TOWN OF COUPEVILLE
Coupeville, Washington

ORDINANCE NO. 750

AN ORDINANCE OF THE TOWN OF COUPEVILLE, WASHINGTON, AMENDING THE TOWN’S MUNICIPAL CODE RELATED TO THE ASSESSMENT AND COLLECTION OF FEES BY AMENDING SAID PROVISIONS TO ALLOW FOR ALL FEES TO BE ADOPTED BY RESOLUTION OF THE COUNCIL; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Town’s municipal code has the assessment of certain fees in multiple sections making it difficult for the public to know what fees are required to be paid and difficult for the Town Council to update; and

WHEREAS, it would be more clear and efficient if all required fees be adopted by a single resolution allowing for the public to more easily determine the amount of the fees to be assessed and for the council to update the fees;

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF COUPEVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 2.36 of the Coupeville Municipal Code entitled “Administrative Fees and Charges” is hereby amended to read as follows:

Chapter 2.36 - ADMINISTRATIVE FEES AND CHARGES

2.36.010 - Fee schedule.

Fees and charges assessed for municipal services are adopted by Resolution which may be reviewed and amended annually.

Section 2. Section 5.04.060 of the Coupeville Municipal Code is hereby amended to read as follows:

5.04.060 - License fees for amusement center license and individual mechanical and/or electronic devices.

At the time of filing the application for the issuance of a new license, or the transfer of an existing license, the applicant for the license or transfer of a license shall pay a fee and other fees required herein as set forth by resolution adopted by the town council. Upon the issuance of the amusement center license, the applicant shall also pay an additional fee for each mechanical and/or electronic device described on the amusement center license. The amusement center license shall be valid for a twelve (12) month period.
ending December 31st of each year. Upon the yearly renewal of the license, the operator of the amusement center shall pay the renewal amusement center licensing fee and an additional per mechanical and/or electronic device fee. There shall be no proration of fees for partial time periods.

Section 3. Section 5.08.070 of the Coupeville Municipal Code is hereby amended to read as follows:

5.08.070 - License—Fees and requirements.

A. The fees for each license and renewal of any license required by this chapter shall be set forth by resolution of the town council.

B. All persons required to obtain or renew licenses under this chapter shall obtain or renew the same and pay all fees required on or before December 31st of the prior license year. Any person who fails to obtain or renew and pay the license fees by December 31st of the prior license year shall, in addition to any other penalties provided in this chapter, be assessed an amount equal to fifty (50) percent of the license fee for such year as a penalty for such late application or payment; provided that this penalty shall not apply to an application submitted by any person who was not previously licensed under this chapter.

C. No license shall be issued or renewed except upon written application made to the town clerk-treasurer in accordance with this chapter. A nonrefundable application fee in an amount equal to the license fee for the license sought shall accompany the application. If the license is granted, the application fee shall be credited to payment of the first annual license fee.

D. If the applicant is a partnership, the application must be made and signed by one of the general partners; if a corporation, by one of the officers thereof. In addition, if the applicant is a non-Washington (i.e., foreign) corporation, partnership or nonresident individual, it shall be signed by the resident agent or local manager of the foreign corporation, partnership or individual.

E. Neither the filing of an original or renewal application for license, nor the payment of any application or renewal fee shall authorize a person to engage in or conduct an adult business unless such license has been granted or renewed.

Section 4. Section 5.12.050 of the Coupeville Municipal Code is hereby amended to read as follows:

5.12.050 - License fees.

Any person desiring to operate a cabaret shall first procure a "cabaret license" at a cost set by resolution of the town council. There shall be no prorating of the aforementioned fee, and such license shall expire on the thirty-first day of December of each year. Said license shall not be assignable.

Section 5. Section 5.20.070 of the Coupeville Municipal Code is hereby amended to read as follows:

5.20.070 - License fee.
The license fee for a mobile vendor license shall be set by resolution of the town council for each calendar year, or portion thereof, per vehicle, for which license is sought.

Section 6. Section 5.24.020 of the Coupeville Municipal Code is hereby amended to read as follows:

5.24.020 - Peddler's license—Requirements.

Every person, before offering for sale or before taking orders for goods, wares or merchandise or services in the Town shall register with the town clerk-treasurer and shall present identification deemed sufficient by the town marshal and the payment of a fee set by resolution of the town council for each day that said person wishes to solicit or sell in the Town. After complying with these requirements, said person will be granted a peddler’s license.

Section 7. Section 5.28.030 of the Coupeville Municipal Code is hereby amended to read as follows:

5.28.030 - Operator's license—Application.

The application for an operator's license shall be made on forms furnished by the clerk-treasurer. At the time of making application for an operator's license, the applicant shall pay the fee set by resolution of the town council.

