



Shelton City Council  
Meeting Agenda  
June 7, 2022 at 6:00 p.m.  
Civic Center

**A. Call to Order**

- Pledge of Allegiance
- Roll Call
- Late Changes to the Agenda

**B. Council Reports**

**C. Consent Agenda (Action)**

1. Vouchers numbered 107349 through 107360 in the total amount of \$761,329.05
2. Vouchers numbered APA000456 through APA000505 in the total amount of \$222,023.71
3. Vouchers numbered 107361 through 107366 in the total amount of \$10,880.84
4. Vouchers numbered APA000506 through APA000532 in the total amount of \$199,683.70
5. Voucher number 107367 in the amount of \$14,370.33
6. Minutes:
  - Business Meeting of May 3, 2022
  - Study Session of May 10, 2022

**D. Presentations**

1. Shelton-Mason County Chamber 1<sup>st</sup> Quarter LTAC Report – Presented by President/CEO Heidi McCutcheon

**E. General Public Comment (3-minute time limit)**

*The City Council invites members of the public to provide comment on any topic at this time. To make comments in person, please sign in on the public comment sheet and keep an instruction card. If you would like to comment on a Business or Action item, please list the agenda item number on the list. To comment virtually using Zoom, please use the "Raise Hand" feature to alert the City Clerk. If you have joined Zoom on your telephone, dial \*9 to use the "Raise Hand" feature. City Councilmembers and City Staff will not enter into a dialogue during public comment. If the Council feels an issue requires follow up, Staff will be directed to respond at an appropriate time.*

**F. Business Agenda (Study/No Action/Public Comment Taken)**

1. Public Hearing Ordinance No. 1988-0522 Shelton Municipal Code Ch. 18 Related to Building, Fire and Flood Damage Prevention – Presented by Community Development Director Mark Ziegler

**G. Action Agenda (Action/Public Comment Taken)**

1. Appointing Historic Preservation Board Members – Presented by Senior Planner Jason Dose
2. Appointing Parks and Recreation Advisory Committee Members – Presented by Community Development Director Mark Ziegler
3. Ordinance No. 1983-0122 Animal Control – Presented by City Manager Jeff Niten

**H. Administration Reports**

1. City Manager Report

**I. New Items for Discussion**

**J. Announcement of Next Meeting – June 21, 2022 at 6:00 p.m.**

**K. Adjourn**

**Special Note for Virtual Public Participation**

The meeting can be viewed at: [masonwebtv.com](http://masonwebtv.com)

The public can provide comments virtually by:

Email: [donna.nault@sheltonwa.gov](mailto:donna.nault@sheltonwa.gov) (before 5:00pm the day of the meeting)

Telephone: (360) 432-5103 (before 5:00pm the day of the meeting)

Join the Zoom meeting by clicking on the link posted on the City Council's webpage

Your comments will be relayed directly to the Council.



# 2022 Looking Ahead

(Items and dates are subject to change)

Tues. 6/14 6:00 p.m.	Study Session	Study Agenda <ul style="list-style-type: none"> <li>Public Works Laydown Yard</li> </ul>	Packet Items Due: 6/10 @ noon
Tues. 6/21 5:45 p.m.	SMPD Meeting	Consent Agenda <ul style="list-style-type: none"> <li>Vouchers/Payroll Warrants/Meeting Minutes</li> </ul> Business Agenda <ul style="list-style-type: none"> <li></li> </ul> Action Agenda <ul style="list-style-type: none"> <li></li> </ul> Administration Report <ul style="list-style-type: none"> <li></li> </ul>	Packet Items Due: 6/10 – 5:00 p.m.
Tues. 6/21 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> <li>Vouchers/Payroll Warrants/Meeting Minutes</li> <li>April Financial Status Report</li> </ul> Business Agenda <ul style="list-style-type: none"> <li>Consultant Contract – Development Code</li> <li>Public Hearing Ordinance No. 1989-0522 2022 Budget Supplemental</li> </ul> Action Agenda <ul style="list-style-type: none"> <li>Ordinance No. 1988-0522 Amending Shelton Municipal Code Chapter 18</li> </ul> Administration Report <ul style="list-style-type: none"> <li></li> </ul>	Packet Items Due: 6/10 – 5:00 p.m.
Tues. 6/28 6:00 p.m.	Study Session	Study Agenda <ul style="list-style-type: none"> <li>Amending Shelton Municipal Code Chapter 17.10</li> </ul>	Packet Items Due: 6/24 @ noon
Tues. 7/5 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> <li>Vouchers/Payroll Warrants/Meeting Minutes</li> </ul> Business Agenda <ul style="list-style-type: none"> <li>Resolution No. 1238-0522 Fee Schedule Update</li> <li>Public Hearing Resolution No. 1237-0522 6 Year TIP</li> <li>Ordinance No. 1990-0522 Amending SMC 17.12</li> <li>Resolution No. 1239-0522 TMG Sole Source for ProMinent Fluid Control Products and Systems</li> </ul> Action Agenda <ul style="list-style-type: none"> <li>Consultant Contract – Development Code</li> <li>Ordinance No. 1989-0522 2022 Budget Supplemental</li> </ul> Administration Report	Packet Items Due: 6/24 – 5:00 p.m.

		•	
Tues. 7/12 6:00 p.m.	Study Session	Study Agenda <ul style="list-style-type: none"> <li>• 2023 Legislative Priorities</li> </ul>	Packet Items Due: 7/8 @ noon
Tues. 7/19 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> <li>• Vouchers/Payroll Warrants/Meeting Minutes</li> <li>• May Financial Status Report</li> </ul> Business Agenda <ul style="list-style-type: none"> <li>• Public Hearing Ordinance No. 1987-0422 Amending SMC Ch. 20.47.010 Related to Camping on Private Property</li> </ul> Action Agenda <ul style="list-style-type: none"> <li>• Resolution No. 1238-0522 Fee Schedule Update</li> <li>• Resolution No. 1237-0522 6 Year TIP</li> <li>• Ordinance No. 1990-0522 Amending SMC 17.12</li> <li>• Resolution No. 1239-0522 TMG Sole Source for ProMinent Fluid Control Products and Systems</li> </ul> Administration Report <ul style="list-style-type: none"> <li>•</li> </ul>	Packet Items Due: 7/8 – 5:00 p.m.
Tues. 7/26 6:00 p.m.	Study Session	Study Agenda	Packet Items Due: 7/22 @ noon
Tues. 8/2 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> <li>• Vouchers/Payroll Warrants/Meeting Minutes</li> </ul> Business Agenda <ul style="list-style-type: none"> <li>•</li> </ul> Action Agenda <ul style="list-style-type: none"> <li>• Ordinance No. 1987-0422 Amending SMC Ch. 20.47.010 Related to Camping on Private Property</li> </ul> Administration Report <ul style="list-style-type: none"> <li>•</li> </ul>	Packet Items Due: 7/22 – 5:00 p.m.
Tues. 8/9 6:00 p.m.	Study Session	Study Agenda	Packet Items Due: 8/5 @ noon
Tues. 8/16 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> <li>• Vouchers/Payroll Warrants/Meeting Minutes</li> <li>• June Financial Status Report</li> </ul> Business Agenda <ul style="list-style-type: none"> <li>•</li> </ul> Action Agenda <ul style="list-style-type: none"> <li>•</li> </ul> Administration Report <ul style="list-style-type: none"> <li>•</li> </ul>	Packet Items Due: 8/5 – 5:00 p.m.
Tues. 8/23 6:00 p.m.	Study Session	Study Agenda	Packet Items Due: 8/19 @ noon

Other – TBD


- UGA/Annexation Policy (Water/Sewer Extensions)
- More Standing Committees by the Council
- Water and Sewer Fee Schedule Revisions (Ordinance removing rates from SMC)
- Public Hearing Ordinance No. 1968-0321 Water Comp Plan Adoption

Updated 5/31/2022

**VOUCHER APPROVAL**

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein vouchers number 107349 through number 107360 in the total amount of \$761,329.05 that the claims are just, due and unpaid obligations against the City of Shelton, and that I am authorized to authenticate and certify said claims.

Signed this 13<sup>th</sup> of May, 2022.

  
\_\_\_\_\_  
Interim Director of Financial Services

We, the undersigned members of the City Council of Shelton, Washington, do hereby certify that the vouchers contained herein are approved for payment.

Signed this \_\_\_\_\_ of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor Eric Onisko

\_\_\_\_\_  
Deputy Mayor Joe Schmit

\_\_\_\_\_  
Councilmember James Boad

\_\_\_\_\_  
Councilmember Miguel Gutierrez

\_\_\_\_\_  
Councilmember Kathy McDowell

\_\_\_\_\_  
Councilmember Deidre Peterson

\_\_\_\_\_  
Councilmember Sharon Schirman

**VOUCHER APPROVAL**

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein vouchers number APA000456 through number APA000505 in the total amount of \$222,023.71 that the claims are just, due and unpaid obligations against the City of Shelton, and that I am authorized to authenticate and certify said claims. Signed this 13<sup>th</sup> of May, 2022.

  
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Councilmember Deidre Peterson

\_\_\_\_\_  
Councilmember Sharon Schirman

**VOUCHER APPROVAL**

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein vouchers number 107361 through number 107366 in the total amount of \$10,880.84 that the claims are just, due and unpaid obligations against the City of Shelton, and that I am authorized to authenticate and certify said claims.

Signed this 20<sup>th</sup> of May, 2022.

  
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Interim Director of Financial Services

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\_\_\_\_\_  
Councilmember Deidre Peterson

\_\_\_\_\_  
Councilmember Sharon Schirman

**VOUCHER APPROVAL**

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein vouchers number APA000506 through number APA000532 in the total amount of \$199,683.70 that the claims are just, due and unpaid obligations against the City of Shelton, and that I am authorized to authenticate and certify said claims.

Signed this 20<sup>th</sup> of May, 2022.

  
\_\_\_\_\_  
Interim Director of Financial Services

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\_\_\_\_\_  
Councilmember Kathy McDowell

\_\_\_\_\_  
Councilmember Deidre Peterson


\_\_\_\_\_  
Councilmember Sharon Schirman



**VOUCHER APPROVAL**

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein voucher number 107367 in the total amount of \$14,370.33 that the claims are just, due and unpaid obligations against the City of Shelton, and that I am authorized to authenticate and certify said claims.

Signed this 23<sup>rd</sup> of May, 2022.

  
\_\_\_\_\_  
Interim Director of Financial Services

We, the undersigned members of the City Council of Shelton, Washington, do hereby certify that the vouchers contained herein are approved for payment.

Signed this \_\_\_\_\_ of \_\_\_\_\_, 2022.

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Councilmember Deidre Peterson

\_\_\_\_\_  
Councilmember Sharon Schirman



## **CITY OF SHELTON, WASHINGTON - CITY COUNCIL**

City Council Meeting Minutes

May 3, 2022 – 6:00 p.m.

Virtual Platform

### **COUNCILMEMBERS AND PERSONNEL**

#### **Councilmembers:**

Mayor Eric Onisko  
Deputy Mayor Joe Schmit  
James Boad  
Miguel Gutierrez  
Kathy McDowell  
Deidre Peterson  
Sharon Schirman

#### **Personnel:**

Administrative Services Director Michelle Sutherland  
City Clerk Donna Nault  
Community Development Director Mark Ziegler  
Public Works Director Jay Harris  
City Engineer Ken Gill

### **CALL TO ORDER**

Call to Order: 6:00 p.m.

Pledge of Allegiance: Councilmember Peterson

Roll Call: City Clerk Nault – All present

### **LATE CHANGES TO THE AGENDA**

None

*Mayor Onisko – The public is able to make comments during the Public Comment period, as well as on any items listed on the business or the action agendas. When making a public comment you will need to state your full name and whether you reside within City limits, within Mason County or reside elsewhere. There are three options for the public to participate in the meeting: (1) join the Zoom meeting by clicking the link on the city's website, (2) email [jeff.niten@sheltonwa.gov](mailto:jeff.niten@sheltonwa.gov), or (3) by calling City Manager Jeff Niten at (360) 432-5105.*

### **CITY COUNCIL REPORTS**

None

### **CONSENT AGENDA**

1. Vouchers numbered 107300 through 107307 in the total amount of \$2,936.62.
2. Vouchers numbered APA000340 through APA000388 in the total amount of \$202,774.73.
3. Payroll warrants numbered 3911 through 3912 and 8546 through 8587 and 8588 through 8690. Warrants 107203 through 107222 in the amount of \$807,348.20.
4. Payroll warrants numbered 3913 and 8691 through 8733 and 8734 through 8837. Warrants 107256 through 107275 in the amount of \$853,145.62.
5. Minutes:
  - Business Meeting of April 5, 2022.
  - Study Session of April 12, 2022.

A motion was made by Councilmember Gutierrez and seconded by Deputy Mayor Schmit to approve the Consent Agenda as published. Passed.

## **PRESENTATIONS:**

### 1. Proclamation – National Public Works Week

Mayor Onisko read a proclamation designating May 15 – 21, 2022 as National Public Works Week.

### 2. Habitat for Humanity – Marty Crow, Executive Director/COO and Scotty Mills, President of the Board

An overview was provided of the Habitat for Humanity program, upcoming projects, and financial challenges being faced in Mason County. Discussion followed.

## **GENERAL PUBLIC COMMENT**

None

## **BUSINESS AGENDA**

None

## **ACTION AGENDA**

### 1. YMCA Purchase and Sale Agreement – Presented by ~~City Manager Jeff Niten~~ Administrative Services Director Michelle Sutherland

Deputy Mayor Schmit recused himself. Administrative Services Director Sutherland discussed the purchase and sale agreement with South Sound YMCA. No discussion. No public comment.

A motion was made by Councilmember Peterson and seconded by Councilmember Gutierrez to approve the purchase and sale agreement with South Sound YMCA as presented. Passed.

### 2. Resolution No. 1231-0222 – Interlocal Agreement (ILA) with Mason Transit Authority – Presented by City Engineer Ken Gill

City Engineer Gill discussed an ILA with Mason Transit Authority. Discussion followed. No public comment. City Clerk Nault provided the reading of Resolution No. 1231-0222.

A motion was made by Councilmember Peterson and seconded by Deputy Mayor Schmit to approve Resolution No. 1231-0222 as presented. Passed.

### 3. Resolution No. 1235-0322 Approval of City Manager Contract – Presented by Administrative Services Director Michelle Sutherland

Administrative Services Director Sutherland reviewed the revisions to the City Manager Contract. City Clerk Nault provided the reading of Resolution No. 1235-0322. No discussion. No public comment.

A motion was made by Councilmember Gutierrez and seconded by Deputy Mayor Schmit to approve Resolution No. 1235-0322 as presented. Passed.

### 4. Hearing Examiner Services Contract – Presented by Community Development Director Mark Ziegler

Community Development Director Ziegler reviewed the duties of a hearing examiner and Shelton Municipal Code Chapter 2.36. Discussion followed. No public comment.

A motion was made by Councilmember Gutierrez and seconded by Deputy Mayor Schmit to approve the contract with Sound Law Center for Hearing Examiner Services. Passed.

5. Lodging Tax Advisory Committee Appointments – Presented by City Clerk Donna Nault

City Clerk Nault provided an overview of the structure of the Lodging Tax Advisory Committee and the annual approval process of the committee appointments. No discussion. No public comment.

A motion was made by Councilmember Gutierrez and seconded by Deputy Mayor Schmit to approve the appointment of Leanne Gunter, Duane Wilson, Space Kim, and Howard Kim to the LTAC for the calendar year of 2022. Passed.

**ADMINISTRATION REPORT – Administrative Services Director Michelle Sutherland**

- May 1-7 – Municipal Clerk’s Week
- May 7 – Opening Day of Farmers Market
- Kristmas Towne Kiwanis – Certificate of Appreciation recognizing the city’s support of Blue Grass from the Forest event
- May 17 City Council hybrid meeting with Zoom
- Review – Looking Ahead

**NEW ITEMS FOR DISCUSSION**

None

**ANNOUNCEMENT OF NEXT MEETING**

Study Session – May 10, 2022 at 6:00 p.m.

City Council meeting – May 17, 2022 at 6:00 p.m.

**MEETING ADJOURN**

Mayor Onisko adjourned the meeting at 6:43 p.m.

