

**CITY OF BUCKLEY, WASHINGTON**

**ORDINANCE NO. 06 - 15**

**AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, AMENDING MULTIPLE MUNICIPAL CODE CITATIONS REFERENCING THE COMBINED DUTIES OF CITY CLERK-TREASURER DUE TO SEGREGATION OF THE POSITIONS ADOPTED BY ORDINANCE NO. 03-15.**

**WHEREAS**, on January 27, 2015 the City Council adopted Ordinance No. 03-15 which updated the code section related to the city administrator and established new sections for a finance director and city clerk to bring the code into conformity with current operational structure; and

**WHEREAS**, Ordinance No. 03-15 repealed and replaced Chapter 2.08 of the Buckley Municipal Code which originally pertained to the “City Clerk-Treasurer” and was changed to “Finance Director”; and

**WHEREAS**, during codification of this ordinance it was identified that there were several other references to City-Clerk Treasurer scattered throughout the Municipal Code which staff overlooked; and

**WHEREAS**, in an effort to cleanup these references and bring the code into compliance with the newly adopted code sections, these references need to be revised; and

**WHEREAS**, the City Council desires to amend the Municipal code to update all references to Clerk-Treasurer to correspond to the new positions, duties and responsibilities established through Ordinance No. 03-15;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** Section 2.04.030 of the Buckley Municipal Code entitled “Consent agenda – For routine business” is hereby amended to read as follows;

2.04.030 Consent agenda – For routine business.

When the city administrator and/or mayor determine that any item of business requires action by the council that is of a routine and noncontroversial nature, they may cause such item to be presented at a regular meeting of the council as a part of a consent agenda. Items which shall be permitted on a consent agenda include, but are not limited to:

- (1) Approval of minutes;
- (2) Payment of the bills;
- (3) Reports of information for council;
- (4) Resolutions;
- (5) City treasurer's and other reports;
- (6) Setting dates for public hearings/meetings;
- (7) Transfer vouchers; and
- (8) Ordinances.

**Section 2.** Section 2.40.040 of the Buckley Municipal Code entitled "Oath of office" is hereby amended to read as follows;

2.40.040 Oath of office.

Each member of the fire department shall qualify by taking before and filing with the city clerk an oath of office that he will faithfully support the Constitution of the United States, the Constitution and laws of the state, and ordinances of the city, and perform to the best of his ability all the duties of his office.

**Section 3.** Chapter 2.50 of the Buckley Municipal Code entitled "Park Board" is hereby amended to read as follows;

2.50.010 Definitions.

Words used in this chapter shall be defined as follows:

- (1) "Board" means park board.
- (2) "Board members" means those citizens appointed to the board and who are interested in keeping and maintaining a community that has adequate recreation for all ages, that is well landscaped, neat, clean and beautiful for the benefit and use of the public.
- (3) "Park" means an area of land used for public recreational purposes, including landscaped tracts, picnic grounds, playgrounds, athletic fields, recreational centers, and including municipal buildings so used.

2.50.020 Membership – Terms.

Seven park board members shall constitute the park board, which includes the park supervisor as a perpetual member as long as employed in that capacity by the city; the remaining members of the board

shall be electors of the Buckley area. These board members shall be appointed by the mayor, with the approval of the majority of the members of the city council, and shall serve three-year terms with two of the terms to expire annually, at the end of the calendar year. Board members shall organize annually and select one of their members as president; the president shall have at least one year tenure. The members shall serve without compensation. Each board member, before taking office, shall qualify by taking oath or affirmation before the city clerk. The board members presently in office shall determine by lot whose term shall expire in three, two or one years, respectively, and which member shall serve as president as stated above. The park superintendent is to be compensated for that office, but not for duties as a member of the park board.

#### 2.50.030 Board meetings – Officers – Quorum.

(1) The board shall hold regular meetings at least once during each quarter of each calendar year. Special meetings may be called by the president or any four members of the board after attempting to reach all the members of the board either by written notice or by telephone should an emergency exist.

(2) Meetings of the board shall be presided over by the president if present, or by a member of the board selected by a majority of the board members at such meeting. At all meetings of the board a majority of the board shall constitute a quorum for the transaction of business, and a majority vote of those present shall be necessary to carry any proposition.

(3) A copy of the minutes of the meeting shall be filed with the city clerk, to be given to the city council at the next scheduled council meeting. Each member of the board shall receive a copy of said minutes.

#### 2.50.040 Powers and duties.

The board is authorized and empowered to make rules and regulations deemed necessary for the conduct of its business.

The board shall advise the parks and recreation director, mayor, city council and other officials regarding the general supervision and control of parks and recreational facilities and programs of the city.

The board shall have the power to advise regarding the establishment of a park and/or recreation department and regarding the employment of necessary personnel, and to advise regarding conduct of any form of recreation or cultural activity, and shall advise regarding control and supervision of all parks belonging to the city, and advise regarding planning, promotion, management and acquisition, construction, development, maintenance and operation, including restrictions on, and compensation to be paid for, municipally owned recreational facilities, including community buildings and improvement and ornamentation of the same, and shall make recommendations regarding entering into written contracts.

The city council and citizens shall consult the park board and shall receive recommendation relative to establishment of new parks or modification to existing recreational facilities or parks.

#### 2.50.050 Budget estimates and reports.

The board shall submit to the city council, on or before the last Monday in August, an estimate of the amount of money required by the department to carry on its activities for the ensuing year, and an estimate of revenue to be received, together with recommendations for the development of the program and facilities as it may deem advisable, for the information and guidance of the city council in preparing the budget for the tax levy, for the operation and maintenance of the city parks and recreational program and necessary facilities and the acquisition of the property needed therefor.

The park superintendent shall be charged with the administration of the park department.

2.50.060 Seminars and educational sessions.

Prior to any attendance at an educational session or recreational session or convention sponsored outside of the city by any members of the park board, a request for per diem payments for costs to the attending member or members will be submitted to the city council and the mayor for their approval. Upon granting the approval, the attending members shall be compensated in the same manner as any city employee attending the same type of session or convention concerned with his functions as a city employee.

**Section 4.** Chapter 2.58 of the Buckley Municipal Code entitled "Salary Commission" is hereby amended to read as follows;

2.58.010 Created – Membership, appointment, compensation, term.

(1) There is created a salary commission for the city. The commission shall consist of seven members, to be appointed by the mayor with the approval of the city council.

(2) A member of the commission shall serve for a three-year term without compensation, and shall be a resident of the city. The initial members shall be appointed for staggered terms.

(3) No member of the commission shall be appointed to more than two terms.

(4) A member of the commission shall not be an officer, official, or employee of the city or an immediate family member of an officer, official, or employee of the city. For purposes of this section, "immediate family member" means the parents, spouse, siblings, children, or dependent relatives of an officer, official, or employee of the city, whether or not living in the household of the officer, official, or employee.

2.58.020 Vacancies.

In the event of a vacancy in office of commissioner, the mayor shall appoint, subject to approval of the city council, a person to serve the unexpired portion of the term of the expired position.

2.58.030 Removal.

A member of the commission shall only be removed from office for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of residence.

2.58.040 Duties.

(1) The commission shall have the duty, at such intervals as determined by the commission, to review the salaries paid by the city to each elected city official. If after such review the commission determines that the salary paid to any elected city official should be increased or decreased, the commission shall file a written salary schedule with the city clerk indicating the increase or decrease in salary.