The following information is required on the application form:

A. The applicant's name, driver's license number, date of birth, and place of birth;
B. The applicant's place of residence;
C. The applicant's last place of employment with the name, address, and telephone number of the employer;
D. Whether the applicant or any of his/her employees are presently or have been previously licensed, or have previously applied for a license, as a taxicab driver or operator; and if so, where, when and whether or not a license has ever been suspended, revoked or denied and by what jurisdiction and for what cause;
E. Whether or not the applicant or any of his/her employees have ever been convicted of or forfeited bail for a crime, including all traffic offenses for the preceding five years, and, if so, the number of such convictions, approximate dates thereof, and the name of the courts, the crime of which charged, and the final disposition of the case or cases;
F. The number of vehicles to be operated or controlled by the applicant and the name, model, year, vehicle identification number, and vehicle license number of each vehicle;
G. A list of the names, driver’s license numbers, date of birth and addresses of all employees;
H. Proof of insurance as required by Section 5.28.090 of this chapter;
I. Such other and further information as may be required by the police department.

Section 8. Section 5.28.080 of the Coupeville Municipal Code is hereby amended to read as follows:
5.28.080 - Fees, expiration date.

A. Applicants shall pay an initial investigation fee and initial driver investigation fees as set by resolution of the town council.

B. Renewal applicants shall pay a renewal fee and renewal per driver fees as set by resolution of the town council.

C. The license shall expire on December 31st of the year in which it is issued, unless the license is renewed prior to the expiration date in accordance with the requirements of this chapter.

Section 9. Section 6.08.020 of the Coupeville Municipal Code is hereby amended to read as follows:

6.08.020 - License, license fees and registration requirements.

A. All dogs over six months of age, kept, harbored, possessed or maintained by their owners in the Town shall be licensed and registered by the owner with the town clerk-treasurer, and upon said registration by the owner, and the payment of the license fee, the town clerk-treasurer shall issue a dog license on a form providing the following information: The owner's name and address, the dog's name, breed, color, sex, and date of last anti-rabies vaccination.

B. All licenses expire on the thirty-first of December of each year. The annual dog license fee shall be as set by resolution of the town council. No dog license shall be issued or re-issued, unless the dog for which the license is issued has received a current rabies vaccination.

D. The owner of the dog shall not be entitled to a refund, in whole or in part, for any license fees paid in the event that a dog is spayed or neutered after the payment of the annual license fee.

E. Exemptions. The following shall be exempt from the licensing provisions of this section:
   1. Any dog less than six months of age;
   2. Any dog which is part of the inventory of a pet shop;
   3. Any dog being boarded or treated in a kennel or veterinary hospital;
   4. Any dog currently licensed in another jurisdiction and displaying a tag from that jurisdiction;
   5. Any dog owned or kept by a person who is not a resident of Coupeville. Residency is established by living in Coupeville for thirty (30) days.

F. All one time dog license fees procured prior to the effective date of the ordinance codified in this chapter are declared to be valid and in full force and effect after the adoption of said ordinance, and owners of all dogs who have received the one time license prior to the adoption of said ordinance need not re-license any dog for which a one time license has been issued.

Section 10. Section 6.08.030 of the Coupeville Municipal Code is hereby amended to read as follows:

6.08.030 - Requirement for anti-rabies tags and dog collars.

A. Upon payment of the applicable license fee, the town clerk-treasurer shall issue to the owner a written, numbered license and a metallic tag for each dog so licensed. The tag shall have stamped thereon the year in which it was issued and a number corresponding with the number on the written license. Each owner shall be required to provide each dog with a collar to which the metallic tag must be affixed, and each dog shall permanently wear the collar with the metal tag affixed thereto. In addition
to the metallic license tag on each dog collar, each dog shall have obtained an antirabies vaccination prior to the issuance of the license and each dog shall wear permanently on its collar a valid rabies tag.

B. In the event that a dog loses its metallic tag or the metallic tag is destroyed, the town clerk-treasurer will issue a replacement upon presentation of a receipt indicating the payment of the applicable license fee and the replacement metal tag fee as set by resolution of the town council. The metallic dog tag shall not be transferable from one dog to another. There shall be no refunds of any fees paid by owners to the Town for any dog license fees or metallic tags. Licenses are not transferable from owner to owner.

Section 11. Section 6.08.050 of the Coupeville Municipal Code is hereby amended to read as follows:

6.08.050 - Notification procedures by animal control officer — Reclamation of dog by owner and payment of impound fees.

A. The animal control officer shall immediately impound any unlicensed dog found in the Town over six months of age. In the event that the animal control officer can identify the owner of the impounded dog, the animal control officer shall send written notice to the owner stating that the owner has five days to license the dog and, in the event of the failure to license the dog within the said five-day period, the owner shall be guilty of a misdemeanor, per Section 6.08.120 of this chapter. Said written notice to the owner shall be by both regular mail, and certified mail, return receipt requested, and the aforesaid five-day period shall commence from the date of mailing. In the event that the owner of an impounded dog cannot be determined or is unknown, the animal control officer shall post a written notice of the impound of the dog for four days at three or more conspicuous places in the Town describing the dog and the place and time of the capture and impound of the dog.