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Mayor Eric Onisko

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City Clerk Donna Nault



**CITY OF SHELTON, WASHINGTON - CITY COUNCIL**  
Study Session Special Meeting Minutes  
May 10, 2022 – 6:00 p.m.  
Virtual Platform

**COUNCILMEMBERS AND PERSONNEL**

**Councilmembers:**

Mayor Eric Onisko  
Deputy Mayor Joe Schmit  
Miguel Gutierrez  
Kathy McDowell  
Deidre Peterson  
Sharon Schirman

**Personnel:**

City Manager Jeff Niten  
City Clerk Donna Nault  
Interim Finance Director Teri Schnitzer

**CALL TO ORDER**

Call to Order: 6:00 p.m.  
Roll Call: City Clerk Nault – Absent Councilmember James Boad

**STUDY AGENDA**

1. ER&R Presentation – Presented by Interim Finance Director Teri Schnitzer & FCS Group – John Ghilarducci, President and Matt Hobson, Project Manager

Representatives from FCS Group discussed options for implementing an equipment replacement program. Discussion followed.

**NEW ITEMS FOR DISCUSSION**

None

**ADJOURN**

Mayor Onisko adjourned the meeting at 6:43 p.m.

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Mayor Eric Onisko

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City Clerk Donna Nault





*1st Quarter 2022*

# VISITOR INFORMATION SERVICES UPDATE

Prepared for City of Shelton Lodging Tax Advisory Committee

# Year to Date, Jan - Mar

Passes

	2019	2021	2022	vs. 2021	vs. 2019
Interagency	18	21	51	242.9%	283.3%
Forest Annual	3	4	19	475.0%	633.3%
Discover Annual	4	18	38	211.1%	950.0%
Discover Day	0	0	0	0.0%	0.0%
NW Forest Day	6	18	17	94.4%	283.3%
Christmas	0	0	0	0.0%	0.0%
US Forest Map	1	0	10	0.0%	1000.0%
				100.0%	100.0%
				0.0%	100.0%
				100.0%	100.0%
				0.0%	500.0%
				329.9%	110.5%
				182.4%	86.9%

## SIMPSON LOGGING COMPANY LOCOMOTIVE & PENINSULAR RAILWAY CABOOSE #700



The Shay-type locomotive is a large steel vehicle whose most prominent features include an engineer's cap, oil fuel bunker, large boiler, and exposed engineer. This locomotive was built in 1924 and is 41 feet 2 inches long, 16 feet 2 inches high, and 10 feet wide. The caboose was constructed in the 1920's of wood with a steel hardware and trucks. The most obvious feature on No. 700 is the cupola located midway along the length of the body and the large sliding doors located on either side to the rear of the cupola. The locomotive and caboose were placed on the National Register of Historic Places in 1984 and on the Shelton Historic Register June of 1995.

230 WEST RAILROAD AVE, SHELTON

## PRESS BUZZER



for entry on weekdays  
8:00 AM - 5:00 PM  
- closed on holidays -

CALL THE CHAMBER FOR ASSISTANCE (360) 426-2021

## VISITOR INFORMATION CENTER

### Services

The total number of visitors served in 1Q 2022 has increased by 229% compared to the same period last year, but it also increased 10% over the same period in 2019 – a year prior to the pandemic.

Phone calls during 1Q increased over the 2021 counts and have been on an upward trend. The quantity of maps and recreational passes increased substantially from 2021 and met or exceeded pre-pandemic sales.

Memorabilia has proven popular since being added in June 2021. Year to date, more than



## SIMPSON LOGGING COMPANY LOCOMOTIVE & PENINSULAR RAILWAY CABOOSE #700



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- closed on holidays -

CALL THE CHAMBER FOR ASSISTANCE (360) 426-2021

## VISITOR INFORMATION CENTER *Services*

The Caboose saw an overhaul with installation of magnet entry doors that allow visitors to be buzzed in from the Chamber office.

This allows ease of access while also properly securing the premises. The operational hours are the same as the Chamber office, located just across the street.



## TOP Q1 CHAMBER FACEBOOK POST:

Shelton-Mason County Chamber of Commerce  
Published by Heidi Brotche McCutcheon · March 16 ·

Has the sunshine got you thinking about warmer weather and all that comes with it? The Chamber's Foundation is excited to again partner with Tozier Brother's Ace Hardware for the 2nd Annual Spring Flower Basket Fundraiser! These gorgeous hanging 14-inch flowers baskets will be ready for pick up on April 27; just in time for Mother's Day, so you can get one for the incredible mothers in your life.  
[www.masonchamber.com/flowers](http://www.masonchamber.com/flowers)

chamber  
SHELTON MASON COUNTY  
MASONCHAMBER.COM/FLOWERS  
Flower Basket Fundraiser  
ORDER NOW

Reach by City	
Shelton	157,614
Olympia	18,497
Union	10,921
Belfair	8,061
Grapeview	7,267
Hoodspport	6,188
Kamilche	6,173
Tumwater	5,649
Allyn	5,416
Lacey	4,513
Elma	4,214
Skokomish	3,967
Seattle	2,761
Bremerton	2,645

## FACEBOOK

### *Hood Canal Visitor Center Page*

The **Hood Canal Visitor Center** page shares a tourism related topic daily. This includes suggestions for things to do and places to visit in the Hood Canal region, including City of Shelton, Mason County, Washington State Parks, and Olympic National Forest and Park.

**Total followers**  
1,050

**Total Weekly Reach**  
17,222

### *Chamber of Commerce Page*

The **Shelton-Mason Chamber of Commerce** page continues to be an effective way to share relevant business news, community happenings, points of interest, and information on hot topics.

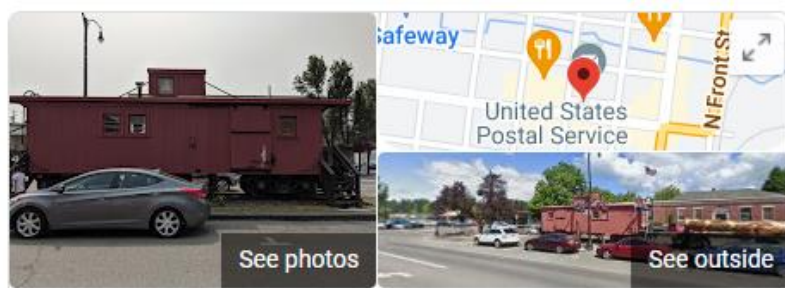
**Total followers**  
4,550

**Total Weekly Reach**  
41,090

### *Group Pages*

Our **Eat Local • Mason County** group now has **4,337 members** and counting. We launched the page to support area restaurants and encourage posts about current hours, menus, and specials during the initial pandemic shutdown in 2020.

Our **Mason County Job Seekers** group now has **3,866 members**. Nearly half of those are active; viewing, posting, liking, and engaging several times a week. In 2021, a total of 945 jobs were posted in this group.



## Shelton Caboose Visitor Information Center

[Website](#) [Directions](#) [Save](#) [Call](#)

4.3 ★★★★★ 4 Google reviews

Historical landmark in Shelton, Washington

You manage this Business Profile

**Address:** 230 W Railroad Ave, Shelton, WA 98584

**Hours:** Open · Closes 5PM ▾

Confirmed by this business 3 weeks ago

**Phone:** (360) 427-8168

[Edit your business information](#)

**Know this place?** [Share the latest info](#)

Questions & answers

[See all questions \(1\)](#)

[Ask a question](#)

[Send to your phone](#)

[Send](#)

Reviews

4 Google reviews

[Get more reviews](#)

[Add a photo](#)

# GOOGLE LANDING PAGE *Analytics and Traffic*

## Top Three Queries:

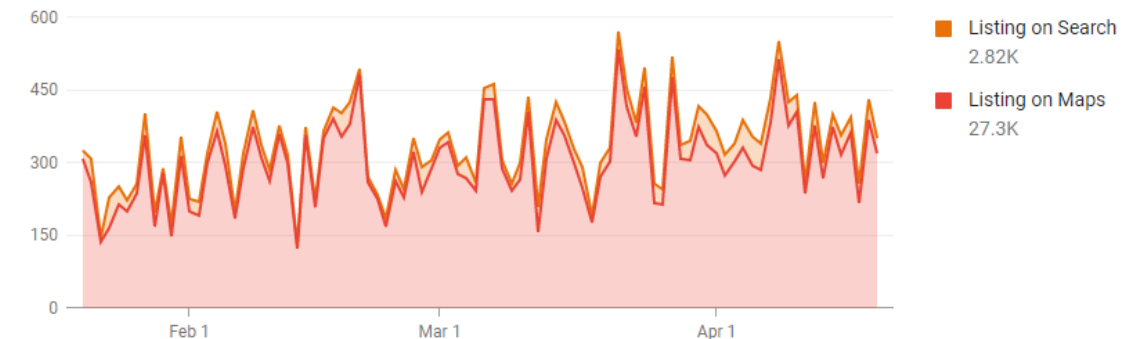
- Attractions
- Visitor center
- Caboose

## Where customers view your business on Google

The Google services that customers use to find your business

1 quarter ▾

Total views 30.1K







*Thank you!*

1<sup>ST</sup> QUARTER 2022  
VISITOR INFORMATION  
SERVICES UPDATE

Prepared for City of Shelton Lodging Tax Advisory Committee  
by the Shelton-Mason County Chamber of Commerce



**CITY OF SHELTON  
COUNCIL BRIEFING REQUEST  
(Agenda Item F1)**

Touch Date: 05/24/2022  
Brief Date: 06/07/2022  
Action Date: 06/21/2022

Department: Community Development  
Presented By: Mark Ziegler

**APPROVED FOR COUNCIL PACKET:**

Action Requested:

**ROUTE TO:**

**REVIEWED:**

PROGRAM/PROJECT TITLE:  
**SMC Tile 18 Construction  
Administrative Code**

Ordinance

Dept. Head

\_\_\_\_\_

Resolution

Finance Director

\_\_\_\_\_

ATTACHMENTS:  
**Ordinance No. 1988-0522**

Motion

Attorney

\_\_\_\_\_

Other

City Clerk

\_\_\_\_\_

City Manager

\_\_\_\_\_

**DESCRIPTION OF THE PROGRAM/PROJECT AND BACKGROUND INFORMATION:**

Staff, working with the Development Code Steering Committee, is reviewing the City's development code to refine, edit and rewrite code requirements to address the Council's strategic goals and meet state and federal requirements.

Building and fire codes and flood regulations are generally difficult to navigate by the general public. These documents are lengthy and involve many variations depending on the building site, building methods, and use of the structures.

These changes amend generic sections of these codes to specifically address the City and its partners in administering these regulations and provide clarity to sections of these codes. Staff believes these changes will provide more readily available information to the public as it relates to building, fire, and flood regulations.

**ANALYSIS/OPTIONS/ALTERNATIVES:**

If passed, the Ordinance will take effect in 5 days.

**BUDGET/FISCAL INFORMATION:**

None

**PUBLIC INFORMATION REQUIREMENTS:**

None

**STAFF RECOMMENDATION/MOTION:**

"I move to place Ordinance No. 1988-0522 on the June 21, 2022 City Council action agenda for further consideration."

**ORDINANCE NO. 1988-0522**

**AN ORDINANCE OF THE CITY OF SHELTON, WASHINGTON, REPEALING AND REPLACING TITLE 18 OF THE SHELTON MUNICIPAL CODE RELATING TO BUILDING AND CONSTRUCTION**

**WHEREAS**, Washington State law requires municipal governments to adopt the International Building and Fire Codes, but allows for amendments to those Codes; and

**WHEREAS**, the 2018 version of the International Building and Fire Codes were effective in Washington State on February 1, 2021; and

**WHEREAS**, the City endeavors to provide for a safe built environment for residents and visitors alike; and

**WHEREAS**, the City endeavors to provide assurances to builders and developers in code regulations; and

**WHEREAS**, the Shelton City Council wishes to adopt the 2018 International Building Codes, along with new amendments to the various Codes it has previously adopted in Title 18 of the Shelton Municipal Code.

**NOW, THEREFORE**, the Shelton City Council ordains as follows:

**Section 1.** Title 18 of the Shelton Municipal Code, Building and Construction Adoption, is replaced as follows:

Title 18

CONSTRUCTION ADMINISTRATIVE CODE

**18.01 Definitions**

**18.02 Construction Administrative Code**

**18.03 Amendments to the International Building Code**

**18.04 Amendments to the International Residential Code**

## **18.05 Amendments to the International Fire Code**

## **18.06 Factory Assembled Structures**

## **18.07 Flood Damage Prevention**

### **18.01 Interpretation of definitions**

For the purpose of this title, the following words or phrases have a meaning set forth in this chapter, unless the context indicates otherwise. When in conflict with any other definitions provided for in any other chapter of this title, the definitions in this chapter shall prevail

#### **18.01.010 City**

“City” means the City of Shelton, Washington.

#### **18.01.020 City manager**

“City manager” means the city manager of the City of Shelton, Washington.

#### **18.01.030 City council**

“City council” means the legislative body for the City of Shelton

#### **18.01.040 Commercial coach**

“Commercial coach” means a structure transportable in one or more sections that is built on a permanent chassis and designed to be used for commercial purposes with or without a permanent foundation when connected to the required outlets and may include plumbing, heating, air conditioning, and electrical systems contained therein.

#### **18.01.050 Factory Assembled Structure**

“Factory Assembled Structure” means a residential unit on one or more chassis for towing to the point of use and designed to be used with a foundation as a dwelling unit on a year-round basis, and which bears an insignia issued by a state or federal regulatory agency indicating that the mobile/manufactured home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development definition of manufactured home. A commercial coach, recreational vehicle, or motor home is not a mobile/manufactured home. The term “manufactured home” shall hereinafter be used to refer to mobile/manufactured homes.

#### **18.01.060 Motor home**

“Motor home” means a motor vehicle built on a truck or bus chassis and equipped to serve as self-contained living quarters for recreational travel and further defined as a recreational vehicle.

#### **18.01.070 Person**

“Person” means natural persons regardless of sex identification, and associations, co-partnerships and corporations, whether acting by themselves or by a servant, agent or employee.

**18.01.080 Recreational vehicle**

“Recreational vehicle” means a vehicular type of unit primarily designed for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle. The basic entities are travel trailer, folding camping trailer, park trailer, truck camper, motor home, and multi-use vehicles.

**18.01.090 Structure**

“Structure” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**18.01.100 Single room occupancy sleeping unit**

“Single room occupancy sleeping unit” (sleeping unit) is a structure that provides living units that have separate sleeping areas, each of which must be at least one hundred twenty square feet and have access to both sanitary facilities and a full common kitchen facility, subject to the following:

- A. Sanitary facilities shall include:
  - 1. At least one flush toilet, lavatory basin, and bathtub or shower must be supplied for each sleeping unit. Lavatory basins and showers must have adequate quantities of hot and cold running water.
  - 2. All sanitary facilities must be in proper operating condition and be adequate for personal cleanliness and the disposal of human waste. The facilities must utilize an approvable public or private disposal system as required by SMC Title 14 and public works standards.
  
- B. Space and Security.
  - 1. Each sleeping unit must have one hundred twenty square feet of floor space and at least four square feet of closet space.
  - 2. Exterior doors and windows accessible from the outside must be lockable.
  
- C. Access.
  - 1. Residents must be able to access their sleeping unit, sanitary, and kitchen facilities without passing through another sleeping unit.
  - 2. Kitchen and sanitary facilities may be located in a detached community building located on the same site as the sleeping units.
  
- D. Use and Location.
  - 1. Single room occupancy units may only be located within neighborhood residential zone and mixed use zones. A planned unit development permit shall be required for all single room occupancies.
  - 2. Sleeping units shall not be for transitory housing (the rental of any building or portion thereof used for the purpose of providing lodging for periods of less than thirty days).
  - 3. Sleeping units shall either be owner-occupied, or shall provide housing for a tenant, pursuant to a lease agreement.
  - 4. The following uses are not considered single room occupancy sleeping units: boarding houses, hotels and motels, extended stay hotels and motels, assisted living facilities, convalescent/nursing homes, and facilities which provide short-term or long-term care for tenants suffering from physical, mental or other disabilities.



