	\$ 278
2.4 Cut Sections and Prepare Submittal		4	2									6	\$ 184	\$ 184
2.5 Incorporate City Review Comments		2	2									4	\$ 117	\$ 117
												0	\$ -	\$ -
Task #														
0003 Planning Level Opinions of Cost	0	18	0	0	0	0	0	0	0	0	0	18	\$ 603	\$ 603
3.1 Prepare Preliminary Opinions of Cost (4 Segments Total)		16										16	\$ 536	\$ 536
3.2 Incorporate City Review Comments		2										2	\$ 67	\$ 67
												0	\$ -	\$ -
Total Hours	14	62	7	1	2	0	0	0	0	0	0	86		
Total Dollars (Direct Salary Cost)	\$1,010	\$2,077	\$175	\$27	\$67	\$0	\$0	\$0	\$0	\$0	\$0		\$ 3,355	\$ 3,355

Expenses:	
Copies	\$25
GPS Receiver @ \$150/day	
Robotic EDM @ \$100/day	
Digital Level @ \$50/day	
APS (Locates)	
Mileage @ current IRS rate	\$45
TOTAL	\$ 70

P:\Public Works\Projects\2011 Projects\11050 20th Street SE - Design Evaluation\Contracts\Scope

Subconsultant Fees:	Sub Total	Sub Markup	Markup Total
None		10.0%	\$ -
		10.0%	\$ -
		10.0%	\$ -
		10.0%	\$ -
		10.0%	\$ -
Total	\$ -		\$ -

Fee Based on Direct Salary Cost Only	Y
Fee Based on DSC + Overhead	N
Multiplier	2.95
Salary Escalation	\$ 0
Direct Salary Cost	\$ 3,355
Overhead Cost	160.44% \$ 5,383
Net Fee	35% \$ 1,174
Expenses	\$ 70
Subconsultants	\$ -
Management Reserve	\$ -
CONTRACT TOTAL	\$ 9,983

Form Last Updated On: August 12, 2011

Office of the Mayor

To: City Council
From: Mayor Little
Re: Library Board Appointments
Date: August 13, 2012

With two Library Board positions vacant, Library Board Chair David Tremaine and I interviewed five applicants and selected two. We are recommending Council's confirmation of David Corvin, a banker, and Abe Martinez, a freelance media producer, to the vacated positions.



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: August 13, 2012

Subject: 2012 Budget Amendment #3

Contact Person/Department: Barb Lowe/ Finance **Budget Impact:** Yes

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Review Ordinance No. 880 Amending Ordinance No. 865

SUMMARY/BACKGROUND:

The City adopts an annual budget prior to the start of each fiscal year and then monitors and reviews the activity throughout the year. Any necessary changes in expenditures or unanticipated revenues are brought forward to City Council through a budget amendment to the update the impact on the City's financials. The following budget amendment includes adjustments to the specific line items that will be affected.

Detailed explanations of the changes requested are described below:

General Fund - 001

Total Expenditures – increase of \$25,000:

Due to the cost of the annual financial and accountability audit now required by the State Auditor's Office. The City had previously been on a two year audit cycle so the audit had not been included in the 2012 budget.

Capital Projects – Developer Contributions - 301

Total Expenditures – increase of \$11,000:

Due to the 20th St SE Design review and potential modification. This action will refine the previous design findings which will include a reduced road cross section, review edge slope and fill conditions, determined where a retaining wall could be placed to avoid the purchase of "right of way (ROW), define where additional ROW is needed, and update the project's cost estimate.

APPLICABLE CITY POLICIES:

In accordance with the Financial Management Policies, Budget Themes and Policies, and the Revised Code of Washington, changes in the adopted budget must be brought before the City Council.

BUDGET IMPACT:

The budget ordinance will amend the beginning and ending balances, and revenues and expenditures in the funds set forth in the ordinance.

ATTACHMENTS:

▶ Exhibit A: Ordinance No. 880 ▶

**CITY OF LAKE STEVENS
 LAKE STEVENS, WASHINGTON
 ORDINANCE NO. 880**

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, AMENDING THE 2012 BUDGET AS SET FORTH IN ORDINANCE NO. 865 CONCERNING FUND BALANCES AND EXPENDITURES FOR VARIOUS FUND BALANCES FOR THE YEAR 2012.

WHEREAS, the City of Lake Stevens adopted the 2012 budget pursuant to Ordinance No. 865; and

WHEREAS, the City of Lake Stevens will incur expenditures in categories and amounts other than anticipated in the adopted 2012 budget;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS DO ORDAIN AS FOLLOWS:

SECTION 1. The 2012 budget, as adopted in Ordinance No. 865, is hereby amended as follows:

<i>Fund</i>	<i>Description</i>	<i>Current Budget</i>	<i>Amended Budget</i>	<i>Amount of Inc/(Dec)</i>	<i>ExpRev</i>
001 - General	Expenditures	\$8,033,702	\$8,058,702	\$25,000	Exp.
001 - General	Ending Fund Balance	\$2,946,404	\$2,921,404	(\$25,000)	EndBal.
301 - Cap. Proj.-Dev. Contrib.	Expenditures	\$0	\$11,000	\$11,000	Exp.
301 - Cap. Proj.-Dev. Contrib.	Ending Fund Balance	\$1,354,081	\$1,343,081	(\$11,000)	EndBal.

SECTION 2. Except as set forth above, all other provisions of Ordinance 865 shall remain in full force, unchanged.

SECTION 3. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in force five (5) days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 27th day of August, 2012.

 Vern Little, Mayor

ATTEST/AUTHENTICATION:

 Norma J. Scott, City Clerk/Admin Asst

APPROVED AS TO FORM:

First Presentation: August 13, 2012
 Final Presentation: August 27, 2012
 Published:

Effective:

Grant Weed, City Attorney



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: August 13, 2012

Subject: Introduction to Proposed Changes to Selected Chapters of Title 10 Parks and Recreation

Contact Person/Department: Chief Randy W. Celori **Budget Impact:** N/A

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Information at this time.

SUMMARY/BACKGROUND:

Several Chapters in Title 10 of the Lake Stevens Municipal Code require updating. These changes are required to address state law requirements, revisions to state statutes related to vessel operation and address issues to improve the health, welfare and safety of the community.

City staff and the City Attorney's Office has been working on the revisions to Title 10 for several months and plan to bring the proposed revisions to the City Council for two readings and subsequent adoption.

The major changes to Title 10 consists of the following:

10.03.100 Firearms and Explosives: Per state law, parks are not a place where cities may prohibit the possession of firearms. Our current code prohibits firearms. Staff will be recommending the removal of the prohibition to carry firearms in city parks.

10:04.090 Adoption of Statutes by Reference: Many of the state statutes codes have been renumbered. This change will adopt the new code numbering system, the code as presently enacted and may be subsequently amended.

10.08.010 Accident Reports: Changes to this section will clarify accident reporting requirements and conform to state law reporting requirements.

10.16.070 Private Buoys and Markers: Our current Code authorizes the Chief of Police to issue permits for private buoys and markers. It is recognized that it is more appropriate for permits to be issued by the Planning Director in consultation with the Chief of Police. This will ensure the City will comply with the State Waterway Marking System, determine if Hydraulic Permit Approval (HPA) is required, fall within the regulations of the Shoreline Master Plan, etc. Staff is currently researching if this addition will trigger a SEPA or other review.

10.20.000 Public Nuisance Noises Emanating from Watercraft: This is a new section proposed to address loud noises, such as music emanating from watercraft on the lake that are in operation or moored that disturbs the peace of persons in their homes, businesses, on their property and on the public waterway. Staff is currently researching if this addition will trigger a SEPA or other review. This section is still being reviewed by staff and the City Attorney's Office to ensure it is sufficiently detailed. Below is a draft of the proposed ordinance.