B. Any impounded dog not claimed by an owner within the aforesaid periods of time may be disposed of by the Town in a humane manner.

C. In the event that the owner of an impounded dog claims the dog prior to any other disposition or destruction of the dog, the owner at the time of the said claiming shall license the dog and in addition thereto, shall pay any and all other costs and charges incurred by the Town for impounding and maintaining the dog as set by resolution of the town council. The owner shall be responsible for any damage caused by the dog, or incurred by the dog, during its period of maintenance or impoundment.

D. In the event that the owner of any dog refuses to pay any of the above charges after the impoundment of the dog, the animal control officer may dispose of the dog in the most humane manner.

Section 12. Section 6.08.110 of the Coupeville Municipal Code is hereby amended to read as follows:

6.08.110 - Potentially dangerous dog — Dangerous dog — Penalties.

A. Potentially Dangerous Dog.

1. It is unlawful for any owner of a potentially dangerous dog, who has been notified by the animal control authority that he or she is the owner of a potentially dangerous dog, to keep such dog within Coupeville unless such owner has procured a certificate of registration from the Town, and confines the dog in a proper enclosure.
2. The animal control authority may find and declare an animal potentially dangerous if it has probable cause to believe that the animal falls within the definition set forth in Section 6.08.010 of this chapter. The finding must be based upon:
   a. The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition in Section 6.08.010 of this chapter; or
   b. Dog bite reports filed with the animal control authority as required by this chapter or state law; or
   c. Actions of the dog witnessed by any animal control officer or law enforcement officer; or
   d. Other substantial evidence admissible in municipal court.

3. The declaration of potentially dangerous dog shall be in writing, shall be served on the owner in one of the following methods:
   a. Certified mail to the owner or keeper's last known address, if known; or
   b. Personally; or
   c. If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.
   d. The owner of any animal found to be a potentially dangerous dog under this section shall be assessed all service costs expended under this subsection.

4. The declaration shall state at least:
   a. A description of the animal;
   b. The name and address of the owner or keeper of the animal, if known;
   c. The whereabouts of the animal if it is not in the custody of the owner;
   d. The facts upon which the declaration of potentially dangerous dog is based;
   e. The availability of a hearing in case the person objects to the declaration, if a request is made within five days;
   f. The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner.

5. If the owner of the animal wishes to object to the declaration of potentially dangerous dog:
   a. The owner may, within five days of receipt of the declaration, or within five days of the publication of the declaration pursuant to subdivision (3)(c) of this subsection, request a hearing before the municipal court by submitting a written request to the clerk of the court.
   b. If the court finds that there is insufficient evidence to support the declaration, it shall be rescinded, and the restrictions imposed thereby annulled.
   c. If the court finds sufficient evidence to support the declaration, it shall impose court costs on the appellant, and may impose additional restrictions on the animal.
   d. In the event the court finds that the animal is not a potentially dangerous dog, no court costs shall be assessed against Coupeville or the animal control authority or officer.

6. Following service of a declaration of potentially dangerous dog, and pending appeals under this section or to any other court with jurisdiction, the animal control authority may, if circumstances require, impound the animal at the owner's expense, pursuant to the provisions of this chapter, until a court orders either its redemption or destruction.

7. The owner of a potentially dangerous dog shall obtain a certificate of registration for such dog from the Town, and shall be required to pay the fee for such certificate in the amount set forth herein, or as hereafter amended. In addition, the owner of a potentially dangerous dog shall pay
an annual renewal fee for such certificate of registration in the amount set forth herein, or as hereafter amended.

8. The certificate of registration and the annual renewal fee for each potentially dangerous dog under this section is set by resolution of the town council.

B. Dangerous Dog.

1. It is unlawful for an owner to have a dangerous dog in Coupeville without a certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work.

2. The Town shall issue a certificate of registration to the owner of a dangerous dog if the owner presents to the Town sufficient evidence of:

   a. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog;

   b. i. A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the Town in the sum of at least fifty thousand dollars ($50,000.00), insuring the owner for any personal injuries inflicted by the dangerous dog; or,

   ii. A policy of liability insurance, such as homeowners insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least fifty thousand dollars ($50,000.00), insuring the owner for any personal injuries inflicted by the dangerous dog.

   iii. A certificate of registration as used in this section shall be obtained from the Town. The owner of a dangerous dog shall obtain a certificate of registration from the Town, and shall be required to pay the fee for such certificate of registration in the amount set forth herein, or as hereafter amended. In addition, the owner of a dangerous dog shall pay an annual renewal fee for each dangerous dog registered under this section in the amount set forth herein, or as hereafter amended and shall submit proof of compliance with subdivision (b)(ii) of this subsection.

   iv. The owner of a dangerous dog shall pay a fee for the certificate of registration and the annual renewal fee as set by resolution of the town council.