### **18.02.010 Construction Administrative code**

All building and building-related codes, as currently adopted or as may be adopted in future enactments by the state of Washington pursuant to RCW 19.27.031, together with all amendments that may be adopted by the State Building Code Council of the State of Washington, are hereby adopted as the Construction Administrative Code for the City of Shelton, subject to the specific additions, deletions, and modifications set forth in this chapter and as authorized by the State Building Code Council. The provisions of this code shall apply to the administration of the technical and nontechnical codes listed below:

- A. International Building Code (IBC), 2018 Edition, as published by the International Code Council, together with IBC appendices E, J and ICC/ANSI A117.1-2009; WAC 51-50.
- B. International Residential Code (IRC), 2018 Edition, as published by the International Code Council, exempting IRC Chapter 11 and Chapters 25 through 43 but including IRC Appendices F, Q and U; WAC 51-51.
- C. International Existing Building Code (IEBC), 2018 Edition, as published by the International Code Council.
- D. International Fuel Gas Code (IFGC), 2018 Edition, as published by the International Code Council, excepting that the standards for liquefied petroleum gas installations shall be contained in the 2018 Edition of NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and the 2018 Edition of ANSI Z233.1/NFPA 54 (International Fuel Gas Code); WAC 51-52.
- E. International Mechanical Code (IMC), 2018 Edition, as published by the International Code Council, including adoption of 2018 International Fuel Gas Code, 2018 NFPA 58 & 2017 & NFPA 54; WAC 51-52.
- F. Uniform Plumbing Code (UPC), 2018 Edition, as published by the International Association of Plumbing and Mechanical Officials, including appendices A, B and I; WAC 51-56.
- G. International Fire Code (IFC), 2018 Edition, as published by the International Code Council, together with IFC appendices A, B, C, D, E, F, G, H, I, K, L, and N; WAC 51-54A.
- H. International Energy Conservation Codes, Commercial and Residential, 2018 Edition as published by the International Code Council with Washington amendments (WAC 51-11C, WAC 51-11R).
- I. ADA Standards for Accessible Design, Accessible and Useable Buildings and Facilities, ICC A117.1-2009 as published by ANSI and the International Code Council.
- J. National Green Building Standard (ICC 700), 2012 edition, as published by the International Code Council, on a voluntary basis.



**18.02.020 Documents to be filed and available for public inspection**

The codes, appendices, and standards set forth in this chapter shall be filed with the city clerk and a copy made available for use and examination by the public, pursuant to RCW 35A.12.140.

**18.02.030 Severability**

If any provision of this code or its application to any person or circumstances are found invalid, the remainder of the code or its application of the provision to other persons or circumstances is not affected.

**18.02.040 Repealer**

All ordinances or resolutions, or parts of ordinances or resolutions, in conflict with this chapter are repealed.

**18.02.050 Effective date**

This chapter shall go into effect five calendar days after adoption by the City of Shelton City Council and publication pursuant to law.

**18.03.010 Amendments to the International Building Code**

Chapter 1—Administration of the International Building Code is hereby adopted and incorporated into the city of Shelton Construction Administrative Code and the same shall apply to all the aforementioned codes and documents and shall include the following amendments:

CHAPTER 1  
ADMINISTRATION

SECTION 101  
GENERAL

101.1 Title. These regulations shall be known as the of the City of Shelton, hereinafter referred to as "this code."

101.2 Scope. The provisions of his code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one-and two family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the International Residential Code.

101.3 Intent. The purpose of this code is to establish the minimum requirements to provide reasonable level of safety, public health and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property

from fire, explosion and other hazards, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

101.4 Referenced codes. The codes listed in this section and elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Gas. The provisions of the 2018 International Fuel Gas Code (NFPA 54) and 2008 Liquid Petroleum Gas Code (NFPA 58) shall apply to the installation of all materials and equipment utilizing liquid propane gas; the provisions of the 2018 International Fuel Gas Code shall apply to the installation of all materials and equipment utilizing natural gas except those regulated by the International Residential Code (IRC).

101.4.2 Mechanical. The provisions of the 2018 International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems, except:

- 1) The International Fuel Gas Code shall apply to all installations utilizing natural gas except those regulated by the IRC and those utilizing LPG.
- 2) The IRC shall apply to all structures regulated by the IRC except LPG installations.
- 3) NFPA 54 & 58 shall apply to all LPG installations.

101.4.3 Plumbing. The provisions of the 2018 Uniform Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.4 Fire prevention. The provisions of the 2018 International Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.5 Energy. The provisions of the 2018 International Energy Conservation Code with Washington amendments (WAC 51-11C, WAC 51-11R) shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.6 Existing Buildings. The provisions of the 2018 International Existing Building Code shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

101.4.7 Ventilation and indoor air quality. Applicable provisions of the 2018 International Residential Code, 2018 International Mechanical Code and 2018 International Building Code shall apply to all matters governing the design and construction of buildings for ventilation and indoor air quality.

101.4.8 Electrical. The provisions of the National Electrical Code (NFPA 70), as amended and adopted by the State of Washington shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

## SECTION 105 PERMITS

105.3 Application for permit.

- A. Application shall be made for a permit to perform any building, construction or placement of any structure or manufactured home within the city not exempted by city, state or federal law, code or regulation.
- B. Such application shall be on forms provided by the city.
- C. The applicant shall provide all information required by this title, as well as all other reasonable information determined by the city to be necessary for consideration and action upon any application.
- D. If the city finds an application to be in compliance with this title and all other mandated laws, codes and regulations within the city's scope of authority to enforce, then a permit may be issued, provided all appropriate fees and charges have been paid.

## SECTION 109 FEES

109.1 Payment of fees. Permit fees are collected prior to or at the time of the issuance of the permit; a permit shall not be valid until the fees prescribed by resolution of the city council of the City of Shelton have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. For those building services to be billed on an hourly basis, billings will be based on the hourly rates established by resolution of the city council of the City of Shelton. The city may use the services of an outside professional consultant for plan review services; all invoices associated with the services of an outside professional consultant, including any administrative services charge as prescribed by resolution of the City Council of the City of Shelton, shall be paid prior to or at the time of permit issuance. All other fees, including but not limited to general facility charges, impact fees and system

development charges must also be paid prior to or at the time of permit issuance, unless deferred under state law

109.2 Master fee schedule. For buildings, structures, gas, mechanical, plumbing, signs, manufactured home installations, grading activities, energy code reviews and demolition or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the master fee schedule as established by resolution of the city council of the City of Shelton.

109.2.1 Washington State Building Code Council (WSBCC) surcharge. The WSBCC assesses a permit surcharge to each jurisdiction in the State of Washington (E2SHB 1622), which at the time of passage of this ordinance, is a flat rate fee of \$6.50 for each RESIDENTIAL permit for approved plans or any other permit that is issued in accordance with the adopted building codes. For COMMERCIAL projects, the WSBCC fee is \$25.00 for approved plans or any other permit that is issued in accordance with the adopted building codes. The WSBCC surcharge may be adjusted at any time and any required changes to this fee will be reflected in the master fee schedule as established by resolution of the city council of the City of Shelton. The City of Shelton forwards all fees collected in this regard to the WSBCC on a quarterly basis.

109.2.2 Plan review fee. A plan review fee shall be charged for permit plan review. The plan review fee shall be a separate fee from the permit fee specified in this section and is in addition to the permit fee. When submittal documents or plans are required under this code, the plan review fee shall be paid at the time of submittal of these documents or plans for review. The building official may have the option to charge deposit in lieu of the full plan review fee, if the full fee amount is not known at the time of document or plan submittal. The plan review deposit shall be applied toward the remaining plan review fee; the actual plan review fee shall be determined upon completion of the plan review and the remaining balance owing shall be paid at the time of permit issuance. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged. Plan review fees shall be set by resolution of the city council of the City of Shelton.

109.2.3 Energy code review fee. An energy code review fee may also be established by the city in order to meet the requirements WAC 51-11C. If the city utilizes the services of outside professional consultant for this review, all invoices associated with the services of this outside professional consultant, including an administrative service charge shall be paid to the City as invoiced.

109.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value for work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application the Building Official may utilize the August Building Valuation Data on a two-year lag in the ICC Building Safety Journal. Final building permit valuations shall be set by the Building Official.

109.4 Work commencing before permit issuance. In addition to the required permit fees, the building official shall require that any person who commences any work on a building, structure, gas, mechanical

or plumbing system before obtaining the necessary permits shall be subject to a special investigation fee, which shall include the doubling of the required permit fees as established by resolution of the city council of the City of Shelton.

109.5 Refunds. No permit fee refund will be allowed once any work has begun on a project. In order to request a refund of a permit fee, the request shall be addressed to the Building Official in writing and shall be received at the City of Shelton finance department within 180 days of the date of issuance of the permit; any refund request received after 180 days of the date of permit issuance shall automatically be denied. At the discretion of the Building Official, refund requests may be approved or denied based on the status of a project. All approved refunds shall be limited to 75% of the total permit fees paid. Refund requests shall only be considered for building, plumbing and mechanical permit fees. Refunds shall not include any plan review fees.

### Section 113 Appeals

Replacing Section 113 Board of Appeals with the following. The hearing examiner shall hear appeals based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed. The hearing examiner shall not have the authority to waive requirements of the adopted code. The appeal must be accompanied by an appeal fee, as established by the city, be filed with the City of Shelton community and economic development department within ten days of the decisions, and the written appeal shall contain the information in SMC Section 17.08.028.

#### **18.04.010 Amendments to the International Residential Code**

The following amendments to the 2018 International Residential Code are hereby proposed for adoption and incorporation into the City of Shelton's Construction Administrative Code.

### CHAPTER 1 ADMINISTRATION

#### SECTION R105 PERMITS

Subsection R105.2 Work Exempt from Permit is hereby proposed to be amended as follows:  
R105.2 Work exempt from permit. In addition to the exemptions enumerated in Chapter 1 of the currently adopted International Residential Code, a permit shall not be required for the following:

#### Buildings:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet with sidewall heights

not greater than ten foot in height and roof framing shall not exceed pitch of the existing primary structure.

CHAPTER 3  
BUILDING PLANNING

Table R301.2(1) Climatic and Geographic Design Criteria is hereby proposed to be amended by including the pertinent information as it relates to the City of Shelton, as follows:

TABLE R301.2(1)  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load:	25 psf
Roof Snow Load:	25 psf
Wind Exposure Category:	B
Wind Speed - 3 Second Gust:	110 mph
Seismic Design Category:	D1
Subject to Damage from	
Weathering:	Moderate
Frost Line Depth:	12 inches
Termite:	Slight to Moderate
Winter Design Temperature:	See WSEC
Ice Barrier Underlayment Required:	No
Flood Hazards:	SMC Chapter 18.10 adopted May 21, 2019
Air Freezing Index:	N/A
Mean Annual Temperature:	50 Degrees F
Soil Bearing Capacity	#1500 (assumed) residential.  Per geotechnical analysis for Commercial.

### **18.05.010 Amendments to the International Fire Code**

The 2018 Washington State Fire Code (Chapter 51-54A WAC), with amendments, is hereby proposed for adoption, with appendices, amendments and additions and incorporation into the City of Shelton's Construction Administrative Code.

## **Chapter 1 Administration**

Subsection 101.1 is amended as follows:

101.1 Title. These regulations shall be known as the Fire Code for the City of Shelton, hereinafter referred to as "this code."

Subsection 101.2.1 is amended as follows:

101.2.1 Appendices. The following appendices of the 2018 IFC are hereby adopted in this code:

Appendix B: Fire-Flow Requirements for Buildings

Appendix C: Fire Hydrant Locations and Distribution

Appendix D: Fire Apparatus Access Roads

Appendix E: Hazard Categories

Appendix F: Hazard Ranking

Appendix G: Cryogenic Fluids Weight and Volume Equivalents

Appendix H: Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions

Appendix I: Fire Protection Systems Noncompliant Conditions

Appendix K: Construction Requirements for Existing Ambulatory Care Facilities

Appendix L: Requirements for Firefighter Air Replenishment Systems

Appendix N: Indoor Trade Shows and Exhibitions

Section 102  
Applicability

Subsection 102.3.1 Changes in Character of Occupancy is hereby proposed to be added as a new subsection to Section 102 Applicability, as follows:

102.3.1 Changes in Character of Occupancy. Changes made in the character of an occupancy or the use of any building that would place the building in a different division of the same occupancy or in a different occupancy shall be approved by the Building Official and the Fire Marshal.

Section 103  
Department of Fire Prevention

Subsection 103.2 Appointment is hereby proposed to be amended as follows:

103.2 Appointment. The City of Shelton is hereby authorized to contract with the Central Mason Fire and Emergency Medical Services, hereinafter referred to as (CMFE), for enforcement and administration of this chapter. The City of Shelton may also authorize CMFE or its designee to retain all permitting and/or inspection fees related to the administration of this ordinance.

Section 104  
General Authority and Responsibilities

Subsection 104.2.1 Construction Plan Review is hereby proposed to be added as a new Subsection to Section 104 General Authority and Responsibilities, as follows:

104.2.1 Construction Plan Review. Plans shall be submitted to and approved by the Fire Marshal and/or CMFE for all new commercial building, residential construction, or land development prior to the issuance of any approvals or permits or commencement of development or construction.

Subsections 104.10 Fire Investigations and 104.10.1 Assistance from Other Agencies are hereby proposed to be amended by revising the text, as follows:

104.10 Fire Investigations. The Fire Marshal and CMFE are authorized to investigate the origin, cause and circumstances of fires occurring within the City of Shelton that involve loss of life, injury to person(s), destruction or damage to property. If it appears to the fire investigator that such fire is of suspicious or incendiary nature, the investigator shall immediately take charge of all physical evidence relating to the cause of the fire and shall notify the Shelton Police Department. The Fire Marshal and



CMFE are also authorized to investigate the origin, cause, and circumstances of any explosion or unauthorized releases of hazardous materials.

104.10.1 Assistance from other agencies. The Shelton Police Department and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires when requested to do so by the Fire Marshal or CMFE.

#### Section 109 Board of Appeals

Subsection 109.1 Board of Appeals established is hereby proposed to be amended by revising the text, as follows:

109.1 Board of Appeals. The hearing examiner shall hear appeals based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed. The hearing examiner shall not have the authority to waive requirements of the adopted code. The appeal must be accompanied by an appeal fee, as established by the city, be filed with the City of Shelton community and economic development department within ten days of the decisions, and the written appeal shall contain the information in SMC Section 17.08.028.

#### Section 110 Violations

Subsection 110.4 Violation penalties is hereby proposed to be amended by revising the text, as follows:

110.4 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code shall be processed in accordance with the provisions of SMC Chapter 17.08.

#### Section 112 Stop Work Order

Subsection 112.4 Failure to comply is hereby proposed to be amended by revising the text, as follows:

112.4 Failure to Comply. Any person who willfully violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of this title or its provisions shall be deemed guilty of a misdemeanor and shall be subject to criminal penalties as prescribed in Section 17.08.010.

## Section 201 General

Subsection 201.5 CMFE Fire Marshal and the Fire Chief of CMFE is hereby proposed to be added as a new Subsection to Section 201 General, as follows:

201.5 CMFE Fire Marshal and the Fire Chief of CMFE. Unless specifically mentioned to the contrary, all references to the chief, chief of the department, chief engineer, fire code official or fire marshal shall mean the CMFE Fire Marshal or the Fire Chief of CMFE or designee. Unless specifically mentioned to the contrary, all references to the fire department, department of fire prevention or fire prevention bureau shall mean the CMFE Fire Prevention Bureau or CMFE.

## Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces

Subsection 307.1.1 Prohibited Open Burning, is hereby proposed to be amended by the revising the text, as follows:

307.1.1 Prohibited Open Burning. Open burning shall be prohibited in the City of Shelton by Chapter 173-425 WAC, as regulated by the Olympic Region Clean Air Agency (ORCAA).

## Section 319 Mobile Food Preparation Vehicles

Subsection 319.11 Operational Requirements, is hereby proposed to be added by including the text, as follows:

319.11 Operational Requirements. Any vendor engaging in mobile food vending shall comply with the following requirements:

319.11.1. Units shall not be parked, situated, or operated in a manner that restricts or blocks emergency vehicle access roadways, access to fire hydrants or fire protection equipment.

319.11.2. Mobile food vending units shall have a minimum clearance of 10 feet from other vending units, buildings, structures, and combustible structures.

319.11.3. Mobile food vending units shall have a minimum clearance of 15 feet from fire hydrants, Fire Department Connections and Post indicator Valves.

319.11.4. When a fuel source other than LPG is used, it shall be installed and maintained in accordance with the Fire Code and any other applicable code. Use of fuels other than LPG shall be subject to the approval of the Fire Marshal and CMFE.

319.11.5. Solid fuel shall not be stored within 3 feet of any heat producing device, cooking appliance, vent, flammable liquids, or ignition sources. Ash, cinders, and other fire debris shall be removed from the firebox or cooking appliance at regular intervals and shall be placed in a closed metal container at least 3 feet from cooking appliances and combustibles.