Section 6. *10.20.xxx Public Nuisance Noises Emanating from Watercraft*

1. *Watercraft Noise. The use or operation of any radio, tape player, disc player, portable media players, docking stations or electronic sound reproduction device located on or within a watercraft being operated or moored on any public waterways or place accessible to the public, in such manner as to disturb the peace and repose of persons, in their homes, businesses, on their property on the waterway or public use of the waterway., The operation of such radio, tape player, disc player portable media player, docking stations or electronic sound reproduction device from a watercraft in such a manner to be audible to those outside the watercraft at a distance of 100 feet or more from the source, as best that point can be estimated without the use of any distance-measuring device, regardless of the time of day, shall be prima facie evidence of a violation of this section.*

2. *And provided further that vessels or watercraft participating in a City sponsored or permitted events in which boat participation is a planned element of the event shall not be in violation of this Section.*

Additional minor changes to the ordinance will be presented to council at the time of the readings. Some of those changes include updating definitions and clarifying accident reporting requirements and water skier operations.

APPLICABLE CITY POLICIES: LSMC, Title 10, Parks and Recreation

BUDGET IMPACT: N/A

ATTACHMENTS:

► Exhibit A: LSMC, Title 10 Parks and Recreation (Current Version)

Title 10

PARKS AND RECREATION

Chapters:

- 10.03 Park Rules and Regulations
- 10.04 General Provisions
- 10.08 Accidents and Enforcement
- 10.12 Restricted Areas and Obstructions
- 10.16 Swimming, Skindiving and Waterskiing
- 10.20 Operation of Watercraft
- 10.24 Equipment Requirements
- 10.28 Piers and Marinas
- 10.32 Nuisances and Debris
- 10.36 Miscellaneous

TITLE 10 -- PARKS AND RECREATION

Chapter 10.03

PARK RULES AND REGULATIONS

Sections:

- 10.03.010 Short Title
- 10.03.020 Definitions
- 10.03.030 Construction of Provisions
- 10.03.040 Purpose
- 10.03.050 Hours
- 10.03.060 Posting Signs, Posters, and Notices
- 10.03.070 Damage to Park Property Unlawful
- 10.03.080 Animals at Large Prohibited
- 10.03.090 Horses Prohibited
- 10.03.100 Firearms and Explosives
- 10.03.110 Teasing, Annoying, or Injuring Animals Prohibited
- 10.03.120 Restriction on Vehicles
- 10.03.130 Depositing Refuse and Litter
- 10.03.140 Building Fires
- 10.03.150 Intoxicating Liquor and Drugs Prohibited
- 10.03.155 Smoking and Tobacco Use Prohibited
- 10.03.160 Camping
- 10.03.170 Selling Refreshments or Merchandise
- 10.03.180 Certain Vocations Prohibited
- 10.03.190 Practicing and Playing Certain Games
- 10.03.200 Permit for Assemblies and Events Required
- 10.03.210 Racing Regulations
- 10.03.220 Watercraft
- 10.03.230 Emergency Aid by Watercraft
- 10.03.240 Testing Vehicles Prohibited
- 10.03.250 Amplified Music and Public Address Systems
- 10.03.260 Adoption of Rules and Regulations by Director
- 10.03.270 Violation and Penalty
- 10.03.280 Reward for Assisting in Enforcing Chapter

- 10.03.290 Principal Offender Defined
- 10.03.300 Conflicts

10.03.010 Short Title.

This chapter shall constitute the "Park Rules and Regulations for the City of Lake Stevens" and may be cited as such. (Ord. 821, Sec. 2, 2009)

10.03.020 Definitions.

The terms used, unless clearly contrary to or inconsistent with the context in which used, shall be construed as follows:

- (a) "Department" means the City of Lake Stevens Planning and Community Development Department.
- (b) "Director" means the Director of the Planning and Community Development Department for the City of Lake Stevens, or his or her designee.
- (c) Event. Refer to Chapter 14.08.
- (d) Event Permit. Refer to Chapter 14.08.
- (e) "Park" means a site designed, developed or designated by the City for recreational use or activities by the public including, but not limited to:
 - (1) Indoor facilities, such as:
 - (i) Gymnasiums;
 - (ii) Swimming pools; or
 - (iii) Community and activity centers; and
 - (2) Outdoor facilities, such as:
 - (i) Sport fields;
 - (ii) Playgrounds;
 - (iii) Skate parks;
 - (iv) Docks, piers, boardwalks and fishing areas;
 - (v) Swim and beach areas;
 - (vi) Boat launches and marinas;
 - (vii) Parking lots; or
 - (viii) Gazebos, picnic shelters and related outdoor activity areas; and
 - (3) Areas and trails for:
 - (i) Pedestrians;
 - (ii) Bicyclists; or

TITLE 10 -- PARKS AND RECREATION

- (iii) Dogs or equestrians; and
- (4) Any other public property or facility that the City has designed, identified or designated for recreational use or activities.
- (f) Park Permit. A park permit is required for any activity, assembly, gathering, meeting or other organized activity, of more than 50 but less than 100 persons, held in a City park, public property or facility, and that is not likely to cause a significant impact on the park, public property or facility or other property or facility users and the general public. Park permits are issued for events such as family reunions, birthday parties and other small group or organization meetings.
- (g) "Person" means all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.
- (h) "Smoking and tobacco use" means the carrying or smoking of any kind of lighted tobacco-containing pipe, cigarette, cigar, or the carrying or smoking of any other lighted smoking equipment using tobacco and any other chewing, tasting or ingesting of tobacco products. (Ord. 821, Sec. 2, 2009; Ord. 771, Sec. 2, 2008)

10.03.030 Construction of Provisions.

This chapter is declared to be an exercise of the police power of the City enacted for the public peace, health, safety and welfare. The provisions of this chapter shall be liberally construed to accomplish the purpose of this chapter. (Ord. 821, Sec. 2, 2009)

10.03.040 Purpose.

Parks may from time to time be set aside by the City for park and recreational purposes. The City may organize public recreation programs consisting primarily of activities planned and directed by the Planning and Community Development Department. The Director of the Planning and

Community Development Department is authorized to contract with community groups to organize recreation activities in City parks that are open to the general public and for which a fee may be charged. (Ord. 821, Sec. 2, 2009)

10.03.050 Hours.

Park hours shall be 7:00 a.m. till dusk unless posted otherwise. Park hours may be extended as part of a permitted event or with prior written permission from the Director. No person shall enter or be present at a Lake Stevens park area after closing time. (Ord. 821, Sec. 2, 2009)

10.03.060 Posting Signs, Posters, and Notices.

- (a) No person shall, without prior written permission of the Director, attach any notice, bill, poster, sign, wire, rod, or cord to any tree, shrub, railing, post or structure within any park; provided, that the Director may permit the erection of temporary directional signs or decorations on occasions of public celebration and picnics.
- (b) No person shall, without prior written permission of the Director, use, place, or erect any signboard, sign, billboard, bulletin board, post, pole, or device of any kind for advertising in any park, or place or erect in any park, a permanent or temporary structure of any kind; provided, that before granting permit, the Director shall establish general rules and regulations pertaining hereto, including provisions requiring removal, protecting City employees, the general public interest, and persons using City parks.
- (c) It is further unlawful for any person to distribute literature of any kind in any park within the City without first obtaining written permission to do so from the Director. The Director shall establish rules and regulations relating to the distribution of literature which may prohibit the distribution of literature of a purely commercial advertising nature and shall require the deposit with the City of a "litter" cleanup

TITLE 10 -- PARKS AND RECREATION

deposit in an amount to be determined by the Director prior to the issuance of any such written permit. (Ord. 821, Sec. 2, 2009)

10.03.070 Damage to Park Property Unlawful.

No person shall remove, destroy, or mutilate, injure, cut, disturb, misuse, or mark or write upon any structure or building, or any part of any structure or any building, or any fixture therein, or attached thereto, or any monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, or pick, cut or remove any shrub, tree, fern, plant, flower, lighting system, or sprinkling system, or any other property lawfully located within a park area. (Ord. 821, Sec. 2, 2009)

10.03.080 Animals at Large Prohibited.

No person shall allow or permit any dog or other pet to run at large in any park or public property. Any person with a dog or other pet in his/her possession in any park or on public property shall be responsible for both the conduct of the animal, damage caused by the animal, and removal from the park or public property of feces deposited by such animal. Dogs or pets on park or public property must be on a leash of no more than eight feet in length, and under the control and direction of the owner or guardian, except;