(2) A new schedule shall be timed to be effective simultaneously and equally to all councilmembers. The commission shall file its initial schedule of salaries for elected city officials with the city clerk no later than the first Monday in July 2004. It shall file any subsequent schedules on or before the same day every two years thereafter. Each schedule shall be prepared in a form approved by the city attorney. The signature of the commission chair shall be affixed to each schedule submitted to the city clerk. The commission chair shall certify in writing that the schedule has been adopted in compliance

with: (a) the rules and procedures, if any, of the commission; (b) the provisions of this chapter; and (c) other applicable laws including the State Constitution.

(3) Salary increases established by the commission shall be effective as to all city-elected officials, regardless of their terms of office and shall take effect immediately unless the commission recommends otherwise.

(4) Salary decreases established by the commission shall become effective as to an incumbent city-elected official at the commencement of their next subsequent term of office.

**2.58.050 Meetings, operations and expenses.**

The meetings and operations of the commission shall be conducted as follows:

(1) Meetings. All meetings, actions, hearings, and business of the citizens' commission shall be subject to the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act. Prior to the filing of any salary schedule:

(a) The commission shall first develop a proposed schedule; then

(b) Publish notices in the same manner as the city council agendas; and

(c) Hold one public hearing and take testimony thereon, within the two months immediately preceding the filing of the salary schedule.

(2) Operations. Except as provided hereinafter, the citizens' commission shall be solely responsible for its own organization, operation, and action, and shall receive the fullest cooperation of all elected and appointed city officials, and employees, departments and agencies of the city of Buckley. Staff support shall be provided as determined in the city budget and by the mayor. The members of the commission shall elect a chair from among their number.

**2.58.060 Referendum.**

Any salary increase or decrease established by the commission pursuant to this chapter shall be subject to referendum petition by the voters of the city, in the same manner as a city ordinance, upon filing of a referendum petition with the city clerk within 30 days after filing of a salary schedule by the commission. In the event of the filing of a valid referendum petition, the salary increase or decrease shall not go into effect until approved by a vote of the people. Referendum measures under this section shall be submitted to the voters of the city at the next following general or municipal election occurring 30 days or more after the petition is filed, and shall otherwise be governed by the provisions of the State Constitution and the laws generally applicable to referendum measures.

**Section 5.** Chapter 3.08 of the Buckley Municipal Code entitled "General Payroll Account" is hereby amended to read as follows;

**3.08.010 Established.**

The city establishes a general payroll fund account for the purpose of paying the various city employees from one payroll account.

**3.08.020 Transfer of funds.**

The city authorizes and approves the transfer by the city treasurer from the various departmental accounts sufficient payroll funds on a monthly basis to pay the salaries of the city employees.

3.08.030 Issuance of warrants.

The city treasurer is authorized to issue warrants payable to the general fund account and is directed to make the necessary transfer of payroll funds on the city's books of account.

**Section 6.** Chapter 3.28 of the Buckley Municipal Code entitled "General Claims Fund Account" is hereby amended to read as follows;

3.28.010 Established.

The city hereby establishes a general claims fund account for the purpose of paying the various claims against the city from one claims fund account.

3.28.020 Transfer of funds.

The city hereby authorizes and approves the transfer, by the city treasurer from the various departmental budgetary accounts, of sufficient funds on a monthly basis to pay the monthly claims against the city.

3.28.030 Warrant issuance.

The city treasurer is authorized to issue warrants payable to the general claims fund account and is further hereby directed to make the necessary transfer of funds from the departmental budgetary accounts on the city's books of account.

**Section 7.** Section 3.76.030 of the Buckley Municipal Code entitled "Notice" is hereby amended to read as follows;

3.76.030 Notice.

The city treasurer shall, at least 30 days prior to the commencement of said proceeding, mail to the persons whose names appear on the assessment roll as owners of the property charged with the assessment or installments which are delinquent, at the address last known to the city treasurer, a notice that sets forth the amount due upon each separate lot, tract, or parcel of land, and the date after which these proceedings will be commenced. The city treasurer shall file with the clerk of the superior court at the time the commencement with the foreclosure proceeding and the affidavit of the person who mailed the notices.

**Section 8.** Chapter 3.84 of the Buckley Municipal Code entitled "Bond Registration" is hereby amended to read as follows;

3.84.010 Definitions.

The following words shall have the following meanings when used in this chapter:

(1) "Bond" or "bonds" shall have the meaning defined in Section 2(1), Chapter 167, Laws of 1983, as the same may be from time to time amended.

(2) "City" means the city of Buckley, Washington.

(3) "Fiscal agencies" means the duly appointed fiscal agencies of the state of Washington serving as such at any given time.

(4) "Obligation" or "obligations" shall have the meaning defined in Section 2(3), Chapter 167, Laws of 1983, as the same from time to time may be amended.

(5) "Registrar" means the person or persons designated by the city to register ownership of bonds or obligations under this chapter.

#### 3.84.020 Findings.

The city council finds that it is in the city's best interest to establish a system of registering the ownership of the city's bonds and obligations in the manner permitted by law.

#### 3.84.030 System adopted.

The city adopts the system of registering the ownership of its bonds and obligations as described in this chapter.

#### 3.84.040 Registration requirement.

All bonds and obligations offered to the public, having a maturity of more than one year and issued by the city after June 30, 1983, on which the interest is intended to be exempt from federal income taxation, shall be registered as to both principal and interest as provided in this chapter.

#### 3.84.050 Method.

(1) The registration of all city bonds and obligations required to be registered shall be carried out either by:

(a) A book entry system of recording the ownership of the bond or obligation on the books of the city or the fiscal agencies, whether or not a physical instrument is issued; or

(b) Recording the ownership of the bond or obligation and requiring, as a condition of the transfer of ownership of any bond or obligation, the surrender of the old bond or obligation and either the reissuance of the old bond or obligation or the issuance of a new bond or obligation to the new owners.

(2) No transfer of any bond or obligation subject to registration requirements shall be effective until the name of the new owner and the new owner's mailing address, together with such other information deemed appropriate by the registrar, shall be recorded on the books of the registrar.

#### 3.84.060 Denominations.

Except as may be provided otherwise by the ordinance authorizing their issuance, registered bonds or obligations may be issued and reissued in any denomination up to the outstanding principal amount of the bonds or obligations of which they are a part. Such denominations may represent all or a part of a maturity or several maturities and on reissuance may be in smaller amounts than the individual denominations for which they are reissued.

#### 3.84.070 Registrar – Appointment.

Unless otherwise provided in the ordinance authorizing the issuance of registered bonds or obligations, the city treasurer shall be the registrar for all registered interest-bearing warrants, installment contracts, interest-bearing leases and other registered bonds or obligations not usually subject to trading and the fiscal agencies shall be the registrar for all other city bonds and obligations.

#### 3.84.080 Registrar – Duties.

(1) The registrar shall serve as the city's authenticating trustee, transfer agent, registrar and paying agent for all registered bonds and obligations for which he, she or it serves as registrar and shall

comply fully with all applicable federal and state laws and regulations respecting the carrying out of those duties.

(2) The rights, duties, responsibilities and compensation of the registrar shall be prescribed in each ordinance authorizing the issuance of the bonds or obligations, which rights, duties, responsibilities and compensation shall be embodied in a contract executed by the city treasurer and the registrar.