### Section 320 Fire Department Standards

Section 320 Fire Department standards, is hereby proposed to be added by including the text, as follows:

320.1 Fire Department Standards. The Fire Marshal and CMFE may adopt fire department standards as needed to detail specific requirements of this code.

### Section 403 Emergency Preparedness Requirements

Subsection 403.5.5 Prior Awareness of Drills is hereby proposed for addition to Section 403.5 Group E Occupancies, as follows:

403.5.5 Prior Awareness of Drills. Administrators are the only ones to have prior knowledge of a fire drill.

Exception: The first fire drill of the year.

### Section 503 Fire Apparatus Access Roads

Section 503 is hereby proposed to be adopted as follows:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. The fire code official is authorized to increase the dimension of 150 feet where any of the following conditions occur:
  - 1.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
  - 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
  - 1.3. There are not more than two Group R-3 or Group U occupancies.
2. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

503.1.2 Additional Access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

503.1.3 High-piled storage. Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 32.

503.1.4 The fire marshal and CMFE are empowered to designate fire lanes where needed for fire apparatus access roads, and 15 feet within fire hydrants, or Fire Department connections.

503.1.4.1 Fire lanes enforcement. The Shelton Police Department and other enforcement agencies shall have authority to enforce the no parking provisions in marked fire lanes, the fine for which will be \$25.00 plus court costs and statutory assessments, if any for each violation. If a fire lane is completely blocked to the passage of fire apparatus by an unlawfully parked vehicle, the Shelton Police Department is authorized to impound the blocking vehicle at the owner's expense pursuant to WAC 132N-156-550 of Washington State adopted code.

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.4.1.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

503.2.2 Authority. The fire code official shall have the authority to require a permit modification to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be determined by the fire code official.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.

503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO- HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges where required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are not designed for such use, approved barriers approved signs, or both shall be installed and maintained where required by the fire code official.

503.2.7 Grade. The grade of the fire apparatus access road shall not be more than 10 percent grade.

Exception: Grades steeper than 10 percent as approved by the fire code official.

503.2.8 Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the fire department's apparatus.

503.3 Marking. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at all times.

503.4.1 Traffic calming devices. Traffic calming devices shall be prohibited unless approved by the fire code official.

Subsections 503.5.2 Gates – Entrance to roads, trails or other access ways is hereby proposed to be added as a new subsection to Section 503 Fire Apparatus Access Roads, as follows:

503.5.2 Gates entrances to roads, trails, or other access ways. Entrances to roads, trails or other access ways which have been closed with gates and barriers in accordance with Section 503.5 shall not be obstructed by parked vehicles.

## Section 505 Premises Identification

Section 505.1 Premises Identification is proposed to be amended by revising the text, as follows:

505.1 New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letter. Number shall not be spelled out. Each character shall be not less than 4 inches (102mm) high with a minimum stroke width of ½ inch (12.77mm) on residential structures and 12 inches(305mm) high with a minimum stroke width of ½ inch(12,7mm) on commercial structures. Where required by the fire code official, address identification shall be provided in additional locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or means shall be used to identify the structure. Address identification shall be maintained.

Exception: Fire code official determines that the current address identification is readily visible from the roadway.

## Section 506 Key Boxes

Subsection 506.1 Where required is hereby proposed to be amended by revising the text, as follows:

506.1 Where required. All occupancies with an automatic fire alarm system or a gas detection system must provide an approved key box. Two complete sets of access keys for all rooms and spaces in the building, fire alarm control panel, elevator and sprinkler system control valves shall be separately identified and placed in the security key box. The fire code official is authorized to require more than one key box to be located on the Knox box depending on lay out, and fire access roads.

Subsection 506.1.1 Gates – Security Key Boxes is hereby proposed to be amended by revising the text, as follows:

506.1.1 Gates Security Key Boxes. Gate access devices and padlocks required by Sections 503.5-503.7 and this section shall be of a type and a common key as approved by the Fire Marshal and CMFE, such

boxes shall be located immediately adjacent to the gate in a location that is readily visible and accessible from either side of the gate.

## Section 507 Fire Protection Water Supplies

Subsection 507.3 Fire Flow is hereby proposed to be amended by revising the text, as follows:

507.3 Fire Flow. Fire flow and the number of hydrants shall be determined as prescribed in Appendix B and Appendix C, IFC 2018 Edition.

Subsection 507.3.1 Storz Adaptors is hereby proposed to be added as a new subsection to Section 507 Fire Protection Water Supplies, as follows:

507.3.1 Storz Adaptors. Fire hydrants shall be provided with appropriate 4-inch “storz” type adaptors for the pumper connection.

Subsection 507.5.1.2 Fire Hydrants not included, is hereby proposed to be added as a subsection of 507.5, as follows:

507.5.1.2 Fire Hydrants no included. Fire hydrants more than 15 feet from an approved access road or fire lane that serves the building in question, shall not be counted in any calculation of fire hydrant spacing. On-site fire hydrants and water supplies on adjacent properties shall not be considered available, unless accessible by fire apparatus on an approved access road. Fire hydrants located on the opposite side of a roadway more than 2 lanes wide shall not be considered in the fire hydrant placement calculations unless specifically approved by the Fire Marshal or CMFE.

## Section 903 Automatic Sprinkler Systems

Section 903.2.8 Group R is hereby proposed to be amended, as follows:

903.2.8 An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R Fire Area.

Exception: Group R-3 if all the following apply:

1. The structure is less than must be within 600 feet from a fire hydrant.
2. The required fire flow by appendix B is met.
3. The structure is less than 5000 square feet (this aligns with the newly adopted energy code for a large dwelling units)

4. The fire marshal has approved the fire department access to the proposed structure.
5. Each dwelling units must be provided with at least one 2A10BC fire extinguisher located within the kitchen area (mounted per manufacturer's installation instructions) in a conspicuous location enabling ready access.

Section 903.2.9 Group S-1 is hereby proposed to be amended as follows:

#### 903.2.9 Group S

An automatic sprinkler system shall be provided throughout all buildings containing a Group S occupancy where one of the following conditions exists:

1. A Group S fire area exceeds 5,000 square feet.
2. A Group S fire area is located more than one floor above grade plane.
3. The combined Group S fire areas on all floors, including any mezzanines, exceeds 12,000 square feet.
4. A Group S-1 fire area used for the repair of commercial motor vehicles where the fire area exceeds 5,000 square feet.

Subsection 903.2.11.3 Buildings Greater than two stories in height is hereby proposed to be amended by revising the text, as follows:

903.2.11.3 Buildings 3 Stories or greater. All buildings 3 stories or greater shall have an automatic fire sprinkler system installed within.

Subsection 903.3.1.1.3 Underground Main Valves, is hereby proposed to be added, as follows:

903.3.1.1.3 Underground Main Valves. Underground main valves must be of a Post Indicator type located outside of the collapse zone of the structure whenever practical, as determined by the fire code official.

## Section 912 Fire Department Connections

Subsections 912.2.3 Hydrant Requirements is hereby proposed for addition as a subsection to 912.2 Location, as follows:



912.2.3 Hydrant Requirements. A fire hydrant shall be located within 100 feet, when practical as determined by the fire code official, of all Fire Department Connection unless specifically exempted by the fire code official.

Section 5601  
General

Subsection 5601.2.3.1 Manufacture Prohibited is hereby proposed to be added as a subsection to section 5601 general, as follows:

5601.2.3.1 Manufacture Prohibited. The Manufacture of explosives or explosive material shall be prohibited within the City of Shelton.

Section 5704  
Storage

Subsection 5704.2.9.6.1 locations Where Above-Ground Tanks are prohibited is hereby proposed to be amended by revising the text and by adding two exemptions as enumerated by the number's 1 & 2, as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. The Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the City of Shelton.

Exceptions:

1. Aboveground storage of moto fuels for dispensing into the fuel tanks of moto vehicles and boats at a marina shall be in accordance with Section 2310.
2. Storage as authorized by Section 5706.2., Storage and dispensing of flammable and combustible liquids on farms and construction sites.

SECTION 5806  
LIMITATIONS

Subsection 5806.2 Limitations is hereby proposed to be amended by revising the text, as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings in the City of Shelton is prohibited within the city Limits, except as approved by the Fire Marshal.

SECTION 6104

## LOCATION OF CONTAINERS

Subsection 6104.2 Maximum Capacity Within Established Limits is hereby proposed to be amended by revising the text, as follows:

6104.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas within the City of Shelton, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7,570 L).

## CHAPTER 18.06 FACTORY ASSEMBLED STRUCTURES

**18.06.010 GENERAL REQUIREMENTS** Any person desiring to place a mobile/manufactured home within the city shall conform to the following requirements:

- A. Applicants shall make application to the city as required by Section 18.03.010. Every such application shall be made by the owner (or authorized agent of the owner) of the lot upon which the mobile/manufactured home is to be placed. The applicant shall conform to all regulations pertaining to the placement of a residential home on a building lot as set forth in the Shelton Municipal Code.

The following requirements pertain to any mobile/manufactured home being placed within the city:

- B. The mobile/manufactured home shall be HUD certified or must display a Washington State seal of approval meeting HUD specifications.
- C. All requirements of the underlying zone must be met, e.g., yard setbacks, lot coverage, off-street parking, design standards etc.
- D. Applicant must purchase all necessary state and local permits.
- E. No occupancy shall be authorized until all inspections have been approved by the City of Shelton and the Department of Labor and Industries.
- F. Applicant must comply with all setup requirements prior to occupancy. A violation or failure to comply with any of the provisions set forth in this chapter shall constitute a misdemeanor and is subject to SMC Chapter 17.08. Nothing contained in this title shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation

### **18.06.020 Mobile/manufactured homes in a legally zoned mobile home park**

In addition to any other requirements set forth in this code, mobile/manufactured homes which are to be placed in a legally zoned mobile home park shall be manufactured after June 15, 1976.

#### **18.06.030 Mobile/Manufactured homes in an existing mobile home park not legally zoned**

In addition to any other requirements set forth in this code, mobile/manufactured homes which are to be placed in an existing mobile home park not legally zoned shall comply with the following:

- A. Must be equal to or less than five years of age, as of the date a completed application for the building permit is received.
- B. Roofs must be an integral part of the original structure and have a nominal three to twelve pitch made of materials compatible with existing housing (composition or wood type).
- C. Must be comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide, exclusive of porches, decks, garages or other accessory structures.

#### **18.06.040 Mobile/manufactured homes placed in any zone that allows single family residences as a permitted use**

In addition to any other requirements set forth in this code, mobile/manufactured homes which are to be placed in any zone that allows single family residences as a permitted use shall comply with the following:

- A. Must be equal to or less than five years of age, as of the date a completed application for the building permit is received.
- B. Roofs must be an integral part of the original structure and have a nominal four to twelve pitch made of materials compatible with existing housing (composition or wood type);
- C. Pit set with continuous perimeter concrete foundation as prescribed in IRC. Must be comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long, exclusive of porches, decks, garages or other accessory structures.
- D. Must meet design standard requirements for zone in which installation occurs.

#### **18.06.050 Set-up requirements**

All manufactured homes shall conform to the following set-up requirements. These requirements shall form the basis of compliance for footings, piers, anchorage, perimeter enclosure, crawlspace drainage, site grading, and insulation. The building department inspector shall verify compliance with each of these criteria through site inspection(s), in compliance with WAC 296-150M-0610.

- A. Plumbing Requirements.
  - 1. All manufactured homes shall be required to demonstrate water and sewer hookup availability.
  - 2. A water shut-off valve shall be placed outside of the skirting or perimeter foundation per City of Shelton standards.

3. A sewer line cleanout shall be placed no greater than eighteen inches from outside the skirting or perimeter foundation
4. A three or four-inch backflow valve shall be installed per City of Shelton standards.
5. Hose bibs must be anti-siphon fixtures.

B. Crawlspace Drainage. Crawlspace drainage must be installed in areas of known high seasonal water table and/or “tight” (impervious) soils. Crawlspace drainage in other areas may be omitted with prior HUD approval.

1. Alternative Drainage. When a foundation system is recessed, install four-inch diameter perforated drain line around perimeter. Connect drain line (at one percent minimum slope) to storm sewer, street curb, culvert or natural drainage area at least ten feet from the unit. Provide four inches of gravel around drain line.
2. Install a minimum of black 6 mil polyethylene film in the crawlspace with minimum six-inch laps.
3. When units are located within the one-hundred-year floodplain, conformance with the most recently adopted I-Code and FEMA regulations shall be required.

C. Site Grading. Exterior grade shall be a maximum of twelve inches below the bottom of the perimeter of the unit. The ground shall slope at least six inches for ten feet around the unit

## CHAPTER 18.07 FLOOD DAMAGE PREVENTION

### **18.07.010 Statutory authorization**

The legislature of the state of Washington has in RCW 86.16.020 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the city council of the city of Shelton, Washington, does ordain as set forth in Sections 18.07.020 through 18.07.350.

### **18.07.020 Findings of fact**

A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, cause damage in

other areas. Uses and structures that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to flood loss.

#### **18.07.030 Statement of purpose**

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health
- B. To minimize expenditure of public money for costly flood-control projects
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public
- D. To minimize prolonged business interruptions
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines and streets and bridges located in areas of special flood hazard. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard to minimize future flood blight areas
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- I. To participate in and maintain eligibility for flood insurance and disaster relief

#### **18.07.040 Methods of reducing flood losses**

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters.
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or increase any flood hazards in other areas

### **18.07.050 Definitions**

The following definitions are in addition to those established in Chapter 18.02. Unless specifically defined in this section, words and phrases used in this chapter will be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

**“Appeal”** means a request for a review of the responsible official’s interpretation of any provision of this chapter or a request for a variance.

**“Area of shallow flooding”** means a designated AO, AH, AR/AO or AR/AH (or VO) zone on a community’s flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**“Area of special flood hazard”** means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the flood insurance rate map (FIRM) as zone A, AO, AH, A1-30, AE, A99, or AR (V, VO, V1-30, VE). “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.”

**“Base flood”** means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “one-hundred-year-flood.”

**“Base flood elevation (BFE)”** means the elevation to which floodwater is anticipated to rise during the base flood.

**“Basement”** means any area of the building having its floor subgrade (below ground level) on all sides. Building. See “Structure.”

**“Critical facility”** means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

**“Development”** means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

**“Endangered Species Act”** or “ESA” means 16 U.S.C. 1531 et seq. as amended.

**“Flood” or “flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation of runoff of surface waters from any source; and/or
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

**“Flood elevation study”** means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**“Flood insurance rate map (FIRM)”** means the official map on which the Federal Insurance Administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study.** See “Flood elevation study.”

**“Floodplain administrator”** means the community official designated by title to administer and enforce the floodplain management regulations.

**“Floodplain management”** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**“Floodplain management regulations”** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**“Floodproofing”** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**“Floodway”** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as “regulatory floodway.”

**“Functionally dependent use”** means a use which cannot perform its intended purpose unless it is located or carried out in the close proximity of water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

**“Habitat assessment report”** means a report prepared by a qualified biologist that assesses the proposed development and identifies potential impacts, required mitigation, and whether or not the development adversely affects water quality, water quantity, flood volumes, flood velocities, spawning substrate, and/or floodplain refugia for listed salmonids under the requirements of the Endangered Species Act.

**“Highest adjacent grade”** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**“Historic structure”** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

**“Likely to adversely affect” or “LAA”** means the effects of the development will result in short- or long-term adverse effects on listed species or designated habitat areas.

**“Lowest floor”** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non elevation design requirements of this chapter found in Section 18.07.300(B).

**“Manufactured home”** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes, the term “manufactured home” does not include park trailers, travel trailers and other similar vehicles.

**“Manufactured home park or subdivision”** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**“May affect, not likely to adversely affect” or “NLAA”** means the effects to the listed species or designated critical habitat are insignificant and/or discountable.

**“New construction”** means structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this chapter. For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial flood insurance rate map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain



management regulation adopted by a community and includes any subsequent improvements to such structures.

**“No effect” or “NE”** means the development has no effect whatsoever to the listed species or designated critical habitat.

**One-Hundred-Year Flood** or 100-Year Flood. See “Base flood.”

**“Recreational vehicle”** means a vehicle:

1. Built on a single chassis.
2. Four hundred square feet or less when measured at the largest horizontal projection.
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Regulatory Floodway.** See “Floodway.”