- (a) Dogs used by public law enforcement agencies and under control of a law enforcement officer.
- (b) In areas specifically designated as "off-leash areas" by the Director and posted as such, for the exercising of pets. Dogs and pets must still be under the control and direction of the owner or guardian.
- (c) When exceptions or conditions are applied as part of a permitted event.
- (d) The Director may ban dogs and other pets from areas of any parks or public property where she or he determines the same may be a nuisance. The Director may ban dogs and other pets from areas of any park or public property during a permitted event or where

organized public recreation activities may be conducted. (Ord. 821, Sec. 2, 2009)

10.03.090 Horses Prohibited.

No person shall permit any horse, except horses used by and under the control of a public law enforcement agency, to be in any park, whether at large or under the direct control of its rider, except in areas specifically designated by the Director and posted as such or as part of a permitted event. (Ord. 821, Sec. 2, 2009)

10.03.100 Firearms and Explosives.

No person shall shoot, fire, or explode any fireworks, firecrackers, torpedoes, or explosives of any kind or throw any projectiles, or carry any firearm, or shoot or fire any firearm, air gun, bow and arrow, BB gun, or use any slingshot on any park properties except a law enforcement officer in the line of duty. The Director may issue a permit for the purpose of conducting a public fireworks display under RCW 70.77.260. The permit must meet the requirements of Section 9.64.030, Public Display of Fireworks. (Ord. 821, Sec. 2, 2009)

10.03.110 Teasing, Annoying, or Injuring Animals Prohibited.

No person shall tease, annoy, disturb, molest, catch, injure, kill, or throw any stone or missile of any kind at or strike with any stick or weapon any animal, bird, or fowl. No person shall fish on the park properties except at areas designated by the Director and posted as such. No person shall feed any fowl or other wildlife in the park except in designated areas. (Ord. 821, Sec. 2, 2009)

10.03.120 Restriction on Vehicles.

- (a) At all times and at all locations within any park, pedestrians shall enjoy the right-of-way over any motorized or unmotorized vehicle, bicycle, tricycle, animal, skates, or skateboard.
- (b) No person shall ride, drive, or operate any bicycle, skates, or skateboard in any area

TITLE 10 -- PARKS AND RECREATION

within any park where such activity is prohibited by means of posted notice. The Director is authorized to place the appropriate notice or notices at such times, and/or within such areas of any park which shall make it unlawful to ride, drive, or operate any bicycle, skates, or skateboard within such designated areas, according to the posted notice.

- (c) No motorized or nonmotorized vehicle or trailer shall be parked in a City park overnight unless part of an event for which an event permit has been issued and for which the Director has specifically addressed and conditioned as part of the permit. (Ord. 821, Sec. 2, 2009)

10.03.130 Depositing Refuse and Litter.

No person shall throw any refuse, litter, cigarette butts, broken glass, crockery, nails, shrubbery, trimmings, junk or advertising matter in any park area or trail, or deposit any waste or abandoned material therein except in designated receptacles. No person shall deposit any refuse not generated in parks in any receptacle within any park or upon any park properties. (Ord. 821, Sec. 2, 2009)

10.03.140 Building Fires.

No person shall build a fire in any park. Charcoal barbecues are prohibited except in City-provided barbecue grills. (Ord. 821, Sec. 2, 2009)

10.03.150 Intoxicating Liquor and Drugs Prohibited.

No person shall bring into any park or consume by mouth, inhalation, or injection, or possess while in any park, any intoxicating liquor, narcotic, or dangerous drugs or consume by any method any material or substance (such as glue, for example) capable of producing a state of intoxication or euphoria; provided, however, that this section shall not be applied to any person consuming a drug obtained by such person by lawful prescription and taken pursuant to the medical direction of

a licensed health care practitioner; further provided, the City Council may permit the sale and consumption of alcoholic beverages within a confined licensed area pursuant to an event permit issued by the City and a permit issued by the Washington State Liquor Control Board. Any application to the City Council for such a permit shall include a site plan identifying the specific areas to be licensed. In granting such a permit, the Council may apply restriction reasonably calculated to comply with the purpose of the Public/Semi-Public Zone as set forth in the Lake Stevens Land Use Ordinance. (Ord. 821, Sec. 2, 2009)

10.03.155 Smoking and Tobacco Use Prohibited.

Smoking and tobacco use are prohibited in all City parks under the control and jurisdiction of the City. (Ord. 821, Sec. 2, 2009; Ord. 771, Sec. 1, 2008)

10.03.160 Camping.

It is unlawful for any person or group of persons to camp out in any park except at places set aside for such purposes by the Director and so designated by signs. (Ord. 821, Sec. 2, 2009)

10.03.170 Selling Refreshments or Merchandise.

No person shall sell refreshments or merchandise in any park without first entering into a concession contract with the City according to the rules and regulations established by the Director or unless sales are in conjunction with an event for which an event permit has been issued. (Ord. 821, Sec. 2, 2009)

10.03.180 Certain Vocations Prohibited.

- (a) No person shall take up collections for any purpose nor solicit for any services or products.
- (b) No person shall hold, operate or conduct a circus, carnival, or traveling exhibition on any

TITLE 10 -- PARKS AND RECREATION

- park property, except such activities as may be a regular part of the parks and recreation program, without first obtaining a written permit from the Director or except as part of an event for which an event permit has been issued.
- (c) Except as provided in Sections 10.03.040 and 10.03.170, it is unlawful for persons to conduct activities in a City of Lake Stevens park area for private voluntary gain (profit).
 - (d) No person shall use a metal detector in any City park.
 - (e) Except as part of an event for which an event permit has been issued:
 - (1) No person shall erect a canopy, tent, shelter or other temporary or permanent structure in a City park.
 - (2) No person shall operate an inflatable bouncy house, castle or similar type of apparatus in a City park or facility. (Ord. 821, Sec. 2, 2009; Ord. 797, Sec. 1, 2009)

10.03.190 Practicing and Playing Certain Games.

No person shall practice or play golf, baseball, horseshoes, cricket, polo, lacrosse, archery, or hockey except at park areas set apart or designated for such purposes by the Director so as not to conflict with normal park usage. (Ord. 821, Sec. 2, 2009)

10.03.200 Permit for Assemblies and Events Required.

- (a) Except as provided elsewhere in this chapter, no person, group or organization shall hold, host or sponsor any organized event, assembly, meeting or other organized activity in a park that would likely attract 50 or more persons except as part of an event or activity for which a park or event permit has been issued.
- (b) A park permit is required for any activity, assembly, gathering, meeting or other organized activity, of more than 50 but less than a

100 persons, held in a City park or public property.

- (1) A person or group desiring to hold, host, sponsor or organize such activity, as outlined above, shall apply for a park permit by filing a complete application with payment of all applicable fees (per the current City of Lake Stevens Fee Resolution) and all supporting and required documents with the City at least 14 days prior to the date on which the activity, assembly, gathering or meeting is to occur.
- (2) Additional permits and fees (per the current City of Lake Stevens Fee Resolution) may be required to rent or lease additional park or public facilities.
- (c) An event permit is required for any person, group or organization desiring to host, sponsor or organize an event in the City of Lake Stevens likely to attract participants and spectators of 100 persons or more pursuant to Chapter 14.44 LSMC.
- (d) When such an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, the application shall be processed promptly, without charging a fee for political or religious activities or imposing terms or conditions that infringe constitutional freedoms, and in a manner that respects the liberty of applicants and the public. (Ord. 821, Sec. 2, 2009)

10.03.210 Racing Regulations.

No person shall engage in, conduct, or hold any trials or competitions for speed, endurance, or hill climbing involving any vehicle, boat, aircraft, or animal in any park area, without first obtaining an event permit to do so. Said permit will outline specified places and times designated for such activities by the Director upon his/her determination that:

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- (a) Adequate provision has been made to ensure that the health and safety of participants and spectators of any activities will not be subject to undue hazard; and
- (b) Such activities will be conducted in such a manner as to minimize potential damage to public or private property. (Ord. 821, Sec. 2, 2009)

10.03.220 Watercraft.

No person shall have, keep, or operate any boat, float, trailer, raft, or other watercraft in or upon any bay, lake, slough, river, or creek within the limits of any park, or land on the shore bordering any park, except at places set apart by the Planning Director and designated by signs. No boat, float, trailer, raft, watercraft, motorized or nonmotorized vehicle will be parked or left overnight in any park, except as part of an event for which an event permit has been issued. (Ord. 821, Sec. 2, 2009)