C. Penalties.

1. Any owner of a potentially dangerous dog who fails to obtain a certificate of registration or renewal for such dog as described in subsection (A)(1) of this section shall be assessed a civil penalty in the amount of two hundred fifty dollars ($250.00); provided, however, that no such civil penalty shall be assessed until five days have elapsed from the date such owner is notified by the animal control authority that such a certificate or renewal for such potentially dangerous dog is required or until any appeal brought under that section has been complete, whichever is later.

2. Any owner of a dangerous dog who fails to obtain a certificate of registration or renewal for such dog as set forth in subsection (B)(1) of this section shall be assessed a civil penalty in the amount of five hundred dollars ($500.00); provided, however, that no such civil penalty shall be assessed until five days have elapsed from the date such owner is notified by the animal control authority that such a certificate or renewal for such dangerous dog is required.

3. Any dangerous dog or potentially dangerous dog for which a certificate of registration (or renewal) has not been obtained by its owner, pursuant to subsections (C)(1) and (2) of this section, is subject to being impounded by the animal control authority. The owner of any potentially dangerous dog or dangerous dog impounded shall be subject to a civil penalty in the amount of ten dollars ($10.00) per day for each day such dog remains impounded with the animal control authority. Any potentially dangerous dog or dangerous dog impounded due to the failure of the owner of such dog to obtain the required certificate of registration and which remains impounded
for a period of at least twenty (20) days due to the failure of the owner to obtain such certificate of registration (or renewal), may be destroyed in an expeditious and humane manner by the animal control authority. A civil penalty in the amount of ten dollars ($10.00) per day shall be assessed against the owner of each potentially dangerous dog impounded by the animal control authority under this subsection.

4. It is unlawful for the owner of a dangerous dog or potentially dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash not more than eight feet in length and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal. Any person who violates this provision shall be assessed a civil penalty of two hundred fifty dollars ($250.00) for each violation thereof.

5. Any dangerous dog shall be immediately confiscated by an animal control authority if the: (a) dog is not validly registered under Section 6.08.030 of this chapter; (b) owner does not secure the liability insurance coverage required under Section 6.08.030 of this act; (c) dog is not maintained in a proper enclosure; (d) dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person. In addition, the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021. The owner of any dog confiscated under this subsection may recover such dog from the animal control authority upon the payment of a civil fine which shall be in the amount of two hundred fifty dollars ($250.00) plus ten dollars ($10.00) per day for each day said dog has been in the control of the animal control authority; provided, however, that in the event the owner has not picked up the dangerous dog within ten (10) days of being notified by the animal control authority that such dog is under the control of such authority, the dog shall be destroyed in an expeditious and humane manner and the owner shall be assessed an additional civil penalty in the amount of fifty dollars ($50.00) for the cost of destroying such dangerous dog.

6. If a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the dog's owner is guilty of a class C felony, punishable in accordance with RCW 9A.20.021. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. The owner of any dangerous dog confiscated and destroyed pursuant to this subsection shall be assessed a civil penalty in the amount of ten dollars ($10.00) per day for each day such dangerous dog is quarantined with the animal control authority and in the amount of fifty dollars ($50.00) for the cost of destroying such dangerous dog.

7. The owner of any dog that aggressively attacks and causes severe injury or death of any human, regardless of whether there has been any previous determination of whether such dog is potentially dangerous or dangerous, shall be guilty of a class C felony punishable in accordance with RCW 9A.20.021. In addition, the dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. The owner of any dangerous dog confiscated and destroyed pursuant to this subsection shall be assessed a civil penalty in the amount of ten dollars ($10.00) per day for each day such dangerous dog is quarantined with the animal control authority and in the amount of fifty dollars ($50.00) for the cost of destroying such dangerous dog.

8. Any person entering a dog in a dog fight is guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021.

D. Enforcement.

1. All civil penalties required to be paid by owners for violations of the provisions of this chapter shall be made to the Town.

2. No potentially dangerous dog or dangerous dog confiscated by the animal control authority shall be returned to any owner until such owner has paid all civil penalties which have been assessed against such owner under this chapter.
E. Hearings.

1. Any owner against whom a civil penalty has been assessed under this chapter may contest such civil penalty by requesting a hearing in the Coupeville Municipal Court by requesting such hearing within five days of notification of such civil penalty by the animal control authority.

2. Where an owner has requested a hearing pursuant to subsection (E)(1) of this section, no potentially dangerous dog or dangerous dog which is in the possession of the animal control authority shall be destroyed until the resolution of such hearing; provided, however, that an additional civil penalty in the amount of ten dollars ($10.00) per day shall be assessed against any owner whose dog remains in the custody of the animal control authority during any hearings requested under this section where resolution of such hearing is that all or any part of the civil penalty against such owner is found to be properly assessed.