(3) In instances when the fiscal agencies serve as registrar, the city adopts by reference the contract between the State Finance Committee and the fiscal agencies in lieu of executing a separate contract and prescribing by ordinance the rights, duties, obligations and compensation of the registrar. As well, when the city treasurer serves as registrar, a separate contract shall not be required.

(4) In all cases when the registrar is not the fiscal agencies and the obligation is assignable, the ordinance authorizing the issuance of the registered bonds or obligations shall specify the terms and conditions of:

- (a) Making payments of principal and interest;
- (b) Printing any physical instruments, including the use of identifying numbers or other designation;
- (c) Specifying record and payment dates;
- (d) Determining denominations;
- (e) Establishing the manner of communicating with the owners of the bonds or obligations;
- (f) Establishing the methods of receipting for the physical instruments for payment of principal, the destruction of such instruments and the certification of such destruction;
- (g) Registering or releasing security interests, if any; and
- (h) Such other matters pertaining to the registration of the bonds or obligations authorized by such ordinance as the city may deem to be necessary or appropriate.

#### 3.84.090 Statement of transfer restrictions.

Any physical instrument issued or executed by the city subject to registration under this chapter shall state on its face that the principal of and interest on the bonds or obligations shall be paid only to the owner thereof registered as such on the books of the registrar as of the record date defined in the instrument and to no other person, and that such instrument, either principal or interest, may not be assigned except on the books of the registrar.

**Section 9.** Section 3.90.010 of the Buckley Municipal Code entitled "Authorization" is hereby amended to read as follows;

#### 3.90.010 Authorization.

The mayor is authorized to enter into an agreement regulating the administration and use of a drug enforcement fund, a true and correct copy of said agreement being attached to the ordinance codified in this chapter and on file in the city clerk's office

**Section 10.** Chapter 4.20 of the Buckley Municipal Code entitled “Interments and Disinterments” is hereby amended to read as follows;

**4.20.010 Full payment required.**

All lots are to be purchased at the office of the city treasurer. No lots, tracts, or grave space shall be occupied for burial purposes until the same has been paid for in full. The cemetery superintendent will permit no burials without a receipt signed by the city treasurer showing payment for such lot or tract.

**4.20.015 Manner of payment.**

Cemetery lots not paid in full at the time of reservation shall be paid in accordance with this provision. Purchasers shall pay a down payment of no less than 25 percent of the current sale price as provided by city resolution. The balance of the purchase price shall be paid in full within eight months of the date of reservation. No interest shall be charged during this eight-month period. In the event the purchase price is not fully paid within the above-referenced eight-month time period, the owner shall forfeit any and all reservations to the lot and all moneys paid as a part of the down payment. Any lot so reserved shall then be open for purchase by any other member of the public.

**4.20.020 Schedule of prices.**

The schedule of cost for all lots, blocks, tracts, or parcels of land in the platted portion of said cemetery property shall be fixed and adopted by resolution of the city council and filed in the office of the city clerk. No lots, tracts, or grave space shall be sold or disposed of for less than the price named in such schedule which may be in force at the time of such sale or disposal.

**4.20.030 Notice to superintendent.**

When interments or disinterments must be made, notice shall be given in advance to the cemetery superintendent so as to have no less than 24 hours (and at least one working day prior notice) in order to properly prepare the grave.

**4.20.040 Restrictions – Added expense.**

Interments, disinterments or removals will not be permitted on Sundays or legal holidays, except in cases of city-approved emergencies. When extra expense is brought about by reason of an emergency burial, disinterment or removal, additional expenses to the established charge shall be added. All Saturday funerals will be finished by 12:00 noon. Funerals occurring on regular working days shall be scheduled to comply with the working hours of the city crew. If a funeral runs past the regular working hours of the city crew, there will be a charge for overtime.

**4.20.050 Designation of position of grave.**

When an interment is to be made, the exact position of the grave must be designated and this order must be given in person, in writing, to the city.

**4.20.060 More than one burial per grave.**

There shall be only one burial per grave on any grave purchased after January 1, 1964, except as follows:

(1) Cremains of up to four people may be interred in a single grave, regardless of whether there has been a previous burial; provided, however, that when a conventional burial is proposed subsequent to interment of cremains, the conventional burial will be permitted only if the cremains of no more than one person have been previously interred on the proposed burial site.

(2) The bodies of two children may be interred in a single adult grave; provided, the outer case of neither is more than four feet in length.

4.20.070 Disinterment authorization.

No disinterment will be allowed without the written consent of the superior court of Pierce County.

4.20.080 Proof of ownership.

On the death of any owner of lots in the cemetery, the heirs or assigns or devisees of such decedent must, if required, furnish to and file with the city satisfactory proof of their ownership, and all such papers shall remain with the city. No transfer of any lot or interest therein will be valid without the city first being notified of such transfer and the same shall have been endorsed on the books of the city. No cemetery lot, tract, or grave space purchased from the city shall be resold to any person, firm, or corporation other than the city. The city will, upon written application, return the purchase price of any lot, tract, or grave space at the price originally charged by the city.

4.20.090 Funeral within grounds.

Funerals within the grounds shall be under the control of the cemetery superintendent or one of his assistants.

4.20.100 Opening and closing graves.

All graves shall be opened and closed by city employees. A charge payable in advance shall be made for each opening and closing, at a cost established by the city council by resolution.

4.20.110 Liner or vault required.

No interments will be permitted in the cemetery without a reinforced concrete liner or state approved type of burial vault.

4.20.120 Sodding and seeding.

All graves will be sodded or seeded by the city without charge to the lot owners when the grave has thoroughly settled and has been made level with the surface of the surrounding lawn.

**Section 11.** Section 6.16.040 of the Buckley Municipal Code entitled "Application – Investigation" is hereby amended to read as follows;

6.16.040 Application – Investigation.

Any person desiring such a license shall file written application with the city council on forms provided by the city clerk for that purpose. The city council, upon presentation of such application and before acting upon the same, shall refer such application to the police department for a full investigation as to the truth of the statements contained therein, and as to any or all other matters which might tend to aid the city council in determining whether or not such application should be granted. After the police department shall have reported back to the council the result of such investigation, if the council is satisfied that the statements contained in such application are true, the council shall direct the city clerk to issue the license applied for; provided, however, that if the council is not satisfied that the application should be granted, then the council shall, upon at least 10 days' notice to the applicant, hold a hearing upon such application, at which time the applicant shall be given an opportunity to prove by competent evidence that the applicant and all persons having an interest in the proposed cabaret are of good moral character, and that none of them have ever been convicted of any of the offenses mentioned in BMC 6.16.030. If after such hearing the council finds from a preponderance of the evidence that the foregoing facts have been established, it shall direct the city clerk to issue the license applied for. If after such hearing the council finds that the foregoing facts have not been established by the evidence, the application shall be denied. The action of the city council upon such hearing shall be final.

**Section 12.** Section 6.24.020 of the Buckley Municipal Code entitled “License application” is hereby amended to read as follows;

6.24.020 License application.

Application for a pawnbroker’s license shall be in writing, filed with the city council on forms furnished by the town marshal and shall be accompanied by the required fee. The application shall be referred to the police department for recommendation. If the city council approves the application, it may, by resolution, direct the issuance of the license by the city clerk.

**Section 13.** Section 6.24.020 of the Buckley Municipal Code entitled “License application” is hereby amended to read as follows;

6.28.130 License required.

It is unlawful for any person to follow the vocations or pursue any business mentioned in this chapter without having first obtained a license as herein provided from the city clerk, who is authorized to issue such license under the corporate seal of the city upon receipt by him of the amount of the license fee herein provided.