10.03.230 Emergency Aid by Watercraft.

No person shall land or dock a boat at any swimming dock or float, nor shall any boat be allowed within a swimming area except in an emergency involving rescue or lifesaving. The Director shall have the power to permit exceptions for special events. (Ord. 821, Sec. 2, 2009)

10.03.240 Testing Vehicles Prohibited.

No person shall operate any motor vehicle or motorcycle for the purpose of testing it, or ascertaining its fitness for service, along or upon any park drive, parkway, or park boulevard. (Ord. 821, Sec. 2, 2009; Ord. 491, 1995)

10.03.250 Amplified Music and Public Address Systems.

No person shall operate a powered public address system or amplified music speaker system or other means of amplifying sound at any park areas without a written permit from the Planning

Director; provided, that the Director shall establish general rules and regulations pertaining thereto. Vehicle-operated portable radios, music and other media players are permitted on City-owned, operated or maintained property, provided they shall only be operated at a volume that does not allow the sound to be heard by a person with normal hearing that is more than 25 feet from the sound device, nor in any manner which unreasonably disturbs the peace of others as provided for in Chapter 9.56, Noise Control. (Ord. 821, Sec. 2, 2009; Ord. 551, 1997; Ord. 491, 1995)

10.03.260 Adoption of Rules and Regulations by Director.

The Director shall have the power to promulgate and adopt reasonable rules and regulations pertaining to the operation, management, and use of the parks, and shall post the same in conspicuous places in the parks. Rules and regulations shall include a procedure for granting blanket permits encompassing any particulars of this chapter to locally and nationally recognized organizations or associations. Rules and regulations may include the establishment of hours during which any park or portion thereof as designated by signs located within the designated portion shall be closed to the general public; such closures may be for reasons of public safety, welfare and convenience, or for reasons of park maintenance. No person shall violate or fail to comply with any park rule or regulation duly adopted and posted by the Director. (Ord. 821, Sec. 2, 2009; Ord. 491, Sec. 3, 1995)

10.03.270 Violation and Penalty.

Failure to comply with any provision of this chapter or violation of any provision of this chapter is an infraction for the first offense and for a second offense within a 365-day period.

- (a) For the first offense the fee of such violation shall be set equivalent to the basic rule violation as set forth in the Justice Information System (JIS) Law Table as published by the Administrative Office of the Courts.

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- (b) For the second offense, the fee of such violation shall be set equivalent to double the basic rule violation as set forth in the Justice Information System (JIS) Law Table as published by the Administrative Office of the Courts.
- (c) Third or subsequent offenses of this chapter in a 365-day period shall either be:
 - (1) A misdemeanor subject to a jail term of not more than 90 days, a fine of not more than \$1,000, or both such fine and imprisonment; or
 - (2) Subject to enforcement pursuant to Title 17 of the Lake Stevens Municipal Code.
- (d) Payment of a civil fine within three business days of the issuance of the notice of infraction issued under this chapter shall reduce the amount of the fine owing by 50 percent. (Ord. 821, Sec. 2, 2009; Ord. 771, Sec. 3, 2008; Ord. 604, Sec. 9, 1999; Ord. 491, Sec. 3, 1995)

ter and any other provisions of the Lake Stevens Municipal Code, this chapter shall control. (Ord. 821, Sec. 2, 2009; Ord. 491, Sec. 3, 1995)

10.03.280 Reward for Assisting in Enforcing Chapter.

The Director may offer, post, and pay a suitable reward not exceeding \$100.00 for information leading to the arrest and conviction of anyone violating the provisions of this chapter. (Ord. 821, Sec. 2, 2009)

10.03.290 Principal Offender Defined.

Anyone concerned in the violation of this chapter, whether directly committing the act of omitting to do the thing constituting the offense, or who aids or abets the same, whether present or absent, and anyone who directly or indirectly counsels, encourages, hires, commands, induces, or otherwise procures another to commit such offense is, and shall be, a principal under the terms of this chapter, and shall be proceeded against and prosecuted as such. (Ord. 821, Sec. 2, 2009)

10.03.300 Conflicts.

All City ordinances shall be in force in all City parks. In the event of a conflict between this chap-

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Chapter 10.04

GENERAL PROVISIONS

Sections:

- 10.04.010 Short title
- 10.04.020 Authorization - Waters defined
- 10.04.030 Application - Provisions supplemental
- 10.04.040 Definitions
- 10.04.050 Public employees - Compliance required
- 10.04.060 Application of water safety and watercraft code - Exemptions
- 10.04.070 Public health
- 10.04.080 Liability for damages
- 10.04.090 Adoption of Statutes by Reference

10.04.010 Short Title. This title shall constitute the "Water Safety and Watercraft" code of the City and may be cited as such.

10.04.020 Authorization - Waters defined.

- A. The City, in the exercise of its police power, assumes control and jurisdiction over all waters within its limits.
- B. As authorized by RCW 35A.21.090, the powers and jurisdiction of the City with boundaries adjacent to or front on any lake, or other navigable waters, shall extend into and over such waters and over any tidelands intervening between any such boundary and any such waters to the middle of such lake or other waters in every manner and for every purpose that such powers and jurisdiction could be exercised if the waters were within the City limits.

10.04.030 Application - Provisions supplemental. The provisions of this title shall be applicable to all vessels and watercraft operating in the waters of the City. The provisions of this

title shall be construed to supplement United States laws and state laws and regulations when not expressly inconsistent therewith in the waters where such United States and state laws and regulations are applicable.

10.04.040 Definitions. For the purpose of this title:

"Anchorage" means a designated position where vessels or watercraft may anchor or moor.

"Aquatic event" means any organized water event of limited duration which is duly sanctioned at least seven (7) days in advance by duly constituted authority and which is conducted according to a prearranged schedule and in which general public interest is manifested.

"Authorized emergency vessel" means any authorized vessel or watercraft of the Lake Stevens Police Department, Snohomish County Sheriff's Department, Snohomish County Fire Protection District No. 8, the United States government, and state and authorized patrol vessels, fire rescue boats or watercraft.

"Commission" means the State Parks and Recreation Commission.

"Cove" means that area of Lake Stevens set forth in the attached Exhibit A.

"Darkness" means that period between sunset and sunrise.

"Diver's flag" means a red flag, five (5) units of measurement on the hoist by five (5) units of measurement on the fly with a white stripe of one (1) unit crossing the red diagonally, the flag to have a stiffener to make it stand out from a pole or mast. This flag shall only pertain to skin diving and SCUBA (Self-contained underwater breathing apparatus) diving and shall supplement any nationally recognized diver's flag

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or marking. A unit of measurement shall not be less than two (2) inches.

"Idling Speed" means that speed of any motorboat while underway when its propulsion machinery is set at the machine's lowest possible speed.

"Motor driven boats and vessels" means all boats and vessels which are self propelled.

"Muffler" or **"muffler system"** means a sound suppression device or system, including an underwater exhaust system, designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.

"Observer" means the individual riding in a vessel who is responsible for observing a water skier at all times.

"Obstruction" means any vessel or watercraft or any matter which may in any way blockade, interfere with or endanger any vessel or watercraft or impede navigation.

"Oil" means any oil or liquid, whether of animal, vegetable, mineral or chemical origin, or a mixture, compound or distillation thereof.

"Operate" means to steer, direct, or otherwise have physical control of a vessel that is underway.

"Operator" means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.

"Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

"Personal flotation device" means a buoyancy device, life preserver, buoyant vest, ring buoy, or buoy cushion that is designed to float a person in the water and that is approved by the commission.

"Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

"Pier" means any pier, wharf, dock, flat, grid-iron or other structure which promotes the convenient loading or unloading or other discharge from vessels or watercraft, or the repair thereof.

"Reckless" or **"recklessly"** means acting carelessly and heedlessly in a willful and wanton disregard of the rights, safety, or property of another.

"Restricted area" means an area that is closed to all water traffic or where water traffic is regulated for the health, safety and welfare of the public.

"Towboat" means any vessel or watercraft engaged in towing or pushing another vessel or watercraft.

"Underway" means that a vessel is not at anchor, or made fast to the shore, or aground.