3. Following resolution of any contested hearing regarding a civil penalty as provided herein, the owner of any dangerous dog or potentially dangerous dog in the possession of the animal control authority shall pay all civil penalties which may have been assessed as authorized above within ten (10) days of the final resolution of any hearing regarding such civil penalties.

4. Any dangerous dog or potentially dangerous dog which has not been picked up from the animal control authority by its owner within ten (10) days of the final resolution of any hearing regarding any civil penalties under this section shall be destroyed in an expeditious and humane manner; provided, however, that an additional civil penalty in the amount of fifty dollars ($50.00) for the cost of destroying such dog shall be assessed against the owner, and may be collected as provided in subsection D of this section.

Section 13. Section 8.04.020 of the Coupeville Municipal Code is hereby amended to read as follows:

8.04.020 - Fees—Corrective action.

A. For a police response to any false alarm, the Town, by its town marshal, may charge and collect from the person having or maintaining such burglary and/or robbery alarm on premises owned or occupied by him, fees as follows:

1. For a response to premises at which no other false alarm has occurred within the preceding six-month period, hereinafter referred to as a "first response," no fee shall be charged. Upon first response, notice of conditions and requirements of this chapter shall be given to the owner or occupant of the premises on which the false alarm occurred and upon which the burglary and/or robbery alarm is located.

2. For a second response to premises within six months, a fee set by resolution of the town council may be charged. The person having or maintaining such burglary and/or robbery alarm shall, within five working days after notice to do so, make a written report to the town marshal on prescribed forms setting forth the cause of such false alarm, the corrected action taken, whether and when such alarm has been inspected by authorized service personnel, and such other information as the town marshal may reasonably require to determine the cause of such false alarm, any mitigating circumstances and corrected action necessary. The town marshal may direct the person having or maintaining such burglary and/or robbery alarm to have authorized service personnel inspect the alarm at such premises and to take other corrective action as
prescribed by the town marshal. The town marshal shall designate a reasonable time for completion of the corrective action. All costs of inspection and corrective action shall be borne by the individual having or maintaining the alarm on the premises.

3. For a third response to premises within six months after first response, and for all succeeding responses within six months of the last response, a fee set by resolution of the town council may be charged, and if such third false alarm or any such succeeding false alarm occurs as a result of failure to take the necessary corrective action within the time required under subsections (A)(1) and (2) of this section, the town marshal may order the person having or maintaining the burglary and/or robbery alarm to disconnect such alarm until the prescribed corrective action is taken and certification of such corrective action is provided to the Coupeville police department, provided that no disconnection shall be ordered relative to any premises required by law to have an alarm system in operation.

B. In addition, the Town, through its town marshal, may charge the fees stated in this section to the person having control or maintaining facilities used in the operation or transmission of alarm signals by alarm users.

C. The fees in subsection B of this section are in addition to those provided for in subsection A of this section.

Section 14. Section 8.08.030 of the Coupeville Municipal Code is hereby amended to read as follows:

8.08.030 - Sale of Washington State approved fireworks.

A. Date and Time Limits. The sale of Washington State approved fireworks shall be allowed between twelve noon and eleven p.m. on June 28th, and between nine a.m. and eleven p.m. on June 29th through July 4th. Specifically excluded are fireworks prohibited by the state of Washington, such as firecrackers, salutes, chasers, skymrockets and bottle rockets.

B. License and Permit Required. It is unlawful for any person to engage in the retail sale of fireworks within the Town without first having obtained a license from the state Fire Marshall and approved permit from the Town clerk-treasurer.

1. Fee. In addition to any fees payable to the state of Washington, the annual non-refundable fee to be paid to the Town for issuance of the Town permit for the sale of fireworks shall be set by resolution of the town council, which shall cover one retail sales outlet and shall be good for the period June 28th through July 4th of the year of application.

2. Issuance Prerequisite. The fireworks permit shall be issued only to such applicants who meet the following qualifications:

a. The applicant must be a resident of the Town or a corporation or association having its principal and permanent meeting place in Town and/or serves Town residents.

b. Sale of fireworks shall be allowed only on private property in the Town commercial and general commercial zoning districts.

3. Application.

a. Application for a permit shall be in writing and shall be filed with the town clerk-treasurer by May 10th of each year.

b. The application shall include the following and shall be issued only if the application meets the requirements of Chapter 70.77 RCW and all ordinances of the Town of Coupeville.

i. Proof that the applicant has been issued a fireworks license by the state Fire Marshal;
ii. A diagram of the proposed location of the fireworks stand with reference to closest building, property lines and closest arterial;

iii. Certificate of insurance for each location showing proof that the applicant has a public liability insurance policy with coverage of not less than fifty thousand dollars ($50,000.00) and bodily injury liability of five hundred thousand dollars ($500,000.00) for each person and occurrence, and property damage liability insurance not less than fifty thousand dollars ($50,000.00) for each occurrence. The Town shall be named as an additional insured on the policy.

iv. The permit fee as prescribed above.