**Section 14.** Chapter 6.32 of the Buckley Municipal Code entitled “Amusement Devices” is hereby amended to read as follows;

6.32.010 Definitions.

Words and phrases in this chapter are defined as follows:

(1) “Amusement device” means any machine, apparatus, device or game, the operation or use of which is permitted, controlled or otherwise made possible by the deposit of a coin, plate, disc or slug into any slot, device or opening in which is played essentially for amusement or entertainment. It shall include, but not be limited to, such devices as electronic video game machines, mechanical game machines, shuffleboard machines, horseracing machines, football game machines, or any other similar machine or device. It shall not include billiard or pool tables regulated by Chapter 6.36 BMC, or music machines commonly known as juke boxes, nor any machine designed exclusively for use by children under 10 years of age and for which no reward or prize for skill is attainable, such as coin-operated riding machines and other related coin-operated machines. Free plays or games shall constitute a reward or prize for skill.

(2) “Proprietor” means the person in whose place of business any amusement device is placed for the use, amusement, patronage or recreation of the public or of persons in or about said place.

(3) “Person” means any individual, business, corporation, partnership, association, syndicate, club, society or other charitable association of any kind or nature.

6.32.020 Amusement device license required.

It is unlawful for any proprietor to install, operate, maintain, or exhibit for the purpose of use, play or operation, or permit to be installed, operated or maintained for profit any amusement device unless an amusement device license has been obtained from the city. The license shall be valid only for the number of amusement devices therein specified. The use of additional devices shall require an additional license.

6.32.030 Licensing fee.

An amusement device license fee expires on December 31st of each year, unless earlier suspended or canceled. The fee for such license shall be \$50.00 per amusement device and shall be paid for at the offices of the city treasurer; provided, that no license fee shall be charged for any amusement device owned and operated by any fraternal or charitable organization qualifying for exemption under Section 501(c)(3) of the federal Internal Revenue Code, 26 USCA Section 501. The license is effective for a single place of business only.

6.32.040 Applications for licenses.

All applications for amusement device licenses shall be submitted to the city clerk and must be approved by the city council. Applications for renewals of such licenses shall likewise be made to the city clerk, without referring the application for renewal to the city council, unless requested by the mayor to be acted upon by the council.

6.32.050 Licenses to be displayed.

The amusement device license shall be posted permanently and conspicuously in public view on the premises where the devices are to be operated or maintained.

6.32.060 License nontransferable – Revocation.

An amusement device license shall not be transferable from one location to another. The city council expressly reserves the right to refuse such a license to any place of business or to withdraw one already issued from any place of business, where the owner or proprietor is convicted of a crime involving moral turpitude or where the operation of the business is run in such a way as to allow, permit or fail to discourage conduct on the part of the patrons which is in violation of any state, city or county rule, statute or ordinance.

6.32.100 Gambling games.

Nothing contained in this chapter shall be construed to authorize gambling or gambling games of any nature whatever, nor to license any gambling game, or slot machine. It is unlawful to operate or use, or permit to be operated or used, any amusement device wherein the element of skill or a combination of skill and chance is not involved, or any device customarily used for gambling.

6.32.110 Play by minors.

It is unlawful for any person under the age of 12 to play or operate any amusement device where any payoff, including free plays or free games, is made; and it is unlawful for any operator or any manager in charge of premises where such device is kept, maintained or operated to permit or allow any person under the age of 12 to operate any such amusement device. Violation of this section shall be good cause for the revocation of a license or licenses required under this chapter.

6.32.120 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter.

**Section 15.** Section 6.36.020 of the Buckley Municipal Code entitled “Fees” is hereby amended to read as follows;

6.36.020 Fees.

Any person desiring a license to keep one or more billiard and/or pool tables in any place of public resort in the city during any calendar year beginning on January 1st, or during any part of such calendar year, shall first pay into the city treasury a license fee as follows: For three or less such billiard tables and/or pool tables, \$15.00; and for each additional billiard table or pool table in excess of three such tables, \$5.00; and upon filing with the city treasurer a treasurer's receipt for the amount of any such license fee or fees and after sufficient proof that the premises have been approved by the building inspector for occupancy, the city clerk shall issue a proper license permit for such calendar year.

**Section 16.** Section 10.30.010 of the Buckley Municipal Code entitled "Gambling" is hereby amended to read as follows;

10.30.010 Gambling.

The following provisions of the Revised Code of Washington relating to gambling are adopted by reference, as they now exist or as they may hereafter be adopted:

<b>Source of Adopted Law</b>	<b>Title</b>
RCW <a href="#">9.46.0237</a>	"Gambling"
RCW <a href="#">9.46.0241</a>	"Gambling device"
RCW <a href="#">9.46.0245</a>	"Gambling information"
RCW <a href="#">9.46.0249</a>	"Gambling premises"
RCW <a href="#">9.46.0253</a>	"Gambling record"
RCW <a href="#">9.46.0269</a>	"Professional gambling"
RCW <a href="#">9.46.0289</a>	"Whoever," "person"
RCW <a href="#">9.46.150</a>	Injunctions – Voiding of licenses, permits or certificates
RCW <a href="#">9.46.170</a>	False or misleading entries or statements, refusal to produce records
RCW <a href="#">9.46.185</a>	Causing person to violate rule or regulation
RCW <a href="#">9.46.190</a>	Violations relating to fraud or deceit
RCW <a href="#">9.46.195</a>	Obstruction of public servant – Penalty
RCW <a href="#">9.46.196</a>	Cheating
RCW <a href="#">9.46.198</a>	Working in gambling activity without license as violation – Penalty
RCW <a href="#">9.46.210</a>	Enforcement – Commission as a law enforcement agency

RCW <a href="#">9.46.217</a>	Gambling records – Penalty – Exceptions
RCW <a href="#">9.46.222</a>	Professional gambling in the third degree
RCW <a href="#">9.46.231</a>	Gambling devices, real and personal property – Seizure and forfeiture
RCW <a href="#">9.46.235</a>	Slot machines, antique – Defenses concerning – Presumption created
RCW <a href="#">9.46.240</a>	Gambling information, transmitting or receiving
RCW <a href="#">9.46.250</a>	Gambling property or premises – Common nuisances, abatement – Termination of interests, licenses – Enforcement
RCW <a href="#">9.46.260</a>	Proof of possession as evidence of knowledge of its character

The city clerk is directed to maintain copies of the adopted statutes on file in the clerk-treasurer’s office for public inspection and copying.

**Section 17.** Section 10.32.010 of the Buckley Municipal Code entitled “Prostitution” is hereby amended to read as follows;

10.32.010 Prostitution.

The following provisions of the Revised Code of Washington pertaining to prostitution are adopted by reference, as they presently exist or as they may hereafter be amended:

<b>Source of Adopted Law</b>	<b>Title</b>
RCW <a href="#">9A.44.010</a>	Definitions
RCW <a href="#">9A.88.030</a>	Prostitution
RCW <a href="#">9A.88.050</a>	Prostitution – Sex of parties immaterial – No defense
RCW <a href="#">9A.88.090</a>	Permitting prostitution
RCW <a href="#">9A.88.110</a>	Patronizing a prostitute
RCW <a href="#">9A.88.120</a>	Additional fee assessment

The city clerk is directed to maintain copies of the adopted statutes on file in the clerk-treasurer's office for public inspection and copying.