"Vessel" includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers. (Ord. 453, 1994)

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"Wake" means more than a six (6) inch swell in the water created by the movement of any watercraft. (Ord. 543, 1997)

"Water skiing" means the physical act of being towed behind a vessel on, but not limited to, any skis, aquaplane, kneeboard, tube, or any other similar device.

10.04.050 Public employees - Compliance required. The provisions of this title shall apply to the operator of any vessel or watercraft owned by or used in the service of the United States government or of this state, or of any political subdivision thereof.

10.04.060 Application of Water Safety and Watercraft Code - Exemptions. The provisions of this title shall be applicable to the operation of any and all vessels or watercraft in the waters of the City, except that they shall not apply to any authorized emergency vessel or watercraft actually responding to an emergency call or in immediate pursuit of an actual or suspected violator of the law; provided, that the provisions of this section shall not relieve the operator of an authorized emergency vessel or watercraft of the duty to operate with due regard for the safety of all persons using the waters of the City.

10.04.070 Public health. All watercraft and vessels entering the waters of the City shall comply with the applicable public health laws and regulations of the United States, the state, and its political subdivisions.

10.04.080 Liability for damages. Nothing in this title shall be construed so as to release any person owning or controlling any vessel, watercraft, pier, obstruction or other structure from any liability for damages. The safeguards to life and property required in this title shall not be construed as relieving any person from installing and maintaining any other safeguards which may be required by law.

10.04.090 Adoption of Statutes by Reference. The City of Lake Stevens hereby adopts and incorporates by references the following sections of the Revised Code of Washington as presently enacted and as may be subsequently amended:

- RCW 88.08.023 Vessel seal display
- RCW 88.08.030 Exemption from vessel registration
- RCW 88.12.015 Violations of chapter punishable as misdemeanor -- Circumstances -- Violations designated as civil infractions
- RCW 88.12.020 Operation of vessel in a negligent manner -- Penalty
- RCW 88.12.025 Operation of vessel in a reckless manner -- Penalty
- RCW 88.12.035 Failure to stop for law enforcement officer
- RCW 88.12.055 Enforcement -- Chapter to supplement federal law
- RCW 88.12.065 Equipment standards -- Rules -- Penalty
- RCW 88.12.075 Tampering with vessel lights or signals -- Exhibiting false lights or signal -- Penalty
- RCW 88.12.085 Muffler or underwater exhaust system required -- Exemptions -- Enforcement -- Penalty
- RCW 88.12.095 Personal flotation devices -- Inspection and approval -- Rules
- RCW 88.12.105 Failure of vessel to contain required equipment -- Liability of operation or owner -- Penalty
- RCW 88.12.115 Personal flotation devices required -- Penalty
- RCW 88.12.125 Water skiing safety -- Requirements
- RCW 88.12.135 Loading or powering vessel beyond safe operating ability -- Penalties

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- RCW 88.12.145 Operation of personal watercraft -- Prohibited activities -- Penalties
- RCW 88.12.155 Duty of operator involved in collision, accident, or other casualty -- Immunity from liability of persons rendering assistance -- Penalty
- RCW 88.12.165 Casualty and accident reports -- Confidentiality -- Use as evidence
- RCW 88.12.175 Boating accident reports by local government agencies -- Investigation -- Report of coroner
- RCW 88.12.185 Vessels adrift -- Owner to be notified
- RCW 88.12.285 Uniform waterway marking system

TITLE 10 -- WATER SAFETY AND WATERCRAFT

Chapter 10.08

ACCIDENTS AND ENFORCEMENT

Sections:

- 10.08.010 Accident - Reports
- 10.08.020 Reports confidential - Inadmissible as evidence
- 10.08.030 Filing false information and concealment of pertinent facts
- 10.08.040 Duties of Lake Stevens police department
- 10.08.050 Aiding and abetting violation
- 10.08.060 Violation - Penalty

10.08.010 Accident - Reports.

- A. In the event of any accident in City waters which results in the death, disappearance, or injury to any person which requires medical treatment, the master, owner or operator of any involved vessel shall immediately report the same to the Lake Stevens police department.
- B. In addition to subsection A. of this section, above, the master, owner or operator of any vessel shall file a written State Boating Accident Report within forty-eight (48) hours of any accident involving death, personal injury requiring medical attention, disappearance of a person, or property damage in excess of two hundred dollars (\$200.00)

10.08.020 Reports confidential - Inadmissible as evidence. All required accident reports, supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the Lake Stevens Police Department, City Attorney or other peace and enforcement officer as provided in this title, except that any such officer may disclose the identity of a person reported as involved in an accident

when such identity is not otherwise known or when such person denies his presence at such accident. No State Boating Accident Report form or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above-named ~~receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Lake Stevens police department, solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law.~~

10.08.030 Filing false information and concealment of pertinent facts. It is a violation of this title for any master, owner, operator or other occupants of any vessel or watercraft involved in a reportable accident under the provisions of this title or involved in any violation of this title to willfully and knowingly file false information with and/or conceal pertinent facts to the accident or violation from the persons duly authorized to investigate the accident or violation. This section shall constitute a separate violation and shall not preclude prosecution for the original violation or accident.

10.08.040 Duties of Lake Stevens Police Department. The duties of the Lake Stevens police department and such agencies or persons the City may contract with to enforce the provisions of this title shall be as follows:

- A. To enforce the ordinances and regulations of the City upon the waters adjacent thereto;
- B. To maintain patrols in the waters of the City for the protection of life and property including but not limited to the removal and disposition of drifting debris and nuisances from the waters of the City;

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- C. To investigate and report upon accidents in City waters;
- D. To perform all necessary functions in connection with search and rescue in City waters;
- E. To cooperate with the authorities of the United States, the state and its political subdivisions in the enforcement of the laws and regulations of the United States, the state and its political subdivisions;
- F. To designate, indicate the location of, and to patrol anchorage locations for vessels within areas set forth by the ordinances of the City.

10.08.050 Aiding and abetting violation. It is unlawful to counsel, aid or abet the violation of, or failure to comply with, any of the provisions of this title.

10.08.060 Violation - Penalty. Any person who violates or fails to comply with any provisions of this title shall be guilty of a misdemeanor unless otherwise stated herein.

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Chapter 10.12

**RESTRICTED AREAS AND
OBSTRUCTIONS**

Sections:

- 10.12.010 Restricted areas and markings
10.12.020 Obstructions - Moving of same

10.12.010 Restricted areas and markings.

- A. In the interests of safe navigation, life safety and the protection of property, the Chief of the Lake Stevens Police Department shall designate vessel restricted areas up to one hundred (100) feet away from any public swimming area. Provided, that this section shall not apply to patrol or rescue craft or in the case of an emergency.
- B. The Chief of Police shall be authorized to install buoys, designed in compliance with the State Uniform Waterway Marking System, in such locations on the waters of the City as the City Council may designate from time to time. Such buoys shall establish the boundaries of speed control area, swimmers only, or swimmer restricted areas; vessel-type restricted area; or other water and restriction zones within the waters of the City. Such boundaries shall become effective when the buoys, as designated, are installed.

10.12.020 Obstructions - Moving of same.

- A. No master or person having charge of any vessel, watercraft or obstruction shall anchor the same fast to any buoy, pier or other structure owned by or under the authority and control of the City without first obtaining permission therefor from the Police Chief.

- B. The Chief of Police or any duly authorized officer of the department shall have the power to cause the removal of any:

- (1) Vessel, watercraft or obstruction made fast to any buoy, pier or other structure owned by or under the authority and control of the City;
- (2) Vessel, watercraft or obstruction lying at any pier in City waters, which is obstructing any slip or other vessel or watercraft.

- C. No person shall fail to remove or refuse to remove any vessel, watercraft or obstruction after being requested to do so by any police officer.

TITLE 10 -- PARKS AND RECREATION

Chapter 10.16

**SWIMMING, DIVING AND
WATERSKIING**

Sections:

- 10.16.010 Water skier speed and operation regulations
- 10.16.020 Boat direction
- 10.16.030 Restrictions on hours of operation of vessels
- 10.16.040 Water users - Swimmers
- 10.16.050 Water users - Divers
- 10.16.060 Swimming and diving prohibited areas
- 10.16.070 Private buoys or marker
- 10.16.080 Penalties

10.16.010 Water skier speed and operation regulations. Due to the speed required for efficient planing action and the large area of the Lake Stevens cove area required for maneuvering of vessels and person being towed and the substantial interference with other water users, or danger of impact and wake damage presented to other water users and health hazards, the operation of vessels for towing water skiers and water-skiing is allowed only during daylight hours. The City Council may enact additional restrictions which may restrict days of week, hours and manner of operation in which such activity is permitted.