**“Start of construction”** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**“Structure”** means a walled and roofed building including a gas or liquid storage tank that is principally above ground as well as a manufactured home.

**“Substantial damage”** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

**“Substantial improvement”** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have

incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure”; provided, that the alteration will not preclude the structure’s continued designation as a “historic structure.”

“**Variance**” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“**Violation**” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that document is provided.

“**Water surface elevation**” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### **18.07.060 Lands to which this chapter applies**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Shelton.

#### **18.07.070 Basis for establishing the areas of special flood hazard**

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report titled “The Flood Insurance Study for Mason County, Washington and Incorporated Areas,” dated June 20, 2019, with accompanying flood insurance maps and any revisions thereto is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the City of Shelton, Civic Center, 525 West Cota, Shelton, Washington

#### **18.07.080 Compliance**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction unless otherwise subject to criminal penalties as prescribed in Section 17.08.010. Nothing contained in this title shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation

#### **18.07.090 Abrogation and greater restrictions**

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **18.70.100 Interpretation**

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements.
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

### **18.07.110 Warning and disclaimer of liability**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made thereunder.

### **18.07.115 Severability**

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter, or any portion thereof other than the section so declared to be unconstitutional or invalid.

### **18.07.120 Establishment of development permit**

A. Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 18.07.070. The permit shall be for all structures including manufactured homes, as set forth in Section 18.07.050, and for all development including fill and other activities, also as set forth in Section 18.07.050. Development permit review may be performed in connection with the underlying permit (i.e., building permit, fill and grade approval, etc.) and conditions may be attached to said permit to fulfill the requirements of this chapter.

B. Application for Development Permit. Application for a development permit shall be made on forms furnished by the building official or his designee and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

1. Height of the base flood elevation (BFE) at the site as determined by a licensed surveyor as it relates to existing grade/conditions at the site.
2. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.

3. Elevation in relation to mean sea level to which any nonresidential structure has been floodproofed.
4. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 18.07.310;
5. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development; and
6. Submission of a fully completed ESA Listed Salmonids and Floodplains Checklist or other information pursuant to Section 18.07.360 unless exempt pursuant to Section 18.07.370.

#### **18.07.130 Designation of the floodplain administrator**

The chief building official is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions. The floodplain administrator may delegate authority to implement these provisions as appropriate to other departments (i.e., ESA compliance would be reviewed by the department of community development).

#### **18.07.140 Duties and responsibilities of the responsible official**

Duties of the chief building official or his designee shall include, but not be limited to, those provisions set forth in Sections 18.07.150 through 18.07.190

#### **18.07.150 Permit review**

Provisions for reviewing development permits shall include the following:

- A. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
- B. Review all development permits to determine that all required permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- C. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 18.07.340(A) are met.

#### **18.07.160 Use of other base flood data**

When base flood elevation data has not been provided in accordance with Section 18.07.070, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 18.07.290 through 18.07.340.

**18.07.170 Information to be obtained and maintained**

A. Where base flood elevation data is provided through the flood insurance study or required as in Section 18.07.160, obtain and record the actual as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

B. For all new or substantially improved floodproofed structures:

1. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and

2. Maintain the floodproofing certifications required in Section 18.07.120(B).

C. Maintain for public inspection all records pertaining to the provisions of this chapter.

**18.07.180 Notification to other entities**

A. Whenever a watercourse is to be altered or relocated it may only be done in compliance with the provisions of Title 21, Environmental Protection, and when adjacent communities and the State Coordinating Office are notified prior to such alteration or relocation of said watercourse and evidence of such notification is submitted to the Federal Insurance Administrator through appropriate notification means, and assurance is provided that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

B. Base flood elevation may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the floodplain administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that, upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

C. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation, or otherwise of additional areas of jurisdiction.

**18.07.190 Interpretation of FIRM boundaries**

Make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 18.07.200 through 18.07.220.

**18.07.200 Variance procedure**

The variance procedure for the city shall be as set out in Sections 18.07.210 and 18.07.220.

### **18.07.210 Appeal board**

A. The hearings examiner of the city of Shelton shall hear and decide appeals and requests for variance from the requirements of this chapter pursuant to Chapter 2.36.

B. The hearings examiner of the city of Shelton shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the responsible official in the enforcement or administration of this chapter.

C. In passing upon such applications, the hearings examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The necessity to the facility of a waterfront location, where applicable.
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

D. Upon consideration of the factors of subsection C of this section and the purposes of this chapter, the hearings examiner may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

E. The responsible official shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

### **18.07.220 Conditions for variances**

A. General. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not shared by adjacent parcels. This unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners. It is the duty of the city of Shelton to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the base flood elevation are so serious that variances from the flood elevation or from other requirements in this chapter should be quite rare. The long-term goal of preventing and reducing flood

loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives, other than a variance, are more appropriate.

B. Variances shall only be issued:

1. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing zoning laws or ordinances.
2. For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Upon a showing of good and sufficient cause.
5. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant.
6. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities that fall under the definition of "functionally dependent use."

C. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

D. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, provided all pertinent procedures and considerations required by this chapter have been followed. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

E. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

F. Any applicant to whom a variance is granted shall be given written notice that a structure built with a lowest floor elevation below the base flood elevation will result in increased premium rates for flood insurance and such construction below the base flood elevation increases risks to life and property.

G. The floodplain administrator shall maintain a record for all variance actions including justification for their issuance.

#### **18.07.230 General standards**

In all areas of special flood hazards, the standards set out in Sections 18.07.230 through 18.07.280 are required.

#### **18.07.240 Anchoring**

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

#### **18.07.250 Construction materials and methods**

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Locating such equipment below the base flood elevation may cause annual flood insurance premiums to be increased.

D. In zones AO and AH, all new construction shall provide drainage paths around structures on slopes.

#### **18.07.260 Utilities**

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.



#### **18.07.270 Development proposals**

A. All new development proposals, including subdivisions and mobile home parks, shall assure that each lot has sufficient building area outside the area of special flood hazard and/or that the resultant lot/site has sufficient area to provide access to structures that are elevated above the base flood elevation as required by this chapter.

B. All new development proposals, including subdivisions and mobile home parks, shall be consistent with the need to minimize flood damage.

C. All new development proposals, including subdivisions and mobile home parks, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

D. All new development proposals, including subdivisions and mobile home parks, shall have adequate drainage provided to reduce exposure to flood damage; and

E. Include base flood elevation data for all development proposals, including subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).

#### **18.07.280 Review of building permits**

Where elevation data is not available either through the flood insurance study or from another authoritative source (Section 18.07.160), applications for building permits shall be reviewed to ensure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

#### **18.07.290 Specific standards**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 18.07.070 or 18.07.160, the provisions set out in Sections 18.07.300 through 18.07.330 are required.

#### **18.07.300 Residential construction**

A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement and related electrical and mechanical equipment, elevated one foot or more above base flood elevation.

B. Fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage and which are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting these requirements must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.

3. Openings may be equipped with screens, louvers or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

#### **18.07.310 Nonresidential construction**

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- A. Be flood proofed so that, below one foot above the base flood level, the structure is watertight with walls substantially non permeable to the passage of water.
- B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- C. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 18.07.170(B).
- D. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 18.07.300(B).
- E. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base flood level will be rated as at the base flood level).

#### **18.07.320 Critical facility**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the base floodplain. Construction of new critical facilities shall be permissible within the base floodplain if no feasible alternative site is available. Critical facilities constructed within the base floodplain shall have the lowest floor elevated to a minimum of one foot and, preferably, three feet or more, where feasible, above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base floodplain shall be provided to all critical facilities to the extent possible.

#### **18.07.330 Manufactured homes**

All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home, and all related electrical and mechanical equipment, is one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

#### **18.07.331 Recreational vehicles**

Recreational vehicles placed on sites are required to be in compliance with applicable zoning regulations and either:

- A. Be on the site for fewer than one hundred eighty consecutive days.

- B. Be fully licensed and ready for highway use, on its wheels or jacking system, and attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- C. Meet the requirements of Section 18.07.330 and the elevation and anchoring requirements for manufactured homes.

#### **18.07.340 Floodways**

Located within areas of special flood hazard established in Section 18.07.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

1. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and

2. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either:

- a. Before the repair, reconstruction, or improvements are started; or

- b. If the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the fifty percent.

C. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 18.07.230 through 18.07.330.

D. If no regulatory floodway has been designated for a waterway, no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1 through A30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

### **18.07.350 Wetlands management**

To the maximum extent possible, avoid the short- and long-term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetlands to alleviate flooding impacts. The following process should be implemented:

- A. Review proposals for development within base floodplains for their possible impacts on wetlands located within the floodplains and compliance with Chapter 21.64 (Critical Area Protection) and the City of Shelton shoreline master program, as applicable;
- B. Ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the wetlands' ability to reduce flood and storm drainage.
- C. Request technical assistance from the Department of Ecology in identifying wetland areas. Existing wetland map information from the National Wetlands Inventory (NWI) can be used in conjunction with the community's FIRM to prepare an overlay zone indicating critical wetland areas deserving special attention.

### **18.07.360 Compliance with Endangered Species Act**

A. All proposals for development subject to this chapter shall complete the ESA Listed Salmonids and Floodplains Checklist to aid city staff in determination as to whether a full habitat assessment is required to be provided pursuant to the biological opinion (BiOp) issued by the National Marine Fisheries Service on September 22, 2008, unless exempted under Section 18.07.370.

B. No floodplain development permits may be issued by the city of Shelton on any parcel unless the planning director or designee, after review of the ESA Listed Salmonids and Floodplains Checklist or a habitat assessment report provided by the applicant, has determined the development meets the standards of NE or NLAA, or the applicant submits a letter from the National Marine Fisheries Service or the Federal Emergency Management Agency stating that the development complies with the requirements of the biological opinion and the Endangered Species Act. Further, if the planning director or designee determines that the development is LAA and cannot be conditioned or redesigned to be redesignated NE or NLAA, the city may not issue the development permit unless the applicant submits a letter from the National Marine Fisheries Service or the Federal Emergency Management Agency demonstrating concurrence through a consultation pursuant to the Endangered Species Act or the applicant is issued an incidental take permit under Section 10 of the Endangered Species Act. The ESA Listed Salmonids Floodplain Checklist, habitat assessment report, and/or concurrence letter from the National Marine Fisheries Service or the Federal Emergency Management Agency shall be retained in the permit file for the development.

### **18.07.370 Exemptions from demonstration of compliance with the Endangered Species Act**

The following development is exempt from the requirement for completion of an ESA Listed Salmonids and Floodplains Checklist, habitat assessment, and/or concurrence letter as set forth in Section 18.07.360:

- A. Repair or remodel of an existing building within its existing footprint, including buildings damaged by fire or acts of nature.
- B. Expansion of an existing structure that is no greater than ten percent beyond its existing footprint; provided, that the expansion is not a substantial improvement or part of a repair of substantial damage. This measurement is counted cumulatively from September 11, 2011. If the structure is in the floodway there shall be no change in the dimensions perpendicular to flow.
- C. Removal of noxious weeds, invasive weeds, and other nonnative species and replacement with native vegetation.
- D. Normal maintenance of structures such as re-roofing, painting, replacement of doors and windows, replacement of roof-mounted HVAC systems, replacement/installation of wall signs, and replacement of siding.
- E. Normal street, road, and parking lot maintenance, including filling potholes, repaving, installation of signs and traffic signals but not including expansion of paved areas.
- F. Normal maintenance of above ground utilities and facilities, such as replacement of power lines and utility poles.
- G. Maintenance of lawns, gardens, and existing yard/open space areas.
- H. Development of open space and recreational facilities such as parks and trails that do not include structures, fill, impervious surfaces, or removal of more than five percent of the native vegetation on that portion of the property in the regulatory floodplain.

**Section 2.** This Ordinance shall take effect and be in force five (5) days after passage and publication, as required by law.

Passed this 21<sup>st</sup> day of June 2022.

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Eric Onisko, Mayor

AUTHENTICATED:

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Donna Nault, City Clerk





**CITY OF SHELTON  
COUNCIL BRIEFING REQUEST  
(Agenda Item G1)**

Touch Date: 05/24/2022  
Brief Date: 06/07/2022  
Action Date: 06/07/2022\*  
(\*Requested Action Date)

Department: Community Development  
Presented By: Jason Dose

**APPROVED FOR COUNCIL PACKET:**

Action Requested:

**ROUTE TO:**

**REVIEWED:**

**PROGRAM/PROJECT TITLE:**

**City of Shelton Historic  
Preservation Board Appointments**

Ordinance

Dept. Head \_\_\_\_\_

**ATTACHMENTS:  
N/A**

Resolution

Finance Director \_\_\_\_\_

Motion

Attorney \_\_\_\_\_

City Clerk \_\_\_\_\_

Other

City Manager \_\_\_\_\_

**DESCRIPTION OF THE PROGRAM/PROJECT AND BACKGROUND INFORMATION:**

Chapter 2.76 of the Shelton Municipal Code codifies the City’s regulations pertaining to Historic Preservation. Section 2.76 of the Chapter establishes the Shelton Historic Preservation Board. Pursuant to the code, the board is made up of seven members appointed by the City Council. The board members are appointed to serve three-year terms and are tasked with aiding the City in maintaining the City’s historic resources inventory, maintenance of the City’s Historic Register, reviewing properties or structures nominated to be included on the City’s Historic Register, reviewing proposed alterations to existing structures and/or construction of new structures that are on the City’s Historic Register and/or within a historic district, assist City staff in preparation of plans for improvements within historic districts (including City-sponsored Capital Improvement projects), and to encourage the preservation of historic resources and help provide outreach and education to the public regarding historic resources in and around the City, among other things.

The City of Shelton put out a public call for volunteers to submit for appointment to the Historic Preservation Board on April 15, 2022. The City received seven requests from residents for Council consideration for appointment to the Board. Section 2.76.040 of Chapter 2.76 codifies the City’s requirements for Composition of the Board and reads as follows (in *italics*):

1. *All members of the board must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgment.*
2. *The mayor shall make reasonable efforts to appoint members who have experience in identifying, evaluating and protecting historic resources and are selected from among the disciplines of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, American studies, law and real estate. At least five board members shall be residents of the city.*

3. *In making appointments, the mayor may consider names submitted from any source, but the mayor shall notify history- and city development-related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organization for consideration along with names from any other source.*

The City has received seven requests from residents to be appointed to the board, as follows (in no particular order, with City staff summarizing their submitted interest/background statements):

- 1) **William (Bill) Busacca.** Bill is a longtime Shelton resident and, until recently, business owner who resides in the North Sheltonville Neighborhood Local Historic District. Bill's home, while somewhat recently built, is somewhat iconic in the neighborhood for its design in the Craftsman architectural style (a historic style very common in neighborhoods throughout Shelton and the West Coast as a whole). Bill has been on the Historic Preservation Board for nearly a decade. He is requesting to be re-appointed to the board.
- 2) **Tristen Star.** Tristen is a longtime resident of Shelton whose been on the Historic Preservation Board for over a decade. She's been involved in several projects with the board over the years and brings a diverse educational background in Art History with degrees in Fashion Design, Sociology and Rehabilitation Services, and a Masters Degree in Counseling. Tristen is requesting to be re-appointed to the board.
- 3) **Mike Olsen.** Mike is a longtime Shelton resident, business owner, former City of Shelton Commissioner, and former Historic Preservation Board member (2009-2012). Mike was instrumental in helping to create Shelton's two historic districts (The North Sheltonville Neighborhood and the Simpson Reed Local Historic Districts) and has been involved in the renovation of several local historic homes and placement of (at least) four on the Shelton Register of Historic Places. Mike has extensive experience as a residential building contractor and, specifically, experience in designing and building renovations/restoration to historic structures. Mike is requesting to be appointed to the board.
- 4) **Kathleen Waugh.** Kathleen is a very longtime Shelton resident and has resided in her historic home (her home is on the local register of historic places) located in the North Sheltonville Neighborhood Local Historic District for 43 years. Kathleen has been a member of the Historic Preservation Board for nine years. Kathleen has a Bachelor of Arts degree in history and worked for the Washington State Archives for nearly 30 years. She is requesting to be re-appointed to the board.
- 5) **Tristen Smith.** Tristen is a Shelton resident who resides in the North Sheltonville Neighborhood Local Historic District for over five years. She has a degree in Design with a minor in Business Management and brings extensive experience in the building trade retail supply arena and associated products and materials common in the industry. Tristen is requesting to be appointed to the board.
- 6) **Laurie Ducatt.** Laurie has resided in Shelton for 2.5 years and is actively involved with the Mason County Historical Society Museum. Laurie has helped to process/scan and build content on local landmarks for upload and inclusion on the Clio website (a website devoted to cataloguing various historic resources throughout the nation) as well as acting as her personal, family, historian. Laurie is requesting to be appointed to the board.
- 7) **Dana Anderson.** Dana is a very longtime Shelton resident and business owner who was on the Historic Preservation Board from 1995 until 2010. She's been involved in several City committees over the years and has a diverse understanding of Shelton's resources and various board operations. Staff side note (not included in her request for appointment): When Dana's personal home was damaged by fire several years ago she chose to rebuild the home in a very historic style, of her own accord, in appreciation of architectural styles typical in many of Shelton's historic neighborhoods and homes. Dana is requesting to be appointed to the board.