4. Approval. The mayor shall have the power, in his or her discretion to grant or deny the application, subject to reasonable conditions, if any, as it shall prescribe. The mayor's decision may be appealed to the town council, and the council's decision shall be final.

5. Issuance of, Non-Transferable. Upon approval by the mayor of a fireworks permit, the clerk-treasurer shall issue the same to the applicant. No permit shall be transferable without express approval by the mayor.

6. Number. No one organization may receive more than one permit for fireworks sales during any one calendar year. The maximum number of permits for the sale of fireworks that may be issued pursuant to this chapter during any one calendar year shall not exceed one permit for each one thousand five hundred (1,500) residents of the Town, or fraction thereof, according to the last official census.

C. Stands.

1. Operation.
   a. No person other than the permittee organization shall operate the stand for which the permit is issued, or share or otherwise participate in the benefits of the operation of such stand.
   b. Only adults (age eighteen (18) or over) shall operate each stand, and at least one adult must be present at all times that the fireworks stand is open to the public.
   c. No person under sixteen (16) years of age may sell or purchase fireworks or remain within a fireworks stand during business or non-business hours.
   d. If fireworks products are in the stand, the stand must be attended. Stand must be locked when not open for business.
   e. A list of fireworks to be sold must be prominently displayed.
   f. All unsold stock, accompanying litter and the fireworks stand shall be removed from the location and the Town by twelve noon on July 6th of each year.

2. Temporary, Provisions for. All retail sales of Washington State approved fireworks shall be permitted only from within a temporary fireworks stand and the sale from any other building or structure is prohibited. Temporary stands shall be subject to the following provisions:
   a. No fireworks stand shall be located within twenty five (25) feet of any other building nor within one hundred (100) feet of any gasoline station;
   b. Fireworks stands need not comply with the provisions of the building code of the Town; provided, however, that all stands shall be erected under the supervision of the fire chief, who shall require that those stands be constructed in a manner and place which shall insure the safety of attendants and patrons, and shall be wired according to Town code;
   c. At least two approved extinguishers with 2.5 gallons of water apiece, or equivalent, shall be maintained at each stand at all times;
   d. Each stand must have at least two unobstructed exits;
e. No fireworks stand shall be located closer than six hundred (600) feet to another fireworks stand;

f. Stand must be free of any condition which may create or cause a hazard;

g. All weeds and combustible material shall be cleared from the location of the stand, including a distance of at least twenty (20) feet surrounding the stand;

h. "No smoking" signs shall be prominently displayed on the fireworks stand with red letters not less than two inches in height on a white background and smoking is prohibited within twenty-five (25) feet of the stand;

i. Discharge of fireworks is prohibited within one hundred (100) feet of the stand, and signs reading "No fireworks discharge within 100 feet" must be posted on all four sides of the stand; and

j. A physical barricade to keep vehicles a minimum of twenty (20) feet away must be maintained around the entire perimeter of the stand (traffic cones or barricade tape).

D. Enforcement—Revocation of permit. The town fire marshal, or his or her designee, shall be authorized to enter and inspect all fireworks stands to assure compliance with the provisions of this chapter and to protect public health, safety and welfare. The fire marshal is authorized to temporarily revoke any permit, for cause.

E. Penalties for Violations. Any person violating this chapter in the sale of fireworks shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars ($1,000.00) and/or by imprisonment in the Island Country jail for a period not to exceed ninety (90) days. Further, the permit shall be revoked.

Section 15. Section 8.20.020 of the Coupeville Municipal Code is hereby amended to read as follows:

8.20.020 - Piles less than four feet in diameter and height.

A permit, if burning is not otherwise prohibited by State law, shall be required for burning brush or building debris if the burning pile does not exceed four feet in diameter or height, provided that each of the following conditions shall be satisfied at all times during burning: (a) the fire shall not contain prohibited materials (i.e., garbage, dead animals, asphalt, petroleum products, paint, rubber products, plastics, paper, cardboard, treated wood, construction debris, metal or any other substance other than natural vegetation, which, when burned, releases toxic emissions, dense smoke or odors), (b) no fire shall be kindled within fifty (50) feet of any structure, (c) a water hose connected to a functional water supply or other appropriate fire extinguishing equipment shall be readily available for use, (d) all fires must be constantly attended by an adult, and (e) all fires shall be extinguished during nondaylight hours. Permits shall be issued only after an application has been filed. Unless otherwise set forth by resolution of the town council, No fee shall be charged for applications for burns of less than four feet in diameter and height.