**Section 18.** Section 10.68.010 of the Buckley Municipal Code entitled "Uniform Controlled Substances Act – Adopted by reference" is hereby amended to read as follows;

10.68.010 Uniform Controlled Substances Act – Adopted by reference.

The following provisions of the Revised Code of Washington relating to controlled substances and drug paraphernalia are adopted by reference, as they now exist or as they may hereafter be amended:

<b>Source of Adopted Law</b>	<b>Title</b>
RCW <a href="#">69.50.101</a>	Definitions
RCW <a href="#">69.50.102</a>	Drug paraphernalia – Definitions
RCW <a href="#">69.50.204(c)(14)</a>	Schedule I – Marijuana
RCW <a href="#">69.50.401(e)</a>	Prohibited acts: A – Penalties
RCW <a href="#">69.50.407</a>	Conspiracy
RCW <a href="#">69.50.408</a>	Second or subsequent offenses
RCW <a href="#">69.50.412</a>	Prohibited acts: E – Penalties
RCW <a href="#">69.50.4121</a>	Drug paraphernalia – Selling or giving – Penalty
RCW <a href="#">69.50.420</a>	Violations – Juvenile driving privileges
RCW <a href="#">69.50.425</a>	Misdemeanor violations – Minimum imprisonment
RCW <a href="#">69.50.505</a>	Seizure and forfeiture
RCW <a href="#">69.50.506</a>	Burden of proof; liabilities
RCW <a href="#">69.50.509</a>	Search and seizure of controlled substances

The city clerk is directed to maintain copies of the adopted statutes on file for public inspection and copying.

**Section 19.** Section 11.16.010 of the Buckley Municipal Code entitled "Parking restricted" is hereby amended to read as follows;

11.16.010 Parking restricted.

The city council may from time to time establish parking restrictions on portions of certain specified streets including the establishment of residential permit parking zones which restrict parking of vehicles on certain streets at certain times except by permit. A copy of such parking restrictions adopted by the city council, in the form in which they were adopted and suitably marked to indicate amendments, additions, deletions or exceptions, shall be authenticated and filed in the office of the city clerk. In addition, copies thereof shall be available for use and examination by the public during regular business hours. Failure to comply with a parking restriction adopted by the city council and filed with the city clerk pursuant to this section is a parking infraction and shall be cited under this section and shall be subject to the penalty provisions of BMC 11.16.040.

**Section 20.** Section 11.44.180 of the Buckley Municipal Code entitled "Abatement of nuisance on private property" is hereby amended to read as follows;

11.44.180 Abatement of nuisance on private property.

A public nuisance that exists on private property shall be abated as follows:

(1) Costs of abatement and removal of such vehicle may be assessed against the last registered owner of the vehicle or automobile hulk if the identity of such owner can be determined unless such owner in the transfer of such vehicle or automobile hulk has complied with RCW 46.12.101, or the costs may be assessed against the owner of the real property on which the vehicle is stored and shall constitute a lien thereon.

(2) Before the abatement or removal of such vehicle or automobile hulk, notice shall be given to the last registered owner thereof of record and the real property owner of record that a public hearing may be requested before the council, and if no hearing is requested within 10 days, the vehicle or automobile hulk will be removed and abated and the costs thereof assessed in accordance with this chapter.

(3) If a request for hearing is received by the city clerk, a notice giving the time, location and date of such hearing on the question of the abatement and removal of such vehicle or automobile hulk as a public nuisance shall be mailed by certified or registered mail, with a five-day return requested, to the owner of the real property as shown on the last equalized assessment roll and to the last registered and legal owner of record of such motor vehicle or hulk, unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(4) The applicant for hearing may appear in person at such hearing, or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land with his reasons for such denial. If it is determined at the hearing that the vehicle or automobile hulk was placed on the land without the consent of the landowner, and that he has to subsequently acquiesce in its presence, then the city council shall not assess costs of administration or removal of the vehicle or automobile hulk against property upon which the vehicle is located or otherwise attempt to collect such costs from said landowner.

(5) After notice has been given of the intent of the city to dispose of a vehicle or automobile hulk, the vehicle or automobile hulk or part thereof shall be removed from the private property by the chief of police and disposed of to a licensed auto wrecker or tow truck operator, with notice to the State Patrol and the Department of Motor Vehicles that such vehicle or automobile hulk has been wrecked. The city may operate a disposal site if the city clerk determines that commercial channels are not available or are inadequate, and may make final disposition of the vehicle hulk or parts, or may transfer such vehicle hulk or parts to another governmental body, provided its disposal shall be only as scrap.

(6) Within 30 days after the removal by the chief of police of an abandoned, wrecked, dismantled or inoperative automotive vehicle from real property, the city may file for recording with the county auditor a claim for lien for the costs of removal, which shall be in substance in accordance with provisions covering mechanic's lien in Chapter 60.04 RCW, and said lien may be foreclosed in the same manner as such mechanic's lien.

**Section 21.** Section 12.100.070 of the Buckley Municipal Code entitled "Appeals" is hereby amended to read as follows;

12.100.070 Appeals.

The manner in which concurrency is administered may be appealed to the city council by filing a written appeal with the city clerk within 14 calendar days of completion of the concurrency check.

**Section 22.** Section 13.08.020 of the Buckley Municipal Code entitled "Bond required" is hereby amended to read as follows;

13.08.020 Bond required.

Any person desiring to construct any sidewalk on the streets of the city for himself or for others under a permit from the superintendent of streets, before commencing the construction of any such walk, shall enter into a good and sufficient bond to be approved by the superintendent of streets. The bond shall be conditioned that such person will construct said walk of the material and according to the specifications designated and furnished by the superintendent of streets, and hold the city harmless from all losses or damages occasioned to any person or property by reason of any carelessness or negligence in making said improvements. The bond shall be filed with the city treasurer, and shall be in an amount equal to the contract price of the work; provided, however, that any person regularly engaged in the construction of sidewalks may enter into a good and sufficient bond in the penal sum of \$1,000 and said bond is to be good for one year from date of execution and to cover any work done by said person; provided, further, however, that nothing contained in this chapter shall be construed as conflicting with any provisions of the laws of the state or ordinances of the city relative to the construction of sidewalks by the city, either by or without the formation of a local improvement district.

**Section 23.** Chapter 13.40 of the Buckley Municipal Code entitled "Street Latecomer's Agreements" is hereby amended to read as follows;

13.40.010 Authority.

The city council is vested with the discretion to grant latecomer's agreements which provide for the reimbursement of a pro rata portion of water system, sanitary sewer system, stormwater drainage system, and street improvement expenditures by developers.

13.40.020 Application.

(1) Requirements. An owner or developer who desires a latecomer's agreement shall make application in accordance with this section at the same time that application for a development permit is made. Application shall be made upon forms prepared by the planning and community development department. The application shall contain the following information:

- (a) Complete legal description of applicant's property;

(b) Complete legal description of the proposed benefited properties;

(c) Vicinity maps of applicant's property, proposed benefited properties, and the location of the proposed improvements;

(d) Estimated cost data and inventory for the improvements;

(e) Proposed pro rata share of the cost of the improvements proposed to be borne by the benefited properties, and which methodology for calculation of the cost distribution the applicant proposed pursuant to BMC 13.40.040(2).

The application shall be accompanied by payment of the nonrefundable application fee of \$150.00, and a deposit of \$500.00.