Unless conditions of the water, traffic congestion, weather, size and configuration of the Lake cove area, freedom from obstruction or view, or other circumstances demand greater distance, it shall be unlawful for any persons to water-ski:

- A. Within one hundred feet of any swimmer, bather, skin and/or scuba diver's flag or artificially illuminated marker buoy, other vessel except the vessel towing said water skier, floating objects except water-ski

jumps and water-ski slalom marker buoys, or other water skiers except those water skiers being towed by the same vessel;

- B. In the water area of the Lake cove area between the shoreline and a safety buoy and/or safety buoy line except that for the purpose of launching and returning and only for such purpose any water skier may approach within one hundred feet of any shoreline, float or wharf or in the water area of the Lake cove area between the shoreline and a safety buoy and/or safety buoy line, provided:

1. While moving outward from any shoreline, float or wharf, said water skier shall leave the shoreline at an angle of not less than forty-five (45) degrees nor more than sixty (60) degrees with the shoreline on the right-hand side of the water skier,
2. While moving inward toward the shoreline, said water skier shall approach the shoreline at an angle of not less than forty-five (45) degrees nor more than sixty (60) degrees with the shoreline on the right-hand side of the water skier,
3. That no launching skiers or returning skiers shall be allowed from a dock or shoreline without the owner's permission,
4. That no launching skiers or returning skiers shall be allowed within 100 feet of a designated swimming area or swimmer or wader.

10.16.020 Boat direction. It shall be unlawful to operate any motor driven vessel or personal watercraft on the Lake cove area except in a counter clockwise direction. (Ord. 453, 1994)

10.16.030 Restrictions on hours of operation of vessels.

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- (a) Except as allowed in subsection (b), it shall be unlawful to operate any motor driven vessel or personal watercraft in excess of eight (8) miles per hour, or such speed as to create a wake, whichever is less, within the cove area of Lake Stevens after one o'clock p.m. local time. (Ord. 543, 1997)
- (b) The following shall be exempt from the prohibitions of Subsection (a):
- (1) Vessels used in conjunction with a special event for which a special event permit has been issued and which specifically allows faster speeds.
 - (2) Emergency response vessels. (Ord. 529, 1996; Ord. 453, 1994)

10.16.040 Water users - Swimmers. No person shall swim or float in a swimming prohibited area, provided that any water skier who falls or otherwise ceases to be towed shall be accompanied by the towing vessel as soon as is reasonably possible after the fall or cessation of towing.

Where water skiing is permitted, the swimming-restricted area is any area more than one hundred (100) feet out into the Lake from any shoreline when the operation of such water-skiing is authorized.

10.16.050 Water users - Divers. All persons engaging in diving shall mark the water areas where such operations are being conducted. Where such operations are being conducted during daylight hours, the water areas shall be marked with one or more diver's flags. Where such operations are conducted during the hours of darkness, the water area shall be marked with one or more artificially illuminated marker buoys of sufficient size and illumination to be visible at a distance of not less than one hundred (100) yards. No person shall display such markers except during the time and in the water areas where diving operations are actually being conducted.

10.16.060 Swimming and diving prohibited areas. No person shall swim or dive in any area marked as an entrance to a water-ski area; provided, this prohibition shall not apply to a water skier unable to ski who is seeking safety.

10.16.070 Private buoys or markers. It shall be unlawful for any person or non-governmental agency to place, maintain or allow any buoy or marker in the Lake cove area which does not meet the requirement of the Uniform State Waterway marking System unless said buoy or marker is approved both under a current and valid Aquatic Lands Use Permit issued by the Department of Natural Resources and an annual permit issued by the City of Lake Stevens.

Water skiing activities which require the placement of buoys, jumps or floats will only be allowed when such fixtures are placed and maintained in accordance both with a valid and current Aquatic Lands Use Permit or lease where such permits or leases are required by the Washington State Department of Natural Resources and a permit issued by the City of Lake Stevens. The City of Lake Stevens shall have no responsibility to establish or maintain such buoys, jumps or floats for water skiing activities.

The Chief of Police is hereby authorized to issue permits for private buoys or markers. The annual fees for such buoys or markers shall be set by the City Council by resolution. In deciding whether or not to issue such a permit the Chief of Police shall consider the purpose and the location of the proposed buoys or markers, the proximity of the proposed buoys or markers to the shoreline, adjacent property, other buoys and markers, traffic congestion in the cove, hazards to navigation and any other issue bearing on public safety and health. A denial of a permit application shall be done in writing setting forth the factors which the Chief of Police considered and the reasons for the denial.

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In the event that the Chief of Police denies an application or refuses to renew a prior application, the proponent can appeal the decision to the City Council by filing a Notice of Appeal with the City Clerk within fifteen (15) days of the written decision denying the permit. In considering the appeal the City Council shall consider whether the Chief of Police abused his or her discretion in denying the permit application.

10.16.080 Penalties. A violation of any section of this Chapter shall be an infraction punishable by a fine of up to \$250.00 per violation. Provided, however, that any person who commits two infractions of this Chapter within a one-year period shall upon the commission of the third identical offense within the one-year period be guilty of a misdemeanor and shall be prosecuted for such.

TITLE 10 -- WATER SAFETY AND WATERCRAFT

Chapter 10.20

OPERATION

Sections:

- 10.20.010 Boat launching prohibited at public beach
- 10.20.020 Vessel operators -- Age restrictions
- 10.20.030 Vessel operators -- Minimum crew -- Waterskiing
- 10.20.040 Rules of the road
- 10.20.050 Speed -- General regulations
- 10.20.060 Speed -- Hours of darkness
- 10.20.070 Speed -- Skiing-use waters
- 10.20.080 Speed regulations -- Special circumstances
- 10.20.090 Motorboats -- Right-of-way
- 10.20.100 Vessel operation -- Overloading
- 10.20.110 Yielding right-of-way to authorized emergency vessels
- 10.20.120 Aircraft
- 10.20.130 Inattention
- 10.20.140 Interference with navigation or disturbing other boats
- 10.20.150 Intoxication -- Impounding
- 10.20.160 Incapacity of operator
- 10.20.170 License required
- 10.20.180 Penalties

10.20.010 Boat launching prohibited at public beach. It shall be unlawful for any motor driven vessel to be launched, operated or retrieved from the water at a public beach.

10.20.020 Vessel operators - Age restrictions.

- A. No person under the age of fourteen (14) years shall operate any motor boat powered by an engine of ten horsepower or more unless such person is accompanied by a person who is over the age of sixteen (16) years.
- B. No person owning or in charge of any motor boat powered by an engine of ten

horsepower or more shall permit any person under the age of fourteen (14) years to operate such a motor boat unless the underage child is accompanied by a person who is over the age of sixteen (16) years.

10.20.030 Vessel operators -- Minimum crew -- Waterskiing.

- A. Every vessel towing water skiers or other floating objects shall carry an observer in addition to the operator. Such observer shall be a minimum of ten (10) years of age, and shall have the duty of keeping a lookout for hazards to, or created by, the tow and of reporting same to the operator.
- B. All persons in motorboats traveling in excess of eight (8) miles per hour shall remain seated, unless such vessel is specifically designed for persons to not be seated while underway.

10.20.040 Rules of the road. Except as otherwise specified in this title, vessels shall be subject to the "Navigation Rules, International -- Inland, CG 169, May 1, 1977" promulgated by the United States Coast Guard pursuant to Act of Congress, as such rules are now or hereafter be amended or updated; and provided further that sailing vessels or other watercraft, while engaged in a sanctioned or authorized race, predicted log race, regatta or similar event, shall be subject to the applicable rules for such event including, but not limited to, differing right-of-way rules.

10.20.050 Speed -- General regulations.

- A. No person shall operate any vessel in other than a careful and prudent manner or at a rate of speed greater than is reasonable and proper under the conditions existing at the time and point of operation, taking into account the condi-

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tion of the water, amount and character of traffic and congestion, weather, size and configuration of the Lake, freedom from obstruction to view around or other circumstances so as not to unduly or unreasonably endanger the life, limb, property, or other rights of any person.