Section 16. Section 10.24.030 of the Coupeville Municipal Code is hereby amended to read as follows:

10.24.030 - Registration.

All golf carts shall be registered with the Town prior to operation upon the public roadways within the Town of Coupeville. The sole purpose of the registration is to identify the owners of the golf carts being
operated as provided herein. Registration of a golf cart is not intended to and shall not operate to warrant or guarantee that the golf cart meets any particular standard or condition or that it may be safely operated upon the public roadways within the Town of Coupeville. Registration shall be made in the manner set forth as follows:

1. Application for a golf cart registration shall be made upon a form provided by and to the town marshal or his/her designee. An annual license fee as prescribed by resolution of the town council shall be paid before each registration or renewal thereof is granted.

2. The town marshal upon receiving proper application therefore is authorized to issue a golf cart registration number which shall be effective for one calendar year. A Golf Cart number will be issued upon the approval of the completed application and the payment of an annual fee set by resolution of the town council.

3. The town marshal shall not issue a golf cart registration number for any golf cart when he/she knows or has reasonable grounds to believe that the applicant is not the owner of, or entitled to the possession of, such golf cart.

4. The town marshal shall keep a record of the number of each registration, the date issued, the name and address of the person to whom issued, and a record of all registration fees collected by him/her.

5. The town marshal, upon issuing a registration number, shall also issue a decal bearing the registration number assigned to the golf cart.

6. Such decal shall be firmly attached to the rear of the golf cart for which issued in such position as to be plainly visible from the rear.

7. No person shall remove a license plate or decal from a golf cart during the period for which issued except upon a transfer of ownership or in the event the golf cart is dismantled and no longer operated upon any roadway within the jurisdiction of the Town.

8. Upon the expiration of any golf cart registration, the same may be renewed upon application and payment of the same fee as upon an original application.

Section 17. Section 12.08.080 of the Coupeville Municipal Code is hereby amended to read as follows:

12.08.080 - Reserving public facilities.

In general, use of public facilities is provided on a first come-first served basis. No reservations are required for use of the open areas of public parks. For use of the recreation hall and park pavilion, the following rules shall apply:

A. Permits. The recreation hall and park pavilion may be used by permit only. If amplified sound is to be provided, a special permit must be obtained. Both permits are available at Town Hall by application only on a form approved by the town administrator. No permit may be issued without prior approval of the town administrator, or designee. Only a member of the administrative staff may issue keys.

B. Reservations. The recreation hall and park pavilion may be reserved up to one year in advance. The parks and recreation commission must approve requests for reservations longer than one year in advance.

C. Damage Deposit. A damage/cleaning deposit fee set by resolution of the town council is required from all applicants/users. Upon return of the keys, and after a damage/cleaning assessment performed by town staff, the deposit or balance thereof will be returned by mail. Should it be necessary, part or all of the deposit will be kept to cover cleaning and damage costs.
D. Fees. Fees for use of the pavilion and recreation hall shall be as set by resolution of the town council current at the date of application for use.

E. Payment for Security Services. The town administrator or designee will review all facility use permit applications and shall be responsible for determining if a police presence will be required. For events requiring the presence of a regular or reserve officer, the applicant will pay an additional twenty dollars ($20.00) per hour (or part thereof) above the regular rental fee be required to make arrangements with the Island County Sheriff's Office Reserve Association according to the Marshal's recommendation, and will be charged separately by the Association.

F. Waiver of Fees. Fees will be waived for the following situations:
   1. In consideration of their ongoing efforts to beautify and maintain public facilities, the Coupeville Garden Club shall be exempt from paying recreation hall rental fees for their annual plant sale.
   2. In consideration of the generous donation of the pavilion to the Town, Concerts on the Cove shall be exempt from paying the pavilion rental fee, and recreation hall rental fee for their annual fundraising event.

G. Hold Harmless. Applicants requesting use of the park pavilion or recreation hall shall be required to submit, along with their application, a "hold harmless" agreement in the form provided by the town administrator. When deemed appropriate by the town administrator, the applicant shall also be required to provide evidence of liability insurance in the amount of at least one million dollars ($1,000,000.00).

Section 18. Section 12.12.030 of the Coupeville Municipal Code is hereby amended to read as follows:

12.12.030 - Right-of-way permit required.

It is unlawful for any person to perform construction-related activities within any street without having first obtained a right-of-way permit from the public works director and made payment of the required fees as set forth by resolution of the town council. Emergency repairs performed by a public or franchise-holding utility and work performed in conjunction with a Coupeville public works project are exempt from this requirement.