No application shall be processed by the city prior to the applicant participating in a preapplication meeting with the city staff at which meeting the possible boundaries of the benefitted properties and fees will be discussed.

(2) Review of Application by City Engineer. Each application shall be submitted to the city engineer for review and recommendation. The direct cost of this review shall be borne by the applicant. A deposit of \$500.00 to be utilized for engineering expenses shall be paid at the time the application is filed with the city. The applicant shall be responsible for payment of the actual costs of the review in excess of the amount deposited. Funds remaining after payment of actual costs, if any, shall be refunded to the applicant.

(3) Notice of Application. Upon receipt of a completed application and payment of the fee, the city engineer shall determine the preliminary boundaries of the area affected by the latecomer's agreement and shall draft the legal description thereof, along with a map of the preliminary boundaries. The city clerk shall mail a notice to all owners of record of property within the affected boundaries, and to the developer or holder of the proposed latecomer's agreement by both regular and certified mail. The notice shall include the estimated pro rata assessment, a copy of the preliminary boundaries map, and a description of the property owner's rights to appeal the inclusion of a property in the latecomer's agreement. This notice shall not be recorded with the county auditor.

(4) Appeal of Inclusion in Latecomer's Agreement. A property owner who wishes to appeal the issue of inclusion in the latecomer's area may request an appeal hearing before the city council. All appeals of inclusion to the latecomer's agreement must be made to the city clerk in writing within 20 days of the date of the notice provided in subsection (3) of this section, and must be accompanied by payment of an appeal fee. Upon receipt of an appeal under this section, and the required fee, the appeal shall proceed in accordance with the procedures contained in BMC 13.40.040(5).

13.40.030 Preliminary approval of latecomer's agreement.

Additional information shall be provided by the applicant at any time upon request of either the city council or the city planning/building/public works department. Subject to an appeal of inclusion, the city council may grant preliminary approval for a latecomer's agreement, may conditionally deny approval, or may deny the application. The denial of an application for a latecomer's agreement is final. Improvements constructed subsequent to preliminary approval and prior to the final council action on a proposed agreement are done at the holder or developer's own risk. The approval of a preliminary latecomer's agreement does not create or vest any right to a final latecomer's agreement.

13.40.040 Final agreement.

(1) Contents. The city shall prepare a final proposed latecomer's agreement which shall include a legal description and a map of the covered properties, the method(s) of assessment used, the dollar amount(s), and the term of the agreement.

(2) Method of Assessment. The cost of the improvements will be allocated among the property owners based upon their pro rata share of the costs determined by one or more of the following methods:

- (a) Front foot method;
- (b) Zone front foot method;
- (c) Square footage method;
- (d) Trip generation (traffic) method;
- (e) Other equitable method;
- (f) Any combination of the aforementioned methods.

(3) Notice. Upon approval of a final latecomer's agreement by the city council, a notice which includes the final assessment per unit charge, the legal description, a map of the covered property, the description of the property owner's rights and options to participate in the latecomer's agreement, and the right to appeal shall be mailed by the city clerk to all owners of property within the latecomer's boundary and to the developer or holder of the latecomer's agreement by both regular and certified mail.

(4) Appeal. An appeal of the final latecomer's agreement shall be submitted in writing to the city council, care of city clerk, within 20 days of the mailing date of the notice. An appeal must include a statement of claimed errors contained in the final latecomer's agreement and must be accompanied by a \$75.00 nonrefundable fee. Only the following written errors will be considered valid grounds for appeal:

- (a) A challenge to the cost of the proposed assessments supported by reliable third party evidence;
- (b) A challenge to the method of assessments based upon evidence which demonstrates that the proposed method is inequitable, and which supports and justifies an alternative method of assessment;
- (c) A challenge to the existence of benefit must be supported by evidence which demonstrates de minimis or no future potential benefit to the appellant property.

(5) Hearing on Appeal. Upon receipt of a written appeal and the required fee, the city clerk shall transmit said appeal and the official file to the city council. The city council may delegate to a hearing examiner the responsibility to hold a public hearing, establish the record, and provide a written report containing a recommendation to the city council. Following the public hearing, the hearing examiner shall issue a written recommendation which is mailed to all parties of record.

(6) Final Council Action. If no appeal is filed, the final latecomer's agreement may be ratified by the developer, city administrator, and city clerk. If an appeal is filed and the hearing examiner generates recommendations, the city council shall then take final action to grant, amend or deny the latecomer's agreement. Upon final action approving a latecomer's agreement by the city council, it shall be ratified by the developer, city administrator, and city clerk.

13.40.050 Implementation of agreement.

(1) Execution, Recording and Notice. Upon final action by the city council, the city clerk shall promptly mail the agreement to the developer or applicant. If the latecomer's agreement is not signed, notarized and returned within 60 days of the date of approval by the city council, the latecomer's agreement shall be null and void. The city council may extend the period for return of the executed agreement only upon proof of hardship or excusable neglect. The fully executed latecomer's agreement shall be recorded in the official property records of Pierce County, Washington, and shall be the sole notice requirement of the city.

(2) Title to Improvements and Assignment of Benefits. Before any fees shall be collected, the holder of the latecomer's agreement shall transfer title to all of the improvements under the latecomer's agreement to the city. The holder shall also assign to the city the benefit and right to the latecomer's fee, which shall be operative in the event that fees collected cannot be forwarded to the holder in accordance with subsection (3) of this section.

(3) Payment of Fees to Holder. Within 30 days of receipt, the city shall forward all latecomer's fees received, less the processing fee, to the current holder of the latecomer's agreement to the current mailing address provided by said holder. Funds received by negotiable instrument will be deemed received 10 days after delivery to the city. Fees not forwarded due to the sole negligence of the city shall accrue interest until payment to the holder at the rate of eight percent on the unforwarded amount. No interest shall accrue on funds not forwarded due to circumstances not within the control of the city. The city shall make a good faith attempt to locate the holder of the latecomer's agreement to deliver fees received. All fees which the city is unable to forward to the holder shall be placed and held in the special deposit fund for two years. The holder may make application for payment at any time within two years of payment of the fees. Failure of the holder to make such application within the time period shall vest all rights to the money in the city. The holder shall assign the benefit and right to the latecomer's fee to the city at the time title is transferred to the city.

(4) Release of Assessment. Within 30 days of receipt, payments of latecomer's fees shall be credited on the city's assessment database to the real property for which such fee is paid. A certificate of payment and release of assessment shall be recorded only when all properties affected by the latecomer's agreement have paid the assessments in full.

(5) Term. The city council shall set the term of a latecomer's agreement for a period not to exceed 10 years. No extension will be granted beyond the original term established by the city council. The latecomer's agreement shall automatically expire at the end of the designated term.

(6) Processing Fees. A processing fee in the amount of 15 percent of the total amount to be collected shall be deducted from any and all latecomer fees paid. After deduction of the fee, the balance shall be forwarded to the current holder of the latecomer's agreement.

(7) Enforcement Responsibility. It shall be the responsibility of the holder of the latecomer's agreement to notify the city of any connections to improvements which come within the terms of the latecomer's agreement. The city will use its best efforts to collect latecomer's fees but will not accrue any liability for failure to collect fees due. The city has no obligation to provide notice of the latecomer's agreement to any party other than as provided in this chapter.

(8) Interest. No interest shall be added to fees collected pursuant to private developer held latecomer agreements.