- B. Operating a watercraft in excess of the posted speed limit shall be *prima facie* evidence of reckless operation of a watercraft.

10.20.060 Speed -- Hours of darkness. It shall be unlawful for any person to operate any vessel at a speed greater than eight (8) miles per hour during hours of darkness.

10.20.070 Speed -- Skiing-use waters. It shall be unlawful for any person to operate a motorboat at a speed greater than thirty-five (35) miles per hour.

10.20.080 Speed regulations -- Special circumstances.

- A. Unless conditions of the water, traffic and congestion, weather, size and configuration of the Lake cover area, freedom from obstruction to view, or other circumstances demand greater distance and/or slower speed, no person shall operate any vessel:

1. At a speed greater than idling speed or eight (8) miles per hour, whichever is the lesser, within one hundred (100) feet of any swimmer, skin and/or scuba diver's flag or artificially illuminated marker buoy, other vessel, floating objects, except water-ski jumps and water-ski-slalom marker buoys or water skier, except any water skier being towed by said vessel;

2. In any water area designated as a "swimming only" area, or as a "vessel prohibited" area, except this provision does not apply to vessels actually used in their rescue of persons in distress;
3. At a speed greater than idling speed or eight (8) miles per hour, whichever is the lesser, within one hundred (100) feet of any shoreline, flat, or wharf, or in the water area of the Lake cove between the shoreline and the safety buoy and/or safety buoy line except as provided in subsection B of this section.

- B. For the purpose of launching and returning any water skier and only for such purpose, any vessel towing said water skier may be operated within one hundred (100) feet of any shoreline, float, or wharf, or in the water area of the Lake cover area between the shoreline and a safety buoy and/or safety buoy line; provided, that:

1. While launching or returning any water skier said vessel moves at a speed not greater than thirty-five (35) miles per hour,
2. While moving outward away from the shoreline, float or wharf, said vessel shall leave the shoreline at an angle of not less than forty-five (45) degrees nor more than sixty (60) degrees with the shoreline on the starboard side of said vessel,
3. While moving inward toward the shoreline, float or wharf, said vessel shall approach the shoreline at an angle of not less than forty-five (45) degrees nor more than sixty

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- (60) degrees with the shoreline on the star-board side of said vessel,
4. That after any returning water skier releases the tow rope of said vessel, said vessel shall move at a speed not greater than idling speed or eight (8) miles per hour, whichever is the less,
 5. That no launching skiers or returning skiers shall be allowed from a dock or shoreline without the owner's prior permission,
 6. That no launching skiers or returning skier shall be allowed within one hundred (100) feet of a designated swimming area or swimmer, wader or scuba diver; and

Provided, further that if water ski launch floats or jumps be provided for the launching or use of water skiers, the City Council may regulate use operations to and from such floats or jumps.

Provided, further, that nothing herein shall require the City of Lake Stevens to install, mark or maintain such flats or jumps.

10.20.090 Motorboats - Right-of-way. Every motorboat shall at all times yield right-of-way to sailboats, rowboats, water skiers, swimmers and divers. Every motorboat shall yield to other motorboats in accordance with the "Inland Steering and Sailing Rules" promulgated by the United States Coast Guard.

10.20.100 Vessel operation -- Overloading. No person shall operate, or being owner or in charge shall authorize any person to operate, any vessel loaded with passengers or cargo which exceeds the particular vessel's maximum safe loading capacity. In addition to penalties which are provided for the unlawful operation of such vessels, the officer may require that any such overloaded vessel immediately put to shore to lighten its load.

The maximum safe loading capacity of any vessel shall be determined by the officer, taking into consideration the size, configuration, construction, type and condition of the particular vessel; provided, that where the manufacturer of any vessel has specified the maximum safe loading capacity for the particular vessel, such specified maximum shall be considered the maximum safe loading capacity of the particular vessel for the purposes of this title.

Provided, further, that in the absence of capacity plates, the following formula may be considered:

- A. First, a check of the number of persons.

$$\frac{LxB}{15} = \text{number of persons}$$

L = Overall length
B = Maximum width (both dimensions in feet and tenths of a foot). The result taken to the nearest whole number gives the number of persons that can be put aboard without crowding in good weather conditions.

- B. Second, the weight-carrying capacity shall be ascertained by determining the allowable weight in pounds from the expression:

$$7.5xLxBxDe = \text{pounds for persons, engine, fuel and equipment}$$

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L = Overall length
B = Maximum width
De = Minimum effective depth of the boat

Measure "De" at the lowest point that water can enter. This takes account of low transom cut-outs or credits an acceptable engine well. All dimensions are in feet and tenths of a foot.

The weather and water conditions shall also be taken into account. If the water is rough, the number of persons carried shall be reduced.

10.20.110 Yielding right-of-way to authorized emergency vessels. It shall be the duty of the master, owner or operator of a vessel or watercraft to reduce speed and if necessary stop his vessel or watercraft, at the same time yielding right-of-way as otherwise specified in this title, upon the approach of an authorized emergency vessel or watercraft displaying an emergency light and/or sounding a siren and while actually responding to an emergency or in immediate pursuit of any violator of the law.

10.20.120 Aircraft.

- A. All vessels or watercraft shall keep clear of seaplanes landing within any area now or hereafter set aside by law for such purpose.
- B. All aircraft must comply with the Civil Air Regulations (14 CFR 91.69) as now enacted or hereafter amended which govern seaplanes upon the navigable water of the United States and conform with the Inland Rules of CG-169 applicable to vessels.

10.20.130 Inattention. It is unlawful for any operator of a watercraft, vessel or personal watercraft to operate such craft in an inattentive manner. For the purpose of this section

"inattentive" means operation of the watercraft or vessel in a lax or slack manner.

10.20.140 Interference with navigation --Disturbing other boats.

- A. No person shall operate any watercraft or vessel in a manner which shall unreasonably or unnecessarily interfere with other watercraft or vessels or with the free and proper navigation in the waters of the City.
- B. No person shall operate any watercraft in such a manner as to unjustifiably or unnecessarily annoy, frighten or endanger the occupants of any other watercraft, or throw up a dangerous wake when approaching another watercraft or other property.

10.20.150 Intoxication -- Impounding.

- A. Operating a motorcraft while under the influence. See 10.04.090.
- B. Permitting operation. It is unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor or any drug as defined in RCW 88.12.025.
- C. Whenever it appears reasonably necessary to protect property, an arresting officer may impound a watercraft or vessel when it cannot be otherwise secured or released. The arresting officer, in lieu of impound may release the watercraft to a person who, in the officer's opinion, can safely operate the watercraft or vessel or secure said watercraft or vessel to a moorage facility when same has been approved for such purpose. The owner or operator of the watercraft or vessel must sign a waiver of impound to allow the arresting officer

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an option other than impounding the watercraft or vessel.

10.20.160 Incapacity of Operator. No owner or person in charge of a watercraft or vessel shall authorize or knowingly permit the same to be operated by any person who is physically or mentally incapable of operating the vessel or watercraft in a safe manner under the prevailing circumstances.

10.20.170 License Required.

- A. All vessels and watercraft operated or moored on the waters of the City or in the cove must be properly licensed and/or registered in accordance with applicable federal, state, county and local law or regulations. Vessels and watercraft required to be licensed and/or registered shall display appropriate decals and numbers showing such licensing and/or registration in accordance with WAC 308-93-140 and WAC 308-93-145.
- B. All vessels and watercraft required to be licensed and/or registered shall carry such certificate of license or registration in the vessel or watercraft and shall present same to any federal, state, county or local law enforcement officer upon request.

10.20.180 Penalties. A violation of any section of this Chapter with the exception of 10.20.150 shall be an infraction punishable by a fine of up to \$250.00 per violation. Provided, however, that any person who commits two infractions of this Chapter within a one-year period shall upon the commission of the third identical offense within the one-year period be guilty of a misdemeanor and shall be prosecuted for such.