Section 19. Section 12.12.040 of the Coupeville Municipal Code is hereby amended to read as follows:


Right of-way permits shall be issued only after submittal of a written application for said permit, on a form provided by the Town, and approval of said permit by the public works director. The written application shall include the following:

A. Name, contractors license number, phone number and address of the applicant;
B. Description of the nature, location and purpose of the proposed construction;
C. Anticipated date of construction and date of completion;
D. Written plans clearly describing the proposed construction. At his or her discretion, the public works director may require that these plans be prepared and certified by a professional engineer registered in the state of Washington;
E. Application fee in accordance with the current list of fees and charges as set forth by resolution of the town council; and
F. Right-of-way permits are valid for one year from the date of approval.

Section 20. Section 15.12.040 of the Coupeville Municipal Code is hereby amended to read as follows:

15.12.040 - Fees.

A. Fees shall be charged for the inspections based upon the square footage of the occupancy inspectors as set forth by resolution of the town council. [BVI][BVII]

B. The fee schedule applies to the initial fire inspection and if a notice of violation is issued, includes a second inspection to verify compliance. The fee is not prorated for midyear inspections.

C. An additional fee as set forth by resolution of the town council per inspection shall be charged for each reinspection beyond the second inspection when subsequent compliance checks are needed within the same calendar year.

D. All fees not paid within thirty (30) days of the date of billing shall be considered delinquent. All delinquent billings shall bear interest at the rate of one percent per month of the delinquent amount, plus a late fee will be assessed pursuant to the council adopted fee resolution.

E. After the fees have become delinquent, the Town shall file a lien against the real property which was the subject of the fire inspection for all unpaid fees, interest and late fees. Said lien shall be foreclosed in the same manner as the foreclosure of a mortgage within the state. The owner of the real property subject to the lien shall pay all attorney's fees and court costs involved with the filing of the lien and the foreclosure of the lien.

Section 21. Section 16.36.100 of the Coupeville Municipal Code is hereby amended to read as follows:

16.36.100 - Agency compliance.

A. (WAC 173-806-185). Purpose Of This Part and Adoption By Reference. This part contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating environmentally sensitive areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The Town adopts the following sections by reference, as supplemented by WAC 173-806-050 through 173-806-053 and this part:

WAC 197-11-900—Purpose of this part
WAC 197-11-902—Agency SEPA policies
WAC 197-11-916—Application to ongoing actions
WAC 197-11-920—Agencies with environmental expertise
WAC 197-11-922—Lead agency rules
WAC 197-11-924—Determining the lead agency
WAC 197-11-926—Lead agency for governmental proposals
WAC 197-11-928—Lead agency for public and private proposals
WAC 197-11-930—Lead agency for private projects with one (1) agency with jurisdiction
WAC 197-11-932—Lead agency for private projects requiring licenses from more than one (1) state agency
WAC 197-11-938—Lead agencies for specific proposals
WAC 197-11-940—Transfer of lead agency status to a state agency
WAC 197-11-942—Agreements on lead agency status
WAC 197-11-944—Agreements on division of lead agency duties
WAC 197-11-946—DOE resolution of lead agency disputes
WAC 197-11-948—Assumption of lead agency status.


1. The Town shall designate environmentally sensitive areas under the standards of WAC 197-11-908 and shall file maps designating such areas, together with the exemptions from the list in WAC 197-11-908 that are inapplicable in such areas, with the Town and the Department of Ecology, Headquarters Office, Olympia, Washington. The environmentally sensitive area designations shall have full force and effect of law as of the date of filing.

2. The Town shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The Town shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.

3. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

C. (WAC 173-806-200). Fees. The Town shall require the following fees for its activities in accordance with the provisions of this chapter:

1. Threshold Determination. For every environmental checklist the Town will review when it is lead agency, the Town shall collect a fee as shall be set by resolution of the town council from the proponent of the proposals prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee.

   a. When the Town is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the Town, the Town may charge and collect a reasonable fee from any applicant to cover costs incurred by the Town in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.
   b. The responsible official may determine that the Town will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the Town and may bill such costs and expenses directly to the applicant. The Town may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the Town and applicant after a call for proposals.
   c. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subdivision (2)(a) or (b) of this subsection which remain after incurred costs are paid.

3. The Town may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter.

4. The Town shall not collect a fee for performing its duties as a consulted agency.

5. The Town may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.17 RCW.
D. (WAC 173-806-220). Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance, or the application of the provision to other persons or circumstances, shall not be affected.

Section 22. Effective Date. This Ordinance shall be published in the official newspaper of the Town, and shall take effect and be in full force five days after publication.

ADOPTED by the Town Council and APPROVED by the Mayor this 12th day of February, 2019.

TOWN OF COUPEVILLE

By __________________________
Molly Hughes, Mayor

ATTEST:

By __________________________
Kelly Beech, Clerk-Treasurer

APPROVED AS TO FORM:

By __________________________
Grant Weed, Town Attorney

Date of Publication: __________________________
February 16, 2019