(9) Future Services. Neither preliminary nor final approval of a latecomer's agreement shall be construed to vest or grant the right to the extension or allocation of water to properties affected by the latecomer's agreement.

13.40.060 Segregation and relief of latecomer fees.

(1) Segregation. Segregation of latecomer fees due to legal subdivision by plat, short plat, binding site plan, or other lawful method shall be granted; provided, that the party owing the fee establishes the segregation by legal description, number of units and provision of subdivision map. A \$750.00 processing fee shall be charged by the city for such segregation.

(2) Relief – Similar Facilities. The city, through its designated agency, may relieve a parcel of a latecomer's fee if the property has a benefit from either (but not both) of two similar facilities. Relief shall be based upon sound engineering and policy justifications as to which facility(ies) benefit and/or are utilized by the parcel. Absent such justifications, the city shall give the applicant the choice of facilities to utilize. The assessment due shall be that associated with the utilized facility.

(3) Relief – Future Subdivision. As a condition for approval of a latecomer's agreement, the city may require that the assessment against a parcel be divided so that the partial initial assessment shall be based upon the typical single-family residence lot in that area. The remainder of the cost to said site will be due at such time as the parcel develops further either by subdivision or increased density.

(4) Partial Release – Subdivision. The city, through its designated agent, may consider relief from the latecomer's assessment if the subdivision of a property severs the linkage between the resulting lot and the street frontage which contains the latecomer's improvements. Relief may be granted so long as a proposed lot does not have direct access to, or front footage on, the street right-of-way which contains latecomer's improvements, and will not and cannot benefit from such improvements.

13.40.070 Street latecomer's fees.

Fees associated with street latecomer's agreements shall be listed within the fees, fines and rate schedule established by resolution of the city council.

**Section 24.** Section 14.04.070 of the Buckley Municipal Code entitled "Plumbers" is hereby amended to read as follows;

14.04.070 Plumbers.

It is unlawful for any plumber or other person to make any connections with any service main, or branch pipe thereof, or make any repairs, additions or alterations of any stop or waste pipe, water closet, or any other fixtures connected with or designated to be connected with the city water system, unless he files a full, true and correct written report of all such connections, repairs, alterations and fixtures in the office of the city clerk within 24 hours after such work is completed. All plumbers and other persons affected by this section shall leave the curb cock shut off on all premises which are newly connected, and on all other premises the curb cock shall be left in the condition in which it was found.

**Section 25.** Section 14.04.180 of the Buckley Municipal Code entitled "Off and on orders" is hereby amended to read as follows;

14.04.180 Off and on orders.

All taps shall be charged with at least the minimum rates from the time the water is turned on until the time that the order to shut off is filed in the office of the city clerk.

**Section 26.** Section 14.08.020 of the Buckley Municipal Code entitled “Connection by city – Lien” is hereby amended to read as follows;

14.08.020 Connection by city – Lien.

If any connection or any needed repair to an existing connection is not made within the time provided in this chapter, the water superintendent of the city, or such employee as the city council hereafter designates, is authorized and directed to cause the same to be made and to file a statement of the cost thereof with the city treasurer and thereupon a warrant shall be issued under the direction of the city council by the city treasurer and against the water and sewer revenue fund created in BMC 14.08.030 for the payment of such costs. Such amount, together with a penalty of 10 percent of the amount thereof, plus interest at the rate of six percent per year upon the total amount of such costs and penalty, shall be assessed against the property upon which the building or structure is situated and shall become a lien thereon as provided in this section. Such total amount when collected shall be paid into the water and sewer revenue fund.

**Section 27.** Section 14.08.070 of the Buckley Municipal Code entitled “Sewer superintendent – Fund” is hereby amended to read as follows;

14.08.070 Sewer superintendent – Fund.

Such person who shall from time to time under the authority of the city council act as water superintendent for the city shall also act as superintendent of sewers. The city-treasurer shall collect all the rates and charges provided for in this chapter and accruing from time to time, and all such sums when collected shall be paid by the city treasurer into a fund which is created and entitled “water and sewer revenue fund.”

**Section 28.** Section 14.16.020 of the Buckley Municipal Code entitled “Qualifications” is hereby amended to read as follows;

14.16.020 Qualifications.

An applicant must qualify as a low-income senior citizen or low-income disabled citizen to receive reduced rate utility services. To qualify as a low-income senior citizen or low-income disabled citizen for any purpose under any and all titles of this code, an applicant must satisfy each of the following criteria:

(1) Residency. The applicant must have established residency in the city of Buckley and provide evidence of such accompanying application for rate adjustment.

(2) Age. The applicant must be 62 years of age, except that the age requirement is waived for the following applicants:

(a) Disability. An applicant qualifying for special parking privileges under RCW 46.16.381(1)(a) through (f), an applicant who is blind as defined in RCW 74.18.020, an applicant who is disabled, handicapped, or developmentally disabled as defined in RCW 71A.10.020(2), an applicant who is mentally ill as defined in RCW 71.05.020(1), or an applicant who is incapacitated as defined under any other existing state or federal program;

(b) Dialysis. Applicants who are under home kidney dialysis treatment;

(c) Waiver. The city administrator may waive the age requirement for any applicant with a serious disability or long-term illness if, after a reasonable investigation, the administrator determines that the applicant's disability or illness is sufficiently debilitating to merit waiver of the requirement. In determining if waiver is appropriate, the administrator shall consider the following factors:

(i) The expected duration of illness or disability;

(ii) The physical limitations imposed on the applicant by the illness or disability as evidenced by a physician's affidavit;

(iii) The applicant's projected annual expenses caused by the illness or disability;

(iv) The impact of the illness or disability on the applicant's use of the service or privilege being sought;

(v) The applicant's ability to find employment;

(vi) The applicant's alternative sources of income.

(3) Income. The annual gross income of the applicant's household may not exceed 75 percent of the low-income threshold listed in the most current year's Department of Housing and Urban Development ("HUD") Official Income Guidelines for the Tacoma Area.

(a) Baseline for Income Guidelines. In the event a new HUD income guideline is not filed, the HUD income guideline low income for 2005 adjusted annually thereafter for inflation as measured by the Consumer Price Index for Urban Consumers for Seattle, Tacoma, Bremerton shall serve as the low income of the HUD income guideline for the purposes of determining if an applicant qualifies as a low-income senior citizen or low-income disabled citizen.

(b) Income Guideline Effective Date. An income guideline shall be effective from July 1st of the year it is filed with the Buckley city clerk's office to June 30th of the following year. In the event no new income guideline is filed, the last income guideline on file with the city clerk shall continue to be in effect for each consecutive July 1st through June 30th term until a new income guideline is filed.

(c) Filing and Applicant Inspection. The Department of Housing and Urban Development income schedule shall be filed with the city clerk's office by June 30th of each year, and shall be available for public inspection during business hours from July 1st of the year filed to June 30th of the following year.

(d) Change in Applicant Income. If the applicant's income, or the income of an applicant's household member, exceeds the posted income schedule at any time during the effective dates of the filed income schedule, the applicant shall no longer qualify as a low-income senior citizen or low-income disabled citizen and may be subject to the penalties set forth in BMC 14.16.030(1)(d)(iv).