Staff is asking the City Council to appoint all seven members at this time as the existing board terms all ran out during the COVID 19 pandemic and staff is "catching up", in a sense, to return the board to full membership. In staff's estimation, the diverse mix in background displayed by each applicant, along with all of their common and genuine appreciation, love, and interest in Historic Preservation in general, should provide a good make up



for the Historic Preservation Board.

ANALYSIS/OPTIONS/ALTERNATIVES:

The Shelton City Council could opt to appoint some, all, or none of the members to the City of Shelton Historic Preservation Board.

BUDGET/FISCAL INFORMATION:

Staff time for supporting the board is currently within the City Budget.

PUBLIC INFORMATION REQUIREMENTS:

A request for volunteers was put out in Social Media and in a Press Release on April 15, 2022.

STAFF RECOMMENDATION/MOTION:

Staff recommends the following motion: "I move that the City Council appoint all seven applicants for appointment to the City of Shelton Historic Preservation Board as outlined in Staff's Brief."



**CITY OF SHELTON  
COUNCIL BRIEFING REQUEST  
(Agenda Item G2)**

Touch Date: 02/15/2022  
Brief Date: 06/07/2022  
Action Date: 06/07/2022

Department: Community Development  
Presented By: Mark Ziegler, Director

**APPROVED FOR COUNCIL PACKET:**

Action Requested:

**ROUTE TO:**

**REVIEWED:**

PROGRAM/PROJECT TITLE:  
**Parks and Recreation  
Advisory Committee  
Appointment**

- Ordinance
- Resolution
- Motion
- Other

Dept. Head

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Finance Director

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Attorney

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City Clerk

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City Manager

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ATTACHMENTS:  
**N/A**

DESCRIPTION OF THE PROGRAM/PROJECT AND BACKGROUND INFORMATION:

The Parks and Recreation Advisory Committee is tasked by ordinance to make recommendations to the Council on future parks and recreational resources, make recommendations on park use and regulations, serve a liaison to the community, and assist in comprehensive planning efforts.

Debra Dozier has recently submitted a letter of resignation from the committee. Two letters of interest have been submitted by individuals to fill the vacancy. Staff recommends the appointment of Sarah DeHart to fill the remainder of the term vacated by Ms. Dozier through December 31, 2025.

ANALYSIS/OPTIONS/ALTERNATIVES:

N/A

BUDGET/FISCAL INFORMATION:

N/A

PUBLIC INFORMATION REQUIREMENTS:

N/A

STAFF RECOMMENDATION/MOTION:

"I move to appoint Sarah Dehart to the Parks and Recreation Advisory Committee."



**CITY OF SHELTON  
COUNCIL BRIEFING REQUEST  
(Agenda Item G3)**

Touch Date: 10/26/2021  
Brief Date: 02/15/2022  
Action Date: 06/07/2022

Department: Executive  
Presented By: Jeff Niten

**APPROVED FOR COUNCIL PACKET:**

Action Requested:

**ROUTE TO:**

**REVIEWED:**

PROGRAM/PROJECT TITLE:  
**Animal Control Regulations**

Ordinance

Dept. Head

\_\_\_\_\_

ATTACHMENTS:  
**- Ordinance No. 1983-0122**

Resolution

Finance Director

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Motion

Attorney

\_\_\_\_\_

Other

City Clerk

\_\_\_\_\_

City Manager

02/03/2022

**DESCRIPTION OF THE PROGRAM/PROJECT AND BACKGROUND INFORMATION:**

City staff have been analyzing proposed updates to the Shelton Municipal Code to ensure clarity and to provide concise regulations intended to address issues identified in the community. One of the sections of Code identified was SMC 7.04 through 7.08 Animal Control.

Several proposed changes to the code were identified by staff and presented to the City Council in a study session held on October 26, 2021. At that time Council requested staff address elements of the proposed code related to incentives for animals that are microchipped, leash length maximums and chickens within the Neighborhood Residential (NR) zone. Following a public hearing on February 15, 2022 and an additional study session held on April 12, 2022 staff has made additional changes based on City Council direction.

Staff has further revised the Ordinance including section numbering for clarity to allow up to 5 chickens on parcels of any size zoned Neighborhood Residential, and to provide at least three business days to reclaim a pet following notification.

**ANALYSIS/OPTIONS/ALTERNATIVES:**

Staff will, following discussions among Council members, further refine the attached language to ensure the adopted language meets the intent of City Council.

**BUDGET/FISCAL INFORMATION:**

None

**PUBLIC INFORMATION REQUIREMENTS:**

Information can be obtained from the City Clerk.

**STAFF RECOMMENDATION/MOTION:**

"I move that we approve Ordinance No. 1983-0122 as presented".

**ORDINANCE NO. 1983-0122**

**AN ORDINANCE OF THE CITY OF SHELTON WASHINGTON AMENDING TITLE 7 AND SECTION 7.02.010 OF THE SHELTON MUNICIPAL CODE RELATING TO ANIMAL CONTROL**

WHEREAS, the City of Shelton has police power authority to protect public health, welfare and safety by regulating animals within the City limits; and

WHEREAS, the City Council wishes to update its municipal code provisions relating to the regulation of animals.

NOW, THEREFORE, the Shelton City Council hereby ordains as follows:

Section 1. A new Section 7.02.010, entitled "Definitions," is added to the Shelton Municipal Code to read as follows:

A. The following definitions apply throughout Title 7 of the Shelton Municipal Code:

1. Except where the Code expressly applies only to dogs, cats, or domestic animals, "animal" means any nonhuman mammal, bird, reptile or amphibian.
2. "Animal control officer" means any individual employed, contracted, or appointed by the City of Shelton to aid in the enforcement of ordinances or laws regulating the care and control of animals.
3. "Altered" means a domestic animal has been spayed or neutered.
4. "At large" means an animal that is off or outside its owner's property, has no licensed owner, or has been abandoned by its owner, and is not being securely confined by a responsible party or restrained by a leash.
5. "Euthanize" means to humanely kill an animal through legal means, such as by a licensed veterinary service.
6. "Foster home" means a temporary home with approval by the animal control officer to house lost, abandoned, or unwanted dogs and cats until an adoptive home is located.

7. "K-9 law enforcement dog" means a dog used by a law enforcement agency that is specially trained for law enforcement work.
8. "Law enforcement officer" means an individual employed, contracted, appointed or otherwise authorized by law to aid in the enforcement of ordinances or laws regulating the care and/or control of animals.
9. "Leash" means to physically restrain an animal by lead or chain ~~6~~ 20 feet or less in length.
10. "Microchip" means permanent electronic identification injected into an animal.
11. "Owner" means any person who has a right, claim, title, legal share, or right of possession to an animal or a person having lawful control, custody, or possession of an animal.
12. "Pet animal" means a tamed or domesticated animal legally retained by a person and kept as a companion. "Pet animal" does not include livestock raised for commercial purposes.
13. "Rabies certificate" means a verification from a licensed veterinarian that an animal has been vaccinated against rabies.
14. "Service dog" means any animal that is trained or being trained to aid a person who has a visual, hearing, or mobility impairment or other disability, and is used for that purpose in accordance with the Americans with Disabilities Act. The term does not include animals whose sole purpose is to provide comfort or emotional support.
15. "Spay or neuter" means surgical procedures performed in order to prevent animals from reproducing.

**Section 2.** Chapter 7.04 of the Shelton Municipal Code is amended to read as follows:

**7.04.010 Purpose.**

It is the policy of the city of Shelton to secure and maintain a level of animal control sufficient to protect human health and safety, and to the greatest degree practicable, prevent injury to property. To this end, it is the purpose of this chapter to provide a means of licensing dogs and cats, ~~and~~ controlling errant animal behavior and ~~to~~ avoiding public nuisance. Nothing in this

chapter shall limit or regulate any dog or other animal used by an animal control or law enforcement officer in performing official duties.

**~~7.04.020 Definitions—Principles of liability.~~**

~~A. Principles of liability as defined in Chapter 9A.08 RCW apply to this chapter.~~

~~B. The following definitions apply throughout this chapter:~~

~~1. “Animal control officer” means any individual employed, contracted, or appointed by the city of Shelton to aid in the enforcement of ordinances or laws regulating the care and control of animals.~~

~~2. “Chief of police” means the chief of police of the city of Shelton, Washington, police department.~~

~~3. “Owner” means any person who has a right, claim, title, legal share, or right of possession to an animal or a person having lawful control, custody, or possession of an animal.~~

~~4. “Pet animal” means a tamed or domesticated animal legally retained by a person and kept as a companion. “Pet animal” does not include livestock raised for commercial purposes.~~

**7.04.0230 Licensing.**

A. All dogs and cats kept in the city of Shelton over six months of age shall be licensed and registered annually, except animals that have been implanted with a microchip identification device in which case a life time licensing fee applies. Before a license is issued by the city, the owner must ~~show proof that the animal has a valid rabies vaccination~~ provide a rabies vaccination certificate.

B. The following animals are exempt from licensing:

1. Animals kept by registered nonprofit animal welfare organizations;

2. Animals kept in foster homes for dogs and cats that are affiliated with a registered nonprofit animal welfare organization;

3. K9 officer dogs;

4. Service dogs with proof of rabies certificate.

**7.04.0340 Fees—Penalty.**

Licenses shall be issued by the city of Shelton upon application and payment of an annual license fee to the city of Shelton. The annual license fee is due ~~and payable on January 1st of each year~~ at the time of application. ~~The license fee will not be reduced, regardless of the date on which the application is submitted, except in the case of a lost or transferred license.~~ Dog ~~license~~ fees shall be set by resolution, and shall offer a reduced fee for animals that are altered and/or microchipped. Microchipped animals are subject to a one time lifetime licensing fee.

**7.04.0450 Term of license.**

Licenses shall expire ~~on the thirty-first day of December of each year~~ one year after issuance. Licenses issued to microchipped animals shall be in effect for the lifetime of the animal.

**7.04.0560 Tags required.**

It shall be the duty of the owner to see that the license tag is attached to a suitable collar and kept on the dog or cat.

**7.04.0670 Removal of tags.**

It is unlawful for any person to remove the license tag from any dog or cat, except:

- A. Where there is a lawful change of ownership;
- B. When or for the purpose of renewing the license tag is being renewed.
- C. When the dog or cat is inside the home or securely confined on the property of the legal owner.

**7.04.080 Effect of change of ownership on license—Lost license.**

A. It is unlawful for any owner to use any license tag for any dog or cat other than the one for which it has been issued.

B. In case of a transfer of ownership of a licensed dog or cat, the new owner shall apply for a transfer and ~~there will be~~ pay a nominal transfer fee set by resolution.

C. In case of a lost license, the owner shall apply for a replacement license and ~~there will be~~ pay a nominal replacement fee set by resolution.

**7.04.090 Maximum Number of dogs and cats allowed.**

A. No more than ~~three~~ four dogs and/or cats ~~dogs~~ over the age of six months may be owned, maintained, kept or trained at any one residence, for a maximum total of four animals, except in a licensed kennel or cattery which must be sited in accordance with all applicable

Shelton Municipal Code zoning provisions. After giving a written warning and a minimum of thirty (30) days to comply, the City may impound animals that are over the maximum number.

**7.04.100 Impounding dogs and cats —Procedure and authority.**

A. The city will maintain a suitable pound for dogs and cats and will ensure that all dogs and cats kept in that facility are adequately fed and treated in a humane manner. The city may seize and impound any dog or cat deemed a nuisance or at large, or when any person persists despite a written warning notice in keeping a number of animals over the maximum number allowed by this Chapter.

~~A.— A dog may be seized and impounded by the city upon written or oral complaint of any person who has actually witnessed the dog behaving in a manner which constitutes a nuisance as defined by this chapter.~~

B. The impounding officer shall, upon the impound of any dog or cat, make a complete registry, entering the breed, color and sex of such dog or cat and whether licensed, and the time and place of impound. If licensed, the officer shall also enter the name and address of the owner and the license number from the license tag.

C. The dog or cat's known or reputed owner will be notified of such impound, the procedure to ~~redeem~~ reclaim the dog or cat, and the appeal process as soon as ~~is practicable~~ possible.

**7.04.1010 Impounded dog or cat boarding fee.**

If any dog or cat is held in impound for more than ~~forty-eight~~ twenty-four hours, the owner will be charged a boarding fee for each additional day that the dog or cat is in impound. Such fee will be set by resolution and will be assessed as of ten a.m. of each day, beginning on the ~~third~~ second day after the dog or cat's impound.

**7.04.1120 ~~Redemption~~ Reclaiming procedure -failure to reclaim.**

~~A.— In City Residents.~~

~~1.— Redemption. Residents of the city of Shelton whose dog has been impounded under this chapter may redeem it~~ A. Reclaim period. Legal owners and persons authorized by legal owners may redeem impounded dogs and cats within three business days from the date the City notifies the owner that the animal has been impounded. of impound by paying to the city of Shelton the impound fee, applicable boarding fees and any unpaid dog licensing fees. Calculation of the period shall begin on the first business day following the dog's impound.



B. Requirements for reclaiming. Any person wishing to reclaim a dog or cat must be eighteen years or older with proof of age, provide proof of legal ownership or verifiable permission from the owner to reclaim the animal, and bring a collar and leash or crate to securely transport the animal. City residents must license the animal and pay any unpaid licensing fees before the animal may be reclaimed. Impound fees and boarding fees shall be due at the time the animal is reclaimed.

~~2. Notice. If the impounded dog has a license tag or other identification reflecting ownership, the city will make a reasonable effort to notify the apparent owner.~~

~~3B. Adoption. If the dog or cat is not redeemed~~ reclaimed by the owner within ~~three~~ seven business days after the owner is notified, any other person may adopt the dog or cat by paying the fee set by resolution; ~~provided, that the dog's owner has not petitioned the chief of police for the dog's release.~~ The adoption fee shall include a spay or neuter of the dog or cat and a rabies vaccination to be arranged by and paid for by the city of Shelton before the animal is released to the adopting owner ~~adoption is considered final.~~ If the adopting owner is a city resident, the dog or cat shall be licensed in the city prior to adoption.

~~4C. Disposition or Destruction. Within the discretion of the city, if the dog or cat is not reclaimed by the owner within three seven business days and a reasonably prompt adoption is not arranged, redeemed four business days from the date of impound, and no petition has been made, the dog or cat may be humanely destroyed or otherwise disposed of~~ transferred to a registered nonprofit animal welfare organization if the animal is suitable for adoption, or else euthanized by a licensed veterinarian.

~~B. Out of City Residents.~~

~~1. Redemption. Nonresidents of the city of Shelton whose dog has been impounded under this chapter may redeem it within three business days from the date of impound by paying to the city of Shelton the impound fee and applicable boarding fees. Calculation of the redemption period shall begin on the first business day following the dog's impound.~~

~~2. Notice. If the impounded dog has a license tag or other identification reflecting ownership, the city will make a reasonable effort to notify the apparent owner.~~

~~3. Adoption. If the dog is not redeemed by the owner within three business days, any other person may adopt the dog by paying a fee set by resolution; provided, that the~~

~~dog's owner has not petitioned the chief of police for the dog's release. The adoption fee shall include a spay or neuter of the dog to be arranged by and paid for by the city of Shelton before the adoption is considered final.~~

~~4.—Disposition or Destruction. Within the discretion of the city, if the dog is not redeemed or adopted four business days from the date of impound, and no petition has been made, the dog may be humanely destroyed or otherwise disposed of.~~

#### **7.04.130 Appeal procedure.**

~~Within three business days of the date of impound, an owner may seek administrative review to prevent the animal's destruction or adoption by providing a written petition to the chief of police. The chief of police may impose conditions in order to return the animal or deny the request and allow the animal to be adopted, destroyed, or otherwise disposed of. The chief of police will respond to any such petition within ten business days of receiving such request. The city shall not allow adoption, disposal, or destruction of the animal once a request has been made until such time as the chief of police has answered the petition and instructed the animal control officer in what manner the officer is to proceed.~~

#### **7.04.120 Reporting found animals**

Anyone finding a dog or cat shall notify animal control or the owner directly, if the owner is able to be determined. Finders shall not keep or rehome found animals except upon agreement by the animal control officer to foster the animal.