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Chapter 10.24

EQUIPMENT REQUIREMENTS

Sections:

- 10.24.010 Whistles and lights
- 10.24.020 Equipment
- 10.24.030 Penalties

10.24.010 Whistles and lights.

- A. No master, owner or any other person in charge of the watercraft or vessel, while lying at any pier, or while navigating in City waters, shall cause any whistle or siren to be blown or sounded, nor shall any person flash the rays of a searchlight or other blinding light onto the bridge or into the pilot house of any vessel or watercraft underway for any purpose other than those authorized by law.
- B. The rules concerning navigation lights shall be complied with in all weather sunset to sunrise, and during such time no other lights which may be mistaken for the proscribed lights shall be exhibited. Both the Navigation Rules (CG-169) adopted by Section 10.20.040 and the Federal Requirements for Recreational Boats (CG-290), shall be complied with regarding proper lighting.

10.24.020 Equipment.

- A. In addition to the requirements imposed by the Navigation Rules adopted by Section 10.20.040, recreational boats shall be subject to safety requirements imposed by Federal Requirements for Recreational Boats, CG-290, 1978, promulgated by the United States Coast Guard, pursuant to Act of Congress, as

such rules are now or may hereafter be amended or adopted.

- B. All watercraft or vessels shall carry the equipment required by any applicable United States laws as now or hereafter amended.

10.24.030 Penalties. A violation of any section of this Chapter shall be an infraction and punishable by a fine of up to \$250.00 per violation. Provided, however, that any person who commits two infractions of this Chapter within a one-year period shall upon the commission of the third identical offense within the one-year period be guilty of a misdemeanor and shall be prosecuted for such.

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Chapter 10.28

PIERS AND MARINAS

Sections:

- 10.28.010 Unsafe piers
- 10.28.020 Mooring at private docks without permission
- 10.28.030 Boat rental records
- 10.28.040 Penalties

10.28.010 Unsafe piers. Whenever any pier or gangway devoted to public use appears to be dangerous for such use, the Chief of Police shall report the matter to the City Building Official who shall inspect the same and shall order any unsafe portion barricaded with proper fencing until such time as necessary repairs shall be made. If the owner, agent or lessee of such pier fails to comply with the orders of the building official immediately, the building official shall prohibit the use of the unsafe portion of such pier and may erect the necessary fencing or barricade, and the expense shall be paid by and recoverable from the owner, agent, or lessee of such pier to the City. It is unlawful for any person to allow any such pier or gangway to be used or open to use.

10.28.020 Mooring at private docks with permission. No person shall moor a watercraft or vessel to a private seawall or dock or beach it upon private property within the City without the permission of the owner thereof, except in emergency situations.

10.28.030 Boat rental records. The owner or proprietor of a boat rental or charter operation shall cause to be kept a record of the name and address of the person or persons hiring any watercraft, the identification number of such watercraft, the departure date and time and the date and time of the return of such watercraft.

Such record shall be preserved for not less than six (6) months after the departure date of such watercraft and shall be kept available for inspection by any duly authorized agency or authority. Prior to departure from the premises of such boat rental or charter operation, any such watercraft shall carry the equipment required by this title.

10.28.040 Penalties. A violation of any section of this chapter shall be a misdemeanor.

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Chapter 10.32

NUISANCES AND DEBRIS

Sections:

- 10.32.010 Floating objects
- 10.32.020 Drifting debris
- 10.32.030 Nuisances
- 10.32.040 Oil spillage prohibited
- 10.32.050 Sunken vessels
- 10.32.060 Penalties

10.32.010 Floating objects. All vessels, watercraft logs, piling, building material, scows, or any other article of value found adrift in City waters may be taken in charge by the police department and shall be subject to reclamation by the owner thereof, on payment by the owner to the City of any expenses incurred by the City, and in case of failure to reclaim may be sold or disposed of according to law.

10.32.020 Drifting debris. It is unlawful for the owner, agent or lessee in charge of any pier to allow the whole or any part thereof to fall into or remain adrift in the navigable waters or to drift away. Fender piles, broken or loose, shall be removed by the owner, agent or lessee of any pier, and, upon failure to do so, the same may be removed by the Chief of Police and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier to the City.

10.32.030 Nuisances. Sunken or swamped vessels or watercraft, refuse of all kinds, structure or pieces of any structure, dock sweepings, dead fish or parts thereof, dead animals or parts thereof, timber logs, piles, boom sticks, lumber, boxes, empty containers, grass clippings and garden refuse, and oil of any kind floating uncontrolled on the water, and all other substances or articles of a similar

nature, are declared to be public nuisances. It is unlawful for any person to throw or place in, or cause or permit to be thrown or placed any of the above-named articles or substances in water of the City, or upon the shores thereof, or in such position that the same may or can be washed into said waters, either by high waters, storms, floods or otherwise. Any person causing or permitting said nuisances to be placed as aforesaid shall remove the same and upon his failure to do so, the same may be removed by the police department and the expense thereof shall be paid by and recoverable from the person creating said nuisance. In all case such nuisances may be abated in the manner provided by law. The abatement of any such public nuisances shall not excuse the person responsible therefor from prosecution hereunder.

10.32.040 Oil spillage prohibited. No owner, master, or other person aboard or in charge of any vessel or watercraft, and no owner, lessee, agent, employee, or other person in charge of or employed in or about any pier or other structure, and no person along or upon the shore of the harbor, shall spill, throw, pump or otherwise cause oil of any description to be in or float upon the waters of the City. Any person causing oil to be in or upon the same and, upon his or her failure to do so, the same may be removed by the police department and the expense thereof shall be paid by and recoverable from the person causing the oil to be in or upon the water. The payment of such sum, or the maintenance of an action therefor, shall not be deemed to exempt such person from prosecution for causing such oil spillage.

10.32.050 Sunken vessels. When any vessel or watercraft or obstruction has been sunk or grounded, or has been delayed in such manner as to stop or seriously interfere with or endanger navigation, the Chief of Police may order the same immediately removed and if the owner or other person in charge thereof, after

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being so ordered, does not proceed immediately with such removal, the Chief of Police may take immediate possession thereof and remove the same, using such methods as in his judgment will prevent unnecessary damage to such vessel or watercraft, or obstruction. The expense incurred by such removal shall be paid by such vessel or watercraft or obstruction or the owner or other person in charge thereof, and, in case of failure to pay the same, the City may maintain an action for the recovery thereof.

10.32.060 Penalties. A violation of any section of this chapter shall be a misdemeanor.

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Chapter 10.36

MISCELLANEOUS

Sections:

- 10.36.010 Special regulations establishment
- 10.36.020 Police Chief duties
- 10.36.030 Vessels and watercraft -- Habitation prohibited
- 10.36.040 Local excise tax -- payment required
- 10.36.050 Severability

10.36.010 Special regulations establishment. Special regulations for permitting a specific water use activity, establishment of course or limitation of hours of operation may be enacted by presentation to the City Council of a plan for implementation of such regulations including establishment and maintenance of floats, buoys, safety patrols, and other measure to permit the activity without undue restriction on other permitted water uses and without undue demand on the comfort, repose and safety of other water and shoreline users.

10.36.020 Police Chief duties. The Police Chief is hereby authorized and directed to prepare, post and maintain at convenient public places adjacent to the Lake cove area in this City public notices which shall specify the current specified restrictions as set out in this title. Such notices shall be conspicuously posted on or adjacent to every public launching ramp and/or wharf and at such other locations as will reasonably inform the public of these restrictions.

10.36.030 Vessels and watercraft -- Habitation prohibited. No boat, vessel, watercraft or houseboat, moored in the cove or off the shoreline of the City, shall be used as a place of habitation.

10.36.040 Local excise tax -- payment required. No person shall moor, store, or operate a vessel within the Cities jurisdiction without displaying evidence of compliance with the applicable Snohomish County ordinance or resolution which imposes a local excise tax pursuant RCW 82.49.070.

Any and all fines collected for violation of this section shall be in addition to the tax required to be paid under the applicable Snohomish County ordinance or resolution.

10.36.050 Severability. If any court shall find any provision of this title or its application to any person or circumstance to be unconstitutional or otherwise invalid, such finding shall not affect the validity of all remaining portions of this title or the applicability of this title to other persons or circumstances. (Ord. 453, 1994; Ord. 334, 1989; Ord. 314, 1988; Ord. 150, 1976; Ord. 23, 1963)