**Section 29.** Section 14.16.030 of the Buckley Municipal Code entitled "Applicant duties – Administrative procedures" is hereby amended to read as follows;

14.16.030 Applicant duties – Administrative procedures.

(1) Applicant Duties. If an applicant fails to comply with any of the following duties, the administrator shall revoke the applicant's discount or other privilege granted because of the applicant's status as a senior citizen or low-income disabled citizen, and the administrator may impose a fine as stated in subsection (1)(d)(iv) of this section:

(a) Provide Annual Income Records. Between April 15th and June 15th of each year, the applicant shall submit a copy of his or her 1040 tax form or an affidavit stating that income filing was not required due to income level, together with any and all requested evidence of the applicant's income for the previous tax year. The applicant shall provide the city with the same information for every member of the applicant's household, except those exempted under BMC 14.16.010(3).

(b) Inspect Filed Income Guideline. The applicant shall inspect the income guideline on file at the Buckley city clerk's office each year on July 1st, or the next business day, or shall otherwise make himself aware of the current income guideline to determine if the applicant falls under the maximum income level.

(c) Notify of Change in Household Income. The applicant has a duty to inform the administrator if the applicant's income level, or the income level of his or her household, at any time exceeds the maximum allowable income under the posted income guideline during the period the income guideline is in effect.

(d) Submit Annual Application. Between April 15th and June 15th of each year, the applicant must submit a properly executed, legible, signed, and dated form to the city of Buckley attesting to the following:

(i) Residency. That the applicant meets the residency requirement listed in BMC 14.16.020(1);

(ii) Income. That the applicant and the applicant's household's income level falls below 75 percent of the low-income level in the income guideline on file with the Buckley city clerk's office;

(iii) Notice of Change. That the applicant will notify the city in the event of a change in any one of the above criteria;

(iv) Penalty Agreement. That if the applicant fails, whether intentionally or inadvertently, to report a change in any of the above conditions that would disqualify them for the discount/benefit, or fails to meet any of the above requirements, the applicant agrees to repay the amount of the discount/benefit. The applicant shall also agree to pay a penalty of 20 percent of the amount owing or a \$25.00 fine, whichever is greater, following the failure to comply with any requirement of the above subsections;

(v) Exception for New Applicants. New applicants may submit the above materials at any time, but shall be bound by all the requirements of this title. The effective dates for new applicant discounts shall be the next billing cycle after the applicant is approved for the discount. In order to renew the discount, the applicant shall resubmit an appropriate application, abiding by the form, content, and timing provisions contained in subsections (1)(d)(i) through (iv) of this section, together with any additional requirements imposed by the administrator in creating and implementing the application process.

(2) Administrative Procedures. The city shall institute administrative procedures to determine whether a particular applicant is qualified for a discount under this provision, which shall include implementing an annual application process in accordance with subsection (1) of this section.

**Section 30.** Section 18.24.060 of the Buckley Municipal Code entitled “Final plat profiles, covenants, drainage plan and title” is hereby amended to read as follows;

18.24.060 Final plat profiles, covenants, drainage plan and title.  
Additional final plat data required shall be as follows:

(1) When required by the city engineer, cross-sections and profiles of streets showing grades approved by the city engineer shall be submitted. The profiles shall be drawn to city standards, scales and elevations on file in the office of the city clerk, and shall be based on a datum plane approved by the city engineer;

(2) Protective covenants in form for recording;

(3) A drainage plan approved by the city engineer;

(4) A certificate of title from a title insurance company showing ownership of the land to be subdivided, no older than 30 days.

**Section 31.** Section 19.04.040 of the Buckley Municipal Code entitled “On file” is hereby amended to read as follows;

19.04.040 On file.

A copy of the comprehensive plan shall be kept in a conspicuous place in the offices of the city clerk-treasurer, planning director, and city engineer. One copy, duly certified as a true copy, shall be filed by the city clerk.

**Section 32.** Section 19.16.020 of the Buckley Municipal Code entitled “Zoning map” is hereby amended to read as follows;

19.16.020 Zoning map.

The locations and boundaries of the zones established in this chapter are set forth on a parcel-specific map entitled the “City of Buckley Official Zoning Map.” Such map has been examined by the city council and is adopted as part of this zoning code. The original zoning map shall bear the signature of the mayor and city clerk and shall be dated as of the date the enacting ordinance was passed by the council. If any conflict between the map and the text of this zoning code arises, the text shall control.

**Section 33.** Section 19.26.060 of the Buckley Municipal Code entitled “Creation of park and open space fund” is hereby amended to read as follows;

19.26.060 Creation of park and open space fund.

The city treasurer is directed to establish a fund to be known as the “park and open space fund.” All moneys received by the city pursuant to this chapter shall be deposited in the fund created by this chapter.

**Section 34.** Section 19.50.040 of the Buckley Municipal Code entitled “Historic-commercial design review district described” is hereby amended to read as follows;

19.50.040 Historic-commercial design review district described.

There is established a historic-commercial design review district that includes the following area:

Commencing at River Avenue and Main Street, southwest on River Avenue to Mason Avenue, east on Mason Avenue to Pearl Street, north on Pearl Street to southern boundary of Pierce County Parcel No. 2975000810 (151 Cedar Street), east along property boundary to the centerline of the alley between Cedar Street and Cottage Street, north on this line to south boundary of the parking lot, east on this line to centerline of the alley between A and B Streets, north on this line to Main Street, west on Main Street to east boundary of Parcel No. 6115200140 (912 Main Street) north on this line to north property boundary, west on this line to Cottage Street, north on Cottage Street to River Avenue, north on River Avenue to A Street, south on A Street to southern boundary of Parcel No. 4740000021 (WRSD Admin Bldg), east on this line to east property boundary, north on this line to north property boundary, west on this line to intersection of River Avenue, A Street and Park Avenue, west on Park Avenue to centerline of Foothills Trail Corridor, south of this line to Main Street, east on this line to point of beginning.

A map of the Buckley historic-commercial design review district is attached to the ordinance codified in this chapter as Exhibit "A" and can be found on file in the office of the city clerk. In case of conflict between the description of the design review district and the map, the map shall prevail.

**Section 35.** Section 19.50.060 of the Buckley Municipal Code entitled "Design criteria" is hereby amended to read as follows;

**19.50.060 Design criteria.**

In determining whether to recommend approval, approval with modification, or denial of a project, the design review committee shall apply those criteria set forth in the document entitled "City of Buckley Guidelines for Development," dated October 1991, and any amendments or modifications thereto. That document is adopted by reference as though it were set forth in full in this chapter. Three copies of the document shall be placed on file in the city clerk's office and shall be maintained there for public examination and copying.

**Section 36.** Section 19.51.060 of the Buckley Municipal Code entitled "Design criteria" is hereby amended to read as follows;

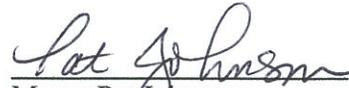
**19.51.060 Design criteria.**

In determining whether to recommend approval, approval with modification, or denial of a project, the design review committee shall apply those criteria set forth in the document entitled "City of Buckley Guidelines for Development," dated October 1991, and all amendments and additions thereto. That document is adopted by this reference as though it were set forth in full in this chapter. Three copies of the document shall be placed on file in the city clerk's office and shall be maintained there for public examination and copying.

**Section 37. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 38.** Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

APPROVED by the Buckley City Council this 24<sup>th</sup> day of February, 2015.

  
Mayor Pat Johnson

**ATTEST:**

  
Joanne Starr, City Clerk

**APPROVED AS TO FORM:**

  
Phil Olbrechts, City Attorney

PUBLISHED: March 4, 2015

EFFECTIVE: March 9, 2015