#### **7.04.150 Injured and diseased ~~pet~~ animals—Euthanasia ~~Destruction~~—~~Immunity from liability.~~**

~~A. Any ~~pet~~ animal in the possession of the city that is obviously diseased or has been seriously injured and would otherwise continue to suffer shall be taken to a licensed veterinarian for consultation and, if necessary, euthanized ~~destroyed by an animal control officer.~~ Likewise, any ~~pet~~ animal that is obviously diseased and is a likely threat to the health and safety of humans and/or other animals may be impounded and destroyed by an animal control officer. Such actions shall be undertaken with reasonable prudence and, whenever possible, in consultation with a licensed veterinarian and the owner of the ~~pet~~ animal.~~

~~B.—Animal control officers and licensed veterinarians shall be immune from civil and criminal liability for actions taken under this chapter if reasonable prudence is exercised in carrying out the provisions of this section.~~

#### **7.04.160 Nuisance.**

It is unlawful for any owner or custodian of a dog or cat to allow the dog or cat to become a nuisance within the city of Shelton. For the purposes of this chapter, “nuisance” is defined as follows:

~~A. Any dog not licensed as provided for by this chapter;~~

~~B. Any dog running at large in violation of the provisions of this chapter;~~

~~C. Any dog which by frequent or habitual howling, whining, yelping or barking unreasonably disturbs the peace and quiet of persons in the neighborhood continually for at least 30 minutes;~~

~~D. Any dog or cat which causes measurable or costly damage to any property other than that of its owner;~~

~~C. Animals that deposit waste on public property or upon private property without the permission of the owner;~~

~~D. Dogs that chase vehicles, bicycles, people, or pets.~~

#### **7.04.170 Dogs at large prohibited.**

It is unlawful for any person to allow any dog owned, or kept by him/her in the city of Shelton, to stray beyond the owner or custodian’s premises. Any time a dog is outside of the owner or custodian’s premises, the dog shall be controlled by a leash or chain not exceeding eight feet in length that is joined to the owner or a duly authorized and competent person; provided, however, that such restraint is not required for any dog when safely and securely held by the owner or confined or controlled in or upon a vehicle.

#### **7.04.180 Dogs prohibited in city parks—Exemptions.**

No owner or custodian of a dog shall allow ~~the~~ an unleashed dog to enter any city of Shelton park, except in designated off-leash areas and in accordance with the rules for that area; ~~whether the dog is on a leash or unleashed. Medically necessary and law enforcement dogs are exempt from this provision.~~

#### **~~7.04.190 Diseased animals.~~**

~~Any owner or custodian of a diseased animal, who allows the animal to roam beyond the owner or custodian’s property, or who sells or gifts such animal knowing it to be diseased without first apprising the purchaser or person taking the animal of the existence of such disease, shall be guilty of a misdemeanor.~~

**7.04.2100 Pet animals—Taking and/or concealing—Penalty.**

Any person who, with intent to deprive or defraud the owner thereof, takes, leads away, confines, secretes or converts any pet animal, or conceals the identity of any pet animal or the identity of such animal's owner by obscuring or removing from the animal any collar, tag, license, tattoo or other means of identification shall be guilty of a misdemeanor.

**~~7.04.210 Obstructing a law enforcement officer.~~**

~~RCW 9A.76.020, Obstructing a law enforcement officer, as now enacted or hereafter amended is adopted herein by reference. Obstructing a law enforcement officer is a gross misdemeanor.~~

**7.04.210 Carrying animals on outside part of vehicle.**

It shall be unlawful for any person to transport any living animal on the running board, fenders, hood, truck bed, or other outside part of any vehicle unless restrained by a suitable harness, cage or enclosure that is attached to the vehicle so as to protect such animal from falling or being thrown from the vehicle.

**7.04.220 Violation—Penalties.**

Unless otherwise set forth in this chapter, a violation of any provision of this chapter shall constitute a Class 3 civil infraction per Chap. 7.80 RCW for a first offense; a Class 2 civil infraction per Chap. 7.80 RCW for a second offense; and a Class 1 civil infraction per Chap. 7.80 RCW for a third offense. Subsequent violations shall constitute a misdemeanor, punishable by a fine of \$1,000 or 90 days in jail. ~~civil infraction. The first notice of violation shall be one hundred dollars and two hundred fifty dollars for each successive violation in any calendar year.~~

**Section 3.** Chapter 7.05 of the Shelton Municipal Code is repealed in its entirety.

**Section 4.** The following additional state law provisions prohibiting animal cruelty are incorporated into Section 9.02.010 of the Shelton Municipal Code: RCW 16.52.080 (transporting/confining in unsafe manner), 16.52.085 (removal of animals for feeding and care), 16.52.095 (prohibited veterinary procedures), 16.52.100 (confinement without food and water), 16.52.190 (poisoning animals), 16.52.200 (sentencing/forfeiture of animals), 16.52.340 (leaving animals in motor vehicles), and 16.52.350 (dog tethering).

**Section 5.** Chapter 7.06 of the Shelton Municipal Code is renamed "Potentially Dangerous and Dangerous Dogs" and amended as follows:

**7.06.010 Adopting state statute.**

Chapter 16.08 of the animals and livestock law of the state of Washington (RCW Title 16) as now enacted or hereafter amended is hereby adopted by reference, as a part of the dangerous

dog laws of the city of Shelton, with the exception of any provision constituting a felony and any provision in conflict with the city of Shelton dangerous dogs ordinance. Where this chapter is in conflict with Chapter 16.08 RCW, the Shelton Municipal Code shall govern

#### **7.06.020 Fees and Costs.**

An annual fee to register a potentially dangerous dog, in addition to a regular dog license fee, may be imposed by the city. In addition, any costs of confinement, control and/or destruction of the dog, if it has been determined to be “potentially dangerous” or “dangerous,” shall be the responsibility of the dog’s owner. Fees and costs may be set by the animal control authority as necessary to offset the City’s costs. ~~will be set by resolution.~~

#### **7.06.030 Potentially dangerous dogs.**

A. The animal control authority ~~shall~~ may declare a dog potentially dangerous if ~~it appears~~ there is probable cause to believe that a dog meets the definition of “potentially dangerous dog” as defined under RCW 16.08.070.

B. Upon determination that a dog is potentially dangerous, the animal control authority shall serve a potentially dangerous dog declaration upon the dog owner in person or by regular and certified mail, return receipt requested.

C. The potentially dangerous dog declaration shall contain:

1. A description of the animal;
2. The name and address of the owner if known;
3. The location of the animal;
4. A warning that states, “The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether or not the dog has previously been declared potentially dangerous or dangerous, shall, upon conviction, be guilty of a Class C felony”;
5. The statutory basis for the action;
6. The reasons the authority considers the animal potentially dangerous, including a reasonably specific description of how the animal inflicted bites on a human or domestic animal (including a dog or cat); chased or approached a person in a menacing fashion; or

has a known disposition to attack unprovoked, cause injury, or otherwise threaten safety of humans or domestic animals;

7. A statement that the dog is prohibited within the city of Shelton if ultimately declared dangerous;

8. An explanation of the owner's rights and proper procedure for appealing the "potentially dangerous dog" ~~or "dangerous dog"~~ declaration; and

9. Restrictions imposed on the animal, such as a requirement for the animal to be securely enclosed on the owner's property and securely leashed and muzzled outside the property; a surety bond and/or insurance; and/or warning signs; and

~~9. The requirement that the potentially dangerous dog be properly microchipped by a licensed veterinarian of the owner's choice, at the sole expense of the owner, within thirty calendar days of being declared a "potentially dangerous dog" and that proof that the dog has been microchipped shall be provided to the animal control authority.~~

D. The owner of a dog declared "potentially dangerous" must have the dog properly microchipped by a licensed veterinarian of the owner's choice, at the sole expense of the owner, within thirty calendar days of being declared a "potentially dangerous" dog.

E. The owner of a dog declared "potentially dangerous" must, within thirty-five calendar days of such declaration, show proof to the animal control authority that such dog has been properly microchipped.

#### **7.06.035 Declaration of dangerous dog**

A. The animal control authority may declare a dog dangerous when there is probable cause to believe the dog meets the definition of RCW 16.08.070, as outlined in Subsection C.6 of this Section.

B. Upon determination that a dog is dangerous, the animal control authority shall serve a dangerous dog declaration upon the owner in person or by regular and certified mail, return receipt requested.

C. The dangerous dog declaration shall contain:

1. A description of the animal;

2. The name and address of the owner if known;
3. The location of the animal;
4. A warning that states, "The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether or not the dog has previously been declared potentially dangerous or dangerous, shall, upon conviction, be guilty of a Class C felony";
5. The statutory basis for the action;
6. The reasons the authority considers the animal dangerous, including a reasonably specific description of how the dog inflicted severe injury on a human being without provocation on public or private property; killed a domestic animal, dog or cat without provocation while the dog was off the owner's property; or was previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such and the dog again aggressively bit, attacked, or endangered the safety of humans;
7. A statement that the dog is prohibited within the city of Shelton if ultimately declared dangerous;
8. An explanation of the owner's rights and proper procedure for appealing the "dangerous dog" declaration; and
9. Restrictions imposed on the animal, such as a requirement for the animal to be securely enclosed on the owner's property and securely leashed and muzzled outside the property; a surety bond and/or insurance; and/or warning signs, while awaiting final determination of the dangerous dog designation.

**7.06.03540 Dangerous dogs prohibited within the city of Shelton.**

- A. Any dog that has been declared a "dangerous dog" as defined by RCW 16.08.070 is prohibited within the limits of the city of Shelton and may be impounded by the animal control authority.
- B. In the event that a dog has been declared a "dangerous dog" under the Shelton Municipal Code and impounded by the animal control authority, the owner of such dog may, within ten business days petition the municipal court for return of the dog upon proof sufficient to the court that the dog will not be kept within the city limits.

C. No sooner than eleven business days after a dog has been declared dangerous, when no appeal is pending to the municipal court to stay destruction and when no petition is pending before the court to authorize removal of the dog from the city, the animal control authority shall arrange for such dog shall to be euthanized humanely destroyed by a licensed veterinarian the animal control authority. All costs of confinement and euthanasia destruction may be charged to the owner.

#### **7.06.040 Appeal procedure**

A. The owner of any dog declared to be dangerous or potentially dangerous may request a hearing before the municipal court judge of the city of Shelton to challenge such a determination.

B. The request for a hearing shall state:

1. The name, address and daytime telephone number of the owner;
2. The name, breed, age and license number of the dog declared to be dangerous or potentially dangerous;
3. The date and/or case number of the declaration; and
4. A statement of why the determination should be rescinded or modified, and/or why the animal should be returned to the owner for permanent keeping outside the City limits.

C. The request for hearing shall be served on the municipal court and the animal control authority within ten business days of service of the declaration.

D. The determination of the animal control authority shall become final upon the expiration of ten business days from the date of service if no hearing is requested under this section.

E. The municipal court judge shall hear all requests for appeal of a declaration of dangerous dog or potentially dangerous dog.

1. A hearing shall be held within ~~ninety~~ thirty days of the owner's request for rescission of a dangerous or potentially dangerous dog declaration.
2. The animal control authority may submit reports and sworn complaints in lieu of live testimony at the hearing.



3. The municipal court judge may consider any ~~other~~ competent evidence relevant to the declaration.

4. The municipal court judge shall determine if, by a preponderance of evidence, the dog has been shown to be dangerous or potentially dangerous. If the evidence fails to establish that the dog is as set out in the declaration, such declaration shall be rescinded and the animal shall be returned to its owner.

5. The municipal court judge may impose conditions for return or continued possession of a dog, such as a requirement for the animal to be securely enclosed on the owner's property and securely leashed and muzzled outside the property; a surety bond and/or insurance; and/or warning signs.

#### **7.06.050 Change of ownership**

An owner of a potentially dangerous or dangerous dog who sells or otherwise transfers ownership, custody or residence of the dog shall, within five business days, inform the animal control authority, in writing, of the name, address and telephone number of the new owner and the name and description of the dog and the dog's registration number, if any. In addition, the owner shall notify the new owner, in writing, of the details of the dog's record, terms and conditions of maintenance. The owner shall provide the animal control authority with a copy of such notification together with an acknowledgment by the new owner of his/her receipt of the original notification.

#### **~~7.06.055 Registration of dogs already declared potentially dangerous or dangerous.~~**

~~Any person who owns a potentially dangerous or dangerous dog residing within the city of Shelton as of the effective date of the ordinance codified in this section shall register said dog with the Shelton animal control authority within thirty calendar days of the ordinance taking effect. Upon registration, the animal control authority shall specify the conditions under which the animal is to be kept (in accordance with this chapter) and, in the case of a dangerous dog, the length of time which the person has to dispose of the dog. Failure to timely register a dog or to comply with the conditions of registration shall constitute a violation of this chapter.~~

**Section 6.** Chapters 7.08 and 7.12 of the Shelton Municipal Code are repealed in their entirety.

**Section 7.** A new Chapter 7.08, entitled "Domestic Animals," is enacted to read as follows:

#### **7.08.010 Domestic animal – Defined**

For purposes of this Chapter, “domestic animal” means any animal, excluding dogs and cats, that is made to be domestic and kept for agricultural purposes and/or as a pet, including a rabbit, horse, mule, bovine animal, poultry, duck, lamb, goat, sheep or swine.

#### **7.08.020 Domestic animals – conditions for keeping**

A. Domestic animals may be kept only where specifically allowed under the development regulations and Section 7.08.030 of this Code.

B. Domestic animals shall be kept securely confined on the property of the owner. Domestic animals that stray from the property of the owner shall be considered at large and subject to abatement.

C. Domestic animals shall be kept in sanitary conditions that emit no noxious odors beyond the property line.

#### **7.08.030 Domestic animals – where allowed**

A. Domestic animals may be kept in the neighborhood residential zone on lots or parcels of one acre or more. The acreage restriction does not apply to indoor rabbits kept as pets.

B. Non-avian domestic animals are limited to two total, counting all types, per acre. Birds are limited to twenty total, counting all types, per acre.

C. Barns, coops, and other structures for the sheltering of domestic animals shall be set back not less than thirty-five feet from all property lines and not less than fifty feet from any existing residential dwelling unit on adjoining property.

#### **7.08.040 Domestic animals – chickens**

A. Chickens may be kept on parcels in the neighborhood residential zone. Roosters are explicitly prohibited.

B. Chicken coops or other structures intended to house chickens must be set back from any property line not less than 10 feet, and shall not be located closer than 30 feet from any residential structure on any adjacent or adjoining parcel or lot.

**Section 8. Effective date.** This Ordinance shall take effect five days after final passage.

**PASSED** by the City Council this \_\_\_\_ day of March 2022.

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Eric Onisko, Mayor

ATTEST/AUTHENTICATED:

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Donna Nault, City Clerk

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**7.04.010 Purpose.**

It is the policy of the city of Shelton to secure and maintain a level of animal control sufficient to protect human health and safety, and to the greatest degree practicable, prevent injury to property. To this end, it is the purpose of this chapter to provide a means of licensing dogs and cats, controlling errant animal behavior and avoiding public nuisance. Nothing in this chapter

shall limit or regulate any dog or other animal used by an animal control or law enforcement officer in performing official duties.

**7.04.020 Licensing.**

A. All dogs and cats kept in the city of Shelton over six months of age shall be licensed annually, except animals that have been implanted with a microchip identification device in which case a lifetime licensing fee applies. Before a license is issued by the city, the owner must provide a rabies vaccination certificate.

B. The following animals are exempt from licensing:

1. Animals kept by registered nonprofit animal welfare organizations;
2. Animals kept in foster homes for dogs and cats that are affiliated with a registered nonprofit animal welfare organization;
3. K9 officer dogs;
4. Service dogs with proof of rabies certificate.

**7.04.030 Fees.**

Licenses shall be issued by the city of Shelton upon application and payment of an annual license fee to the city of Shelton. The annual license fee is due at the time of application. License fees shall be set by resolution and shall offer a reduced fee for animals that are altered and/or microchipped. Microchipped animals are subject to a one-time lifetime licensing fee.

**7.04.040 Term of license.**

Licenses shall expire one year after issuance. Licenses issued to microchipped animals shall be in effect for the lifetime of the animal.

**7.04.050 Tags required.**

It shall be the duty of the owner to see that the license tag is attached to a suitable collar and kept on the dog or cat.

**7.04.060 Removal of tags.**

It is unlawful for any person to remove the license tag from any dog or cat, except:

- A. Where there is a lawful change of ownership;
- B. When the license tag is being renewed.

- C. When the dog or cat is inside the home or securely confined on the property of the legal owner.

**7.04.070 Effect of change of ownership on license—Lost license.**

- A. It is unlawful for any owner to use any license tag for any dog or cat other than the one for which it has been issued.
- B. In case of a transfer of ownership of a licensed dog or cat, the new owner shall apply for a transfer and pay a nominal transfer fee set by resolution.
- C. In case of a lost license, the owner shall apply for a replacement license and a nominal replacement fee set by resolution.

**7.04.080 Maximum Number of dogs and cats allowed.**

- A. No more than four dogs and/or cats over the age of six months may be owned, maintained, kept, or trained at any one residence, for a maximum total of four animals, except in a licensed kennel or cattery which must be sited in accordance with all applicable Shelton Municipal Code zoning provisions. After giving a written warning and a minimum of thirty (30) days to comply, the City may impound animals that are over the maximum number.

**7.04.090 Impounding dogs and cats —Procedure and authority.**

- A. The city will maintain a suitable pound for dogs and cats and will ensure that all dogs and cats kept in that facility are adequately fed and treated in a humane manner. The city may seize and impound any dog or cat deemed a nuisance or at large, or when any person persists despite a written warning notice in keeping a number of animals over the maximum number allowed by this Chapter.
- B. The impounding officer shall, upon the impound of any dog or cat, make a complete registry, entering the breed, color and sex of such dog or cat and whether licensed, and the time and place of impound. If licensed, the officer shall also enter the name and address of the owner and the license number from the license tag.
- C. The dog or cat's known or reputed owner will be notified of such impound, the procedure to reclaim the dog or cat, and the appeal process as soon as possible.

**7.04.100 Impounded dog or cat boarding fee.**

If any dog or cat is held in impound for more than twenty-four hours, the owner will be charged a boarding fee for each additional day that the dog or cat is in impound. Such fee will be set by

resolution and will be assessed as of ten a.m. of each day, beginning on the second day after the dog or cat's impound.

#### **7.04.110 Reclaiming procedure -failure to reclaim.**

A. Reclaim period. Legal owners and persons authorized by legal owners may redeem impounded dogs and cats within three business days from the date the City notifies the owner that the animal has been impounded.

B. Requirements for reclaiming. Any person wishing to reclaim a dog or cat must be eighteen years or older with proof of age, provide proof of legal ownership or verifiable permission from the owner to reclaim the animal, and bring a collar and leash or crate to securely transport the animal. City residents must license the animal and pay any unpaid licensing fees before the animal may be reclaimed. Impound fees and boarding fees shall be due at the time the animal is reclaimed.

C. Adoption. If the dog or cat is not reclaimed by the owner within three business days after the owner is notified, any other person may adopt the dog or cat by paying the fee set by resolution. The adoption fee shall include a spay or neuter of the dog or cat and a rabies vaccination to be arranged by the city of Shelton before the animal is released to the adopting owner. If the adopting owner is a city resident, the dog or cat shall be licensed in the city prior to adoption.

D. Disposition. Within the discretion of the city, if the dog or cat is not reclaimed by the owner within three business days and a reasonably prompt adoption is not arranged, the dog or cat may be transferred to a registered nonprofit animal welfare organization if the animal is suitable for adoption, or else euthanized by a licensed veterinarian.

#### **7.04.120 Reporting found animals**

Anyone finding a dog or cat shall notify animal control or the owner directly, if the owner is able to be determined. Finders shall not keep or rehome found animals except upon agreement by the animal control officer to foster the animal.

#### **7.04.130 Injured and diseased ~~pet~~ animals—Euthanasia.**

~~A.~~ Any ~~pet~~ animal in the possession of the city that is obviously diseased or has been seriously injured and would otherwise continue to suffer shall be taken to a licensed veterinarian for consultation and, if necessary, euthanized.



#### **7.04.140 Nuisance.**

It is unlawful for any owner or custodian of a dog or cat to allow the dog or cat to become a nuisance within the city of Shelton. For the purposes of this chapter, “nuisance” is defined as follows:

- A. Any dog which by frequent or habitual howling, whining, yelping, or barking unreasonably disturbs the peace and quiet of persons in the neighborhood continually for at least 30 minutes;
- B. Any dog or cat which causes measurable or costly damage to any property other than that of its owner;
- C. Animals that deposit waste on public property or upon private property without the permission of the owner;
- D. Dogs that chase vehicles, bicycles, people, or pets.

#### **7.04.150 Dogs at large prohibited.**

It is unlawful for any person to allow any dog owned or kept by him/her in the city of Shelton, to stray beyond the owner or custodian’s premises. Any time a dog is outside of the owner or custodian’s premises, the dog shall be controlled by a leash or chain not exceeding twenty (20) feet in length that is joined to the owner or a duly authorized and competent person; provided, however, that such restraint is not required for any dog when safely and securely held by the owner or confined or controlled in a vehicle.

#### **7.04.160 Dogs in city parks.**

No owner or custodian of a dog shall allow an unleashed dog to enter any city of Shelton park, except in designated off-leash areas and in accordance with the rules for that area.

#### **7.04.170 Pet animals—Taking and/or concealing—Penalty.**

Any person who, with intent to deprive or defraud the owner thereof, takes, leads away, confines, secretes, or converts any pet animal, or conceals the identity of any pet animal or the identity of such animal’s owner by obscuring or removing from the animal any collar, tag, license, tattoo, or other means of identification shall be guilty of a misdemeanor.

#### **7.04.180 Carrying animals on outside part of vehicle.**

It shall be unlawful for any person to transport any living animal on the running board, fenders, hood, truck bed, or other outside part of any vehicle unless restrained by a suitable harness,

cage or enclosure that is attached to the vehicle so as to protect such animal from falling or being thrown from the vehicle.

#### **7.04.190 Violation—Penalties.**

Unless otherwise set forth in this chapter, a violation of any provision of this chapter shall constitute a Class 3 civil infraction per Chap. 7.80 RCW for a first offense; a Class 2 civil infraction per Chap. 7.80 RCW for a second offense; and a Class 1 civil infraction per Chap. 7.80 RCW for a third offense. Subsequent violations shall constitute a misdemeanor, punishable by a fine of \$1,000 or 90 days in jail.

**Section 3.** Chapter 7.05 of the Shelton Municipal Code is repealed in its entirety.

**Section 4.** The following additional state law provisions prohibiting animal cruelty are incorporated into Section 9.02.010 of the Shelton Municipal Code: RCW 16.52.080 (transporting/confining in unsafe manner), 16.52.085 (removal of animals for feeding and care), 16.52.095 (prohibited veterinary procedures), 16.52.100 (confinement without food and water), 16.52.190 (poisoning animals), 16.52.200 (sentencing/forfeiture of animals), 16.52.340 (leaving animals in motor vehicles), and 16.52.350 (dog tethering).

**Section 5.** Chapter 7.06 of the Shelton Municipal Code is renamed “Potentially Dangerous and Dangerous Dogs” and amended as follows:

#### **7.06.010 Adopting state statute.**

Chapter 16.08 of the animals and livestock law of the state of Washington (RCW Title 16) as now enacted or hereafter amended is hereby adopted by reference, as a part of the dangerous dog laws of the city of Shelton, with the exception of any provision constituting a felony and any provision in conflict with the city of Shelton dangerous dogs ordinance. Where this chapter is in conflict with Chapter 16.08 RCW, the Shelton Municipal Code shall govern

#### **7.06.020 Fees and Costs.**

An annual fee to register a potentially dangerous dog, in addition to a regular dog license fee, may be imposed by the city. In addition, any costs of confinement, control and/or destruction of the dog, if it has been determined to be “potentially dangerous” or “dangerous,” shall be the responsibility of the dog’s owner. Fees and costs may be set by the animal control authority as necessary to offset the City’s costs.

**7.06.030 Potentially dangerous dogs.**

- A. The animal control authority may declare a dog potentially dangerous if there is probable cause to believe that a dog meets the definition of “potentially dangerous dog” as defined under RCW 16.08.070.
  
- B. Upon determination that a dog is potentially dangerous, the animal control authority shall serve a potentially dangerous dog declaration upon the dog owner in person or by regular and certified mail, return receipt requested.
  
- C. The potentially dangerous dog declaration shall contain:
  - 1. A description of the animal;
  
  - 2. The name and address of the owner if known;
  
  - 3. The location of the animal;
  
  - 4. A warning that states, “The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether or not the dog has previously been declared potentially dangerous or dangerous, shall, upon conviction, be guilty of a Class C felony”;
  
  - 5. The statutory basis for the action;
  
  - 6. The reasons the authority considers the animal potentially dangerous, including a reasonably specific description of how the animal inflicted bites on a human or domestic animal (including a dog or cat); chased or approached a person in a menacing fashion; or has a known disposition to attack unprovoked, cause injury, or otherwise threaten safety of humans or domestic animals;
  
  - 7. A statement that the dog is prohibited within the city of Shelton if ultimately declared dangerous;
  
  - 8. An explanation of the owner’s rights and proper procedure for appealing the “potentially dangerous dog” declaration; and
  
  - 9. Restrictions imposed on the animal, such as a requirement for the animal to be securely enclosed on the owner’s property and securely leashed and muzzled outside the property; a surety bond and/or insurance; and/or warning signs; and

D. The owner of a dog declared “potentially dangerous” must have the dog properly microchipped by a licensed veterinarian of the owner’s choice, at the sole expense of the owner, within thirty calendar days of being declared a “potentially dangerous” dog.

E. The owner of a dog declared “potentially dangerous” must, within thirty-five calendar days of such declaration, show proof to the animal control authority that such dog has been properly microchipped.

#### **7.06.035 Declaration of dangerous dog**

A. The animal control authority may declare a dog dangerous when there is probable cause to believe the dog meets the definition of RCW 16.08.070, as outlined in Subsection C.6 of this Section.

B. Upon determination that a dog is dangerous, the animal control authority shall serve a dangerous dog declaration upon the owner in person or by regular and certified mail, return receipt requested.

C. The dangerous dog declaration shall contain:

1. A description of the animal;
2. The name and address of the owner if known;
3. The location of the animal;
4. A warning that states, “The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether or not the dog has previously been declared potentially dangerous or dangerous, shall, upon conviction, be guilty of a Class C felony”;
5. The statutory basis for the action;
6. The reasons the authority considers the animal dangerous, including a reasonably specific description of how the dog inflicted severe injury on a human being without provocation on public or private property; killed a domestic animal, dog or cat without provocation while the dog was off the owner’s property; or was previously found to be potentially dangerous because of injury inflicted on a human, the owner having received

notice of such and the dog again aggressively bit, attacked, or endangered the safety of humans;

7. A statement that the dog is prohibited within the city of Shelton if ultimately declared dangerous;

8. An explanation of the owner's rights and proper procedure for appealing the "dangerous dog" declaration; and

9. Restrictions imposed on the animal, such as a requirement for the animal to be securely enclosed on the owner's property and securely leashed and muzzled outside the property; a surety bond and/or insurance; and/or warning signs, while awaiting final determination of the dangerous dog designation.

#### **7.06.040 Dangerous dogs prohibited within the city of Shelton.**

A. Any dog that has been declared a "dangerous dog" as defined by RCW 16.08.070 is prohibited within the limits of the city of Shelton and may be impounded by the animal control authority.

B. In the event that a dog has been declared a "dangerous dog" under the Shelton Municipal Code and impounded by the animal control authority, the owner of such dog may, within ten business days petition the municipal court for return of the dog upon proof sufficient to the court that the dog will not be kept within the city limits.

C. No sooner than eleven business days after a dog has been declared dangerous, when no appeal is pending to the municipal court to stay destruction and when no petition is pending before the court to authorize removal of the dog from the city, the animal control authority shall arrange for such dog to be euthanized by a licensed veterinarian. All costs of confinement and euthanasia may be charged to the owner.

#### **7.06.045 Appeal procedure**

A. The owner of any dog declared to be dangerous or potentially dangerous may request a hearing before the municipal court judge of the city of Shelton to challenge such a determination.

B. The request for a hearing shall state:

1. The name, address, and daytime telephone number of the owner;

2. The name, breed, age, and license number of the dog declared to be dangerous or potentially dangerous;

3. The date and/or case number of the declaration; and

4. A statement of why the determination should be rescinded or modified, and/or why the animal should be returned to the owner for permanent keeping outside the City limits.

C. The request for hearing shall be served on the municipal court and the animal control authority within ten business days of service of the declaration.

D. The determination of the animal control authority shall become final upon the expiration of ten business days from the date of service if no hearing is requested under this section.

E. The municipal court judge shall hear all requests for appeal of a declaration of dangerous dog or potentially dangerous dog.

1. A hearing shall be held within thirty days of the owner's request for rescission of a dangerous or potentially dangerous dog declaration.

2. The animal control authority may submit reports and sworn complaints in lieu of live testimony at the hearing.

3. The municipal court judge may consider any competent evidence relevant to the declaration.

4. The municipal court judge shall determine if, by a preponderance of evidence, the dog has been shown to be dangerous or potentially dangerous. If the evidence fails to establish that the dog is as set out in the declaration, such declaration shall be rescinded, and the animal shall be returned to its owner.

5. The municipal court judge may impose conditions for return or continued possession of a dog, such as a requirement for the animal to be securely enclosed on the owner's property and securely leashed and muzzled outside the property; a surety bond and/or insurance; and/or warning signs.

#### **7.06.050 Change of ownership**

An owner of a potentially dangerous or dangerous dog who sells or otherwise transfers ownership, custody or residence of the dog shall, within five business days, inform the animal control authority, in writing, of the name, address and telephone number of the new owner and the name and description of the dog and the dog's registration number, if any. In addition, the owner shall notify the new owner, in writing, of the details of the dog's record, terms and conditions of maintenance. The owner shall provide the animal control authority with a copy of such notification together with an acknowledgment by the new owner of his/her receipt of the original notification.

**Section 6.** Chapters 7.08 and 7.12 of the Shelton Municipal Code are repealed in their entirety.

**Section 7.** A new Chapter 7.08, entitled "Domestic Animals," is enacted to read as follows:

#### **7.08.010 Domestic animal – Defined**

For purposes of this Chapter, "domestic animal" means any animal, excluding dogs and cats, that is made to be domestic and kept for agricultural purposes and/or as a pet, including a rabbit, horse, mule, bovine animal, poultry, duck, lamb, goat, sheep, or swine.

#### **7.08.020 Domestic animals – conditions for keeping**

A. Domestic animals may be kept only where specifically allowed under the development regulations and Section 7.08.030 of this Code.

B. Domestic animals shall be kept securely confined on the property of the owner. Domestic animals that stray from the property of the owner shall be considered at large and subject to abatement.

C. Domestic animals shall be kept in sanitary conditions that emit no noxious odors beyond the property line.

#### **7.08.030 Domestic animals – where allowed**

A. Domestic animals may be kept in the neighborhood residential zone on lots or parcels of one acre or more. The acreage restriction does not apply to indoor rabbits kept as pets.

B. Non-avian domestic animals are limited to two total, counting all types, per acre. Birds are limited to twenty total, counting all types, per acre.

C. Barns, coops, and other structures for the sheltering of domestic animals shall be set back not less than thirty-five feet from all property lines and not less than fifty feet from any existing residential dwelling unit on adjoining property.

**7.08.040 Domestic animals – chickens**

A. Up to five (5) chickens may be kept on parcels in the Neighborhood Residential (NR) zone. Roosters are explicitly prohibited.

B. Chicken coops or other structures intended to house chickens must be set back from any property line not less than 10 feet and shall not be located closer than 30 feet from any residential structure on any adjacent or adjoining parcel or lot.

**Section 8. Effective date.** This Ordinance shall take effect five days after final passage.

**PASSED** by the City Council this \_\_\_\_ day of June 2022.

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Eric Onisko, Mayor

ATTEST/AUTHENTICATED:

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Donna Nault, City Clerk